


MEMORANDUM

TO: Council, AP and SSC Members

FROM: Clarence G. Pautzke   
Executive Director

DATE: September 18, 1990

SUBJECT: Gulf of Alaska Groundfish Plan

**ACTION REQUIRED**

1. Review status of regulatory amendments to adjust sablefish seasons, apportion longline halibut PSC to species-specific fisheries, and require pots to be fished on single lines. Provide guidance as necessary. Receive status report on revised regulatory amendment to federal recordkeeping and reporting requirements.
2. Consider extension of emergency action which exempts pot gear and certain hook and line gear in the GOA from the halibut bycatch closure and revises the definition of pelagic trawl.

**BACKGROUND**

Regulatory Amendments

At the June 1990 meeting the Council requested NMFS to develop regulatory amendments to evaluate the following 3 issues and alternatives:

1. Sablefish seasons--

Status quo: Open longline fishing April 1.

Alternative 1: Gulfwide opening on April 1; Gulfwide closure when Eastern Gulf closes; reopening of Western and Central Gulf areas on July 1.

Alternative 2: Open longline fishing on May 1.

Alternative 3: Open longline fishing on June 1.

2. Apportionment of longline halibut PSC--

Status quo: Council is not authorized to assign halibut PSC limits to specific fisheries.

Alternative 1: Revise regulations to more fully implement the halibut PSC framework to allow apportionment of the halibut longline PSC limit to individual fisheries.

3. Require groundfish pots to be fished on a single line--

Status quo: Allow longlining of groundfish pots.

Alternative 1: Prohibit longlining of groundfish pots.

These regulatory amendments are now being prepared by NMFS. A status report should be available. To expedite the rulemaking process, Regulatory Amendments 2 and 3 could, upon completion and with Council concurrence, be sent directly to the Secretary for review and approval. The Council could review the amendment package and comment further during the official public comment period in December. A letter received from an industry association opposing a total ban on groundfish pot longlining is provided in your notebook as item D-3(d)(1). Several industry letters addressing the trawl/pot gear conflict in general terms are included in your notebook as item D-3(d)(2-4). Regulatory amendment 1, which will evaluate several sablefish season opening dates, can be sent to you prior to the December meeting. At that meeting, based on the analysis and public testimony, the Council can select its preferred alternative prior to submission of the amendment to the Secretary.

4. Logbooks and Reporting Requirements.

In 1989 the Council approved Amendment 18/14 to the Gulf of Alaska and Bering Sea/Aleutian Islands Groundfish FMP's which included a comprehensive data gathering program. This program is designed to gather fisheries information from observers and from logbooks and reporting requirements. This year, problems have been identified with both the observer program and the logbook and reporting requirements. Regulatory amendments which will improve both parts of the data gathering program are being prepared by NMFS. Discussion of changes necessary to improve the observer program are scheduled under item C-1 of the agenda. A report on regulatory changes being recommended by NMFS to improve the logbook and reporting requirements is presented here. A draft Notice of Rulemaking, with examples of the revised forms, is included in your Supplemental Folder. NMFS staff are available to review the proposed changes and receive direction from the Council.

Extension of emergency rule

1. Exemption of pot, jigging, rod and reel, trolling gear, and Southeast Alaska demersal shelf rockfish fishery from the halibut PSC closure.

At the June 1990 meeting the Council recommended emergency action to exempt pot gear, certain hook and line gear, and the Southeast Alaska demersal shelf rockfish fishery from the halibut bycatch closure. An emergency rule was approved by the Secretary of Commerce and became effective on August 14, 1990. The Federal Register notice is included here as item D-3(e)(1). Since this emergency rule will be in effect for only 90 days, or until November 10, 1990, it has been requested by industry that the Council support the extension of this emergency rule to the end of the year. An industry letter urging consideration of this extension is provided as item D-3(e)(2). It should be noted that for 1991 and beyond, pot fisheries will receive their own halibut PSC limit as authorized in the Council-approved Amendment 16/21 package. Assigning halibut PSC limits to individual hook and line fisheries could be accommodated by Secretarial approval of a regulatory amendment currently being prepared by NMFS.

## 2. Revised definition of pelagic trawl.

Also included in the above emergency rule is a revised definition of pelagic trawl. The definition of pelagic trawl was revised to respond to a loophole in the previous definition of bottom trawls which allowed fishermen to reconfigure their gear (by removing the bobbins or rollers) and continue to fish for pollock and Pacific cod even though the bottom trawl fishery was closed because the halibut PSC allowance had been reached. This reconfiguration essentially transformed the bottom trawl into a "pelagic" trawl even though it now is even more conducive to halibut bycatch. To remedy this problem, the definition of pelagic trawl was revised by Amendment 16/21 such that pelagic trawl is defined as:

"a trawl which has stretched mesh size openings of at least 1 meter, or parallel lines with spaces of at least one meter, starting at the fishing line and extending aft for a distance of at least 10 meshes and going around the entire circumference of the trawl, and which is tied to the fishing line with no less than 0.3 meter (12 inches) between knots around the circumference of the net, and which does not have plastic discs, bobbins, rollers, or other chafe-protection gear attached to the foot rope."

Because this definition would not become effective under Amendment 16/21 until January 1, 1991, the Secretary approved an emergency rule to implement the Council's definition with one exception. This interim definition as approved by the Secretary reads:

"(a) a trawl which has stretched mesh size openings of at least 1 meter, as measured diagonally from knot to knot when opposite sides of the mesh are brought together, starting at the fishing line and extending aft for a distance of at least 10 meshes and going around the entire circumference of the trawl, and which webbing is tied to the fishing line with no less than 0.3 meter (12 inches) between knots around the circumference of the net; or, (b) a trawl with parallel lines with spaces of at least 1 meter, starting at the fishing line and extending aft for a distance of at least 10 meters and going around the entire circumference of the trawl."

Reference to the prohibition of plastic discs, rollers, bobbins, and other chafe-protection gear was not used by the Secretary in his interim definition since he determined that this requirement was not necessary to reduce bycatch. Since most trawl nets are designed to come into contact with the bottom, the requirement of large mesh commonly found in "pelagic trawls" is believed to be the significant reason for low bycatch rates when used on or near the bottom. Bottom trawls commonly used in the flatfish fisheries experience higher bycatch rates in part due to the smaller mesh sizes used. Use of bobbins and roller gear is believed to reduce the bycatch rates of these smaller meshed trawls. The Federal Register Notice which implemented the initial emergency rule is provided for your reference as item D-3(e)(3). A letter from a conservation group in opposition to the revised definition of pelagic trawl is included in your notebook as item D-3(e)(4). NMFS staff are available to discuss the Secretary's decision to use the revised definition.

Additionally, an industry letter opposing the prohibition of chafing gear in a pelagic trawl definition is included as item D-3(e)(5). Because the old definition of a bottom trawl (anything with chafe-protection gear is considered a bottom trawl) is still on the books, this counteracts, in part, the pelagic trawl definition as set forth in the EIR. Council should note that Amendment 16/21, to go into effect on January 1, 1990, would delete the old definition of a bottom trawl. This would, in effect, allow the use of chafe-protection gear on a pelagic trawl which otherwise meets the mesh size requirements in the pelagic trawl definition.



SEP 11 1990

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

September 7, 1990

RE: Proposed Regulatory Amendment/groundfish pots

Dear Clarence:

The Board of Directors of NPFVOA wishes to be on record that they oppose the regulatory amendment that would have them fishing single pots in the groundfishery. As the intricacies and methodologies of this high volume, low profit fishery unravels over the next year or so, they feel that to preclude this viable fishing alternative would be premature at best. As has been experienced in the deep water brown crab fishery, the method lends itself very well to fishing areas that might not be otherwise profitable to fish with pots, such as reefs, canyons, and tidal flow areas where single pot fishing is extremely dangerous and gear loss high.

The inherent problems of this method of pot fishing are fairly well documented by now and many of the fishermen utilizing the method say that to preclude it as the codpot fishery first develops would be a big mistake. Their suggestions, to date, have been to perhaps put a limit on pots per string with 15 being a number that might be amenable to both large and small vessel fishermen, especially in areas that might be considered too risky and expensive for single pot fishing. This, they feel, would perhaps lower the possibilities of gear conflicts in areas where fishing would otherwise be intensive.

Prior to any decision being made as regards this unfolding fishery, it is strongly urged that the Council and NMFS listen to the fishermen who will participate in this fishery.

Respectfully submitted,

Dennis Petersen  
Interim Director

cc ACC

Aug 2nd, 1990.

AGENDA D-3(d)(2)  
SEPTEMBER 1990

Dear Al,

I'm writing in regards to the codpat, dragger conflict. I feel is imminent. We had a situation our last trip where we were forced to move out of an area we had been fishing for a month, due to the total disregard of one codpat fisherman who refused to work with our small fleet. Consequently six stern trawlers lost thousands of dollars and were driven out of a traditional drag fishing area. Some of the fishermen dragging here, have been working this area for years and are very concerned about the possibility of losing these grounds to codpats. This situation would have been less stressful for everyone involved had a good working relationship, dialog etc. been established at the start. The Captain of the codpat vessel was not satisfied by me and the other dragger Captain in respect to how we were towing this area and that we were working a very precise part of the edge which left a huge area open for him to work his pots. A few attempts to work with this vessel were unsuccessful which resulted in codpat completely shutting off the most productive grounds to the drag fleet. After two days of working his pots the vessel went to Kodiak to unload. He was gone

for four days, leaving his codpots on the grounds unattended. During this time two factory trawlers arrived in the area and not being aware of pots there, they towed right down through the middle of them. What we had then were lost pots scattered all over the cod grounds. Returning to this area about a week later we immediately towed up a lost pot in new condition and half full of cod. Our trawl was torn so as a result we had no fish. I'm more concerned about how long these pots continue to fish after their loss. I would guess indefinitely once the fish start dying and attract more fish. This ghost fishing and the damage cause by lost pots to the environment and our fishing gear is a major concern. Until a solution can be found in regards to working with the pot fishing fleet, I would like to suggest that possibly Alaska Trappers could make a recommendation to NMFS that it be mandatory for the pot fishing fleet, to collect their pots every trip before returning to port for unloading or repair. Also that their boats be equipped with both radar reflectors and lights to help alleviate the chances of accidents.

by towing up these pots during the night  
and in restricted visibility. A decision  
if this present situation isn't addressed  
immediately that in the near future, the  
Gulf of Alaska and Bering Sea will be  
nothing more than a lost pot dump that  
continues to kill the resource. Thanks  
for your time Al. I know all the dragger  
appreciate all your trying to do in work-  
ing out a solution to this problem.

Kindest regards.

Richard McEllen  
To TRENE'S Way.

# United Fishermen's Marketing Association, I

AGENDA D-3(d)(3)  
SEPTEMBER 1990

P.O. Box 1035 Kodiak, Alaska 99615

Telephone 486-3453

August 2, 1990

Mr Clarence Pautzke, Executive Director  
North Pacific Fishery Management Council  
Anchorage, Alaska

SENT VIA FAX # 271-2817

Dear Clarence,

As we discussed on the phone today, I had heard that there may have been a request for the Council to hear a presentation during the August meeting regarding an alleged gear conflict between a non-Kodiak p. cod pot vessel and several shore-based trawlers on the Southeast of Kodiak Island.

I was first alerted to this situation early this morning. Upon investigation, it seems that the magnitude of the problem is not what it at first appeared to have been. We were first informed that a non-Kodiak p. cod pot vessel had deployed approximately 400-500 p. cod pots in a small area that was also being used by approximately 6 trawlers, and that these trawlers were apparently unable to make radio contact with the subject vessel for the purpose of developing a working arrangement whereby both gear types would be able to work the same grounds with a minimum of conflict. During a discussion with the owner of the subject vessel, it appears that the subject vessel is only fishing a maximum of 120 pots, and that the operator is in fact available to communicate with other fishermen in the area. It also appears that 1 concerned trawler was actually in the area today. Approximately 5 trawlers intend to arrive in the area tomorrow, and they were justifiably concerned over what they might encounter regarding a potential gear conflict. It also appears that there are no other pot vessels fishing p. cod in the area, so I am unable to determine the accuracy of the estimate of the 400-500 pots that were alleged to have been in the area and belonging to the subject vessel. It is possible that this was an overestimate, or that the estimate included crab pots that are actively fishing for dungeness crab, or included other crab pots that are in the less-than-25-fathom legal storage areas. I have contacted the owner of the subject vessel, and I have asked him to have his skipper stop by our office so that I may review with him those procedures that we have found to be successful in minimizing conflicts in the Kodiak Area between p. cod pot fishermen and shore based trawlers. However, it does not appear that the actual problem was of the magnitude that was first perceived.

In that we represent fishermen who harvest p. cod with pots, trawls and hook-and-line, we have an active interest in ensuring that these gear types are able to co-exist together in the harvest of p. cod. Since last winter, we have been meeting and working with fishermen who use trawls, hook-and-line and pot gear in an attempt to minimize any conflicts that may occur between them. We have found that several fishermen expect that they may have to utilize more than one gear type during the year to harvest p. cod (either trawls and/or hook-and-line and/or pots); their choice of gear type at any one time will depend on circumstances such as seasonal and geographical availability and concentrations of p. cod, catch rates of p. cod, closures to one type of gear, etc. Therefore, several fishermen feel strongly that they have an interest in working together. In our discussions, we have found that sometimes the actual conflicts between shore based trawlers and p. cod pot fishermen are actually of a much lesser magnitude than the perceived conflicts, and in those situations where conflicts actually exist, it is often possible to work the problems out through communication.

Although we are happy to share with the Council that which we have learned regarding these types of problems, we feel that it would be inappropriate to raise this issue at the August Council meeting. We do not believe that this issue has been advertised as being open for discussion at this meeting, and we have further understood that there will be no public testimony taken at this meeting. Many of the parties who have a direct involvement in this matter would be hard pressed to attend the August meeting at this point in time. Thankyou.

Sincerely,



Jeffrey R. Stephan  
Manager



# United Fishermen's Marketing Association,

P.O. Box 1035 Kodiak, Alaska 99615

Telephone 486-3453

AGENDA D-3(d)(4)  
SEPTEMBER 1990

August 2, 1990

Mr. John Sjong  
F/V Pavlof, Regal Fish Ltd.  
4025 21st Ave. West  
Seattle, Wa. 98199

SENT VIA FAX # 206-283-0403

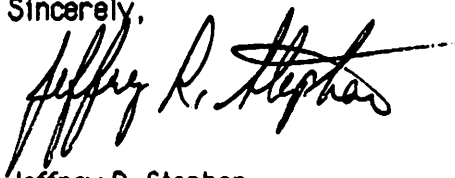
Dear John,

Thanks for returning my call today regarding the situation on the south end of Kodiak. I was relieved to discover that the problem was not of the magnitude that had been indicated when I was first alerted to the situation this morning. As you know, we were first informed that the F/V Pavlof had deployed approximately 400-500 p. cod pots in a small area that was also being used by approximately 6 trawlers, and that these trawlers were apparently unable to make radio contact with the F/V Pavlof for the purpose of developing a working arrangement whereby both gear types would be able to work the same grounds with a minimum of conflict. After investigation, it appears that the F/V Pavlof is only fishing a maximum of 120 pots, and that the operator is in fact available to communicate with other fishermen in the area. It also appears that 1 concerned trawler was actually in the area today. Approximately 5 trawlers intend to arrive in the area tomorrow, and they were justifiably concerned over what they might encounter regarding a potential gear conflict. It also appears that there are no other pot vessels fishing p. cod in the area, so I am unable to determine the accuracy of the estimate of the 400-500 pots that were alleged to have been in the area and belonging to the F/V Pavlof. It is possible that this was an overestimate, or that the estimate included crab pots that are actively fishing for dungeness crab, or included other crab pots that are in the less than 25 fathom legal storage areas. I'll attempt to get the word out as to the actual situation and see what can be done to avoid any further misunderstandings.

As we discussed on the phone, UFMA represents fishermen who harvest p. cod with pots, trawls and hook-and-line. Therefore, we have an active interest in ensuring that these gear types are able to coexist together in the harvest of p. cod. Since last winter, we have been meeting and working with fishermen who use trawls, hook-and-line and pot gear in an attempt to minimize any conflicts that may occur between them. We have found that several fishermen expect that they may have to utilize more than one gear type during the year to harvest p. cod (either trawls and/or hook-and-line and/or pots); their choice of gear type at any one time will depend on circumstances such as seasonal and geographical availability and concentrations of p. cod, catch rates of p. cod, closures to one type of gear, etc. Therefore, several fishermen feel strongly that they have an interest in working together. In our discussions, we have found that sometimes the actual conflicts between shore based trawlers and p. cod pot fishermen are actually of a much lesser magnitude than the perceived conflicts, and in those situations where conflicts actually exist, it is often possible to work the problems out through communication.

Please have the skipper of the F/V Pavlof contact me when he is next in Kodiak. I will be happy to review with him those procedures that we have found to be successful in minimizing conflicts in the Kodiak Area between p. cod pot fishermen and shore based trawlers. Thankyou.

Sincerely,



Jeffrey R. Stephan  
Manager



UNITED STATES DEPARTMENT OF COMMERCE  
 National Oceanic and Atmospheric Administration  
 NATIONAL MARINE FISHERIES SERVICE  
 1335 East-West Highway  
 Silver Spring, MD 20910  
 THE DIRECTOR

AGENDA D-3(e)(1)  
 SEPTEMBER 1990

SEP 11 1990

SEP 04 1990		INITIAL
Exec. Dir.		
Asst. Dir.		
		S

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

Dear Clarence,

Thank you for your letter regarding the request of the North Pacific Fishery Management Council (Council) for an emergency rule that would exempt the groundfish pot fishery from closures caused by attainment of the 1990 Gulf of Alaska Pacific halibut bycatch limit.

This emergency rule was approved by the Secretary of Commerce and became effective on August 14, 1990. The action is described in the enclosed copy published August 17, 1990.

I appreciated the opportunity to observe the Council hard at work during its July meeting on the many complex issues affecting management of the important fisheries off Alaska.

Sincerely,

*Bill*  
 William W. Fox, Jr.

Enclosure

THE ASSISTANT ADMINISTRATOR  
 FOR FISHERIES



Dated: August 13, 1990.

Richard H. Schaefer,

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

[FR Doc. 90-19335 Filed 8-13-90; 4:38 pm]

BILLING CODE 3510-22-M

## 50 CFR Parts 672 and 675

[Docket No. 900813-0213]

### Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Emergency interim rule; request for comments.

**SUMMARY:** The Secretary of Commerce (Secretary) has determined that an emergency exists in the groundfish fisheries in the Gulf of Alaska and in the Bering Sea/Aleutian Islands area. First, in the Gulf of Alaska, regulations requiring the closure of the Gulf of Alaska to fixed gear as a result of this gear type reaching its established halibut bycatch limit, has unnecessarily restricted some fixed gear fisheries that have little or no halibut bycatch mortality. In the absence of this emergency rulemaking, these fisheries will incur unjustified economic loss. Further, closure of these fisheries will halt the collection of important halibut bycatch data which would provide the basis for halibut bycatch allocations in the 1991 fixed gear fishery. Finally, closure of the pot gear fishery in the exclusive economic zone would redirect effort from that fishery into State waters causing increased gear conflicts with small trawler vessels. Therefore, the Secretary is implementing by emergency rule certain exceptions to the closure to allow fisheries with minimal halibut bycatch mortality to continue. This action is necessary to limit the effects of the closures to just those fisheries that have significant bycatch mortality of halibut. Second, the closure of the Bering Sea/Aleutian Islands area to fishing for Pacific cod and pollock with bottom trawl gear has been rendered ineffective by a faulty gear definition as a means to reduce halibut bycatch mortality. The Secretary is implementing a new definition to further reduce halibut bycatch in both the Bering Sea and Aleutian Islands area and in the Gulf of Alaska. The intended effect of both of these actions is to promote the fishery management objectives of the Fishery Management Plans For Groundfish of the Gulf of Alaska and for

the Groundfish Fishery of the Bering Sea and Aleutian Islands Area.

**EFFECTIVE DATE:** August 14, 1990.

Comments are invited on this action, and particularly on the environmental assessment, until September 13, 1990.

**ADDRESSES:** Copies of the environmental assessment may be obtained from Steven Pennoyer, Regional Director, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802.

**FOR FURTHER INFORMATION CONTACT:** Ronald J. Berg (Fishery Management Biologist NMFS), 907-586-7230.

**SUPPLEMENTARY INFORMATION:**

#### Background

The domestic and foreign groundfish fisheries in the Gulf of Alaska (GOA) and in the Bering Sea and Aleutian Islands Area (BSAI) are managed by the Secretary under fishery management plans (FMPs) which were prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Magnuson Act (Magnuson Act). The FMPs are implemented by regulations for the foreign fisheries at 50 CFR 611.92 and 611.93 and for the U.S. fisheries at 50 CFR parts 672 and 675. General regulations that also pertain to the U.S. fisheries are codified at 50 CFR part 620. The FMPs and their implementing regulations are amended as necessary for conservation and management of the GOA and BSAI groundfish fisheries. Normally, such amendments take a year or more to be developed and implemented. When new information or circumstances arise that require more rapid implementation of management measures, emergency interim rules may be implemented under authority of section 305(e) of the Magnuson Act. This emergency rule (1) exempts certain fisheries in the GOA from the general closure to fishing with fixed gear, and (2) implements a new definition of a pelagic trawl to limit certain trawling in the BSAI and the GOA.

#### Gulf of Alaska Gear and Fishery Exemptions to Current Fishery Closures

The groundfish fisheries in the GOA result in annual harvests between 118,000 metric tons (mt) and 800,000 mt. Gear types used in these fisheries include pots, hook-and-line, and trawls. NOAA considers fgs, which include rod-and-reel gear, troll gear, and jigging machines (mechanical devices supporting jigs) to be hook-and-line gear.

Pacific halibut, which are commercially important to other U.S. fishermen, are caught as bycatch in the

groundfish fisheries. To control the amount of Pacific halibut bycatch mortality, regulations implementing the FMP have established prohibited species catch mortality limits (PSC limits) for halibut that apply to trawl gear and fixed gear (hook-and-line and pot gear). For the 1990 fishing year, the GOA FMP and its implementing regulations established a 750 mt PSC limit for fixed gear (54 FR 50388, December 8, 1989). These regulations require closure of the Gulf of Alaska to further fishing by fixed gear for the remainder of the fishing year when the aggregate halibut bycatch mortality by this gear type reaches 750 mt.

An emergency rule was published February 21, 1990 that addressed halibut bycatch mortality (55 FR 5994). In part, it assigned all of the 750 mt halibut PSC limit to hook-and-line gear and exempted pot gear from PSC limit restrictions and closures. It also apportioned amounts of the halibut PSC allocated to hook-and-line gear on the basis of calendar quarters so that halibut bycatch was limited to 150 mt the first quarter, 450 mt the second quarter, and 150 mt the third quarter. The emergency rule was extended from May 18, 1990, through August 13, 1990, under section 305(e)(3)(B) of the Magnuson Act (55 FR 20465, May 17, 1990). On May 29, 1990, the PSC limit assigned to hook-and-line gear was reached, and further fishing with hook-and-line gear was prohibited for the remainder of the year (55 FR 4794, June 4, 1990 and 55 FR 26693, June 14, 1990). When the extended emergency rule expires, pre-existing regulations come into effect that will continue the closure of the GOA to groundfish fishing with hook-and-line gear. Without further action, groundfish fishing with pot gear will also be prohibited beginning August 14, 1990, through the remainder of the year.

Depending on the gear type being used, or the fishery being conducted, halibut bycatch and mortality can be significant in the groundfish fisheries. Conversely, certain gear types and fisheries result in insignificant amounts of halibut bycatch mortality. With respect to the latter, the industry petitioned the Council, during its June 25-30, 1990 meeting, to recommend that fishing for groundfish with pot gear be allowed when the current emergency rule expires. The industry also petitioned the Council to make two exceptions to the general closure to hook-and-line gear as well. These two exceptions would allow fishing for (1) groundfish, primarily Pacific cod, by means of jigs (including rod-and-reel,

and troll gear), and (2) demersal shelf rockfish in the Southeast Outside District of the Eastern Regulatory Area in the Gulf of Alaska. The Council considered information from the industry as well as from NMFS and the Alaska Department of Fish and Game (ADF&G) concerning these exceptions.

Because halibut that gain entry into a pot injure fish that might already be in a pot, reduce the catching capacity of the pot, and increase sorting and discard fishing costs, fishermen take active measures to reduce halibut bycatch. Most fishermen in the Gulf of Alaska fishery are configuring their pots so that the tunnel openings are no more than 9 inches wide and 9 inches high. The purpose of the narrow opening is to reduce entry by halibut.

Information from the NMFS Observer Program shows that the halibut bycatch is low in the pot fisheries. Observer data through June 16, 1990, indicate that the bycatch rate is about 0.7 percent. The NMFS estimates approximately 4 metric tons of halibut mortality might result if pots continue fishing for groundfish, primarily Pacific cod, assuming 12 percent mortality and a remaining pot gear harvest of groundfish equalling about 11 percent of the remaining TAC for Pacific cod. Given the above, the Council recommended that pot gear be excluded from the Gulf of Alaska halibut PSC limit restrictions for the remainder of the year after the current emergency rule expires on August 13, 1990. The Council also recommended that pots be modified to include halibut exclusion devices that will result in pot openings no wider or higher than nine inches to reduce halibut bycatch.

In the absence of this rulemaking, it is anticipated that fishermen using pot gear would move from the exclusive economic zone into State waters and increase the incidence of gear conflicts with small trawlers.

Industry testimony indicated that halibut bycatch is low in groundfish fisheries using jigs. Because jigs are not baited with protein bait as are hooks used with hook-and-longline gear and because most fishing occurs about 1 fathom off bottom, few halibut are caught as bycatch. The NMFS has no information to suggest otherwise. In ADF&G experimental fisheries, no halibut were caught when mechanical jigs were used to catch 888 rockfish or when hand-troll gear was used to catch 2,392 rockfish. Given the experimental nature of this gear in the Gulf of Alaska, and information available from the

ADF&G, the Council recommended that the use of jigs be separated from hook-and-longline gear, and their use be allowed to continue for the remainder of the fishing year.

With respect to the demersal shelf rockfish fishery, ADF&G staff who have conducted indexing surveys in the Southeast Outside District and who are otherwise familiar with the execution of this fishery cite reasons why halibut mortality is less than that encountered in the other hook-and-line fisheries. First, fishermen who participate in this fishery use snap-on gear, which are hook-and-line assemblies that snap onto the groundline, rather than hook-and-line assemblies that are tied into the groundline. As fishermen retrieve their snap-on gear, they take the time to unsnap the assembly from the groundline before it travels through the pulley wheel. Fishermen reportedly use the additional time to remove the hook from each halibut that is caught and to return it to the sea with a minimum amount of injury. Second, soak time is short because the market for demersal shelf rockfish demands a high-quality product that is satisfied by fish in a non-mutilated condition. Fish that are soaked too long are often attacked by sand fleas or other predators, which mutilate the fish and render them less desirable for the market. Third, fishermen bring demersal shelf rockfish slowly to the surface to minimize physical distortions resulting from embolisms. Therefore, each halibut reportedly undergoes less stress as it is brought to the surface where it is then released to the sea.

Fishermen usually commence fishing in the demersal shelf rockfish fishery late in the fishing year (e.g., in October). Because an FMP amendment could not be implemented in time to exempt the demersal shelf rockfish fishery, the Council recommended that the Secretary accomplish the exemption by emergency rule.

#### *Action by the Secretary of Commerce*

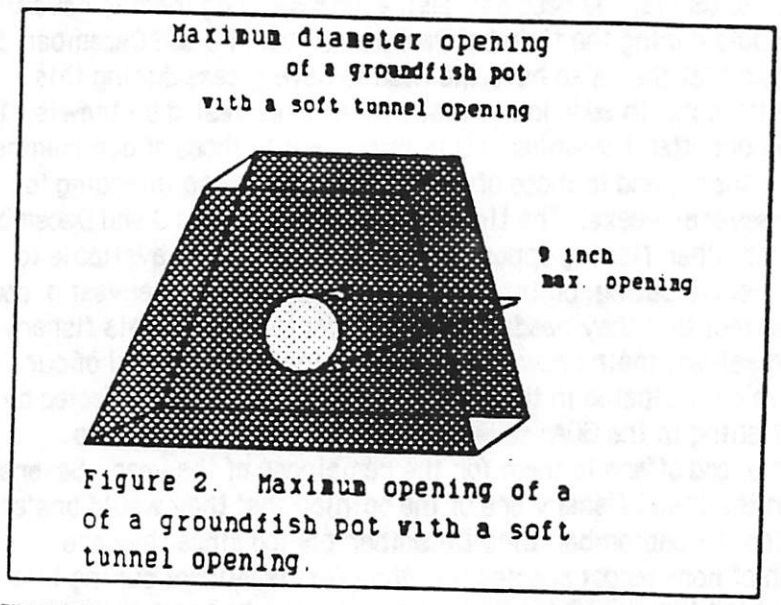
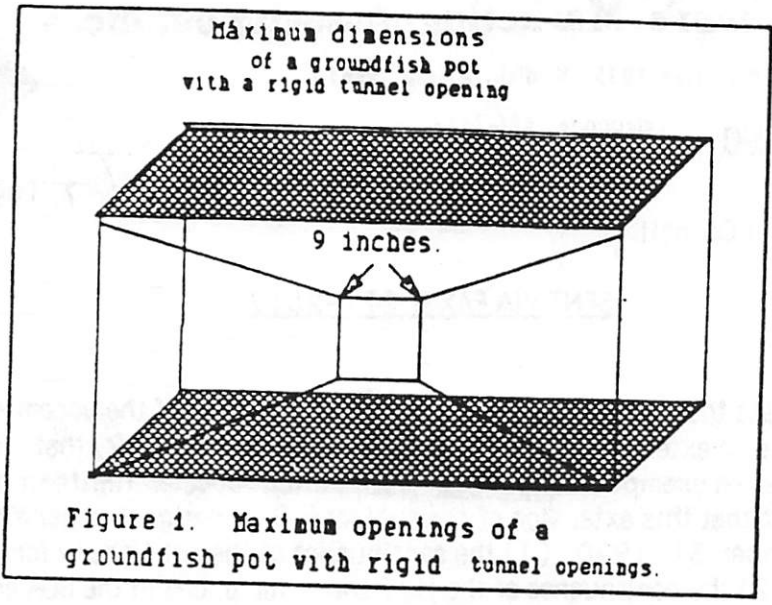
Upon reviewing the Council's recommendation and available information, the Secretary concurs that an emergency exists with respect to unnecessary economic loss that would be incurred by fishermen participating in the pot and jig fisheries or in the demersal shelf rockfish fishery.

The Secretary has also noted that observer data to date represents bycatch rates for only a limited time. No observer data would be obtained from

the pot fishery if pot gear were prohibited after August 13, 1990. Loss of observer data will confound future decision making by the Council. Part of the Council's Amendment 21 to the FMP, which is being reviewed by the Secretary, includes authority to establish a PSC limit on pot gear for the 1991 fishing year. The Council had intended that the NMFS Observer Program would furnish necessary data on which to make recommendations on this PSC limit. An entire year of data is necessary to account for seasonal variation of halibut movements that affect bycatch rates in pot gear. To date, most data were collected in the summer and include data from pots that do not have halibut-exclusion devices; therefore, no data are available to determine bycatch rates during several months at the end of the year when all pots would be equipped with halibut-exclusion devices. The Secretary is concerned that the Council will have access to incomplete and unsatisfactory information when making recommendations for PSC allocations among gear types for the 1991 fishing year. Because the Council's recommendations will result in millions of dollars of redistributed revenue within the industry, the Council must have the best available information. The Secretary also notes that continued fishing for cod with pot gear, with its low halibut bycatch rate, promotes achieving the optimum yield. This results from halibut saved to support fishing for other species categories by other gear types to the extent that pot gear harvests part of that TAC which otherwise would be harvested by trawl gear at a higher halibut bycatch rate. The Secretary notes that excessive gear conflict would occur between fishermen using pots and trawl gear in State waters if pot gear fishing is prohibited in the exclusive economic zone for the remainder of the year. Therefore, the Secretary implements the Council recommendations.

Upon the effective date of this emergency rule, pots used in the directed groundfish fishery that have rigid tunnel openings must be equipped with openings no wider or higher than 9 inches (Figure 1). These pots that have soft tunnel openings must be equipped with openings no wider than 9 inches in diameter (Figure 2). These maximum dimensions in the pot openings will reduce halibut bycatch in the directed groundfish fisheries.

BILLING CODE 5010-02-01



BILLING CODE 3510-22-C

AGENDA D-3(e)(2)  
SEPTEMBER 1990

# United Fishermen's Marketing Association, Inc.



P.O. Box 1035 Kodiak, Alaska 99615

SEP 11 1990

Telephone 486-3453

Mr Clarence Pautzke  
Executive Director  
North Pacific Fishery Management Council

September 7, 1990

SENT VIA FAX # 271-2817

Dear Clarence,

UFMA respectfully requests that the Council add an issue to the Agenda of the upcoming September meeting. That issue is an extension of the Emergency Interim Rule (EIR) that includes, among other provisions, an exemption of pot gear from halibut bycatch limits in the Gulf of Alaska (GOA). We request that this extension of the subject EIR be designed to permit, between November 10 and December 31, 1990: (1) the continuance of the pot fishery for pacific cod (p. cod) in the GOA, (2) the continuance of the jig fishery for p. cod in the GOA and, (3) the continuance of the requirement that pots must have a halibut excluder device. The subject EIR was filed on 8/14/90, it is effective for 90 days, and it expires on 11/10/90

During discussions that we have conducted with fishermen regarding their plans during the next several months, it is clear to us that the need and desire exists among them to have the opportunity to harvest p. cod with pots during the time between November 10 and December 31. Discussions with processors indicate that they also have the need to have access during this period to p. cod that is harvested with pots, in addition to that which is harvested by trawls. The opportunity to harvest p. cod with pots after November 10 is important to those of our members who are now participating in this fishery, and to those of our members who are intending to enter this fishery during the next several weeks. The time between November 10 and December 31 represents a period during which other fishing opportunities are not greatly available to much of the fleet that is presently participating, or intends to participate in the harvest p. cod with pots; many of these fishermen feel that they need to be able to participate in this fishery for the economic well being of themselves, their crews and their businesses. Several of our members who otherwise would have participated in the hook-and-line fishery are affected by the prohibition of hook-and-line fishing in the GOA; several of these fishermen need the opportunity that the pot fishery for p. cod offers to them for the remainder of the year. Several of our members who participate in the trawl fishery are of the opinion that they would prefer to participate in the pot fishery during the September thru December period since they are concerned about the higher bycatch of non-target species that they feel is evident during this period; they are also concerned that the trawl PSC for halibut may be reached and, therefore, they would like to have another alternative. Fishermen need alternatives generally, and the pot fishery represents a clean alternative for harvesting p. cod in the GOA, and it will provide the opportunity for several fishermen to take advantage of the p. cod TAC that remains unharvested in the GOA.

Thankyou for your consideration of our request for the Council to consider, at their September meeting, the question of an extension to the EIR that would allow, among other provisions, the continuance of the pot fishery for p. cod in the GOA after November 10, 1990.

Sincerely,

Jeffrey R. Stephan

*New Definition of Pelagic Trawl Gear and Its Application to the Current BSAI Closure of the "DAP Other Fisheries"*

On June 30, 1990 (55 FR 27643, July 5, 1990), the Secretary closed the BSAI to further direct fishing for pollock and Pacific cod in the aggregate with bottom trawl gear. The closure was required by regulations at 50 CFR 675.21(c)(2)(iv) because U.S. fishermen participating in the "DAP other fishery" had reached their secondary halibut PSC allowance of 3,966 mt. The closure was intended to restrict the bycatch of halibut in the "DAP other fishery" to the PSC allowance.

In response to industry inquiries concerning the closure, the Regional Director has become aware of an enforcement loophole in the regulations implementing the closure, a loophole resulting from the definition of a bottom trawl. A bottom trawl is defined in § 675.2 as a trawl in which the ground rope of the net is equipped with bobbins or roller gear. It is used while trawling on the seabed for Pacific cod and pollock, as well as other groundfish species categories. Bobbins and rollers raise the trawl slightly off bottom, allow more efficient trawling, and reduce amounts of fuel needed.

Attainment of the secondary PSC allowance for Pacific halibut under § 675.21(c)(2)(iv) has triggered a prohibition of the use of bottom trawl gear when fishing for Pacific cod and pollock for the rest of 1990. The intent of this prohibition is to reduce halibut bycatches that result from bottom trawling once the halibut bycatch allowance established for the "DAP other fishery" has been reached. However, by simply removing the bobbins or rollers, a fisherman can modify trawl gear so that it is no longer a bottom trawl by definition. A fisherman can still keep the trawl on the bottom by attaching chains to the foot rope, operating the trawl in direct contact with the bottom instead of being lifted 12-18 inches by the radius of the bobbins and rollers. Although a vessel operator would likely fish less efficiently, he might still accrue a profit in terms of additional Pacific cod and pollock harvested. A bottom trawl with bobbins and rollers removed conceivably could catch even more halibut than when it had bobbins and rollers attached. With bobbins and rollers attached, some smaller halibut probably escape capture by swimming between the bobbins and rollers, thence under the footrope and away from the bottom trawl.

Industry sources report that fishermen are actually removing bobbins and rollers, attaching chains, and then continuing to trawl on the sea bed. The Regional Director has received many phone calls inquiring about possible enforcement action if a trawl were so configured. These fishermen have been told correctly that by removing the bobbins and rollers, they would be able to continue to fish with the reconfigured trawl.

Substantial amounts of pollock and cod still remain unharvested. Although bottom trawl fishermen are only able to retain aggregate amounts of pollock and cod up to 20 percent of other groundfish retained on board during a week, the amounts of pollock and cod that could be retained as measured against total amounts of unharvested groundfish could be substantial. While conducting such trawl operations on the seabed with reconfigured bottom trawl gear, substantial halibut bycatches could occur. Additional halibut bycatches by reconfigured bottom trawls thwart the intent of the closure to reduce halibut bycatch in trawl operations.

At its June 25-30, 1990 meeting, the Council adopted a proposed regulation redefining a pelagic trawl as part of Amendments 16 and 21 to the BSAI and GOA FMPs, respectively. The current definition is inconsistent with how most pelagic trawls used in the BSAI are configured and with the way they are fished. The new definition specifies a large mesh size, one meter or more in width, or parallel lines one meter apart just behind the footrope. Most halibut, as well as crab, are believed to escape capture by such a pelagic trawl if it is fished in contact with the seabed, because halibut and crab that pass over the footrope into the trawl then escape through the large openings created by the mesh dimensions or spacing of the parallel lines. Specifically, the proposed definition as adopted by the Council reads as follows:

*Pelagic trawl* means a trawl which has stretched mesh size openings of at least 1 meter, or parallel lines with spaces of at least 1 meter, starting at the fishing line and extending aft for a distance of at least 10 meshes and going around the entire circumference of the trawl, and which is tied to the fishing line with no less than 0.3 meter (12 inches) between knots around the circumference of the net, and which does not have plastic discs, bobbins, rollers, or other chafe-protection gear attached to the foot rope.

The current definition is different from that proposed by the Council, because it

does not specify minimum dimensions for trawl meshes or parallel line spacings. The current definition does prohibit the use of bobbins or roller gear. It also prohibits any part of the net or trawl doors from coming into contact with the seabed, but such a prohibition is not enforceable. If fishermen deploy a pelagic trawl as it is currently defined in regulations, they are essentially deploying a reconfigured bottom trawl. Industry sources state that pelagic gear is normally fished on the bottom in areas where protection afforded by bobbins and rollers is not necessary. Recognizing the failings of the current pelagic trawl definition as being unenforceable and unable to reduce bycatches of halibut or crab, the Council adopted the new definition.

Under the current schedule for implementing Amendment 16 to the BSAI FMP, the new definition would not become effective until January 1, 1991. Recognizing that fishermen are continuing to use reconfigured bottom trawl gear to fish for Pacific cod and pollock, some industry trawl representatives have recommended to the Regional Director that further fishing for these species be restricted during 1990 to the new pelagic trawl definition adopted by the Council under BSAI Amendment 16. The industry expressed its concerns to the Council about the potential impact on halibut as a result of the regulatory loophole that allows continued fishing with modified bottom trawl gear.

*Action by the Secretary of Commerce*

The Secretary has reviewed the existing closure of the BSAI to the "DAP other fishery." In considering the extent of the loophole explained above, he has decided to implement the Council's recommended new definition of a pelagic trawl with one exception by emergency rule at this time. In reviewing the definition, the Secretary has determined that prohibiting the use of plastic discs, bobbins, and rollers on the foot rope is not necessary. Fishermen do not use these devices with large-meshed pelagic trawls, because such devices tangle with the trawl when it is taken up with the reel on the vessel.

Pelagic trawls must have one meter meshes (stretched dimension) for a distance of ten meshes in back of the fishing line (Figure 3) or parallel lines spaced one meter apart for a distance of ten meters in back of the fishing line (Figure 4).

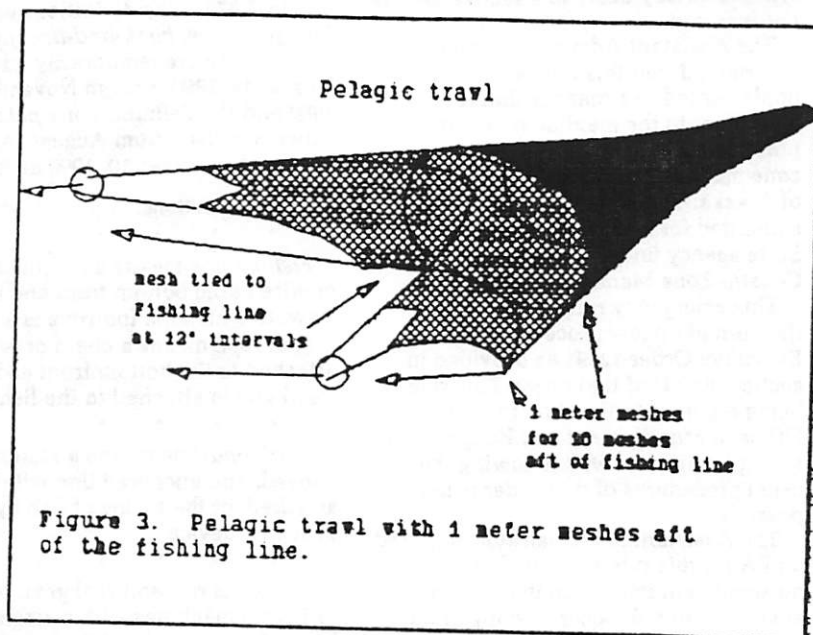


Figure 3. Pelagic trawl with 1 meter meshes aft of the fishing line.

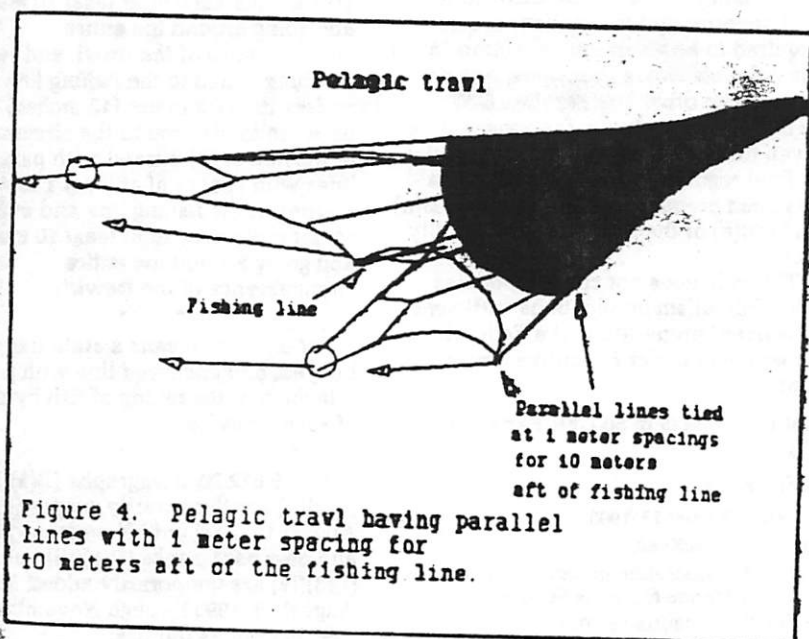


Figure 4. Pelagic trawl having parallel lines with 1 meter spacing for 10 meters aft of the fishing line.



Further, because many fishermen fish in both the BSAI and the GOA, and because reaching the halibut bycatch allowance in the GOA is likely before year's end, which would create a similar loophole problem in the GOA, the Secretary is also making the amended definition of pelagic trawl applicable to the GOA at this time. Consistency in gear definitions between these areas will minimize confusion and facilitate enforcement. The Secretary's action does not prejudice his decision to approve, disapprove, or partially disapprove this part of Amendment 16 under his review and decision authority provided by section 304 of the Magnuson Act.

To make use of the new definition to resolve the management problem described above, the Secretary is also amending by emergency rule the current regulation at § 675.21(c)(2)(iv) closing the "DAP other fishery" by prohibiting the directed fishery for Pacific cod and pollock, in the aggregate, with other than pelagic trawls, rather than prohibiting the use of bottom trawls in the directed fishery. Implementation of the new pelagic trawl definition may promote harvests of pollock, which can be harvested on- as well as off-bottom. This amendment prohibits for the remainder of the fishing year, directed fishing for pollock and Pacific cod in the aggregate with trawl gear other than pelagic trawls in Zones 1 and 2H and also in the BSAI by U.S. fishing vessels that process their catch on board or deliver it to U.S. processors.

By this action, the Secretary is also amending the closure notices of the "DAP other fishery" when the secondary halibut PSC was reached on May 30, 1990 (55 FR 22919, June 5, 1990), and when the primary halibut PSC was reached on June 30, 1990 (55 FR 27643, July 5, 1990), respectively.

#### Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this rule is necessary to respond to an emergency situation and that it is consistent with the Magnuson Act and other applicable law.

The Assistant Administrator also finds that reasons summarized above justifying promulgation of this rule on an emergency basis also make it impracticable and contrary to the public interest to provide notice and opportunity for prior comment or to delay for 30 days its effective date under sections 553 (b) and (d) of the Administrative Procedure Act. In addition, to the extent that this emergency interim rule relieves a

restriction by exempting certain gear types, a 30-day delay in effective date is not required.

The Assistant Administrator has determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of the State of Alaska. This determination has been submitted for review by the responsible State agency under section 307 of the Coastal Zone Management Act.

This emergency rule is exempt from the normal review procedures of Executive Order 12291 as provided in section 8(a)(1) of that order. This rule is being reported to the Director of the Office of Management and Budget with an explanation of why following the usual procedures of that order is not possible.

The Assistant Administrator prepared an EA for this rule and concluded that no significant impact on the human environment will occur. A copy of the EA is available from the Regional Director of the above address.

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

The Regulatory Flexibility Act does not apply to this rule because, as an emergency rule, it is not required to be promulgated as a proposed rule and the rule is issued without opportunity for prior public comment. Because notice and opportunity for comment are not required to be given under section 553 of the Administrative Procedure Act, and because no other law requires that notice and opportunity for comment be given for this emergency rule, no initial of final regulatory flexibility analysis has been prepared under sections 603(a) and 604(a) of the Regulatory Flexibility Act.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 12612.

#### List of Subjects in 50 CFR Parts 672 and 675

Fisheries.

Dated: August 13, 1990.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

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

#### PART 672—GROUND FISH OF THE GULF OF ALASKA

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

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

2. In § 672.2, the definitions of *fishing line*, *foot rope*, *hook-and-line*, *jig*, and *pot-and-line* are temporarily added from August 14, 1990 through November 10, 1990 and the definition of a *pelagic trawl* is revised from August 14, 1990 through November 10, 1990 as follows:

#### § 672.2 Definitions.

*Fishing line* means a length of chain or wire in the bottom front end of a trawl to which the footrope is attached.

*Foot rope* means a chain or wire rope attached to the bottom front end of a trawl and is attached to the fishing line.

*Hook-and-line* means a stationary, buoyed, and anchored line with hooks attached, or the taking of fish by means of such a device.

*Jig* means rod-and-reel gear, troll gear, or jigging machines with a single non-buoyed, non-anchored line with hooks attached, or the taking of fish by means of such a device.

*Pelagic trawl* means (1) a trawl which has stretched mesh size openings of at least 1 meter, as measured diagonally from knot to knot when opposite sides of the mesh are brought together, starting at the fishing line and extending aft for a distance of at least 10 meters and going around the entire circumference of the trawl, and which webbing is tied to the fishing line with no less than 0.3 meter (12 inches) between knots around the circumference of the net; or (2) a trawl with parallel lines with spaces of at least 1 meter starting at the fishing line and extending aft for a distance of at least 10 meters and going around the entire circumference of the trawl.

*Pot-and-line* means a stationary, buoyed, and anchored line with pots attached, or the taking of fish by means of such a device.

3. In § 672.20, paragraphs (f)(1)(ii), (f)(3)(ii) are temporarily suspended from August 13, 1990 until November 10, 1990 and new paragraphs (f)(1)(iii) and (f)(3)(iv) are temporarily added from August 13, 1990 through November 10, 1990 to read as follows:

#### § 672.20 General limitations.

(f) \* \* \*

(1) \* \* \*

(iii) *Hook-and-line gear*. If during the fishing year, the Regional Director determines that the catch of halibut by vessels using

hook-and-line gear in directed fisheries for groundfish, other than directed fisheries for demersal shelf rockfish in the Southeast District, will result in mortality of 750 mt of halibut provided by paragraph (f)(3) of this section, the Regional Director will publish a notice in the Federal Register prohibiting directed fishing for groundfish, other than demersal shelf rockfish in the Southeast Outside District, with hook-and-line gear for the remainder of the year in the Gulf of Alaska.

(3) . . . .

(iv) A PSC mortality limit of 750 m.t. of Pacific halibut for hook-and-line gear is established.

4. Section 672.24 Gear limitations is temporarily changed from August 14, 1990 through November 10, 1990, by redesignating paragraph (c) as paragraph (d), by redesignating paragraph (b) as (c) and retitling it to read *Gear allocations*, and adding a new paragraph (b) to read as follows:

**§ 672.24 Gear limitations.**

(b) *Gear restrictions.* All pots used in directed fishing for groundfish must have rigid tunnel openings that are no wider than 9 inches and no higher than 9 inches, or soft tunnel openings that are no wider than 9 inches in diameter.

**PART 675—GROUND FISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS**

5. The authority citation for part 675 continues to read as follows:

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

6. In § 675.2, the definitions of *fishing line* and *foot rope* are temporarily added from August 14, 1990 through November 10, 1990, and the definition of a *pelagic trawl* is revised from August 14, 1990 through November 10, 1990, as follows:

**§ 675.2 Definitions.**

*Fishing line* means a length of chain or wire in the bottom front end of a trawl to which the footrope is attached.

*Foot rope* means a chain or wire rope attached to the bottom front end of a trawl and is attached to the fishing line.

*Pelagic trawl* means (a) a trawl which is stretched mesh size openings of at least 1 meter, as measured diagonally from knot to knot when opposite sides of the mesh are brought together, starting at the fishing line and extending for a distance of at least 10 meshes going around the entire circumference of the trawl, and which

webbing is tied to the fishing line with no less than 0.3 meter (12 inches) between knots around the circumference of the net; or (b) a trawl with parallel lines with spaces of at least 1 meter, starting at the fishing line and extending aft for a distance of at least 10 meters and going around the entire circumference of the trawl.

7. In § 675.21, paragraph (c)(2) is suspended from August 14, 1990 until November 10, 1990, and a new paragraph (c)(5) is added from August 14, 1990 until November 10, 1990 to read as follows:

**§ 675.21 Prohibited species catch (PSC) limitations.**

(c) . . . .

(5) By the "DAP other fisheries," (i) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch either of the PSC allowances of red king crab or *C. bairdi* in Zone 1 while participating in the "DAP other fishery," the Secretary will publish a notice in the Federal Register prohibiting, for the remainder of the fishing year, directed fishing for pollock and Pacific cod in the aggregate with trawl gear other than pelagic trawls in Zone 1 by U.S. fishing vessels that process their catch on board or deliver it to U.S. processors.

(ii) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch the PSC allowance of *C. bairdi* in Zone 2 while participating in the "DAP other fishery," the Secretary will publish a notice in the Federal Register prohibiting, for the remainder of the fishing year, directed fishing for pollock and Pacific cod in the aggregate with trawls other than pelagic trawls in Zone 2 by U.S. fishing vessels that process their catch on board or deliver it to U.S. processors.

(iii) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch the primary PSC allowance of Pacific halibut in the Bering Sea and Aleutian Islands Management Area while participating in the "DAP other fishery," the Secretary will publish a notice in the Federal Register prohibiting, for the remainder of the fishing year, directed fishing for pollock and Pacific cod in the aggregate with trawls other than pelagic trawls in Zones 1 and 2H by U.S. fishing vessels that process their catch on board or deliver it to U.S. processors.

(iv) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch the secondary PSC allowance of Pacific halibut in the Bering Sea and Aleutian Islands Management Area while participating in

the "DAP other fishery," the Secretary will publish a notice in the Federal Register prohibiting, for the remainder of the fishing year, directed fishing for pollock and Pacific cod in the aggregate with trawls other than pelagic trawls in the entire Bering Sea and Aleutian Islands Management Area by U.S. fishing vessels that process their catch on board or deliver it to U.S. processors.

[FR Doc. 90-19354 Filed 8-14-90; 2:45 pm]  
BILLING CODE 3510-22-01

**50 CFR Part 674**

[Docket No. 900790-0190]

**High Seas Salmon Fishery off Alaska**

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of closure.

**SUMMARY:** NOAA issues this notice closing for 10 days the U.S. Exclusive Economic Zone off Southeast Alaska to commercial fishing for all salmon species. This action is necessary to stop the harvest of coho salmon by the troll fishery and is intended to ensure that the coho salmon stocks are not overharvested and the various groups of fishermen share the harvest equitably.

**DATES:** Effective: This notice is effective at 0001 hours Alaska Daylight Time (ADT), Monday, August 13, 1990, and will expire at 2400 hours ADT, Wednesday, August 22, 1990. Public comments are invited until September 14, 1990.

**ADDRESSES:** Send comments to James Penner, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21888, Juneau, Alaska 99901-1888. During the 30-day public comment period, the data upon which this notice is based will be available for public inspection from 0800 through 1630 hours ADT Monday through Friday at the NMFS Regional Office, Room 458, Federal Building, 703 West Ninth Street, Juneau, Alaska.

**FOR FURTHER INFORMATION CONTACT:** Aven M. Anderson (Fishery Management Biologist, NMFS) 907-586-7228.

**SUPPLEMENTARY INFORMATION:** Salmon fishing in the U.S. Exclusive Economic Zone (EEZ) off Alaska is managed under the Fishery Management Plan for the High Seas Salmon Fishery off the Coast of Alaska East of 175 Degrees East Longitude (FMP). This FMP was developed and amended by the North Pacific Fishery Management Council (Council) and is implemented by NOAA

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# GREENPEACE

Greenpeace USA • 4649 Sunnyside Ave N • Seattle WA 98103 • Tel (206) 632-4326 • Fax (206) 632-6722

ACTION	ROUTE TO	INITIAL
	Deputy Dir.	
	Admin. Off.	
cc: Hw	Exec. Sec.	file
September 11, 1990	Staff Asst 1	
	Staff Asst 2	
	Staff Asst 3	
	Spec. Asst.	
	Sec. Asst.	
	Sec. Typist	

Dr. William Fox, Jr.  
National Marine Fisheries Service  
Room 9334  
1335 East-West Highway  
Silver Spring, Md. 20910

RE: Emergency Interim Rule for redefinition of Gulf of Alaska and Bering Sea/Aleutian Islands pelagic trawls. 55 Fed. Reg. No. 160., August 17, 1990.

Dear Dr. Fox:

On behalf of Greenpeace U.S.A., I am writing in regard to the emergency regulation which alters the prior definition of pelagic trawl fishing gear in the exclusive economic zone (EEZ) groundfish fisheries off Alaska.

As an organization devoted to protection of the marine environment and its diverse species, we are deeply concerned that the new definition will cause undue damage to the benthic environment, and will override by-catch regulations that have been established to conserve halibut and crab.

We therefore request the Secretary of Commerce to rescind the August 17 emergency interim rule immediately so that the prior definition of pelagic trawl gear can be effective again.

In essence, the revision removes the key phrase, "pelagic trawl means a trawl on which neither the net nor the trawl doors (or other trawl-spreading device) operates in contact with the seabed," from the previous definition and will allow "pelagic" trawls to be used for fishing on the bottom in order to continue harvesting pollock and Pacific cod.

This will effectively increase by-catch limits in closed fisheries through the back door and allow certain fishing operations to continue despite earlier closures. The new definition could allow the nets to be used on the bottom so long as plastic discs, bobbins, rollers or other gear are not attached to the foot rope of the trawl.

However, there is no clear evidence that such a net would not affect the benthos and cause by-catch of prohibited species even without robbins and rollers and other attachments. In fact, fishing industry representatives have informed our organization

that bottom trawl operators could simply attach a 1 meter by 10 mesh skirt to a bottom trawl in order to use a "pelagic" trawl that would conform to the new definition.

In effect, this regulation obscures the delineation between bottom and pelagic trawl gear and will hinder the efforts of the North Pacific Fishery Management Council, and your agency, to manage fisheries which are already suffering from the effects of overcapitalization. As more trawlers venture into already overcapitalized fisheries, managers will need clear distinctions between gear types to an even greater extent than at present.

We are aware that it is the Service's view that it is not possible to enforce any requirements that prohibit contact between trawl nets and the ocean bottom. However, the monitoring of net sounding devices by on-board observers could easily remedy such a concern, should it indeed be warranted. Even in the worst case of difficulty of enforcement, we do not believe there is any justification to change the definition: improved enforcement practices should be developed and implemented in order to enforce regulations that are critical to management and conservation.

You should also consider that this measure could cause a level of by-catch that would necessitate actions to close all pelagic trawling, including "true" pelagic trawl fishing which does not involve contact with the benthos and thus causes significantly lower by-catch of bottom dwelling prohibited species.

We are especially concerned that in light of potential abuse of this new definition to skirt conservation-oriented fishery regulations, the public has not been provided with ample opportunity to review such an important regulation and provide comments. Such a rule should not be prescribed under an emergency action which puts the new definition into effect without extensive review of scientific and socioeconomic information concerning the implications of such a significant measure.

For the benefits of conservation, we respectfully request the Secretary to immediately rescind this emergency interim rule and restore the previous definition of pelagic trawl which does not permit bottom trawling gear from being "disguised" under its name.

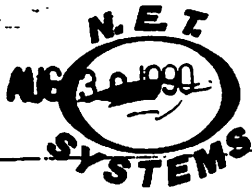
Thank you for your consideration of our comments.

Sincerely,



Alan Reichman  
Special Projects  
Ocean Ecology Campaign

cc: Steve Pennoyer



Nor'Eastern Trawl Systems, Inc.

(206) 842-5623  
Fax: (206) 842-6832

Aug. 24, 1990

Mr. Steven Pennoyer  
Regional Director  
NMFS Alaska Regional Office  
P.O. Box 21688  
Juneau, Alaska 99802-1688


Dear Mr. Pennoyer:

We at Nor'Eastern Trawl Systems were surprised and disappointed when we read your news release dated Aug. 20, 1990, describing the impact on trawlers of the Emergency Interim Rule (EIR) affecting Gulf of Alaska and Bering Sea and Aleutian Islands (BSAI) groundfish fisheries.

We concur that it is time for a new definition of pelagic trawl gear that addresses the need to conserve crab, halibut, and other prohibited species while accommodating the needs of the trawl fleet and the realities of the fishery. We feel that these apparently-conflicting goals can be reconciled if recent knowledge about the fishing performance of modern trawl gear is taken into account, and if management authorities, resource biologists, fishing gear technologists, and fishermen can work together. It is for these reasons that we, together with other industry participants, were pleased to work with Ron Berg of your office to help formulate a new definition, and were encouraged that the process was working.

The definition that seemed to be taking shape hinged around two critical points: 1) a requirement that the trawl have a section of large meshes (or widely-spaced longitudinal ropes) at the fishing circle, and 2) that the use of roller gear would be permitted. The large-mesh requirement has clear advantages in terms of allowing crab and halibut to escape even if the gear is fished on bottom, as has been well-demonstrated by the experience of pollack fishermen using such gear. We feel that including a large-mesh requirement in the new definition of permissible trawl gear can do a great deal to reduce bycatch with relatively little impact on the fleet's productivity.

The second point, allowing the use of roller gear, has also demonstrated a positive effect in terms of reducing prohibited species bycatch levels in the Bering Sea joint venture sole fisheries. This was conclusively shown by the catch records from this fishery as one vessel after another converted to roller footropes, and was confirmed by underwater TV observations of sole gear carried out in 1986 and 1987. In addition to these proven conservation benefits, giving fishermen the option of using roller gear allows them to prevent damage to their gear if the gear is of the kind that is suited to its use. From a

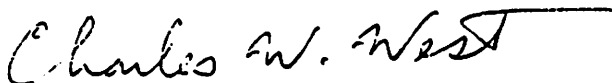
management/enforcement standpoint, dropping the prohibition on roller gear eases enforcement since "roller gear" can be difficult to define in an unambiguous way. In the course of our discussions with Ron it appeared that a consensus was emerging that a ban on roller or bobbin gear would be counter-productive on all these counts and that the best course would be to word the EIR to permit the use of roller gear at the fishermen's option. We were satisfied that this would be a workable solution, meeting conservation objectives while giving the fishermen a valuable tool to use in their efforts to fish both productively and cleanly.

When we saw the wording of the EIR with its ban on the use of roller gear in the BSAI, it led us to question the sincerity of NMFS' stated desire to consider industry input and needs during the rule-making process. More to the point, we cannot understand the wisdom of this move in light of the proven bycatch-reducing effectiveness of roller gear. As a gear specialist, I can assure you that requiring fishermen to remove the roller gear from all of their trawls that are so equipped and fish them with bare-chain footropes will result in much higher levels of halibut and crab bycatch than would otherwise have been the case. We are most curious as to exactly what train of thought led your office to conclude that roller gear should be banned, almost at the last minute before publication of the EIR. We also are curious about whether or not there is any point to industry attempting to cooperate with your office on issues like this. I like to think that there is, that we in the industry have experience and insights that will help you do your job more effectively while considering industry's needs, but this experience would suggest otherwise.

I urge you to reconsider this ruling, and amend the EIR to permit the use of roller gear on trawls used for the cod and pollack fisheries in the BSAI. If it is too late for such a move, I urge you to see to it that roller gear is permitted as an option for 1991 and subsequent years.

I look forward to your response, and look forward to productively working with you and your staff in the future.

Sincerely,

  
Charles W. West  
Manager, Research & Development

cc: ✓ Clarence Pautzke, NPFMC  
Dr. William Fox, NMFS

SEP 20 1990

9/2/90

Dear Council members

Word has it that there is a proposal up for a lots in the season sablefish openings. for what area or time of year I'm not sure. What ever the case may be, I for one am opposed to it

#### Reasons

I feel vessels without a lot of experience will be looking for fish in shallower water, furthering out bycatch problem

I would also invite more boats into an already 100 many boat fishery. I feel sablefish be harvested in a traditional manner.

It would also be unfair to the Traditional Tongue fleet late in the year, as most of them lay up for maintenance lots in the fall. We are already giving up a lot of the fishery that we pioneered to factory and salmon boats.

As it keeps going, we will have just another Habitat fishery  
That sucks

Brad Triche  
Kodiak AK

AGENDA D-3(d)  
SEPTEMBER 1990  
SUPPLEMENTAL

SEP 21 1990

Mark S. Decker  
F/V DAWN  
Alaksa Draggers Association  
Box 991  
Kodiak, Alaska 99615

September 17, 1990

North Pacific Fishery Management Council  
P.O. Box 103136  
Anchorage, Alaska 99510

At the end of July, I wrote a letter to the council concerning a gear conflict with a single cod pot boat. This one vessel limited me, the shut me and five other Kodiak shore-base draggers down. This area has been my most productive area for the past 4 years.

September through December, the DAWN has traditionally fished for cod on the Shelikof side; on the edges from Malinia to below Karluk. So far this fall it has been impossible to find enough room to set your doors. The Shelikof Strait looks like opening day for a King crab fishery from 30 fathoms out to 80 fathoms, the edges are plastered with cod pots.

Because of this conflict, the loss of income for the Burch Brothers, myself, my crew and our families has become substantial, resulting directly with lost grounds during the prime season periods.

The DAWN and DUSK have been dragging in the gulf and Bering Sea for two decades. Our company helped pioneer the fishery. Why should we lose our livelihoods to a brand new fishery? Conflicts with draggers and crab boats in Alaska have been going on for years. From the early shirmp days through the joint ventures and shore basing today. We've avoided their gear and gave up grounds to the crab fleet. Now two groups are competing for the same species.

The two groups cannot co-exist in the same area at the same time. The Kodiak draggermen are being forced from traditional grounds. We are losing more ground each week as more boats plaster the edges with pots. With the Seattle and southern boats joining the Kodiak crabbers these boats will take over all the prime areas.

I have two proposals for the council:

1. Fishing for pacific cod by pots only be allowed during such periods when it is closed to dragging
2. Limit any cod fishing with pots to areas closed to dragging. (Lots of pots on our tows will become a disaster in the future.)



In conclusion: Pot gear fishing for cod is the biggest threat to the Alaskan draggermen we have ever faced. If these two proposals do not go through, our fishery is over.

Sincerely,

Mark S. Decker  
F/V DAWN

FISHING VESSEL OWNERS' ASSOCIATION  
INCORPORATED

Room 232, West Wall Building • Fishermen's Terminal  
Seattle, Washington 98119

SINCE 1914

AGENDA D-3(e)  
SUPPLEMENTAL  
SEPTEMBER 1990

August 31, 1990

Dr. William Fox Jr.,  
National Marine Fisheries Service  
1335 East West Hwy  
Silver Springs, Maryland 20910

Dear Dr. Fox:

I am writing with regard to the debate on what should be the proper definition of a pelagic trawl. I am very much concerned about the impact of the emergency action by the National Marine Fisheries Service on bycatch management, which redefines a pelagic trawl. The definition published by the Secretary of Commerce on August 17, 1990 completely destroys any concept of a pelagic gear and erases the Secretary's prior action on halibut and crab caps.

The definition, in the federal register allows a person with a bottom trawl that has plastic discs, bobbins and rollers to add on a skirting of web that complies with the 1 meter spacing and 10 meshes deep requirement. In essence the bottom trawl would become a pelagic trawl and any PSC would not count against a cap. I have talked to several people who are familiar with bottom trawls, and they maintain that, for the price of 5,000 dollars, such trawl skirting could easily be added to existing bottom trawl gear and its use would not be covered by the prohibited species caps.

The wording provided in the August 20th news release from the Juneau regional office would in effect require the so called "pelagic" gear not to employ plastic discs, bobbins, rollers or other chafe-protection gear on to the foot rope. This is not the law, and in any case, it should not be considered to define a true pelagic trawl.

My concerns with both of these definitions is that the net can be used on bottom. Those vessels that are targeting on pollock at this time are currently using panel sizes much larger than the minimum size of 1 meter mesh. Standard gear that targets on pollock uses mesh sizes immediately behind the fishing line as wide as 22 feet. These trawls are what the Council and public properly regard to be pelagic trawls. One meter openings are very small and would create much more drag than is typical of true pelagic trawl operations. A trawl designed with a minimum of 1 meter mesh attached to a bottom trawl in my opinion is not designed for

FAX  
(206) 283-3341

LONGITUDE: 47° 30' 36" NORTH

DIAL "A VESSEL"  
(206) 283-7735  
LONGITUDE: 120° 22' 50" WEST

pelagic operations, but for bottom operations.

I have been informed by the NMFS gear department that the 1 meter mesh requirement will have negligible effect on eliminating bycatch, if there is not a regulation to address how the trawl net is tied to the rib lines. If it is not done correctly, the 1 meter mesh will collapse while being pulled, thereby providing no escape for the halibut and crabs that need to be avoided.

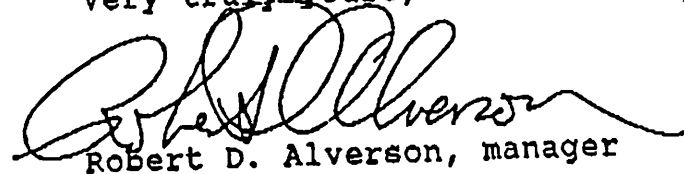
If, the definition generated by the Juneau office or the Secretary is retained, the Secretary will need to incorporate pelagic trawl operations into the existing caps. Whereas, prior to the definition changes, the observed bycatch of prohibited species was minimal in the pelagic trawl category, I believe that what is now considered a pelagic trawl by definition will have sufficient bycatch to warrant inclusion of pelagic gear under any cap regime. This will have an unwarranted impact on bona fide pelagic operations.

What seems puzzling to me is that NMFS has assumed the no contact with the bottom requirement is unenforceable, now that bottom trawl caps have been exceeded. NMFS redefined the regulation such that contact with the bottom is not prohibited. The definition from the Secretary and the one from the regional office provide an economic incentive simply to purchase a 1 meter by 10 mesh skirt and attach it to the bottom trawl. It then becomes a pelagic trawl by definition, not by performance and all bycatch that is encountered does not count against the caps. Perhaps even yellowfin sole can now be harvested with this new "pelagic" trawl.

My discussions with the Juneau regional office seem to suggest that there is no problem with contact with the bottom, as long as the net does not produce bycatch. The intent of the Council and Secretary is that there be no additional bycatch. To now allow a modified, untested bottom trawl, that is defined as a pelagic trawl, to be used during the next 90 days does not make sense, because the practical effect will inevitably be much more bycatch.

At this time, I would recommend that the Secretary rescind the August 17 action, and submit a request to the Council to advise what action should be taken as an emergency action for the remainder of the year. Neither the Federal Register notice nor the news release from Juneau, regarding what is a pelagic gear meets that intent of the Council. The issue is an extremely important one, and I am confident that the Council would treat it as such.

Very truly yours,

  
Robert D. Alverson, manager

PATTON, BOGGS & BLOW  
2550 M STREET, N.W.  
WASHINGTON, D.C. 20037  
(202) 457-6000

TRT Telex: 197780  
TELECOPIER: 457-63.5

WRITER'S DIRECT DIAL

August 23, 1990

Dr. William Fox, Jr.  
National Marine Fisheries Service  
Room 9334  
1335 East-West Highway  
Silver Spring, Maryland 20910

Dear Bill:

I am mystified by the announcement in the Federal Register on August 17 of an emergency regulation relating to the configuration of trawl fishing gear. As I understand it, the new regulation represents a radical departure from established rules which apply to mid-water trawling. This could very well, as a practical matter, legalize unlimited bottom trawling after attainment of prohibited species caps. I must say, for the reasons that follow, I find this a bizarre approach to the regulation of resource exploitation, particularly in a context where it has not been technically and scientifically demonstrated that depressed and declining fishery stocks will not be adversely affected.

I note that the definition of pelagic trawl set forth in that notice does not conform with the proposed definition set forth in the documents under consideration by the North Pacific Fishery Management Council. This is, in and of itself, a questionable approach by the agency to addressing a matter before the Council.

I am not aware of any technical and scientific studies which would confirm that the pelagic trawl configurations favored by the National Marine Fisheries Service would in fact permit further exploitation of groundfish, without having an impact on bycatch species for which the established prohibited species caps have been achieved, and indeed, exceeded. Furthermore, I am at a loss as to how the public can have a meaningful opportunity to comment on the emergency approval of these trawl configurations, in the absence of disclosure by the agency of the technical and scientific basis, if any, upon which this regulatory action was taken. If this agency action was in any way based on

the discredited S-K trawl bycatch minimization study of several years ago, it would be useful to be so informed.

Several important assertions in the agency notice can not withstand even superficial analysis. One example is the expressed notion that a definition of trawling that includes reference to contact with the seabed gives rise to problems of enforcement. I am aware that "net sounding" equipment indicating the position of trawl nets relative to the sea bottom is standard equipment on trawlers and is regularly deployed, thus providing an accurate means of determining whether the gear is in contact with the seabed. This equipment can be monitored by observers widely stationed on board trawlers at this time.

The importance of this issue to the question of how best to avoid impacts on depressed or declining bycatch species which are bottom dwellers is all too obvious. I believe that the combination of net sounding devices and observers suggests there is no need for a modification of the previous definition of pelagic trawl nets, which experience has shown to provide meaningful protection for bycatch species.<sup>1</sup> There is no such experience, so far as I am aware, with respect to the new definition, and it is my concern that the new approach obscures the otherwise clear distinction between bottom trawl and pelagic trawl gear.

I do not question the legal basis for emergency action to avert economic dislocation in the fisheries, when there is an adequate rationale on the record. I do challenge, however, the promulgation of a technical rule without appropriate analysis and full disclosure to the public. This is especially the case when there is an issue of conservation that, as a matter of law, transcends the economic interests at stake.

Bill, I have discussed with my colleagues at the Firm your agency's conduct in this matter. They can find in their extensive regulatory experience no parallel to what the National Marine Fisheries Service has done in this case.

I expect that the manner in which your agency has acted in this instance will be subjected to the closest scrutiny.

---

<sup>1</sup>The previous definition, which conformed in substance with the State of Alaska definition, was as follows:

Pelagic trawl means a trawl on which neither the net nor the trawl doors (or other trawl-spreading device) operates in contact with the seabed, and which does not have attached to it protective devices, such as rollers or bobbins, that would make it suitable for fishing in contact with the seabed.

It is my sincere hope that it will not be concluded that an agency which is responsible, first and foremost, for the wise use of valuable public resources has simply deferred to those in the trawling industry who stand to gain financially from this action. This is a matter which may affect the standing of the National Marine Fisheries Service in both the domestic and international contexts.

I emphasize that your personal and professional commitment to conservation is beyond question. I am deeply concerned, however, that your philosophy is not universally shared by those who are responsible to you for the management of our nation's fisheries resources. Consequently, I would like to request that you give your personal attention to this matter.

In closing, I would acknowledge that the cynical evasion by certain trawlers of the restrictions on bottom trawling does indeed demand a regulatory response. I do not feel that the particular approach taken by your agency was developed in a manner that assures the intended result.

With best personal regards.

Sincerely,

A handwritten signature in cursive script that reads "Ted".

Theodore G. Kronmiller



# ALASKA CRAB COALITION

AGENDA D-3(e)  
SUPPLEMENTAL  
SEPTEMBER 1990

3901 Leary Way (Bldg.) N.W., Suite #6 • Seattle, WA 98107 • (206) 547-7560 • FAX (206) 547-0130

September 12, 1990

Dr. William Fox, Jr.  
National Marine Fisheries Service  
1335 East West Highway  
Silver Springs, Maryland 20910

RE: EMERGENCY INTERIM RULE: GULF OF ALASKA AND BERING SEA/  
ALEUTIAN ISLANDS, FEDERAL REGISTER NOTICE, AUGUST 17, 1990.

COMMENTS ON POT GEAR EXEMPTIONS: The ACC has supported the temporary exemption of pot gear from halibut bycatch caps in the Gulf of Alaska, as a matter of record at the North Pacific Council. According to unofficial NMFS observer and logbook reports for this area, for a catch of 1.7 million pounds of groundfish, this gear can fish with a bycatch rate of halibut as low as .031%. This equates to 559 pounds of halibut, but actual mortality of only 3 fish for the total catch. During the same period of time, only 152 bairdi crabs were caught (.0086%) and these were all discarded alive.

In regards to the requirement for groundfish pots to have tunnel openings no wider or higher than 9 inches, the ACC notes that this definition does not differentiate this gear from the State of Alaska Dept. of Fish and Game definition for a king crab pot and therefore it is unenforceable. The State of Alaska has management authority for crab fisheries in the North East Pacific EEZ. This definition should be revised and take into consideration comments from ADF & G and the results of a study to be conducted this fall by the Alaska Fisheries Development Foundation, analyzing a number of different tunnel entrance configurations. NMFS finalizing the Emergency Rule at this time reflects inadequate analysis and action taken on a bycatch problem that possibly does not exist since this fishery is still in its infancy and does not involve large volumes of either groundfish or halibut as bycatch.

Conversely, it is interesting to note that despite the large volumes of halibut and crab taken incidentally as prohibited species in the Gulf of Alaska and Bering Sea, over the last decade, with bottom trawl gear, (in 1990, over 14 million pounds of halibut; over 2 million bairdi crabs; and almost 300,000 king crabs) the NMFS has taken no regulatory action on this gear to minimize the bycatch of prohibited species.

COMMENTS ON NEW DEFINITION OF PELAGIC TRAWL GEAR: The ACC is very concerned about the impact of the emergency action by the National Marine Fisheries Service on bycatch management. The definition published by the Secretary of Commerce on August 17, 1990 totally confuses the distinction between pelagic and bottom trawl gear, and in so doing, nullifies the Secretary's prior action on crab and halibut caps.

There are a number of serious procedural issues presented by the manner in which the emergency rule was developed. Industry groups, including former Northwest and Alaska NMFS personnel with a financial stake in the redefinition have had substantial and significant input. However, the public was allowed only the opportunity to comment on the rule after it came into effect. (See correspondence from "Steve" Hughes, "Phil" Chitwood, and "Bert" H.L. Larkins.) In fact there is no record of any advance public notice of the intention of the National Marine Fisheries Service to proceed with the specific redefinition that emerged in the Federal Register.

The Alaska Crab Coalition has filed technical and legal comments with you dated August 28, 1990 and through our legal counsel, Ted Kronmiller on August 23, 1990. In addition, we concur with the technical comments of Robert D. Alverson of the Fishing Vessel Owners Association of Seattle. In particular, we note our concerns with the impacts of the redefinition on the conservation of bottom dwelling species of crab and halibut and the overall environmental impacts of the heavy chains, rollers and steel doors to the benthic substrate. (We incorporate by reference the attached correspondence of A. Thomson, T. Kronmiller, and R.D. Alverson for the Administrative Record.)

In summary, the ACC finds the NMFS redefinition of pelagic trawl gear by merely specifying a minimum 1 meter mesh for a distance of 10 meshes behind the footrope to be en toto, unacceptable. To omit reference to contact with the seabed and to permit the use of bobbins, rollers, chafing gear and chains and the dragging of multi-ton steel doors on the bottom as acceptable pelagic trawl gear, is a radical departure from the long accepted definition of pelagic trawl. We recommend that the NMFS rescind the new definition and send it back to the North Pacific Fishery Management Council for analysis.

In addition, the ACC disagrees with the NMFS contention that the long standing previous definition of pelagic trawl is unenforceable. We request that the NMFS and the NPFMC evaluate this NOAA General Counsel opinion in the present context of high levels of observer coverage and the standard use of net sounding devices on trawl boats in the North Pacific EEZ. Observers can randomly monitor the sounders



(which are interfaced with computers for memory storage) to determine if nets are in contact with the seabed during towing operations. Net sounding devices have been in standard use on NOAA research/survey vessels for the past five years in the North Pacific. They are used in bottom trawl surveys to measure the time and area swept of trawl contact with the seabed in the crab and bottomfish resource assessment surveys. If these devices are accurate enough to be used as part of the scientific instruments in surveys for fisheries management, then it is logical to conclude that the instruments are sufficiently accurate to determine whether a trawl is on or off bottom, for another aspect of fisheries management.

The Alaska Crab Coalition is aware that you have taken a personal interest in this fisheries management issue and we are confident that you are cognizant of the magnitude of the long term implications of the error in the pelagic trawl redefinition and that you will take appropriate action.

Sincerely,




Arni Thomson,  
Executive Director

cc: Don W. Collinsworth, Chairman, North Pacific Fishery  
Management Council

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke  
Executive Director 

DATE: September 19, 1990

SUBJECT: Gulf of Alaska and Bering Sea/Aleutian Islands Groundfish Fishery Management Plans

**ACTION REQUIRED**

Select groundfish proposals for development and analysis as plan amendments.

**BACKGROUND**

Forty two groundfish proposals were received for consideration for the 1991 amendment cycle. Copies were sent to you on September 14. The groundfish Plan Teams reviewed the proposals the week of September 4 - 7; the Plan Amendment Advisory Group (PAAG) did so on September 10. A summary table of the proposals, with the PAAG and Plan Team priority ratings, is provided as item D-3(f)(1). The PAAG and Plan Team reports were sent to you on September 14. These are provided as items D-3(f)(2) and D-3(f)(3), respectively. The priority ratings of the PAAG differed slightly from those of the Plan Teams. Both the PAAG and the Plan Teams note that the analytic requirements of those amendment topics rated high priority significantly exceeds the Plan Teams and staff resources. Consequently, the PAAG requested the Teams to prepare a supplemental report to provide estimates of the additional topics the PAAG considered to be a high priority and to provide an indication of the Teams' aggregate workload prior to tasking of groundfish amendment topics. This report is provided as item D-3(f)(4).

The PAAG recommends the following issues as high priority for 1991 (this includes two medium priority topics which can be readily addressed by NMFS staff). These topics are listed below by proposal number:

2. Delete Federal Reporting Areas 621, 631 and 68.
4. Require species specific reports of all fish in catch.
5. Adopt a biennial SAFE document and Plan Amendment cycle.
8. Limit pollock harvests by U.S. vessels in the international waters of the Bering Sea.
  
- 12/13. Allocate a portion of the groundfish TAC to the Pribilof Islands and the Village of Atka.
16. Implement a comprehensive rockfish management program.
- 18/19/20. Adopt measures to limit pot gear and prevent fixed gear-mobile gear conflicts.
32. Modify the definition of groundfish pots.

31. Omnibus bycatch management proposal.
- 37/38. Implement a cost recovery program to fund the domestic observer program.
41. Establish criteria to authorize experimental fisheries.
42. Extend seasonal time/area closures near Round Island, the Twins and Cape Pierce to protect walrus.

Modification of groundfish pots (Proposal #32) can be accomplished by regulatory amendment assuming the approval and implementation of Amendment 21/16. All other topics require a plan amendment.

Limitation on pollock harvests by U.S. vessels in the international waters of the Bering Sea would essentially be a Council policy statement, though a plan amendment would be necessary to implement the Council's policy. NOAA General Counsel has advised the Council that limitations on U.S. vessels in international waters are permissible provided that the measures are necessary for the conservation and management of stocks under U.S. jurisdiction within the U.S. exclusive economic zone. This topic and the Council's options are discussed further under agenda D-4(g).

Proposals topics selected for further development will be tasked to the Plan Teams and the staff for analysis. Initial work will begin this fall concurrent with analysis of groundfish stocks and preparation of the final SAFE documents. Full scale analyses will commence upon conclusion of work on the SAFE documents. Draft analyses will come back to the Council in April 1991 for approval for public review. Final action will occur in June 1991.

Joint PAAG/Plan Team Evaluation of Proposals for 1991 Groundfish FMP Amendment Cycle (for both Gulf of Alaska and Bering Sea/Aleutian Islands)

Proposal Number (Applicable FMP)	Proposal Description	Action Required	Priority PAAG	PTs	Comments
<b>Administrative</b>					
1. (GOA, BSAI)	Merge BSAI and GOA Groundfish FMPs into one.	Plan Am.	Med	Med	
2. (GOA)	Delete Federal Reporting Areas 621, 631, and 68.	Plan Am.	Med	Med	NMFS analysis.
3. (GOA, BSAI)	Require weighing of all groundfish brought on board.	Plan Am.	Low	Low	Presumably intends recording and reporting of all groundfish.
4. (GOA, BSAI)	Require species specific reports of all fish retained.	Plan Am.	Med	Med	NMFS analysis.
5. (GOA, BSAI)	Adopt a biannual SAFE document and Plan Amendment Cycle.	Plan Am.	High	Med	SSC request.
<b>Management Areas</b>					
6. (GOA, BSAI)	Redefine Aleutian Island management subarea.	Plan Am.	Med	Med	
<b>TAC Changes</b>					
7. (GOA, BSAI)	Reduce Pacific Cod TACs	Notice	No Recommendation		Authority exists.
8. (BSAI)	Limit pollock harvests by U.S. vessels in donut hole.	Plan Am.	High	Policy	Council request.
9. (BSAI)	Raise upper limit of OY range to sum of species ABCs.	Plan Am.	Low	Low	Council retained current OY range in June 1988.
<b>Fishing Period/Fishing Year</b>					
10. (GOA)	Split sablefish TAC into May and October components.	Plan Am.	Low	Low	
11. (BSAI)	Open yellowfin sole season on May 1.	Regulatory Am.	Low	Low	In preparation.
<b>Access Limitation/Specific Allocations</b>					
12. (BSAI)	Provide Village of Atka a groundfish allocation.	Plan Am.	High	No Rec.	See #13
13. (BSAI)	Allocate 8% of BSAI TACs to Pribilof Islands.	Plan Am.			See #12 and NOAA-GC opinion.
14. (GOA)	Make Western GOA an Exclusive Registration Area.	Plan Am.	Low	Low	
15. (GOA, BSAI)	Adopt and implement Groundfish ITQs.	Plan Am.	No Recommendation		Currently before FPC.
16. (GOA, BSAI)	Implement comprehensive rockfish management program.	Plan & Reg. Am.	High	High	Access limitation now before FPC, reclassification of species groups by regulatory amendment.
17. (GOA, BSAI)	Allocate by gear type and inshore-offshore, set pot limits.	Plan Am.	Low	Low	A smorgasbord.

GOA  
fishing  
concept  
priority

• SSC Rec.

Proposal Number (Applicable FMP)	Proposal Description	Action Required	Priority PAAG PTs	Comments
<b>Gear Restrictions</b>				
18. (GOA)	Set a 150 pot/vessel limit.	Plan Am.		See #17, 18
19. (GOA)	Require untended pots to be removed from grounds.	Plan Am.	High High	See #16, 18
20. (GOA)	Limit groundfish pots to grounds closed to trawling.	Plan Am.		See #16, 17
32. (GOA, BSAI)	Modify definition of groundfish pot.	Regulatory Am.	High Med	ADF&G to work with NMFS
<b>Bycatch Management</b>				
21. (GOA)	Restrict trawlers to 600-700 horsepower.	Plan Am.	Low	
22. (GOA, BSAI)	Adopt individual vessel bycatch allowances for halibut.	Plan Am.	Low	
24. (BSAI)	Close IPHC Area 4C to bottom trawling.	Plan Am.	High High	Crab Team input needed.
25. (BSAI)	Extend bycatch management measures.	Plan Am.		Gear development incentive.
26. (GOA, BSAI)	Exempt gear with "de minimis" bycatch from PSC closures.	Plan Am.		
27. (GOA, BSAI)	Adjust halibut PSC caps based on changes in abundance.	Plan Am.		
28. (BSAI)	Base halibut bycatch accounting on mortality.	Plan Am.		
29. (GOA, BSAI)	Implement incentives to reduce bycatch rates.	Plan Am.		
30. (GOA, BSAI)	Allocate PSC limits preferentially to gear types with low bycatch mortality.	Plan Am.		
31. (BSAI)	Revise bycatch management per AHBC recommendations.	Plan Am.		
34. (GOA)	Provide in-season authority to close bycatch hot-spots.	Plan Am.		
35. (GOA)	Close or limit fisheries based on depth contours.	Plan Am.		
36. (GOA, BSAI)	Require retention and utilization of bycatch.	Plan Am.		
23. (BSAI)	Establish PSC cap for chinook salmon.	Plan Am.	High	ADF&G analysis. See #33
33. (GOA)	Adopt bycatch reduction measures for chinook salmon.	Plan Am.	High	ADF&G analysis. See #23
<b>Other</b>				
37. (GOA, BSAI)	Implement a fee system to fund domestic observer program.	Plan Am.	High High	Council request, requires MFCMA amendment.
38. (GOA, BSAI)	Establish a cost recovery program to fund observers.	Plan Am.		See #37
39. (GOA, BSAI)	Establish uniform product recovery rates.	Regulatory Am.		In preparation.
40. (GOA, BSAI)	Exempt pot vessels over 125 ft from 100% observer requirement.	Regulatory Am.	Low Low	
41. (GOA, BSAI)	Authorize experimental fisheries	Plan Am.	High High	NMFS analysis.
42. (BSAI)	Extend seasonal time/area trawl closures near Round Island, the Twins and Cape Peirce to protect walrus.	Plan Am.	High High	Sunsets 12/31/91; requires USFWS input.

Staff sugg - 0

**CURRENT STAFF WORKLOAD BETWEEN NOW AND DECEMBER COUNCIL MEETING**

	DUE DATE	STAFF
<b>FMP AMENDMENT PROCESS</b>		
1. Prepare and submit final rule for Amendments 16/21	11/9	Region
2. Prepare and submit final rule for Amendments 14/19	11/9	Region
* 3. Prepare and submit proposed rule for Amendment 16a		NPFMC/AFSC/Region
* 4. Develop revised Amendment 16 incentive program (16b)	early Nov	NPFMC/AFSC/Region
5. Develop analysis for additional Herring Savings Area (16c)	late Nov	ADFG/NPFMC/ AFSC/Region
6. Initiate development of 1991 Amendment Cycle		All
7. Crab FMP overfishing amendment	11/23	AFSC/NPFMC/Region
8. Salmon FMP overfishing amendment	11/23	AFSC/NPFMC/Region
<b>EMERGENCY RULE</b>		
9. Emerg. Rule to reapportion YFS TAC to Pollock TAC	late Oct	Region
10. Extend gear exemptions, pelagic trawl definition	11/10	Region
<b>REGULATORY AMENDMENTS (RA)</b>		
11. Proposed rule and halibut RA analysis for 4C	late Oct	AFSC/Region
* 12. Proposed rule to revise recordkeeping/reporting requirements	early Oct	Region
* 13. Proposed rule to revised observer plan	mid Oct	Region
14. Proposed rule to establish GOA sablefish seasons	late Nov <i>Jan</i>	AFSC/Region
15. Proposed rule to authorize allocation of halibut PSC limits between hook and line Pacific cod and sablefish	late Nov	AFSC/Region
* 16. Final rule to delay flatfish seasons	early Dec	Region
* 17. Proposed rule to codify product recovery rates	early Oct	Region
<b>ANNUAL SPECIFICATION PROCESS</b>		
18. Preliminary FR Notice for BSAI	10/12	Region
19. Preliminary FR notice for GOA	10/12	Region
20. Final SAFE report	early Nov	All

Gray Shaded = Mandatory under Magnuson Act or regulation implementing FMPs.

\* = Staff recommendations as highest priority for work between now and January.  
Priority based on Council guidance and critical inseason management needs.

ONGOING PROJECTS		
21. Inshore-Offshore Issue	April 1991	NPFMC/AFSC/Region
22. Moratorium ?		NPFMC/AFSC/Region
23. IFQ Sablefish ?		NPFMC/AFSC/Region
* 24. Observer Program (training, data input, analysis)		AFSC
25. NMFS' processor survey	late Nov	Region
26. Inseason quota monitoring/reapportionments/closures		AFSC/Region
27. Complete Section 7 consultation on FMPs	Dec	Region
28. Improve Methodology for quota monitoring		Region/AFSC
29. Develop and test hardware and software for improved catch data communications		Region/AFSC
30. Adopt new/expanded NMFS Bulletin Board software		Region
OTHER FACTORS		
• Regional office move mid October	mid Oct	Region
• Usual correspondence, response to industry queries, administrative tasks		All
• Possible Federal Government Furlough		

Gray Shaded = Mandatory under Magnuson Act or regulation implementing FMPs.

\* = Staff recommendations as highest priority for work between now and January.  
Priority based on Council guidance and critical inseason management needs.

PAAG REPORT

September 10, 1990



## SUMMARY REPORT: PLAN AMENDMENT ADVISORY GROUP

The Plan Amendment Advisory Group (PAAG) met on Monday, September 10 at the Alaska Fisheries Science Center in Seattle to review the groundfish plan amendment proposals received by the Council and formulate recommendations to the Council concerning which proposals should be tasked to the staff and plan teams for analysis.

The meeting was called to order at 9:10 by Chairman Larry Cotter. PAAG members in attendance were Bob Mace, Doug Eggars, Al Burch, Jim Balsiger, and Loh-lee Low. Attending support staff were Clarence Pautzke and Hal Weeks (NPFMC), Jay Ginter (NMFS AK Region) and Ken Parker (ADF&G). There were over a dozen members of the public attending.

The PAAG proceeded with a proposal by proposal review of the 42 groundfish amendment proposals received for the upcoming cycle. The Plan Teams' report on their evaluation of proposals was referenced as appropriate. The PAAG's priority ranking of the proposals is attached. The PAAG noted that analyses of proposals rated HIGH priority will collectively take far more resources, in terms of time and personnel, than are currently available. The ability of the Plan Teams and analytic staff is further reduced by the high level of effort currently assigned to the Inshore-Offshore allocation issue. The analysis of a moratorium on further entry into the groundfish fisheries off Alaska will further reduce available staff and resources for use in amendment proposal analyses. The PAAG noted that the Teams had provided estimates of the analytic requirements for the proposals which the Teams had rated high priority, and medium priority proposals which can be easily evaluated. The PAAG requested the Plan Teams to prepare a supplemental report indicating the analytic requirements of those amendment topics which the PAAG considered to be priorities, as well as an indication of current staff commitments.

The PAAG also reviewed the "traditional" sablefish management proposals received during 1987 - 1989 as requested by the Fisheries Planning Committee. Both the Plan Teams and the PAAG note that the proposals present only the proposer's view of the problem facing the sablefish fishery. The PAAG concurred with the Teams' approach of dividing the proposals into topical areas and commenting on how adoption of measures in these areas might impact the fishery. Because neither the Teams nor the PAAG had the opportunity to review comprehensively the problems facing the sablefish fishery, the PAAG suggests the Council should form a subcommittee to identify appropriate management approaches which could productively address the problems in the sablefish fishery through traditional management measures. This approach could result in a plan amendment for this cycle, although time and staff constraints need to be considered.

## PAAG Prioritization of Groundfish Amendment Proposals

HIGH	MEDIUM*	MEDIUM	LOW
5	2 (NMFS)	1	3
8	4 (NMFS)	6	9
12/13			10
16			11
18/19/20			14
32 (ADF&G)			17
31 (omnibus bycatch: includes #23 - 31, 33 - 36)			21
37/38			22
41 (NMFS)			40
42			

\* - Those medium priority proposals identified as "easy" by the Plan Teams

- #1 The PAAG heard from NMFS that unifying the groundfish plans could create significant administrative streamlining and savings. It also noted that this proposal has caused a great deal of suspicion and resistance in the fleet in the past, and is likely to do so again absent some education by NMFS as to the intent and effect of such an effort. **MEDIUM** priority. The PAAG recommends the Council discuss this proposal in the context of future management directions (e.g., adoption of a possible 2 year plan amendment cycle).
  
- #2 The PAAG heard from NMFS that deleting or merging certain groundfish reporting areas would decrease the reporting burden on the fleet and that the analysis would be simple and could be performed by NMFS staff. **MEDIUM** priority on the condition that NMFS staff perform the analyses.
  
- #3 The PAAG and NMFS agreed that the current system of back-calculating groundfish catch from product recovery rates needs a reality check. However, this proposal was rated **LOW** because it would impose substantial economic burdens on the fleet without clear indication of benefiting the resource. An alternative to the proposal could require consistent methods of estimating weight of catch.
  
- #4 The PAAG heard from NMFS that species specific reporting of all groundfish retained would further both enforcement and data collection concerns and that the analysis would be easily done. The PAAG suggests that the proposal be modified to require species specific reports of all **FISH** retained, and that discard species also be reported. **MEDIUM** priority contingent on NMFS staff preparing the analysis.
  
- #5 **HIGH** priority. There was PAAG consensus that a biennial **SAFE** cycle would reduce the burden on staff. The PAAG understands NMFS would still annually provide the Council with an updated resource assessment based on the most recent information. There was not a consensus on whether a biennial plan amendment cycle should be pursued.
  
- #6 **MEDIUM** priority. The PAAG heard from the Plan Teams and Industry that redefining management subareas to conform management with biological reality should be pursued. The Plan Teams indicated that the analysis would be difficult, as it would have to be done on a species by species basis and an assessment of "data comparability" between old and proposed

new areas would need to be made. Initially rated HIGH, then demoted to MEDIUM due to time constraints and other proposals having greater urgency.

- #7 Authority exists, no action necessary.
- #8 Development of a Council policy on fishing by U.S. vessels in international waters of the Bering Sea was rated a HIGH priority. A plan amendment will likely be necessary to implement Council policy.
- #9 LOW priority. The PAAG agreed with the plan teams that raising the BSAI OY cap at this time, in the face of conservation concerns on fish stocks, marine mammals, PSC bycatch species, and a possible moratorium on further entrants into the fishery would be ill-timed and send a mis-leading signal to industry.
- #10 LOW priority. The PAAG refers this proposal to the other group of traditional sablefish management proposals.
- #11 LOW priority. A regulatory amendment in preparation addresses this topic.
- #12/13 Based upon Council action at the August meeting, the PAAG rated the Pribilof proposal a HIGH priority for the Council to address. The PAAG also included the Atka proposal because of its similarity. It is unclear whether these proposals can be adequately analyzed independently of the Inshore-Offshore issue or without some aggregate cap on aggregate allocations to communities.
- #14 LOW priority. This issue would rapidly broaden to include other areas; it could not be addressed in isolation.
- #15 NOT NECESSARY; ITQs are being addressed by the Council outside the Plan Amendment cycle.
- #16 HIGH priority. The PAAG notes the unique nature of this proposal - notably the willingness of industry to fund Council analyses. The PAAG notes that the proposers initially intended to prepare most of the analysis for the Council. A vigorous discussion ensued on the precedent which would be set by industry preparing, or paying for the preparation of, amendment proposal analyses and the subsequent expectation that the proposal would be viewed favorably. It was noted that a policy currently exists whereby industry-prepared analyses could be brought to the Council following review and critique by the Plan Teams and the SSC. This procedure could be followed with this proposal, but it would not reduce the analytic burden on staff which the proposers seek to do.  
  
The PAAG suggested that these issues be flagged for the Council and that NOAA General Counsel be sent a letter clarifying the Council's authority to receive and disburse funds for purposes of preparing an industry requested analysis. The PAAG suggests the Council consider acceptance of private funds conditional upon total Council control over the analytical process, including the determination of the contracting analytical party, and strict adherence to the same standards and requirements of any other Council analysis.
- #17 LOW priority.
- #18/19/20 HIGH priority. The PAAG feels that the growing conflicts between fixed and mobile gear must be addressed early in the development of the groundfish pot fishery.

- #21 LOW priority.
- #22 LOW priority; the PAAG cited NOAA-GC opinion that individual vessel bycatch allocations are a form of limited access.
- #31 HIGH priority. This is the omnibus bycatch proposal and incorporates aspects of proposals 23 - 31, 33 - 36. The AHBC proposal for measures for analysis during the 1991 amendment cycle will be available from the Ad Hoc Bycatch Committee.
- #32 HIGH priority. This proposal is a gear definition/restriction measure which was mis-classified under bycatch. The PAAG heard from ADF&G that they consider distinguishing groundfish pots from crab pots to be a priority for enforcement purposes. ADF&G indicated that they would take the lead in preparing the analysis for a regulatory amendment.
- #37/38 The PAAG considers development of a fee system to fund the domestic observer program to be a HIGH priority, but notes that its legality is contingent upon amendment of the MFCMA. The PAAG indicates that the Council might wish to put this analysis on hold, pending further development by the Data Gathering Committee and reauthorization and amendment of the MFCMA.
- #39 NO RECOMMENDATION, a regulatory amendment is in preparation.
- #40 LOW priority. The PAAG notes that the domestic observer program is in place for collection of fisheries data in general, not just bycatch monitoring.
- #41 HIGH priority. The PAAG heard from NMFS concerning the need for Council guidance on how to respond to requests to authorize research/experimental fisheries. The analysis would be simple, and the PAAG recommended it proceed contingent upon NMFS performing the analysis.
- #42 HIGH priority. Seasonal time/area closures around walrus haul-out sites in Bristol Bay sunset at the end of 1991. The sunset provision indicated a clear Council intent to revisit this issue at that time.

**PLAN TEAM REPORT**

September 4-7, 1990

(Presented to PAAG on September 10)

Joint GOA/BSAI Plan Team Evaluation of Proposals for 1991 Groundfish FMP Amendment Cycle (for both Gulf of Alaska and Bering Sea/Aleutian Islands)

Proposal Number (Applicable FMP)	Proposal Description	Action Required	Amendment Priority	Comments
<b>Administrative</b>				
1. (GOA, BSAI)	Merge BSAI and GOA Groundfish FMPs into one.	Plan Amendment	MED, DIFF	
2. (GOA)	Delete Federal Reporting Areas 621, 631, and 68.	Plan Amendment	MED, EASY	
3. (GOA, BSAI)	Require weighing of all groundfish brought on board.	Plan Amendment?	LOW	Presumably intends recording and reporting of all groundfish also; see #4.
4. (GOA, BSAI)	Require species specific reports of all fish retained.	Plan Amendment?	MED, EASY	See #3
5. (GOA, BSAI)	Adopt a biannual SAFE document and Plan Amendment Cycle.	Policy	MED, EASY	SSC request.
<b>Management Areas</b>				
6. (GOA, BSAI)	Redefine Aleutian Island management subarea.	Plan Amendment	MED, DIFF	
<b>TAC Changes</b>				
7. (GOA, BSAI)	Reduce Pacific Cod TACs	Notice	NO REC.	Authority exists.
8. (BSAI)	Limit pollock harvests by U.S. vessels in donut hole.	Plan Amendment	POLICY	Council request.
9. (BSAI)	Raise upper limit of OY range to sum of species ABCs.	Plan Amendment	LOW	Council retained current OY range in June 1988.
<b>Fishing Period/Fishing Year</b>				
10. (GOA)	Split sablefish TAC into May and October components.	Plan Amendment	LOW	
11. (BSAI)	Open yellowfin sole season on May 1.	Regulatory Amendment	LOW	In preparation.
<b>Access Limitation/Specific Allocations</b>				
12. (BSAI)	Provide Village of Atka a groundfish allocation.	Plan Amendment	} NO REC.	See #13
13. (BSAI)	Allocate 8% of BSAI TACs to Pribilof Islands.	Plan Amendment		See #12 and NOAA-GC opinion.
14. (GOA)	Make Western GOA an Exclusive Registration Area.	Plan Amendment	LOW	
15. (GOA, BSAI)	Adopt and implement Groundfish ITQs.	Plan Amendment	NO REC.	Currently before FPC.
16. (GOA, BSAI)	Implement comprehensive rockfish management program.	Plan & Reg Amend	HIGH, DIFF.	Access limitation now before FPC, reclassification of species groups by regulatory amendment.
17. (GOA, BSAI)	Allocate by gear type and inshore-offshore, set pot limits.	Plan Amendment	LOW <del>NO REC.</del>	A smorgasbord.

Proposal Number (Applicable FMP)	Proposal Description	Action Required	Amendment Priority	Comments
<b>Gear Restrictions</b>				
18. (GOA)	Set a 150 pot/vessel limit.	Plan Amendment	} <del>MED</del> HIGH, DIFF.	See #17, 18
19. (GOA)	Require untended pots to be removed from grounds.	Plan Amendment		See #16, 18
20. (GOA)	Limit groundfish pots to grounds closed to trawling.	Plan Amendment		See #16, 17
21. (GOA)	Restrict trawlers to 600-700 horsepower.	Plan Amendment		
<b>Bycatch Management</b>				
22. (GOA, BSAI)	Adopt individual vessel bycatch allowances for halibut.	Plan Amendment		See #33
23. (BSAI)	Establish PSC cap for chinook salmon.	Plan Amendment	HIGH, DIFF (ADF+G)	} CRAB TEAM INPUT NEEDED
24. (BSAI)	Close IPHC Area 4C to bottom trawling.	Plan Amendment		
25. (BSAI)	Extend bycatch management measures.	Plan Amendment		
26. (GOA, BSAI)	Exempt gear with "de minimis" bycatch from PSC closures.	Plan Amendment	} TOPICAL RATING: HIGH PRIORITY, DIFFICULT	
27. (GOA, BSAI)	Adjust halibut PSC caps based on changes in abundance.	Plan Amendment		
28. (BSAI)	Base halibut bycatch accounting on mortality.	Plan Amendment		
29. (GOA, BSAI)	Implement incentives to reduce bycatch rates.	Plan Amendment		
30. (GOA, BSAI)	Allocate PSC limits preferentially to gear types with low bycatch mortality.	Plan Amendment		
31. (BSAI)	Revise bycatch management per AHBC recommendations.	Plan Amendment		
32. (GOA, BSAI)	Modify definition of groundfish pot.	Regulatory Amendment	MED, EASY (ADF+G)	
33. (GOA)	Adopt bycatch reduction measures for chinook salmon.	Plan Amendment	HIGH, DIFF, (ADF+G)	See #23
34. (GOA)	Provide in-season authority to close bycatch hot-spots.	Plan Amendment	} HIGH (NMFS), MED	Similar to Am. 16a topic.
35. (GOA)	Close or limit fisheries based on depth contours.	Plan Amendment		Council request.
36. (GOA, BSAI)	Require retention and utilization of bycatch.	Plan Amendment		
<b>Other</b>				
37. (GOA, BSAI)	Implement a fee system to fund domestic observer program.	Plan Amendment	} HIGH, DIFF	Council request, requires MFCMA amendment.
38. (GOA, BSAI)	Establish a cost recovery program to fund observers.	Plan Amendment		See #37
39. (GOA, BSAI)	Establish uniform product recovery rates.	Regulatory Amendment	IN PROGR.	
40. (GOA, BSAI)	Exempt pot vessels over 125 ft from 100% observer requirement.	Regulatory Amendment	LOW	
41. (GOA, BSAI)	Authorize experimental fisheries	Plan Amendment	HIGH, EASY	
42. (BSAI)	Extend seasonal time/area closures on Round Island, the Twins, & Cape Peirce to protect walrus	Plan Amendment	HIGH - NMFS	Summits at end of '91

## 1991 CYCLE GROUND FISH AMENDMENT PROPOSALS

The teams discussed the proposals received for the 1991 groundfish amendment cycle and rated each on a high, medium, low basis. At that time, the teams indicated subjectively whether the analyses necessary for a given proposal would be "easy" or "difficult" to accomplish. Subsequent to this initial review, the Teams returned to the list of proposals and attempted to provide a quantitative estimate of the time and effort required to prepare an appropriate analysis for each proposal rated HIGH and for proposals rated MEDIUM and "EASY". These amendment topics are indicated with an asterisk (\*) in the following list.

The Teams would call the attention of the PAAG and the Council to the fact that it will be limited by the availability of economists to prepare/contribute to the analyses. Neither Team has a full-time economist available to it for the foreseeable future. Available personnel in this area are three NPFMC staff economists and one AFSC economist. The Teams understand that these individuals are largely committed to the Inshore-Offshore and Moratorium analyses. In summary, the analytic requirements of proposals rated high and medium priority vastly exceeds the ability of the teams, NMFS Region, AFSC, and NPFMC staffs to perform.

<u>Proposal Number</u>	<u>Topic</u>
1	<b>Unify Groundfish FMPs.</b>  Medium, difficult.
* 2	<b>Delete Federal Reporting Areas 621, 631, and 68.</b>  Medium, easy. NMFS Regional staff indicated this topic would take "de minimis" time and effort to analyze and they would be willing to do so.
3	<b>Require all groundfish taken on board to be weighed.</b>  Low.
* 4	<b>Require species specific reports of all fish retained.</b>  Medium, easy. Time and effort to analyze "de minimis", NMFS Region indicated willingness to do.
* 5	<b>Adopt a biannual (every other year) SAFE document and Plan Amendment cycle.</b>  Medium, easy.
6	<b>Redefine Aleutian Island management subarea.</b>  Medium, difficult. The Teams see this as a desirable topic to address, but feel it lacks urgency at this time. The analyses of stock distributions would make this topic difficult and time consuming to prepare.



- 7        **Reduce Pacific cod TACs 35%.**
- No recommendation. No plan amendment required.
- 8        **Limit pollock harvests by U.S. vessels in the international waters of the Bering Sea.**
- No recommendation. Unregulated pollock harvests in the donut hole create a significant conservation issue which must be addressed internationally. The teams note differing opinions as to whether international cooperation will be facilitated more by unilateral U.S. limits on U.S. flag vessels operating in the donut hole or by a history of U.S. participation in donut hole fisheries. The Teams have no opinion to offer on this topic.
- 9        **Raise the upper limit of the BSAI OY to the sum of species ABCs.**
- Low. The Teams note that the Council has clearly voted not to consider this issue in the recent past. They feel action on this proposal would be ill-timed and send a misleading signal to industry: the Council is currently facing issues of bycatch, a moratorium on further entry into the fishery, and marine mammal, marine bird, and fish stock conservation concerns. Raising the upper limit on OY would be contradictory in this context.
- 10       **Split sablefish TAC into May and October components.**
- Low, pending regulatory amendment requested by Council; otherwise medium.
- 11       **Open yellowfin sole season in BSAI on May 1.**
- Low, is being addressed by regulatory amendment.
- 12, 13   **Groundfish allocations for Atka, Pribilof Islands.**
- No recommendation. The Teams understand this issue is being addressed in the context of Inshore-Offshore allocations; an analysis of individual community allocations is not possible without Council guidance with respect to the magnitude of allocations to be made to specific communities.
- 14       **Make the Western GOA an exclusive registration area.**
- Low, the proposal is narrow in scope; the issue would quickly broaden to all areas under Council jurisdiction. Analysis would be very difficult.
- 15       **Adopt and implement groundfish ITQs.**
- No recommendation pending FPC action.
- \* 16      **Implement comprehensive rockfish management program.**
- High priority, a very difficult analysis. The proposers have clearly undertaken a great deal of effort to develop a comprehensive proposal (underway) with consensus of all participants in this fishery to prevent problems of excess effort seen in other fisheries. The analysis will likely largely be done by the proposers, but the Teams will still have to review it in depth and incorporate it into the EA/RIR document. The Teams estimate

time requirements of four to six weeks each for an economist and a biologist. It is possible that an SEIS would be required, as this is a limited access proposal; this requirement would escalate both the time and labor requirements for preparing the analysis.

17 **Inshore-offshore and gear allocations.**

Low, Inshore-Offshore allocations are being addressed; the proposer gave no indication of the problems or proposed solutions for gear allocations.

\* 18, 19, 20 **Pot gear restrictions, limitations.**

The teams grouped these proposals and collectively rated them as high priority. Pot gear is becoming favored under the current management regime due to low bycatch rates, and conflicts between pots and mobile gear need to be addressed early in the growth of this fishery. The analysis would be difficult: substantial economic research on extant fishing practices and how capacities would be impacted would need to be conducted. A minimum of two months of an economist' time would be needed. Biological analysis would be simpler and could take as little as two weeks.

\* 32 **Redefinition of a groundfish pot.**

This topic was misclassified under bycatch. ADF&G staff indicated that they would provide proposed definitions and analyses to NMFS for preparation of a regulatory amendment.

\* 23, 33 **Salmon bycatch.**

ADF&G staff indicated that this topic was a priority item to their Department and that staff would be devoted to conduct the analyses. Integration of salmon into the BSAI bycatch simulation model would be difficult and time consuming. A similar bycatch prediction model for the Gulf may have to be developed. The Teams estimate the analyses will require 2 economists and 1 biologist for three months.

\* 34, 35 **Authorize the NMFS RD to close bycatch hot-spots (GOA) or limit fisheries based on depth contours.**

The Teams feel that these are worthwhile measures to adopt while a comprehensive bycatch management scheme is under development, NMFS staff indicated that they consider these topics a priority and could handle the analyses.

24 **Close IPHC Area 4C to bottom trawling.**

The Teams have no recommendation on this proposal as they cannot recommend whether an area is critical habitat for crab. The Teams suggest that the Crab Plan Team be asked to evaluate whether IPHC Area 4C is critical habitat for crab.

\* 21, 22, 25-30, 36 **ALL OTHER BYCATCH PROPOSALS**

The Teams feel that bycatch is a critical issue which is largely driving fisheries in both the GOA and BSAI management areas. The Teams feel that progress toward a comprehensive bycatch management program should consider the elements embodied in

the proposals submitted, but should not be limited to these proposals. Consequently, the Teams decline to prioritize individual proposals in this category. The Teams are prepared to work with the Ad Hoc Bycatch Committee as it develops a comprehensive bycatch management regime. Substantial effort will be required for the necessary analyses, the Teams estimate full-time effort by 2 economists and one biologist will be required until the adoption of a comprehensive bycatch management system. This effort is in addition to the effort required to analyze salmon bycatch management measures.

- \* 37, 38     **Develop and implement a fee system to fund the domestic observer program.**

The Teams feel that this topic is a high priority, but note that it is contingent on amendment of the MFCMA to make collection of such fees legal. Effort required for the analysis is estimated at 2 individuals full time for six months.

- 39           **Establish uniform product recovery rates.**

The Teams understand that a regulatory amendment is being prepared by NMFS to address this issue.

- 40           **Exempt pot vessels over 125 ft LOA from the 100% observer requirement.**

Low priority, this topic could be addressed through regulatory amendment. The Teams note that the domestic observer program is intended to collect substantial fisheries information other than bycatch data.

- \* 41           **Authorize experimental fisheries.**

High priority, easy to do. An estimated 2 weeks by one person would likely be required.

- \* 42           **Extend time/area closures around Round Island, the Twins and Cape Pierce.**

High priority. Council action to have these measures sunset indicate a clear intent to revisit this issue. NMFS places a high priority on these measures. An estimated three weeks would be required for the analysis, assuming substantial input from the U.S. Fish and Wildlife Service.

## SABLEFISH PROPOSALS

The Groundfish Plan Teams reviewed the proposals for sablefish management received during 1987 through 1989 as requested by the Fishery Planning Committee. The Teams noted that this request resulted from the Council's tabling a sablefish IFQ management system at its last meeting. Including one proposal received from the 1990/91 amendment cycle, the 26 proposals were divided into seven general categories:

1. Gear/Crew Limits
2. Exclusive Registration Areas
3. Season Changes
4. Coincide/Combine Fisheries
5. Gear Allocations
6. Effort Limitation
7. Other

The Teams concur that, absent Council action on an IFQ management system, traditional management measures to address the sablefish fishery should be rated as a high priority. The Teams feel that management approaches should consider the full range of problems, and potential measures, as identified in the Supplemental Environmental Impact Statement for sablefish management, for example, and should not be limited to the concepts embodied in the proposals received and on file. After discussion, the Teams feel that (a) the sablefish fishery faces a suite of problems which are not common to all areas or participants, (b) the individual proposals generally present a limited perspective on the problems facing the sablefish fishery, and (c) the sablefish fishery has evolved substantially since these proposals were received by the Council. More specifically, the Teams note that the "Olympic Derby" fishery, with its consequences of crowding, gear conflicts, human safety, gear loss, resource deadloss, and risk of overharvesting the TAC seem to be the principal problems in the SE/EY and WYAK management subareas, while problems of bycatch appear to be more prominent in other areas.

The Teams also note that many proposers may not have submitted proposals for traditional management measures in this fishery to the Council because the Council was actively considering limited access management measures. Other suggestions for traditional management measures may be received if the Council were to solicit such proposals at this time. For these reasons, the Teams felt that it would be more helpful to comment on the general concepts embodied in the proposals before them, rather than comment on individual proposals.

Team comments follow:

### 1. Gear/Effort Limitations

This group of proposals (2) would limit the quantity of gear that an individual vessel could fish. This would limit aggregate effort and slow the fishery in the immediate short term. This would have the effect of reducing crowding, gear conflicts, gear loss, deadloss, safety concerns and risks of overharvesting the TAC in the short term. However, it likely would not limit overall harvesting effort because new vessels could profitably enter the fishery. Therefore, problems of gear conflict, short seasons, safety concerns, and risk of overharvesting the TAC would likely reappear. Consequently, the more long term effects of these measures would likely be to reduce the problems of gear loss and

deadloss from vessels fishing too much gear. A further concern noted by the Teams was enforceability of gear limits.

2. Exclusive Registration Areas

The teams felt that measures to limit the areas of operation of participating vessels could be discriminatory among residents of different states. Further, it could reshape the participating fleet toward small vessels, as larger vessels may be uneconomical if prevented from operating in more than one area. Exclusive registration areas will not address the issue of overcrowding on fishing grounds, e.g. the numerous small vessels in SE Alaska will continue to operate there and are unlikely to choose to operate further west.

3. Season Changes

The teams feel that season changes, such as the regulatory amendment currently requested by the Council, should be explored further as a means to reduce bycatch in the sablefish fishery. Season changes may also address concerns with respect to market timing in this fishery. Season changes may also be useful measures to reduce gear conflicts with other fisheries (mobile vs. fixed gear). The Teams note that season changes, or split seasons, will not reduce the race for fish and will not address any of the problems consequent to this race. However, "exclusive season openings", analogous to exclusive registration areas, could mitigate the race for fish provided that participants in later openings were assured of an opportunity to fish equal to participants in earlier openings.

4. Coincidental Fisheries

These proposals suggested that some or all of the sablefish, and possibly halibut, TAC be reserved for bycatch in other fisheries, such as Pacific cod. These measures warrant serious consideration as a means to reduce bycatch wastage of the resource. However, the Teams also note that vessels in the different fisheries vary; therefore such measures may disenfranchise certain participants. For example, the halibut fishery has many small boat participants. These vessels may be unable to participate effectively in a Pacific cod longline fishery, and could be preempted from harvesting halibut if this resource were reserved only for bycatch in the Pacific cod fishery. The Teams also note that the impact on processors must be factored into consideration of such measures--processors may be unable or unwilling to handle multiple species in a coincidental fishery.

5. Gear Allocations

The Teams did not consider this topic in detail because allocations between fixed and mobile gear are already in place in both the GOA and BSAI management areas.

6. Effort Limitation

The proposals falling under this category are largely facetious, and do not offer concepts for management which have not been set aside by the Council.

7. Other

Depth restrictions offer potential for the reduction of bycatch, and temporal and spatial separation of trawl and fixed gear fisheries could effectively reduce gear conflicts.

The Teams note that a moratorium on further entrants into the fishery, as under consideration by the Council, will address the issue of aggregate effort in the fishery, and could be used effectively in combination with other measures to limit effort at the individual vessel level (see topic 1).

The Teams note the proposal to subdivide the Aleutian Islands management subarea, and to allocate TAC in this subarea based upon the distribution of sablefish biomass. However, the Teams do not feel that adequate information is now available to properly evaluate this proposal.

The Teams suggest that trip limits be considered in addition to the proposals for limitations on gear.