


M E M O R A N D U M

TO: Council, SSC, and AP members

FROM: Jim H. Branson 
Executive Director

DATE: May 14, 1987

SUBJECT: Bering Sea/Aleutian Islands Fishery Management Plan

ACTION REQUIRED

- (1) Review NMFS survey of industry and recommend changes in DAP, JVP, and TALFF apportionments as necessary.
- (2) Final approval of Amendment 11 and implementing regulations.

BACKGROUND

Groundfish Apportionments

Under the Bering Sea/Aleutian Islands Groundfish FMP, the Regional Director of NMFS routinely compares the progress of the various groundfish fisheries against the initial specification of DAP, JVP, and TALFF approved by the Council in December. If necessary, reapportionment of groundfish TACs or a release of reserves is authorized to achieve a complete utilization of fish resources. A table summarizing the initial 1987 specifications for pollock, Pacific cod, yellowfin sole, turbot, arrowtooth flounder, and other flatfish as well as catch to date of these species is provided as item D-4(a).

Given the unexpectedly rapid pace of the joint venture pollock fishery in the Bering Sea this year and the release this month of an additional 100,000 mt of reserves to pollock JVP, NMFS will ask the Council for guidance on how to apportion any remaining TAC for pollock. Consideration of this issue will involve evaluating an updated industry survey prepared by NMFS to determine DAP needs for the remainder of the year. Since the Bering Sea/Aleutian Islands Groundfish FMP specifies a non-species specific reserve, decisions regarding release of reserves to pollock should also consider other groundfish stocks and expected harvest levels.

Amendment 11

A draft Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for Amendment 11 was approved for public review at the March Council meeting. This amendment analyzed six issues and their management alternatives:

1. DAP priority within 100 miles of Unalaska Island.
2. Revise the definition of "prohibited species."
3. Improve catch recording requirements.
4. Revise the definition of acceptable biological catch (ABC).
5. Increase the upper value of the optimum yield (OY) range.
6. Prohibit pollock roe-stripping.

Seventeen comments were received through 3 p.m. on May 15, during the comment period that began on April 15 and ended May 15, many of which were sent to you in last week's Council mailing. An overview of Comments by Issue is provided as item D-4(b). Additional comments received since the Council mailing and preparation of the summary are included in your notebooks as item D-4(c).

Since the March meeting, the staff has received several editorial comments on the draft EA/RIR from members of the plan team. These will be incorporated into the final submission to the Secretary.

Final action on Amendment 11 should be taken in three steps:

1. Council identifies their preferred alternatives for each of the six amendment topics.
2. Plan team and NOAA General Counsel prepares a "Changes to the FMP" document and drafts implementing regulations; a supplement to the EA/RIR may also need to be prepared.
3. Council considers recommendations of the plan team and GC, and gives final approval to forward Amendment 11 to the Secretary.

These documents (Changes to the FMP, draft regulations, EA/RIR) will constitute most of the formal Amendment 11 package submitted to the Secretary. The remaining transmittal documents, preamble, etc. will be prepared as soon as possible. The amendment should be implemented by November 1987.

INTRODUCTION OF EA/RIR CHAPTER FOR JVP POLLOCK APPORTIONMENT

2.0 SEASONAL APPORTIONMENT OF POLLOCK TO THE JOINT VENTURE FISHERY

2.1 Description of and Need for the Action

In recent years the pollock fishery in the Bering Sea-Aleutian Islands region has evolved from a predominantly foreign fishery to an entirely domestic fishery. As of 1987, all the available TAC for pollock has been reserved for DAH operations. Joint venture operations, in particular, have been very successful, so much so that current harvest patterns for pollock have radically changed from historical harvest patterns. As of May 2, 1987, 73% of the pollock TAC had been taken by joint venture operations. This amount of catch represents a substantial increase in early season harvest where, for example, during the period 1968-73 when the fishery was little regulated, an average of 24% of the total harvest was taken in the January through April period (Table 1). When, during 1974-80, significant time-area restrictions (particularly a winter halibut savings area restriction northeast of the Unalaska/Unimak area) were imposed on the foreign fleet, the fishery took only 18% of the annual pollock TAC through April. By 1984-85, when American joint ventures gradually entered the fishery, the January-April catch dropped to 14% of the annual TAC.

Intensification of the JVP fishery in 1987 on spawning concentrations of pollock during January-April in a relatively small area north and northeast of Unalaska Island/Unimak Pass has raised a number of management issues. Particular concerns are that: (a) the increased exploitation of spawning pollock may adversely impact the biological viability of the stock; (b) the intense competitive nature of the JVP fisheries among different partner nations has left DAP fisheries, especially shorebased processors in Dutch Harbor, at a competitive disadvantage in securing a steady supply of pollock; and (c) the race by JVP operators to obtain a greater share of the first-come, first-served JVP pollock apportionment before it is depleted has resulted in the increased practice of roe-stripping (where the stripped carcass is discarded) that may cause local souring of fishing grounds.

Two of these three management issues, DAP priority access and roe-stripping, were addressed as separate topics in the April 15, 1987 draft of the EA/RIR/IRFA of Amendment 11. This draft was sent out by the Council for public review. The document considered the following solutions to the problem of DAP priority access: (a) closure of a zone within 100 miles of Dutch Harbor/Unalaska to all but DAP fishing (three variations); (b) imposition of a fee on foreign processors for joint venture caught fish; and (c) a semi-annual apportionment of pollock to joint venture operations. Alternative solutions to the problem of roe-stripping were: (a) prohibition of stripping (JVP only, or DAH); and (b) a semi-annual apportionment of pollock to joint venture operations.

In response to public comments received prior to the May meeting of the Council, public testimony at the meeting, an industry-negotiated compromise solution, and especially with regard to choosing a single solution which would be effective in reducing the three problems described above, the Council

adopted a preferred alternative to apportion approximately 40% of the annual joint venture apportionment of pollock in a season beginning January 15 and ending April 15, and the remainder in a season beginning April 16 and ending December 31.

This chapter considers two alternatives, the status quo and the two-season apportionment mentioned above. It should be recognized, however, that Alternative 2 is preferred to other alternatives presented in the public review draft of the EA/RIR/IRFA, as it represents the preferred solution to the combined problem of inadequate DAP access, pollock roe-stripping, and increased harvest of pollock during spawning.

2.2 The Alternatives

2.2.1 Alternative 1 -- the status quo.

2.2.2 Alternative 2 -- approximate 40% apportionment of the JVP pollock quota during the period January 15 - April 15 with the balance to be taken during the period April 16 - December 31.

[Language drawn from Chapter 2 and Chapter 7 of the draft version of the EA/RIR/IRFA regarding the biological and socioeconomic impacts of the alternatives will be included here.]

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
FISHERY MANAGEMENT PLAN FOR THE
BERING SEA/ALEUTIAN ISLANDS GROUND FISH FISHERY

AMENDMENT 11

Changes to the Regulations

I. SUMMARY

The following draft regulations would implement the preferred amendment alternatives approved by the North Pacific Fishery Management Council (Council) May 20, 1987 for Amendment 11 to the Fishery Management Plan (FMP) for the Groundfish Fishery in the Bering Sea/Aleutian Islands Area. Final approval by the Council and subsequent approval by the Secretary of Commerce would change current Federal regulations implementing the FMP under 50 CFR 611 and 675 as indicated. After the Secretary receives the Council's approved FMP amendment, analysis and draft proposed implementing regulations, the regulations will be published in the Federal Register as proposed rules with public comment invited. Pending Secretarial approval and after changes are made due to public comments, the proposed rules will be republished as final rules.

II. CHANGES TO RELEVANT REGULATIONS

A. Seasonal Apportionment of Pollock JVP

No change would be made to current foreign regulations.

In the domestic regulations, the following change would be made effective from January 1, 1988 through December 31, 1989.

In Section 675.20, the heading of paragraph (b) would be changed to read "Apportioning the reserve, surplus DAH and JVP" and a new paragraph (b)(3) would be added to read:

"(3) Seasonal apportionment of JVP pollock. The initial amount of pollock apportioned to JVP for each subarea in accordance with paragraph (a)(4) of this section 675.20 will be divided into two parts.

"(i) Part One will be 40 percent of the sum of the initial JVP plus an amount equal to 15 percent of the TAC for pollock. The JVP pollock harvest during the first period (defined in (iii) of this paragraph) resulting from directed fishing and bycatch in fisheries for other groundfish species will be counted against Part One. When the Regional Director determines that the unharvested amount of Part One is necessary for bycatch in JVP fisheries for other groundfish species during the first period, the Secretary will publish a notice in the Federal Register prohibiting joint venture directed fishing for pollock for the remainder of the first period. Any additional amount of pollock necessary for bycatch in JVP fisheries for other groundfish species during the first period will be deducted from Part Two.

"(ii) Part Two will be any unharvested portion of Part One together with the pollock JVP remaining after the first period as adjusted by reapportionments from reserve and DAP in accordance with paragraphs (b)(1) and (2) of this section 675.20. When the Regional Director determines that the unharvested amount of Part Two is necessary for bycatch in JVP fisheries for other groundfish species during the second period, the Secretary will publish a notice in the Federal Register prohibiting directed fishing for pollock for the remainder of the second period.

"(iii) JVP pollock season. For purposes of this paragraph, the first period is that portion of the fishing year beginning January 15 and ending April 15. The second period is that portion of the fishing year beginning April 16 and ending December 31."

In Section 675.20, paragraphs (a)(7) through (a)(10) would be revised by adding the phrase, "or JVP apportionment" following each use of the term "TAC".

B. Definition of Acceptable Biological Catch (ABC)

No changes to the regulations are required.

C. Definition of Prohibited Species

Foreign regulations:

In Section 611.93, paragraph (b)(1)(ii) would be amended by deleting paragraph (b)(1)(ii)(E) and revising paragraphs (b)(1)(ii) and (b)(1)(ii)(A) to read as follows:

"(ii) Categories of species. Four categories of species are recognized for regulatory purposes and they are set forth in Table 1. The term 'groundfish' means species in all categories except the 'prohibited species' category.

"(A) The term 'prohibited species' means for purposes of this section: Pacific halibut (Hippoglossus stenolepis); Pacific herring (Clupea harengus pallasii); salmonids (Salmonidae); king crab (Paralithodes spp. and Lithodes spp.); Tanner crab (Chionoecetes spp.); Except to the extent that harvest is authorized under other applicable law, the catch or receipt of these species must be minimized and, if caught or received, they must be returned to the sea immediately with a minimum of injury in accordance with Section 611.11 of this Part. Records must be maintained of the catch or receipt of these species as required by these Sections 611.9, 611.90 (e)(2), and 611.93 of this Part. Any 'groundfish' species not allocated to foreign fisheries must be treated in the same manner as 'prohibited species' and records must be maintained of any catches or receipts of these species. Catches or receipts of 'non-specified species' must be treated in the same manner as 'prohibited species' but records are not required of catches or receipts of these species."

In Section 611.93, Table 1 is revised by changing the column heading "Unallocated Species" to "Prohibited Species," revising the list of species in that column to read: "Pacific halibut, Pacific herring, Pacific salmon, king crab, Tanner crab, and other species for which there is no allocation," deleting the column headed by "Groundfish," and revising footnote 4 to read: "Must be treated in the same manner as 'prohibited species' but no records are required."

Domestic regulations:

In Section 675.3, paragraph (a) would be revised to read:

"(a) Federal law. For regulations governing foreign fishing for groundfish in the Bering Sea, see 50 CFR 611.93; for those governing foreign fishing for groundfish in the Gulf of Alaska, see 50 CFR 611.92. For regulations governing fishing by vessels of the United States for groundfish in the Gulf of Alaska, see 50 CFR Part 672; for those governing salmon fishing off Alaska, see 50 CFR Part 674; for those governing permits and certificates of inclusion for the taking of marine mammals, see 50 CFR 216.24. For regulations governing fishing by vessels of the United States for halibut, see the regulations of the International Pacific Halibut Commission at 50 CFR Part 301."

In Section 675.20, paragraph (c)(1) would be revised to read:

"(1) Prohibited species, for the purpose of this Part, means any of the species of Pacific salmon (Oncorhynchus spp.), Pacific halibut (Hippoglossus stenolepis), Pacific herring (Clupea harengus pallasii); king crab (Paralithodes camtschatica, P. platypus, Lithodes aequispina, and L. couesi), and Tanner crab (Chionoecetes spp.) (listed as prohibited species in Table 1 of this Part) caught by a vessel regulated under this Part while fishing for groundfish in the Bering Sea and Aleutian Islands management area, unless retention is authorized by other applicable law, including the regulations of the International Pacific Halibut Commission."

In Table 1 of Section 675.20, the column heading "Unallocated species" would be changed to "Prohibited species" and the species listed in this column would be limited to Pacific halibut, Pacific herring, salmonids, king crab, and Tanner crab. In addition, a new superscript 1 would be placed at the end of the Table 1 title and footnote 1 would be changed to read: "The term 'groundfish' means the species in the target, 'other' and non-specified species categories." The existing superscript 1 would be changed to superscript 2 and a new footnote 2 would be added to read: "Must be treated in accordance with paragraphs (c)(2), and (c)(3) of this Section 675.20." Finally, the column and column heading "Groundfish" would be deleted.

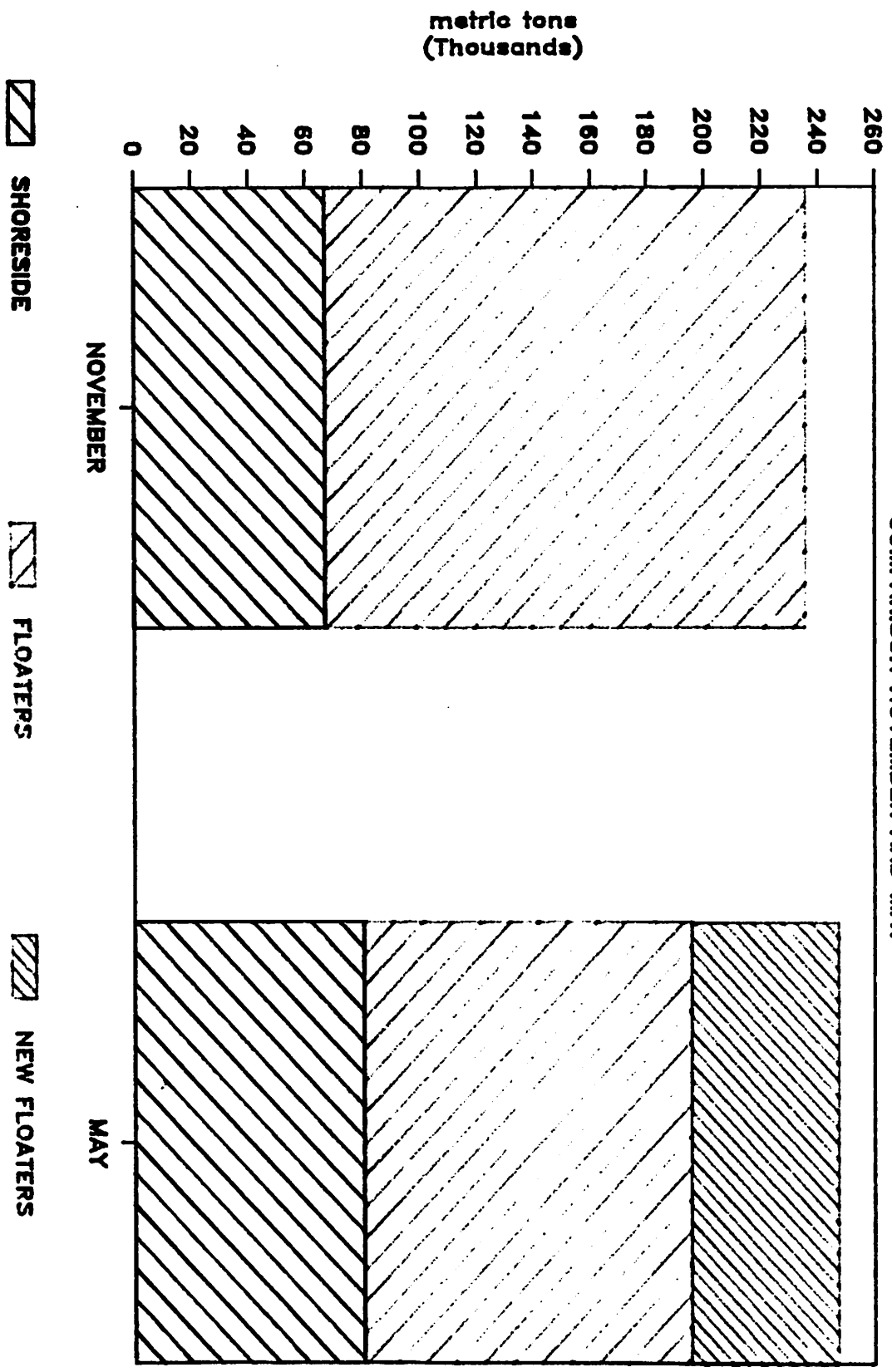
1987 TAC, DAP, JVP, and TALFF apportionments and catch to date for pollock, Pacific cod, yellowfin sole, turbot, arrowtooth flounder, and other flatfish in the Bering Sea/Aleutian Islands (in metric tons).

Species	Area	TAC	Apportionments			Catch to Date (May 2)			Percent Taken			Reserves
			DAP	JVP	TALFF	DAP	JVP	TALFF	DAP	JVP	TALFF	
Pollock	BS	1,200,000	189,987	930,013	5,000	44,998	831,033	349	24	89	7	75,000
	AI	88,000	57,210	30,790	0	126	2,198	0	trace	7	0	0
Pacific cod		280,000	111,767	94,938	31,295	20,980	34,564	18,984	19	36	61	42,000
Yellowfin sole		187,000	100	158,850	5,000	0	64,525	19	0	41	trace	23,050
Greenland turbot		20,000	15,213	37	1,750	311	21	1	2	trace	trace	3,000
Arrowtooth flounder		9,795	830	3,363	4,133	0	584	47	0	17	1	1,469
Other flatfish		148,300	23,103	88,472	14,480	11,481	18,117	31	50	21	trace	22,245

"Reserves" is listed by species even though the BSAI FMP has a nonspecies specific reserve.

POLLOCK DAP REQUESTS IN BSA

COMPARISON NOVEMBER AND MAY

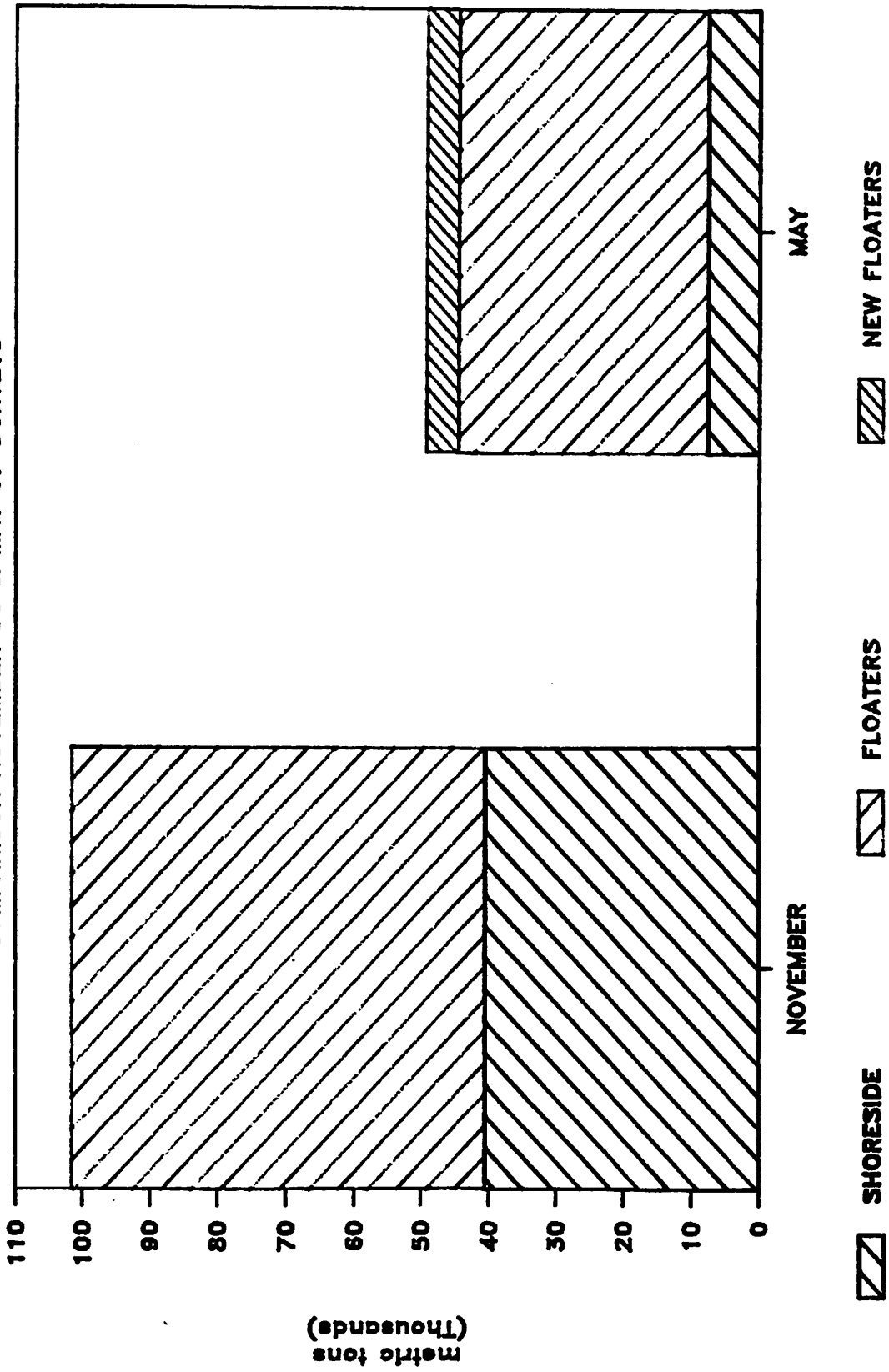


POLLOCK DAP IN BSA COMPARISON 1986 AND 1987



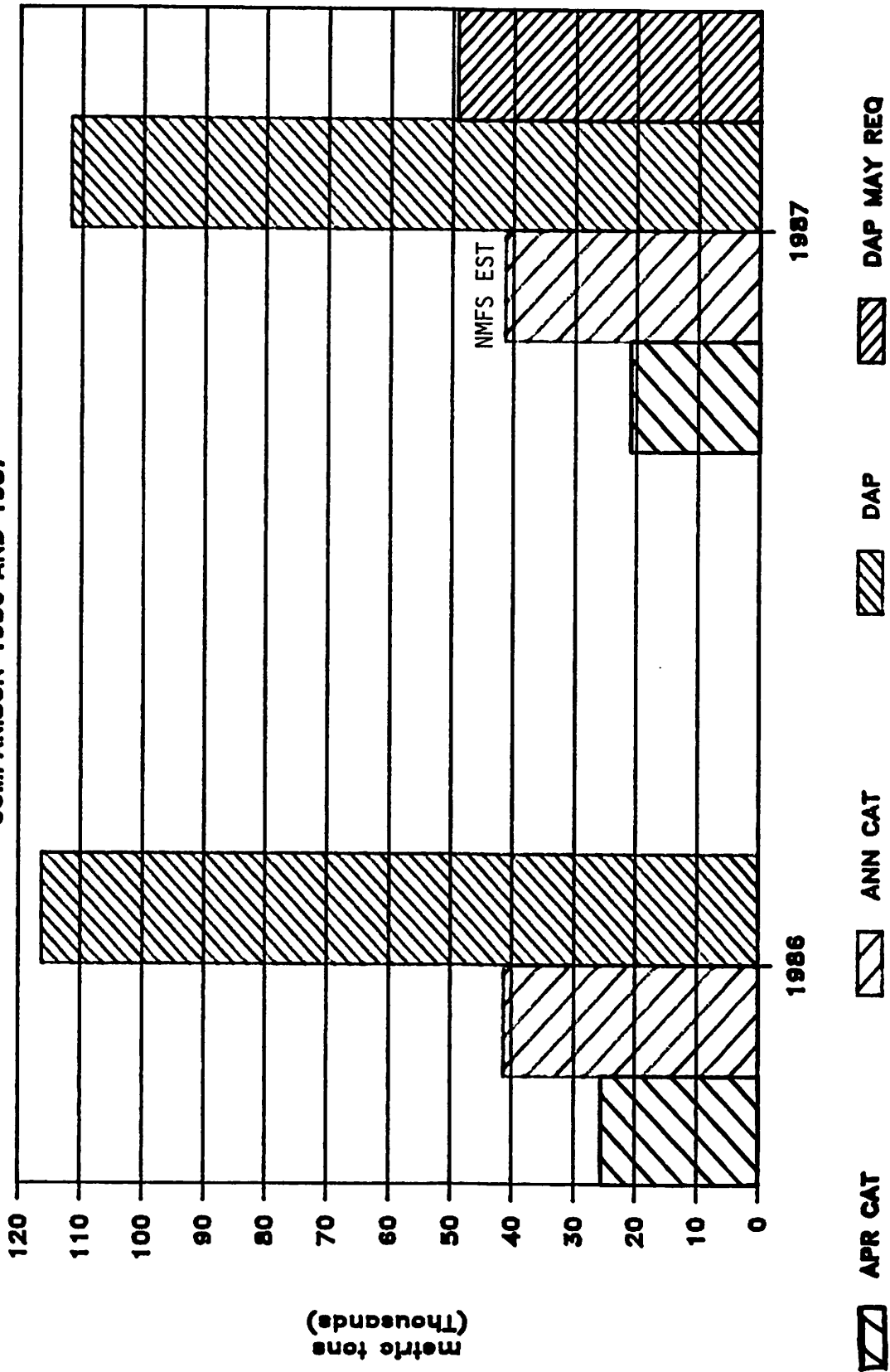
PACIFIC COD DAP REQUESTS IN BSA

COMPARISON NOVEMBER 86 & MAY 87 SURVEYS



PACIFIC COD DAP IN BSA

COMPARISON 1986 AND 1987



AMENDMENT 11: OVERVIEW OF COMMENTS BY ISSUE

1. DAP PRIORITY WITHIN 100 MILES OF UNALASKA ISLAND.

Alternative 1: Do nothing (the status quo).

Thorn Smith, North Pacific Fishing Vessel Owners' Assn. - supports by stating that Americanization is already occurring at a very rapid pace.

R. Barry Fisher, Yankee Fisheries - supports by stating "no Council action on federal regulation is necessary to bring about the full development of the groundfish fisheries off Alaska."

Mark Chandler, F/V Topaz - supports

Chris Blackburn and Al Burch, Alaska Groundfish Data Bank - supports

Kent Leslie, F/V Excalibur II - supports

Albert Geiser, F/V Hazel Lorraine - supports

Tony Dilley, F/V Excalibur - supports

Thor Olsen, F/V Western Dawn - supports

Philip S. Drage, F/V Coho - supports

"Joint Venture Industry Representatives" - supports

Edward Evans, Alaska Factory Trawlers' Assn. - supports

Stephen Johnson and Steve Dickinson, Japan Deep Sea Trawlers and Hokuten Trawlers Associations - supports

Alternative 2: Establish a year-round area closure not to exceed Zone A wherein only DAP operations are allowed.

See comments for Alternative 4.

Alternative 3: Establish a year-round area closure not to exceed Zone A wherein DAH fishing would be allowed only for those vessels delivering to DAP and those delivering to foreign processors outside Area A.

See comments for Alternative 4.

Alternative 4: As in Alternative 3 except Zone A closure is seasonal (January through June).

Thorn Smith, North Pacific Fishing Vessel Owners' Assn. - opposes

R. Barry Fisher, Yankee Fisheries - opposes

Mark D. Chandler, F/V Topaz - opposes

Bruce and Bryon North, F/V Pegasus - opposes

Ronald Cowles - opposes

Chris Blackburn and Al Burch, Alaska Groundfish Data Bank - opposes

Philip S. Drage, F/V Coho - opposes

Albert Geiser, F/V Hazel Lorraine - opposes

Tony Dilley, F/V Excalibur - opposes

Thor Olsen, F/V Western Dawn - opposes

"Joint Venture Industry Representatives" - opposes

Steve Hughes, Midwater Trawlers' Cooperative - opposes

Edward Evans, Alaska Factory Trawlers' Assn. - opposes

Terrance Schulze, Endurance, Inc. - opposes

Stephen Johnson and Steve Dickinson, Japan Deep Sea Trawlers and Hokuten Trawlers Associations - opposes

Alternative 5: Establish a fee structure for foreign processors who receive joint venture caught pollock.

Thorn Smith, North Pacific Fishing Vessel Owners' Assn. - opposes
R. Barry Fisher, Yankee Fisheries - opposes
Mark D. Chandler, F/V Topaz - opposes
Bruce and Bryon North, F/V Pegasus - opposes
Chris Blackburn and Al Burch, Alaska Groundfish Data Bank - opposes
Philip S. Drage, F/V Coho - opposes
Tony Dille, F/V Excalibur - opposes
Thor Olsen, F/V Western Dawn - opposes
Steve Hughes, Midwater Trawlers' Cooperative - opposes
Terrance Schulze, Endurance, Inc. - opposes
Stephen Johnson and Steve Dickinson, Japan Deep Sea Trawlers and Hokuten Trawlers Associations - opposes

Alternative 6: Establish a seasonal schedule for release of annual JVP apportionments for pollock in the Bering Sea/Aleutian Islands management area.

Thorn Smith, North Pacific Fishing Vessel Owners' Assn. - supports a 50/50 split
R. Barry Fisher, Yankee Fisheries - supports a 50/50 split
Mark D. Chandler, F/V Topaz - supports a 50/50 split "if Council feels that domestic processors should be afforded more protection."
Bruce and Bryon North, F/V Pegasus - supports
Ronald Cowles - supports
Chris Blackburn and Al Burch, Alaska Groundfish Data Bank - supports "if there appears to be biological reasons for reducing the intensity of the roe fishery."
Philip S. Drage, F/V Coho - supports
Thor Olsen, F/V Western Dawn - supports
Steve Hughes, Midwater Trawlers' Cooperative - supports approximate 50/50 split with reservations whether DAP priority is proper avenue to address problem.
Terrance Schulze, Endurance, Inc. - supports
Stephen Johnson and Steve Dickinson, Japan Deep Sea Trawlers and Hokuten Trawlers Associations - opposes

2. REVISE THE DEFINITION OF PROHIBITED SPECIES.

Robert Alverson, Fishing Vessel Owners' Assn. - supports
"Joint Venture Industry Representatives" - supports
Chris Blackburn, Alaska Groundfish Data Bank - supports
Edward Evans, Alaska Factory Trawlers' Assn. - supports with
questions concerning the method used to designate prohibited
species.

3. IMPROVE CATCH RECORDING REQUIREMENTS.

See Gulf of Alaska summary, item D-3(b).

4. REVISE THE DEFINITION OF ACCEPTABLE BIOLOGICAL CATCH.

Alternative 1: Do nothing (the status quo).

NO SPECIFIC COMMENTS

Alternative 2: Revise the definition for acceptable biological catch to
bring it into conformity with the definition used by the Scientific and
Statistical Committee and the Pacific Fishery Management Council.

Washington Department of Fisheries - supports but questions how
thresholds for each species category will be determined as
referred to in the ABC definition.

"Joint Venture Industry Representatives" - supports
Edward Evans, Alaska Factory Trawlers' Assn. - opposes

5. INCREASE THE UPPER LIMIT OF THE OPTIMUM YIELD RANGE.

Alternative 1: Do nothing (the status quo).

James Baker, U.S. Fish and Wildlife Service - supports
Edward Evans, Alaska Factory Trawlers' Assn. - supports

Alternative 2: Increase the upper end of the OY range to 2.4 million mt.

Thorn Smith, North Pacific Fishing Vessel Owners' Assn. - supports
Alan Reichman, Greenpeace - opposes

"Joint Venture Industry Representatives" - supports
Edward Evans, Alaska Factory Trawlers' Assn. - opposes

Alternative 3: Set the upper end of the OY range equal to the sum of the
annual estimates of ABC.

Alan Reichman, Greenpeace - opposes
Chris Blackburn and Al Burch, Alaska Groundfish Data Bank - supports
"Joint Venture Industry Representatives" - supports
Edward Evans, Alaska Factory Trawlers' Assn. - opposes

Alternative 4: Set the upper end of the OY range equal to the sum of the annual estimates of ABC or to 2.0 million mt, whichever is less.

Alan Reichman, Greenpeace - supports

6. PROHIBIT POLLOCK ROE-STRIPPING.

Alternative 1: Do nothing (the status quo).

NO SPECIFIC COMMENTS

Alternative 2: Prohibit pollock roe-stripping in JVP fisheries.

NO SPECIFIC COMMENTS

Alternative 3: Prohibit pollock roe-stripping in both JVP and DAP (all DAH) fisheries.

Alan Reichman, Greenpeace - supports

Alternative 4: Establish a semi-annual JVP apportionment schedule.

Thorn Smith, North Pacific Fishing Vessel Owners' Assn. - supports

Ronald Cowles - supports

Chris Blackburn and Al Burch, Alaska Groundfish Data Bank - supports

"Joint Venture Industry Representatives" - supports

Edward Evans, Alaska Factory Trawlers' Assn. - supports but only as interim measure.

410 Harrison Avenue
Astoria, Oregon 97103

MAY 12 1987

May 8, 1987

James O. Campbell, Chairman
North Pacific Management Council
P.O. Box 103136
Anchorage, Alaska 99510

Dear Mr. Campbell and Council:

We wish to give our views of the alternatives published by the Council, in regard to the DAP priority zone within 100 miles of Unalaska Island.

Alternatives 2, 3, and 4 set precedents that will ultimately be a difficult matter for this and other councils to administer, particularly so in areas where shore processors are in much closer proximity than those in Western Alaska. These alternatives also penalize a great many J.V. vessels for the benefit of a few, fishing for shore stations on Unalaska Island.

Alternative 5 does not guarantee any more fish for the shore operations, but instead, penalizes a portion of U.S. fishermen for the benefit of the U.S. Treasury, where the fees would go.

Alternative 6 is the most even-handed way of handling this problem for the benefit of all. We urge you to adopt this compromise.

Sincerely,



Bruce C. North, FV PEGASUS



Bryan C. North, FV PEGASUS

cc: Senator Bob Packwood
Russell Senate Office Building
Suite 259
Washington, D.C. 20510

Senator Mark O. Hatfield
711 Hart Senate Office Building
Washington, D.C. 20510

Congressman Les AuCoin
2159 Rayburn Houe Office Building
Washington, D.C. 20515

Dr. Anthony Calio, Administrator, NOAA
Hoover Commerce Building, Room 5128
Washington, D.C. 20230

MAY 13 1987

May 8, 1987

James Campbell
Chairman
North Pacific Fishery Management Council

Sir,

I see the DAP priority access issue as one segment of the industry trying to regulate itself into a power position at the expense of another segment of the industry.

Alternatives 2, 3, and 4 run counter to the basic tenet of full utilization, as the domestic processing component could only use a small fraction of the available resource. Alternative 5, tonnage fees on foreign processors would not accomplish the goal and would have a very negative impact on price.

In light of the shortening pollock season on JVP, I feel that Alternative 1, status quo, is a very workable solution. A guaranteed year-round market has certainly got to be looking more inviting to vessel operators.

If the council feels that domestic processors should be afforded more protection, Alternative 6, seasonal split allocations, is something I can live with as a JVP fisherman as long as the split is approximately 50/50.

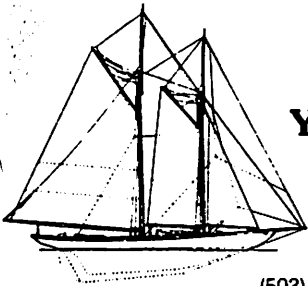
Economics are driving the Americanization process along at a good pace as it should be. Thank you for your consideration.

Sincerely,

Mark D. Chandler

Mark D. Chandler
F/V Topaz

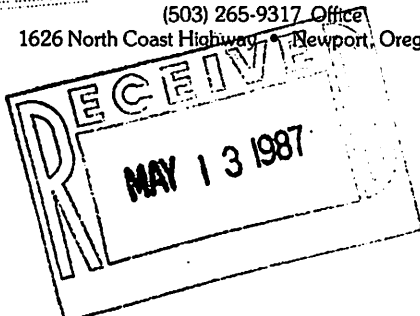
M. Chandler
Box 116
Kodiak AK
99615



Yankee Fisheries
FV Excalibur
FV Excalibur II

(503) 265-9317 Office
1626 North Coast Highway Newport, Oregon 97365

(503) 867-6143 Residence
Star Route South Box 144 • South Beach, Oregon 97366



May 12, 1987

James O. Campbell
Chairman
North Pacific Fishery Management Council
411 West 4th Avenue
Anchorage, Alaska 99510

Dear Jim:

I would like to comment on issues (1), (5) and (6) on the proposed Amendment 11 to the Bering Sea/Aleutian Islands Groundfish FMP. I agree with the position taken by the joint venture companies and fishermen and at-sea processors who produced 94% of last year's groundfish in the area. It should be clearly recognized that this is a substitute to the 100 Mile DAP Priority Access Zone, as proposed in the draft FMP. I feel there should be two annual allocations, one from January to June and a second allocation for July through December of pollack, including the reserves, that should be allocated for each of the two time periods. All other species should remain available for joint ventures as they currently exist. It should be pointed out that this measure will call for some restraint on pollack spawning stocks and secondly, it would free up some vessels to deliver shoreside if the processors really want fish. There is some doubt to the latter, as I was one of five fishermen groups who approached Universal Seafoods offering to dedicate a vessel, and Universal refused our offer.

I have several objections to alternatives 2, 3 and 4, as they are contained in the draft FMP Amendment 11. They are:

1. None of these alternatives are needed. The two domestic processors in Dutch Harbor can easily receive fish, one already has. The processors have simply got to recognize that they must sign contracts with us if they want the fish, as all floating American processors do and as all American joint venture companies do. I also concur with the comments of NPFVOA that this proposal does not meet Federal regulatory standards and hence, should be rejected. I concur again that no Council action or federal regulation is necessary to bring about the full development of the groundfish fisheries off Alaska. Development has gone, in the words of Jim Branson and yourself, far faster than anybody ever contemplated.

2. The DAP Priority Access Zone would idle some 115 to 130 joint venture boats for four to six months or more per year. It is ironic that an amendment would disable and tie up the very fleet that succeeded in driving foreign

James O. Campbell/Chairman
North Pacific Fishery Management Council

May 12, 1987

catchers off the ground under free market rules. I feel that five to eight vessels could easily handle the requirements of the shore plants.

3. I think it's high time that the Council examines closely the amount of fish that DAP has requested. Giving the DAP priority access in a 100 mile radius of Dutch Harbor and Akutan would give those plants many, many times the fish that could be utilized by the processors. Again, I invite you and the Council to look at how well DAP processors have lived up to their requirements as stated in the DAP surveys in previous years. I want the Processor Preference Amendment followed. Any fish that the shore processors cannot utilize has got to go to the joint ventures, by law.

4. The Council should recognize that within the 100 mile radius, as proposed, the shoreside processors would have an unfair advantage in price negotiations because they would then have a monopoly on the fish and they are the very people who have invested the least in the development of the fishery resources in the American FCZ off Alaska.

Alternative 5 will not help the shoreside processors a bit. As has been pointed out in RIR 2-49, any fees imposed would result in lower prices to the U.S. fishermen to the detriment of the nation. Joint ventures currently pay about 2 to 3% of the value of the catch in observer fees, which exceeds the Alaska Rawfish Tax on shoreside landings of groundfish. The only net gainer would be the U. S. Treasury.

Alternative 6 as proposed by the joint venture companies and fishermen would be acceptable and I concur with points D, E and F, made by Thorn Smith of NPFVOA in his letter of May 8, 1987 to you.

I am enclosing for your interest and that of the Council a letter I suppose one would label a side issue to this issue of allocation. It is a letter of protest which I sent to our Congressional delegation concerning the efforts of Messrs. Collingsworth, Mitchell and Winther on a trip to Japan. I think that my comment letter is an appropriate document to attach that letter to.

Thank you very much.

Sincerely,

YANKEE FISHERIES



**R. BARRY FISHER
PRESIDENT**

/pj
Encls: a/s

James O. Campbell/Chairman
North Pacific Fishery Management Council

May 12, 1987

cc (w/out encls):

Hugh Riley/AHSFA
Al Burch/Alaska Dragers
Thorn Smith/NPFVOA
Terry Baker/AFTA
Ms. Annie Bernham/Alaska
Joint Venture Fisheries

Dr. Lee Alverson/Highliners
Ms. Chris Blackburn/Groundfish Data Bank
Wally Peryrea/Pro-Fish
Dave Harville/Groundfish Data Bank
Steve Hughes/NCR



ALASKA FACTORY TRAWLER ASSOCIATION

4039 21ST AVE. WEST, SUITE 400
SEATTLE, WASHINGTON 98199
(206) 285-5139

TELEFAX 206-285-1841
TELEX 5106012568, ALASKA TRAWL SEA

May 14, 1987

Mr. Jim Campbell
North Pacific Fisheries Management Council
P.O. Box 103136
Anchorage AK 99510

Dear Mr. Campbell:

Re: DAP Priority Zone

The Alaska Factory Trawler Association has been a participant in the industry efforts to find a workable solution to the proposal to close the area proximate to Dutch Harbor as a means of assuring the priority access to the DAP sector of the fishery. Over the past few years AFTA has proposed several actions to the Council to invoke the DAP priority. We have not, however, proposed the use of exclusive fishing areas. We think that the idea, conceptually and practically, is a bad one. We believe that in this case, the premise upon which the circle is based has been shown to be flawed.

The Industry DAP Negotiations - Now that it appears all parties have backed away from the use of circles and moved on to seasons for joint venture fishing to invoke the DAP preference, we would like to offer the following comments on that concept:

* While participating in the industry discussions on this matter, we did not offer a position other than that we were opposed to the circles.

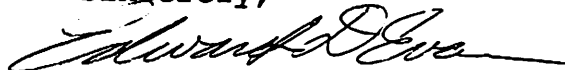
* If the joint ventures and proponents of the circles were able to agree on a season arrangement which could accomplish a DAP priority, we would wholly support it; provided, that it would not distort JV fisheries into other areas having a disruptive or negative impact on our developing fisheries. We have difficulty envisioning the impact of a regulation to prohibit a JV fishery on pollock from time to time - or for pollock and cod - or for all JV species. Thus we endorse the concept to the extent that it can actually work toward effecting the DAP preference - but only insofar it is a real preference and doesn't have unforeseen consequences on existing DAP fisheries.

* It is unclear to us how the 50% or 30% initial season set for JV pollock fishing would help to effect a DAP priority.

AFTA advocates JV seasons for biological purposes - AFTA thinks the greater issue is the significant new pressure on the pollock stocks which we are witnessing in 1987. The unprecedented pressure on the aggregated spawning pollock stocks this year must be viewed with concern. Coincidentally, a seasonal allocation to joint venture fisheries was proposed as a remedy for both the DAP priority and the new fishing pressure issues. AFTA is proposing that the Council consider an interim restriction by JV fishery on pollock stocks which limits the pressure on aggregated pre-spawning stocks. A starting point for consideration would be the a limit based on historical catches on the pre-spawners.

Reconsideration of Alaska pollock management strategies is needed now - By this letter AFTA is requesting that the Council undertake a thorough review of pollock resource assessment and pollock management practices to assure the viability of the stocks for the developing United States fishery. It goes without saying that it is the health of the Alaska pollock stock upon which the developing industry is banking. It is time to gain understanding of the new variables which may greatly impact the stock including donut hole fishing and pre-spawning fishing.

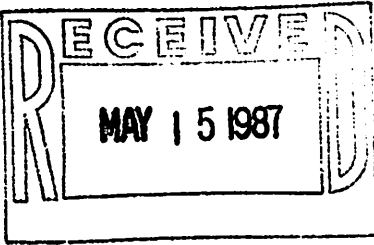
Sincerely,



Edward D. Evans
Executive Director

Midwater Trawlers Cooperative

4055 21st Avenue West • Seattle, Washington 98199



May 13, 1987

MEMBER VESSELS

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SLEEP ROBBER

Mr. James O. Campbell
Chairman
North Pacific Fishery
Management Council
P.O. Box 103136
Anchorage, Alaska 99510

Dear Jim:

We thank the Council for providing the Amendment 11 package for public comment. In its present form the document is much improved from the draft reviewed in March which certainly augments the comment process.

Before making specific comments, we would like to offer what we believe are two very key observations. First, by all objective measures, the 100-mile zone alternatives will do nothing to ensure a steady supply of groundfish to shore plants in Dutch Harbor and Akutan. Second, there are by a broad base of industry perspectives, valid problems in the current Bering Sea/Aleutians winter pollock fishery, all of which center around the 1987 intense winter harvest. We firmly believe regulations are needed to reduce the winter harvest rates below those practiced in 1987. The seasonal pollock allocation approach noted as Alternative #6 under the "DAP priority within 100-miles of Unalaska Island" is our recommended approach, but we question whether Amendment 11 is the correct mechanism. We are hopeful that these conservation concerns can be addressed head on and not via some amendment to the FMP which was intended to do something entirely different.

DAP Priority Within 100-Miles of Unalaska Island, Alternatives 2,3 and 4. Each of these alternatives define a DAP exclusive zone around the Dutch/Akutan area which we oppose because (1) such actions clearly discriminate between and against U.S. fishermen; (2) no data demonstrates or analysis concludes that such regulations would meet the objective of the amendment purported to be to ensure a steady supply of groundfish

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to shoreside processing facilities in the Dutch Harbor/Akutan area; (3) alternatives 2,3 and 4, as we understand their descriptive features, pertain to all JVP and DAP fisheries. Data provided and our knowledge of the fisheries indicates that pollock, and to a much lesser extent Pacific cod, is being purchased by Dutch/Akutan shore plants. The zones proposed would adversely impact ongoing joint venture fisheries for Atka mackerel and flounder although shore plants offer no markets for these species. Any problems of accessing cod to shore based plants is not defined nor supported by data and further a TALFF for cod remains in place; (4) the EA/RIR/IRFA analysis concludes that "adopting any of the five alternatives to status quo could have significant negative economic impact on domestic fishermen fishing for joint ventures. It is uncertain that any of the five alternatives will benefit DAP, particularly shoreside processors, to a greater extent than would continuation of status quo;"

Alternative 5 establishes a fee structure for foreign processors who receive joint venture caught pollock. We oppose this alternative. Any so-called equalization fee will upset the economic structure of free enterprise. Dr. Crutchfield's March 1986 written presentation to NPFMC addresses these issues in detail and remains germane. Finally, the EA/RIR/IRFA correctly concludes that "imposition of foreign fees on foreign processing will not achieve a stable long-run solution of the stated problem" and that the only beneficiary will be the at-sea DAP processing fleet. Domestic shoreside processors are noted as being disadvantaged 2.2% due to a state tax (1%), a Dutch Harbor city tax (1%) and ASMI fees (0.2%) for member processors. The Amendment 11 document correctly notes that foreign processors pay the cost of observer coverage and suggests it might be appropriate to reduce any fee by that cost. Reportedly, 1987 observer fees for Alaska groundfish will total \$4.1 million, which is equivalent to about 1.9% of the value of 1987 joint venture deliveries. The "fees" may be much more equal than some people realized.

Alternative 6. While it may be debated whether or not seasonal release of annual JVP apportionments for BS/AL pollock will ensure a steady supply of pollock to shore plants, this mechanism could be effective in controlling harvest rates during spawning. Joint venture companies, associations and PSPA have agreed to the concept of seasonal releases of pollock, favoring January-June and July-December

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periods (attached). No agreement has been reached on seasonal apportionments. PSPA favored a 30% first half and 70% second half split for JVP while the joint venture interests favored a 50%-50% split. We note that the allocation process to DAP and JVP is somewhat complicated by the reserves. As a result, and using 1987 as an example, a 60% first half JVP allocation and a 40% second half allocation results in a 50/50 split as noted below:

1987 BS/AL POLLOCK

1,200,000 mt TAC
< 180,000 > mt less 15% reserve
1,020,000 mt initial TAC
< 189,987 > mt less initial DAP
830,013 mt initial JVP

Split Season 60%/40%

First Season

January 15-May 15
60% 830,013 mt = 498,008 mt
15% reserve = 180,000 mt
Final JVP - 1,010,013 mt
% January 15-May 15 = 49.3%

Second Season

June 15-December 31
40% 830,013 mt = 332,005
15% reserve - 180,000 mt
Final JVP = 1,010,013 mt
% June 15-Dec. 31 = 50.7%

We believe JVP seasonal pollock allocations must be both conservation-oriented while responsive to economic factors inherent in pollock markets. In the western Pacific, which annually yields two-thirds of the Bering Sea pollock harvest, Japanese and Korean harvest patterns are extremely cyclical and favor January-May (Figures 1 and 2). Japanese landings from data available to us indicate harvest trends of about 70% in January-June and 30% in July-December (Table 1). This trend is probably driven by market prices which are high in January-April and low in the summer and fall. Winter prices are more than double summer prices (Figure 3).

The Amendment 11 document Table 2.2 provides 1983-86 percent harvest by month data for U.S. joint venture fisheries from the eastern Pacific. The data presented indicates a January-June harvest rate of 44% for 1983-86 and July-December rate of 54%.

The composite of these sets of harvest rate information plus the market price information suggest that a 50%-50% seasonal split would likely promote conservation with minimum economic

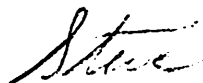
Mr. James O. Campbell
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Page Four

duress to U.S. joint venture fishermen. Conversely, we know of no data indicating that a harvest scenario of 30%-70% is essential for conservation and it would likely have serious adverse economic impacts on joint venture fishermen without benefit to shore based plants in Dutch or Akutan.

Technical Problems and Impacts -

The analysis of foreign catch data used to illustrate impacts which a 100-mile closure would have on U.S. joint venture fisheries is badly flawed and misrepresents the true impacts. This deficiency was pointed out during public comment periods in March but remains uncorrected for reasons we do not understand. Foreign fishing was excluded during the months of January-May beginning in 1974 from the S.E. Bering Sea winter halibut savings area, an area similar to the 100-mile zone. Pre-1974 foreign catch data reflects the only unaltered pattern of foreign fishing and catches from the Bering Sea area. Foreign catch patterns in 1974-1986 are much different simply because they could not fish the SE Bering Sea winter halibut savings during the first five months of the year. Accordingly, the 1968-1973 data on Table 2.1, page 2-9, is useful showing 46% and 54% first half and second half split in pollock catches, but the 1971-1980 data showing a 37% and 63% split is useless. A valid comparison would have been 1974-1980 data. Accordingly, the foreign data in Tables 2.4, 2.5, 2.6, Figure 2.5, Table 2.8, 2.9, 2.10 and Appendix Figures 8, 9, 13 and 14 all under reports the importance of the S.E. Bering Sea fishing grounds in and near the proposed 100-mile zone. This shortcoming should be carefully evaluated by the SSC. As examples of the true impact, our Tables 2 and 3 can be compared for monthly pollock catches in 1972 (pre-restriction) and 1977 (past restrictions). The differences are dramatic for the winter months of January-May, as one would expect.

Sincerely yours,



Steven E. Hughes
Technical Advisor

Enclosures

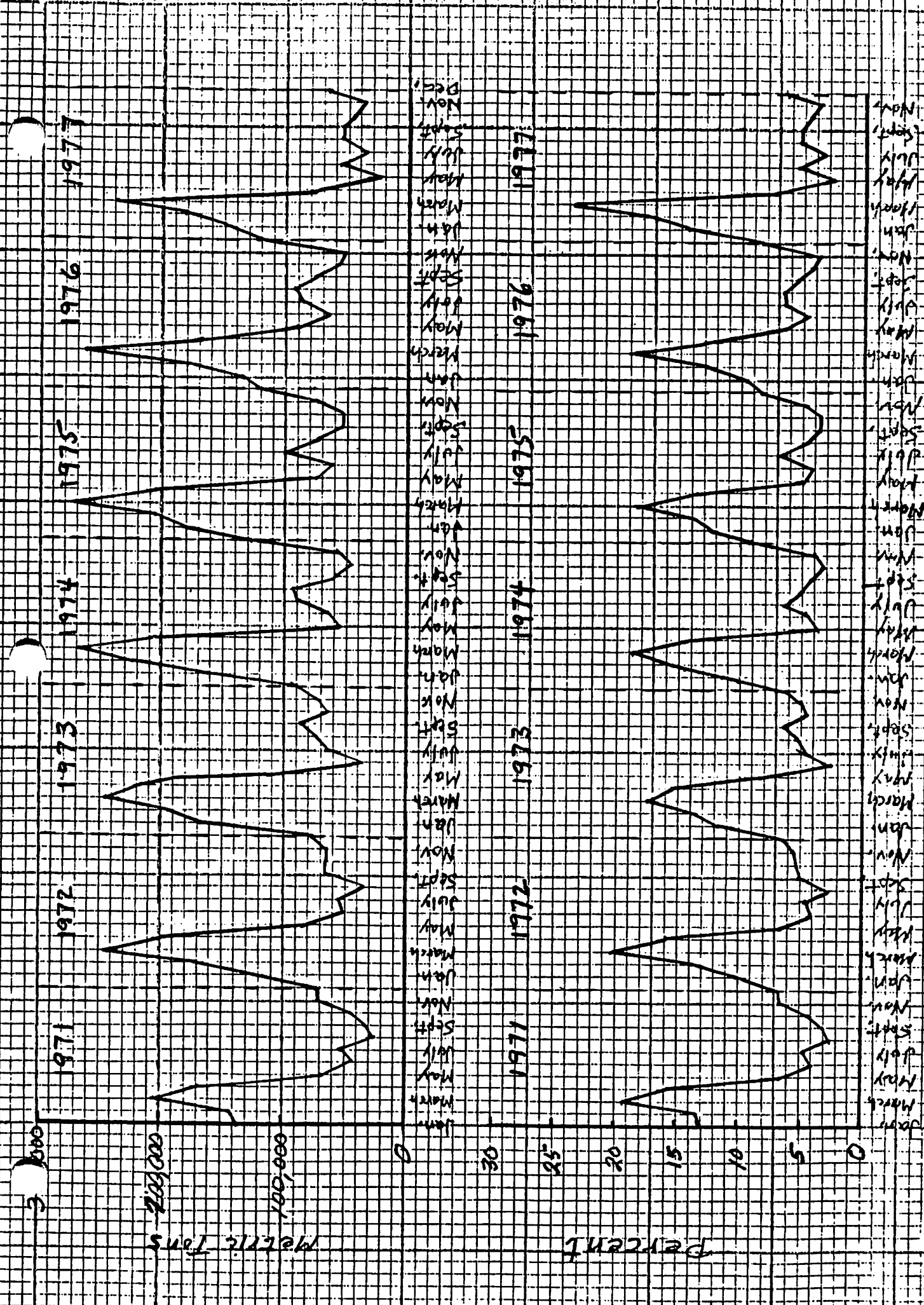


Figure 1. Monthly landings of pollock (metric tons and percent of annual totals) in Japanese ports, 1971-1977

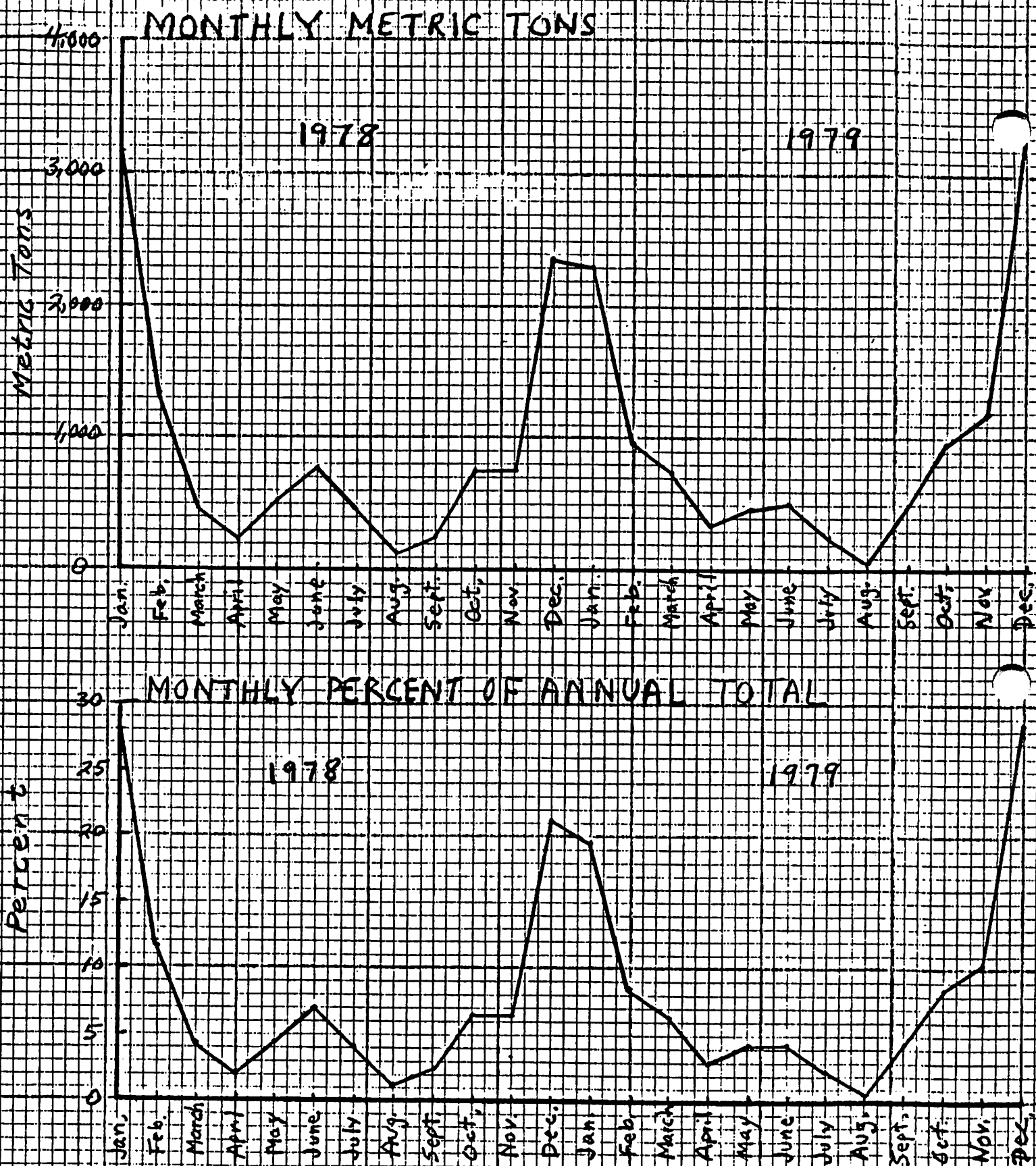


Figure 2.

Monthly South Korean catches of pollock (metric tons and percent of annual total) from R.O.K. coastal waters, 1978 and 1979.

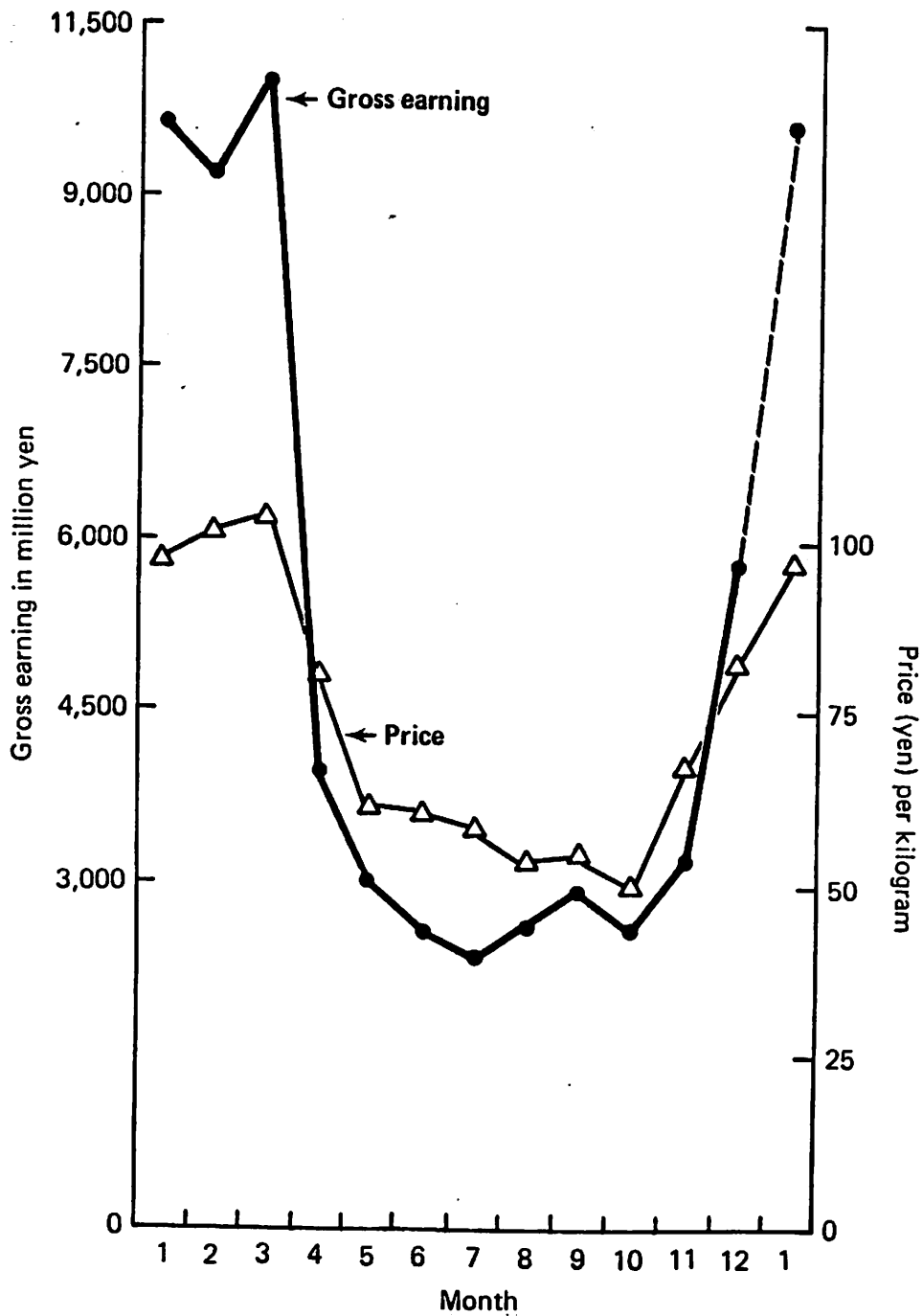


Figure 3. Three-year monthly average of gross earnings (monthly catch times price) and monthly price/kg of pollock landed in Japanese ports in 1977-1979. Source: Statistics and Information Department, Ministry of Agriculture, Forestry and Fisheries, Japan

Table 1. Monthly landed catch of pollock in Japanese ports, 1971, 1973, 1975 and 1977.

<u>MONTH</u>	<u>METRIC TONS</u>	<u>PERCENT</u>	
<u>1971</u>			
January	138,874	13.0	
February	142,228	13.3	
March	204,552	19.2	January-June
April	169,761	15.9	71.9%
May	69,761	6.5	
June	42,281	4.0	
July	51,877	4.9	
August	28,355	2.7	July-December
September	32,141	3.0	28.1%
October	45,351	4.2	
November	70,987	6.6	
December	<u>71,796</u>	<u>6.7</u>	
Jan.-Dec.	1,068,145	100.0	
<u>1973</u>			
January	169,415	11.8	
February	194,660	13.6	
March	247,269	17.3	January-June
April	217,854	15.2	68.7%
May	115,332	8.1	
June	39,323	2.7	
July	64,252	4.5	
August	72,809	5.1	July-December
September	87,118	6.1	31.3%
October	63,799	4.5	
November	71,864	5.0	
December	<u>88,175</u>	<u>6.1</u>	
Jan.-Dec.	1,431,870	100.0	

Table 1. (continued)

1975

<u>MONTH</u>	<u>METRIC TONS</u>	<u>PERCENT</u>	
January	182,206	12.4	
February	206,760	14.0	
March	271,389	18.4	January-June 67.7%
April	201,296	13.7	
May	73,228	5.0	
June	61,799	4.2	
July	99,505	6.8	July-December 32.3%
August	71,394	4.8	
September	56,045	3.8	
October	53,801	3.7	
November	72,814	4.9	
December	<u>122,915</u>	<u>8.3</u>	
Jan.-Dec.	1,473,152	100.0	

1977

January	144,388	14.3	
February	180,221	17.9	
March	239,301	23.8	January-June 71.0%
April	71,502	7.1	
May	26,517	2.6	
June	53,501	5.3	
July	35,498	3.5	July-December 29.0%
August	53,402	5.3	
September	52,140	5.2	
October	44,234	4.4	
November	38,956	3.9	
December	<u>67,138</u>	<u>6.7</u>	
Jan.-Dec.	1,006,798	100.0	

Table 2.

All-nation monthly catches (mt) of pollock within a 100-mile radius of town of Unalaska compared to other indicated regions in 1972.

MONTH	100-MILE RADIUS OF UNALAKSA	TOTAL WITHIN 200-MILES OF ALASKA	PERCENT WITHIN 100-MILES OF UNALASKA
January	39,077	46,208	84.6
February	26,137	51,610	50.6
March	138,980	167,625	82.9
April	178,759	181,473	98.5
May	46,143	143,490	32.2
June	2,041	152,740	1.3
July	3,082	286,610	1.1
August	14,894	299,433	5.0
September	21,974	193,345	11.4
October	15,442	55,020	28.1
November	10,228	37,082	27.6
December	<u>5,509</u>	<u>51,603</u>	<u>10.7</u>
Totals	502,266	1,666,239	30.1

Table 3.

All-nation monthly catches (mt) of pollock within a 100-mile radius of town of Unalaska compared to other indicated regions in 1977.

MONTH	100 MILE RADIUS OF UNALAKSA	TOTAL WITHIN 200-MILES OF ALASKA	PERCENT WITHIN 100-MILES OF UNALASKA
January	1	30,875	nil
February	24	21,915	nil
March	6	18,972	nil
April	18	20,273	nil
May	199	49,927	0.3
June	7,959	110,792	7.2
July	45,293	167,789	27.0
August	43,602	154,459	28.2
September	59,855	161,195	37.1
October	52,745	131,893	40.0
November	19,530	86,782	22.5
December	<u>5,633</u>	<u>52,607</u>	<u>10.7</u>
Totals	234,865	1,007,479	23.3

ENDURANCE, INC.

8718 Jones N. W.

Seattle, Washington 98117

(206) 783-3913

MAY 15 1987
May 12, 1987

Mr. James O. Campbell, Chairman
North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, Alaska 99510

Dear Sir:

As owner/operator of the F/V ENDURANCE, O/N 592,242, we hereby state our objection to Alternatives 2,3,4 and 5 of the proposal to establish DAP priority within 100 miles of Unalaska Island. We do support alternative 6 as proposed by J.V. companies and fishermen.

Our reasons for objecting are many; the most of which is that DAP priority would put approximately 125 J.V. catcher boats out of business for 4-6 months a year in order to make a handful available for shoreside delivery. This hardly seems a fair distribution of the allocation.

Sincerely,

ENDURANCE, INC.

Terrance R. Schulze
Terrance R. Schulze
President *jl*

TRS:jl

cc: Dr. Anthony Calio, Administrator
NOAA

MAY 15 1987

REPORT TO THE NPFMC REGARDING INDUSTRY CONSULTATIONS
OVER THE DAP PRIORITY ACCESS ISSUES
MAY 13, 1987

As suggested by the Council during its March meeting, PSPA and the Joint Venture segment of the North Pacific fishing industry held a series of 3 meetings (April 7, 14, 17). During those meetings, PSPA and the J V Industry presented their respective positions concerning the DAP Priority Access issue and discussed alternatives to the 100-mile DAP exclusive zone around Unalaska Island. AFTA participated in the meetings but will be submitting its views separately. Mayor Fuhs of Dutch Harbor attended one meeting as a guest of PSPA.

Although consensus was not reached on a complete alternative, several areas of agreement did emerge:

1. Concern over the possible effect on pollock reproduction of an essentially unregulated fishery in which increasingly larger removals are being taken from spawning concentrations during February - April.
2. A split season (January - June, July - December) for pollock, each with a specific JV allocation.
3. Any shortfall in JVP pollock catch during the first half of the year will be added to the second half JVP.
4. Reserves of any species should not be released to the JVP until the second half of the year.
5. Excess DAP for any species, if any, should not be reallocated to JVP until the second half of the year.
6. Continuation of the 'Olympic' system for JVP (PSPA endorses continuation of the 'Olympic' management approach indefinitely, while the JV industry favors continuation until a thorough analysis of the entire question of domestic allocation has been completed).
7. Similar management measures should apply to the JVP pollock fishery in the Bering Sea and Gulf of Alaska (disagreement remains over whether the Shelikof Strait sub-area should be included in this provision).

Primary areas of disagreement which remain are:

1. The percentage of the pollock JVP that should be allocated to the first half of the year.
2. Whether cod should also have a split JVP season, similar to that for pollock.

Each of the parties to the discussions will independently report to the Council the details of their respective proposals.

Barry D. Collier
for PSPA

H. H. Larkin
for the JV Industry

GARVEY, SCHUBERT & BARER

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

WASHINGTON, D.C.
FIFTH FLOOR
1000 POTOMAC STREET N.W.
WASHINGTON, D.C. 20007
(202) 965-7880

TENTH FLOOR
1011 WESTERN AVENUE
SEATTLE, WASHINGTON 98104
(206) 454-3939

PORTLAND
SUITE 2650
1211 S W FIFTH AVENUE
PORTLAND, OREGON 97204
(503) 228-3939

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PLEASE REPLY TO SEATTLE OFFICE

May 15, 1987

Mr. Jim H. Branson
Executive Director
North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, AK. 99510

Re: BS/A Amendment 11: DAP Priority Access Proposal

Dear Mr. Branson:

We are writing on behalf of the Japan Deep Sea Trawlers Association and the Hokuten Trawlers Association to comment on proposed Amendment 11 to the Bering Sea/Aleutian Islands Groundfish Fishery Management Plan pursuant to the request for comments dated April 15, 1987. We will confine our comments to amendment proposal 1: Establish DAP priority within 100 miles of Unalaska Island.

The DAP priority access proposals would impose substantial costs on the foreign and joint venture participants in the Bering Sea fisheries for no reason, since the objectives of the amendment will be achieved without any need for Council action. Not only are the proposals unnecessary, they are fundamentally unsound as a matter of policy. As we discuss below, area closures, fees and seasonal allocations will do nothing to directly promote shoreside processing in Alaska, because these proposals would not address any of the inherent problems with conducting profitable shoreside operations. The proposals would work, if at all, in a purely negative fashion by imposing increased costs on U.S. joint venture harvesters in order to force them into uneconomic arrangements with shoreside processors. This strategy is perverse. The overall health of the U.S. industry will not be improved by crippling U.S. joint venture harvesters and other at-sea processing operations. The U.S. groundfish industry must compete in a highly competitive world market. The U.S. will not succeed in that competition if the entire U.S. industry is forced to work under the costs and disadvantages of its weakest component.

The Council should therefore reject the DAP priority proposals being considered here and all subsequent proposals that seek to promote the interests of a small segment of the U.S. fishing industry by imposing unfair costs and burdens on other foreign and domestic participants in the fishery. There are far too many important management issues facing the Council to devote scarce Council and public resources to proposals whose only goal is to cripple the efficient and profitable segments of the fishing industry in the Bering Sea region.

I. The Council Should Maintain the Status Quo (Alternative 1) Because the Objectives of the Proposed Amendment Will be Realized Without Council Action.

The Draft EA/RIR concludes that the two objectives of the amendment will be realized without any action on the part of the Council. With respect to the first objective of securing a steady supply of groundfish to the shoreside processing facilities at Dutch Harbor and Akutan, the Draft EA/RIR concludes that the perceived problem is already being resolved through market mechanisms and negotiated solutions:

Therefore, it appears that market and negotiated solutions have already, or will soon, solve the problem of shoreside plants not being able to receive adequate supplies of groundfish without direct government intervention or action.

Draft EA/RIR at 2-33.

With respect to the second objective of promoting "Americanization" of the processing sector, the Draft EA/RIR concludes that "Americanization will occur even if none of the alternatives to the status quo are implemented" (Draft EA/RIR at 2-1) and that none of the amendment proposals would increase the rate of Americanization:

Complete "Americanization" of the groundfish fisheries will substantially benefit the Alaskan, Pacific Northwest, and overall U.S. economy, but the difference in rates of Americanization among the status quo and alternatives to the status quo cannot be determined.

Draft/EA RIR at 2-54.

Since both objectives of the amendment will be reached without any Council action, the Draft EA/RIR reaches the inescapable conclusion that only the status quo alternative (Alternative 1) is justified:

Mr. Jim Branson
May 15, 1987
Page 3

If any alternative is effective in providing benefits to some portion of the U.S. economy, it is optimal to choose that alternative which imposes the least cost on other portions of the U.S. economy. Given that it is not possible to determine any superior alternative with regard to benefits, one should avoid alternatives that impose high costs. Seasonal allocation of pollock to joint ventures (Alternative 6), particularly under a 0/100 apportionment schedule, could impose substantial costs on joint venture catcher vessels. Likewise, the year-round closure of Zone A [the 100 mile closure zone] (Alternative 2) has high potential cost to joint venture operations. The least cost alternative may be the status quo.

Draft EA/RIR at 2-54 (emphasis added).

II. The 100 Mile Closure Proposal (Alternatives 2, 3 & 4) Would Impose Substantial Costs on U.S. Harvesters Without Producing Any Corresponding Benefit to Shoreside Processors.

A. The 100 Mile Closure Will Not Result in Increased Deliveries of Pollock to Dutch Harbor.

There are three fundamental problems with securing a steady supply of pollock for the Dutch Harbor surimi plants, none of which would be addressed by the 100 mile closure. The first problem is that a large number of U.S. catcher boats simply are not able to deliver fish shoreside, either because of lack of hold capacity or because of safety concerns. Draft EA/RIR at 2-32. The second problem is that even for those catcher vessels which are physically capable of making shoreside delivery, shoreside delivery imposes significant costs relative to at-sea delivery. Id. Third, for most of the year harvestable concentrations of pollock and cod are not located close enough to Dutch Harbor to allow for shoreside delivery.

This third problem may be the most significant. The fact that pollock migrate out of the Dutch Harbor area after the spawning season has long been known. The situation is well illustrated by the two attached maps taken from the Draft EA/RIR. These maps show the distribution of pollock in the Bering Sea during the 1983 and 1984 U.S. summer trawl surveys. On each map, the ten highest concentrations of pollock are circled. In both years all of the highest concentrations are located outside of the 100 mile closure zone. Furthermore, in both years at least half of the circled locations are located north of the Pribilof Islands.

The 100 mile closure would do nothing to address any of these inherent problems with shoreside delivery of pollock to Dutch

Harbor. The closure will not transform the existing U.S. catcher boats into boats that are capable of making shoreside deliveries. The closure will not reduce the higher cost and inconvenience of shoreside deliveries. The closure will not prevent schools of pollock from migrating out of the closed zone after the spawning season. Since the closure does not address any of the problems with shoreside delivery, it follows that the closure will do nothing to directly improve the situation with respect to shoreside delivery of pollock to Dutch Harbor. These difficulties are inherent in the operation of shoreside processing operations in the Bering Sea area, and must be resolved directly through market and technical solutions.

B. The costs of the 100 mile closure would be substantial.

The Draft EA/RIR discusses in detail the substantial costs that the 100 mile closure would impose on U.S. joint venture harvesters. See Draft EA/RIR at 2-35, 2-37. In addition to those costs, as was discussed by Dr. James A. Crutchfield in his testimony before the Council at the March meeting, the 100 mile closure would also result in a significant loss of revenue to the economy of Dutch Harbor, the very community the proposal is supposed to benefit. Dr. James A. Crutchfield, Statement to the North Pacific Fishery Management Council on the DAP-Priority Access Proposal (hereinafter cited as "Crutchfield Statement") at 6.

The 100 mile closure would reduce the revenue to Dutch Harbor in two ways. First, since the entire JV fleet will be prohibited from operating within 100 miles of Dutch Harbor, these vessels will necessarily reduce their Dutch Harbor expenditures and increase their expenditures at other ports and from at-sea suppliers. Crutchfield Statement at 6. Second, the 100 mile closure can succeed in its stated objective only if it operates to reduce the overall revenue of the joint venture fleet by imposing extra costs on that fleet. This loss of revenue will mean that less profit will be available from the joint venture fleets that would otherwise be spent in Dutch Harbor and elsewhere in Alaska. Dr. Crutchfield concludes that "The direct and indirect effects of that reduction [in joint venture revenue] would mean severe economic losses to the very community [Dutch Harbor] the proposed action is designed to help." Crutchfield Statement at 6.

C. The 100 Mile Closure Would Set a Precedent for Similar Requests from Other Coastal Communities.

If the 100 mile closure for Dutch Harbor is approved, then every coastal community in Alaska will come to the Council asking for its own closure to protect its existing or imagined local shoreside processors from at-sea operations. When these closures are applied to exclude DAP at-sea processors, as they inevitably will, the entire U.S. groundfish industry will be permanently crippled. This

grim prospect was faced by the Pacific Council during its consideration of a proposal to impose a more modest 30 mile closure around Eureka in the early 1980s. As Dr. Crutchfield testified at the March Council meeting, a primary reason the Pacific Council rejected this proposal was to prevent the spread of similar closures up and down the Pacific coast. The North Pacific Council should follow the lead of the Pacific Council on this matter, and reject this initial 100 mile closure proposal to prevent the spread of similar closures up and down the Alaska coast.

III. The Proposal to Impose Fees on Foreign Joint Venture Processors (Alternative 5) Would be Illegal and Does not Address the Objectives of the Amendment.

A. Fees imposed to "equalize" costs between DAP and JVP processors would be illegal.

The Draft EA/RIR states that the purpose of the fee alternative is to " 'equalize' the cost differential for acquisition of DAP versus JVP pollock." Draft EA/RIR at 2-7. Imposition of a fee for this purpose is not authorized by the MFCMA, is strictly prohibited under U.S. law, and would violate treaty obligations of the United States with respect to Japan.

1. The MFCMA does not authorize the proposed "equalization fee".

The only authority under the MFCMA for the imposition of fees on foreign processing vessels that receive joint venture product is provided by the foreign permit fees section of the Act found at 16 U.S.C § 1824(b)(10). Section 1824(b)(10) strictly limits the purposes for which a permit fee can be collected. That section provides that permit fees must be assessed in relation to the cost of administering the MFCMA and for the purpose of recovering that portion of the cost allocable to foreign activities.

The limitation of permit fees to this purpose is clearly stated in the legislative history of P.L. 96-561, which amended the MFCMA to provide for the current foreign permit fee language. The House Report on the amendment states that the new language provides for:

collection of increased fees on foreign fishing within the fishery conservation zone commensurate with the cost of enforcing and administering the Fishery Conservation and Management Act of 1976 as it relates to foreign fishing;

House Report No. 96-1138 at 15, 1980 USCCAN at 6871 (emphasis added). The House Report goes on to explain the purpose of the amendment as follows:

Section 303 [of PL 96-561] amends [MFCMA] section 204(b)(10) to provide that the Secretary shall establish a level of fees sufficient to return to the United States an amount which bears to the total cost of administering and enforcing the provisions of the FCMA the same ratio as the aggregate quantity of fish harvested by foreign fishing vessels within the FCZ bears to the aggregate quantity of fish harvested by United States and foreign fishing vessels within the FCZ and the territorial sea of the United States.

House Report No. 96-1138 at 47, 1980 USCCAN at 6903 (emphasis added).

The proposed equalization fee directly conflicts with the requirements of section 1824(b)(10) because the proposed fee has no relation to the cost of administering the MFCMA and is explicitly designed to accomplish purposes other than recovering the costs of administering the Act. The proposed equalization fee is therefore not authorized under section 1824(b)(10). Since the proposed equalization fee is not authorized under any other section of the MFCMA, there is no authority for the imposition of the proposed fee under the Act.

2. The proposed equalization fee is an impermissible tax.

The proposed equalization fee is nothing more than a tax that would be imposed on foreign processing vessels in order to raise their costs of production. U.S. case law has clearly established that administrative agencies are not authorized to levy such taxes in the guise of imposing "fees." The levying of taxes is solely a legislative function of Congress, and may not be delegated to administrative agencies. Administrative agencies are authorized only to charge fees that reasonably reflect the cost of the service performed by the agency and the value of that service to the regulated party. Any attempt by an administrative agency to collect fees that are not strictly related to the cost and value of the agency service is strictly prohibited.

This principle was most recently enunciated by the United States Supreme Court in Federal Power Commission v. New England Power Co., 415 U.S. 345 (1974). Subsequent lower court decisions have refined this principle to provide that a permissible fee must meet three requirements:

First, no fee may be charged to a private party when there is no identifiable beneficiary . . .

Second, the fee assessed cannot exceed the cost to the agency of rendering the service. . . .

Finally, expenses incurred to serve some 'independent public interest' cannot be included in the fee. . . .

Mississippi Power & Light v. United States Nuclear Regulatory Commission, 601 F.2d 223, 230 (5th Cir. 1979) (Court's emphasis).

The proposed equalization fee does not meet these requirements of of permissible fee. First, the fee would have no relation to any benefit conferred on foreign processors. Second, the fee would not and is not intended to reimburse the agency or to recover any costs. Third, the fee would impermissibly be directed at serving the "independent public interest" of promoting the development of the DAP processing industry at the expense of the foreign processor. Clearly, the proposed equalization fee would constitute a tax on foreign processors for the benefit of domestic processors. Only Congress is authorized to impose such a tax.

3. The equalization fee is a tax that violates treaty obligations of the United States to Japan.

As discussed above, the proposed equalization fee is in reality a tax. This tax would be imposed only on foreign processors, not on domestic processors. The tax thus would discriminate between citizens of the United States and citizens of Japan. This discriminatory treatment would violate Article 7 of the tax treaty between Japan and the United States which sets out the principle of non-discrimination between citizens of the two countries for tax purposes. Convention Between the United States and Japan for Avoidance of Double Taxation, Article 7. The discriminatory tax would also violate the non-discrimination requirement of the national treatment provisions of The Treaty of Friendship, Commerce and Navigation Between the United States in Japan as set out in Article XXII of that treaty.

B. The Proposed Equalization Fee Would not Address any of the Objectives of the Proposed Amendment.

Even if the proposed equalization fee were not illegal, there is no justification for adoption of the fee proposal because assessment of the fees would do nothing to improve the prospects for shoreside delivery of pollock. This conclusion is stated emphatically in the Draft EA/RIR:

Imposition of a fee on foreign processing, whether variable or fixed, will not achieve a stable long-run solution to the stated [shoreside delivery] problem.

Draft EA/RIR at 2-49.

IV. There is an Inadequate Basis for Adopting any of the Seasonal Apportionment Proposals (Alternative 6).

The Draft EA/RIR quite properly limits its evaluation of the seasonal allocation proposal solely to its impact on the stated objective of the amendment to secure an steady supply of groundfish to the shoreside plants at Dutch Harbor and Akutan. Draft EA/RIR at 2-49. When analysis is limited to this objective, it is clear that the alternative will do nothing to ensure that more fish is made available to shoreside operations, because the proposal does not address any of the inherent problems with shoreside operations in Dutch Harbor that we have discussed above. This conclusion is stated succinctly in the Draft EA/RIR as follows:

It is not apparent whether seasonal apportionments would provide shoreside processors a steady supply of pollock. The probability of steady supply would vary with the frequency and distribution of apportionments. Any increase in deliveries to shoreside processors is dependent on the decisions made by domestic vessels as to alternative activities when there is no joint venture pollock quota available. Whether shoreside price is sufficient to sustain profitable operations is also dependent upon whether fish exist in sufficient quantities during the period in question in waters near Unalaska Island.

Draft EA/RIR at 2-51.

V. Conclusion.

As Dr. Crutchfield testified at the March meeting "The most telling argument against the proposed action is the absence of any need for it." Crutchfield Statement at 6. The Draft EA/RIR merely serves to confirm this judgement. On the other hand, the amendment proposals would certainly impose substantial costs on the foreign and joint venture segments of the fishery, while the minuscule benefits would be totally speculative. Furthermore, these "benefits" would only be achieved by reducing the overall profitability of the U.S. fishing industry. There is thus

Mr. Jim Branson
May 15, 1987
Page 9

absolutely no basis for adopting any of the amendment alternatives
other than the status quo.

Very truly yours,

GARVEY, SCHUBERT & BARER

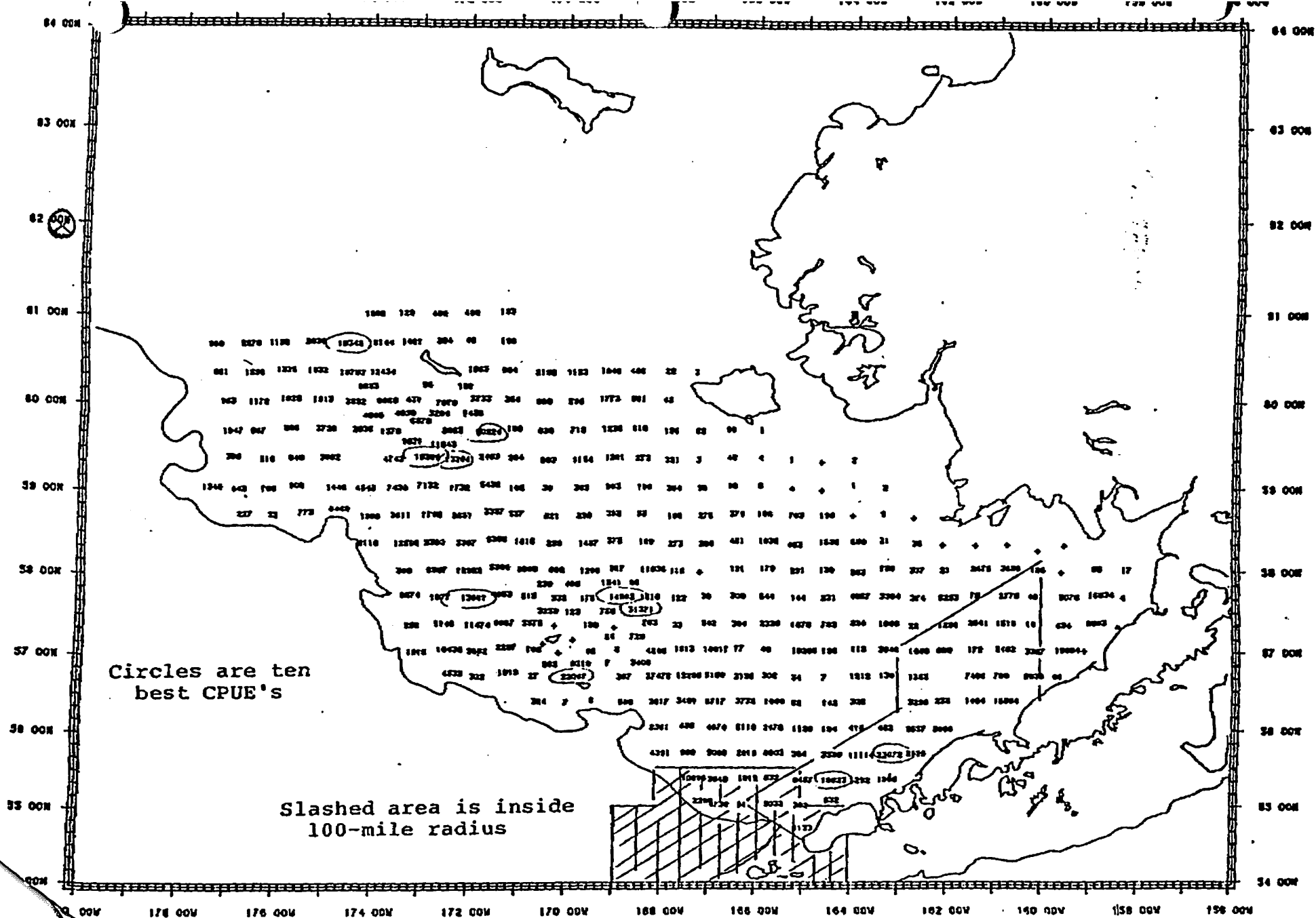
By Stephen B. Johnson
Stephen B. Johnson

By Steven M. Dickinson
Steven M. Dickinson

Page 2
May 11, 1961

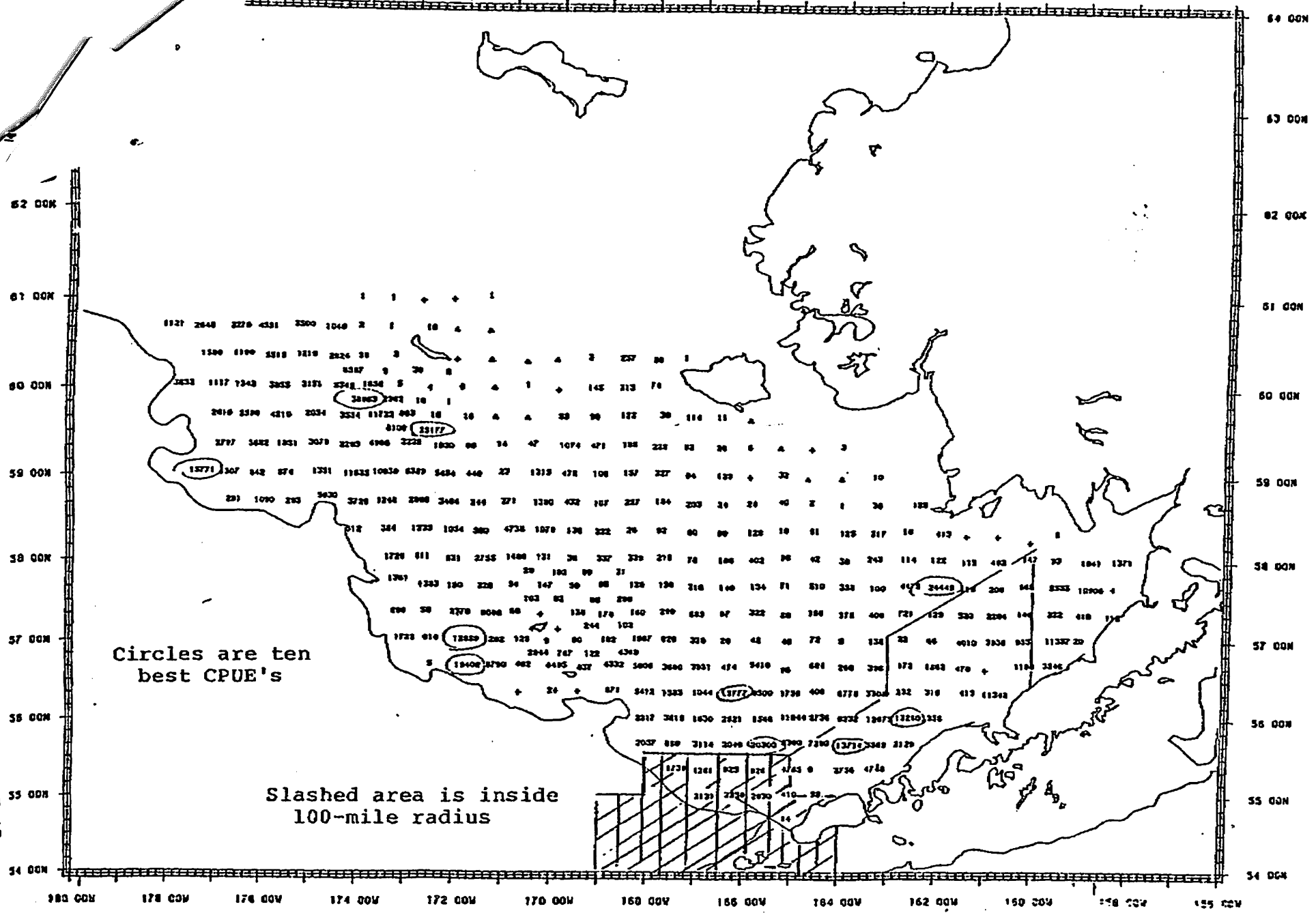
Very truly yours,
[Faint signature]

Approved for release
by [Faint signature]
Special Agent in Charge



--Catch per unit effort (lbs/hr trawled) of walleye pollock (*Theragra chalcogramma*) from 1983 research survey data.

176 00W 174 00W 172 00W 170 00W 168 00W 166 00W 164 00W 162 00W 160 00W 158 00W 156 00W



TOTAL P.12

---Catch per unit effort (lbs/hr trawled) of walleye pollock (Theragra chalcogramma) from 1984 research survey data.

FMS MR. JAMES CAMPFELL, CHAIRMAN/COUNCIL MEMBERS

NORTH PACIFIC FISHERIES MANAGEMENT COUNCIL

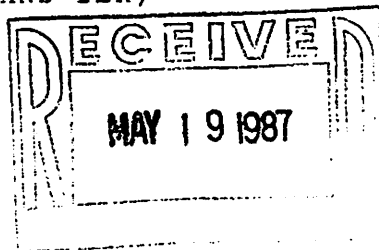
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AGENDA D-4
MAY 1987
SUPPLEMENTAL

411 W 4TH AVE.

(HAND DLR)

ANCHORAGE AK 99510



DEAR COUNCIL MEMBERS:

WE ARE VERY CONCERNED AND HAVE REASON TO BELIEVE THAT THE HIGH SEAS JV WITH THE SOVIETS MAY BE EFFECTING OUR STOCKS OF TOGIAK HERRING OFF CAPE CONSTANTINE.

SEVERAL HERRING CO-OP. GILNETTERS, INCLUDING ONE OFFICER IN OUR ALASKA HERRING CORP., RUNNING FROM THE MOUTH KULUKUK TOWARDS THE TIP OF CAPE CONSTANTINE UNDER THE COVER OF DARKNESS, OBSERVED SEVERAL JV VESSELS TRAWLING NEAR SHORE.

A WHOLE FLEET OF LARGE VESSELS HAVE BEEN FISHING OFF THE 3-MILE ZONE TARGETING ON YELLOW FIN SOLE OFF TOGIAK FOR OVER A WEEK,

UT IN THIS CASE 6 VESSELS WERE OBSERVED FISHING IN 20 FEET OF WATER, 1/2 MILE OFF THE COASTLINE, BETWEEN KULUKUK AND CAPE CONSTANTINE. THESE SIGHTINGS BOTH OCCURED BETWEEN 11PM MAY 15 AND 1AM MAY 16, 1987.

WHAT IS OF PRIMARY CONCERN IS THAT THESE GILNETTERS, INCLUDING THE COOPERATIVE, HAVE REASON TO BELIEVE THAT HERRING IS BEING HARVESTED SINCE SPAWNING HERRING DO MOVE OFF THE BEACHES OF TOGIAK AND CONTINUE THEIR EXIT IN VAST NUMBERS TOWARDS CAPE CONSTANTINE. THE NIGHT IN QUESTION, ONE GILNETTER TOOK SEVERAL FEET OF A RAG GILNET AND TESTED THE GLASSY CALM WATER AND CAUGHT MUCH HERRING, AFTER OBSERVING HERRING BREAKING THE SURFACE OF THE WATER NEAR THE TRAWLER FISHED AREA.

OUR HERRING STOCKS OF TOGIAK HAVE BEEN IN SIGNIFICANT DECLINE WITHOUT ANY YOUNGER AGE CLASS SHOWING UP. WE ARE CONCERNED ABOUT THE FUTURE OF OUR TOGIAK HERRING FISHERY WHICH REMAINS A POSITIVE FACTOR WITH MANY OF OUR COMMUNITIES OF BRISTOL BAY.

PLEASE PASS ON THIS INFORMATION AND WE WOULD APPRECIATE ANY HELP TO CORRECT THE ABOVE SITUATION.

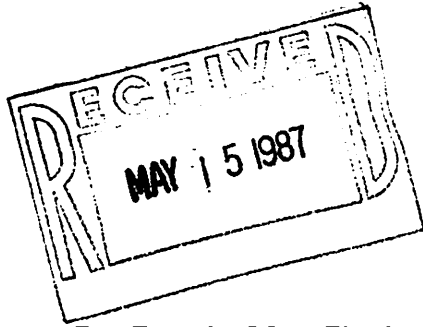
THANK YOU AND SINCERELY,

WILLIAM H. NICHOLSON, PRESIDENT

BRISTOL BAY HERRING MARKETING CO-OP.

ALASKAN JOINT VENTURE FISHERIES, INC.

310 "K" Street
Suite 310
Anchorage, Alaska 99501
(907) 276-5342
Telex: 332471 APANC
Fax: (907) 258-0155



May 14, 1987

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

AMENDMENT # 11 - BERING SEA/ALEUTIAN ISLANDS

Dear Jim:

We are writing this letter in support of certain alternatives for proposed amendments to the Bering Sea/Aleutian Islands Fishery Management Plan. The specific amendments we would like to address are the DAP priority access and the ban on pollock roe stripping. Overall, Alaskan Joint Venture Fisheries, Inc. supports the seasonal apportionments of the pollock resource as recommended by the Ad Hoc Joint Venture Committee.

With regards to the question of DAP priority access, we would like to see Alternative 1, or status quo continue. There is no need for a 100-mile limited access area around Dutch Harbor and there are questions as to who would benefit from such a window of exclusivity. At such a crucial stage in our development we do not need any artificial impediments to hinder our already rapid progress.

The proposal to ban pollock roe stripping originated from those American fishermen who deliver their fish to Japanese processing ships in an obvious attempt to secure a lion's share of the pollock resource. It was my hope the Council would allow the industry an opportunity to come up with some reasonable solutions to the concern before sending the withdrawn proposal into the formal amendment process. The analysis done by the Council staff is helpful to the Council in making their decision, but, in reference to a letter to you on the amendment process signed by most joint venture companies, adopting a proposal that was withdrawn by its proponents is somewhat unfair to the industry.

page two
Amendment #11

Thus, as a measure towards solution, we would like to see the Council support and implement a seasonal apportionment of the pollock resource whereas at least 50% of the JVP (final JVP to be calculated using the reserves) is allocated in the first half of the year, January 1 - May 15 with any balance in the first apportionment carried over into the second half. No unused DAP or reserves would be released until the second half of the year. Such an equal split of the JVP would enable the joint venture fishermen to take advantage of the greater economic return associated with the pollock roe fishery.

I appreciate the Council taking our letter of support for the Ad Hoc Joint Venture Committee's recommendation for a seasonal apportionment of the pollock resource into consideration when making your decision next week.

Sincerely,

ALASKAN JOINT VENTURE FISHERIES, INC.



Annie Burnham
President

cc: Tony Calio/Administrator, NOAA

May 12, 1987

Mr. James O. Campbell
Chairman
North Pacific Fishery
Management Council
P.O. Box 103136
Anchorage, Alaska 99510

Dear Mr. Campbell:

On Friday, May 8, a steering committee of the U.S./Japan industry-to-industry sessions was held in Seattle. For the most part the meeting constituted a plea to the U.S. side to encourage the Council to release surplus DAP above those needed to support DAP or DAH operations, either to TALFF or JVP, as appropriate.

The Japanese side presented us with a variety of statistics, graphs, etc. to demonstrate the availability of fish for JV and TALFF. The U.S. side noted that they were not familiar with the statistics and current DAP needs, but promised to request the Council to reassess the need for various priority allocations and other factors governing TALFF releases and determine if further TALFF allocations can be made. In the interim, we did agree to urge the Council and NMFS to release, as soon as possible, what is left of the Japanese original TALFF. We believe this is somewhere over 11,000 metric tons.

We believe our original and remaining obligation is to support TALFF at the highest level possible consistent with the Council's findings and to have such TALFF released on a "fully and timely basis."

Sincerely yours,



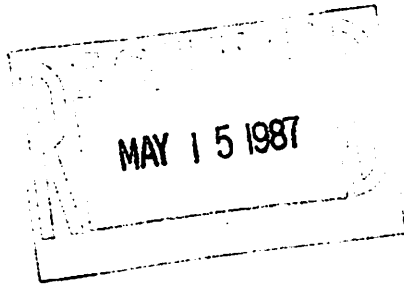
Dayton L. Alverson
Natural Resources Consultants



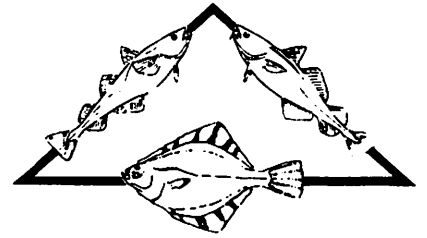
Ronald R. Jensen
Con Agra, Inc.



Alaska Groundfish Data Bank



May 12, 1987



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

RE: Amendment 11 to the Fishery Management Plan for Groundfish
of the Bering Sea/Aleutian Islands

Dear Jim:

We compliment the staff on their improvements to the analysis of the proposals for Amendment 11 to the Bering Sea/Aleutian Groundfish Management Plan.

Our comments on the proposals, given below, follow the order the proposals are presented in the EA/RIR.

2.0 ESTABLISH DAP PRIORITY WITHIN 100 MILES OF UNALASKA ISLAND

We support alternatives 1 or 6.

This proposal was submitted as an effort to force catcher vessels to fish for shorebased plants in Dutch Harbor at a time when both plants claimed their operations were hindered by a lack of catcher vessels.

Since then, it appears that both plants have solved their problems with obtaining fish -- so in reality this proposal is now moot.

We have great difficulty with the fact that this proposal was even considered. The concept of attempting to force one small business entity (catcher boats) to do business only with other selected entities (Dutch Harbor processors) strikes us as fundamentally contrary to the free enterprise system.

Would adoption of alternatives 2, 3 or 4 mean that Mrs. Paul's has the right to force processors to sell them fish blocks, at a price set by Mrs. Paul's? Obviously this would be of benefit to the U.S. economy -- at least on the east coast.

What most disturbs us is that by allowing the priority access discussion to digress into arguments of how to force one segment of the industry into serving another segment, the opportunity to begin discussing how to cope with allocations between at-sea and onshore operations has been missed.

Alternative 5, imposing fees on foreign processors, was debated during the phase-out arguments and went nowhere. We suspect that would be the case here. Further, we note that according to staff analysis, fees wouldn't help speed Americanization.

We understand that recommending alternative 6 may pose certain procedural problems unless it can be shown that alternative 6 will meet the original objective of the proposal.

We also understand that this problem may be solved by recommending alternative 1 for the DAP priority access proposal and then recommending the seasonal allocation scheduled under proposal to prohibit pollock roe stripping. We would support this method of resolving any procedural problems.

We do urge the council to ask the principles involved in this issue to meet with a trained negotiator and come to a consensus.

3.0 REVISE THE DEFINITION OF PROHIBITED SPECIES

We support revising the prohibited species definition to conform with traditional practices.

4.0 IMPROVE CATCH REPORTING REQUIREMENTS

We support alternative 4, which would require at-sea transfer logs and production records only, with the reservation that we are not sure how this will affect the at-sea processors.

However, we do not support requiring fishing logs for any vessels, nor requiring vessels to account for their discards.

We understand the need for the data and support collection of the data -- but attempting to acquire the data through mandatory logs simply will not produce the data NMFS' desires for the following reasons:

- a. Accuracy of discard estimates will vary widely between skippers and the numbers will have dubious statistical value;
- b. Log book accuracy will also vary widely between skippers and have dubious statistical value;

- c. Mandatory log book programs do not have a history of working well;
- d. Analysis of log books, historically, has been a problem -- both in finding the funding and personnel to do the analysis and in assessing the usefulness of the data. We have found agencies reluctant to place a great deal of reliance on log book data simply because of the known problems with accuracy;
- e. Any effort made by skippers to slow sorting in order to estimate discards will result in a higher mortality among the prohibited species and force the vessel crew to choose between trying to estimate discards accurately and trying to return prohibited species to the sea in a timely manner.

We feel that observers are the only reasonable way to accomplish the fishing and discard log objectives of this proposal and appreciate the council's successful efforts to obtain funding for a small observer program. As of this writing there is also observer funding in the Alaska Legislative budgets on both the House and Senate sides and an appropriation line item in the Congressional Budget on the House side. There is also continued progress on forming an industry funded program.

6.0 INCREASE THE UPPER END OF THE OPTIMUM YIELD (OY) RANGE

We support alternative 3, setting the OY range equal to the sum of the annual estimates of ABC.

It seems to us that the setting of OY's should reflect the realities of the stock conditions and that the council over the past 10 years has firmly established a tradition of setting OY's based on the best available biological data.

Though we have heard the arguments that raising or eliminating the current 2 million metric ton cap would somehow allow for political pressures and result in over-fishing, we do not find that this happened when the total OY was less than 2 million metric tons, nor do we see any cap as assurance that over fishing will be prevented.

We do see the traditions established by this council as an assurance that stock management will continue to be done on the basis of best biological information -- both in the setting of target quotas and the concern for the entire ecosystem - as the best assurance against overfishing.

7.0 PROHIBIT POLLOCK ROE-STRIPPING

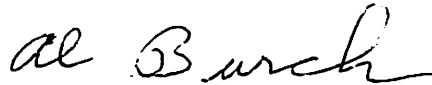
We, at this time, favor Alternative 4, split seasons, as long as its adoption is paired with alternative 1 under the DAP Priority Access proposal. The reasons are stated above under 2.0.

We thank the council for the opportunity to review these proposals and make written comments and the staff for their analyses.

Sincerely,



Chris Blackburn, Director
Alaska Groundfish Data Bank

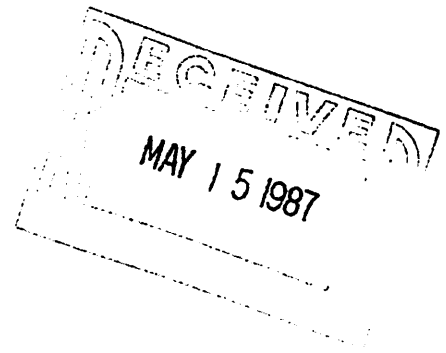


Al Burch, Executive Director
Alaska Draggers Association



4649 Sunnyside Ave. North • Seattle, Washington 98103 • (206) 632-4326

May 14, 1987



Mr. Jim H. Branson
Executive Director
North Pacific Fisheries Management Council
411 4th Avenue
Anchorage, AK. 99510

RE: Proposed Amendment 11 to the Bering Sea/Aleutian Islands
Groundfish Fishery Management Plan

Dear Mr. Branson:

Enclosed please find Greenpeace's comments on the Draft
Environmental Assessment/Regulatory Impact Review/Initial
Regulatory Flexibility Analysis regarding the above-referenced
matter.

It is our position that the document does not provide sufficient
justification under the National Environmental Policy Act (NEPA)
for adopting Alternatives 2 or 3 concerning the proposal
to "Increase the upper value of the optimum yield range," should
the Council decide to support passage of either of the measures.

Our comments discuss flaws inherent in, and omissions from, the
document in regards to environmental impacts.

Given that this issue is so important and complex, and that there
is potential for serious implications to the Bering Sea/Aleutian
Islands ecosystem should the upper yield limit be raised, we
request that a full Environmental Impact Statement (EIS) review
process be implemented before the status quo could be changed.

Thank you for the North Pacific Fisheries Management Council's
consideration of these comments. If you require any further
information please call me in Seattle (206-632-4326), or Cindy
Lowry in Anchorage (277-8234).

Sincerely Yours,

Alan Reichman

Alan Reichman
Ocean Ecology Coordinator,
North Pacific
Greenpeace International

enclosure



4649 Sunnyside Ave. North • Seattle, Washington 98103 • (206) 632-4326

**COMMENTS OF GREENPEACE INTERNATIONAL ON THE
DRAFT ENVIRONMENTAL ASSESSMENT/REGULATORY IMPACT REVIEW/
INITIAL REGULATORY FLEXIBILITY ANALYSIS
OF AMENDMENT 11 TO THE FISHERY MANAGEMENT PLAN FOR
GROUNDFISH OF THE BERING SEA/ALEUTIAN ISLANDS**

MAY 14, 1987

Greenpeace, an environmental organization with 600,000 supporters in the United States, including 1,600 in Alaska, strongly supports balanced management of the diverse Bering Sea/Aleutian Islands ecosystem. This must entail both conservation of fish stocks and the preservation of marine mammals and seabird species.

The comments which follow concern the North Pacific Fisheries Management Council's (NPFMC) proposed Amendment 11 to the Bering Sea/Aleutian Islands Groundfish Fishery Management Plan, and the Draft Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) provided for public review.

The optimum yield range and allocations of pollock and other groundfish species should be set at levels which will allow for the long-term sustainability of both fish stocks and the groundfish industry -- and marine mammals and seabird populations.

Our comments concern the following two amendment proposals to the Bering Sea/Aleutian Islands Groundfish Fishery Management Plan (FMP): 6.0 -- Increase the Upper Value of the Optimum Yield (OY) Range, and 7.0 -- Prohibit Pollock Roe-Stripping.

6.0 -- Increase the Upper Value of the Optimum Yield (OY) Range

Greenpeace supports Alternative 4: to "set the upper end of the OY range equal to the sum of the annual estimates of ABC or to 2.0 million mt, whichever is less."

We feel that it would not be prudent for the long-term viability of the groundfish industry, and for the ecosystem itself, to approve an upper yield limit increase, given the lack of substantive information on the status of Bering Sea/Aleutian Islands groundfish stocks and their interrelationship with other species that depend upon them.

As a result, we strongly oppose Alternative 2: to "increase the upper end of the OY range to 2.4 million mt," and Alternative 3: to "set the upper end of the OY range equal to the sum of the annual estimates of ABC."

Such revisions of the FMP would allow a 20% increase of the current upper yield limit. The potential impact of such a large yield increase on numerous species must be thoroughly evaluated and assessed before the adoption of such amendments. In view of the data that are currently available we recommend that caution be exercised and that alternatives 2 and 3 be rejected.

In the EA/RIR/IRFA, many of the assessments are based on conjecture, and there is also evidence of contradictions and omissions. It would not be sound management to increase the

upper yield limit on the basis of such limited evidence. Alternatives 2 and 3 should not be implemented.

As an example of this problem, subsection 6.3.2 states that "past performance of the Council, however, indicates their reluctance to allow harvests above EY/ABC even if below the upper OY value." Americanization of the groundfish fishery potentially could cause overcapitalization and subsequent increased pressure by the industry to raise quotas. Therefore, it must be considered that "past performance" could become unreliable because pressure from the industry could reduce the Council's reluctance to allow harvests above EY/ABC even if below the upper OY value.

In addition, the subsection states that "...harvesting of groundfish stocks reduces predation of juvenile groundfish by adults, thereby possibly reducing competition with marine mammals," and follows with the statement: "(i)n reality, predator/prey relationships are not well understood ..." 6.3.2 neglects to consider that a higher harvest of adult groundfish could cause decreased spawning, a reduction in future classes of juvenile groundfish, and the subsequent reduction of prey available to marine mammals.

This potential should also be considered in 6.3.1. There is inadequate information to support a conclusion that increased groundfish harvests would increase availability of juvenile groundfish to marine mammal species.

Greenpeace considers the assessment of subsection 6.3.2 of the EA/RIR/IRFA that "if OY were to increase, then there is a possibility that more fishing gear could be lost, adding to the impact of derelict gear on fur seals" to be accurate. Increases in harvest quotas would lead to an increase in fishing activity, further loss and discard of trawl portions, other gear fragments and strapping bands, and higher mortality of northern fur seals and Steller sea lions. As many as 50,000 northern fur seals die each year as a result of entanglement (Fowler 1982). Adequate reception facilities are not presently available at Alaskan and Washington State ports to handle this debris.

An increase in fishing activity would cause an increase in incidental mortality of marine mammals, especially Steller sea lions, during active trawling operations. The National Marine Fisheries Service (NMFS) is now reviewing the status of the Steller sea lion population as a result of its continued population decline.

Recent studies of the Bering Sea raise questions as to the wisdom of raising the upper yield limit and providing the possibility for increasing harvest quotas in the future.

Dr. Ian Fletcher analyzed several years of NMFS groundfish survey data. Using CAGEAN (catch age analysis) computer modeling, Dr. Fletcher concluded that "...the new results show a stock heavily over-fished, with productivity depressed, and abundance in a

precipitous decline owing to a succession of failed year classes. Unless fishing is curtailed, we believe a stock collapse is likely" (Fletcher 1985).

Studies on seabirds in the Bering Sea/Aleutian Islands ecosystem suggest similar alarming trends. Concerns have been raised that numerous seabird species, such as kittiwakes, murre, and cormorants, are experiencing population irregularities. All of these species depend upon pollock and other groundfish species as prey sources.

A report completed in December of 1986 by Vernon Byrd of the U.S. Fish and Wildlife Service, reports that reproduction and population sizes of two species of kittiwakes in the Pribilof Islands are severely depressed, due to several successive seasons of virtual reproductive failure. The majority of the fish biomass in the diet of these bird species is juvenile pollock. Mr. Byrd reports, "unfortunately for the kittiwakes, high food availability apparently did not continue because many chicks died in the nests, apparently from starvation" (Byrd 1986).

In regards to impact to marine birds, subsection 6.3.2 errs in disregarding the possibility that increased groundfish harvests could result in less production of juvenile groundfish, and, thus, reduction of prey available to seabirds. Also, while the EIS/RIR/IRFA acknowledges that breeding populations of seabirds, particularly kittiwakes and murre, have declined over the past decade, it rules out prey availability as a cause due to a lack of specific data. Conversely, the document should also acknowledge that there is no specific data to rule out prey scarcity as the cause of seabird declines. Therefore, again, it is crucial that caution be exercised.

The EA/RIR/IRFA's assessment of Alternative 4 (subsection 6.2.4) includes an error which could cause unfair bias against consideration for its approval. The subsection states that "this alternative encompasses the conservation limits imposed by Alternative 3 but maintains the 'artificial' upper constraint of the existing 2.0 million mt limit to OY." In actuality, a 2.0 million mt limit is no more "artificial" than a 2.4 million mt limit since both these figures are based on theoretical mathematical modeling.

The document also fails to consider the potential impact on groundfish stocks, and the entire Bering Sea/Aleutian Islands ecosystem, caused by foreign fleets engaged in trawl fishing operations in the so-called "donut area," the international waters of the Bering Sea. Presently, there is a lack of catch and other data concerning fishing operations in this area. It is possible that foreign fishing in this area could decrease fisheries stocks and biomass inside the FCZ. This uncertainty is yet another variable which illustrates the need for caution in setting the upper yield limit and quotas.

Greenpeace supports Alternative 4 because it can provide a measure of protection for the Bering Sea/Aleutian Islands groundfish stocks. This protection will be imperative in the face of the considerations and variables noted above.

7.0 -- Prohibit Pollack Roe-Stripping

Greenpeace supports Alternative 3. Such a measure would reduce the waste and protect stocks from the potential dangers of an overharvest of spawning fish. Given the increasing demands of the U.S. industry for pollock, efficient use should be made of each fish caught.

Roe-stripping wastes more fish matter than does processing for surimi, fillets, and other products. It also causes additional and unnecessary pressure for the capture of spawners, which are clearly the age class most vital to the assured production of future harvestable stocks. Alternative 3 represents a sound conservation measure, and will help to preserve the future sustainability of pollack for the fishing industry -- and for marine mammal and seabird species.

Conclusion

The Americanization of the groundfish fishery in the Bering Sea/Aleutian Islands area has occurred rapidly. Strong conservation measures will be necessary to sustain pollack and other groundfish species in the face of potential overcapitalization by this industry. Conservation measures are necessary to maintain the future viability of the industry, and the species which depend upon the balance of the ecosystem.

Greenpeace opposes the proposed measures to increase the upper value of the optimum yield (OY) range for Bering Sea/Aleutian Islands groundfish, and supports Alternative 4: to "set the upper end of the OY range equal to the sum of the annual estimates of ABC or to 2.0 million mt, whichever is less." Concerning the proposed measures to prohibit pollack roe-stripping, we support Alternative 3.

In light of the deficiencies of the EA/RIR/IRFA in regards to environmental impacts, it is our position that the document does not provide sufficient justification under the National Environmental Policy Act (NEPA) for adopting Alternatives 2 or 3 concerning the proposal to increase the upper value of the OY range.

Given that the issue is so important and complex, and that there is potential for significant implications to the Bering Sea/Aleutian Islands ecosystem should the upper yield limit be raised, we request that a full Environmental Impact Statement (EIS) review process be implemented before the status quo could be changed.

Greenpeace appreciates the opportunity to provide comments to the NPFMC on these important matters.

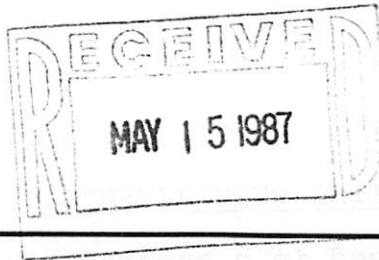
Prepared by:

Alan Reichman
Benjamin Deeble

March 14, 1987

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ALASKA FACTORY TRAWLER ASSOCIATION

4039 21ST AVE. WEST, SUITE 400
SEATTLE, WASHINGTON 98199
(206) 285-5139

TELEFAX 206-285-1841
TELEX 5106012568, ALASKA TRAWL SEA

May 14, 1987

Mr. Jim Campbell, Chairman
North Pacific Fisheries Management Council
P.O. Box 103136
Anchorage AK 99510

Re: Amendment 11, Bering Sea

Dear Mr. Campbell:

The Alaska Factory Trawler Association is taking this opportunity to comment on the proposed amendments to the Bering Sea/Aleutian Islands Groundfish Fisheries Management Plan.

1. DAP PRIORITY WITHIN 100 MILES OF UNALASKA ISLAND.

This proposal is addressed in a separate letter that is attached to these comments.

2. REVISE THE DEFINITION OF "PROHIBITED SPECIES."

AFTA supports this effort to clarify which species are to be treated as prohibited species. As we interpret this proposal, it changes neither the species categorized as "prohibited" or the way in which they are treated.

AFTA does have questions concerning the method in which these "traditional" prohibited species are designated. For example, will there be a herring FMP which analyses the benefits of a high seas fishery - particularly when the Council has expressed concern about roe stripping? Will such designation further curtail directed fishing for groundfish? Will there be a procedure for retention of these species if the Council so decides? To categorize any species completely and forever off limits to fishermen without any analysis is unacceptable.

We are also concerned that the RIR makes no reference to the liability to groundfish fishermen by the declaration of these species to be prohibited. It fails to note that such PSC's can through further regulation curtail directed fishing for groundfish by the application of PSC limits to groundfish fishing.

3. IMPROVE CATCH REPORTING REQUIREMENTS.

This proposal is addressed in a separate letter that is attached to these comments.

4. REVISE DEFINITION OF ACCEPTABLE BIOLOGICAL CATCH.

The Council should not adopt the portion of this proposal that would require the ABC to be automatically set at zero when the biomass of any species falls below some pre-determined "threshold." We believe that the mechanical response of reducing ABC to zero when a population threshold is reached is not sound management. While it may be useful for some groundfish species to attempt to determine a population threshold that for management purposes would serve as the approximate lower limit for active commercial exploitation, we are opposed to treating a threshold as an automatic trigger below which the ABC for a species will be set at zero.

5. INCREASE THE UPPER VALUE OF THE OPTIMUM YIELD RANGE.

AFTA opposes raising the upper limit on the total OY as a response to increased fishing pressure on BS/AI groundfish stocks. Raising the total OY would only serve to intensify the pressure on the Council and NOAA to raise TACs. It is apparent that this pressure would be acute in regards to pollock, the species for which allocations to foreign processors are declining due to increasing domestic production.

AFTA believes it would be extremely short-sighted to raise the OY when so little is currently understood about the status of the pollock stocks. Unconfirmed reports indicate that the pollock harvest from the "donut hole" area are approaching the harvest level within the U.S. EEZ. Currently there is no method for factoring the impact of this fishery into our management system. Before any step is taken to increase the amount of fish that can be harvested from the BS/AI, more information must be made available on the relationship of the stocks and harvests in the Soviet zone and the donut hole to the stocks and harvest in the U.S. EEZ.

The upper limit on the OY continues to serve as a check to insure conservative management of the BS/AI groundfish fishery. It should not be abandoned simply because there is more demand for allocations.

In addition to the biological concerns, raising the total OY could have an adverse economic impact on the North Pacific groundfish industry. The Council's action of raising the OY could attract more harvesting vessels into the fishery at a time when harvesting capacity already exceeds production capacity and harvest allocations. This would compound the problem of

attempting to find markets for all harvesters.

Another concern is the additional bycatch which is required by joint venture fisheries in order to take the additional tonnage of groundfish. We have just witnessed a closure to DAP fisheries for yellowfin sole and other flatfish in zone 1 due to the crab bycatch in the joint venture fisheries. This action is totally contrary to the Magnuson Act's intention to fully Americanize the fishery.

In summary, AFTA believes that no change should be made to the total OY until there is adequate information available upon which to make such a decision.

6. PROHIBIT POLLOCK ROE-STRIPPING.

As pioneers of the domestic groundfish industry, AFTA objects to the notion that a allocation dispute between foreign processors may spill over to become a end product management effort by the government - on domestic processors. It is well known that the intent of this proposal was to allocate the pollock resource among JV processors. AFTA believes that any attempt to allocate resources should be addressed directly, instead of presenting such proposals as conservation measures. If a different method of allocating the JV quota is desired, the Council should entertain proposals on that topic.

As an economic measure, AFTA opposes any attempt to allocate the groundfish resource on the basis of final product form. The marketplace, not the Council, should dictate the products into which the resource is processed. Fishery managers should not be concerned with the end product of the resource, so long as there is a market for the product and the practice does not adversely affect the resource. Were the Council to venture into this type of management, the issues would be limitless, mistakes in management would abound, and the industry would suffer.

As a conservation measure, this proposal is a failure. As pointed out in the EA/RIR, a prohibition on roe stripping would do nothing to relieve the pressure on spawning pollock stocks. This proposal would not prevent other harvesters and processors from stepping in and fishing with the same intensity.

In a separate letter to the Council AFTA has indicated a willingness to address the issue of heavy fishing on the pre-spawning assembly of pollock by an interim restriction on JV pending a complete reevaluation of the Council's pollock management strategy.

AFTA intends to work with the Council and NMFS to develop sound long-term management policies for the pollock resource, the resource that is the key to the success of the developing U.S. groundfish industry. The impact of harvesting spawning stocks should be considered, but from a conservation perspective and not

as a means of allocating the resource among competing user groups.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edward D. Evans", with a long horizontal flourish extending to the right.

Edward D. Evans
Executive Director

MAY 15 1987

May 14, 1987

Mr. James O. Campbell, Chairman
411 West 4th Avenue, Suite 2D
Anchorage, Alaska 99510

RE: Amendment 11 to BS/AI Groundfish FMP

Dear Jim:

The joint venture segment of the fishing industry would like to submit the following specific comments in relation to the joint PSPA/Joint Venture Industry report to you of May 14.

1. We support a split j-v season for pollock in which half of the total expected pollock JVP is allocated during January - June and the remainder allocated during July - December. The split season would serve several purposes:
 - a. It would place a cap on pollock fishing effort during the spawning period. Although we are unaware of any demonstrable adverse biological implications connected with the exploitation of spawning stocks, we believe it best to exercise caution in this regard. Similarly, there does not appear to be any biological rationale for a first-half JVP allocation of less than 50 percent.
 - b. It would help to provide a more orderly and continuous flow of pollock products to the market.
 - c. It would help ameliorate the "roe stripping" controversy and spread the catch more evenly between the roe, surimi, and fillet producers.
2. Although we agree with PSPA that similar management measures should apply to pollock in the BS/AI and Western GOA regions, we believe that the Shelikof Strait pollock resource should be managed separately (as the Council is currently doing).
3. We see absolutely no reason for split-season JVP allocations for any species other than pollock. With particular regard to cod, the primary fishery for that species occurs at precisely the same time as that for spawning pollock; therefore, the major joint venture cod fishing is self-limiting. Furthermore, any measure which forces the j-v cod fishery later in the year will substantially increase the by-catch of prohibited species which is not a problem during winter months.
4. The "Olympic" JVP system leads to chaotic operational and business climates and we would welcome a thorough evaluation of alternatives. Because most, if not all, of these alternatives have to do with allocation among domestic fishermen, limited entry, "share systems", etc., that evaluation will take considerable time. During the time that such an evaluation is taking place, we support continued reliance on the "Olympic" system.

We continue to believe that "priority access" is a non-issue, a belief that is confirmed by the April 15 EIS/RIR. Americanization, including that of the DAP sector, is occurring at an increasing rate. With the continuing influx of trawlers to the North Pacific groundfish fisheries and the increasing capacity of American factory trawlers, this Spring's shortage of catcherboats was a short-lived phenomenon. This, coupled with our proposal for a split JVP season, should dispel any concern that there is a lack of catching capacity available for shoreside processors. The competitive nature of the free enterprise system, modified by the existing processor preference provisions of the MFCMA is working very well indeed (perhaps too well with regard to overcapitalization in the catcher fleet) -- there is simply no justification for further regulatory intervention on behalf of a small special interest component of the U. S. groundfish industry.

We also support in their entirety the comments on Amendment 11 submitted by the North Pacific Fishing Vessel Owners' Association and the Mid-Water Trawlers Cooperative.

The positions of the joint venture industry, as a whole, on the Amendment 11 package are as follows:

- Establish DAP priority within 100 miles of Unalaska Island
 - * We support Alternative 1, the status quo.
- Change the definition of prohibited species
 - * We support Alternative 2, revise definition of prohibited species, as long as that revision places no additional burden on joint venture fishing.
- Improve catch recording requirements
 - * Because of the complete recording/reporting requirements which the joint venture industry is currently subjected to, we have no position on this issue.
- Revise the definition of Acceptable Biological Catch
 - * We support Alternative 2, revise the definition to bring it into conformity with that used by the SSC and the PPMC.
- Increase the upper limit of the OY range
 - * We support either Alternative 2 or 3, which would allow an increase in the upper limit of OY.
- Prohibit pollock roe stripping
 - * We support Alternative 4, establish a semi-annual JVP apportionment schedule in which the apportionment for the first six month period is no less than 50 percent of the expected total JVP (see particularly the Midwater Trawlers Cooperative comments on this issue).

Several representatives of the joint venture fishing industry will be in attendance at the May Council meeting where they will be available to amplify or clarify our position on these very important management issues.

Finally, we would like to commend the Council, and particularly the BS/AI Groundfish Plan Development Team for the substantial improvement in the Amendment 11 package that went forward for public review.

Sincerely yours,

W. H. Lankens, Marine Resources Co. & V.L.
Robert A. Lankens, Westward Trawlers

Stephen M Berets, ARCTIC VENTURES
Terry Thomas II

Tom Smith, N.P.F.V.O.A.
Dan [unclear] Ak. JV Fish.

Nennis Petersen - Ocean Spray Fisheries Inc
Gunnar Nelson - Adhuso Fisheries

Walter Jensen, U.S. Dominator Inc.

Peter Block, Northern Deep Sea Fisheries, Inc

Michael G. Steiner, PROFISH INTERNATIONAL INC.

~~Clinton St. Thomas~~ ALYSESKA OCEAN INC

Katherine A. Shepard, DONA JOINT VENTURE FISHERIES CO.

E. E. [unclear] J.V. Fisheries



PACIFIC SEAFOOD PROCESSORS ASSOCIATION
4019 - 21st Ave. West, Suite 201
Seattle, WA 98199
(206) 281-1667

May 20, 1987

Mr. James O. Campbell, Chairman
North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, Alaska 99510

Dear Jim:

The Pacific Seafood Processors Association (PSPA) would like to offer the following comments regarding proposed Amendment 11 to the Bering Sea and Aleutian Islands fishery management plan. The following summary comments are submitted by PSPA on behalf of the Associations's members:

BERING SEA AND ALEUTIAN ISLANDS

FISHERY MANAGEMENT PLAN

PROPOSED AMENDMENT 11 COMMENTS

Proposed Rule: Establish DAP priority within 100 miles of Unalaska Island.

In an effort to achieve a management system for the North Pacific groundfish fishery that provides for conservation of the resource and true DAP priority, PSPA entered into discussions with representatives of the Joint Venture industry. We would like to preface our comments by commending the Joint Venture industry for their conscientious review of the issue.

Reference the attached document: "REPORT TO THE NPFMC REGARDING INDUSTRY CONSULTATIONS OVER THE DAP PRIORITY ACCESS ISSUES", dated May 13, 1987. This document summarizes the industry consensus points and the primary areas of disagreement as per our discussions in April.

Of concern to all parties is the questionable effect of such an intensive unregulated fishery on pollock pre-spawning stocks during the months of February through April. Additionally, PSPA is seeking a management system that would provide a priority system for all DAP operations; catcher processors, shoreside processing facilities and floating processors. It is questionable whether the current system of allocating fish achieves the aforementioned goals of resource conservation and true DAP priority access.

Mr. James O. Campbell
May 20, 1987
Page 2

To achieve these goals the Council should establish the following system for pollock and Pacific cod:

1. DAP operations would continue to operate year round.
2. JVP operations for pollock and Pacific cod would have a split season, each with a specific JVP allocation. PSPA endorses the following JVP allocation system;
*** January 1 through June 30 - 30% of the available JVP for pollock and Pacific cod.
*** July 1 through December 31 - 70% of the available JVP for pollock and Pacific cod.
3. If the JVP quota was achieved for either species the JVP season would be closed. Any excess JVP would carry over to the second half of the year. This type of management approach would conserve pollock pre-spawning stocks early in the year and establish a DAP priority system for both pollock and Pacific cod, April through June.
4. Reserves of any species should not be released to the JVP until the second half of the year.
5. Excess DAP for any species, if any, should not be reallocated to JVP until the second half of the year.
6. This management approach is conditioned on the continuation of the current "Olympic" system for JVP.
7. Similar management measures should apply to any JVP pollock or Pacific cod fishery in the Bering Sea and Gulf of Alaska, including Shelikof Strait.

PSPA encourages the Council to consider this type of management approach during your deliberations on Amendment 11.

Proposed Rule: Increase the upper limit of the optimum yield (OY) range.

The upper limit of the optimum yield continues to act as a tool for conservation of the fishery resources of the North Pacific. PSPA recommends that the OY for the Bering Sea/Aleutian Islands remain constant at two million metric tons until the Council, the scientific community and the domestic industry are aware of the effect on the resource of the intense pollock fisheries both in the U.S. FCZ and in the "Donut Hole".

Mr. James O. Campbell
May 20, 1987
Page 3

Thank you for this opportunity to comment. We look forward to participating in the Council review process in Anchorage, May 20 through May 22.

Sincerely,


Barry D. Collier
President

ss

Enclosure

**REPORT TO THE NPFMC REGARDING INDUSTRY CONSULTATIONS
OVER THE DAP PRIORITY ACCESS ISSUES
MAY 13, 1987**

As suggested by the Council during its March meeting, PSPA and the Joint Venture segment of the North Pacific fishing industry held a series of 3 meetings (April 7, 14, 17). During those meetings, PSPA and the J V Industry presented their respective positions concerning the DAP Priority Access issue and discussed alternatives to the 100-mile DAP exclusive zone around Unalaska Island. AFTA participated in the meetings but will be submitting its views separately. Mayor Fuhs of Dutch Harbor attended one meeting as a guest of PSPA.

Although consensus was not reached on a complete alternative, several areas of agreement did emerge:

1. Concern over the possible effect on pollock reproduction of an essentially unregulated fishery in which increasingly larger removals are being taken from spawning concentrations during February - April:
2. A split season (January - June, July - December) for pollock, each with a specific JV allocation.
3. Any shortfall in JVP pollock catch during the first half of the year will be added to the second half JVP.
4. Reserves of any species should not be released to the JVP until the second half of the year.
5. Excess DAP for any species, if any, should not be reallocated to JVP until the second half of the year.
6. Continuation of the 'Olympic' system for JVP (PSPA endorses continuation of the 'Olympic' management approach indefinitely, while the JV industry favors continuation until a thorough analysis of the entire question of domestic allocation has been completed).
7. Similar management measures should apply to the JVP pollock fishery in the Bering Sea and Gulf of Alaska (disagreement remains over whether the Shelikof Strait sub-area should be included in this provision).

Primary areas of disagreement which remain are:

1. The percentage of the pollock JVP that should be allocated to the first half of the year.
2. Whether cod should also have a split JVP season, similar to that for pollock.

Each of the parties to the discussions will independently report to the Council the details of their respective proposals.

Barry D. Cohen
for PSPA

H. H. Larkin's
for the JV Industry

AMERICAN HIGH SEAS FISHERIES ASSOCIATION
3040 West Commodore Way
Seattle, WA 98199

LATE COMMENT

May 15, 1987

Mr. James O. Campbell, Chairman
North Pacific Fisheries Management Council
411 W. 4th Avenue
Anchorage, Alaska 99510

Re: Amendment 11 Package - Public Comment

Dear Mr. Campbell:

American High Seas Fisheries Association comments as follows with regard to the Amendment 11 Package:

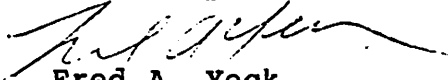
1. Establish DAP priority within 100 miles of Unalaska Island. Our association supports Alternative No. 1 which is status quo.
2. Revise the definition of "prohibited species". Our association supports Alternative No. 2 which is to revise the definition of prohibited species.
3. Improve catch recording requirements. Our association has no position on this issue.
4. Revise the definition of acceptable biological catch (ABC). Our association supports Alternative No. 2 which is to revise the definition of acceptable biological catch to bring it into conformity with the definition used by the SSC and the PFMC.
5. Increase the upper limit of the optimum yield "OY" range. Our association supports Alternative No. 2 or Alternative No. 3 which allows an increase of the upper limit of the OY.
6. Prohibit Pollock roe stripping. Our association supports Alternative No. 4 which is to establish a semi-annual JV apportionment schedule with at least 50% of the effective JVP for the first season with the remainder for the second season.

Page 2 .

With regard to data and arguments in support of the above positions we support the written statement offered by Midwater Trawlers Cooperative on these issues.

We look forward to presenting additional oral testimony at the meeting in Anchorage.

Sincerely,



Fred A. Yeck
Vice-President, Oregon

FAY/p

cc: Midwater Trawlers Cooperative
4055 21st Ave., W.
Seattle, WA 98199

Bue Orr
May '87



ALASKA FACTORY TRAWLER ASSOCIATION
4039 21ST AVE. WEST, SUITE 400
SEATTLE, WASHINGTON 98199
(206) 285-5139
TELEFAX 206-285-1841
TELEX 5106012568, ALASKA TRAWL SEA

POSITION PAPER
ON
AMENDMENT PROPOSALS

BERING SEA/ALEUTIAN ISLANDS

1. UNALASKA PRIORITY ACCESS ZONE

AETA POSITION - WE SUPPORT ALTERNATIVE 1 - STATUS QUO, AS PER INDUSTRY AGREEMENT THAT ESTABLISHES SPLIT SEASONS - AS AN ACCEPTABLE INTERIM MEASURE. WE OPPOSE THE USE OF SPECIAL ACCESS ZONES.

RAIIIONALE

- EA/RIR DEMONSTRATES THAT ZONE IS UNNECESSARY & DOES NOT ACHIEVE OBJECTIVE OF FORCING FISH ASHORE.

- APPROVAL OF SPECIAL ACCESS ZONE WOULD PROMOTE BALKANIZATION OF NORTH PACIFIC, INCREASING COSTS TO THE INDUSTRY, WHICH WOULD LIKELY RESULT IN RENDERING THE ENTIRE DOMESTIC INDUSTRY UNCOMPETITIVE IN WORLD MARKET.

- THE SPECIAL ACCESS ZONE PROPOSAL IS NOT LIKELY TO COMPLY WITH NATIONAL STANDARDS OF MFCMA - EG. STANDARD 1 - POTENTIAL NEGATIVE IMPACT ON ABILITY TO ATTAIN OPTIMUM YIELD FROM THE RESOURCE; STANDARD 4 - COULD ALLOCATE AN EXCESSIVE SHARE OF THE RESOURCE TO AN ENTITY.

- REAL ISSUE THAT NEEDS TO BE ADDRESSED IS LACK OF INFORMATION REQUIRED TO EFFECTIVELY MANAGE POLLOCK FISHERY.

2. REVISED DEFINITION OF PROHIBITED SPECIES.

AETA POSITION - WE SUPPORT IDEA OF ENUMERATING PROHIBITED SPECIES, BUT QUESTION METHOD BY WHICH SPECIES ARE SELECTED.

- HOW DID PACIFIC HERRING END UP ON THE LIST?

3. INCREASED RECORDING REQUIREMENTS

AEIA_POSITION - WE SUPPORT THE AP AND SSC RECOMMENDATION-ADOPT THE TRANSFER LOG PROVISION, BUT NOT THE DAILY CUMULATIVE LOG. THIS WAS THE ORIGINAL FOCUS OF THIS PROPOSAL - OBTAINING DATA ON AT-SEA TRANSFERS.

- CUMULATIVE DAILY LOG UNNECESSARY FOR ENFORCEMENT PURPOSES. PORTRAYS A "GUILTY BEFORE YOU START" ATTITUDE.

- WEEKLY REPORT IN COMBINATION WITH TRANSFER REPORTS WILL PROVIDE SUFFICIENT INFORMATION FOR NMFS ENFORCEMENT TO DETERMINE GROSS MISLOGGING, WHICH IS THE INTENT OF THE SYSTEM.

- IT WOULD PLACE INEQUITABLE REPORTING BURDEN ON AT-SEA PROCESSORS, WHO CURRENTLY PROVIDE MORE INFORMATION THAN ANY OTHER DOMESTIC GROUP.

- NMFS HAS NO PLAN, CAPABILITY TO USE MOST OF THE DATA REQUESTED. NO REASON TO DOCUMENT CATCH, PRODUCTION TO SUCH MINUTE DETAIL ON A DAILY BASIS WHEN NMFS CANNOT USE THE DATA ON A TIMELY BASIS NOR ESTIMATE PRODUCT ON BOARD TO SUCH EXACTING DETAIL.

- ENFORCEMENT COST TO INDUSTRY WOULD BE ENORMOUS. COMPLIANCE IS IMPOSSIBLE, SO CONSTANT THREAT OF FINE, SEIZURE. ONLY ACCURATE WAY FOR NMFS TO AUDIT PRODUCTION IS TO OFF-LOAD VESSEL, WHICH IS ECONOMICALLY UNACCEPTABLE.

- DEGREE OF REPORTING ACCURACY DEMANDED IS RIDICULOUS WHEN THE ACCURACY OF OTHER RESOURCE DATA IS CONSIDERED.

4. REVISE DEFINITION OF ACCEPTABLE BIOLOGICAL CATCH.

AEIA_POSITION - AFTA SUPPORTS ALTERNATIVE 2, BUT DOES NOT THINK THAT "THRESHOLD" SHOULD BE MECHANICALLY INSTITUTED.

- WE BELIEVE THAT INFORMATION IS NOT CURRENTLY AVAILABLE TO ACCURATELY ESTIMATE THIS "THRESHOLD". THEREFORE, THESE NUMBERS, WHICH COULD CLOSE DOWN FISHERIES, SHOULD NOT BE MECHANICALLY EMPLOYED.

5. INCREASE UPPER LIMIT ON OPTIMUM YIELD.

AEIA_POSITION - AFTA SUPPORTS ALTERNATIVE 1, STATUS QUO.

- INCREASED PRESSURE ON POLLOCK STOCK SHOULD NOT BE ALLOWED CONSIDERING LACK OF KNOWLEDGE OF THE RESOURCE.

-RELATIONSHIP OF DONUT HOLE, SOVIET ZONE AND U.S.

STOCKS?

- IMPACT OF DONUT HOLE. SOVIET ZONE HARVEST?

- RESPONSE TO INCREASED FISHING PRESSURE SHOULD NOT BE AUTOMATIC INCREASE IN OY.

6. PROHIBIT POLLOCK ROE STRIPPING.

AFTA_POSITION - AFTA SUPPORTS ALTERNATIVE 1 - STATUS QUO - AS PER INDUSTRY AGREEMENT WHICH ESTABLISHES SPLIT JV SEASONS AS AN INTERIM MEASURE TO RELIEVE THE EXTREME PRESSURE ON SPAWNING POLLOCK STOCKS.

- AFTA SUPPORTS EFFORT TO UNDERSTAND IMPACT OF INTENSE HARVESTING OF SPAWNING STOCKS, BUT BELIEVE THAT THIS MEASURE DOES NOTHING FOR CONSERVATION OF THE RESOURCE.

- IF INTENT IS REALLY TO ALLOCATE POLLOCK AMONG JV PROCESSORS, THIS ISSUE SHOULD BE ADDRESSED DIRECTLY.

- COUNCIL SHOULD NOT MAKE ALLOCATIVE DECISIONS WHICH DICTATE END PRODUCT FORM UNLESS BASED ON BIOLOGICAL HARM TO RESOURCE.

GULE_OF_ALASKA

1. UNALASKA PRIORITY ACCESS ZONE

AEIA_POSITION - SUPPORT ALTERNATIVE 1, AN THE ADOPTION OF SPLIT SEASONS AS AN INTERIM MEASURE. OPPOSE PRIORITY ACCESS ZONE;

SEE BERING SEA DISCUSSION

2. REVISE PSC DEFINITION

AEIA_POSITION - SUPPORT CLARIFICATION, BUT QUESTION METHOD OF ADDING HERRING TO THE LIST.

3. INCREASED REPORTING REQUIREMENTS

AEIA_POSITION - SUPPORT AP AND SSC RECOMMENDATION - ADOPT TRANSFER LOG, BUT NOT DAILY PRODUCTION LOG. THIS WAS THE ORIGINAL FOCUS OF PROPOSAL - AT-SEA TRANSFER LOG; OPPOSE ADDED REQUIREMENTS AS UNNECESSARY AND BURDENSOME.

4. ANNUAL SETTING OF FISHING SEASONS BY SPECIES

AEIA_POSITION - SUPPORT ALTERNATIVE 1 - STATUS QUO.

- NO NEED FOR SUCH AUTHORITY. SEASONS SHOULD BE SET BY AMENDMENT AS NEED IS IDENTIFIED.

- EA/RIR FAILED TO IDENTIFY/QUANTIFY MAGNITUDE OF ALLOCATIVE IMPACTS PROPOSAL IS LIKELY TO HAVE.

- COUNCIL WILL BE OVERBURDENED DEALING WITH REQUESTS FOR SEASONS, WHEN SUCH AN EXERCISE IS UNNECESSARY.

5. ANNUAL DETERMINATION OF PSC LIMITS FOR CRAB, SALMON.

AEIA_POSITION - AFTA SUPPORTS ALTERNATIVE 1 - STATUS QUO.

- PROPOSAL IS UNNECESSARY AND UNWORKABLE.

- INDUSTRY BYCATCH COMMITTEE SHOULD BE GIVEN OPPORTUNITY TO COME UP WITH METHOD FOR DEALING WITH BYCATCH. CURRENT CASE-BY-CASE METHOD IS PREFERRED TO THIS PROPOSAL.

- PROPOSAL HAS SEEMINGLY LIMITLESS APPLICATION. NO PARAMETERS IDENTIFIED FOR DETERMINING PSC LIMITS, AREA OF APPLICATION OR ASSIGNMENT OF INDIVIDUAL LIMITS.

- NO METHOD OF ENFORCEMENT IS PROPOSED.

- THIS IS A STRAIGHTFORWARD MATTER OF ALOCATING RESOURCES, YET IMPACT OF ALLOCATIONS IS NOT DISCUSSED.

- THE AP, SSC AND INDUSTRY ALL OPPOSE THIS PROPOSAL.

6. UPDATE OF GULF FMP

AEIA_POSITION - SUPPORT UPDATING FMP, BUT COUNCIL AND PUBLIC MUST REVIEW DRAFT BEEORE IT IS APPROVED.

- CONCERNED THAT WITHOUT PUBLIC, COUNCIL REVIEW, DOCUMENT MIGHT NOT ACCURATELY REFLECT APPROVED POLICY.

- E.G. - SHOULDN'T CHANGE IN ROCKFISH MANAGEMENT, LEGAL GEAR TYPES, RESERVE POLICY BE SEPERATE AMENDMENTS? THIS SEEMS TO BE MORE THAN JUST "UPDATING".

- BOTH SSC AND AP EXPRESSED DESIRE TO HAVE STAFF PREPARE DRAFT PLAN AND SEND IT OUT FOR REVIEW, AND HAVE FINAL APPROVAL DECISION AT SEPTEMBER MEETING.

- ALTERNATIVE SEEMS TO BE TO APPROVE FMP WITHOUT REVIEWING IT, WHICH INCREASES LIKELIHOOD THAT SECRETARY WILL NOT APPROVE IT.

Finance Committee Minutes
May 21, 1987

The Finance Committee met on May 21, 1987 with the following in attendance:

Don Bevan	Ron Miller
Joe Blum	Phil Mundy
Jim Branson	Clarence Pautzke
John Harville	Mark Pedersen
Fred Gaffney	John Peterson
Robert McVey	Judy Willoughby
	John Winther, Chairman

Dave Dittman, Ann Kampfer, and Steve Grabacki from Dittman Association gave a status report on the contract the Council has with them to do a groundfish management option survey. The survey is 92% complete to date and should be finished within the week. They have interviewed 70 processors and 370 fishermen with very cooperative responses especially from the fishermen. This contract is to be completed by July 31, 1987 and final payment will be due then. The Committee authorized the Finance Committee chairman and staff to approve the final report and final payment.

The Committee then reviewed the bids received from four Anchorage hotels for the 1988 Council meetings. The contract will be awarded to the Sheraton on the basis of room price.

The 1988 administrative budget was reviewed. John Harville moved it be accepted as presented for a total of \$1,223,925. The motion passed with no objection.

Don Bevan requested two lap top computers be purchased for the SSC. This was approved.

The Committee then discussed the Council's potential involvement in halibut management and the added costs of halibut-related activities. Recognizing that a letter from NMFS will be forthcoming on the Council's role in halibut

management, the Committee recommends that a supplemental request for funds be submitted to NMFS to cover the expenses of possible addition of staff, travel, and public hearings. The supplemental amount will be estimated by staff and submitted with the Council's budget request in mid-summer.

A request for funds from the North Pacific Fishery Coalition to cover expenses for a survey they are conducting was reviewed. After discussion, John Harville moved this request be denied on a procedural basis because the project had not been discussed with the Council prior to commencement. The motion passed with no objection. The Committee indicated they would be willing to entertain future requests for funding, provided they are brought before the Council before they commence.