GOA Grandfish, SABLEFISH

6-5

FORBES BAKER
GEN. DEL.
JUNEAU, AK 99801

DATE: _____

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

I wish to testify on:

AGENDA TOPIC: GOA FMP AMENDMENTS / Joint Venture Applications

AGENDA Numbers: G-5 H 5.

Time required for presentation: REQUEST EQUAL TIME TO (respond to) JOINT VENTURE APPLICANTS

NAME: EDWARD W. FURIA & JAMES J. SEELEY

MAILING ADDRESS: 3515 E. SPRING ST.

Seattle WA 98122

DATE: 12-12-79

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

I wish to testify on:

AGENDA TOPIC: GOA Amendments

AGENDA Numbers: C-5 _____.

Time required for presentation: _____.

NAME: Jeff Stephen

MAILING ADDRESS: _____

DATE: 12-12-79

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

I wish to testify on:

AGENDA TOPIC: G 5 GOA Groundfish FMP

AGENDA Numbers: G 5.

Time required for presentation: 10 min.

NAME: Edward F Naughton

MAILING ADDRESS: Box 1911 Anch 99510

DATE: 12/12

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

I wish to testify on:

AGENDA TOPIC: ① Sablefish OY Gulf of Alaska FMP ② Foreign allocations

AGENDA Numbers: G.5 _____.

Time required for presentation: 10 min.

NAME: Paul Mac Gregor on behalf of North Pacific Longline -

MAILING ADDRESS: 1230 Bank of Calif. Seattle, Wash 6 Gillnet Assn.

DATE: _____

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

I wish to testify on:

AGENDA TOPIC: Groundfish Amendments

AGENDA Numbers: C-5 _____.

Time required for presentation: 10 min.

NAME: Alan Otnes

MAILING ADDRESS: 4241 21st W. Seattle

DATE: 12/14

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

I wish to testify on:

AGENDA TOPIC: Letter from R. THORSTENSON Regarding F.M.P., J.V., Permits

AGENDA Numbers: C-5 H-5.

Time required for presentation: 15 min.

NAME: ALAN OTNESS

MAILING ADDRESS: Box 1147 Petersburg, Alaska

DATE: 12/12

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

I wish to testify on:

AGENDA TOPIC: G-5 GOA FMP - Groundfish

AGENDA Numbers: G-5 _____.

Time required for presentation: 10 min or less.

NAME: Steve Johnson

MAILING ADDRESS: 3030 Bank of Cal. / Seattle

Agenda Item G-5
December, 1979

MEMORANDUM

DATE: December 7, 1979

TO: Council Members, Scientific & Statistical Committee and Advisory Panel

FROM: Jim H. Branson

SUBJECT: Gulf of Alaska Groundfish FMP

ACTION REQUIRED

1. *Consider amending sablefish OY.*
2. *Consider resubmitting the provisional joint venture time and area policy statement.*
3. *Consider other issues dealing with incidental catches of halibut, king crab grounds preemption in the Kodiak area and 1980 foreign fishery allocations.*

BACKGROUND

Five issues in the Gulf of Alaska Groundfish FMP are considered here: the first two are amendments which have been proposed to the Plan: (1) amend sablefish OY and (2) "re-submit" the provisional joint venture time and area policy statement. Two issues have been considered for future amendments to the Plan (i.e. March, 1980) and deal with: (3) a king crab grounds preemption problem in the Kodiak area, and (4) the incidental catch of halibut in the trawl fisheries. The last item (5) is the 1980 foreign fishery allocations for the Gulf of Alaska.

The background material and possible courses of action for each item are as follows:

Sablefish OY	Attachment 1
Provisional Joint Venture Time and Area Policy Statement	Attachment 2
King Crab Grounds Preemption in the Kodiak Area	Attachment 3
Incidental Catches of Halibut	Attachment 4
1980 Foreign Fishery Allocations	Attachment 5

MIH

SABLEFISH OY
Attachment 1

BACKGROUND

In Sitka the Advisory Panel asked the Council to schedule and consider an amendment reducing the OY in the Gulf of Alaska from 13,000 mt to approximately 10,500 mt. At an INPFC meeting in Juneau this summer the Management Plan Drafting Team discussed a similar reduction in OY and since then, have met in Seattle (December 7th) to formulate a recommendation. The Pacific West Coast and Alaska blackcod fisheries in 1979 and the projections for 1980 are discussed in a letter from Steve Hughes (November 19). Hughes discusses the dramatic doubling of the Washington/Oregon/California and Alaska domestic blackcod catch in 1979. He suggests that all indications point to considerably more fishing effort off Alaska for 1980. Steve Hughes submitted a second report to Jim Balsiger, leader of the Management Plan Drafting Team for the Gulf of Alaska Groundfish Plan, which discusses the results of the 1978/79 NMFS sablefish abundance index and study. Hughes concludes in the report, on pages 5 and 6, that the increases in the catch per unit of effort and the presence of relatively large numbers of 3 and 4 year old recruit fish should be regarded with caution and that any immediate increase in fishing pressure on these stocks in Southeast Alaska is probably not warranted.

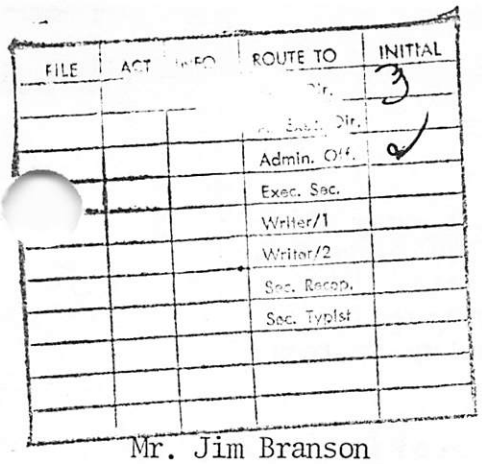
The Scientific & Statistical Committee met in Anchorage on November 27th but had no new information to study regarding this issue and had no recommendations. Jim Balsiger plans to attend the Advisory Panel and Council meeting and present a short report.

POSSIBLE COURSES OF ACTION

(1) Amend or retain the sablefish OY - a recommendation by the Advisory Panel and the Management Plan Drafting Team could be evaluated by the Council and proposed as an amendment (if changes are recommended).

(2) Action on the amendment could be deferred until the next meeting. A deferral would allow the Scientific & Statistical Committee to review the recommendations of the Management Plan Drafting Team. It, however, creates a problem if the OY is ultimately reduced. Since TALFF has been set any reduction in OY might come from the reserve. Any reduction in reserve would impact unexpected joint ventures catches of sablefish. Therefore, two alternatives exist:

    (a) Recommend no reserve be released until the OY problem is resolved; or
    (b) Recommend the initial sablefish TALFF be temporarily suspended or reduced until the OY issue is resolved.



AGENDA G-5.a
DEC. 1979

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest & Alaska Fisheries Center
Resource Assessment & Conservation Engineering
7600 Sand Point Way NE, Bldg. 32
Seattle, Washington 98115

November 19, 1979

F111:SH

Mr. Jim Branson
Executive Director
North Pacific Fishery Management Council
P. O. Box 3136DT
Anchorage, AK 99510

NOV 23 1979

Dear Jim:

As per our November 15 conversation in Anchorage, the following summarizes developments in the Pacific west coast and Alaska blackcod fisheries during the past year with some projections for 1980.

The 1978 trend of reduced Japanese blackcod landings, rising prices due to supply shortages, development of a strong U.S. export market to Japan and rapid growth of the U.S. domestic fishery generally continued during 1979.

Japanese wholesale prices of dressed, boxed and frozen blackcod peaked in May 1979 at about $2.15/lb and have declined to about $1.63/lb as of October 1979. This recent reduction in Japanese wholesale prices has also been proportionately reflected in U.S. ex-vessel prices since June as most of the domestic landings are exported to Japan.

The Washington-Oregon-California domestic blackcod fishery grew at an unprecedented rate during the past year which increased landings from about 8,000 mt in 1978 to about 16,000 mt in 1979. Domestic landings in offshore S.E. Alaska also doubled from about 1,500 mt in 1978 to over 3,100 mt in 1979.

Presently, I see a number of events happening which will likely effect the Alaskan domestic fishery in 1980. First, the number of fishermen planning to enter the domestic fishery for the first time in 1980 is at least as great as it was one year ago. The Washington-Oregon-California fishery is becoming somewhat "crowded" and the 16,000 mt landed in 1979 exceeds the preliminary MSY for that area which is believed to be about 14,000 mt. All indications are that considerably more fishing effort will be directed toward Alaskan waters in 1980.

It is also evident that a number of larger vessels will enter this fishery in the central and western Gulf. Interest by 90'-130' king crab type vessels as been augmented by shortened crab seasons, attractive blackcod prices, market availability, and compared to gearing up for trawling, the relatively inexpensive cost of automated longline systems and blackcod pots.

In summary, the Pacific coast and Alaska domestic blackcod fishery landed at least 9,500 mt more blackcod in 1979 than in 1978. Similar growth in 1980 is anticipated and it is likely that more of that growth will take place in Alaskan waters in 1980 than was noted in 1979. Substantial effort by larger vessels can be expected in the central and western Gulf of Alaska as well as increased effort in S.E. Alaska.

While I cannot be more quantitative about projected domestic growth of the 1980 blackcod fishery in Alaska, I hope this general information will be useful to the Council.

Sincerely,

Steve Hughes

Steve Hughes
Leader, Latent Resource Assessment

cc: Bert Larkins
Dr. J. Balsiger

AGENDA G-5
DEC. 1979

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest & Alaska Fisheries Center
Resource Assessment & Conservation Engineering
7600 Sand Point Way NE, Bldg. 32
Seattle, Washington 98115

Reply to Attn. of: F111:SH

FILE	ACT	INFO	ROUTE TO	INITI
			Exec. Dir.	
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			Sec. Typist	
			NOV 27 1979	

Date : November 21, 1979

To : Jim Balsiger, Team Leader Gulf of Alaska Groundfish Plan

From : Steve Hughes
Steve Hughes, Leader, Latent Resource Assessment

Subject: S. E. Alaska Sablefish Document

Enclosed please find results of a 1978-79 NMFS sablefish abundance indexing study we conducted in southeastern Alaska waters under FCMA management. This document is intended for council consideration in their over-all appraisal of sablefish stock conditions and 1980 allocations.

Attachment

cc: Jim Brandson, NPFMC Anchorage

CHANGE IN RELATIVE ABUNDANCE AND SIZE COMPOSITION OF SABLEFISH IN THE COASTAL WATERS OF SOUTHEAST ALASKA 1978-79

by
Harold Zenger
and
Steve Hughes

October, 1979

National Marine Fisheries Service
Northwest and Alaska Fisheries Center
2725 Montlake Boulevard East
Seattle, Washington 98112

INTRODUCTION

Prior to 1978, management of the sablefish (Anoplopoma fimbria) stock off southeastern Alaska was based primarily upon Japanese longline CPUE data (Low et.al., 1976; Low and Wespestad, 1979). On January 1, 1978, foreign sablefish longlining in that area was limited by catch quotas due to evidence of declining stock abundance and on July 2, 1978, the area east of 140°W longitude was closed to foreign sablefish longlining.

With the exclusion of foreign fishing in that area, a void was created in the data reported for management purposes. In June 1978, the Northwest and Alaska Fisheries Center initiated a sablefish indexing study and continued it in 1979 in an attempt to monitor changes in relative abundance of sablefish and stock composition.

This report summarizes results of these studies and provides information on the 1978-79 sablefish stock condition in the coastal waters of southeastern Alaska. Other data pertaining to the relative abundance of sablefish are found in the results of the 1978 and 1979 joint research surveys, conducted by Japan and the U.S. (Sasaki, 1978 and 1979). Information on domestic catch and effort are collected by the Alaska Department of Fish and Game.

METHODS AND GEAR

The assessment technique employed in this study is known as "abundance indexing". It does not estimate stock biomass or fish abundance directly, but indicates year to year changes in abundance of sablefish relative to a fixed amount of fishing effort, using standardized gear at four predetermined sites. This study has been designed to determine the percentage of annual change in CPUE at each survey site, and indicate sizes and ages of fish which are associated with that change.

Percentage changes in CPUE from one year to the next can be used directly to determine desired modifications in harvest levels. For example, if CPUE of commercially marketable fish increased between 1978 and 1979, harvest levels might be increased commensurately.

Sampling gear consisted of 50 identical rectangular collapsible sablefish traps, each measuring 34" x 34" x 8'. Each trap was equipped with a single tunnel constructed of green 2½" nylon web, and the body was covered with 3½" white web. To standardize trap fishing or soaking time, tunnel entrances were equipped with calibrated corrodible magnesium clips which closed trap entrances via a noose arrangement after 24± 1 hour periods in seawater.

During the 1978 survey, indexing sites were selected near Cape Addington, Cape Ommaney and Cape Cross. In 1979, a fourth site was established at Dixon Entrance near Cape Muzon (Fig. 1). At each site, with the exception of Cape Muzon, a 10-trap set was located as near as possible to the 150, 225, 300, 375 and 450 fathom isobaths. Those depths represent a major part of the adult sablefish's depth distribution that is fishable with traps in the coastal waters of southeastern Alaska. Five repetitions (5 sets) at each depth constituted a completed site. Due to the very irregular bottom conditions found between 250 and 450 fathoms near Dixon Entrance, all sets were made in 205 to 231 fm on a large flat southwest of Cape Muzon. Twenty-two strings of traps were set and hauled at this site during the 1979 survey. Operations were hampered by strong currents which caused gear to become tangled in some cases. At the former three sites, fishing was conducted in the same locations during both the 1978 and 1979 surveys. Loran C bearings were used to assure that replicate sets were placed at positions established in 1978. Both surveys were carried out from early June to mid-July.

A perforated plastic jar containing two pounds of chopped herring bait was hung in each trap. Data collected included:

1. Number of sablefish captured in each trap..
2. Number and estimated weight of other species.
3. Fork lengths for all sablefish.
4. Individual weights, age structures (scales in 1978 and otoliths in 1979), sex and sexual maturity from a stratified sample of sablefish from the combined sites.
5. Tissue samples for stock identification studies were collected from 100 sablefish at each site during the 1978 survey.
6. Sablefish not required for biological samples were tagged and released to ascertain their general movements.

Total weights of sablefish catches were calculated by summation of individual weights. Individual weights of tagged sablefish were estimated through the length-weight relationship, $W = aL^b$, using regression coefficients calculated from lengths and weights collected in the general area. Comparisons of catches between surveys at each site have been made in two ways. Data is presented as total catch in numbers of sablefish per string by depth and also as the catch of marketable sablefish per string by depth. Marketable sablefish are those whose dressed weight was three pounds or more (58 cm or larger, fork length).

RESULTS

Indexing sites at Cape Addington, Cape Ommaney, and Cape Cross were successfully sampled in 1978 and 1979. Tables 1-3 compare total numbers of sablefish captured by string and depth interval at each site. Data presented indicates

a 45% increase in the sablefish catch from 1978-79 at the Cape Addington site, an 80% increase at the Cape Ommaney site, and a 9% decrease at the Cape Cross site. Combined data from the three sites indicates a 38% increase in sablefish CPUE.

Size compositions of sablefish captured at the three survey sites in 1978 and 1979 (Fig. 2) showed a substantial recruitment of juvenile or young adult fish in 1979. No such abundance of young fish was found in 1978.

Aging sablefish has been a difficult task and at times the results have been questionable. However, the best preliminary data relating age to size is summarized in Table 7. The majority of the sizes appearing as recruits are 3+ and 4+ year old fish. The strong showing of these ages is believed to represent abundant 1975-76 yearclasses which may have been only partially recruited to the fishing grounds when sampling was conducted. Length frequency data summarized in Figures 3 and 4 indicate these fish to be most abundant at the Cape Addington site, less abundant, but noteable at Cape Cross, and not unusually abundant at Cape Ommaney and Cape Muzon.

The 80% increase in sablefish CPUE at Cape Ommaney was not caused by a large influx of recruits but rather by the presence of many adult fish. Maturity data suggested that spawning may have been the motivation for such a large apparent increase in sablefish abundance. Percentages of recently spawned or ripe females sampled varied from 28% at Cape Addington, the scene of strong recruitment, to 72 and 74% at Capes Cross and Muzon, respectively, and to a high of 91% at Cape Ommaney. It is possible that the relatively high CPUE realized at the latter site was the result of a large, temporary aggregation of spawning fish.

Because the numbers of newly recruited sablefish influenced the percentage change in CPUE somewhat differently at each site, those fish considered undersized for marketing (less than 3 lb. dressed weight or > 58 cm) were excluded from Tables 4-6. This analysis indicated that the number of marketable sablefish

increased 15% at the Cape Addington site, increased 88% at the Cape Ommaney site and decreased 13% at Cape Cross. The combined sites representing the coastal waters of southeast Alaska showed a 31% increase in the number of marketable sablefish from 1978 to 1979.

CONCLUSIONS

Results indicating a 31% increase in the CPUE of marketable sablefish in coastal southeast Alaska from July 1978 to July 1979 are primarily due to an 88% increase in CPUE at the Cape Ommaney site. The suggestion of a large increase in the adult population without a large previous year's recruitment should be treated with considerable reservation. There is a strong possibility that the increase in apparent sablefish abundance was the result of an aggregation of spawners. It seems unlikely, based on the catch rates found at that site in 1978, that all the fish moved permanently into the area since last year. The occurrence may represent an anomaly that did not appear last year during our survey. It is conceivable that an ideal set of circumstances led to a heavy concentration of spawners. As a result, the credibility of the 31% increase in marketable-sized sablefish is questionable.

The relatively large numbers of 3 and especially 4 year old fish recruited at Cape Addington increased the abundance of fish at the point of recruitment, but does not mean a commensurate increase at all points along the coast. Subsequent movements of the fish into and their future effects on other areas cannot be predicted at this time. Tag recoveries should clarify migration patterns of the recruits.

Because pre-recruits are usually distributed in shallow water (less than 150 fm), the relative strength of the 1975 and 1976 yearclasses cannot be determined from available data. The presence of this potentially large group should

should be regarded conservatively until its impact on the stock can be more carefully evaluated in 1980.

Perhaps 2-3 years of growth should be required before the recruits reach a size at which the maximum economic benefits can be derived from them. An immediate increase in fishing pressure on the sablefish stock off southeast Alaska does not appear to be warranted.

LITERATURE CITED

Low, L. L., G. K. Tanonaka and H. H. Shippen. 1976. Sablefish of the Northeastern Pacific Ocean and Bering Sea. Northwest Fisheries Center . Processed Report.

Low, L. L. and V. Wespestad, 1979. General Production Models on Sablefish in the North Pacific. Document submitted to the International North Pacific Fisheries Commission by the U.S. National Section. NWAFC.

Sasaki, T. 1978. Preliminary survey report on blackcod and Pacific cod stocks by Hatsue Maru No. 55 in the Gulf of Alaska in the summer of 1978. INPFC Doc. No. 2074. Fisheries Agency of Japan.

1979 Preliminary report on blackcod and Pacific cod survey by Ryusho Maru No. 15 in the Aleutian region and the Gulf of Alaska in the summer of 1979. INPFC Doc. No. 2226. Fisheries Agency of Japan.

Table 1. Total numbers of sablefish caught per 10 trap string by depth and set at the Cape Addington site, 1978 and 1979.

1978 Survey Depth (fm)	150	225	300	375	450	Total
Set						
1	1	10	25	25	15	76
2	6	9	20	21	24	80
3	3	6	21	40	12	82
4	13	28	38	49	39	167
5	8	21	51	34	21	135
Total	31	74	155	169	111	540
Mean	6	15	31	34	22	108

1979 Survey Depth (fm)	150	225	300	375	450	Total
Set						
1	9	88	32	43	42	214
2	9	35	36	82	38	200
3	28	14	25	33	31	131
4	7	33	28	47	24	139
5	7	31	26	25	10	99
Total	60	201	147	230	145	783
Mean	12	40	29	46	29	157

Table 2. Total numbers of sablefish caught per 10 trap string by depth and set at the Cape Ommaney site, 1978 and 1979.

1978 Survey Depth (fm)	150	225	300	375	450	Total
Set						
1	3	6	12	42	24	87
2	6	8	22	32	35	103
3	6	9	27	26	47	115
4	3	15	15	34	35	102
5	9	4	20	25	10	68
Total	27	42	96	159	151	475
Mean	5	8	19	32	30	95

1979 Survey Depth (fm)	150	225	300	375	450	Total
Set						
1	9	36	44	37	60	186
2	6	41	30	45	55	177
3	8	36	20	48	25	137
4	6	24	27	66	44	167
5	3	34	42	39	69	187
Total	32	171	163	235	253	854
Mean	6	34	33	47	51	171

Table 3. Total numbers of sablefish caught per 10 trap string by depth and set at the Cape Cross site, 1978 and 1979.

1978 Survey Depth (fm)	150	225	300	375	450	Total
Set						
1	0	22	23	8	15	68
2	3	4	28	30	16	81
3	0	11	36	38	55	140
4	1	12	34	35	31	113
5	0	7	15	33	56	111
Total	4	56	136	144	173	513
Mean	1	11	27	29	35	103

1979 Survey Depth (fm)	150	225	300	375	450	Total
Set						
1	4	8	36	26	26	100
2	3	20	31	37	14	105
3	4	10	37	32	23	106
4	4	16	18	29	25	92
5	5	11	17	17	20	65
Total	20	65	139	141	108	468
Mean	4	13	28	28	22	94

Table 4. Total number of marketable sablefish (≥3 lb. dressed weight) caught per 10 trap string by depth and set at the Cape Addington site, 1978 and 1979.

1978 Survey Depth (fm)	150	225	300	375	450	Total
Set						
1	0	8	20	15	14	57
2	4	8	17	17	19	65
3	0	2	12	26	10	50
4	10	27	24	45	37	143
5	4	19	36	28	19	106
Total	18	64	109	131	99	421
Mean	4	13	22	26	20	84

1979 Survey Depth (fm)	150	225	300	375	450	Total
Set						
1	3	88	6	25	39	161
2	0	33	11	33	36	113
3	6	11	16	14	23	70
4	1	30	18	11	23	83
5	0	32	9	7	10	58
Total	10	194	60	90	131	485
Mean	2	39	12	18	26	97

Table 5. Total numbers of marketable sablefish (≥ 3 lb. dressed weight) caught per 10 trap string by depth and set at the Cape Ommaney site, 1978 and 1979.

1978 Survey Depth (fm)	150	225	300	375	450	Total
Set						
1	2	5	10	40	19	76
2	6	8	19	23	38	94
3	6	9	24	19	41	99
4	3	15	13	29	28	88
5	9	4	20	25	8	66
Total	26	41	86	136	134	423
Mean	5	8	17	27	27	85

1979 Survey Depth (fm)	150	225	300	375	450	Total
Set						
1	5	36	40	34	59	174
2	2	41	27	44	51	165
3	4	36	20	42	24	126
4	0	24	24	63	42	153
5	1	33	39	37	66	176
Total	12	170	150	220	242	794
Mean	2	34	30	44	48	159

Table 6. Total number of marketable sablefish (≥ 3 lb. dressed weight) caught per 10 trap string by depth and set at the Cape Cross site, 1978 and 1979.

1978 Survey Depth (fm)	150	225	300	375	450	Total
Set						
1	0	14	20	7	12	53
2	1	3	24	27	16	71
3	0	10	33	35	52	130
4	1	11	31	32	31	106
5	0	7	13	29	50	99
Total	2	45	121	130	161	459
Mean	< 1	9	24	26	32	92

1979 Survey Depth (fm)	150	225	300	375	450	Total
Set						
1	0	7	28	25	24	84
2	1	9	26	33	14	83
3	2	9	28	28	21	88
4	3	10	15	27	25	80
5	3	10	15	16	20	64
Total	9	45	112	129	104	399
Mean	2	9	22	26	21	80

Table 7. Preliminary mean length at age analysis for sablefish taken off southeast Alaska during the 1979 abundance indexing survey.

Age (yr)	Mean Fork Length		
	Males (cm)	Females (cm)	Both sexes (cm)
2	45	43	44
3	49	48	48
4	56	53	54
5	58	61	59
6	62	66	63
7	67	72	70
8	70	74	73
9	76	77	77
10	70	83	81
11		79	79
12		80	80

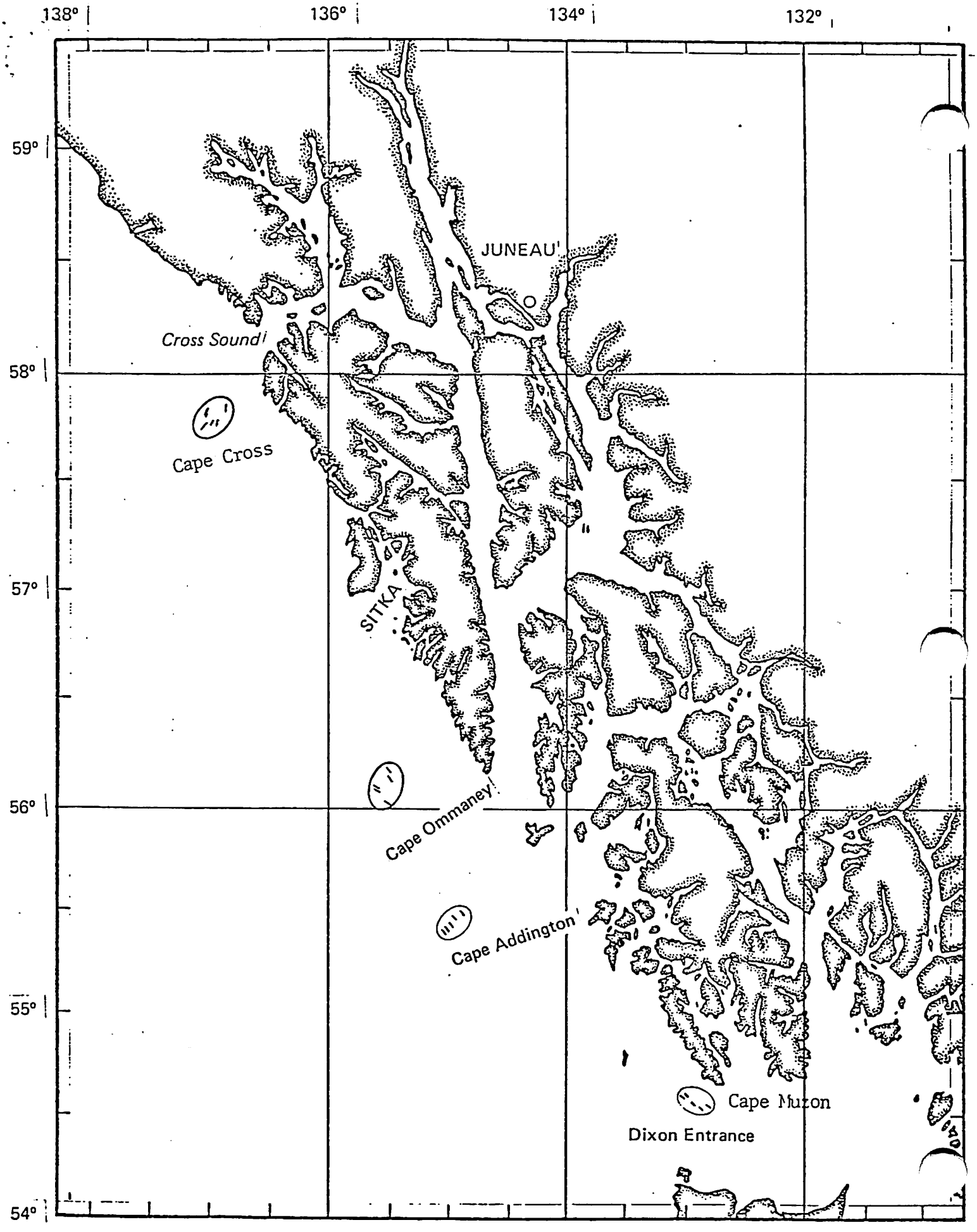


Fig. 1. Locations of sablefish abundance indexing sites surveyed off southeastern Alaska during 1978 and 1979.

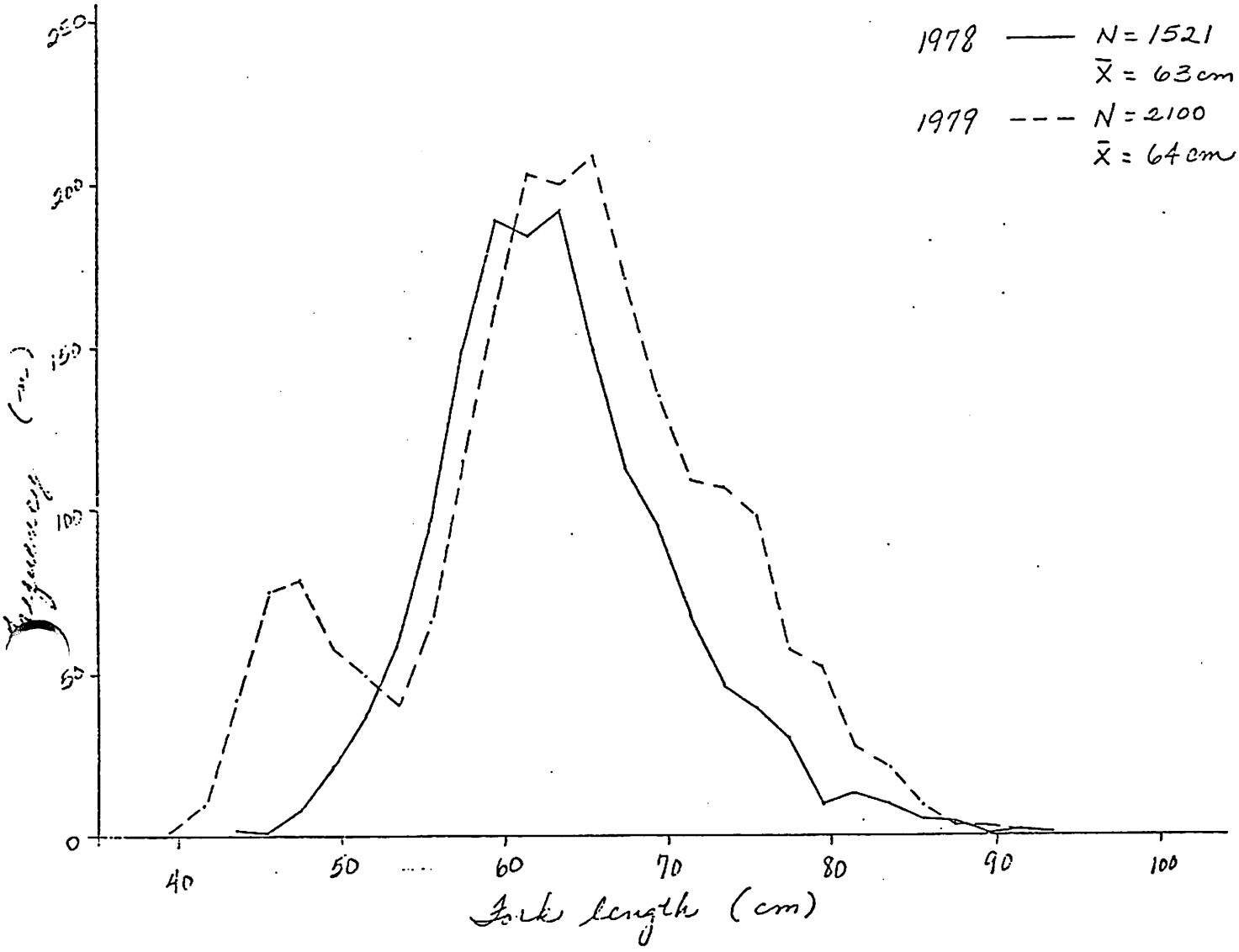


Fig. 2. Composite length composition of sablefish captured at the Cape Addington, Cape Ommaney and Cape Cross sites during the 1978 and 1979 index surveys.

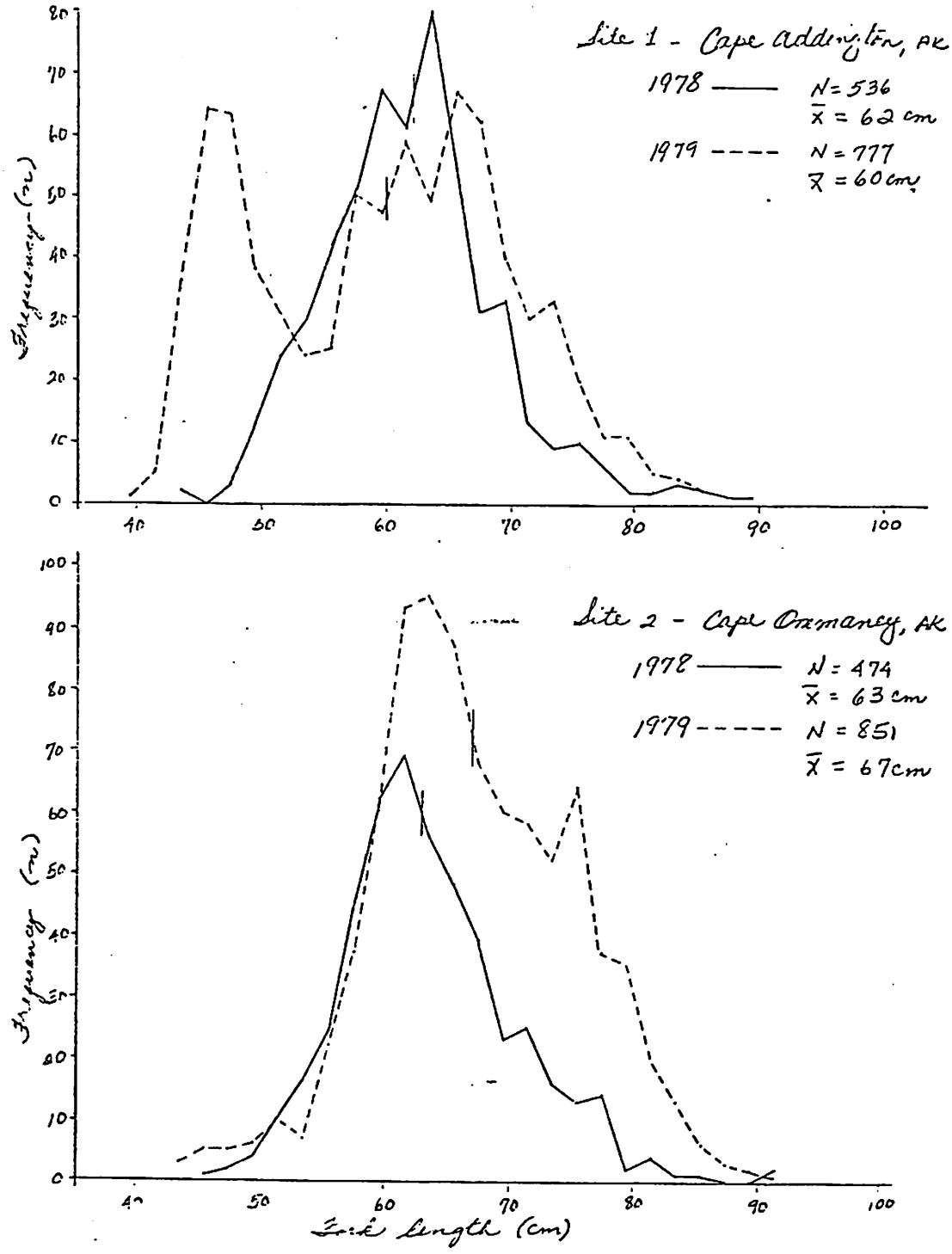


Fig. 3. Length composition of sablefish captured at the Cape Addington and Cape Ommaney sites during the 1978 and 1979 index surveys.

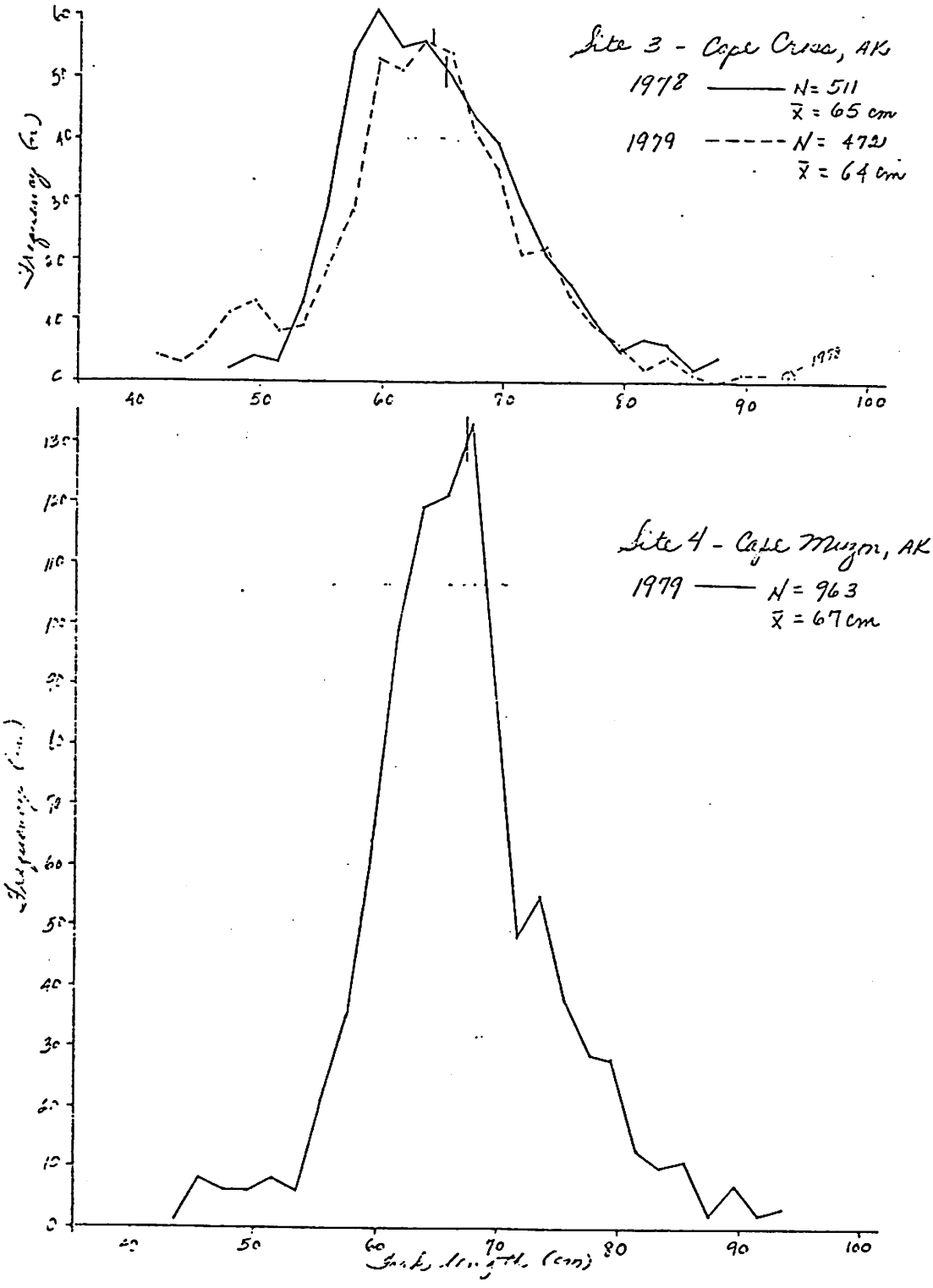
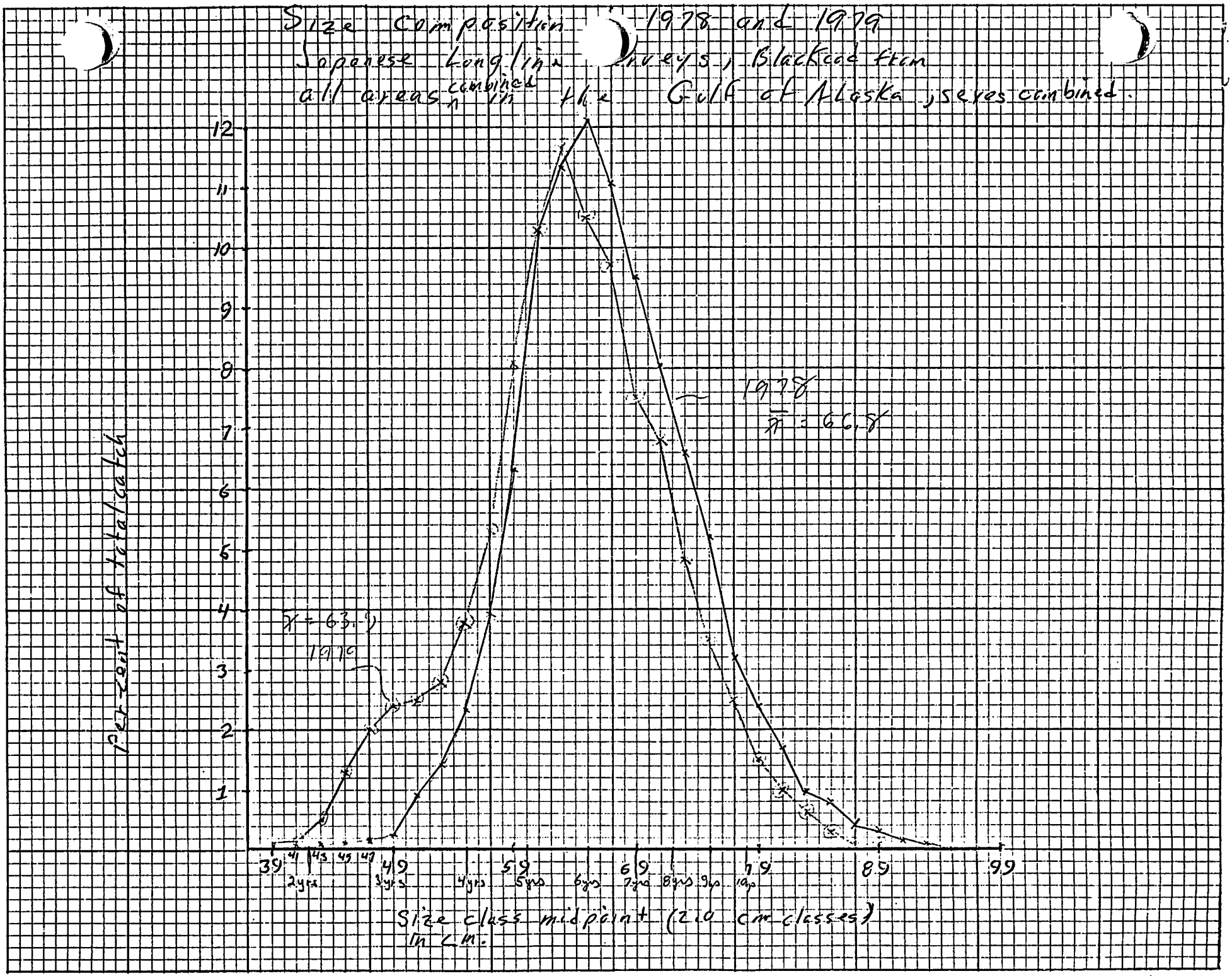


Fig. 4. Length composition of sablefish captured at the Cape Cross and Cape Muzon sites during the 1978 and 1979 index surveys.


Size Composition 1978 and 1979
Japanese Longline surveys, Blackcod from
all areas combined in the Gulf of Alaska, surveys combined.
12
11
10
9
8
7
6
5
4
3
2
1
Percent of total catch
1978
x = 66.8
x = 63.1
1979
39
41
43
45
47
49
59
69
79
89
99
2yrs
3yrs
4yrs
5yrs
6yrs
7yrs
8yrs
9yrs
10yrs
Size class midpoint (2.0 cm classes)
in cm.

blackcod

hachi & nautical miles

	1978	1979		78	79		78	79	
	C/hachi			Total	Total [illegible]		Total	hachi	
Shumagin				2164	4,289		1231	1315	(+73 not fished)
100-200 m	0.4	1.4					66.5	51.8	
200-400	2.4	3.8							
400-600	2.1	5.0							
600-800	1.5	2.5							
800-1000	0.5	1.6							
1000-1200	—	0.6							
Chirikof				1,747	5,377		620	790	
1-2	0.1	5.2					25.1	38.9 miles	
2-4	0.9	8.4							
4-6	3.7	7.3							
6-8	2.5	4.4							
8-10	1.6	1.6							
Kodiak				3,949	8,787		1020	1245 hachi	(+7 not fished)
1-2	2.4	1.6					43.9	68.9 miles	
2-4	4.2	6.7							
4-6	4.2	6.0							
6-8	5.7	4.5							
8-10	—	5.3							
10-12		2.6							
Yakutat				5,160	8,376		1410	1775 hachi	(−11)
1-2	0.0	1.3					53.5	80.4 miles	
2-4	2.3	5.0							
4-6	3.8	5.3							
6-8	5.7	5.7							
8-10	4.5	4.1							
Southeastern				9508	7,549		1361	800 hachi	
1-2	—	3.5					55.1	37.9 miles	
2-4	4.6	5.7							
4-6	7.5	8.7							
6-8	8.2	10.2							
8-10	5.6	6.8							
			Σ	22,527	35,350		5642	5925	
Σ all species				52,402	197,540				

	1978	1979	Δ
Σ5 blackcod c/h	= 3.9929	5.9652	+.4942
All species %	9.2949	18.1509	+.9528

☆ GPO 798-617

Provisional Joint Venture Time and Area Closure Policy Statement
Attachment 2

BACKGROUND

When the Secretary of Commerce approved her amendment to our Groundfish Plan incorporating all of our amendment #7, she intentionally excluded our provisional joint venture time and area closure policy statement. We have been asked to resubmit that policy statement if the Council wishes it to be a separate amendment. That statement read:

> "Establish that the Council will consider case by case the possibility of time and area closures to joint ventures to afford a U.S. corporation the opportunity to utilize the boats of an area for DAP."

Our first two requests are suddenly upon us. We received a December 4th letter from Pete Rogers, President, New England Fish Company, requesting separate harvesting and processing sanctuaries (time and area closures) around Kodiak Island. Details of the request are contained in the attached letter and bears directly on our consideration of time and area concepts. The harvesting sanctuary requested is landward of the 1000 fathom curve between 150° and 157° West longitude. The processing sanctuary is a small area within a radius of 12 nautical miles of the Kodiak Harbor.

The second request is from Robert Thorstenson President of Icicle Seafoods, Inc. In an memorandum to Clem Tillion on December 5, 1979, Mr. Thorstenson requests (a) amendments to the Gulf of Alaska and Bering Sea Groundfish Fishery Management Plans and (b) conditions and restrictions for joint venture permits. The letter with the specific recommendations is attached. The area restrictions call for a general 12 mile area restriction against foreign processing ship operations. Other area recommendations are to prohibit all foreign fishing within 50 miles of Akutan and all foreign processing within 30 miles. Specific area restrictions for Homer, Seward and Petersburg are also proposed to prohibit foreign fishing within 70 miles and foreign processing within 35 miles. A specific year-round request for these closures is recommended except Akutan from January until April (or longer if appropriate). Thornstenson recommends a condition on the foreign processing permit that the permit be suspended if any U.S. fish processor has the capacity and intent to process such fish and is unable to do so because of a lack of supply.

These two requests (NEFCO and Icicle) and the general issue of time/area closures should be considered when the joint venture applications are discussed (Item H-5).

POSSIBLE COURSES OF ACTION

1. Accept or reject the provisional joint venture time and area closure policy statement as an amendment.
2. A plan amendment dealing with specific time and area closures is not possible at this meeting but could be reviewed and considered at the next meeting.
3. The issues raised can be considered for comments on foreign permits for joint venture processing ships.

17

AGENDA G-5
DEC. 1979

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Washington, D.C. 20235

NOV 8 1979

	ACT	INFO	ROUTE TO	INITIAL
			Exec. Dir.	
			A. Exec. Dir.	
			Admin. Off.	
			Exec. Sec.	
			Writer/1	
			Writer/2	
			Sec. Recep.	
			Sec. Typist	
			NOV 13 1979	

F36 CB

Mr. Clement V. Tillion
Chairman, North Pacific Fishery
Management Council
P.O. Box 3136DT
Anchorage, Alaska 99501

Dear Clem,

I am pleased to inform you that on November 1, 1979, I gave final approval to the Secretarial amendment, as modified, to the Fishery Management Plan (FMP) for Groundfish of the Gulf of Alaska. I modified the original Secretarial amendment so that, with one exception, it will incorporate all of the Council's comments.

The exception is the Council's policy statement on joint ventures. I do not disagree with the Council's right to include such a statement in the FMP, but I do not want to convey the impression that the policy statement is the Secretary's policy when it is that of the Council.

In practical terms, the FMP is now functionally the Council's FMP and it is not necessary to continue our review of the Council's Amendment Number 7, unless the Council is still desirous of having the Council policy statement in the FMP. If so, please let me know, and I will review that portion of Amendment Number 7 as a separate Council amendment to the FMP.

Sincerely yours,

Terry L. Leitzell
Assistant Administrator
for Fisheries

AGENDA G-5
DEC. 1979

NEFCO
NEW ENGLAND FISH COMPANY
4TH & VINE BUILDING. SEATTLE. WA 98121 TEL: 206 · 284-2750
SINCE 1868

FILE	ACT	INFO	ROUTE TO	INITIAL
			Exec. Dir.	
			A. Exec. Dir.	
			Admin. Off.	
			Exec. Sec.	
			Writer/1	
			Writer/2	
			Sec. Recep.	
			Sec. Typist	

DEC 5 1979

December 4, 1979

Mr. Clem Tillion, Chairman
North Pacific Fishery
Management Council
Post Office Box 3136DT
Anchorage, Alaska 99510

Dear Mr. Tillion:

I am writing to present some information for your consideration during your deliberations concerning the Fishery Management Plan for groundfish in the Gulf of Alaska.

As you are aware, New England Fish Company has been operating a pilot groundfish processing plant at Gibson Cove since April, 1978. Nefco invested $1.3 million for plant and equipment, and an additional $1.1 million to convert the vessel Smaragd, a 96 foot steel-hulled vessel, from a scallop dragger to a mid-water trawler. Processing centered around two Baader mechanical filleting machines. Fishing activity has been led by the Smaragd, sporadically supported by other Kodiak boats.

Throughout the test period of the pilot processing operation and survey work by the Smaragd, it became apparent that fish size and species mix directly influence the profitability of the bottomfish production in Alaska. Although the pilot operation has proven to be expensive, we feel that we have learned enough to make further alterations which can bring the plant to a break-even basis. Total processing capacity would reach approximately 10 million round pounds per year of cod and pollock.

These alterations will require additional capital investment, in addition to changes in methodology, fish handling, etc. We do not expect to reach the full capacity of the new configuration until skill levels have been raised substantially through continuous daily operations experience. Steady delivery of fish on a year round basis is the key prerequisit to reaching full potential.

In your deliberations concerning a Groundfish FMP for the Gulf, we request that you establish an exclusive American harvesting sanctuary for all seafood species on a year round basis to include the area between 150 West and 157 West longitude landward of the 1,000 fathom curve. We further request that you establish an American Processing Sanctuary within a radius of 12 nm of Kodiak Harbor in which no foreign processing of any kind is allowed.

The establishment of a harvesting sanctuary will:

1. Eliminate gear conflicts from foreign fleets.

2. Allow U.S. industry to develop more fully, utilizing the high value bottomfish such as black cod, while developing markets for pollock.

3. Allow the industry to target primarily on cod; cod being the key to breaking into existing markets, paving the way for Alaskan pollock.

4. Provide the best economics for the fishermen when fuel costs are climbing, making long trips less profitable.

5. Allow fish stocks to grow in size, i.e. average fish size per catch to increase, which is the key to the profitability of processing operations.

6. Simplify the enforcement of regulations.

The establishment of a small processing sanctuary will:

1. Protect U.S. processors at Kodiak from foreign competition at its doorstep.

2. Protect the U.S. processing industry in its infancy.

3. Aid in the overall development of the U.S. fishing industry.

The degree of protection that we are requesting has been afforded other U.S. industries in the past, such as international shipping, agriculture, housing, and most recently, alternative energy developers.

Establishment of these 100% American sanctuaries would substantially improve the ability of Kodiak processors to develop a strong shore-based processing industry for bottomfish. Should the Council decide to permit joint venture operations again in 1980, the small processing sanctuary will not greatly interfere with such joint venture operations.

This concept certainly would be appropriate in other areas where U.S. processors will be processing bottomfish in 1980, for example, Akutan, Petersburg or Homer.

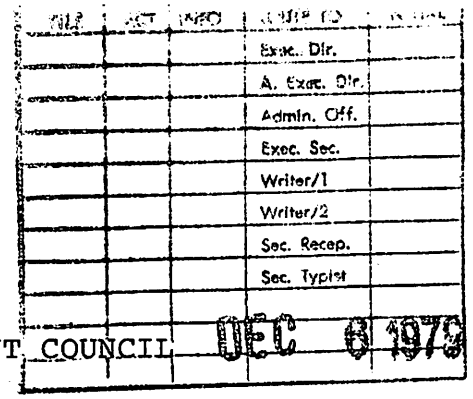
Yours very truly,

Peter N. Rogers

PNR/lg

AGENDA G-5
DEC. 1979

M E M O R A N D U M



TO: Clem Tillion, Chairman
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

FROM: Robert M. Thorstenson, President
ICICLE SEAFOODS, INC.

DATE: December 5, 1979

SUBJECT: ESTABLISHMENT OF CONDITIONS AND RESTRICTIONS IN FISHERY MANAGEMENT PLANS AND FOREIGN PROCESSING VESSEL PERMITS TO PROTECT THE UNITED STATES FISH PROCESSING INDUSTRY

I am writing concerning the establishment of area restrictions for foreign fishing and processing vessel operations in the Gulf of Alaska and Bering Sea through amendment to the 1980 Gulf of Alaska FMP (item G.5(c) of the draft agenda for the December meeting of the Council) and through permit conditions and restrictions on Soviet and Korean processing vessel permits (item H.5 of the agenda). I will also try to set out what I understand to be the U.S. processing industry's plans for Alaska groundfish in 1980 as well as Icicle's specific plans for same. I would appreciate your having copies of this memorandum and its attachments included in the briefing books of the Council members for their consideration at the December meeting.

Also attached for your convenience is a copy of my earlier memorandum to you, in which I addressed the imposition of conditions and restrictions, dated June 22, 1979.

UNITED STATES FISH PROCESSOR PLANS FOR 1980

Icicle plans to begin processing bottom fish in the Bering Sea early in January and will operate until April. The target species will be Pacific Cod, but other species will be processed as well.

Fishing will be done by bottom and mid-water trawl gear. Also, several vessels will be fishing longline and pots for Black and Pacific Cod.

Also, it is my understanding that several plants in Dutch Harbor and Unalaska plan similar operations.

As we have for the past several years, Icicle is currently processing, at Petersburg, bottom fish from Southeastern Alaska, up to and including Yakutat; and it is our understanding that NEFCO is planning an expanded operation in Kodiak.

Our plants at Seward, Sitka and Homer will again process bottom fish from local fishing fleets. This fish is caught by longline, pots and bottom trawls.

REQUESTED AMENDMENTS TO THE GULF OF ALASKA GROUND FISH FISHERY MANAGEMENT PLAN

1. Area Restrictions

General: It is respectfully requested that a general 12-mile area restriction be imposed on foreign processing ship operations; that is, a restriction identical to that imposed upon foreign harvesting ship operations in the Fishery Management Plan. If it is appropriate to protect the United States harvesting segment of the fishing industry by a general 12-mile zone in which foreign fishing is prohibited, it would be equally appropriate to protect United States processing segment of the fishing industry in the same general area. In fact, I and others were of the belief that the 1979 Gulf of Alaska Fishery Management Plan provided this protection. However, the Secretary of Commerce interpreted the Fishery Management Plan differently. Currently, the Secretary of Commerce has promulgated final regulations which specifically provide that foreign processing ships can operate up to three miles of the Alaska shore in the Gulf of Alaska. I believe it is incumbent upon the Regional Council to reassert in a clear and unmistakable fashion that it wishes to establish a general 12-mile restriction on foreign fishing and processing activities in the Fishery Management Plans.

Specific: It is also respectfully requested that specific area restrictions be established in the Fishery Management Plan for those areas in which the United States fish processing industry plans to operate in 1980. With respect to the Akutan area, where Icicle Seafoods plans to have three processing ships, the Alaska, Arctic and Bering Stars operating for a portion of the season in a pilot project, it is respectfully requested that the Bering Sea Fishery Management Plan restrict all foreign fishing within fifty miles of Akutan and all foreign processing within thirty miles. With respect to Icicle's continuing operations in Homer, Seward and Petersburg, accordingly, it is respectfully requested that foreign fishing be prohibited within seventy miles of said cities and foreign processing be prohibited within thirty-five miles. Because of the new processing operation of NEFCO and others, I believe that similar area restrictions should be established for Kodiak.

2. Time Restrictions

It is respectfully requested that foreign fishing and processing be prohibited at all times within twelve miles

of the shore of the Gulf of Alaska, and in those protected areas requested above for Kodiak, Homer, Petersburg and Seward. With respect to Akutan, the area requested to be closed on account of our pilot operation, it should be closed only when we are operating, that is, from early January until April or longer if U.S. processors are operating in that area.

3. Conditions

Along with an amendment of the Fishery Management Plans, these conditions and restrictions should be specifically recommended to the Secretary for inclusion in the 1980 Soviet and Korean permits. I would also request an additional condition that any foreign processing permit for the receipts of U.S. harvested fish should be issued upon the condition that it will be suspended if any United States fish processor has the capacity and intent to process such fish, but is unable to do so because of a lack of supply. If United States fish processors are not receiving a steady supply of United States harvested fish in a timely fashion, it would be appropriate to suspend the foreign processing permits until such time as deliveries were initiated or resumed; bear in mind that, because of the Nicholson Act, United States fish processors on shore cannot receive fish from foreign fishermen and consequently are totally dependent on United States fishermen for their supply of fish. Thus, any effort to interrupt a steady, timely flow of product to the United States fishing industry would prevent it from obtaining raw product elsewhere. It is therefore respectfully requested that the Fishery Management Plan be amended to impose a ban on foreign processing of U.S. harvested fish during any period of time when the United States fish processing industry desires fish but is unable to obtain a supply.

CONCLUSION:

Several arguments have been put forth that the Fishery Management Plans cannot impose area restrictions to foster the development of the U.S. processing industry and that time and area restrictions on foreign permits to accomplish this result would be illegal. I understand that some have argued that the imposition of conditions and restrictions by the North Pacific Fishery Management Council on foreign factoryship operations would unfairly discriminate against certain United States fishermen. What I have proposed allows all U.S. fishermen to harvest bottomfish without discriminating against any fisherman's ability to do so. The conditions and restrictions I have requested to protect Icicle and other U.S. processing operations would restrict foreign processing ships in the same way that U.S. fishermen in several fisheries are protected through the imposition of area restrictions on foreign harvesting ships.

The fact is, one man's discrimination is another man's priority or preference. If there is discrimination, it is against foreign processing of U.S. fish and it is a result of the passage by the United States Congress of the Fishery Conservation and Management Act, itself. I suggest that such tools are precisely what Congress intended the Regional Council to use to cause the development of the United States industry. In a November 20, 1978 letter to the Secretary of Commerce, the ranking members of the House Merchant Marine and Fisheries Committee stated,

> "(C) Careful consideration should be given to implementing the provisions of Section 303(b) relating to such things as fishing time, ocean area in season, and type and quantity of fishing gear, to insure that fisheries management plans provide the maximum opportunity for development of the entire U.S. fishing industry." (See Attached)

There can be no questions that the North Pacific Fishery Management Council has the authority to impose conditions and restrictions in fishery management plans and should use such authority to insure that it develops the United States fish processing industry in addition to the harvesting segment of the fishing industry. There also can no longer be any question that if the Council recommended area conditions and restrictions on foreign fishing or processing permits, to protect the U.S. processing industry, that the Secretary has the discretion to impose such conditions on these permits.

I believe it is becoming more and more clear that the infant United States ground fish industry will continue to be unable to compete against the existing fully-developed foreign ground fish industry unless the FCMA fishing and processing priorities are enforced and area restrictions are imposed. The costs that our developing United States industry incurs to engage in this business are, understandably, far greater that the costs incurred by the foreign fishing industry; any United States enterprise must comply with all of the minimum wage, OSHA, EPA, tax and other laws which, in the aggregate, support the American way of life. Obviously, foreign operators do not need to meet such standards. Nonetheless, I believe the United States industry can do the job if we are given the time and the opportunity to do so.

Respectfully submitted,

ICICLE SEAFOODS, INC.

R. M. Thorsteinson

RMT:pbl

Retyped from telecopied original.

AGENDA #12
JUNE 1979

20 June 1979

MEMORANDUM

TO: Clem Tillion, Chairman
North Pacific Fishery Management Council

FROM: Robert M. Thorstenson, President
Icicle Seafoods, Inc.

RE: Imposition of Conditions and Restrictions on Foreign Factory Ships and Permits

I am writing regarding agenda item number 12 which will be considered at the North Pacific Fishery Management Council meeting on June 28 and 29 in Alaska. It is my understanding that the Council intends to consider an amendment to the Gulf of Alaska Groundfish Fishery Management Plan whereby certain areas of the Gulf would be closed to joint venture operations in order to implement the provisions of Public Law 95-354, the processor preference law. I wish in this memorandum to express some of the views of those of us in the processing industry concerning the necessity of imposing such time and area restrictions and to support the Council's decision to develop same. I hope that we will have an opportunity to make a more substantial submission to the Council at the July meeting and intend to do so and would like to request time to make a presentation at that meeting. Therefore, on a preliminary basis, I have the following thoughts that I would like to submit to the Council.

BASIS FOR IMPOSITION OF CONDITIONS AND RESTRICTIONS

Initially and foremost, it must be recognized that the Secretary of Commerce through the Regional Councils has the discretionary authority not to grant a foreign factory ship permit for operations within the 200-mile zone, even if there is a surplus of U.S. harvested fish. That is, in order to foster the development of the United States fishing industry, such permit applications could be denied. As a general matter, I am not advocating this position, but rather advocate the vigorous enforcement of the processor preference law along with imposition of conditions and restrictions on any permits that will be issued. If appropriate conditions and restrictions are imposed upon the permits and the United States processors are not inhibited in their development or adversely affected by the operation of the foreign factory ships in the 200-mile zone, there would be no reason not to have the additional value of increased United States harvesting activities accrue to the nation. However, it must always be kept in mind that the goal of Congress and the only way to achieve the greatest value of our 200-mile fishery resources is to have the United States fishing industry eventually fully harvest and process all

fishery resources in the zone.

It is no longer questioned by the Regional Councils or the Secretary of Commerce whether such conditions and restrictions can be legally imposed; indeed, several conditions and restrictions have been imposed on the recent Soviet permits in California, Oregon, and Washington and the Soviet and Korean permits that have been issued for Alaska. The issue now is, what types of conditions and restrictions would best protect all segments of the United States fishing industry and cause it to develop while, at the same time, permit certain factory ship operations within the 200-mile zone.

TYPES OF CONDITIONS AND RESTRICTIONS

1. Area Restrictions

It is clear that foreign operations should not be permitted in those limited areas where the United States fishing industry is initiating operations. These areas in Alaska include:

1. Kodiak
2. Seward
3. Sitka
4. Homer
5. Cordova
6. Dutch Harbor
7. Sand Point
8. King Cove
9) Akutan

It would be appropriate to protect these areas from foreign factory ship operations. There is no reason why foreign operations should be allowed to occur in these areas when other vast areas remain open. Indeed, it would be extremely harmful to permit foreign factory operations in those limited areas where the United States fishing and processing industries have chosen to initiate their operations.

Stated most simply, the scope of protection offered to processors in these areas should be whatever is necessary to cause them to develop fully. For example, ~~a~~ one day's steaming distance from each area would be a reasonable level of protection and still leave vast areas open for joint venture operations.

2. Time Restrictions

The area closure suggested above could fluctuate depending upon the nature of operation of the domestic industry in those areas that was being protected. For example, for a year-round domestic operation

the closure would, of course, be on a full time basis. For a start-up operation that would operate only at certain times in certain areas during the season, it may be reasonable to only close such areas to foreign factory ships at those certain times.

General time closures may also be appropriate to close all areas at certain times to encourage maximum utilization by the United States fishing industry. For example, when the domestic industry is targeting upon salmon or crab, it may be appropriate to permit foreign factory ship operations in certain areas for bottomfish. Whereas, when such species are not being fished or processed, it would be appropriate to encourage domestic bottomfish utilization and protect the industry from such foreign operations.

3. Gear Restrictions

Gear restrictions also should be imposed upon the U.S. harvesting operations that intend to deliver to foreign factory ships in order to assure that the domestic industry has available to it those species which it chooses to utilize. It appears that sablefish and Pacific cod will be targeted upon by the United States fishing industry before other bottomfish species. Gear restrictions (and other conditions and restrictions)should be imposed to assure that the domestic industry has sufficient amounts of these species available to it to meet its needs.

4. Conditions

Restrictions generally should be absolute in most circumstances, that is, the restrictions imposed on the foreign factory ship permits should be fully effective. It may be possible, however, in certain circumstances to incorporate conditions into a permit that would provide for increased or additional foreign factory ship operations under certain circumstances. For example, it may be appropriate to lift a gear restriction if a foreign factory ship operator provided a suitable method to transfer prohibited species (so long as the OY had not been exceeded) back to the domestic industry.

In conclusion, I very much appreciate the opportunity which the Council has provided for this input to their Fishery Management Plan amendment process and hope that you will give these several concepts your consideration.

U.S. House of Representatives
Committee on
Merchant Marine and Fisheries
Room 1334, Longworth House Office Building
Washington, D.C. 20515

November 20, 1978

Honorable Juanita Kreps
Secretary
Department of Commerce
Washington, D.C. 20230

Dear Madam Secretary:

On October 20, 1978, the National Oceanic and Atmospheric Administration (NOAA) published in the Federal Register its preliminary determinations regarding the consistency of certain 1978 foreign fishing permits with the Fishery Conservation and Management Act of 1976, (FCMA) as amended by Public Law 95-354. After reviewing these determinations, we were alarmed to find that such determinations in certain respects are inconsistent with Public Law 95-354.

In particular, the preliminary determinations in controversy concern the interpretation of section 204(b)(6)(B)(i) and (ii) of the FCMA, as amended, which read as follows:

> "(B)(i) In the case of any application which specifies that one or more foreign fishing vessels propose to receive at sea United States harvested fish from vessels of the United States, the Secretary may approve the application unless the Secretary determines on the basis of the views, recommendations, and comments referred to in subparagraph (A) and other pertinent information that United States fish processors have adequate capacity, and will utilize such capacity, to process all United States harvested fish from the fishery concerned.
>
> "(ii) The amount or tonnage of United States harvested fish which may be received at sea during

> any year by foreign fishing vessels under permits approved under this paragraph may not exceed that portion of the optimum yield of the fishery concerned which will not be utilized by United States fish processors."

We are particularly concerned over the determination that the permit issued by NOAA on August 16, 1978, authorizes 10,000 metric tons of Pacific hake to be transferred to certain Soviet vessels by vessels of the United States in the fishery conservation zone (FCZ). The determination reads as follows:

> "...The OY for Pacific hake in 1978 is established at 130,000 m.t. That amount less the 4,000 m.t. anticipated to be processed by U.S. fish processors in 1978 leaves 126,000 m.t. Permits for the Soviet vessels restrict the amount of U.S. harvested Pacific hake to a maximum of 10,000 m.t., thus meeting the requirements of section 204(b)(6)(B)(ii)."

This determination is clearly inaccurate since 1) NOAA has already determined that U.S. processors have a preference to 4000 metric tons of Pacific hake; and 2) the 1978 harvesting capacity of U.S. vessels is only 10,000 metric tons. Despite these facts the determination allows the Soviet vessels to receive the entire 10,000 metric tons. Actually, 4000 metric tons should be deducted from the 10,000 metric tons previously authorized and the permit revised so as to allow such vessels to receive only 6000 metric tons.

This interpretation is clearly substantiated by the language which appeared in the Merchant Marine and Fisheries Committee report on H.R. 13340, the predecessor legislation which became a part of H.R. 10732. The report reads as follows:

> "Section 3(4) also amends section 204(b)(6) to provide that no foreign fishing permit for the purchase of U.S. harvested fish for processing at sea may be approved unless the Secretary of Commerce determines, based on the applicable fishery management plan, that U.S. fish processors do not have the capacity, or will not use their capacity, to process all U.S. harvested fish from the fishery concerned. If U.S. fish processors do not have the capacity and the intent to process all U.S.-harvested fish from a particular fishery, the Secretary may permit the sale to foreign fishing vessels for processing at sea of that part of

> the U.S. harvest which will not be utilized by U.S. fish processors. Thus, if the U.S. harvesting capacity for a given fishery is 10,000 tons, and it is determined that the U.S. fish processing industry has the capacity and intent to utilize only 4,000 tons of that harvest, then the Secretary may permit the immediate sale of 6,000 tons of U.S.-harvested fish to foreign fishing vessels for processing at sea.".

This interpretation was also substantiated by the following statement of the Floor Manager of the legislation when the bill was before the House for consideration:

> "Briefly explained, the compromise language makes it clear that it is the intent of the Congress to encourage the development by the U.S. fishing industry, in particular by U.S. fishermen and by U.S. fish processors, of the currently underutilized fisheries off the United States.
>
> "In addition, the compromise language would give a preference to U.S. fish processors of U.S. harvested fish and it would authorize the Secretary to allow U.S. fishermen to transfer at sea to foreign fishing vessels only the excess of such fish that the Secretary has determined that would not be utilized by U.S. fish processors.". (Emphasis added) Congressional Record, H-8266, August 10, 1978.

In view of the foregoing, we request that you correct the preliminary determinations to reflect the preference given to U.S. fish processors by Public Law 95-354. In this regard, the Soviet permit should be revised to permit only 6,000 metric tons of Pacific hake to be received from U.S. vessels. At such time as the 6,000 tons have been received by such vessels, a reassessment should be made to determine how much of the 4,000 tons of such fish have been processed by U.S. processors. Should the reassessment reveal that only a portion of the amount set aside for U.S. processors has been processed, or will be processed before the end of the year, then a determination will have to be made at that time as to the disposition of the remaining portion of the 4000 tons. Furthermore, we request that similar revisions designed to reflect the U.S. processor preference be made to the permits previously issued to other Soviet and Korean vessels authorized to receive Gulf of Alaska pollock.

On October 20, 1978, NOAA also published in the Federal Register proposed amendments to the existing regulations implementing the FCMA to reflect the amendments made by Public Law 95-354. It should be pointed out that these proposed amendments are deficient in several respects.

First, your attention is called specifically to the proposed amendment to revise section 602.5(d)(2) (Scope of Review) which reads as follows:

> "(2)***At least once every year, each Council must assess the accuracy of the estimates of MSY and optimum yield, the capacity and extent to which U.S. fish harvesters will harvest the optimum yield, the capacity and extent to which U.S. fish processors will process U.S. harvested fish; and the total allowable level of foreign fishing for each plan implemented regardless of whether the plan is prepared by a Council or by the Secretary.***"

We are concerned that assessments relating to 1) the capacity and extent to which U.S. fish harvesters will harvest the optimum yield and 2) the capacity and extent to which U.S. fish processors will process U.S. harvested fish should be made several times each year. In this regard, we request that the following language be substituted for the first clause of the proposed amendment: "At least once each year and more often, where appropriate,".

Second, the amendment to section 602.3(b)(13)(viii) of the regulations to encourage the development of underutilized or not utilized fisheries resources would expand the management plan to include the processing sector of the U.S. fishing industry, along with the harvesting sector, but it would not include other segments of the fishing industry called for by section 2(b) of Public Law 95-354. This section requires the entire United States fishing industry to be considered for such purpose.

Third, careful consideration should be given to implementing the provisions of section 303(b) relating to such things as fishing time, ocean area and season, and type and quantity of fishing gear to ensure that fishery management plans provide the maximum opportunities for development of the entire U.S. fishing industry.

Finally, regarding the amendment to section 602.3(b)(14)(iii) relating to fishery data to be submitted pursuant to a plan, it is to be noted that the price paid for fish received is included among the data specified for fish processors and

buyers to submit. However, with respect to the information submitted, it is expected that it will be used in a manner consistent with the intent of the Committee as expressed in the Committee report on page 10, which reads as follows:

> "With respect to the determination of U.S. processing capacity and intent, the committee does not intend that U.S. processors demonstrate an ability to outbid the price or other contract provisions offered by foreign processors in order to establish capacity and intent. At the same time, the committee does not intend to deprive a fisherman of his right (1) to refuse, as he has been able to do in the past, to deliver fish to U.S. processors if the fisherman is unsatisfied with the terms offered, and (2) to sell the fish to a foreign processor if the Secretary determines that U.S. processors do not have the capacity or the intent to process the U.S.-harvested fish."

In view of the foregoing, we think it is imperative that the proposed amendments to the regulations be revised and that such revised regulations be published in the Federal Register for additional comments of not more than 30 days. It is only in this way, that the full intent of Public Law 95-354 can be accomplished.

Sincerely,

JOHN M. MURPHY
Chairman

ROBERT L. LEGGETT
Chairman
Subcommittee on Fisheries
and Wildlife Conservation
and the Environment

EDWIN B. FORSYTHE
Ranking Minority Member

LES AuCOIN
Subcommittee Member

cc: Hon. Richard Frank
Mr. Terry Leitzell

Kodiak Ground Preemption Gear Conflict with Foreign Trawlers
Attachment III

BACKGROUND

Attached is a November 14th letter from Harry Rietze to Jim Branson regarding gear conflict/ground preemption incidents in the Kodiak area involving foreign trawlers and U.S. crab fishermen. A public hearing was held in Kodiak on November 29th with approximately 20 fishermen participating. Council member Bart Eaton, AP member Jeff Stephan, Jim Brooks, NMFS, Nick Szabo, Alaska Board of Fisheries and Mark Hutton were present. The accompanying memos and letters from the National Marine Fisheries Service accurately explain the problem and the newspaper clipping reasonably summarizes the meeting.

This is basically what happened. A Polish trawling fleet was operating in an area where the U.S. king crab fleet was operating. Numerous gear conflicts occurred and pot losses documented. The presence of the foreign trawlers in that area eventually preempted the grounds and prevented the U.S. king crab fleet from reaching its expected quota.

As a result of the discussions with the fishermen, the following recommendations were made:

(1) That the Regional Director be given the inseason authority to establish time and area closures for gear conflict/ground preemption problems between fixed gear and trawl gear.
(2) That during the Kodiak king crab season all foreign trawling be prohibited in the Kodiak district with similar restrictions considered for the Tanner crab fishery.

In became apparent at the meeting that the six fixed gear sanctuaries around Kodiak Island are no longer totally appropriate because of changes in fishing patterns. The new areas where 80% of the king and Tanner crab are caught no longer coincide with the established fixed gear sanctuaries in effect since 1964.

POSSIBLE COURSES OF ACTION

1. Consider criteria to amend the plan giving the Regional Director inseason authority to establish time and area closures for gear conflicts/ground preemption problems between domestic pot fisheries and foreign trawl fisheries.
2. Consider an amendment to establish the Kodiak district as a gear sanctuary during the king crab season.
3. Ask the Management Plan Drafting Team to examine these proposed closures, the old gear sanctuaries and the criteria to be used for the Regional Director for inseason changes.

AGENDA G-5.b
DEC. 1979

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
P. O. BOX 1668 - JUNEAU, ALASKA 99802

November 14, 1979

Received 11/19
Please stamp
cc my desk
Agenda #G5(b)

Jim Branson, Executive Director
North Pacific Fishery Management Council
P.O. Box 3136 DT
Anchorage, AK 99510

Dear Jim:

The recent gear conflict/ground preemption incidents in the Kodiak area involving foreign trawlers and U.S. crab fishermen have brought into question the adequacy of our existing procedures and authority to protect U.S. interests, particularly on short notice. The infrequency of such problems in recent years is somewhat surprising in view of the sensitivity of many U.S. fishermen who observe foreign vessels on their fishing grounds; this situation suggests that our present regulations and "alerting" practices, coupled with the cooperation of foreign fishermen, have served reasonably well. The desirability of some additional U.S. authority which might compel foreign vessels to leave an acute problem area was discussed with you by Bob McVey and Jim Brooks. We would like now to confirm this view and suggest that the Council give it consideration.

An alternative action that will be favored by some U.S. fishermen would involve enlargement of pot sanctuary areas and the creation of new ones. Unfortunately, the widely dispersed nature of the crab fishing grounds, both in the Gulf and the Bering Sea, would mean that extensive pot sanctuaries would foreclose the utilization of other fishery resources to an intolerable degree.

As mentioned to you earlier, we believe the best means of augmenting our ability to act decisively in situations that warrant action beyond our present means is to add new criteria that justify and control use of the field order provisions already in the FMP and implementing regulations. In support of this idea, we have drafted such criteria for consideration by the Council. You will notice that they are not intended to substitute new procedures for dealing with gear conflict problems generally, but only to provide a legal basis for quickly acting on valid and acute problems that are otherwise unresolvable.

You may wish to pass our recommendation along to the drafting team and others prior to discussion by the Council itself.

Sincerely,

Frederick Thorlerson

for Harry L. Rietze
Director, Alaska Region

Enclosures 2

Criteria for determining seriousness of gear conflict situation as basis for implementing special time-area closure:

1. Foreign trawlers are verified by NMFS or CG to have been operating in area.

2. More than two gear loss reports submitted in person or by radio to NMFS or CG detailing:

   (a) Amount of gear lost, (b) date set and date gear missed, (c) observations of foreign vessels in area, identified, if possible, by call letters, and (d) other pertinent information. Reports of gear loss to be confirmed by affidavit at earliest opportunity.

3. CG-NMFS patrol unit has visited area and confirmed general situation is as indicated by radio reports.

4. Foreign trawlers in area have been contacted either by patrol unit or by radio message advising of the gear conflict, defining the problem area and requesting that the foreigners depart the area voluntarily.

5. Foreign trawlers decline to depart area, domestic fixed gear fishing is continuing and need for specific closure is clear.

Brangon

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 1668
Juneau, Alaska 99802

Date : November 13, 1979

Reply to Attn. of:

To : F - Terry Leitzell

From : for FAK - Harry L. Rietze

Subject: Fisheries Conflict Summary - October 12-26, 1979 Involving U.S. Crab Vessels Fishing Northwest of Chirikof Island

On October 12, 1979, the U.S. Coast Guard and NMFS received a report of conflict and gear loss from the F/V ARCTIC LADY which was operating southeast of Kodiak Alaska. In the following days, the situation expanded and eventually involved 13 U.S. crab boats, two Coast Guard Cutters, aerial patrols by both C-130 and helicopter, and up to 23 foreign trawlers. The 14 day drama at times approached a volatile stage but appeared to have ended quietly by October 23.

The initial report from the F/V ARCTIC LADY said up to 19 pots were lost in an area 15 miles northwest of Chirikof Island in the Gulf of Alaska. The Polish trawler AWIOR was identified as the probable foreign vessel responsible for the gear loss. In the same report, the F/V LIN J also reportedly experienced interference but no damage or loss of gear.

Shortly after the first reported gear loss, the Coast Guard Cutter CONFIDENCE broke off routine fisheries patrol in the southern Bering Sea and headed for the conflict area. While the CONFIDENCE was enroute, NMFS released a cautionary notice to all foreign vessels in the area. This notice was sent to six Japanese, one Soviet and three Polish trawlers. The CONFIDENCE arrived briefly on the scene, but due to bad weather was unable to do more than be seen prior to continuing into port at Kodiak. The situation remained quiet through the weekend.

From October 17 to October 22 the situation continued to deteriorate. On October 17, NMFS issued another notice to three Japanese, seven Soviet, and three Polish vessels that had arrived in that area of the Gulf of Alaska over the weekend. On October 19, the CGC MUNROE, enroute Kodiak with a seized foreign vessel, passed through the area. During this same time, aerial reconnaissance was conducted on a limited basis as weather conditions deteriorated. Despite these efforts, the situation reached an emotional crisis early on October 22 when profane language, threats of violence against foreigners, and promises of an international incident were heard. Midday on October 22, NMFS Agent John Strahle boarded the CONFIDENCE prior to the departure of the CONFIDENCE from Kodiak to the conflict area.

The arrival of the CONFIDENCE in the area early on October 23 began to quiet the situation. Simultaneously the weather and sea conditions improved, allowing both ship boardings and aerial overflights. Both were initiated immediately. The CONFIDENCE interviewed the masters of the ARCTIC LADY and LIN J, and informed them of procedures to document their loss. During those interviews, area delimiters were suggested by the U.S. masters. From these, a Notice To Mariners was issued. Notice To Mariners Number 802 cited an area bounded by the positions 56-20N 157-00W, 55-45N 157-45W, 55-15N 155-30W, 56-20N 154-00W as being an area of concentrated U.S. crab pot gear, and that "mariners are urged to use caution to avoid the fixed gear therein." Later the same day, the CONFIDENCE contacted the Polish fleet commander aboard the KOLIAS and read them the entire content of the Notice To Mariners. The Polish fleet commander acknowledged the severity of the situation and promised to move the fleet out of the area. Less than 10 hours later, the entire Polish fleet had departed the area and relocated some 30 miles southwest of Chirikof Island.

October 24 to October 26 was spent monitoring the situation. Aerial patrols by C-130 aircraft from Kodiak and helicopter sorties flown from the CGC MUNROE surveyed the critical area, but beyond locating U.S. fixed gear, no foreign vessels were within the defined area of crab gear concentration. Boarding of the Polish vessel TAZAR on October 25 showed Polish concern for the gravity of the situation. All fixed gear areas and cautionary notes were indicated on trawl charts.

After relocating the ARCTIC LADY, the CONFIDENCE read them the Notice To Mariners Number 802 in full. The ARCTIC LADY had not heard the notice previously and was pleased with the cautionary area as listed, so much so that 24 hours later the ARCTIC LADY was recommending the area as a future no trawl zone. At that point the intensity of the situation expired completely. No gear loss claims have been submitted to NMFS thus far.

To forestall future conflicts, the ARCTIC LADY also outlined an area on Portlock Bank where most of the U.S. crabbers are expected to fish as of November 10. A Notice To Mariners bulletin will be issued advising caution in the area bounded by 58-52N 151-42W, 58-52N 150-00W, 58-18N 150-00W, 58-18N 151-42W.

Senior Resident Agent John Strahle and Special Agent Dave Flannagan of our Kodiak office have prepared reports on this incident from their on-the-scene viewpoint. Those reports are attached.

Attachments:
October 31, 1979 memorandum by John Strahle
Subject: Gear Conflict - Chirikof/Semidi Island area
October 31, 1979 memorandum by David Flannagan
Subject: Report of Crab Pot Losses

cc w/attachments:
F35
OIL, 17CGD
Jim Branson
Kodiak, Anchorage, Sitka

U.S Crab Vessels (Alledged Pot Loss)

ARCTIC LADY (19)
ARCTIC QUEEN
BOXER
CHARGER
COUGAR (1/3 of all gear)
ICELANDER
IRISH ROVER
LIN J (15)
MARINER (30)
OCEAN CHALLENGER
REBEL (14)
WALTER M
Vessel owned by Mr. Marv Heine (8)

U.S. Coast Guard Vessels

CONFIDENCE
MUNROE (with helicopter)
C-130 Aircraft from Kodiak

Foreign Vessels sent Notice To Mariners

Poland*	Japan	Soviet
AWIOR	AKEBONO 11	MYS CHAIKOVSHOGO
GARNELLA	AKEBONO 31	MYS EGOROVA
GEMINI	AKEBONO 32	MYS GROZNY
OTOL	DAISHIN 12	MYS SINJAVINA
PERSEUS	DAISHIN 22	MYS YUDINCE
WALEN	DAISHIN 23	PRIAMURIE
	KONGO	TAMAN
	KOYO 2	VASILY CHERNYSHOV
	RYUYO	(Fleet commander in Bering Sea)

* Only Polish vessels were identified in reports.

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
P. O. BOX 1036
Kodiak, Alaska 99615

Date : 31 October 1979

Reply to Attn. of:

To : R.C. Naab, Special Agent-in-Charge

From : John F. Strahle, Senior Resident Agent

Subject: GEAR CONFLICT - CHIRIKOF/SEMIDI ISLAND AREA

On Wednesday, 12 October 1979 I received a telephone call from Assistant Special Agent-in-Charge, J. Craig Hammond, who advised about a possible gear conflict with U.S. crab vessels and foreign vessels southwest of Kodiak.

The ELT Office, Coast Guard Base, Kodiak, Alaska was contacted regarding the possible conflict. I was advised two messages had been received from U.S. crab vessels (date, time groups 11/1855 and 12/0003). I was further advised that Coast Guard aircraft number 1603 was on scene and that the Coast Guard Cutter CONFIDENCE was going to investigate the complaints. This being 1300 hours on 12 October 1979.

I then contacted Peggy Dyson at telephone 486-3694, who is in daily radio contact with the domestic fleet. She advised that she had contacted Mark Hutton of the North Pacific Management Council because she was unaware of the procedures for reporting gear conflicts. She further reported that the F/V ARCTIC LADY had lost seven pots south of Chirikof Island, that the ARCTIC LADY had observed a foreign vessel (AWIOR-SQGK) trawling through his gear on October 11, 1979. F/V ARCTIC LADY advised ID of the other FF/V's involved were SW219 (blue/charcoal hull) and GOY 332 (white/rusty hull) at Loran Coordinates 33120-44619.

The F/V REBEL had also reported to Peggy Dyson that he had lost two pots to foreign fishing vessels at Loran coordinates 9990-Y-32579, 9990-Z-430008. She reported the F/V REBEL has photographs of the foreign vessels involved.

I also received a telephone call from Mrs. Blake Kinnear, 221 South Benson, Kodiak, Alaska on 12 October 1979. Mrs. Kinnear advised her husband, Blake Kinnear, was operating the F/V Lin J and advised he had lost six pots to two foreign vessels, SQDW and SQGY, on 12 October 1979. Loran coordinates were not known.

I was also informed by Peggy Dyson that the F/V MARINER, in position 56.05N-156.12W, was also reporting problems with the foreign vessels. I asked Peggy Dyson to contact the domestic F/V involved to ascertain the depths they were fishing. She contacted the ARCTIC LADY who advised 120 fathoms was the deepest set pot.

Rod Kaiser, Shellfish Biologist, Alaska Department of Fish and Game, was contacted regarding areas involving the conflict and we came up with waters shallower than 125 fathoms between 154W and 157W. This information was passed to J. Craig Hammond, Juneau who was to send a message to foreign vessels in the area (date, time group 130001).

On 17 October, I met with Peggy Dyson at the Gibson Cove facility to discuss procedures for reporting gear conflicts and gave her copies of the Department of Commerce pamphlet, Compensation for Fishing Gear Damage or Loss. She advised at this time she would call this office on any further gear damage or loss. She never contacted this office after this meeting.

On 21 October I met with Jeff Stephans, United Marketing Association Director, regarding complaints of gear conflict. At this meeting he advised he and Peggy Dyson were in radio contact with the U.S. fleet the evening of 20 October. He advised, in addition to those vessels mentioned prior, that the F/V WALTER N had reported foreign vessels on Loran line 18650 north of Chirikof Island on a line with the Semidi Islands. The WALTER N had not lost any gear. The F/V CHARGER had observed foreign vessels SZN105 and SQGK dragging through his gear on 10 October at 07000 hours in position 56.10N, 154.35W. He reported no gear losses.

The ICELANDER had taken photos of foreign vessels operating in Loran coordinates 9990-Y-33070, 9990-Z-44650. The Semidi Islands are in the background. Again he reported no lost gear.

I requested that if Mr. Stephans received any other information regarding the situation in the Chirikof area that he advise me of this information. I have not received any other information from this source.

On 22 October I was informed by SAC Ron C. Naab that the Coast Guard Cutter CONFIDENCE was being dispatched to the area of conflict and requested we put an agent onboard. The agent was to check with the U.S. vessels in the area to ascertain if gear was lost or damaged, how much, the dates, positions, and any other information to help alleviate the current situation.

I was on the Coast Guard Cutter CONFIDENCE when it got underway at 1200 hours on 22 october. We arrived at the area of conflict at 0500 hours on 23 October. Upon arrival we began identifying foreign vessels in the area. All vessels were identified as Polish and were in an area on the 100-fathom curve between Chirikof and the Semidi Islands (see date, time group 2405147). No U.S. vessels were observed in the immediate area at this time due to 15'-20' seas and high winds.

The Coast Guard Cutter CONFIDENCE contacted the Polish vessel KOLIAS, SQGM by radio and advised him they were fishing in an area of large amounts of U.S. fixed crab gear, that numerous complaints of damaged and lost gear had been received from the U.S. fishermen and the U.S. Government was highly concerned. The KOLIAS was given the coordinates encompassing the following area: 56.20N, 154-45W by 55.45N, 156.37W by 56.02N, 156.50W by 56.20N, 156.42W. These coordinates were passed to CGD Seventeen on 22 October by Peggy Dyson (date, time group 222059Z). The KOLIAS explained he was unaware of the conflict with U.S. fishermen and of the area which encompassed the fixed area. They further advised that they would move out of the area within 2 hours.

At 232005Z the Coast Guard Cutter CONFIDENCE received a call on the radio from the Polish vessel KOLIAS. They advised that all fishing gear had been returned and they were proceeding out of the area.

The U.S. Fishing vessel ARCTIC LADY was contacted by me on channel 22 at 2215Z, 23 October. I advised the operator that the Polish vessels were leaving the area and requested the amount of gear lost, the dates and positions of the gear. The operator of the ARCTIC LADY relayed the following information:

Loran Position	Number Pots Lost	Date	Depth
44660.1, 33098.6 to 44660.3, 33109.3	10	Set 11 Oct Not there 16 or 17 Oct	120 fa
44110.1, 3362.7	4	Set 9 Oct missing 13 Oct	110 fa
44633.5, 33115.6	5	Picked 12 Oct missing 16 Oct	112 fa

Contact was then made with the U.S. F/V LIN J who advised he originally advised six pots missing but had located two and was not really sure the other four were lost.

44650, 33125	4	12 Oct	125 fa

Both vessels advised they believed the F/V MARINER had lost 30 pots. The ARCTIC LADY advised that the MARINER was waiting out the storm at Tugidak Island. The Coast Guard Cutter CONFIDENCE then proceeded towards the Trinity Island area to attempt to locate the MARINER. We were unable to locate the F/V MARINER by sight or radio. To this date the F/V MARINER has not reported any lost gear to NMFS or the Coast Guard.

The Coast Guard Cutter CONFIDENCE then continued east returning to the cargo pier, Goast Guard Support Center, Kodiak, Alaska at 0940, 24 October ending the patrol.

On 26 October, in conjunction with the Coast Guard ELT Office, an aerial patrol covered the conflict area to ascertain where the Polish fleet had moved to. In a telephone conversation with CDR J. Streeper, the pilot of the aerial patrol, I was advised the Polish fleet had moved 30 miles south of Chirikof Island. The nearest U.S. vessel was 8 miles from the Polish fleet and that the majority of the U.S. fleet was 15-20 miles from the foreign fleet (date, time group 270024Z). CDR Streeper also advised the U.S. fleet was moving farther to the southwest and there was the possibility of further conflict.

On 26 October I met with Ray Baglin (NMFS) Nick Szabo, Jack Lechner, Rod Kaiser, and Steve Pennoyer (all F&G) and C.L. Lowenberg (operator of the ARCTIC LADY) at the Kodiak Fish and Game offices. At that time Mr. Lowenberg advised he wanted to move farther to the southwest and had advised the Coast Guard of the coordinates the U.S. wanted to fish in and would be moving to before the week ended. These coordinates are as follows: 56.20N, 157W by 55.45N, 157.45W by 55.15N, 155.30W by 56.20N, 154.00W. These coordinates were broadcast to mariners by CG District Seventeen. This information was relayed to me by SA Richards in Juneau.

Mr. Lowenberg also advised the U.S. crab fleet would be moving to the Portlock Banks area around 10 November and requested a notice to mariners regarding fixed gear in this area. In cooperation with Fish and Game, Ray Baglin, and myself, the following coordinates in the Portlock Banks area

should be broadcast to mariners: 58.52N, 151.42W by 58.52N, 150.00W by 58.18N, 150.00W by 58.18N, 151.42W effective 10 November 1979.

In summary and in checking with the Coast Guard, only two U.S. vessels to date have reported any gear damage or loss in the Chirikof/Semidi Island areas, These two being the F/V REBEL and the F/V ARCTIC LADY. Mr. Lowenberg also advised that due to the large amount of paperwork, time involved, etc., he doubted if he would file a claim either under Section 10 of the Fisherman's Protective Act or through the U.S./Polish Fisheries Board.

U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
P. O. BOX 1036
Kodiak, Alaska 99615

Date : October 31, 1979

Reply to Attn. of:

Copy sent 11/8/79 F35 Pam

To : Ron C. Naab, Special Agent-in-Charge

From : David C. Flannagan, Special Agent

Subject: REPORT OF CRAB POT LOSSES

On 24 October I received a telephone report from SAC R.C. Naab concerning crab pot losses. SAC Naab indicated that the House Merchant Marine and Fisheries Committee had received reports that Mr. Al Burch of Kodiak and Mr. Joe Fribrock of Seattle had suffered crab pot losses southwest of Kodiak Island. The pots were alleged to have been lost to foreign trawlers operating in that area. The reports further indicated that Mr. Burch had lost 20 pots and Mr. Fribrock had lost 8 pots.

On the morning of 24 October I contacted Mr. Burch by telephone (later in person). Mr. Burch is a spokesman for the Kodiak Shrimp Trawlers Association. Mr. Burch stated all his vessels were geared for shrimp and bottomfishing only. He stated he had no pots to lose and was not sure where the report originated but confirmed it was erroneous. When asked, Mr. Burch stated he did not know Joe Fribrock but he was under the impression that Mr. Fribrock was the owner of a crab boat that was skippered by a Mr. Marv Heine of Kodiak. Mr. Burch did not know the name of the boat.

Mr. Burch (a member of the advisory committee of the INPFC) has been monitoring radio reports of pot losses by fishing vessels southwest of Kodiak. Mr. Burch also received a list of vessels from Mr. Heine, who allegedly lost pots. Mr. Heine compiled the list by monitoring CB radio traffic. The list is as follows:

Vessel Name	Number of Pots Lost
MARINER	30
ARCTIC LADY[1]	19
REBEL	14 - possibly more
LYNN J[2]	10-15

GSA 868

Vessel Name	Number of Pots Lost
COUGAR	1/3 of all gear
WALTER M	Unknown
BOXER	Unknown
OCEAN CHALLENGER	Unknown
Mr. Marv Heine (vessel name unknown)	8

1. The ARCTIC LADY was contacted by SRA John Strahle and the operator confirmed losing 19 pots.

2. The LYNN J was contacted by SRA Strahle and the operator reported he was missing only four pots and was not sure if they had been lost to foreign trawlers or if they were even missing.

Mr. Burch indicated the only direct report he received was from Mr. Heine. He also indicated that some of the reports may have been magnified to bring attention to the conflict between crab fishermen and foreign fishermen. Mr. Burch was very cooperative and indicted he would direct only fishermen reporting losses to the Kodiak NMFS office promptly to avoid the lag time between incident and investigation.

Fishermen back season closures to foreign fleets

By ROGER BRIGHAM
Daily Mirror Editor

Area wide closures to foreign trawlers during state king and tanner crab season were proposed by an audience of fishermen last night at a North Pacific Fisheries Management Council hearing as possible steps to curb conflicts between foreign trawlers and domestic fixed gear crabbers.

The fishermen present at the hearing agreed that merely creating new tracts of closed areas or closing areas after gear conflicts arise would be unacceptable and mostly unenforceable solutions.

An audience of just over 20 shows up to exchange views with a panel composed of Jim Brooks of National Marine Fisheries Service; fisherman Bart Eaton of the NPFMC; Jeff Stephan, manager of the United Fishermen's Marketing Association and a member of the NPFMC advisory board; Nick Szabo, chairman of the state Board of Fisheries; and Mark Hutton, assistant executive director of NPFMC.

Eaton said that as long as the catch per unit effort for domestic fishermen remains at a low level, the fishermen can be expected to work in deeper water than was the custom in days of good crabbing in shallow water. That condition will create the likelihood of future gear conflicts unless solutions are found.

Eaton also said that legislative reform in connection with the 200 mile limit regulations is needed, but that the council should act in the interim to remedy and reduce the gear conflict problems.

Brooks said that some foreign fleets have voluntarily cooperated by avoiding areas of likely gear conflict in the past, but that obviously was not the case near the Chirikof Islands this fall, when the Polish trawlers raked over and smashed large quantities of American crab pots.

Brooks said protection could be obtained by seeking areawide closures to trawlers during tanner and crab seasons, rather than having areas closed year round, but agreed with the concern raised by Szabo that precautions should be considered to make sure domestic trawlers weren't discouraged or prevented from operating.

Perhaps the closures could be based on vessel size, with fishing closed seasonally to vessels over 200 feet, Brooks speculated.

The fishermen noted that the Coast Guard has trouble enforcing boundaries based on fathom curves, and that straight lines of longitude and latitude are more enforceable. They argued that only areawide closures seasonally would enable them to fish according to where the crab were, rather than where foreign trawlers weren't.

One solution which had been proposed going into last night's hearing was closing areas to foreign trawlers only after gear conflicts arise. This was unanimously opposed by the fishermen at the hearing, who argued that authorities would have to take the time to define the conflicts and document that they had occured, that fishermen would lose gear and fishing time and that present systems do not compensate them adequately for lost gear and time.

Louis Lowenberg of the Arctic Lady told the council that there would have been even more gear lost this year if the American fishermen hadn't moved off the fishing grounds. "We moved away," he said, "not because we wanted too, but because no one can sustain daily gear loss."

Lowenberg said the conflict this fall showed that if the council merely closed fishing grounds after conflicts arose, than most fishermen would be forced to stay in shallow water because they could not afford to lose gear in deeper waters.

(Continued from Page 1)

Mike King of the Rebel said that he, too, was forced off the fishing grounds due to the conflict, and that had he stayed he would have lost more gear.

"I was ready to give it up—but I was going to take one down with me," he told the council.

While the council was trying to find out what specific areas should be protected from foreign trawlers, fishermen in the audience were asked to show what grounds in general they were working. There were no takers. Fishermen said they would be unwilling to give away such trade secrets, and that the effect of creating more small tracts such as the ones now designated would serve merely to inhibit expansion of the domestic fishing grounds.

One audience member, arguing for entire district closure rather than selected tracts, commented, "If we draw lines to keep others out, we close outselves in. Crabs move too fast too far. I don't want to draw a line."

IPHC HALIBUT RECOMMENDATIONS

Attachment IV

BACKGROUND

We recently received a request from the International Pacific Halibut Commission to establish a by-catch limit of 1,500 mt of halibut for all the groundfish fisheries in the Gulf of Alaska. Halibut would be returned to the sea and the by-catch estimated from observer programs. The 1,500 mt limit would be divided among domestic and foreign fisheries in the same proportion as the allocation/catch. to the way optimum yield for each species is now handled. Area divisions of the by-catch limit could also be employed. When a nation's by-catch allocation is reached, all fishing for groundfish by that nation ceases for the remainder of the year. The report goes on to say that present time/area closures and gear restrictions should be continued until the effectiveness of this new approach could be demonstrated. It pre-supposes adequate observer coverage on both foreign and developing domestic fisheries and suggests, in the report, an observer coverage at a range of 30 to 50%.

POSSIBLE COURSES OF ACTION

These recommendations were not advertised for this meeting. They can be advertised for consideration for the next Council meeting or referred to the Management Plan Drafting Team for their review and inclusion in the next Gulf of Alaska Groundfish amendment package.

INTERNATIONAL PACIFIC HALIBUT COMMISSION

RECOMMENDATIONS FOR MINIMIZING BY-CATCHES OF HALIBUT IN THE GULF OF ALASKA

by
IPHC Staff

Background

Halibut are caught inadvertently by foreign and domestic fishermen seeking other species of groundfish. Regulations prohibit the retention of incidentally caught halibut in the groundfish fisheries, but many of the released fish die from injuries received during capture. (Retention of halibut is only allowed by Canadian and United States fishermen using hook and line gear during the prescribed halibut season.)

Incidental or by-catches represent a loss in potential yield and are partly responsible for present low abundance of halibut stocks in the Gulf of Alaska (Hoag, 1976; International Pacific Halibut Commission, 1978).

Several restrictions have been placed on the groundfish fisheries to reduce the by-catch. During the early 1970's, the International Pacific Halibut Commission (IPHC) proposed that foreign trawling be prohibited in areas when the by-catch of halibut was high. As a result of subsequent negotiations with Japan and U.S.S.R. area-time closures were enacted. The first closures were negotiated for the Bering Sea in 1973, and closures in the Gulf of Alaska were not in effect until 1975 (Hoag, 1976). With extended jurisdiction of fisheries resources to 200 miles in 1976, the area-time closures in effect at that time were continued as part of the preliminary management plan for groundfish in the Gulf of Alaska. Area-time closures, as well as other restrictions, were reexamined during the preparation of the final management plan for the Gulf of Alaska. As a result, the management plan included expanded area-time closures, gear restrictions, and effort limitations on

foreign vessels. Area-time closures and effort limitations were not placed on domestic fishermen, but a limit on the by-catch of halibut was instituted. The specific restrictions and their rationale were published in the U.S. Federal Register on April 21, 1978. Since then, the North Pacific Council has modified some of the restrictions, but the modifications are generally minor.

Controlling the by-catch of halibut in the Gulf of Alaska is a difficult problem because halibut are widely distributed throughout the area. Concentrations of halibut are not easily defined; they tend to be localized and vary seasonally as well as annually.

Present regulations may protect halibut under existing conditions in the groundfish fishery, but may not be adequate if conditions change. The incidence of halibut in groundfish catches varies with depth, season, and target species. A shift in fishing effort or target species could greatly increase by-catches and result in a further decline in the halibut resource.

The purpose of this report is to evaluate present restrictions in the groundfish fishery with regard to halibut and recommend any changes that could provide better protection for halibut, while at the same time allow for a productive groundfish fishery. The report considers only that portion of the Gulf of Alaska under United States jurisdiction.

Effectiveness of Present Restrictions

The effect of present restrictions on the by-catch of halibut is difficult to assess because the by-catch is a result of many factors, e.g., fishing effort, depth, season, and target species. The estimated annual by-catch of halibut by foreign groundfish fisheries has varied considerably. Hoag and French (1976) estimated that the by-catch declined from a peak of

9,103 m.t. in 1965 to a low of 2,070 m.t. in 1971; the catch then increased to 4,008 m.t. in 1974. Unpublished estimates since 1974 indicate that the catch was between 3,000 m.t. and 4,000 m.t. annually in 1975 and 1976, and then dropped sharply to about 1,300 m.t. in 1978. These results suggest that there was little decline in the by-catch when area-time closures were first instituted in 1975. The decline in 1978 is partly due to reduced fishing effort (U.S. National Marine Fisheries Service, unpublished), but may also be related to a change in target species; fishing effort now is concentrated on pollock rather than rockfish.

Present area-time closures are deficient because they only provide protection for halibut in specific areas at specific times, and do not allow for adjustments to changing patterns of fishing and halibut distribution. The Kodiak area (147°W - 157°W) is closed from February 16 to May 31 and the Yakutat area (140°W-147°W) is closed from November 1 to February 15. However, halibut are nearly as vulnerable in other areas and at other times of the year.

Similarly, bottom trawls are only prohibited from December 1 to May 31. The present fishery primarily operates at depths of over 150 meters; therefore, winter gear restrictions provide considerable protection for halibut which tend to concentrate along the edge of the continental shelf during the winter. However, seasonal differences in the rate of halibut incidence depend on the target species. If fishing effort is directed at shallow water species, high by-catches would occur during the summer months when halibut are distributed over the shelf. The North Pacific Council has recently increased the allowable harvest of Pacific cod (a shallow water species associated with halibut), and the by-catch of halibut is likely to increase unless new restrictions are instituted.

Management Options

Given that halibut by-catches should be reduced or at least prevented from increasing in future years, the means of accomplishing this goal fall into two basic categories:

1) direct control of fishing activities of the groundfish fishery, e.g., restrictions on gear, area, and time of fishing, and

2) indirect control of fishing activities, e.g., penalties invoked if excessive by-catches occur.

Presently, direct control is being applied to the foreign fishery, whereas indirect control is being used on the domestic fishery. There are several alternatives within each category, many of which may be impractical because of social, economic, and enforcement problems.

One approach is to expand present area-time closures. An advantage of this approach is that it is easily enforced. However, area-time closures will not effectively control the by-catch unless the closures are extensive and continually adjusted for changes in the distribution of the fish and the fishery. Figures 1 and 2 illustrate the wide-spread distribution of halibut concentrations in the Gulf of Alaska. To protect the majority of these concentrations, most of the Gulf of Alaska would need to be closed, at least part of the year. This would adversely affect the production of other groundfish species. Therefore, I consider this option impractical.

Another approach is to increase restrictions on the type of gear allowed. Off-bottom trawls can effectively harvest species that are not directly on bottom, while taking a very low by-catch of halibut. Similarly, setlines also can be used to harvest some species. Setlines catch halibut, but the mortality of released fish is generally lower than with trawls.

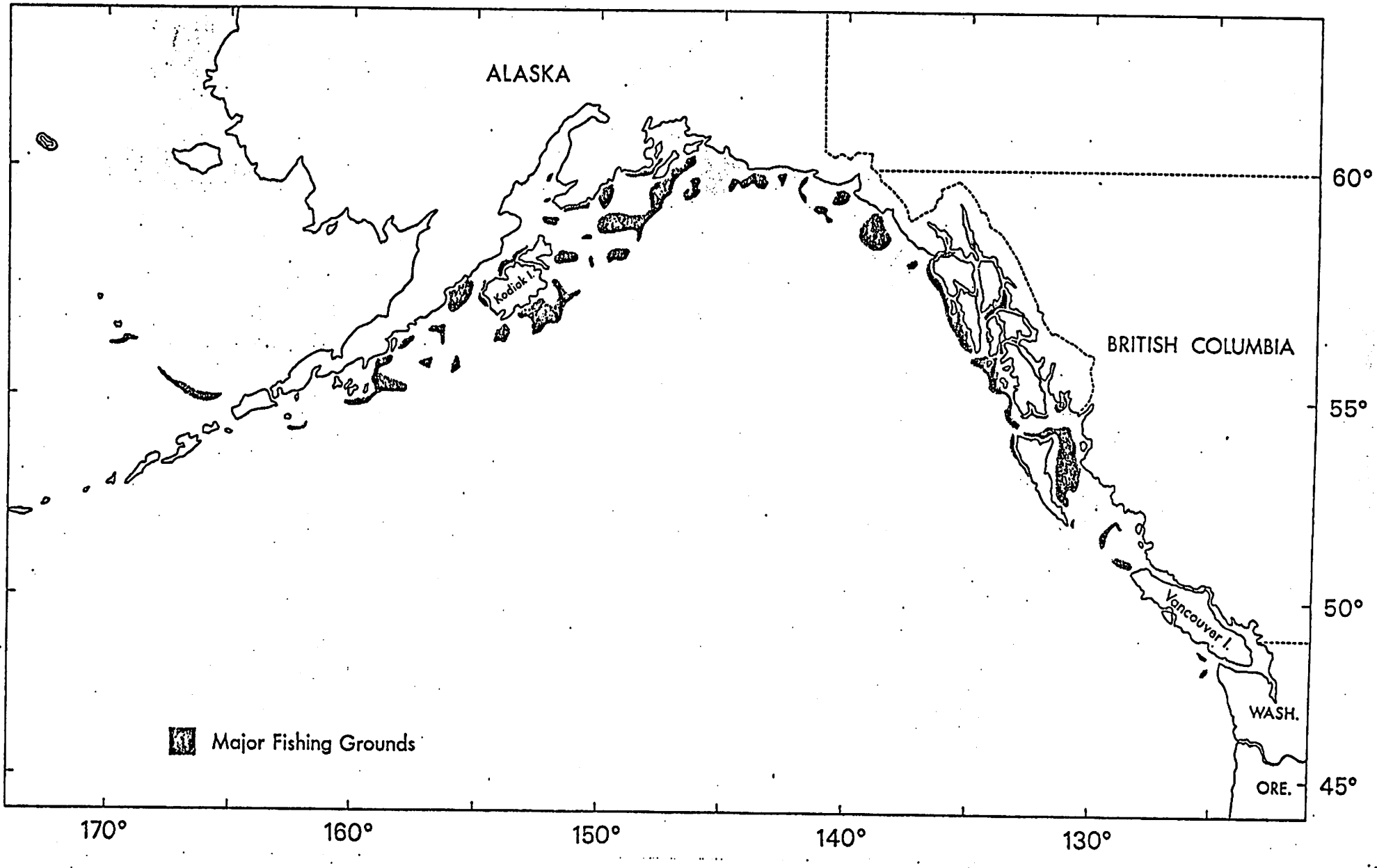


Figure 1. Major fishing grounds for halibut in the domestic fishery.

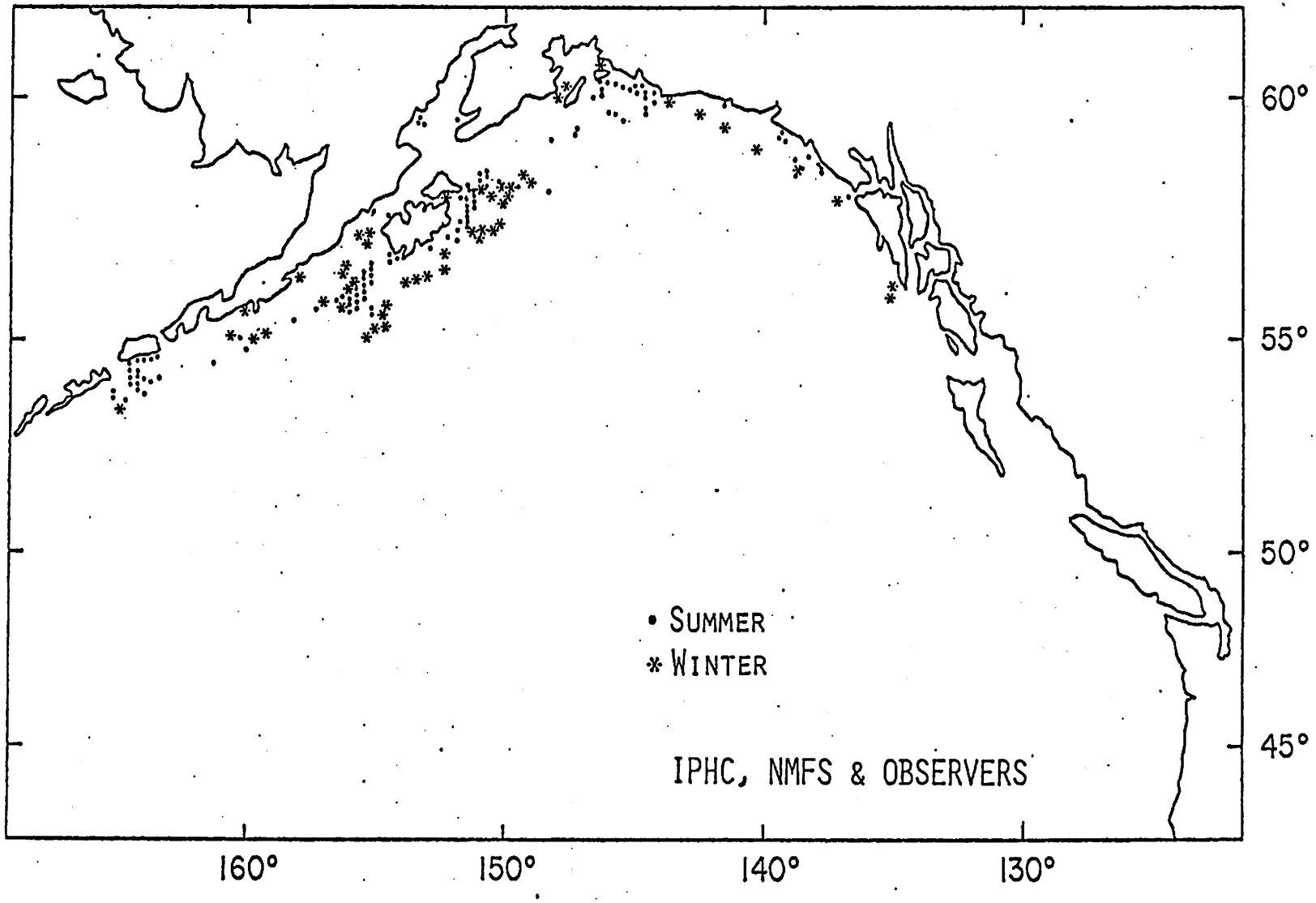


Figure 2. Known concentrations of juvenile halibut in the Gulf of Alaska, based on IPHC and NMFS research cruises and NMFS observers on foreign trawlers.

Gear restrictions, however, are difficult to enforce and further restrictions might preclude harvesting some species groups such as flounders.

A third approach is to institute a by-catch limit. Such a limit presently is in effect for the domestic groundfish fishery. All halibut are released, but fishing must cease if the limit is reached. This approach assumes that fishermen will appropriately modify their activities to avoid halibut, if given an incentive to do so. The advantage of this approach is that maximum freedom is allowed fishermen to harvest other species. A disadvantage is that accurate knowledge of the incidental catch is required on a timely basis. Present estimates of incidental catch are based on data collected by observers who sample the catch at sea. In 1978, observers were aboard foreign vessels during 15% of the vessel fishing days (NMFS, unpublished) and estimates of the incidental catch were not available until 1979. An even lower percentage of the domestic fishery presently is being monitored.

Recommendations

I recommend that a by-catch limit of 1,500 m.t. of halibut be placed on groundfish fisheries in the Gulf of Alaska. Halibut would be returned to the sea, and the by-catch estimated from observer programs. The 1,500 m.t. limit would be divided among domestic and foreign fisheries, similar to the way optimum yield for each species is now handled. Area divisions of the by-catch limit could also be employed, although they may not be necessary. When a nation's by-catch allocation is reached, all fishing for groundfish by that nation ceases for the remainder of the year. The recommended limit is close to the present catch (1,300 m.t.) and, therefore, would not be an

initial burden on the groundfish fishery. If the by-catch cannot be estimated soon enough to allow closures of the fishery, then the allocation of other groundfish species should be reduced the following year, i.e., invoke the penalty the year after the limit was exceeded.

Present area-time closures and gear restrictions should be continued until the effectiveness of the by-catch limit can be demonstrated. This assures some degree of protection in the event that the by-catch limit proves to be ineffective. However, area-time closures and gear restrictions can be eliminated in the future.

Adequate observer coverage of both the foreign and the developing domestic fisheries is essential if the by-catch limit is to be successful. This probably will require expanding existing programs. Funds for an observer program presently are being collected from the foreign fishery, but only part of these funds are made available to the U.S. National Marine Fisheries Service to enact the program. The exact level of coverage needed to adequately monitor the by-catch is not known, but may be in the range of 30 to 50 percent.

The 1980 Foreign Allocations
Attachment V

BACKGROUND

The 1980 foreign allocations have been received and are attached for your information and comments.

MIH

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N. Pac. Council
J. Bro

1980 U.S. FOREIGN FISHERY ALLOCATIONS FOR THE GULF OF ALASKA

		JAPAN	U.S.S.R.	REPUBLIC OF KOREA	POLAND	MEXICO	TOTAL
Pacific Cod	Initial	7,000	1,900	1,240	900	1,300	12,340
	1st Reallocation	19,870	1,180	2,780	880	950	25,660
	Total	26,870	3,080	4,020	1,780	2,250	38,000
Flounders	Initial	11,000	2,700	2,500	1,100	1,000	18,300
	1st Reallocation	2,200	1,260	725	455	680	5,320
	Total	13,200	3,960	3,225	1,555	1,680	23,620
Atka Mackerel	Initial	1,025	12,920	540	200	1,255	15,940
	1st Reallocation	840	3,810	100	200	0	4,950
	Total	1,865	16,730	640	400	1,255	20,890
Pollock	Initial	16,202	25,358	11,975	11,905	5,000	70,440
	1st Reallocation	9,957	15,584	7,359	4,762	5,628	43,290
	Total	26,159	40,942	19,334	16,667	10,628	113,730
Pacific Ocean Perch	Initial	6,060	1,550	970	500	825	9,905
	1st Reallocation	3,880	1,070	700	295	1,235	7,180
	Total	9,940	2,620	1,670	795	2,060	17,085
Other Rockfishes	Initial	1,785	130	585	40	490	4,030 1/
	1st Reallocation	570	70	150	30	330	1,150
	Total	2,355	200	735	70	820	5,180 1/

1980 U.S. FOREIGN FISHERY ALLOCATIONS FOR THE GULF OF ALASKA (Cont'd.)

		JAPAN	U.S.S.R.	REPUBLIC OF KOREA	POLAND	MEXICO	TOTAL
Squid	Initial	960	900	530	310	800	3,500
	1st Reallocation	96	90	53	11	100	350
	Total	1,056	990	583	321	900	3,850
Other Species[2/]	Initial	4,244	3,575	1,491	1,180	910	11,400
Sablefish	Initial	2,065	270	230	110	145	2,820
	1st Reallocation	325	370	220	45	140	1,100
	Total	2,390	640	450	155	285	3,920
Rattails[2/]	Initial	8,474	100	454	100	100	9,228
Sebastolobus[3/]	Initial	1,825	500	350	99	220	2,994
TOTAL	Initial	58,815	49,403	20,515	16,345	11,825	157,903
	1st Reallocation	39,563	23,934	12,437	6,777	9,283	91,994
	Total	98,378	73,337	32,952	23,122	21,108	249,897

NOTE: All figures are in metric tons. Initial allocation made October 31, 1979. First Reallocation made November 21, 1979.

1/ 1000MT unallocated.
2/ No reallocation made in November.
3/ Initial allocation made November 21, 1979.

Department of State
November 28, 1979

12-14-79
AD-FG
Jaffrey

1979 - 1980

SABLEFISH ALLOCATIONS
(metric tons)
By Nation

	79 Allocation	79 Catch	80 Allocation (initial)	% of 79 Allocation	% of 79 Catch
Japan	7125	5330	2390	34%	45%
USSR	425	102	640	150%	627%
Korea	985	745	450	46%	60%
Poland	70	0	155	221%	-
Mexico	200	52	285	142%	554%

TOTAL GROUNDFISH ALLOCATIONS
(metric tons)

	1979	1980 (initial)	1980 Allocation as % of 1979
Japan	118,002	98,378	83%
USSR	105,805	73,337	69%
Korea	43,051	32,952	77%
Poland	25,592	23,122	90%
Mexico	23,673	21,108	89%

Tillion

UNIVERSITY OF WASHINGTON
SEATTLE, WASHINGTON 98195

College of Fisheries
WH-10

December 11, 1979

The Honorable Clem Tillion, Chairman
North Pacific Fisheries Council
P.O. Box 3136DT
Anchorage, Alaska 99510

Dear Clem:

As you well know the Fishery Conservation and Management Act of 1976 under which our Council operates has, as one of its goals, the encouragement of development of fisheries which are currently underutilized or not utilized by United States fish industry, including bottomfish off Alaska.

The largest underutilized resource in U.S. waters is the pollock of Bering Sea.

I suggest that we ask our Plan Development Team and the Scientific and Statistical Committee to develop a plan to provide an increased incentive to the U.S. fishing industry to harvest Bering Sea pollock.

If we look back into our country's history, the methods for encouraging the development of the land area and the mineral resources of the West was by grants of land for homesteads or for building railroads and the system of filing claims for private ownership by prospectors who had located and proved the existence of mineral resources.

I suggest we establish this system to allow fishing claims or "seastead" rights to Bering Sea pollock.

The first question will be, "Is this a Limited Entry Program?" I believe it is and we must look to the Law to see what the Council and the Secretary must take into account.

The Law, in Section 303, is quite specific in its requirements to a system for limited access to a fishery in order to achieve Optimum Yield. The Council and the Secretary must take into account (a) present participation in the fishery, (b) historical fishing practices in and dependence on the fishery, (c) the economics of the fishery, (d) the capability of fishing vessels

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used in the fishery to engage in other fisheries, (e) the cultural and social framework relevant to the fishery and (f) any other relevant considerations. Since there is no present fishery, the major item to be considered is item f. and the other relevant considerations are the need to encourage the development of fisheries, which are currently underutilized or not utilized by the U.S. fish industry, including bottomfish off Alaska.

There are a number of ways such a program could be established. The following are only examples. I believe it very important that the exact details of a number of alternatives be worked out by the Council and tested in the public hearing process.

For example, an individual, partnership, or corporation would be eligible for the right to take one percent of the total allowable catch per month for Bering Sea pollock for each metric ton of pollock caught and processed each year for a two-year period. There are obviously all kinds of alternatives for the amount of leverage or the multipliers applied to what is caught during the proving up period to the later right of fishing.

Another possibility is to provide the right to utilize a certain amount of fishing effort. For example, an individual, partnership, or corporation that caught a metric ton of pollock which was processed could be allowed the application of one tillion[1] of fishing effort in perpetuity with the right to sell or lease that right.

May I suggest that this topic be added to our Agenda for discussion and, that with approval of the Council, it be referred to the Plan Development Team and the Scientific and Statistical Committee.

Sincerely yours,

Donald E. Bevan
Associate Dean

DEB/aw
cc: Charles Fullerton
D. L. Alverson
Steve Penoyer

1/ A tillion is that amount of fishing effort which will provide one percent of the monthly catch of Bering Sea pollock.