

North Pacific Fishery Management Council

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MINUTES

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

January 26-27, 1978

The regular monthly meeting of the North Pacific Fishery Management Council was held in Anchorage, Alaska at the Hill Building. Members present included:

Harold Lokken, Chairman
Clem Tillion, Vice Chairman
Henry Wendler
Gordon Watson
Harry Rietze
Chuck Meacham
Don McKernan
Ron Skoog
Jim Campbell
Rear Admiral Hayes
Doug Eaton
John Harville
Bob Mace
Ray Arnaudo (State Department)

(Attendance listing of SSC, AP and public is contained in Appendix E.)

The Executive Director deferred to his written report (Appendix A).

SSC REPORT

Dr. Lee Alverson reported for the SSC (Appendix B), and spoke on the following subjects:

The SSC Committee had examined its Charter and determined that drafting of regulations was not in the purview of the SSC. Additionally, the SSC function is not to collect information.

The Committee had studied and reviewed the ADF&G contract for herring which calls for studies on the size of the stock and life history. It is the SSC consensus that Council should proceed with the contract with size and distribution of stock being the focus. Requests for travel concerning this proposal should be a part of the proposals budget.

The SSC had reviewed a summary of the king crab study and had pronounced it good.

The Committee had determined that Bering Sea herring, because of the unique character of the fishery, should be a separate management plan. The rapid development of this fishery calls for a plan to be in effect as soon as possible.

The Committee supports the cycle of management plan development as it has been re-drafted.

The Committee reviewed the incidental catch allocation problem brought to light by Rear Admiral Hayes in his letter and suggested a study group be formed. It would consist of members of the Coast Guard, NOAA, NMFS and the Alaska Department of Fish and Game. Unrealistically low incidental allocations, when reached, closes the fishery in that area on all species.

The Committee supported moving ahead with the Socio-economic study of the herring fishery. It had also determined that there was not enough ecological interaction in management plans and has requested that management teams pay more attention to this subject in the future. The Committee had also studied "Economic and Allied Data Needs" and found that while certain aspects of it were good, certain aspects were poor and the need for archiving certain other information is not needed.

The Committee also studied two proposals on the salmon troll plan, one for the observer program and the other the proposed logbook program. The SSC supports both.

On the subject of blackcod the SSC states that the OY as now established cannot be defended biologically, but the stock is in reasonable shape. Derivation of OY from MSY and EY must be made by the Council on the basis of social or other modifying factors.

At this point Dr. Alverson was questioned by Mr. McKernan. The last in a series of questions from Mr. McKernan was; "Is the OY of 10,000 metric tons in the trawl plan not justified biologically?" The answer to that was "yes."

That concluded the SSC report.

AP REPORT

Keith Specking, Chairman, reported for the Advisory Panel (Appendix C).

Mr. Specking said the Advisory Panel recommended a separate herring plan for the Bering Sea. The AP did not discuss joint venture permits and no discussion will be held until July. The AP suggests that Council guidelines for joint ventures be consistent with national standards.

On the subject of blackcod, the Panel determined that they are not convinced they should depart from their previous views.

As for the subject of crab pot storage, the AP felt the problem should be referred to the Alaska State Board of Fisheries.

In their discussions on herring, representatives from the AYK (Arctic/Yukon/Kuskokwim) want cautious development on herring for some time. In any event they asked that the harvest be kept below 10,000 metric tons and commended the Board of Fisheries for their action in this respect.

Mr. Specking referred to testimony on the Tanner Crab Plan given the AP by Mr. Tom Casey of Kodiak. The Panel advised the Council to keep the 58° line and the 15,000 metric ton TALFF north of 58° N.

Concerning agenda item #11, data collections, the AP felt data should be identified in the management plan and felt this was a very important area. They also stated that the schedule presented to the Council for review was presented too short for the Council to be able to support it. A subcommittee of Mr. Jaeger, Mr. Lewis and Ms. Welfelt was appointed to assist Mr. Collinsworth on the study of the data needs. Ms. Welfelt reemphasized her motion from the last meeting that consumer data needs must be identified in management plans.

The following AP members were assigned to plan development teams for FMP's:

Bering Sea Groundfish	Sig Jaeger & Oral Burch
Bering Sea Herring	Al Otness & Dan O'Hara
Bering Sea Clam	Harry Wilde, Don Rawlinson
Troll Salmon	Bud Boddy, Jack Cotant, Knute Johnson

Robert Starck resigned from the AP because of time conflicts with his fishing business.

Mr. Harry Wilde presented a report on herring which is included in the AP appendix (C) material.

The second session of the AP meeting was a joint meeting with the SSC. That report is included in the appendix material.

Following the conclusion of the AP report the King Crab Writing Team presented a two hour overview of the resource and fishery. (Appendix Packet, #7)

RECESS

A closed session scheduled for 1:30 p.m. was not held. The meeting reconvened at 2:00.

James Walsh, Deputy Administrator, NOAA, addressed the Council as the first order of business during the afternoon session. Mr. Walsh was accompanied by Dave Wallace, Acting Assistant Administrator for Fisheries, NOAA. Mr. Walsh told the Council he was making his appearance to explain NOAA views on the salmon troll, Tanner crab and groundfish FMP's.

On the subject of the groundfish plan, it was indicated NOAA will approve that plan if new language establishing an MSY for "other species" is added.

In addition, Mr. Walsh said there were three changes the Department of Commerce would like to see made in the groundfish plan though the plan would not be disapproved because of them. The Council was asked to consider changing the level of OY reserve from 30 percent to 20 percent, raising the OY for sablefish from 10,000 to 15,000 mt and delaying for one year a reduction of 10 percent in the OY for "other species".

Dave Wallace then spoke to the Council detailing the changes needed on page 194 of the groundfish plan. That is section 4.7.10 of the Gulf of Alaska Groundfish Plan in which a figure for MSY for the "other species" category needed to be specified.

Mr. Walsh said the State Department has used, as an allocation base for granting foreign governments catch allocations, a reserve figure of 20 percent. Considering the fact that allocation to U.S. fishermen has been made on a conservative basis, NOAA felt that the combination of both factors makes it safe to change the 30 percent reserve to 20 percent.

Concerning blackcod, Council was told that the proposed OY of 15,000 mt is considered more appropriate at this time than the present OY of 10,000 mt. Mr. Wallace said they would like to delay the 10 percent of OY for "other species" for one year.

On the subject of the Tanner Crab Management Plan (OY north of 58°) Mr. Wallace said the 58° N. latitude line separating the foreign fishery is acceptable. As for the 15,000 mt TALFF, that figure apparently was set based largely on the premise that the U.S. market would be affected. So far as NOAA is concerned there is not sufficient evidence shown in the plan that a large Japanese C. opilio catch coming onto the market would hurt the U.S. bairdi market. As a consequence, NOAA feels it cannot defend the plan in court. Mr. Walsh said the Council must gather more information to justify the OY figure in the plan.

Council members Lokken and Tillion questioned Mr. Walsh closely on this point for a better understanding on the part of the Council as to the

information necessary to make the plan defensible from the NOAA viewpoint. Members McKernan and Meacham continued the discussion for clarification. It was determined that the plan, according to NOAA, would not support any figure given for TALFF north of 58 degrees N. latitude, for the reason that the larger record is not evidenced as to the scope and content of information considered by the Council in reaching the decision to set the TALFF figure.

According to Mr. Walsh, the Council must make a better statement than has been made. Further expert testimony is needed to be added to the record to justify the figure in the plan.

"Do that," said Mr. Walsh, "And we will defend your plan."

Council member Eaton at this point questioned the reasoning for an extended review period for the Tanner Crab FMP, noting that NOAA had started a new 60-day review period on the basis of Council action taken at the December meeting by request of NMFS on the subject of OY for C. opilio south of 58 degrees. Changes of similar nature in the Gulf of Alaska Groundfish FMP had not affected the review period for that plan. Mr. Walsh said part of the problem was the change in personnel in NOAA.

On the subject of joint ventures, Mr. Walsh said that the policy paper being prepared by NOAA was undergoing a high level review and they would have it out as soon as possible.

4:05 p.m.

PUBLIC HEARING SESSION

Six persons testified at the public hearing; testimony is summarized in Appendix D.

The first-day session ended at 5:10 p.m.

January 27th

Following requests the previous day from Mr. Walsh and Mr. Wallace, the Council took the following action;

1. Changed the "reserve" amount for species in the Gulf of Alaska Groundfish FMP from 30 percent to 20 percent.

Comment at this time from member Meacham indicated that the Council will be back with the 30 percent figure next year and this is to serve notice that this will happen.

Mr. McKernan said he wanted it understood that he was not voting now on the promise of 30 percent next year.

Mr. Meacham made the motion to change 30 percent reserve withheld to 20 percent reserve withheld. The motion passed unanimously.

2. The action required to change the language of the GOA Groundfish Plan on page 194 in Section 4.7.10 was made on a motion by Vice Chairman Tillion to adopt suggested language from NOAA. The motion was passed. This specified an MSY figure for "other species" of 16,200 mt.
3. On the subject of raising the sablefish OY from 10,000 mt to 15,000 mt, Mr. Walsh told the Council that commitments had been made by the State Department on that basis and the stock did not appear to be in danger. Mr. McKernan observed that the range on MSY in the groundfish plan for sablefish goes from 22,000 to 25,000 mt.

Mr. McKernan then moved that the Council alter the OY, taking into consideration the traditional fishery of Japan on blackcod. He observed that a 13,000 mt figure leaves us safe with respect to the status of stocks.

Mr. Tillion asked, how do we protect our longliners? Mr. Branson suggested raising the OY would require reducing the closed area east of 141° W. Longitude to stay within DAH for that area.

Mr. McKernan then amended his original motion calling for an additional 3,000 metric tons on the sablefish OY, specifying only for a directed fishery, that the blackcod TALFF be by trawler longline except for reasonable incidental catch allocations. Longline gear also includes pot gear.

Mr. Branson then read the motion as he understood it: increase the OY to 13,000 metric tons and the foreign directed fishery will be longline only with an allowance for incidental trawl catch.

Mr. Walsh said that NOAA will okay the plan as soon as possible if these suggestions are met.

The motion passed with Council member Eaton voting no.

Mr. Walsh noted that the Gulf of Alaska Groundfish FMP calls for a 10 percent annual reduction in quota for "other species" beginning in 1978. He said that the Department of State had asked NOAA to delay that reduction one year. Allocations had already been made based on the full 1977 OY figure at 16,200 mt and Commerce would like more time to find out what fishes are involved in the "other species" category. The eventual hope is to improve the data base and identify all species in that complex. . Mr. Wendler made a motion to delay the 10 percent reduction in "other species" OY for one year. The motion was passed unanimously.

10:10 a.m.

TANNER CRAB

On the subject of Tanner crab, Mr. Eaton observed that the Council has a lot of information on record on which to base the TALFF for 15,000 mt north of 58°. He then made a motion that the Council draft a letter justifying the figures and standing by the action the Council had taken in setting the TALFF figure. The letter will be forwarded to NOAA to support the record and the Council decision in the FMP.

Mr. McKernan then observed that the effect on the growth of the U.S. fishery and the market was the basis for the 15,000 mt figure.

At this point Kim White, NOAA Counsel, Juneau, asked a question: "Shall the staff gather and forward the material, or shall the Council go over the material at the next meeting?"

Mr. Eaton's motion was withdrawn.

Mr. Harville made the observation that the Council had based their judgment on good information. He suggested in order two things; one, send a letter to the Secretary of Commerce as requested by Mr. Eaton's motion, two, then address the level of harvest. Mr. Tillion then made a motion to send a letter to the Secretary of Commerce calling her attention to the larger record as evidence of good judgment on the December 2 action taken by the Council upholding the TALFF at 15,000 mt north of 58°. The motion passed unanimously.

Mr. McKernan moved that the Council ask the Executive Director to draft and circulate suggested language for amendments to the plan. The language would supplement information in the plan and support the TALFF figure. Mr. McKernan suggested that the Executive Director work with Mr. Walsh to minimize the time that it would take to implement the plan with the amendments that are added. The motion carried unanimously.

10:45 - Mid-day recess

11:05 a.m.

TROLL SALMON PLAN

Mr. Kim White, legal counsel for NOAA, said he believed there were three major legal problems with the Troll Salmon Plan:

1. The fishery management unit involved is not adequately defined. The FMP is apparently designed to regulate the troll fishery for King and Coho salmon, but the plan includes comments on pinks, sockeye and chum salmon. The plan also contains provisions affecting net and sport fishing, again, a confusion with the title, Commercial Troll Fisheries off the Coast of Alaska.

2. The second thing wrong with the plan according to Mr. White, is that it does not have OY figures in the final draft. These figures were included in previous drafts which included both options and OY's.
3. The third major problem, according to Mr. White, was the adequacy of the plan's provisions for reporting statistics to the Secretary of Commerce and the confidentiality of such statistics. The FMP as published requires that information to go only to the State of Alaska.

Although Mr. White confined his remarks to the Council to the three items identified above, a letter to Eldon Greenberg, General Counsel, from Mr. White, dated January 26th identifies and assesses other deficiencies in the plan. That letter is included in the packet material accompanying these minutes. It can be found under Agenda Item #4.

Mr. McKernan attempted to summarize what was necessary to make the plan acceptable. He said "Salmon Taken by Trolling Gear" should be sufficient for plan title; suggested putting in OY figures and finally, adopting language from the other Council FMP's concerning the reporting requirements.

Mr. White indicated this would probably be sufficient and Council should exercise care to take out references to pink salmon.

Mr. McKernan made a motion to have the Plan Development Team study the problem and redraft the necessary portions of the plan for Council review at the next meeting. The motion passed unanimously.

Mr. Branson asked what happens when the review period for the FMP ends on 22 February.

Mr. White suggested that other plans have had their review period extended and implied that the same could happen with this FMP.

KING CRAB

The suggestion was made by Mr. McKernan to bring back a plan not too dissimilar from the PMP. He said that the Council should not shut out the possibility of making changes but the plan seems to be working.

On the question of objectives for the King Crab FMP, Mr. Mace made a motion to adopt the objectives as reflected on page 21 of the summary of King crab fisheries which was distributed to Council members on January 13th. The entire text of that summary can be found under Agenda Item #7.

The three objectives are:

1. To establish stability and eliminate to the extent practicable, fluctuations in annual harvest.
2. Maintain and avoid disruption of existing social and economic structure where the fishery has developed and evolved over a period of years as reflected by community characteristics, processing capability, fleet size and distribution.
3. Maximize benefit/cost ratios (or cost effectiveness) for public investment in development, research management and enforcement of the King Crab fishery.

Managing the crab fishery for stability and eliminating as much as possible extreme fluctuations in annual harvest that have at times characterized this fishery, depends on the maintenance of crab stocks that are comprised of a broad base of various age-classes of legal size crab rather than creating a dependency upon a recruits-only harvestable resource.

The motion to adopt objectives passed unanimously.

HERRING

Vice Chairman Tillion made a motion to separate herring from groundfish in the Bering Sea and make a separate FMP. The motion passed unanimously.

FINANCE COMMITTEE ACTION

1:40 p.m.

A meeting of the NPFMC Finance Committee was held Friday morning, January 27th. Their recommendations, which were endorsed by the Council, included:

1. Unsolicited proposals from MIT for "A Study of Regional Fishery Management Councils" and "The George's Bank Fishery; Development of Management Plans" were not needed at present and of marginal value.
2. Changes were approved in the RFP "For A Study of the Social and Economic Impacts of a Commercial Herring Fishery on the Villages and Residents of the Arctic/Yukon/Kuskokwim (AYK) Area in Western Alaska", expanding the study and requesting the funding ceiling be raised from \$50 K to approximately \$85 K.
3. An RFP for data analysis from the 1977 troll logbook study was approved in an amount not to exceed \$15,000.

4. The troll salmon observer program was approved in principle. More specific costs and methods should be developed for review at the next meeting.
5. The troll salmon socio-economic study RFP was endorsed for support for other agency funding. The scope and costs are considered too much to conform to Council guidelines for research funding.
6. A chinook salmon smolt tagging proposal for S.E. Alaska was supported in concept but, again, funding should be from another agency because of the program's expense and duration.
7. The need was recognized for a high seas salmon tagging program for the troll fishery. Funding alternatives might include some reallocation of present monies from ongoing salmon research programs.
8. A low priority was given an RFP for study of management strategy in developing troll salmon plans.
9. The Finance Committee directed a staff salary study for presentation at the next meeting.

COUNCIL REGULATIONS

Proposed Council regulations printed in the January 9th Federal Register will be reviewed at the February meeting.

ECONOMIC & ALLIED DATA NEEDS

The Council discussed the NOAA draft paper on Economic and Allied Data Needs for Fisheries Management and the draft response reviewed by the SSC. That response, noting some deficiencies in the proposed national system and suggesting revisions to make it more responsive to Regional Council needs, was endorsed by the Council.

Mr. McKernan made a motion to have the Chairman send a letter to Mr. Frank containing the comments reflected in the letter given the Council. It passed unanimously.

Mr. Bevan observed that this action was complimentary to the Pacific Council action.

MPD SCHEDULE

Management plan development and review schedules were deferred until the February meeting pending further study. Legal counsel was asked to review them for compliance with the law.

FOREIGN PERMITS

Permit applications from the Soviets for the SULAK and TIKHVIN have been withdrawn. As of the 23rd of January there were no permit applications to review.

JOINT VENTURES

The Council declined to define "processing" with Mr. McKernan commenting "It doesn't concern us." Mr. Branson was directed to write to the Department of Commerce requesting immediate action on their study and policy statement on joint ventures.

CRAB POT STORAGE

The Council asked that this question be referred to the Alaska Board of Fisheries for an area-by-area study and resolution of the storage of crab pots.

U.S.-FOREIGN SCIENTISTS MEETING

A joint meeting of U.S. and foreign scientists for the purpose of discussing all species in the North Pacific was endorsed in principle. Specifics were postponed until after the forthcoming INPFC renegotiations. Mr. McKernan made a motion, endorsing the idea of the meeting and supporting it. The motion was passed unanimously.

CHAIRMEN'S MEETING

A decision was made to send the Council Chairman or Vice Chairman and the Executive Director to the meeting of Council Chairmen in Charleston, S.C. The meeting is scheduled for late March.

Mr. Rietze suggested an agenda topic for the Chairman's meeting of a discussion on what economic factors are acceptable when determining harvestable surpluses of fishery resources. Mr. Branson is to write a letter with that suggestion for consideration by the host Chairman.

The meeting was adjourned at 2:35 p.m., January 27, 1978.

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FORM CD-14 (2-76) Prescr. by DAO 214-2	U.S. DEPT. OF COMM.	DATE 2/2/78
TRANSMITTAL SLIP TO: <i>Branson</i>		REF. NO. OR ROOM, BLDG.
FROM: <i>Brooks</i>		REF. NO. OR ROOM, BLDG.
ACTION		
<input type="checkbox"/> NOTE AND FILE <input type="checkbox"/> NOTE AND RETURN TO ME <input type="checkbox"/> RETURN WITH MORE DETAILS <input type="checkbox"/> NOTE AND SEE ME ABOUT THIS <input type="checkbox"/> PLEASE ANSWER <input type="checkbox"/> PREPARE REPLY FOR MY SIGNATURE <input type="checkbox"/> TAKE APPROPRIATE ACTION	<input type="checkbox"/> PER OUR CONVERSATION <input type="checkbox"/> PER YOUR REQUEST <input type="checkbox"/> FOR YOUR APPROVAL <input type="checkbox"/> FOR YOUR INFORMATION <input type="checkbox"/> FOR YOUR COMMENTS <input type="checkbox"/> SIGNATURE <input type="checkbox"/> INVESTIGATE AND REPORT	

COMMENTS:

for your info.

Hutton ~~MMH~~
Hershberger
Willoughby
Mynarski

MMH
MMH

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 3. City:
 4. State:
 5. Zip:

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U.S. DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

National Marine Fisheries Service
P. O. Box 1668, Juneau, Alaska 99802

Date : February 1, 1978

Reply to Attn. of:

To : Winfred H. Meibohm, F
Associate Director

From : *Harry L. Rietze*
Harry L. Rietze, EAK
Director, Alaska Region

Subject: North Pacific Fishery Management Council Meeting - January 26-27, 1978,
Anchorage, Alaska

The meeting was convened by Chairman Harold Lokken at 8:30 A.M. on January 26, 1978. Following is a summary of the meeting.

- . A new Council member, Mr. James O. Campbell was introduced.
- . The Council received reports from both the Scientific and Statistical Committee and the Advisory Panel which consisted of comments and recommendations on most agenda items.
- . NOAA Deputy Administrator designate James P. Walsh and Acting Assistant Administrator for Fisheries, David H. Wallace appeared before the Council and commented on deficiencies or perceived weaknesses in two Fishery Management Plans (FMP's) that had been submitted for Secretarial approval. The first of these, the Gulf of Alaska Groundfish Fishery, while approvable in its original form, required relatively minor changes that were related to smoothing the transition from the Preliminary Management Plan (PMP) to the FMP. The second FMP (Tanner Crab off Alaska) was seriously (legally) faulted in failing to reveal a sufficient basis in the record for determination of the stated optimum yield for C. opilio tanner crab north of 58°N Latitude. The Council's actions on these FMP's later in the meeting took these recommendations into consideration.
- . The Council amended the Gulf of Alaska Groundfish FMP by specifying an MSY for the "Other Species" category of 16,200 metric tons, reducing the OY reserve on all species from 30 percent to 20 percent, increasing the OY on sablefish from 10,000 to 13,000 metric tons, and delaying for one year a 10 percent annual reduction of the TALFF on "Other Species".
- . With respect to "the Tanner Crab off Alaska" FMP, the Council directed that the plan be amended by including supplementary information from the record which better describes the basis for establishing the OY for tanner crab north of 58°N Latitude. The amendments, when drafted, are to be circulated to Council members for approval and then forwarded to the Secretary of Commerce in the form of a letter. The Council also agreed to work with Messrs. Walsh and Wallace to minimize the time necessary to put the plan into effect.

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- . The Council heard a report from Mr. White, NOAA General Council's Office, which identified legal problems with the FMP entitled Commercial Troll Fisheries off the Coast of Alaska. The plan drafting team was directed to develop amendments to the plan which would remedy the troublesome issues.
- . The Council directed that Bering Sea herring be dealt with in a FMP distinct from the "Trawl Fishery of the Bering Sea and Aleutian Islands" FMP. Drafting teams for these two FMP's are just being organized.
- . The Council considered two unsolicited research proposals submitted to the NMFS by the Massachusetts Institute of Technology. While the Council felt that unsolicited proposals should not be discouraged, the MIT proposals could not be endorsed.
- . After hearing a report from the chairman of the finance committee, the Council took the following actions relative to research proposals.
 1. Approved increased funding in the amount of \$35,000 (total \$85,000) for an RFP dealing with a socio-economic study of herring in western Alaska;
 2. Approved funding an analysis of log book data compiled by the Alaska Troller's Association;
 3. Expressed approval in principle but requested more information concerning a troll fishery onboard observer program;
 4. Expressed conceptual approval of two salmon tagging proposals (inshore and high seas) but recommended other agency funding.
- . In response to a NMFS draft paper on "Economic and Allied Data Needs for Fisheries Management" the Council submitted a letter expressing a negative attitude toward the suggested plan.
- . The Council delayed until its next meeting further consideration of a schematic for FMP development and review.
- . The Council referred the problem of "on the grounds" crab pot storage to the Alaska Board of Fisheries.
- . The next meeting of the Council is scheduled for February 23-24, 1978 in Anchorage, Alaska.