

# North Pacific Fishery Management Council

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#4-90

NEWSLETTER

8/15/90

## COUNCIL ADJOURNS 92nd PLENARY SESSION

At its August 7-9 meeting, the Council completed its agenda, concluding a session that began in June. The Council spent considerable time discussing the proposed sablefish management system and approved a notice of intent to consider a moratorium on all vessel entry into all federally managed fisheries off the coast of Alaska, except salmon. The Council released to public review proposed overfishing definitions for its Salmon and Crab Fishery Management Plans. Details of these and other actions are included in this newsletter.

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### Two New Council Staff Members Come Aboard

Clarence Pautzke, Executive Director of the North Pacific Fishery Management Council, announced that Dr. Jim Cornelius and Chris Oliver have been hired to fill the Council's two staff vacancies. Dr. Cornelius, hired as staff economist, most recently served as a fully-tenured professor at Oregon State University and has a background in natural resource and agricultural economics. He received his Ph.D. from Washington State University. Chris Oliver will serve as the Council's Gulf of Alaska groundfish coordinator. He most recently was a research associate with the Department of Agriculture Economics for Texas A&M University where he worked on research projects relating to Gulf of Mexico commercial and recreational fisheries. Mr. Oliver earned his Master's degree in fisheries sciences at Texas A&M University.

## **Secretary of Commerce Announces Council Appointments**

Secretary Mosbacher recently announced the reappointment of Henry Mitchell to his third Council term and the appointment of Walter Pereyra to his first three-year term. Mr. Mitchell, initially appointed in 1984, is the Executive Director for the Bering Sea Fishermen's Association and serves as chairman of the Council's Habitat Committee. He also serves on the Council's Data Gathering Committee, Education Committee, and the Halibut Regulatory Amendment Advisory Group.

Dr. Pereyra is the Chairman and Chief Executive Officer for ProFish International, a vertically integrated seafood company with primary emphasis in North Pacific bottomfish development, and comes to the Council with experience in fisheries spanning 30 years. He has served as Director for the Division of Resource Assessment and Conservation Engineering at the Northwest and Alaska Fisheries Center in Seattle, as a Commissioner on the International North Pacific Fisheries Commission, as a scientific advisor to the U.S. Section of the International Halibut Commission, and is currently on the Board of Directors for the National Fisheries Institute.

John Peterson, a member of the Council since 1984 ended his Council term at the Juneau meeting. Mr. Peterson served as Council Chairman for one year and as Vice Chairman for one year. He served on several Council committees, including the Fishery Planning Committee, Permit Review Committee, Finance Committee, and the Plan Amendment Advisory Group. The Council presented Mr. Peterson with a plaque honoring his service and Washington Governor Booth Gardner sent a letter of personal thanks. At the June meeting in Anchorage, the Council's Scientific and Statistical Committee also recognized Mr. Peterson with a certificate.

### **Sablefish IFQ Decision Tabled**

The Council tabled a motion to adopt an individual fishing quota (IFQ) management system for the sablefish fixed-gear fishery. The Fishery Planning Committee was asked to further develop plans and schedules for limiting access to all fisheries under the management of the North Pacific Fishery Management Council. It may include an integrated limited access system for all longline caught species. The Committee will meet on August 24 in Seattle and report to the Council in September. Parliamentary rules require the Council to address the tabled sablefish IFQ motion by the end of the September meeting or the motion expires.

### **Council Approves Notice of Intent to Consider Moratorium**

The Council approved a notice alerting the fishing industry and the public of their intent to develop and consider implementing a moratorium on entry for all fishing vessels, in all fisheries under its jurisdiction, except salmon. A four-year moratorium on entry is believed by some members of the Council as necessary to freeze the existing fleet in its current configuration while developing solutions to several major fishery problems. A copy of the notice as submitted to the Federal Register is attached to this newsletter.

For purposes of a moratorium, the Council has defined two vessel categories: (1) existing vessels; and (2) "vessels in the pipeline." Existing vessels are those vessels that have participated in a council-managed fishery by late August 1990. (The specific date will be 10 days after publication of the Federal Register notice.) These vessels must possess fish tickets and/or weekly processor reports which prove they were in the fishery. Vessels defined "in the pipeline" are the vessels which are currently in the process of construction, reconstruction, or purchase for participation in a Council-managed fishery. Written contracts dated before the specific late August 1990 date, would satisfy pipeline definition requirements. These vessels have until January 15, 1992 to be completed and operating in the fishery.

The Council also recognized that some contracts or agreements to construct, reconstruct, or purchase a vessel may have been canceled this past spring following the Council's earlier discussions of a January 19, 1990 cut-off date. Individuals who can document that their situation falls into this category will be allowed until January 1, 1991 to develop written contracts. These vessels will also be considered "in the pipeline" and they have until January 15, 1992 to be completed and operating in the fishery. For more information, see the Federal Register notice attached to this newsletter.

### **Council Initiates Amendment Process for Moratorium**

With the Council's approval of a notice of intent to consider a moratorium, they initiated a process to develop amendments and/or regulations for the Bering Sea and Gulf of Alaska Groundfish Fishery Management Plans (FMP), the Bering Sea/Aleutian Islands King and Tanner Crab FMP, and the halibut fishery. The amendment process begins with a scoping period to allow the public the opportunity to comment on issues that they want addressed in the environmental impact statement (EIS). The scoping period will conclude on September 28, 1990. Written comments should be sent to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802-1668. Two scoping meetings have also been scheduled:

August 23, 1990	10:00 a.m.	NMFS Alaska Fisheries Science Center Bldg. 4, Room 2079 7600 Sand Point Way N.E. Seattle, Washington
September 5, 1990	10:00 a.m.	Fishermen's Hall Kodiak, Alaska

Following this scoping process, staff will be directed to work with the Council's Fishery Planning Committee in preparing a detailed description of the moratorium and analysis of its impacts. These documents will become the basis of amendments to FMPs and regulations. The Council tentatively is scheduled to approve these amendments in April 1991 for public review. Final Council action on the moratorium is tentatively scheduled for June 1991. Following Secretarial review, the earliest the moratorium could go into effect is January 1992. For additional information, see the Notice of Intent to Prepare an EIS attached to this newsletter.

### **Bering Sea/Aleutian Islands Groundfish Amendment 16a**

Amendment 16a is a follow-up amendment to the Bering Sea/Aleutian Islands groundfish plan intended to expand or modify existing bycatch management measures. The proposed amendment consists of (1) provisions to manage the bycatch of herring in the Bering Sea/Aleutian Islands management area and (2) additional measures to manage crab and halibut bycatch in BSAI trawl fisheries. The latter include in-season authority for the Regional Director to close bycatch hot spots and authority for the Council to allocate specific portions of the BSAI pollock TAC to midwater gear. At its June meeting, the Council also tasked its Plan Teams to analyze modification of the BSAI crab and halibut bycatch caps at 50%, 100%, and 150% of the present Amendment 12a levels. Amendment 16a will be released for public review on August 17, 1990 with comments due by September 17, 1990. The Council will take final action at its September meeting. For more information, see the Notice of Availability attached to this newsletter.

## Salmon and Crab FMP Overfishing Definitions Available for Public Review

The Council reviewed draft analyses for Amendment 4 to the High Seas Salmon Fishery Management Plan (FMP) and Amendment 1 to the Bering Sea/Aleutian Islands King and Tanner Crab FMP and approved them for public review. The Secretary of Commerce has given all Regional Councils until November 23, 1990 to submit a definition of overfishing for each of their FMPs. Both the salmon and crab amendment documents present several alternative definitions. For salmon, the Council is also considering requesting the Secretary to exempt the requirement since the Salmon FMP primarily focuses on management of the Southeast Alaska troll fishery and that fishery is already being managed by Pacific Salmon Commission and State of Alaska guidelines and regulations.

Copies of the amendment packages are available from the Council office or the Fishery Management Division of the National Marine Fisheries Service in Juneau. Written comments should be sent to the Council office no later than 5:00 p.m., September 17, 1990. Please see the attached Notices of Availability for more information.

### Salmon Amendment Cycle Revised

With the Council maintaining only an oversight role in the management of the Southeast Alaska salmon troll fishery, the salmon amendment cycle was revised to more fully accommodate the work schedules of the primary management agencies, the Pacific Salmon Commission and the Alaska Board of Fisheries. Management proposals are to be submitted to the Board of Fisheries by early April. The Board will review proposals and take action during their annual finfish meeting which is usually scheduled for the November-March period. Only after the public has exhausted all Board procedures to change a regulation should they submit a proposal to the Council. The Council will review any submitted salmon proposals during its April meeting and decide which proposals to analyze and develop as amendments to the Salmon FMP. In September the Council would release the amendment documents for public review and take final action at its December meeting.

### Domestic Observer Program Update

The Council received a status report from the National Marine Fisheries Service (NMFS) on the federal domestic observer program. In general the program has been running smoothly during its first year, but some problems do exist. Specifically, these problems deal with the questioned need for observer coverage at processing plants which process only low volumes of groundfish, the public sharing of bycatch data, and payment of observer insurance coverage. Other problems are anticipated as NMFS gains further experience with the program.

The Council directed NMFS to prepare the necessary regulatory amendments that would make the following adjustments to the observer plan for 1991:

- 1) Deletion of the 1,000 to 10,000 mt and the 10,000 mt annual thresholds for requiring observers in shorebased processors but retention of the monthly thresholds of 500 mt (to receive 30% observer coverage) and 1,000 mt (to receive 100% coverage).
- 2) Adoption of the same requirements for mothership processors and floating processing vessels as for shorebased processors.
- 3) Require vessel operators participating in the groundfish fishery to agree to allow observed bycatch rates of prohibited species to be released for public information on an individual vessel basis.

- 4) Revise the definition of an observer trip to mean days during which fishing activity occurs.
- 5) A requirement for a designated level of insurance coverage for each observer, paid by the observer contractor, is being considered by NMFS.

NMFS will more fully develop these changes to the observer plan and prepare regulatory amendments for Secretarial review. The Council and the public will have an opportunity to comment on the amendments in September. The Council also requested NMFS to prepare an in-depth review of conflict of interest rules as well as explore the possibility of allowing vessels operating in the 30% observer coverage category to pool their operations to allow a more equal sharing of the observer and its costs. In addition, the Council requested that NMFS consider expanding the vessel size category for 30% coverage from 60'-125' to 54'-125'. The Alaska Department of Fish and Game was requested to prepare a report on its crab observer program and be able to answer questions on the need for a federal program to satisfy data requirements. The Council will schedule a full discussion of these and other observer plan issues at its September meeting.

#### List of Upcoming Meetings

<u>Meeting</u>	<u>Date/Time</u>	<u>Location</u>
NEPA Scoping Session/ Moratorium	August 23, 1990 10:00 AM	AFSC, Bldg 4, Room 2079 Seattle, WA
Fishery Planning Committee	August 24, 1990 9:00 AM	NMFS Montlake Lab Auditorium 2725 Montlake Blvd. E. Seattle, WA
GOA Plan Team	Sept. 4-7, 1990 9:00 AM	AFSC, Bldg 4, Rm 2079 Seattle, WA
BSAI Plan Team	Sept. 4-7, 1990 9:00 AM	AFSC, Bldg 4, Rm 2143 Seattle, WA
NEPA Scoping Session/ Moratorium	Sept. 5, 1990 10:00 AM	Fishermen's Hall Kodiak, AK
Ad Hoc Bycatch Committee	Sept. 6, 1990 9:00 AM	AFSC, Bldg 4, Room 2039 Seattle, WA
Plan Amendment Advisory Group	Sept. 10, 1990 9:00 AM	AFSC, Bldg 4, Room 2079 Seattle, WA
Advisory Panel/SSC Begin	Sept. 23, 1990	Sheraton Hotel Anchorage, AK
Halibut Amendment Advisory Group	Sept. 24, 1990 7:00 PM	Sheraton Hotel Anchorage, AK
Council Meeting Begins	Sept. 25, 1990	Sheraton Hotel Anchorage, AK

August 14, 1990

**NORTH PACIFIC FISHERY MANAGEMENT COUNCIL**  
**FISHERY MANAGEMENT PLAN FOR BERING SEA/ALEUTIAN ISLANDS**  
**KING AND TANNER CRAB**

**AMENDMENT 1**

**NOTICE OF AVAILABILITY**

The North Pacific Fishery Management Council announces the availability of Amendment 1 to the Bering Sea/Aleutian Islands King and Tanner Crab Fishery Management Plan (FMP). The amendment presents several alternative overfishing definitions with accompanying analyses. The Secretary of Commerce has requested that the Council submit an overfishing definition for each of its FMPs.

A draft Environmental Assessment (EA) was reviewed by the Council at their August 7-9 meeting and approved for public distribution. This document is available upon request by calling the council office at (907) 271-2809 or by contacting the Fishery Management Division, Alaska Region, National Marine Fisheries Service, P.O. Box 021668, Juneau, AK 99802, (907) 586-7228.

The Council requests that anyone having additional information pertaining to the proposed overfishing definition alternatives, or the EA, submit it to the Council during the public comment period which commences August 14. All new information will be summarized and included as appropriate in the final documents. The comment period closes at 5:00 p.m. on September 17.

The Council is also asking for the opinions of the fishing community and other affected individuals regarding which alternative the Council should approve. It is hoped that the draft EA will help the public provide meaningful and constructive feedback to aid the Council in their deliberations.

At their September 25-29 meeting in Anchorage, the Council will make their final decision and submit the amendment and its supporting documentation to the Secretary for implementation. The Council will accept oral testimony at the September meeting; however, such testimony should be limited to clarification of earlier written comments and recommendations about the Council's choices rather than submission of new information.

Written comments submitted after the published deadline or at the Council meeting, other than simple transcripts of oral testimony, will be stamped "LATE COMMENT." They will not be summarized or analyzed in preparation for the Council meeting, nor will they be placed in the Council member notebooks. All "LATE COMMENTS" will be placed in a special notebook, marked as such, and made available to the Council members only upon their request.

**NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
FISHERY MANAGEMENT PLAN FOR THE SALMON FISHERIES  
IN THE EEZ OFF THE COAST OF ALASKA**

**AMENDMENT 4**

**NOTICE OF AVAILABILITY**

The North Pacific Fishery Management Council announces the availability of Amendment 4 to the Fishery Management Plan (FMP) for salmon fisheries in the Exclusive Economic Zone (EEZ) off the coast of Alaska. The amendment presents several alternative overfishing definitions with accompanying analyses. The Secretary of Commerce has requested that the Council submit an overfishing definition for each of its FMPs. The Council is also considering a request to the Secretary for exemption of this requirement since this FMP focuses primarily on the Southeast Alaska troll fishery and this fishery is already managed by Pacific Salmon Commission and state of Alaska guidelines and regulations.

A draft Environmental Assessment (EA) was reviewed by the Council at their August 7-9 meeting and approved for public distribution. This document is available upon request by calling the council office at (907) 271-2809 or by contacting the Fishery Management Division, Alaska Region, National Marine Fisheries Service, P.O. Box 021668, Juneau, AK 99802, (907) 586-7228.

The Council requests that anyone having additional information pertaining to the proposed overfishing definition alternatives, or the EA, submit it to the Council during the public comment period which commences August 14. All new information will be summarized and included as appropriate in the final documents. The comment period closes at 5:00 p.m. on September 17.

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

**AMENDMENT 16a**

**NOTICE OF AVAILABILITY**

The North Pacific Fishery Management Council has directed the Groundfish Plan Team for the Bering Sea/Aleutian Islands to prepare Amendment 16a and supporting documentation for management of the Bering Sea/Aleutian Islands groundfish fisheries. This amendment addresses bycatch of Pacific herring, C. bairdi Tanner crab, red king crab, and Pacific halibut in groundfish trawl fisheries. The Plan Team has reviewed the issues and identified and analyzed the biological, socioeconomic, and management impacts of various alternative solutions for public and Council consideration based on all information available to it at this time.

A draft Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) was reviewed by the Council at its June 25-30 meeting and approved for public distribution upon completion of certain additional analyses. This document is available upon request by calling the Council staff at 907-271-2809.

The Council requests that anyone having additional information pertaining to the amendment, its alternatives, or the EA/RIR/IRFA, submit it to the Council during the 30-day public comment period which commences on August 17, 1990. All new information will be summarized and included when possible in the final documents. Due to the time constraints imposed by the Council meeting schedule, it will not be possible to include information received after the close of the comment period at 5:00 p.m. (ADT) on September 17.

The Council is also asking for the opinions of the fishing community and other affected individuals regarding which alternatives the Council should approve. It is hoped that the draft EA/RIR/IRFA will help the public provide meaningful and constructive feedback to aid the Council in its deliberations.

At its September 25-29 meeting in Anchorage, the Council will make its final decision and submit the amendment and supporting documentation to the Secretary of Commerce for review, approval and implementation. The Council will accept oral testimony at the September meeting; however such testimony should be limited to clarification of earlier written comments and recommendations about the Council's choices rather than submission of new information.

Written comments submitted after the published deadline or at the Council meeting, other than simple transcripts of oral testimony, will be stamped "LATE COMMENT." They will not be summarized or analyzed in preparation for the Council meeting, nor will they be placed in the Council member notebooks. All "LATE COMMENTS" will be placed in a special notebook, marked as such, and made available to the Council members only upon their request.



DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration

[Docket No.        ] ]  
RIN

**Groundfish and Crab Fisheries of the Bering Sea and Aleutian Islands Area, Groundfish Fisheries of the Gulf of Alaska, and Pacific Halibut Fisheries off the State of Alaska**

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

**ACTION:** Notice of intent to develop measures to limit access to the groundfish, crab and halibut fisheries off Alaska, and notice of control date for entry into the fisheries.

**SUMMARY:** The North Pacific Fishery Management Council (Council) intends to develop for recommendation to the Secretary of Commerce (Secretary) a management regime for the groundfish, crab and halibut fisheries currently under the Council's jurisdiction that limits the number of vessels participating in those fisheries. This notice announces that any fishing vessel entering these fisheries after [Insert date ten days after date of publication in the Federal Register] will not be assured of future access to those fisheries if a moratorium on new entry into those fisheries is developed and implemented.

Due consideration, however, will be given to those vessels under construction, reconstruction, or under contract for construction, reconstruction or purchase as of [Insert date ten days after date of publication in the Federal Register], for the purpose of participating in the identified fisheries, provided that those vessels have harvested or processed fish in the identified fisheries by January 15, 1992. Due consideration also will be given to those vessels that were under written option or contract for purchase, or written contract for construction or reconstruction, prior to [Insert date ten days after date of publication in the Federal Register] that was canceled due to the previously proposed January 19, 1990 control date, provided that those vessels are under written contract for construction, reconstruction or purchase as of January 1, 1991, for the purpose of participating in the identified fisheries, and provided those vessels have harvested or processed fish in the identified fisheries by January 15, 1992.

This action is necessary to alert the public of the Council's fishery management intentions and possible constraints on future access to public fishery resources. The intended effect of this announcement is to discourage new entry into the identified fisheries while the Council continues discussions on whether and how access to these fisheries should be controlled.

**FOR FURTHER INFORMATION CONTACT:** Steven K. Davis, Deputy Director, North Pacific Fishery Management Council, telephone: 907-271-2809, or Jay J. C. Ginter, Fishery Management Biologist, Alaska Region, NMFS, telephone: 907-586-7229.

**SUPPLEMENTARY INFORMATION:** The commercial harvest of groundfish in the U.S. exclusive economic zone of the Gulf of Alaska and the Bering Sea and Aleutian Islands area is governed by Federal regulations at 50 CFR 611.92 and 611.93, and 50 CFR parts 672 and 675, which implement the Gulf of Alaska groundfish fishery management plan (FMP) and the Bering Sea/Aleutian Islands groundfish FMP, respectively. The commercial harvest of king and Tanner crabs in the Bering Sea and Aleutian Islands area is governed by State of Alaska regulations at Title 16, Chapters 34 and 35, which implement the Bering Sea/Aleutian Islands crab FMP. The harvest of Pacific halibut in all

waters off Alaska by U.S. fishermen is governed by Federal regulations at 50 CFR part 301, which implement rules developed by the International Pacific Halibut Commission.

The groundfish and crab FMPs and their accompanying environmental impact statements (EISs) were developed by the Council and approved by the Secretary under authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act, Pub. L. 94-265). The Council also has authority under the Northern Pacific Halibut Act of 1982 (Pub. L. 97-176) to develop regulations governing the catch of Pacific halibut in U.S. waters which are in addition to, but not in conflict with, regulations developed by the IPHC. This includes authority to allocate halibut fishing opportunity among U.S. fishermen should such allocation be necessary.

### **The Problem**

Domestic harvesting and processing capacity in the groundfish, crab, and halibut fisheries off Alaska currently exceeds the amount necessary to harvest the annual total allowable catch of most species of groundfish, halibut and crabs under Council jurisdiction. Further, the Council has determined that the continued entry of fishing effort into these fisheries will only add to harvesting and processing capacity and that continued entry exacerbates current fishery management difficulties or causes new problems.

Fishery managers have found that excess capacity may lead to allocation conflicts, gear conflicts, excessive bycatch of non-target species, high grading or discard of lower valued but potentially useful fish products, poor handling of catch, insufficient attention to safety, and economic instability from boom-and-bust harvest cycles. In recent years, the Council has noted some or all of these problems in every fishery under its jurisdiction.

Although the Council continues to develop open access regulations in an attempt to address these problems, the Council also is considering a change in the open-access nature of fisheries as a more comprehensive solution. At this time, the Council has not determined the best way to control or restrict access to commercial fishery resources in the long term. However, the Council has tentatively determined that a moratorium on new entry into the fisheries may be necessary for an interim period to curtail the increase in fishing capacity and permit the Council time to develop and assess the potential effects of alternative long-term solutions to the identified management problems. The Council is aware that such a moratorium will not resolve the fundamental problem of excess capacity in the fisheries. Instead, the purpose of the moratorium, if approved, would be to prevent continued growth in fishing capacity, while the Council assesses alternative management measures including, but not limited to, limited and open access measures to address the overcapacity problem, and to achieve the optimum yield from the fisheries. As currently contemplated by the Council, this moratorium would apply for a period of four years from its effective date or less if rescinded by direct Council action. Nothing in this notice or any potential moratorium on entry would prevent the development, approval and implementation of limited access measures for sablefish, halibut or other fisheries under the Council's purview.

The Council intends, in making this announcement, to discourage speculative entry into the groundfish, crab and halibut fisheries off Alaska while potential access control management regimes are discussed by the Council, analyzed and developed. As the Council discusses a moratorium on entry or other access control management regime, some fishermen who do not currently fish in these fisheries, and never have done so, may decide to enter the fishery for the sole purpose of establishing a record of making commercial landings from these fisheries. Such a record generally is considered indicative of economic dependency on the fishery. On this basis the fishermen may claim access to a fishery that otherwise would be limited to traditional participants. New entrants may have to buy fishing rights from an existing participant. Such future entry costs may inspire speculative entry which could cause a rapid increase in fishing effort in fisheries already fully or over developed with

harvesting capacity when controlled access management begins to be considered. The original problems prompting consideration of limited access then become exacerbated.

To help distinguish *bona fide*, established fishermen from the speculative entrants to a fishery, a management authority may set a control date before discussions and planning of controlled access management begin. Fishermen are notified that entering the fishery after that date will not necessarily assure them of future access to the fishery on grounds of previous participation. Other qualifying criteria may also be required for future access.

This notice announces that any fishing vessel entering the groundfish, crab, or halibut fisheries off Alaska that currently are under the jurisdiction of the Council after [Insert date ten days after date of publication in the Federal Register] will not be assured of future access to those fisheries if a moratorium in those fisheries is developed and implemented.

Due consideration, however, will be given to those vessels under construction, reconstruction, or under contract for construction, reconstruction or purchase as of [Insert date ten days after date of publication in the Federal Register], for the purpose of participating in the subject fisheries, provided that those vessels have harvested or processed fish in the identified fisheries by January 15, 1992. Due consideration also will be given to those vessels that were under written option for contract for purchase, or written contract for construction or reconstruction, prior to [Insert date ten days after date of publication in the Federal Register] that was canceled due to the previously proposed January 19, 1990 control date, provided that those vessels are under written contract for construction, reconstruction or purchase as of January 1, 1991, for the purpose of participating in the identified fisheries, and provided those vessels have harvested or processed fish in the identified fisheries by January 15, 1992.

This action is not intended to supersede any action that the Council may take to limit access to the sablefish and halibut fisheries off Alaska prior to the development of a moratorium. This action does not commit the Council or the NMFS to develop any particular management regime or any specific criteria for determining future access to these fisheries. If a limited access system is implemented, fishermen are not guaranteed future participation in these fisheries regardless of their date of entry or their intensity of participation before or after the control date. The Council may choose a different control date or it may choose a limited access regime that does not make use of such a date. The Council may choose to give variably weighted consideration to fishermen in the fishery before and after the control date. The Council may choose also to take no further action to control access to the fishery. However, any action taken by the Council to control access to these fishery resources will be taken pursuant to the requirements for FMP development established under the Magnuson Act and other applicable law.

Dated:

[Insert name and title of responsible official]

DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration

[Docket No.        ]  
RIN

**Groundfish and Crab Fisheries of the Bering Sea and Aleutian Islands Area, Groundfish Fisheries of the Gulf of Alaska, and Pacific Halibut Fisheries off the State of Alaska**

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

**ACTION:** Notice of intent to prepare a supplemental environmental impact statement (SEIS), and request for scoping comments.

**SUMMARY:** NOAA announces its intention to prepare, in cooperation with the North Pacific Fishery Management Council (Council), a SEIS to assess the potential effects on the human environment of an interim moratorium on new entry into the groundfish, crab and halibut fisheries off Alaska that currently are under the management jurisdiction of the Council. This moratorium would be based on recommendations by the Council to the Secretary of Commerce (Secretary) to amend the fishery management plans (FMPs) for groundfish and crab and the regulations governing the U.S. fishery for Pacific halibut. If such amendments to the FMPs and regulations are approved by the Secretary, implementation of the moratorium is expected no sooner than January 1992. In addition, NOAA announces a public scoping process for determining the scope of issues to be addressed and for identifying the significant issues related to limiting access to a public fishery resource. The intended effect of this notice is to alert the interested public to the commencement of a scoping process and to provide for public participation. This action is necessary to comply with Federal environmental documentation requirements.

**DATE:** Scoping comments are invited until September 28, 1990, when the scoping process will end at the conclusion of the September Council meeting. The Council's Fishery Planning Committee will meet during this period (see "scoping process" below for dates, times and locations of meetings) to discuss the problem and suggested alternative solutions. Interested persons may comment during those meetings on the scope of issues to be assessed in the SEIS. Other scoping meetings will be held as specified below (see "scoping process").

**ADDRESS:** Send scoping comments to Steven Pennoyer, Director, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668. Information also may be requested from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510 or telephone 907-271-2809.

**FOR FURTHER INFORMATION CONTACT:** Steve K. Davis, Deputy Director, North Pacific Fishery Management Council, telephone: 907-271-2809, or Jay J. C. Ginter, Fishery Management Biologist, Alaska Region, NMFS, telephone: 907-586-7229.

**SUPPLEMENTARY INFORMATION:** The commercial harvest of groundfish in the U.S. exclusive economic zone of the Gulf of Alaska and the Bering Sea and Aleutian Islands area is governed by Federal regulations at 50 CFR 611.92 and 611.93, and 50 CFR parts 672 and 675, which implement the Gulf of Alaska groundfish FMP and the Bering Sea/Aleutian Islands groundfish FMP, respectively. The commercial harvest of king and Tanner crabs in the Bering Sea and Aleutian Islands area is governed by State of Alaska regulations at Title 16, Chapters 34 and 35, which implement the Bering Sea/Aleutian Islands crab FMP. The harvest of Pacific halibut in all waters

off Alaska by U.S. fishermen is governed by Federal regulations at 50 CFR part 301, which implement rules developed by the International Pacific Halibut Commission.

The groundfish and crab FMPs and their accompanying environmental impact statements (EISs) were developed by the Council and approved by the Secretary under authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act, Pub. L. 94-265). The Council also has authority under the Northern Pacific Halibut Act of 1982 (Pub. L. 97-176) to develop regulations governing the catch of Pacific halibut in U.S. waters which are in addition to, but not in conflict with, regulations developed by the IPHC. This includes authority to allocate halibut fishing opportunity among U.S. fishermen should such allocation be necessary.

Under the National Environmental Policy Act of 1969 (NEPA) and NOAA policy, a fishery management regulatory action which significantly affects the human environment requires the preparation of an EIS or SEIS. This notice of intent to prepare an SEIS complies with NEPA implementing regulations at 40 CFR 1508.22. In addition, this notice announces a scoping process pursuant to 40 CFR 1501.7 and 1508.25.

### **The Problem**

Domestic harvesting and processing capacity in the groundfish, crab, and halibut fisheries off Alaska currently exceeds the amount necessary to harvest the annual total allowable catch of most species of groundfish, halibut and crabs under Council jurisdiction. Further, the Council has determined that the continued entry of fishing effort into these fisheries will only add to harvesting and processing capacity and that continued entry exacerbates current fishery management difficulties or causes new problems.

Fishery managers have found that excess capacity may lead to allocation conflicts, gear conflicts, excessive bycatch of non-target species, high grading or discard of lower valued but potentially useful fish products, poor handling of catch, insufficient attention to safety, and economic instability from boom-and-bust harvest cycles. In recent years, the Council has noted some or all of these problems in every fishery under its jurisdiction.

Although the Council continues to develop non-limited access regulations in an attempt to address these problems, the Council also is considering a change in the open-access nature of fisheries as a more comprehensive solution. At this time, the Council has not determined the best way to control or restrict access to commercial fishery resources in the long term. However, the Council has tentatively determined that a moratorium on new entry into the fisheries may be necessary for an interim period to curtail the increase in fishing capacity and permit the Council time to develop and assess the potential effects of alternative long-term solutions to the identified management problems. The Council is aware that such a moratorium will not resolve the fundamental problem of excess capacity in the fisheries. Instead, the purpose of the moratorium, if approved, would be to prevent continued growth in fishing capacity, while the Council assesses alternative limited access and non-limited access management measures to address the overcapacity problem, and to achieve the optimum yield from the fisheries.

The public is notified that the NMFS, in cooperation with the Council, intends to prepare a SEIS on the potential effects of amending the two groundfish FMPs, the crab FMP, and the halibut fishery regulations to implement such a moratorium on entry into the specified fisheries and other reasonable alternatives, including the no action alternative.

## **Proposed and Possible Alternative Actions**

The proposed action is to amend the FMPs and the Pacific halibut fishery regulations. These amendments would provide the Secretary authority to limit, for a specified period from the effective date of the authority, future commercial fishing opportunities for species under the purview by these FMPs and regulations to fishing vessels that qualify under, as yet unspecified, entry criteria. As currently contemplated by the Council, this limitation would apply for a period of four years from its effective date.

For purposes of this limitation, the term "fishing vessel" has the same meaning as defined in the Magnuson Act; that is, "...any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for (A) fishing, or (B) aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration, transportation, or processing."

Some exceptions to the limitation on entry into the specified fisheries may be provided for, as yet, undefined reasons. For example, these may include:

- (a) small vessels under a certain length;
- (b) a replacement vessel of similar harvesting and/or processing capacity to one that is lost at sea or totally destroyed;
- (c) conversion of a vessel that qualifies under the moratorium for safety purposes or to more fully use harvested fish; and
- (d) any vessel participating in any program designed to foster development of disadvantaged communities.

Alternatives to this action include, but are not limited to:

- (1) status quo or no change in the FMPs and regulations;
- (2) alternative forms of moratoria on entry; or
- (3) other forms of limited access management such as license limitation or individual fishing quotas, in conjunction with or in lieu of a moratorium on new entry.

## **Scoping Process**

All persons affected by or otherwise interested in a decision by the Council and the Secretary to amend the groundfish and crab FMPs and the Pacific halibut regulations to provide for an interim moratorium on entry into these fisheries are invited to participate in determining the scope of significant issues to be analyzed in the SEIS. Participation includes submission of written comments to the above address or attendance at public scoping meetings.

Scoping consists of the range of actions, alternatives, and impacts to be considered in the SEIS. Actions include those which may be closely related, cumulative, or similar. Alternatives include the no-action alternative, other reasonable courses of action, and mitigation measures. Impacts may be direct, indirect and cumulative. The scoping process also will identify and eliminate from detailed study issues which are not significant or which have been covered in prior environmental reviews.

This scoping process begins with publication of this notice and will end on September 28, 1990, at the conclusion of the September Council meeting. Public scoping meetings are also scheduled as follows:

- August 23, 1990 at 10 AM in the NMFS Alaska Fisheries Science Center, Building 4, Room 2079, 7600 Sand Point Way, Seattle, Washington; and
- September 5, 1990 at 10 AM in Fishermen's Hall, Kodiak, Alaska.

## **SEIS Preparation and Decision Making Schedule**

The Council has adopted a tentative schedule for amendment and SEIS preparation, review, and approval. Under this schedule, analysis and drafting of the SEIS would occur during the six-month period beginning October 1990 through March 1991. The draft SEIS would be initially reviewed by the Council at its meeting of April 22-26, 1991. The Council would decide at this meeting whether more work on the draft SEIS was necessary or if it was acceptable for public review. If approved for public review, a notice of its availability would be filed with the Federal Register and a 45-day NEPA public review period would occur from May 10, 1991 through June 24, 1991. At its meeting of June 24-28, 1991, the Council would decide whether to recommend the moratorium amendments to the Secretary. Oral and written comments may be submitted to the Council at its June meeting prior to its decision. If the Council's decision is affirmative, the SEIS would be submitted, with the amendment recommendation and other rule-making documents to the Secretary for review and approval/disapproval.

Under the Magnuson Act, Secretarial review is completed and an approval/disapproval decision is made within 95 days from the date of receipt of the Council's amendment recommendation. The Secretarial review process includes concurrent public comment periods of 60 and 45 days on the amendment and proposed rule, respectively. If approved by the Secretary under this schedule, a final rule implementing the moratorium on entry into the fisheries would be effective in January, 1992.

Dated:

[Insert name and title of responsible official]

DRAFT Moratorium Notice of Intent and Scoping

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**NORTH PACIFIC FISHERY  
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