

North Pacific Fishery Management Council

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NEWSLETTER

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Council Recesses Until September

The Council met June 21-24 in Anchorage to review proposed amendments to the Gulf of Alaska and Bering Sea/Aleutian Islands Groundfish Fishery Management Plans. They also received the final report of the Future of Groundfish Committee and approved a draft report on sablefish management options for public review. Details of these and other Council actions are found in this newsletter.

The Council's next meeting will be the week of September 26, when they will review preliminary groundfish harvest quotas and status of stocks for both the Gulf of Alaska and Bering Sea/Aleutian Islands to go forward for public review. The Council will review public comments received on the revised sablefish management report and take final action on one of the alternatives. Other items on the agenda are approval of a habitat policy for fishery management plans, review of a revised Salmon Fishery Management Plan, approval of a fishery management plan for king and Tanner crab in the Bering Sea, and consideration of a bycatch regime for the Bering Sea. The meeting will be held at the Sheraton Hotel in Anchorage and a draft agenda should be available by September 12.

Council Bids Farewell to Jim Campbell and Rudy Petersen

The June meeting of the North Pacific Council was the last for members Jim Campbell, current Council Chairman, and Rudy Petersen. At a farewell luncheon over 100 members of the Council, state and federal agencies, and the Northwest and Alaska fishing industry honored Campbell and Petersen for their contributions to management of the fisheries off Alaska.

Jim Campbell came to the Council in 1978 to fill Elmer Rasmuson's seat and has served as the Council's Chairman since 1983. Rudy Petersen, a longtime participant in Northwest and Alaska fisheries, was appointed to the Council in 1982 and served as Vice Chairman from 1984 to 1987. Both have contributed immensely to the Council process and will be sorely missed.

Future of Groundfish: Council Votes Not to Set a Cut-Off Date But to Continue Development of Management Alternatives

The Council and the Future of Groundfish Committee held an informal work session on Sunday, June 19 to discuss the Committee's report and recommendations. The report described the problems facing the fisheries and how they might be addressed. It also provided recommendations on how the Council should proceed, outlining some of the major policy issues which must be faced when developing limited access options.

The Council decided to continue developing alternative management strategies for the fisheries but did not adopt the proposed cut-off date of June 30, 1988. The alternatives include open access, individual quotas (IQs) allocated equally to harvesters and processors, a multi-species limited entry permit system, and a "ProChoice" system for trawl groundfish, longline species, and crab where fishermen could choose to fish open access or with IQs. A revised Future of Groundfish Committee will be appointed for further guidance, and seminars will be held with the industry and interested groups to summarize the thinking and debates the Committee has heard and discuss the implications of various alternatives. The Committee's final report is available at the Council office.

Legislative Update

The Council was briefed on recent Congressional and Administration actions of interest to the fishing industry, including:

Vessel Safety

On April 14, 1988 the House Merchant Marine and Fisheries Committee marked up H.R. 1841, the Commercial Fishing Industry Vessel Safety and Compensation Act. Title I of the bill concerns claims and compensation for temporary injury to crew members on harvesting, processing and tender vessels and Title II establishes safety requirements for such vessels. Title II of H.R. 1841 was passed by the House on June 28, 1988. Title I was not brought to the floor because of opposition by trial lawyers.

Fishing Gear Stowage and Check-in/Check-out Requirement for Foreign Vessels

On May 3, 1988 Representative Bonker introduced H.R. 4512, a bill to amend the Magnuson Fishery Conservation and Management Act to provide for more effective enforcement of restrictions on foreign fishing. The bill attempts to resolve the problem of illegal foreign fishing in the Exclusive Economic Zone (EEZ) by vessels fishing in the "donut" or crossing the EEZ to and from the donut. Key provisions include requirements for foreign vessels to stow fishing gear below decks while transiting the U.S. EEZ, and to provide vessel identity and contents by radio to the Coast Guard before entering or leaving the EEZ. Nations that don't comply could incur increased fishing fees and certification under the Pelly Amendment to the Fishermen's Protective Act thus prohibiting importation into the U.S. of their fishery products.

Although Representative Bonker has requested a hearing by the Fish and Wildlife Subcommittee on H.R. 4512, no action has been scheduled. Since there is some interest within NOAA/NMFS in imposing a gear stowage requirement by regulation, draft rules may be circulated in the near future.

In a related matter, the Fisheries Agency of Japan issued a formal notice to all Japanese trawlers operating in the North Pacific to cover their fishing gear with canvas while transiting the U.S. EEZ. Additionally, the vessels are to be equipped with a naval navigation satellite system, to keep position records during fishing trips and to submit these records to the Agency when they return to port.

Anti-Fouling Paint

On May 24, 1988 the House passed and sent to the President the Senate-amended version of H.R. 2210 which prohibits the use of anti-fouling paint containing organotin, which has proven to be highly toxic to marine and freshwater organisms.

U.S.-U.S.S.R. Comprehensive Fisheries Agreement

The comprehensive fisheries agreement signed in Moscow on May 31, 1988 is to be implemented as a Governing International Fishery Agreement (GIFA). Consequently, it is subject to a 60-day Congressional review before it may become effective, unless Congress takes an affirmative action approving the agreement. In this regard, Representatives Don Young and Gerry Studds introduced H.R. 4919 on June 23, 1988 to provide Congressional approval of the agreement. A hearing will be held on this bill on June 30, 1988 by the House Fish and Wildlife Subcommittee.

Marine Mammal Issues

Status of Northern Sea Lions and Northern Fur Seals

Northern Sea Lions. On May 6, 1988 NMFS published a notice of a proposed rule in the Federal Register designating the Northern Sea Lions in Alaska as depleted. In its notice, NMFS requested comments on the available scientific information regarding the stock status and possible causes of stock declines as well as potential impacts of a depletion designation. Comments must be submitted by July 5, 1988 to: Dr. Nancy Foster, Director, Office of Protected Resources and Habitat Programs (F/PR), NMFS, Washington, DC 20235.

Northern Fur Seals. On May 18, 1988, NMFS designated the Pribilof Island population of North Pacific fur seals as depleted under the Marine Mammal Protection Act (MMPA). The Act requires this designation when a marine mammal species or population stock is below its optimum sustainable population (OSP).

Court Decisions and Congressional Action. With some exceptions, MMPA imposed a moratorium on any taking of marine mammals in U.S. waters. The Secretary of Commerce may issue permits to allow specified takings of mammals incidental to commercial fishing. Intentional takings of a depleted species or population stock are allowed only for research, or for subsistence and handicraft purposes by Alaska natives. Small, incidental takings that have a negligible impact on these species or stocks may be authorized for certain activities, but not commercial fishing.

Under recent court decisions, U.S. fishing operations that may incidentally take depleted species of marine mammals may be placed in jeopardy unless the MMPA is amended to allow small incidental takes of depleted species in those operations. In April, representatives from the commercial fishing industry and environmental groups met to develop a consensus position on MMPA amendments. A joint proposal listing suggested amendments was presented at a hearing of the House Merchant Marine and Fisheries Committee, Subcommittee on Fish and Wildlife Conservation and the Environment, on April 19, 1988. Among other things, the proposal allows for the incidental take of depleted species in domestic commercial fishing operations during the next three years under

certain conditions; one of those being the establishment of an observer program that would provide for a minimum of 20% observer coverage on certain segments of the Bering Sea and Gulf of Alaska fishing fleets. The observers are to be living marine resources observers, not just marine mammal observers, and are to be funded by the federal government.

No substantive legislation accommodating the industry/environmentalist proposal or any other amendment has, yet, been drafted. House and Senate staff members are expected to produce draft legislation within the next two weeks and committee mark-up is expected in the first week of August.

Sablefish Management

The Council reviewed an analysis of five management alternatives for the longline sablefish fishery, including:

1. Maintaining open access.
2. Individual fishing quotas.
3. License limitation.
4. Combination systems.
 - (a) IFQ/license limitation.
 - (b) IFQs/open access.
 - (c) License limitation/open access.
5. Multi-species longline fishery with part of the sablefish and halibut harvest quotas reserved for retainable bycatch in other longline fisheries.

The Council directed the staff to further analyze the five alternatives, make editorial changes to the report, and release it for public review by July 31, 1988. In September the Council is scheduled to select a preferred management method.

U.S. Coast Guard Report

From April 1 to May 31, nine Coast Guard cutters spent 136 days on patrol off Alaska and their aircraft flew 36 missions on fisheries enforcement and search and rescue. The Coast Guard issued 33 reports of violations and 15 citations, most involving joint venture trawlers exceeding 20% bycatch of pollock during the split season pollock closure in the Bering Sea. Two U.S. stern trawlers were cited for retaining walrus tusks in violation of the Marine Mammal Protection Act, and another U.S. trawler was cited for crew members assaulting a Coast Guard boarding officer, impeding the boarding, and retaining prohibited species (halibut and salmon). A U.S. stern trawler was directed to Dutch Harbor for inspection by U.S. Customs when marijuana and paraphenalia were found on board. They were also cited for fishing in a closed trawl area and possessing prohibited species (herring). Five vessels were cited for various violations during the May 23-24 halibut opening.

The Coast Guard made nine surveillance flights and three cutter patrols into the "donut hole" and along the boundary of the U.S. Exclusive Economic Zone in the Bering Sea. Of the 159 vessels sighted, 83 were from Japan, the Soviet Union, or Poland.

The Coast Guard told the Council that under the "zero tolerance" policy for illegal drugs on vessels, existing law is being enforced and only during the course of normal operations. No additional patrol effort or boardings will be conducted solely to implement the policy. When personal use quantities of controlled substances are found during a boarding, they will consult with U.S. Customs prior to initiating seizure action. To date four fishing vessels have been seized in the waters off Alaska for drug violations.

Council Continues With 2 Million Ton Limit

Taking action on the six issues in Amendment 12 to the Bering Sea/Aleutian Islands groundfish plan, the Council returned a comprehensive bycatch control proposal to staff and the Bycatch Committee, adopted a requirement for all vessels receiving groundfish caught between 3 and 200 miles to obtain a federal permit, established a prohibited species catch limit procedure for fully utilized groundfish, removed the July 1 deadline for delivery of the annual Resource Assessment Document, and separated rock sole from the "other flatfish" category.

The Council voted not to raise the 2.0 million metric ton upper limit to optimum yield. They based their decision on a supplemental environmental impact statement and detailed written comments by the domestic processing sector, joint venture fishing representatives, and the environmental community. Concerns included possible impact of increased groundfish harvests on markets for domestically produced seafood, increased fishing opportunity for joint ventures, and potential effects on groundfish stocks, seabirds, marine mammals, and the Bering Sea ecosystem in general. There also was uncertainty over the impacts of the large harvests in the "donut hole" and recent illegal foreign fishing in U.S. waters. The allowable harvest of groundfish in the Bering Sea/Aleutian Islands next year will remain no greater than 2 million mt.

Council Delays Action on Sablefish Seasons Until September

The Council took action on Amendment 17 to the Gulf of Alaska Groundfish Fishery Management Plan, approving a requirement for all vessels receiving groundfish from the Exclusive Economic Zone to obtain a Federal permit but delaying a change in the longline sablefish season. At the request of the Advisory Panel and members of the fishing industry, the Council discarded several of the season date alternatives and approved development of a new, split-season alternative. The new amendment will present two alternatives:

1. Maintain status quo, a single season beginning on April 1.
2. A split-season, with openings on April 1 and September 1, with 25%, 50%, and 75% of the directed longline sablefish quota being apportioned to the fall season.

The revised amendment proposal will be available for public review beginning August 1. Final Council action is scheduled for September.

Regulatory Amendment Changes Directed Fishing Definition

The Council approved a regulatory amendment for the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish plans that changes the directed fishing definition to one based on retention rather than what is initially brought aboard. Under current regulations, a fisherman is "directed fishing" on a groundfish species if that species comprises more than a specified percentage (usually 20%) of his catch. This has led to numerous citations for trawlers targeting on other species but unintentionally catching too much pollock during a recent closure of the pollock fishery. The new definition will allow fishermen the opportunity to sort their catch and thus modify their operation accordingly while targeting on permissible groundfish species.

High-Seas Salmon Plan

The Council reviewed a preliminary update of the High-Seas Salmon Plan which governs the troll fishery outside three miles off Southeast Alaska. The Salmon Plan Team is revising the plan to bring it into conformance with the Pacific Salmon Treaty and management of inshore salmon fisheries by the Alaska Department of Fish and Game.

Bering Sea/Aleutian Islands Crab Plan Approved for Public Review

The Council approved the Bering Sea/Aleutian Islands Crab Fishery Management Plan for public review. It covers all species of king and Tanner crab and culminates an 18-month effort by the Council to develop a plan deferring considerable management to the State of Alaska but retaining Federal oversight. Also approved for public review were the environmental and socioeconomic impact analyses and draft implementing regulations. A notice of availability for these documents is included at the end of this newsletter. Final Council action is scheduled for September and the new plan could be implemented by April 1989.

Joint Venture Harvests

The total joint venture catch off Alaska through June 4 as reported by the National Marine Fisheries Service was 1,071,994 metric tons, all from the Bering Sea/Aleutian Islands. The catch included 680,993 mt pollock, 189,730 mt yellowfin sole, 93,248 mt Pacific cod, 98,735 mt flatfish, and 9,348 mt of other species. The monthly number of U.S. harvesting boats delivering to joint venture processors varied from 113 to 124, surpassing last year's high of 110 boats in June.

Alaska Department of Fish and Game Report

The Alaska Department of Fish and Game reported that the herring sac roe fisheries have now been completed except for a small amount of effort in the Port Clarence area. The total statewide herring catch is 49,450 tons, worth about \$50.7 million. The commercial salmon fisheries are just beginning and it's too early to report on their progress except in a few areas. In the Copper River the runs are lower than preseason forecasts although escapement goals are being achieved. The early Chignik sockeye run is fairly weak, and the June catch for the Peninsula fishery as of June 18 is reported at 315,000 sockeye and 215,000 chum salmon.

U.S. Support Service Industry Proposal

Last January the Council reviewed a proposal to give U.S. transport and bulk fuel carriers preferential treatment over foreign vessels that now provide those services to foreign fish processors operating in joint ventures off Alaska. An industry workgroup, the Maritime Support Group, was appointed to examine the issues and recommend solutions. It has representatives from all major shipping and service firms operating in the Alaska region, several fisheries associations, and various communities.

Their recommendations were reported to the Council last week. They included port inspections of foreign vessels transporting fish before and after the vessel operates in the U.S. Exclusive Economic Zone, a requirement that foreign vessels refuel from an American source, and a request that the Council, in reviewing permits, give higher priority to joint ventures with greater U.S. involvement (including supply and transportation).

The Council reviewed the report and referred further action to its Permit Review Committee. A letter will be sent to the joint venture industry stressing the importance of using domestic services, and it will be emphasized in reviewing permits this December. The Council's current permit review policy has criteria regarding the use of domestic services, the enhancement of U.S. employment, and the economic contributions of a nation's joint ventures to the domestic support industry.

Domestic Groundfish Processing

By June 11, the U.S. industry had harvested and processed 287,462 mt of groundfish off Alaska. The catch in the Gulf of Alaska was 84,123 mt including 23,740 mt pollock, 19,451 mt Pacific cod, 24,892 mt sablefish, 9,476 mt rockfish, and lesser amounts of other species. The catch in the Bering Sea and Aleutians was 203,339 mt including 134,911 mt pollock, 3,407 mt yellowfin sole, 26,068 mt other flatfishes, 33,310 mt Pacific cod, 2,547 mt sablefish, and lesser amounts of other species. These figures do not include joint venture harvests by U.S. trawlers delivering to foreign processing vessels in over-the-side sales off Alaska.

Nonprofit Fishery Foundation

Fishing industry representatives met on June 20 at the Anchorage Sheraton to discuss fishery research and data gathering. They concluded there is little interest in pursuing the matter further because private funding of fishery research should be on an industry-wide basis and the industry is not yet ready to focus on the idea given other higher priorities. The association representatives concluded that, should an issue arise of sufficient magnitude that would require industry funding, it would not be difficult to mobilize their associations. In the interim, they will discuss among themselves the concept of forming an industry research group with representatives from each interested association. It will meet annually to discuss research projects that could be jointly funded by the associations.

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
Bering Sea/Aleutian Islands King and Tanner
Crab Fishery Management Plan

Notice of Availability

The North Pacific Fishery Management Council has directed its crab plan team to prepare a Fishery Management Plan (FMP) for king and Tanner crab fisheries in the Bering Sea and Aleutian Islands area. A committee of Council members and industry representatives was established to work with the plan team during the development process. 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 available information. These issues and alternative solutions focus specifically on the management role of Federal and State agencies when making preseason and inseason decisions.

A draft Environmental Assessment and Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) was reviewed by the Council at their June 21-24 meeting and approved for public distribution. This document, the new plan, and the draft implementing regulations are available upon request by calling (907) 271-2809, or at one of the following locations:

Alaska Crab Coalition
3901 Leary Way N.W., Suite 6, Seattle

Alaska Department of Fish and Game
Unisea Building, Dutch Harbor

North Pacific Fishing Vessel Owner's Association
Fishermen's Terminal C-3, Room 218, Seattle

United Fishermen's Marketing Association
Fishermen's Hall, Kodiak

The Council requests that anyone having additional information pertaining to the proposed FMP, its alternatives, or the EA/RIR/IRFA, submit it to the Council during the 60-day public comment period which commences July 6. 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 5.

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 constructive feedback to aid the Council in their deliberations.

At their September 28-30 meeting in Anchorage the Council will make their final decision and submit the FMP and supporting documentation to the Secretary of Commerce 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.