

# North Pacific Fishery Management Council

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## NEWSLETTER

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### Council Concludes Lengthy April Meeting - Starts Planning for June in Sitka

**B**eginning with two days of public hearing on the Council's proposed IFQ management plan for sablefish and halibut, the Council spent six-and-a-half days on the many issues before them at their meeting in Anchorage the week of April 20th. Those issues included a decision whether or not to rescind the previously adopted IFQ program, consideration of several groundfish amendments, the inshore-offshore allocation decision by the Secretary of Commerce, the North Pacific Fisheries Research Plan, and the Council's proposed moratorium. Details on these and other issues appear in this newsletter. The Council will next meet at the Centennial Building in Sitka, Alaska, June 23-28. The AP and SSC will begin on Monday, June 22. A draft agenda for these meetings should be available by June 8.

### Advisory Panel Re-elects John Woodruff and Dave Fraser

**T**he Advisory Panel voted to have John Woodruff and Dave Fraser continue as Chairman and Vice Chairman, respectively, for 1992. Mr. Woodruff, a manager for Icicle Seafoods, has been a member of the Panel since 1985, and previously served as Vice Chairman of the AP for three years. He also serves on the Council's Plan Amendment Advisory Group, the Halibut Regulatory Amendment Advisory Group, and the Data Committee. Mr. Fraser, an AP member since 1989, is a Washington trawler and has participated in AP/industry workgroups on bycatch issues as well as serving on the Council's Data Committee.

### Sablefish/Halibut Individual Fishing Quotas

**T**he Council considered, but failed to pass, a motion to rescind its earlier approval of an individual fishing quota system for the sablefish and halibut fixed gear fisheries. The proposal will now proceed to a 45-day public review under the National Environmental Policy Act (NEPA), expected to begin on May 15. Following NEPA review, it will pass to the Secretary of Commerce for final consideration. This latter process will take 95 days, and again, interested parties will have the opportunity to comment. If approved, the IFQ plan would be implemented initially in 1994.

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In related action, the Council requested an analysis of the "Sitka block proposal," and a proposal to allocate all initial recipients a 1,000-pound minimum quota. The "Sitka block proposal" involves establishing blocks of quota based on initial allocations. They would not be divisible. Subsequent purchasers would be limited to holding no more than three blocks. The "1,000 pound minimum" proposal would help those fishermen who otherwise would have received just a few hundred pounds or so in the initial allocation based on their past catches. The analysis of the two proposals will be available to the Council in September, and then go out for public review in October and November. If approved in December, the provisions would be incorporated in the IFQ management plan by the time it is implemented in 1994.

### Vessel Moratorium

**1. Moratorium Analysis.** The Council reviewed the Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared by the interagency team analyzing the proposed vessel moratorium, and released it for public review, subject to some revisions and clarifications. Specific changes in the moratorium provisions relative to the version adopted at the January 1992 meeting are noted below. These changes have been incorporated into the analysis, which is available from the Council Office in Anchorage.

- A. Two options for Council consideration will be added to the qualifying period used to determine vessel eligibility subject to the moratorium. Both relate to the ending, or cut-off date of the eligibility period. The two considerations are: 1) eligibility would be extended up to the last extension of the control date (February 9, 1992), regardless of prior contractual arrangements; and 2) eligibility would be extended up to the date the moratorium is adopted by the Council, presumably during their meeting the week of June 21, 1992. There also remains the original option for a cut-off date of September 15, 1990, with extensions for vessels under contract as of that time. In each case, qualifying vessels are those making a documented landing in one of the Council-managed fisheries by the designated cut-off date.

Council consideration of possible changes in the eligibility period does not imply that vessels entering the fishery after the original control date will be assured of future access to the fishery if limited entry is implemented. Determination of the moratorium eligibility period, as well as other elements and options of the preferred alternative, is scheduled for the June 1992 Council meeting following public comment on the options under consideration.

- B. The Council revised the dates that would be used to determine whether or not a vessel lost or damaged before the moratorium is implemented could be replaced and still qualify under the moratorium. Two alternative dates will be considered: 1) vessels lost since January 1, 1989 (in the earlier version, this date was June 15, 1989); or 2) vessels lost since January 1, 1990 (unchanged from earlier version). Vessels could be replaced with boats of similar capacity, and the replaced (lost) vessel could not be salvaged and come back into the fishery. The Council also added the condition that any vessel replacing a lost or damaged vessel eligible under this criteria would have to make a qualified landing in one of the Council-managed fisheries within two years of implementation of the moratorium in order to qualify.
- C. The Council clarified their consideration of possible exemptions for disadvantaged communities as follows: 1) there would be no exemption for disadvantaged communities (unchanged); 2) vessels used by disadvantaged communities would be exempt from the vessel moratorium only with respect to fisheries designated by Community Development Quotas (CDQs); and 3) all vessels approved for CDQs would be exempt from the moratorium.

D. Concerning the applicable sectors of the industry covered by the moratorium, the Council determined that a moratorium on processing vessels would be ineffective under the scope and objectives of the moratorium, and removed this option from consideration. Thus, the vessel moratorium would apply to harvesting vessels only, including catcher-processors. Motherships or floating processors would not be included in the vessel moratorium.

**2. NOAA General Counsel Report.** In addition to the above changes in the EA/RIR, NOAA General Counsel reported on the relationship between the Capital Construction Fund (CCF) and the proposed moratorium, as well as the proposed moratorium's applicability across different fisheries and geographic locations. Relevant findings include the following:

- A. Changes in the penalties imposed on non-qualified withdrawals from a Capital Construction Fund (CCF) cannot be made by the Council; such changes must come from Congress.
- B. The Council's proposals for a moratorium do not invalidate CCF agreements. However, vessel purchases or construction undertaken using CCF funds could be held accountable to eligibility and contractual standards adopted by the Council.
- C. A moratorium could be applied to vessels participating in groundfish and crab fisheries currently covered by a Fishery Management Plan, as well as the halibut fishery.
- D. For groundfish and crab, a moratorium could be applied to vessels fishing in the EEZ, and in Alaska State waters if additional action was taken. The Halibut Act provides the Council with the authority to apply a vessel moratorium on halibut vessels in waters within the EEZ off Alaska and within the territorial boundaries of the State of Alaska.

**3. The Moratorium Committee.** A Moratorium Committee, consisting of John Crowley, Doug Dixon, David Green, Vern Hall, Kevin Kaldestad, Glenn Sicks, and Stan Simonson, has been appointed to provide recommendations to the Council concerning the implementation of the proposed action. In a preliminary report to the Council, the Moratorium Committee recommended: a) the consideration of vessel length criteria for establishing capacity; b) the modification of control date eligibility standards (see item 1A, above); and c) the deletion of processing-only vessels from the moratorium (item 1D, above). This committee will meet again prior to the June Council meeting.

#### Inshore-Offshore Allocation

As announced in early March, the Commerce Department approved the Gulf of Alaska inshore/offshore allocation (Amendment 23), and approved portions of the Bering Sea/Aleutian Islands plan (Amendment 18). In this action, the Commerce Department accepted the Council's proposed 35-65 percent inshore/offshore pollock split for the 1992 "B" season. The agency sent back for further economic review the BSAI allocations for 1993-95, urging the Council to resubmit an alternative plan that can be implemented in time for the 1993 season. The Commerce Department based these concerns on cost-benefit data submitted by NMFS that indicated a large net economic loss for the fishery as a result of the proposed allocations.

The Council reviewed the concerns raised in the NMFS cost-benefit analysis of the allocations, and received testimony concerning the scope, accuracy, and implications of the analysis. The Council is considering resubmitting to the Secretary a revised amendment and supplementary supporting analysis for the BSAI inshore/offshore pollock allocation for the years 1993 through 1995.

The pollock TAC allocation alternatives to be analyzed include the following:

<u>Year</u>	<u>Alternative 1</u>		<u>Alternative 2</u>	
	<u>Inshore</u>	<u>Offshore</u>	<u>Inshore</u>	<u>Offshore</u>
1993	35%	65%	30%	70%
1994	40%	60%	30%	70%
1995	45%	55%	30%	70%

Under both alternatives, the allocations are to be analyzed with and without the designation of the inshore operational area. The inshore/offshore allocations apply to the available quota after subtracting the Western Alaska Community Development Quota Program of 7.5 percent of the BSAI pollock TAC. The analysis will focus on the costs and benefits associated with these allocations.

Industry has been asked to supply the Council with comments and suggestions regarding the NMFS cost-benefit analysis, and this input will be incorporated into the supplemental analysis. The analysis is scheduled to be presented to the Council at its June 1992 meeting, after which the study will be sent out for public review. An additional Council meeting has been arranged for early August to develop a preferred alternative. The revised amendment would then be resubmitted for a 60-day Secretarial review prior to the beginning of the 1993 season.

#### Community Development Quotas

The State of Alaska is responsible for designing the Western Alaska Community Development Quota Program (CDQ) created through the Inshore/Offshore Amendment, as well as the proposed Halibut and Sablefish IFQ Amendments. An interagency team from the State drafted criteria for this program and presented the results at the April Council meeting. Minor revisions made by the Council will be incorporated into the program criteria, and the CDQ program will be sent forward as a regulatory amendment. Comments on the proposed rule will be taken during the June meeting. Copies of the CDQ program and criteria are available upon request from the State of Alaska Department of Community and Regional Affairs. Contact Mr. John Walsh, 465-4890 for additional information.

The Secretary of Commerce approved the CDQ program through 1995 and directed that 7.5 percent of the BSAI pollock allowable harvest be made available to it. It is uncertain whether or not the CDQ program criteria can be implemented, and applications processed, in time for the 1992 pollock "B" season, but it is expected that the CDQ program will be fully operational by the beginning of the 1993 season.

The halibut and sablefish IFQ amendments being sent forward to the Secretary by the Council also contain provisions that allocate portions of those fisheries in the BSAI to the State's CDQ program. However, implementation of the IFQ programs, assuming Secretarial approval, is not expected to occur until 1994.

#### Total Catch Estimation

The NMFS will be initiating a regulatory amendment to the groundfish plans for the Gulf of Alaska and the Bering Sea/Aleutian Islands to examine alternatives for total catch estimation and interactive communications systems between vessels and NMFS. Options to be examined could require measuring total catch of all groundfish, either on scales or in bins. A satellite communications system also may be part of this amendment. The NMFS is concerned about the current method of using product recovery rates (PRRs) to estimate total catch. The proposals within this amendment could address this concern by requiring measurement of all catch. The amendment analysis may be available for Council review in June.

The NMFS will be announcing a meeting to discuss the proposed management measures with industry. It will likely occur in mid to late May.

### Trawl Test Areas

At its January 1992 meeting the Council, on advice of the Advisory Panel, requested staff to prepare a plan amendment to establish areas to test trawl gear when the season is otherwise closed to trawling.

A draft analysis was presented to the Council in April and includes three proposed test areas: off Kodiak Island, near Sand Point, and in the Bering Sea. To have the test areas in place this fall the Council approved this amendment to go forward as proposed rulemaking sometime in May. The industry and public, as well as the Council, will have the opportunity to comment on the proposed rule before final rulemaking is prepared. The current schedule would allow the trawl test areas to be in place by October 1. The amendment analysis will be available upon request from the Council office beginning the second week of May.

### North Pacific Fisheries Research Plan

At the April meeting the Council reviewed a draft Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for the North Pacific Fisheries Research Plan. The

Research Plan would replace the current method of funding the Observer Program by levying a 1% of exvessel value fee on all groundfish, crab, and halibut landed in fisheries managed by the Council. The draft document spells out specific provisions of the Research Plan including: fisheries covered under the plan; mechanisms for fee assessment and collection; reassessment of appropriate observer coverage levels for the groundfish fisheries; identification of anticipated costs and revenues under the program; and, methods to address up-front funding concerns and potential revenue shortfalls. Incorporation of the State of Alaska shellfish observer program is included as an option in the overall Research Plan program.

The Council approved the draft analysis for public comment and will make a final decision in June. The document is available upon request from the Council office. If a Research Plan is approved at the June meeting, implementation could occur sometime in 1993, depending on the availability of the necessary start up funding. Until such time, the current Observer Program requirements will remain in place for the groundfish fisheries.

Also in April, the NMFS requested the Council to review proposed changes to the Observer Program. A regulatory amendment has been initiated to analyze the proposed changes and will be made available to the Council at their September-1992-meeting. If approved, these changes would be implemented in 1993.

### Groundfish Issues

#### Pollock "B" Season Delay and Exclusive Registration

The Bering Sea/Aleutian Islands pollock non-roe ("B") season will begin on June 1 this year. For 1993 the Council agreed to examine possible opening dates ranging from July 1 through September 1. Analysis of this proposal will commence this summer and will be available for initial review at the September Council meeting. The Council also is considering exclusive registration for vessels engaged in the Gulf of Alaska and BSAI trawl and factory longline fisheries for pollock, Pacific cod and all groundfish. Implementing exclusive registration would require a plan amendment. If passed, vessel operators will have to choose whether to fish in the Gulf of Alaska or in the Bering Sea and Aleutians. Staff will begin working on this project and the Council will initially review the analysis at its September 1992 meeting.

Status of Fishery Management Plan Amendments

The Council reviewed the draft Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for a plan amendment package of proposed bycatch management measures for the Bering Sea/Aleutian Islands. This package, Amendment 21, contained the following proposed measures:

1. Establishment of 1993 halibut bycatch limits in the BSAI to address the scheduled 1992 sunset of the 5,033 mt trawl cap (which will revert to 5,333 mt) and the 750 mt mortality limit for non-trawl gear.
2. Improve chinook salmon bycatch management measures in the BSAI. Options include establishing a PSC cap for chinook or possible time/area closures.
3. Prohibit bottom trawling adjacent to the Pribilof Islands.

The Council approved for public review only the portion dealing with the halibut bycatch limits for trawl and fixed gear. For the chinook salmon measures the Council requested staff to examine an additional alternative of monthly time/area closures of 1/2 by 1 degree blocks. This will be brought back to the Council for review sometime after the June meeting. Regarding the Pribilof Islands trawl closure, the Council requested analysis of additional options including a 25-mile closed zone around the islands and a closed zone consisting of the waters within IPHC area 4C west of 169°W. The analysis of these additional alternatives will be available for Council review at the June meeting.

The Council also reviewed the draft analysis for Amendment 26 for the Gulf of Alaska and recommended that it go out for public review. This amendment package includes the following proposed measures:

1. Extend the sunset date for the king crab protection zones near Kodiak Island.
2. Close the Eastern Gulf of Alaska east of 140° West Longitude to trawl gear.

Copies of the draft amendments are available at the Council office.

Vessel Incentive Program Bycatch Rate Standards

The Council recommended the following third and fourth quarter halibut and red king crab bycatch rate standards for 1992:

<u>Halibut</u> (as a % of groundfish catch)	<u>Red King Crab</u> (# individuals per ton groundfish catch)
BSAI: P. Cod      3.0%	BSAI: Flatfish      2.5/mt
Flatfish    0.5%	
GOA: Rockfish    5.0%	
Cod            5.0%	

Pelagic Trawl Definition

The Council discussed the issue of trawlers using modified pelagic trawls on the bottom in the pollock fishery after the closure to bottom trawling. Exacerbating this problem is the inadequacy of enforcing the vessel incentive program to prevent excess halibut bycatch in the trawl fisheries. The Council, after reviewing a proposal for a revised definition of a pelagic trawl by an industry workgroup, recommended NMFS institute a new pelagic trawl definition. NMFS will draft a proposed rule to be filed in June.

Public and industry can comment on the proposed rule prior to the development of the final rule. The attached Draft Pelagic Trawl Definition will be the basis for development of regulatory language. The Council also requested NMFS to report back in June on options for a performance-based pelagic trawl definition.

### Crab Management

The Council received the stock assessment and fishery evaluation (SAFE) report from the Crab Plan Team summarizing the best available scientific information on the crab stocks and fisheries under federal management. Copies of this annual document are available at the Council office.

The Council also received a report from ADF&G regarding the recent decision by the Board of Fisheries to place a pot limit for the Bering Sea king and Tanner crab fisheries. The Board recommended a 250-pot limit for the Area T Bristol Bay red king crab fishery, and the Area J Bering Sea Tanner crab fisheries (both *C. opilio* and *C. bairdi*). The Board also recommended a 100-pot limit for the smaller Bering Sea crab fisheries in Area Q (Norton Sound, St. Matthew, and the Pribilof fisheries). The entire pot limit program is to be reviewed at the February 1993 Board of Fisheries shellfish meeting.

The Council also considered the need to adjust the fishery management plan for the BSAI king and Tanner crab fisheries, including the optimum yield (OY) for *C. opilio*. The plan limits the guideline harvest level (GHL) to the OY range. For 1992, ADF&G initially set the *C. opilio* GHL at 400 million pounds, but later adjusted it downward to the upper end of the OY range, 333 million pounds. The Council requested the Crab Plan Team, with assistance from the State of Alaska and the Board of Fisheries, to review appropriate OY levels and report at the June Council meeting. The Council also asked the Board and ADF&G to explore the possibility of placing observers on crab catcher vessels.

### FOUR COUNCIL DOCUMENTS AVAILABLE FOR PUBLIC REVIEW

The Council has approved the following documents for distribution and public comment:

**North Pacific Fisheries Research Plan.** The North Pacific Fisheries Research Plan would implement a comprehensive data gathering program, supported by user fees, for all fisheries under the Council's jurisdiction. The Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) document contains the objectives of the plan, specific provisions of the plan, and identification of fisheries from which fees would be collected.

**Moratorium.** The Council is also soliciting comment on the proposed moratorium on entry to all fisheries under Council jurisdiction. The purpose of such a moratorium would be to freeze the number of vessels in the groundfish, crab and halibut fisheries under the Council's jurisdiction while studying long-term management measures for those fisheries.

**Amendment 21 to the Bering Sea/Aleutian Island Groundfish Plan.** Amendment 21 to the BSAI Groundfish FMP focuses on halibut bycatch issues. See page 6 of this newsletter for an outline of amendment proposals.

**Amendment 26 to the Gulf of Alaska Groundfish Plan.** Amendment 26 to the Gulf of Alaska FMP includes proposals to prohibit trawl gear from fishing for groundfish in the waters east of 140°W longitude in the eastern Gulf of Alaska, and to reestablish the no-trawl crab protection time/area closures around Kodiak Island. See the article on page 6 for the proposals and alternatives.

**Analysis of Proposed Trawl Test Areas.** This amendment would establish areas which may be used to test trawl gear when the season is otherwise closed to trawling. See page 5 for details.

Please contact the Council office for availability of these documents and the deadline for public comment.



DRAFT PELAGIC TRAWL DEFINITION

A PELAGIC TRAWL means a trawl which:

(revised section)

1. a) Does not have discs, bobbins, rollers, or other chafe protection gear attached to the foot rope (or fishing line)\*, but which may have weights on the wing tips and,

b) Has stretched mesh sizes of at least 60 inches, as measured between knots,

1.) starting at all points on the fishing line, head rope, and breast lines and extending aft to the fishing circle and going around the entire circumference of the trawl, and

2.) which has the webbing tied to the fishing line with no less than 20 inches between knots around the circumference of the net

c) Has stretched mesh sizes of at least 60 inches continuing from the fishing circle,

1.) for a distance equal to or greater than one half the vessel's length and,

2.) for an additional distance equal to or greater than one half the vessel's length has webbing which shall be of stretched measure larger than 15 (or 30 or 60) inches and,

3.) contains no configurations intended to reduce the mesh size of the forward section.

d) (May have parallel lines spaced no closer than 64 inches in the forward section ahead of the required minimum length of large mesh, but such parallel lines shall not substitute for the required length of large mesh.)

(new section)

2. Shall be permitted to have small mesh

a) within 10 feet of the head rope and breast lines for the purpose of attachment of instrumentation and/or lifting devices (i.e. - kites or floats)

b) within 32 feet of the center of the head rope for the purpose of attachment of instrumentation (i.e. - netsounders).

3. Shall have no more than one each fishing line and (or) foot rope, for a total of no more than two (one) weighted lines on the bottom of the trawl between the wing tip and the fishing circle.

4. Shall have no metallic components except for connectors (i.e. - hammerlocks or swivels) aft of the fishing circle and forward of any mesh greater than 5.5 inches stretched measure.

THE FISHING CIRCLE is defined as the circumference of the trawl measured from the center point of the fishing line. This center point shall be clearly marked with a yellow marker.

\* NOTE: Underlined text represents new or replacement wording to the existing definition. Text in (parenthesis) represents options resulting from comments received in response the draft circulated as a result of the Ad Hoc Gear Committee's work group meeting.