

North Pacific Fishery Management Council

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NEWSLETTER

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COUNCIL FINISHES MARATHON MEETING

Sablefish IFQ System, Moratorium, and Groundfish Amendments to Highlight April Meeting

At its January 16-19 meeting the Council spent four long days and evenings developing a refined individual fishery quota system (IFQ) for the sablefish longline and pot fishery off Alaska. This "preferred alternative" was given to staff for analysis and development of proposed regulations. The Council will take final action on this new management system at their April meeting.

The Council screened proposed amendments to the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish plans and selected six issues for further development. Among them is a high priority one-year extension, possibly with some refinements, of crab and halibut bycatch measures originally implemented with Amendment 12a to the Bering Sea/Aleutian Islands plan.

The Council also refined its inshore-offshore allocation problem statement and list of proposed alternatives for analysis. In conjunction with this issue, the Council announced that it will consider a moratorium for all fisheries under its purview during the April meeting. The moratorium could have a cut-off date of as early as January 19, 1990. Details of these and other highlights of the January Council meeting are provided in this newsletter.

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Rick Lauber Appointed to Council

Rick Lauber has been appointed by the Secretary of Commerce to serve the remainder of Tony Knowles' Council term following his resignation in December to run for Governor of Alaska. Mr. Lauber's term runs until August 10, 1991. He has been a member of the Council's Advisory Panel since its inception and is the Alaska manager for the Pacific Seafood Processors Association.

Committee Appointments and Officers

The Council reappointed nine members to the Scientific and Statistical Committee and named two new members to fill vacancies. Members reappointed for one year are: William Aron (Alaska Fisheries Science Center), William Clark (International Pacific Halibut Commission), Douglas Eggers (Alaska Dept. of Fish and Game), Larry Hreha (Oregon Dept. of Fish & Wildlife), Richard Marasco (Alaska Fisheries Science Center), Terrance Quinn (Juneau Center for Ocean Sciences, University of Alaska), Donald Rosenberg (University of Alaska Sea Grant, Retired), Dana Schmidt (Alaska Dept. of Fish and Game), and Jack Tagart (Washington Dept. of Fisheries). New members appointed were Gordon Kruse of the Alaska Department of Fish and Game, and Daniel Huppert of the Institute for Marine Studies, University of Washington. Members of the Scientific and Statistical Committee serve for one year.

The Advisory Panel re-elected Nancy Munro as Chairman and John Woodruff as Vice Chairman for 1990. Ms. Munro, of Saltwater, Incorporated, was appointed to the Advisory Panel in 1985 and has chaired the panel since 1986. Mr. Woodruff, Manager for Icicle Seafoods in Seward, Alaska, also was appointed to the Advisory Panel in 1985 and has served as Vice Chairman since 1988.

Council Chairman Don Collinsworth appointed Pete Maloney to fill the vacancy on the Advisory Panel created by Rick Lauber's appointment to the Council. Mr. Maloney is the Assistant Vice President of Production for Surimi Operations for UniSea, Inc. in Dutch Harbor.

Council to Consider Moratorium/Cut-off Date in April: Halibut and Groundfish Limited Access Postponed

At the request of the Advisory Panel and other members of the fishing industry, the Council agreed to agenda for its April meeting initial consideration of a general moratorium for all fisheries within the Council's purview and adoption of a cut-off date as early as January 19, 1990. This action was taken in light of the Council's current effort to develop and evaluate limited access programs for the halibut, groundfish and crab fisheries, as well as the recently initiated analysis of the inshore-offshore issue. Many members of the industry believe that all federally managed fisheries should be temporarily frozen "as is" to provide time for thorough development of solutions to the many fishery problems being addressed.

Because a moratorium is viewed by many as a form of limited access itself, the Council has requested legal advice on whether they have the authority to develop and approve a general moratorium as a "stand-alone" amendment to the fishery management plans. It is the Council's intent that the moratorium would sunset either: (1) on implementation of a final limited access program for each fishery, or (2) after four years, whichever comes sooner. Keels would have to be laid or the vessel fishing by whatever cut-off date is finally adopted to meet the intent of the moratorium.

The Council's Fishery Planning Committee will further develop the moratorium concept at its meeting in late February or early March. In April the Council will consider a schedule for analysis and implementation of the moratorium. The Council also decided to postpone consideration of halibut and groundfish limited access until after they address sablefish limited access and the proposed moratorium in April.

IFQs Considered Preferred Alternative for Sablefish Fixed Gear Management

The Council has designated Individual Fishing Quotas (IFQs) as the preferred alternative for management of the sablefish fixed gear fishery. This decision followed an Advisory Panel recommendation to adopt IFQs and public testimony supporting some form of limited access. The Council chose a specific IFQ system for consideration and is sending it out for further analysis and public review. A final decision is scheduled for the April Council meeting in Anchorage.

The preferred alternative would assign harvest privileges to fishermen for a specific percentage of the fixed gear total allowable catch by area. These privileges would provide a guaranteed portion of the allowable sablefish catch to IFQ holders. The actual amount of sablefish represented by each IFQ would vary from year to year as the total allowable catch varies. The IFQs would be usable with hook-and-line gear in all EEZ waters off Alaska and with pot gear in the Bering Sea/Aleutian Islands areas (sablefish fishing with pots is prohibited in the Gulf of Alaska). The IFQs would be area-specific and could not be used for sablefish caught outside that area. Important points in the system are summarized in the document, "Elements of the Sablefish Fixed Gear IFQ Management System," attached to this newsletter.

This system, if chosen by the Council and approved by the Secretary of Commerce, is anticipated to take effect in 1991. The Council intends to have the analysis of the preferred IFQ alternative and continued status quo available for public review by April. The earlier analysis of IFQs, license limitation, and annual fishing allotments remains available for public review and will be incorporated by reference in the new study of the IFQ preferred alternative. All options remain available to the Council for a final decision at the April meeting.

Groundfish Amendment Proposals Chosen for Development

The Council reviewed 45 proposals for amendments to the Gulf of Alaska (GOA) and Bering Sea/Aleutian Islands (BSAI) Groundfish Fishery Management Plans. While the Council recognizes the importance of these proposals to various industry sectors, staff manpower to complete the required analyses is very limited. Having already set very high priority on further analysis of sablefish IFQs and the inshore-offshore allocation issue, the Council chose the following six proposals for consideration in the 1990 amendment cycle:

Plan Amendments:

1. Revised Bycatch Management Measures in the BSAI. An amendment is needed in the current cycle because Amendment 12a sunsets on December 31, 1990. Amendment alternatives will include a simple extension of Amendment 12a for one year and possibly some minor revisions to address management problems.
2. Herring Bycatch Management in the BSAI. The Council established this as a priority because of concern over the sharply reduced returns of herring available to subsistence fishermen in

western Alaska. The Alaska Department of Fish and Game will perform the bulk of the amendment analysis.

3. Overfishing Definition for the GOA and BSAI. This amendment topic is mandated by Federal guidelines published last year.
4. Interim Specifications Procedures for the GOA and BSAI. The short time between the December Council meeting, when groundfish harvest levels and apportionments are set by the Council, and the January 1 start of the fishing year creates procedural and legal difficulties for NMFS to manage the fishery in-season.
5. Trawl and Pot Gear Definitions in the GOA and BSAI. This amendment will provide authority for subsequent gear-specific management measures by regulatory amendment.
6. Demersal Shelf Rockfish Management in the Southeast Gulf of Alaska. This amendment, which will be prepared primarily by ADF&G, would permit greater management flexibility for this species complex.

In addition, if sufficient analytical manpower becomes available, the Council may consider revising halibut bycatch management in the Gulf of Alaska by allowing for a reserve and seasonal allocation system for bycatch. These revisions would affect how optimally the bycatch limit of halibut is used, but would not affect the limits themselves. The overall limits on bycatch of halibut in 1991 will be determined by the Council in December this year in accordance with framework provisions in the Gulf groundfish plan. These revisions that would enhance the use of the bycatch will be considered only if there is analytical manpower available beyond that needed to analyze the higher priority amendments listed above.

Problem definition, reasonable alternatives and draft analyses will be prepared and presented to the Council in April before release to the public. The Council will make final decisions in June, and will forward amendments to the Secretary of Commerce for review and implementation for the 1991 season.

Fishery Research Priorities for 1991

Each year the Council makes recommendations to the National Marine Fisheries on high priority fishery research needs for the North Pacific. The Council's recommendations are included in the NMFS budget planning process. The Council adopted the following priority research needs based on the SSC's recommendations:

1. Develop a comprehensive data management system, including data entry, storage, retrieval, and analysis programs. This system is needed for improved management of bycatch, biomass determination, and social and economic impact assessment.
2. Expand ecosystem studies, including particularly marine mammal/fishery interaction studies, relationships between oceanographic conditions and fish recruitment, and predator/prey studies.

3. Conduct biological investigations of the following:
 - (a) Stock structure and population assessments of pollock in the Gulf of Alaska and Bering Sea,
 - (b) Rockfish and sablefish population assessments, particularly including the development and validation of techniques for aging and determining biomass using age structure data, and
 - (c) Studies to increase precision of population abundance estimates and harvest management of major stocks of king and Tanner crabs in the Bering Sea.

Council and International Pacific Halibut Commissioners
Meet in Joint Session

During the January meeting, the IPHC Commissioners and the Council met in joint session to explore management issues of mutual interest. The Commissioners and Council discussed the projected 1990 quotas for each management area, Area 4 halibut fishery allocations, bycatch management in Gulf of Alaska and Bering Sea groundfish fisheries, and limited access options in Alaskan halibut fisheries. They agreed to continue meeting annually.

Discussions focused on measures the Council has taken in the past to limit incidental mortality of halibut, and several bycatch management concepts being considered during the 1990 plan amendment cycle. The Commissioners and Council reviewed a request for a small test fishery in the Closed Area of Bristol Bay, which they agreed is primarily a biological issue and should be considered during the IPHC's annual meeting in late January. IPHC Commissioner Dennis Brock reported that British Columbia is analyzing an Individual Fishing Quota system for their halibut fishery.

During the public comment period, the Commissioners and Council heard a report from Bert Larkins, representing Alaska Factory Trawlers Association, and IPHC staff on a cooperative IPHC/industry program intended to minimize bycatch and improve survival of discarded halibut. It will focus on fishing techniques, gear designs, and procedures for on-board handling and discarding of halibut bycatch. They noted that halibut bycatch is a significant impediment to fully prosecuting the groundfish fisheries, and it is hoped that this effort will result in reduced halibut bycatch and mortality rates and thus lengthen groundfish fishing seasons.

Sea Lion Population in Serious Decline off Alaska

A 1989 survey of Steller sea lions in Alaska from the Gulf of Alaska to the western Aleutian Islands showed that the population has declined 63 percent since counts were last made in 1985 (from 68,000 animals in 1985 to about 25,000 in 1989). Overall, the Alaskan Steller sea lion population has declined by over 75 percent since the late 1960s. The National Marine Fisheries Service (NMFS) is considering listing the Steller sea lion under the Endangered Species Act and, in concert with the North Pacific Fishery Management Council, is proceeding to develop conservation measures to assist the recovery of the species.

Reasons for the decline may include the combined influences of commercial fisheries, disease, natural environmental fluctuations, or other unknown causes in the ecosystem. The National Marine Fisheries Service plans to continue monitoring the sea lion's status and population trends in Alaska

and to expand research to determine the location and timing of mortality. Other studies to determine the cause of the decline are also planned. Whatever the cause, it is important to reduce mortalities wherever possible and to take immediate action to help reverse the decline.

What can fishermen do to help? The most important action is to reduce direct mortality. Under 1988 amendments to the Marine Mammal Protection Act, it is illegal for sea lions to be shot except to protect human life. Fishermen are asked to comply with the law. Other actions that would be helpful include adopting fishing strategies to eliminate incidental take to the extent possible. For example, sea lion deaths can be reduced by minimizing lengthy surface tows and taking special precautions when fishing in areas where sea lions are observed feeding.

The decline in sea lions in Alaska poses a very serious threat to the survival of the species. The NMFS and the Council need the help and cooperation of all components of the marine community to address this critical problem and were extremely pleased by the announcement of the formation of a fishing industry task force to work on problems affecting the marine environment. The stated first priority of this task force will be to address the sea lion decline. For more information on the task force, please contact Guy Thornburgh, Executive Director of the Pacific States Marine Fisheries Commission, at (503) 294-7025.

A workshop on Steller sea lions is scheduled tentatively for February 21 and 22 at the Sheraton Hotel in Anchorage. The workshop is designed to present all available information on sea lion research and measures that may help reverse the serious decline. It is structured to receive input from agencies, environmentalists, and the fishing industry. Please contact Guy Thornburgh for more information.

Inshore-Offshore Issue to Move Forward for Analysis

During its January meeting, the Council received recommendations from its Fishery Planning Committee and Advisory Panel on further refinements to the inshore-offshore problem statement and list of proposed alternatives. The refinements were intended to focus the issue for the purpose of analysis. The Council agreed with many of the changes and approved the following revised problem statement and alternatives for further development:

INSHORE-OFFSHORE ALLOCATION Problem Statement

The finite availability of fishery resources, combined with current and projected levels of harvesting and processing capacity and the differing capabilities of the inshore and offshore components of the industry, has generated concern for the future ecological, social and economic health of the resource and the industry. These concerns include, but are not limited to, localized depletion of stocks or other behavioral impacts to stocks, shortened seasons, increased waste, harvests which exceed the TAC, and possible pre-emption of one industry component by another with the attendant social and economic disruption.

Domestic harvesting and processing capacity currently exceeds available fish for all species in the Gulf of Alaska and most species in the Bering Sea. The seafood industry is composed of different geographic, social, and economic components which have differing needs and capabilities, including but not limited to the inshore and offshore components of the industry.

The Council defines the problem as: 1) domestic harvest and processing capacity exceeds available resources; and 2) a resource allocation problem where one industry sector is threatened by another.

The Council will address these problems through the adoption of appropriate management measures to advance the conservation needs of the fishery resources in the North Pacific and to further the economic and social goals of the Act.

Management Alternatives

1. Status quo with no change in regulations to address the problem (Required by law).
2. Use traditional management tools including but not limited to: trip limits, periodic allocations, super-exclusive registration areas, and gear sizes. (Council may ask to analyze one or more of these depending on need).
- *3. Allocate the Total Allowable Catch (TAC) between inshore and offshore components of the industry. Specifically this alternative would examine the Gulf of Alaska pollock, rockfish, flatfish and Pacific cod fisheries, and the Bering Sea pollock, flatfish and Pacific cod fisheries, under various allocation percentages, and define operational areas for pollock in the Bering Sea.

The Council requested the following percentages be used as parameters for analysis:

<u>Onshore</u>	<u>Offshore</u>	
100%	0%	(GOA pollock only)
80%	20%	(GOA only)
50%	50%	(both GOA and BS)
20%	80%	(BS only)

- *4. Allocate TAC on basis of species (as specified in Alternative 3) and vessel length (for example, partition the BSAI TAC 50-50 between vessels over 150' and those less than 150'. A threshold for the GOA might be 125').
- *5. Use a combination of the following measures: ban pollock roe-stripping everywhere, delay opening of GOA pollock season until after roe season, split pollock into roe, non-roe seasonal quotas, and divide GOA pollock area into separate districts.

In any allocation scheme, the analysis will consider a provision for community development.

*Management alternatives 3, 4 and 5 will be analyzed to determine the effects of the option with a moratorium and without a moratorium.

The problem statement and alternatives were given to staff for analysis. The Council reemphasized its commitment to addressing this problem as quickly as possible and approved the following work schedule:

April 1990	Status report to the Council
June 1990	Amendment package approved for public review
September 1990	Consider final approval of amendment
Early 1991	Implementation

The staff will work closely with the Fishery Planning Committee in completing the analysis. The next committee meeting is scheduled tentatively for the last week in February. Please contact Steve Davis on the Council staff for more information on the meeting.

National Marine Fisheries Service Provides Observer Update

The Council's domestic groundfish observer program took effect on January 1, 1990. Vessels of 125' in length or longer must have a NMFS-certified observer on board. Vessels less than 125' but over 60' must carry an observer for 30 percent of their fishing time. Vessels under 60' must carry observers only if requested by NMFS. NMFS reported that observers are being deployed as soon as they are trained and that the program is running smoothly.

Onshore processing facilities are also required to have observers. A shore plant that annually receives 10,000 mt (round weight) or more of groundfish must have an observer present on each day it receives groundfish in those months with deliveries of 1,000 mt or more of groundfish. Shore plants that annually receive 1,000 mt - 9,999 mt (round weight) of groundfish, must have an observer 30 percent of the days of any month in which they receive 500 mt or more groundfish. Shore plants annually receiving less than 1,000 mt of groundfish do not need observers unless requested by NMFS.

To participate in the 1990 groundfish fishery off Alaska, industry must obtain NMFS-certified observers and pay their costs. Industry must obtain observers from the list of certified contractors. This list may be expanded during the year.

Alaskan Observers, Inc.
150 Nickerson, Suite 104
Seattle, WA 98109
(206) 283-6604

Frank Orth & Associates
10900 N.E. 4th St., Suite 930
Bellevue, WA 98004
(206) 455-9693

Data Contractors, Inc.
600 West 41st Ave, Suite 203
Anchorage, AK 99503
(907) 561-2055

Pacific Observers, Inc.
University of Washington/
Fisheries Research Institute
4055 21st Avenue West
Seattle, WA 98199
(206) 285-3480

Oregon State University
Int'l Development & Research
Observer Program
Corvallis, OR 97331
(503) 737-2683

Saltwater, Inc.
540 L Street, Suite 202
Anchorage, AK 99502
(907) 276-3241

Elements of a Sablefish Fixed Gear IFQ Management System

This outline presents the proposed individual fishing quota system (IFQ) for sablefish hook-and-line and pot fishing. The ~~grayed~~ areas represent options under consideration. This is the preferred alternative to the status quo as decided by the Council at its January, 1990 meeting. A final decision on the alternative to be chosen, including the status quo, is scheduled for the Council meeting the week of April 23, 1990 in Anchorage.

I. SCOPE OF PROGRAM

- A. **Sablefish**
- B. **Longline and pot vessels**

II. THE WHO, WHAT, WHEN, WHERE, AND HOW OF IFQS

- A. **What** - Each IFQ would be a percentage of the total allowable catch (TAC) for each management area. These percentages would be defined as "units" which could be subdivided into smaller units. The amount of weight assigned to each unit would vary yearly as the TAC varied from year to year.
- B. **Where** - All six management areas in the Gulf of Alaska, Bering Sea, and Aleutian Islands: Southeast Outside/East Yakutat, West Yakutat, Central Gulf, Western Gulf, Bering Sea, Aleutian Islands.
- C. **When** - IFQs would be issued yearly to those who owned them. Initial allocations would be made for the 1991 fishing year.
- D. **Who** - The person who owned or, possibly, was a lease holder of a vessel that made sablefish longline or pot landings.
 - 1. **"Person"** - As defined by the Magnuson Act with the exclusion of non U.S. citizens. Any individual who is a U.S. citizen, any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State but being owned and controlled by a majority of U.S. citizens), and any Federal, State, or local government or any entity of any such government.
 - 2. **Initial allocations** could go to one of three groups. The terms "bareboat contract" and "qualified lease" need to be defined.
 - i. ~~Vessel owner(s) only.~~
 - ii. ~~Vessel owner(s) except when a qualified lease exists.~~
 - a. ~~The person leasing a vessel (bareboat contract). The lease holder would receive full credit for trips with a qualified lease.~~
 - b. ~~The owner and lease holder would split credit for trips with a qualified lease. The split is not yet specified.~~
- E. **How initial allocations will be made**
 - 1. An owner or lease holder must have made longline or pot landings of sablefish in at least one of the years 1984 through 1989.
 - 2. Initial allocations would be based on the recorded landings (fish tickets) of all vessels each person owned. The total of each person's six year landings, by area, would be divided by the total six year landings in the area. This would be the person's percentage of that area TAC.

3. More recent participation will be given greater credit using a weighting factor of 3%. Landings will be adjusted upward incrementally by 3% from 1984 to 1989. (Though the 3% increment is the preferred option, 1% and 10% adjustments are being analyzed.) The adjustments at 3% are:

- i. 1984 landings * 100%.
- ii. 1985 landings * 103%.
- iii. 1986 landings * 106%.
- iv. 1987 landings * 109%.
- v. 1988 landings * 112%.
- vi. 1989 landings * 115%.

4. IFQs might be denoted by vessel size class.

i. Each person would receive IFQs for the size class of their most recent sablefish landings. The size classes are:

- a. Less than 50' length over all.
- b. 50' to 100' length over all.
- c. Over 100' length over all.

ii. There would not be vessel size classes.

F. Hook-and-line or pot caught sablefish could not be landed without IFQs. There would be **no open access portion** to the sablefish fixed gear fishery.

G. IFQs would **not be valid for trawl caught sablefish** from any area nor for pot caught sablefish from the Gulf of Alaska.

III. TRANSFERABILITY

A. All IFQs would be **saleable** and leasable, however, leasing of IFQs would not be allowed during the first 2 years of the program.

B. All IFQ **transfers** would have to be **approved by NMFS** based on findings of eligibility criteria prior to fishing.

C. Persons must **control IFQs** for amount to be caught **before a trip begins**.

D. IFQs are **management area specific** and may not be transferred between areas.

E. IFQs are **vessel size specific** (if vessel sizes are used) and may not be transferred between vessel size categories.

F. A **limit of 3% of the combined area TACs** would exist on the amount of IFQs one person could **own or control**.

G. **Any person**, as defined above, may control IFQs. Proof of citizenship or majority ownership and control may be required.

IV. DURATION OF IFQ HARVEST PRIVILEGES

A. No specified ending date. Harvesting privileges may be subject to periodic change, including revocation, in accordance with appropriate management procedures as defined in the Magnuson Act. (The privileges are good for an indefinite period of time.)

B. The harvesting privileges may remain in effect in perpetuity.

C. Harvesting privileges may remain in effect for a specified period of time, for example 5 or 10 years.

V. COASTAL COMMUNITIES - The issue of allocations to economically disadvantaged coastal communities is being considered by the Council in concept.

A. Communities must be on the coastline, unlikely to be able to attract other economic activity, and not previously have developed sufficient harvesting or processing capacity due to a lack of sufficient funds.

- B. A fishery development plan for each community must be developed including arrangements to: use U.S. harvesters and processors, provide local employment, contribute to local economic fishery development, and provide sufficient funding.
- C. The Governor, in consultation with the Council, would develop recommendations to the Secretary of Commerce.
- D. The Secretary may approve the recommendations provided the community meets the criteria and the State of Alaska assures sufficient funding is available.
- E. No community may be designated for more than 10 years.
- F. No more than 4% of the combined area fixed gear TACs could be used for this purpose. The maximum percentages would vary by area: Aleutian Islands, Bering Sea, and Western Gulf of Alaska - 10%; Central Gulf - 5%; Eastern Gulf - 1%.
- G. The set aside for community development would be subtracted from the fixed gear TAC before calculation of IFQ poundages.

VI. ADMINISTRATION

- A. NMFS Alaska regional office would administer the IFQs although the function could be contracted to the State of Alaska.
- B. Settlement of appeals disputes during the allocation process.
 - 1. The basis of judgement for use in appeals will be fact. That is, unsubstantiated testimony will not be considered. Lease holders would have to come to the Appeals Board with certified records and agreement of the owner of record of the vessel. If such agreement cannot be reached, judicial proceedings outside of the Appeals Board would be required. Appeals could be brought forth based on **four criteria**:
 - a. **Errors** in fish ticket information.
 - b. **Documented lease holder** qualification.
 - c. **Total vessel loss** due to burning, sinking, or shipwreck. Adjustments might be made to the landings for the year the occurrence happened.
 - d. Those persons who can document that they were prepared to begin longlining for sablefish on April 1, 1989 but were unable to due to the Exxon oilspill. This does not include those who were not almost fully prepared for longlining at the time of the spill.
 - 2. Initial appeals would be heard by an **Appeals Board composed of government employees rather than industry members..** Subsequent appeals would go to NMFS Alaska Regional Director followed by appeals to the Secretary of Commerce and then the court system.

The following items will be discussed by the Council but NMFS will deal with the specifics.

- C. Enforcement
 - 1. Nature of harvest right. - This must be defined (property, lease, harvest, etc) including its use as collateral and the ability of the government to censure the right.
 - 2. Establishing a system to accurately account for catch including reporting, observer, and monitoring systems.
 - 3. Adequate enforcement procedures need to be established. A new system might require new methods of enforcement including enforcement agents which have accountant type duties.
 - 4. New regulations would be required.
 - 5. New penalties for violations would be required.