

North Pacific Fishery Management Council

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#5-91

10/4/91

NEWSLETTER

Critical Fishery Issues Lengthen Council Meeting

The North Pacific Fishery Management Council met September 23-29 to deal with a number of issues requiring a lengthy public comment session and extensive Council discussion. The major issue was consideration of individual transferable quotas for the sablefish and halibut fisheries off Alaska. Other agenda items included preliminary specifications for 1992 groundfish harvests in the Gulf of Alaska and Bering Sea/Aleutian Islands, marine mammal protection, and bycatch issues. Details of these and other items addressed by the Council are found in this newsletter. The Council will next meet in Anchorage December 3-8, 1991, with the Scientific and Statistical Committee and Advisory Panel beginning on December 2, 1991. All meetings will be held in the Anchorage Hilton. A schedule of other meetings between now and the December meeting is included in this newsletter.

Council Chairman and Vice-Chairman Re-elected

By unanimous consent, Council members reappointed Rick Lauber and Bob Alverson to serve as Chairman and Vice Chairman, respectively, for another one-year term. Mr. Lauber was elected Chairman in March 1991 to replace former Chairman Don Collinsworth, and was appointed to the Council in January 1991 after serving on the Advisory Panel since its inception. Mr. Alverson was appointed to the Council initially in 1988, and this will be his third term as Vice Chairman. Both members, along with Council member Oscar Dyson, were recently reappointed by the Secretary of Commerce to another three-year Council term.

Nominations Due for Scientific and Statistical Committee and Advisory Panel and Pacific Northwest Crab Industry Advisory Committee

One-year terms of the Council's Scientific and Statistical Committee (SSC) and Advisory Panel (AP) members, and two-year terms of the Pacific Northwest Crab Industry Advisory Committee members expire in December. The SSC advises the Council on scientific and other technical matters relating to Council functions and the AP is composed of representatives of the major segments of the fishing industry. Members of these panels are expected to attend up to five meetings, three to four days in length, per year.

The Pacific Northwest Crab Industry Advisory Committee was formed two years ago to provide the Bering Sea crab industry from the Pacific Northwest access to the Alaska regulatory process, similar to that of Alaskan residents. The committee meets several

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times a year to review proposed changes in crab fishery regulations.

Resumes for persons who wish to be considered for any of these committees should be sent to the attention of Judy Willoughby, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510, to arrive no later than 5:00 p.m., November 8, 1991. Appointments will be announced at the Council's December 3-7 meeting at the Hilton Hotel in Anchorage, and will become effective in January 1992.

Sablefish and Halibut IFQs

The Council has approved, in principle, preferred alternatives for individual fishing quota (IFQ) systems for the sablefish and halibut fixed gear fisheries, a market-driven management program to allocate sablefish and halibut resources among fishermen. The alternatives include a community development quota program for disadvantaged Western Alaska communities. The action awaits final approval at the December 1991 meeting when draft proposed implementing regulations necessary to carry out the alternatives will be available. At that time reconsideration of specific implementation provisions, including a consideration of their overall cost, will be possible.

Two work groups, a technical team and an industry team, have been tasked with drafting the implementing regulations. The technical team, composed of management agency personnel, met for the first time on September 9-10, and will meet again in Seattle on October 15-17. The industry team will meet with technical team representatives on October 17-18. The technical team will meet beginning at 1:00 p.m. in Room 2079, Bldg. 4 of the NMFS Alaska Fishery Science Center at Sand Point. The industry team will meet beginning at 3:00 p.m. in the same room on October 17. A final meeting of the two groups is scheduled for November 4-5, in Juneau. Other meetings may be scheduled as necessary.

Members of the industry workgroup include:

Kris Norosz (Chair)	Petersburg Vessel Owners Association
Linda Behnken	Alaska Longline Fishermen's Association (Sitka)
John Bruce	Deep Sea Fishermen's Union (Seattle)
John Woodruff	Icicle Seafoods and Halibut Association of North America
Don Iverson	Freezer Longliner (Jubilee Fisheries)
Jack Knudsen	Fishing Vessel Owners' Association (Seattle)
Linda Kozak	Kodiak Longline Vessel Owners' Association
Perfenia Pletnikoff	Central Bering Sea Fishermen's Association (Pribilofs)
Drew Scalzi	North Pacific Fisheries Association (Homer)
Jeff Stephan	United Fishermens Marketing Association (Kodiak)
Harold Thompson	Sitka Sound Seafoods

The draft implementing regulations will be available for public review prior to the December 3-7, 1991 Council meeting. The Council will hold a public hearing on the draft implementing regulations, and the preferred alternative, on Monday, December 2, 1991. The Council does not intend to take public testimony on this issue during the regular Council meeting that starts on Tuesday. Written comments on sablefish and halibut IFQs will be due at the Council office by November 25 in order to be copied and distributed to the Council. The text of the preferred sablefish and halibut IFQ alternative is attached at the end of this newsletter.

In other action regarding halibut, the Council voted to analyze a proposal submitted by the Central Bering Sea Fishermen's Association. The proposal would expand IPHC area 4C westward 1° to 172°W., and southward 20 minutes to 56°N. Under the new boundaries, area 4C would be bounded by 168-172°W and 56-58°N. This action would be a regulatory amendment with final Council decision scheduled for December.

Groundfish and Crab Moratorium and IFQs

The Council moved a step closer toward a moratorium on entry into the groundfish, crab and halibut fisheries by directing staff to begin immediately to prepare plan amendments that would impose such a moratorium consistent with notices published in the Federal Register in September 1990, wherein the Council noticed the public of its

intent to develop measures to limit access to the groundfish, crab, and halibut fisheries off Alaska, and to establish a control date of September 15, 1990 for entry into the fisheries. Vessels that entered the fisheries after September 15, 1990 will not be assured of future access to the fisheries if a moratorium is imposed. However, "due consideration" will be given to vessels that harvest or process fish before January 15, 1992, if either:

- (1) they were under construction, reconstruction, or under contract for construction, reconstruction or purchase as of September 15, 1990, for purposes of participating in the fisheries; or
- (2) they were under written option or contract for purchase, or written contract for construction or reconstruction before September 15, 1990, but that option or contract was canceled because of the previously proposed January 19, 1990 control date, provided these vessels were placed again under written contract for such activities by January 1, 1991.

At last week's meeting, the Council extended the January 15, 1992, deadline for trawl operations to 20 days after the trawl groundfish seasons begin in the Gulf of Alaska and Bering Sea and Aleutian Islands for 1992. As noted elsewhere in this newsletter, the Council requested emergency action by NMFS to delay the trawl season opener to January 20 for 1992.

The Council adopted for analysis the recommendations made by the Advisory Panel last April concerning the elements and options in the proposed moratorium. This moratorium project is to be given the highest priority and an implementation plan is due back to the Council in April 1992. This is to be followed by the development of a comprehensive individual fishing quota (IFQ) program during 1992 and 1993 that could be implemented by January 1995.

Steller Sea Lions in Decline - Protective Measures Adopted for 1992

The National Marine Fisheries Service reported on their latest survey of Steller sea lions off Alaska. The benchmark year for measuring changes in the abundance of sea lions is 1976 when 90,000 animals were counted at rookeries across the Gulf of Alaska and Aleutian Islands. The population is now less than a fourth of that benchmark abundance. Most recently, the largest annual decline occurred in the Western Aleutians where sea lions are 30% less abundant than last year, and down 76% since 1976. From the Western Aleutians to the Central Gulf of Alaska, populations are down about 5% since last year and by 76% since 1976. The Eastern Gulf population is down 13% since 1990 and 32% since 1976. Off Southeast Alaska the population is up 6% over last year, but down 23% since 1976.

The Steller sea lion is listed as "threatened," and could go to "endangered" if abundance falls below a threshold of 17% of the 1976 population estimate. The Council is very concerned with these trends and has, again for 1992, adopted protective measures to minimize commercial fisheries impacts on sea lions. In the Gulf of Alaska, pollock fisheries will be separated by area at 154 W and 159 W to spread fishing out over a larger area. The Shelikof District will be eliminated. Rollover of unused quarterly pollock apportionments will be limited such that no more than 150% of an initial quarterly allocation is available in that quarter. Ten-mile, no-trawl zones will be established around designated sea lion rookeries in the Gulf. In the Bering Sea and Aleutians, there will be no retention of pollock during a trip into the ten-mile buffer zones around designated rookeries, though directed fishing for other groundfish species will be allowed unless the Regional Director determines that such fishing will adversely affect Steller sea lions.

NMFS was requested to develop additional information on the effectiveness of these regulations in protecting sea lions and to report to the Council within twelve months. A committee representing industry, government, and the environmental community should be formed to meet and report to the Council regularly, and to monitor the efficacy of these actions and data gathering efforts relative to sea lions. The Council further recommended that any additional restrictions on fishing effort by NMFS specifically address fish species identified as important to the restoration of sea lion populations. Additional measures should be specifically designed to have the least possible impact on commercial fishing operations.

The Council also reviewed the Marine Mammal Protection Act amendments proposed by NMFS to govern the taking of marine mammals in commercial fishing operations. The Council noted that very conservative criteria are being proposed to determine the allowable take of marine mammals in commercial fisheries. This could result in major fisheries closures, with attendant social and economic dislocation of communities that depend on commercial fisheries. Recognizing there is little information available to demonstrate clearly the impacts of commercial fisheries on marine mammals, the Council wants to work closely with NMFS in developing a viable regime that protects, but also manages marine mammal populations within the marine ecosystem shared with commercial fisheries. A second draft of the legislative environmental impact analysis will be available in October for further review. NMFS plans to submit their proposed amendment to Congress in January 1992.

Gulf of Alaska Groundfish Specifications

Preliminary groundfish specifications for the upcoming 1992 fisheries were approved by the Council. They include initial recommendations for Acceptable Biological Catches (ABCs), Total Allowable Catches (TACs), and Prohibited Species Catch (PSC) limits. Twenty-five percent of the preliminary TACs will go forward, on an interim basis, to govern fisheries during the first of the fishing year until superseded by the final specifications published in late January. The final specifications will be determined at the Council's December meeting.

The recommended preliminary ABCs and TACs for the Gulf of Alaska are summarized in Table 1 attached. These recommendations are based on the most current stock assessment information contained in the preliminary Stock Assessment and Fishery Evaluation (SAFE) document which the Council has released for public review. The Council is seeking comment from the public and industry on the preliminary specifications before they set final specifications at the December meeting. Written comments are due by November 25, 1991, in order to be copied and distributed to the Council: they should be addressed to the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510. Please contact the Council office to obtain copies of the preliminary SAFE document. The final SAFE document will be completed in November and will provide the basis, along with industry input, for the final specifications.

Some notable changes from 1991 involve the pollock fisheries in the Gulf of Alaska. In addition to the quarterly apportionment of the Western/Central area TAC, the Council has recommended to the Secretary that the TAC for this area be subdivided into three geographic sub-areas (divisions at 154 degrees W and 159 degrees W) and that a limit be placed on the amount that can be rolled over from one quarter to the next. These measures are recommended to afford additional sea lion protection and are detailed in the section of this newsletter dealing with marine mammals.

The PSC limits for halibut in the Gulf of Alaska are set by gear type and may be apportioned seasonally over the fishing year. For public comment purposes, the Council is recommending the same preliminary halibut PSC apportionments for the 1992 fishing year as were specified for 1991.

<u>Trawl gear</u>		<u>Hook and line gear</u>	
1st quarter	600 mt (30%)	1st trimester	200 mt (26.6%)
2nd quarter	600 mt (30%)	2nd trimester	500 mt (66.6%)
3rd quarter	400 mt (20%)	3rd trimester	50 mt (6.8%)
4th quarter	400 mt (20%)		
TOTALS	2000 mt		750 mt

For hook and line gear, the second trimester would be released coincidental with the opening of the sablefish season on May 15. As in 1991, pot gear would be exempt from the halibut PSC limits. Other factors to consider in the seasonal apportionment of these PSC limits are the groundfish season changes that have been recommended by the Council for the 1992 fishing year. These season changes would be implemented by emergency rule and would include an overall season delay for all groundfish fishing by trawl gear until January 20 and a delay in the directed trawl fisheries for rockfish until July 15.

Public comments will be accepted for 30 days following the publication of the preliminary groundfish specifications in the FEDERAL REGISTER. This will likely occur sometime in late October. Comments should be forwarded to the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK, 99510.

Bering Sea/Aleutian Islands Groundfish Specifications for 1992

The Council adopted for public review preliminary groundfish total allowable catches (TAC) and bycatch allowances for the Bering Sea/Aleutian Islands fisheries. Twenty-five percent of the initial specifications will go forward as interim specifications for management of the 1992 groundfish fisheries until superseded by publication of the Council's final specifications established in December.

Because Bering Sea/Aleutian Islands (BSAI) groundfish surveys lasted well into the summer, new survey data were not available to reassess the status of stocks and provide new biomass estimates. This information is currently being analyzed and will be reviewed and incorporated into the Stock Assessment and Fishery Evaluation (SAFE) documents by the Plan Teams in early November. This will be presented at the December Council meeting. Written comments on the SAFE document are due by November 25, 1991 in order to be copied and distributed to the Council. They should be addressed to the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK, 99510. Please contact the Council office to obtain copies of the preliminary SAFE document. The final SAFE document will be completed in November and will provide the basis, along with industry input, for the final specifications.

Bering Sea/Aleutian Islands preliminary specifications are presented in Tables 2 and 3. Several factors need to be emphasized in considering these preliminary specifications. First, incorporation of new survey information may change the final groundfish specifications. Second, though the Council indicated an Eastern Bering Sea (EBS) pollock TAC of 1,100,000 mt, it is considering a range of 900,000 to 1,300,000 mt for the final specifications. Third, the Council has adopted last year's 40/60 split for the seasonal apportionment of pollock in the EBS. Pollock may be split into roe (January 1 - April 15) and non-roe (June 1 - December 31) seasons. Fourth, The Council adopted a TAC for the new Bogoslof district (518) and set the initial TAC at 20,000 mt. This amount will serve as bycatch in non-pollock fisheries. Stock scientists at the Alaska Fisheries Science Center and the BSAI Plan Team will provide additional information on the status of Aleutian Basin/Bogoslof pollock at the December Council meeting. Fifth, the ABC for Pacific cod in the BSAI may be lowered substantially in December.

The Council adopted last year's bycatch allowances for Pacific halibut, herring, red king crab and Tanner crab for public review. In the BSAI, PSC caps may be seasonally apportioned to five different trawl fisheries. As last year, the Council chose to seasonally apportion just halibut for the "other fishery" category. (See Table 3)

At this meeting, the Council adopted draft Amendment 19/24 for public review. This bycatch amendment, if adopted, would have two major components that will affect the Council's apportionment of PSCs in the groundfish fisheries. The first provision would change the fisheries among which the PSCs will be apportioned. Currently, four DAP trawl fisheries receive crab and halibut PSC limit allowances: 1) Greenland turbot (includes arrowtooth flounder), 2) rock sole, 3) flatfish (includes yellowfin sole/other flatfish) and 4) "Other fishery" (includes Pacific cod, bottom trawl pollock, rockfish, Atka mackerel, sablefish and other). The following table indicates the differences between the current and proposed 1992 bycatch amendment programs.

Current Fisheries	Proposed Fisheries under 19/24
1. Greenland turbot/arrowtooth flounder	1. Greenland turbot/arrowtooth flounder
2. rock sole	2. rock sole, yellowfin sole, other flatfish
3. flatfish (yellowfin sole/other flatfish)	3. Pacific cod
4. Other fishery	4. Other fishery

A second proposed change would be a halibut PSC mortality limit for the fixed gear fisheries in the BSAI. If the Council adopts alternatives that include the above changes, it will have to alter its decisions on establishing PSC caps accordingly and set revised PSC allowances at the December meeting.

TABLE 1
1992 Council Recommendations for ABC, TAC, and Apportionments in the Gulf of Alaska
28-Sep-91

Species	Area	Council		Council	
		ABC	TAC	DAP	JVP
Pollock	W/C Shelikof	93,000	93,000	93,000	
	E	3,400	3,400	3,400	
	Total	96,400	96,400	96,400	0
Pacific Cod	W	22,400	22,400	22,400	
	C	42,100	42,100	42,100	
	E	3,400	2,900	2,900	
	Total	67,900	67,400	67,400	0
Flatfish, Deep	W	3,287	2,000	2,000	
	C	38,219	35,000	35,000	
	E	4,913	3,000	3,000	
	Total	46,419	40,000	40,000	0
Flathead sole	W	12,584	2,000	2,000	
	C	31,988	5,000	5,000	
	E	3,710	3,000	3,000	
	Total	48,282	10,000	10,000	0
Flatfish, Shallow	W	27,481	3,000	3,000	
	C	21,262	7,000	7,000	
	E	1,741	1,741	1,741	
	Total	50,484	11,741	11,741	0
Arrowtooth	W	38,881	5,000	5,000	
	C	253,325	10,000	10,000	
	E	11,683	5,000	5,000	
	Total	303,889	20,000	20,000	0
Sablefish (ABC may be reduced pending analysis of longline survey results)	W	2,925	2,925	2,925	
	C	10,575	10,575	10,575	
	W. Yakutat	4,050	4,050	4,050	
	E. Yak./S.E. Out.	4,950	4,950	4,950	
Total	22,500	22,500	22,500	0	
Pacific Ocean Perch	W	1625	1624	1624	
	C	1800	1798	1798	
	E	2375	2375	2375	
	Total	5800	5797	5797	0
Shortraker/Rougheye	W	100	100	100	
	C	1320	1320	1320	
	E	580	580	580	
	Total	2000	2000	2000	0
Other Slope	W	1212	1212	1212	
	C	5454	5454	5454	
	E	3434	3434	3434	
	Total	10100	10100	10100	0
Rockfish (Pelagic Shelf)	W	1,500	800	800	
	C	5,500	3,100	3,100	
	E	1,600	900	900	
	Total	8,600	4,800	4,800	0
Rockfish (Demersal Shelf)	S.E. Out.	434	425	425	0
Thornyhead	G W	1,798	1,398	1,398	0
Other Species	G W	0	14,628	14,628	0
GULF OF ALASKA TOTAL		664,606	307,189	307,189	0

TABLE 2. BERING SEA/ALEUTIAN ISLANDS GROUND FISH
 Preliminary 1992 Council Recommendations for Groundfish Specifications (metric tons)

Species	Area	ABC ¹	TAC	Seasons ²	Area	ITAC*	DAP
Pollock	EBS	1,421,000	1,100,000 ¹³	Roe (1/1 - 4/15)	EBS	374,000	374,000
	AI	75,900	75,900	Non-Roe (6/1 -12/31)	EBS	561,000	561,000
					AI	64,515	64,515
	518	0 - 102,000	20,000		518	17,000	17,000
Pacific cod		225,000 ¹⁴	180,000			153,000	153,000
Yellowfin sole		277,000	130,000			110,500	110,500
Greenland turbot		7,000	7,000			5,950	5,950
Arrowtooth flounder		116,400	20,000			17,000	17,000
Rock sole		246,500	60,000			51,000	51,000
Other flatfish		219,700	40,000			34,000	34,000
Sablefish	EBS	3,100	3,100			2,635	2,635
	AI	3,200	3,200			2,720	2,720
POP complex ¹⁵							
True POP	EBS	4,500 - 6,400	4,570 **			3,885	3,885
SR, RE, SC, Nrn	EBS	1,800	1,670 **			1,420	1,420
True POP	AI	10,600 - 16,900	10,775 **			9,159	9,159
SR, RE	AI	1,400	1,245 **			1,058	1,058
SC, Nrn	AI	4,000	3,440 **			2,924	2,924
Other rockfish	EBS	400	400 **			340	340
	AI	900	900 **			765	765
Atka mackerel		24,400	24,000 **			20,400	20,400
Squid		3,600	3,600			3,060	3,060
Other species		27,100	15,000			12,750	12,750
TOTALS		2,768,100 - 2,878,300	1,704,800			1,449,080	1,449,080

- ¹ Preliminary specifications subject to change upon incorporation of 1991 groundfish survey data. * Recommended TAC less 15% reserve.
² Seasonal allowances of pollock TAC are made after deduction for reserves. ** Equal to overfishing level
³ The Council will consider a range of 0.9 to 1.3 million metric tons for the final specification for pollock in December.
⁴ ABC on P. cod may be lowered substantially in December.
⁵ True POP: Pacific Ocean Perch; SR: Shortraker; RE: Rougheye; SC: Sharpchin; Nrn: Northern rockfish

TABLE 3. AP RECOMMENDATIONS FOR 1992 PSC APPORTIONMENTS

1992 BSAI PSC Apportionments to Trawl Fisheries

Fishery	Halibut Primary (mt)	Halibut Secondary	Herring (mt)	Red King Crab (Zone 1)	C. bairdi (Zone 1)	C. bairdi (Zone 2)
DAP Flatfish	660	800	83	40,000	100,000	825,000
Rock Sole	908	1,100	0	150,000	700,000	300,000
DAP Deep	165	200	8	0	0	50,000
Other	2,667	3,233	158	10,000	200,000	1,825,000
Mw Pollock	n/a	n/a	584	n/a	n/a	n/a
TOTAL	4,400	5,333	833	200,000	1,000,000	3,000,000

Quarterly Allowances of Halibut PSC Apportionment to DAP "Other" Fishery

Quarter	Percent	mt
1	45	1,455
2	40	1,293
3		
4	15	485
Total		3,233

Groundfish Management for 1992

Bycatch Amendment 19/24

The Council approved for public review an Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) for a plan amendment package of proposed bycatch management measures.

This package, Amendment 19 to the Bering Sea plan and Amendment 24 to the GOA FMP, contains the following proposed measures:

1. Enhancement of the Regional Director's hotspot authority in the BS/AI and extension to the GOA.
2. Improvement/expansion of the current bycatch incentive program.
3. Delay the Gulf of Alaska rockfish opening date.
4. Delay all groundfish opening dates in both the BS/AI and the GOA.
5. Establish a separate halibut PSC limit for fixed gear in the BS/AI.
6. Define new PSC apportionment categories in the BS/AI and prohibit all trawling for species in the 'Other Fishery' category when the bycatch allowance is reached.

The EA/RIR/IRFA for this Plan Amendment will go out for a public comment period between the September and December Council meetings with a final decision scheduled in December. The Council is recommending emergency action to implement the season changes proposed under this amendment. This includes delaying all trawl groundfish seasons in the Bering Sea and Aleutians and the Gulf of Alaska until January 20 and a delay of the directed rockfish fishery in the Gulf of Alaska until July 15. The delay in the rockfish season is for all gear types except jigging machines and does not include demersal shelf rockfish which are managed separately by the State of Alaska. These season delays are proposed to reduce the incidental take of chinook salmon in the trawl fisheries. Also included in this emergency action, relative to the GOA rockfish closure, is a reduction in the directed fishing standards by trawlers and longliners to no more than 5% for pelagic shelf rockfish fisheries and 15% for slope rockfish fisheries. This recommendation includes thornyheads and is meant to reduce the incentive to catch the high value fish during the closure period while still allowing for normal bycatch so these rockfish do not have to be discarded.

Recordkeeping and Reporting Requirements

The Council reviewed and adopted proposed changes by the NMFS to recordkeeping and reporting requirements for the upcoming fishing year. A regulatory amendment will be prepared and submitted to the Secretary for approval. Proposed changes are being made regarding logbooks, weekly production reports, daily production reports, permit applications, check-in/check-out reports, groundfish utilization surveys, news reports, and other miscellaneous items. Details of the proposed changes may be obtained from the NMFS. Observer coverage levels will remain the same for 1992.

Bycatch Standards

Bycatch standard rates for the vessel incentive program were adopted by the Council for the 1992 fishing year. These rates, along with the initial groundfish specifications, will be reviewed between now and the December Council meeting, with a final recommendation in December. The preliminary recommendations are as follows:

Halibut bycatch as a percentage of groundfish catch

	<u>1st quarter</u>	<u>2nd quarter</u>	<u>3rd quarter</u>	<u>4th quarter</u>
BS/AI P. cod	1.35%	1.85%	2.25%	2.25%
BS/AI Flatfish	1.31%	0.30%	0.50%	0.30%
GOA Rockfish	4.00%	4.00%	4.00%	4.00%
GOA P. cod	3.31%	4.13%	3.29%	5.15%

Zone 1 Red King Crab (number of crab per metric ton of groundfish)

	<u>1st quarter</u>	<u>2nd quarter</u>	<u>3rd quarter</u>	<u>4th quarter</u>
BS/AI Flatfish	2.88	1.50	1.50	1.50

The proposed 19/24 Plan Amendment for bycatch, if approved in December, may result in changes and additions to species categories under the vessel incentive program. This includes a possible salmon bycatch rate standard which would apply to all trawl fisheries.

7% Directed Fishing Standard

The Council voted to extend an emergency rule which reduces the directed fishing standard for Pacific cod in the midwater pollock fisheries to 7% in the BS/AI. This rule also reduces the directed fishing standard for all groundfish, in the midwater pollock fishery, to 7% in the GOA. When the halibut PSC trawl limit is reached in the GOA, all trawling for groundfish, other than pollock with pelagic trawls, is prohibited. The extension of this emergency rule will cover the remainder of the 1991 fishing year. For 1992 and beyond, this measure is being included in the 19/24 amendment package for final approval in December.

Observer Fee Program Remanded to NMFS

Final action was scheduled on a draft North Pacific Fisheries Research Plan which would establish a fee collection program to cover the costs of observers in the groundfish and crab fisheries. Testimony from industry and the Council's Advisory Panel indicated concerns over the goals and objectives of the program, the activities the funds would be used to support, whether adequate funding would be available for year-round coverage, and how the requirements for the State of Alaska's crab observer program would mesh with the groundfish observer program of the National Marine Fisheries Service.

Therefore, the Council remanded the plan back to NMFS to design a comprehensive plan identifying levels of observer coverage, methods of data input and transfer, administration, a budget to support these activities, and an estimate of funds that would be available under the one percent (1%) fee limit prescribed in the Magnuson Act. NMFS was requested to work with the Alaska Department of Fish and Game to ensure compatibility between the crab and groundfish programs. NMFS will report back to the Council in December for further action on the fee program.

Amendment Proposals/Staff Tasking

The Council solicited groundfish plan amendment proposals over the summer and received over 50 proposals for changes in the groundfish Fishery Management Plans (FMPs) for the Gulf of Alaska (GOA) and the Bering Sea/Aleutian Islands (BS/AI). After review by the groundfish Plan Teams and the Plan Amendment Advisory Group (PAAG), the Council addressed these proposals at their September meeting in Anchorage. The Council voted to refer the package of proposals back to the groundfish Plan Teams for further development, not as individual proposals, but in the context of the following broad issue categories.

1. Bycatch
2. Allocative/limited entry
3. Management areas, fishing seasons, and gear
4. Administrative

The Plan Teams will report back to the Council in December. The plan teams also are tasked with addressing two specific groundfish proposals in the 1991-1992 amendment cycle: (1) reinstatement of crab protective measures around Kodiak Island, which will expire at the end of 1992, and (2) development of alternatives to prohibit fishing in the international waters of the Donut Hole.

Additionally, the Council will request the State of Alaska to develop analyses of the following proposals:

1. Closure of the Eastern Gulf to all trawling.
2. Closure of bottom trawling around the Pribilof Islands (IPHC Area 4C).
3. A chinook salmon bycatch cap of .004 salmon/mt of groundfish.
4. Additional herring bycatch management measures.
5. Individual Transferrable Quotas (ITQs) for PSC amounts.

The Council will also request the International Pacific Halibut Commission to report on the extent to which they would be able to assist in the analysis of additional halibut bycatch management measures.

More Pressure on Donut Fisheries

The Council received the latest reports on the status of pollock stocks in the Bering Sea and Aleutians. Of particular concern is the Aleutian Basin stock which contributes to U.S. commercial fisheries near Bogoslof Island.

This stock is also fished in the international waters of the Bering Sea (the Donut Hole) where foreign fleets harvested almost 1.4 million mt in 1988 and 1989. The Donut Hole harvest declined to 876,000 mt in 1990, suggesting that the stock has been overexploited. Declines in catch per unit effort in the Donut and in actual catches indicate that the biomass has been substantially reduced. There has been a three to five-fold decrease in catch levels from 1989 to 1991. Over the same period, survey biomass in the Bogoslof District has declined from 2.1 million mt in 1989 to 0.6 million mt in 1991. It is apparent that the Bogoslof fishery will need to be curtailed in 1992, and that no fish are available to support a foreign fishery in the Donut Hole.

The Council has been pushing hard for a moratorium on fishing in the Donut Hole and has been closely monitoring international negotiations toward that goal. To provide further initiative, the Council has requested NMFS to develop regulations and permit conditions that would prohibit any vessel or processing facility from participation in any fishery under the Council's jurisdiction if any such vessel or processing facility is owned in whole or in part by any corporation, partnership or person that also directly or indirectly owns, leases, or charters in whole or in part a vessel that engages in the harvesting, processing, or purchasing of fish taken from the international waters of the Bering Sea. The term "participating in any fishery" includes delivery of fish by a harvesting or tendering vessel to a floating or shorebased processing facility and receipt of fish by a floating or shorebased processing facility. The Council will discuss this initiative further in December.

LIST OF UPCOMING MEETINGS

Meeting	Date/Time	Location
Sablefish/Halibut IFQ Technical Workgroup	Oct. 15-17, 1991 (Starts 1:00 PM, Oct. 15)	Alaska Fisheries Science Center 7600 Sand Point Way N.E. Building 4, Room 2079 Seattle, Washington
Sablefish/Halibut IFQ Industry Workgroup	Oct. 17-18, 1991 (Starts 3:00 PM, Oct. 17)	Alaska Fisheries Science Center Building 4, Room 2079
Fish Expo	Oct. 17-19	Council Booth in Exhibition Hall--Alaska "Pavilion"
Sablefish/Halibut IFQ Industry Workgroup	Nov. 4-5, 1991 (Starts 8:00 AM, Nov. 4)	BIA Conference Room Juneau, Alaska
GOA & BSAI Groundfish Plan Teams Meetings	Nov. 12-15, 1991 (Starts 1:00 PM, Nov. 12)	Alaska Fisheries Science Center Building 4, Room 2079
Public Hearing Halibut & Sablefish IFQ Implementation Plan	Dec. 2, 1991	Anchorage, Alaska Location yet to be determined
NPFMC Advisory Panel/Scientific & Statistical Committee Meetings	Begin Dec. 2	Hilton Hotel Anchorage, Alaska
North Pacific Fishery Management Council Meeting	Begins Dec. 3	Hilton Hotel Anchorage, Alaska

SABLEFISH AND HALIBUT FIXED GEAR MANAGEMENT PLAN

Sec.1. DEFINITIONS. Definitions for terms used herein shall be the same as those contained in the Magnuson Fishery Conservation and Management Act, except as follows:

(A) "Person" means any individual who is a citizen of the United States or any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any state) which meets the requirements set forth in 46 CFR Part 67.03, as applicable. This definition is subject to other restrictions and conditions as set forth in Sec.(2)(C) and (D).

(B) An "individual" means a natural person who is not a corporation, partnership, association, or other entity.

(C) "Quota share" (QS) means a percentage of the fixed gear Total Allowable Catch (TAC) for each management area which is based on historical, qualifying landings.

(D) "Individual fishery quota" (IFQ) means the annual poundage of fish derived by applying the quota share percentage to the annual TAC for each management area.

(E) "Fixed gear" means hook and line fishery (which includes longlines, jigging, handlines, trolling, etc.) and pot gear for sablefish in the BS/AI.

(F) "Catcher boat" or "catcher vessel" means any vessel which delivers catch or landing in an unfrozen state.

(G) "Freezer longliner" means any vessel engaged in fishing in the fixed gear fishery which utilizes freezer capacity and delivers some or all of its catch in a frozen state.

(H) "Bona fide fixed gear crew member." Any person that has acquired commercial fish harvesting time at sea (i.e. fish harvesting crew), that is equal to 15 months of any commercial fish harvesting activity, to include at least 4 months fixed gear fish harvesting, will be considered a bona fide fixed gear crew member. Any individual who receives an initial allocation of QS will be considered a bona fide crew member.

Sec.2. FIXED GEAR QUOTA SHARE AND INDIVIDUAL FISHERY QUOTA SYSTEM

(A) **AREA.** Quota shares and Individual Fishery Quotas (IFQs) shall be made available for each of the management areas identified for the Bering Sea and Aleutian Islands and the Gulf of Alaska.

(B) **INITIAL QUOTA SHARE ASSIGNMENT.**

(1) Initial assignments of Quota Shares shall be made to;

(i) a qualified person who is a vessel owner who meets the requirements in this section; or

(ii) a qualified person who meets the requirements of this section engaged in a lease or other "bare-boat charter" arrangement in order to participate in the fishery. (For instances identified under this section, the qualified person shall receive full credit for deliveries made while conducting the fishery under such a lease or arrangement.)

(2) Initial quota shares for sablefish or halibut will be assigned only to persons who meet all other requirements of this section and who have landed those species in 1988, 1989 or 1990.

(3) Initial assignments of quota shares shall be assigned for each management area to qualified persons based on recorded landings, as documented through fish tickets or other documentation for fixed gear landings. Historical catch of sablefish will be counted from 1985 through 1990. Historical catch of halibut will be counted from 1984 through 1990. For each species and management area,

persons will select their best five (5) years from the historical period on which to base their quota share.

- (4) The sum of the catch in each person's five (5) selected years for each area shall be divided by the total qualifying poundage of sablefish or halibut harvested during the qualifying period in that area. The resultant percentage shall be that person's quota share for that area.

(C) **VESSEL CATEGORIES.** Quota shares and IFQs shall be assigned by vessel category as follows:

(1) **Freezer Longliner Shares:**

- (i) All landings made during the qualifying period by freezer longliners shall be calculated for one category of quota shares.
- (ii) Any person owning freezer longliner quota shares may sell or lease those quota shares to any other qualified person for use in the freezer longliner category.
- (iii) Fish caught with freezer longliner IFQs may be delivered frozen or unfrozen.

(2) **Catcher Boat Shares:**

- (i) All landings made during the qualifying period by catcher boats shall be calculated for a separate category of quota shares. There shall be two categories for catcher boats;
 - (a) vessels less than 60 feet in length overall;
 - (b) vessels 60 feet and greater in length overall.
- (ii) For initial allocation of catcher boat Quota Shares:
 - (a) if, during the qualifying period, a QS recipient simultaneously owned or leased two or more vessels on which halibut or sablefish were landed, and those vessels were in different size categories, then the QS allocation shall be for each vessel category and may not be combined into a single category.
 - (b) if a Q.S. recipient bought or sold vessels in succession during the qualifying period, and to the extent the QS recipient operations were in one vessel category during one year and the next vessel owned was in another vessel category, the QS will be combined and applied to the last vessel category of ownership as of 9/25/91.
- (iii) Any person owning catcher boat quota shares may sell those quota shares only to an individual meeting the provisions outlined under Sec. 2(C)(3). Ten percent of an individual's catcher boat quota shares may be leased during the first three years following implementation.
- (iv) Fish caught with catcher boat quota shares may not be frozen aboard the vessel utilizing those quota shares.

(3) **General Provisions For Catcher Boats Following Initial Allocation:**

- (i) In order to purchase or lease QS, the purchaser must be an individual who is a U.S. citizen and a bona fide fixed gear crew member.

- (ii) In order to use catcher boat IFQs the user must: 1) own or lease the QS, 2) be a U.S. citizen, 3) be a bona fide crew member, 4) be aboard the vessel during fishing operations, and 5) sign the fish ticket upon landing except as noted in (iii), below.
- (iii) Persons, as defined below, who receive initial QS may utilize a hired skipper to fish their quota providing the person owns the vessel upon which the QS will be used. These recipients may purchase up to the total share allowed for the area. There shall be no leasing of such QS other than provided for in Sec.(C)(2)(iii). In the area east of 140°W. in the Gulf of Alaska, this section shall apply only to that amount of quota shares initially issued to corporations and partnerships. *(Additional shares purchased by these corporations or partnerships for the area east of 140°W. will not be exempted from the provisions of this section, nor does this exception apply to individuals using IFQs east of 140 W.¹)*

This provision will cease upon the sale or transfer of QS or upon any change in the identity of the corporation or partnership as defined below:

- a) **corporation:** any corporation that has no change in membership except that caused by the death of a corporate member providing the death did not result in any new corporate members,
- b) **partnership:** any partnership that has no change in membership,
- c) **individual:** any individual.
- (iv) Quota shares, or IFQs arising from those quota shares, for any vessel category or any management area may not be transferred to any other vessel category or any other management area or between the catcher boat and the freezer boat categories.
- (v) The Secretary may, by regulation, designate exceptions to Sec.2(C)(3)(ii) to be employed in case of personal injury or extreme personal emergency which allows the transfer of catcher boat QS/IFQs for limited periods of time.

(D) LIMITATIONS ON OWNERSHIP AND USE OF QUOTA SHARES.

(1) Quota Shares Ownership Caps

- (i) For sablefish each qualified person or individual may own, hold, or otherwise control, individually or collectively, but may not exceed, 1% of the combined total for the Gulf of Alaska and Bering Sea/Aleutian Islands; except that in the area east of 140°W. holdings shall not exceed 1% for that management area.
- (ii) For halibut each qualified person or individual may own, hold, or otherwise control, individually or collectively, but may not exceed, 0.5% of the total quota shares or IFQ arising from those QS for either the Gulf of Alaska or Bering Sea/Aleutian Islands, not to exceed 0.5% of the combined total for the Gulf of Alaska and Bering Sea/Aleutian Islands; except that in area 2C holdings shall not exceed 1% of that management area.

(2) Any person who receives an initial assignment of quota shares in excess of the limits set forth in paragraph (D)(1) of this section shall:

- (i) be prohibited from purchasing, leasing, holding or otherwise controlling additional quota shares until that person's quota share falls below the limits set forth in (D)(1) above, at

1. Text shown in *italics* are clarifications added by the staff to indicate Council intent.

which time each such person shall be subject to the limitations of paragraph (D)(1) above; and

- (ii) be prohibited from selling, trading, leasing or otherwise transferring any interest, in whole or in part, of an initial assignment of quota share to any other person in excess of the limitations set forth in (D)(1) above.

(3) For IFQ accounting purposes:

- (i) The sale of catcher vessel caught sablefish or halibut to other than a legally registered buyer is illegal, except that direct sale to dockside customers is allowed provided proper documentation of such sales is provided to NMFS;
- (ii) Frozen product may only be offloaded at sites designated by NMFS for monitoring purposes;
- (iii) QS owners wishing to transport their catch outside of the jurisdiction of the Council must first check in their catch at a NMFS specified site and have the load sealed.

(E) **INDIVIDUAL FISHERIES QUOTAS.** Individual fisheries quotas are determined for each calendar year for each person by applying that person's quota share percentage to the annual fixed gear Total Allowable Catch for each management area. Persons must control IFQs for the amount to be caught before a trip begins.

(F) **VESSEL AND GEAR RESTRICTIONS.**

(1) **Vessel Quota Share Caps**

- (i) For sablefish, no more than 1% of the combined Gulf of Alaska and Bering Sea/Aleutian Island quota may be taken on any one vessel, and no more than 1% of the TAC east of 140°W. may be landed on the same vessel, except that persons who received an initial allocation of more than the 1% overall ownership level (or 1% in the area east of 140°W.) may continue to fish their QS.
- (ii) For halibut, no more than 0.5% of the combined Gulf of Alaska and Bering Sea/Aleutian Island quota may be taken on any one vessel except where persons received an initial allocation of more than 0.5% overall ownership level (1% in area 2C) may continue to fish their QS. *(This differs from the ownership cap in that the limit applies to the whole North Pacific combined area TAC rather than the combined TAC for the Gulf of Alaska and the combined TAC Bering Sea/Aleutian.)*

- (2) Quota shares and IFQs arising from those quota shares may not be applied to; 1) trawl-caught sablefish or halibut, or 2) sablefish or halibut harvested utilizing pots in the Gulf of Alaska, or 3) halibut harvested utilizing pots in the Bering Sea/Aleutian Islands, except under an applicable bycatch program approved by the Secretary.

(G) **ADMINISTRATION AND ENFORCEMENT.**

- (1) All sales, transfers, or leases of quota shares (or IFQ arising from those quota shares) must occur in a manner approved by the Secretary. All quota share and IFQ assignments and transfers will be administered by NMFS based on regulations established by the Secretary. The Secretary, in promulgating such regulations, shall hold at least one public hearing in each state represented on the Council and in at least one community in each of the management areas governed by the Council.

- (2) The Secretary will promulgate regulations to establish a monitoring and enforcement regime to assure compliance with this program. Persons holding QS, who are found to be in violation of these sections or in violation of under-reporting catch, will be subject to appropriate penalties as designated by the Secretary, including forfeiture of their Quota Shares. *(The Council also directs the implementation teams to develop and recommend appropriate penalties and strictures to the Secretary of Commerce.)*
- (H) DURATION. QS are a harvest privilege, and good indefinitely. However, they constitute a use privilege which may be modified or revoked by the Council and the Secretary at any time without compensation.
- (I) DISCARDS *(The intent of the following sections is to eliminate high-grading by persons fishing under the IFQ program.)*
- (1) DISCARDS OF SABLEFISH. Discard of sablefish is prohibited by persons holding sablefish QS and those fishing under the community development programs (CDQs).
- (2) DISCARDS OF HALIBUT. Discard of legal sized halibut is prohibited by catcher vessels on which halibut IFQs are harvested, and by those fishing under the CDQ program. Vessels in the freezer longliner category are exempt from this discard prohibition.
- (J) Any person catching sablefish or halibut with commercial fixed gear must own or otherwise control IFQs. There are two exceptions to this rule: 1) Freezer longliner owners who do not control IFQs must discard pursuant to Section 2(I) above. 2) Vessels utilizing pots in the Gulf of Alaska may continue to harvest non-IFQs species but must discard sablefish and halibut. *(The intent of the Council is to prohibit open access fixed gear fisheries for sablefish and halibut, and to require that persons who catch sablefish and/or halibut as bycatch must own or control IFQs for those species, with the exceptions noted above.)*

Sec.3. WESTERN ALASKA COMMUNITY DEVELOPMENT QUOTA PROGRAM.

- (A) PURPOSE AND SCOPE. The Western Alaska Community Development Quota Program is established to provide fishermen who reside in western Alaska communities a fair and reasonable opportunity to participate in the Bering Sea/Aleutian Islands sablefish and halibut fisheries, to expand their participation in salmon, herring, and other nearshore fisheries, and to help alleviate the growing social economic crisis within these communities. Residents of western Alaska communities are predominantly Alaska Natives who have traditionally depended upon the marine resources of the Bering Sea for their economic and cultural well-being. The Western Alaska Community Development Quota Program is a joint program of the Secretary and the Governor of the State of Alaska. Through the creation and implementation of community development plans, western Alaska communities will be able to diversify their local economies, provide community residents with new opportunities to obtain stable, long-term employment, and participate in the Bering Sea/Aleutian Islands sablefish and halibut fisheries which have been foreclosed to them because of the high capital investment needed to enter the fishery.

The NMFS Regional Director shall hold the designated percent of the annual Total Allowable Catch of sablefish and halibut for each management area in the Bering Sea and Aleutian Islands for the western Alaska halibut community quota as noted below. These amounts shall be released to eligible Alaska communities who submit a plan, approved by the Governor of Alaska, for its wise and appropriate use. The portions of sablefish and halibut TACs for each management area not designated to CDQ fisheries will be allocated as QS and IFQs and shall be used pursuant to the program outlined in the Sections (1) and (2) above.

- (B) WESTERN ALASKA SABLEFISH COMMUNITY QUOTA
- (1) The NMFS Regional Director shall hold 20 percent of the annual fixed-gear Total Allowable Catch of sablefish for each management area in the Bering Sea/Aleutian Islands Area for the western Alaska sablefish community quota.

- (2) Not more than 12 percent of the total western Alaska sablefish community quota may be designated for a single community, except that if portions of the total quota are not designated by the end of the second quarter, communities may apply for any portion of the remaining quota for the remainder of that year only.
- (3) Those persons that would otherwise have received a full complement of sablefish QS in the Bering Sea and Aleutian Islands area, but would receive less due to the provisions of CDQs, would be permitted to add that portion of the QS they lost in the Bering Sea and Aleutian Islands to their QS in the Gulf of Alaska. The portion added, would be allocated proportionately to the areas in the GOA in which that person had accrued initial QS. *(Those persons who would receive less QS because of the CDQ program, but who would not otherwise receive QS in area of the Gulf of Alaska, would not be compensated. Additionally, persons who receive initial QS in areas in the Bering Sea and Aleutian Islands and who would also be eligible to participate in the sablefish CDQ program would not be compensated.)*

(C) WESTERN ALASKA HALIBUT COMMUNITY QUOTA.

- (1) For IPHC management area 4E, 100% of the halibut quota shall be made available only to residents of coastal communities physically located in or proximate to each management subarea. Trip limits of less than 6,000 pounds will be enforced.
- (2) For IPHC management area 4C, 50% of the halibut quota, exclusive of issued QS, shall be made available for a community fisheries development program for residents of communities physically located in or proximate to the management area.
- (3) For IPHC management area 4B, 20% of the halibut quota, exclusive of issued QS, shall be made available to residents of disadvantaged western Alaska coastal communities physically located in or proximate to the management area.
- (4) For IPHC management area 4D, 30% of the halibut quota shall be made available to residents of disadvantaged western Alaska coastal communities located in IPHC area 4E for a community fisheries development (CDQ) program.
- (5) Those persons that would otherwise have received a full complement of QS in areas 4B, C, D, & E, but would receive less due to the provisions of CDQs, would be permitted to add that portion of the QS they lost in the Bering Sea to their QS in the Gulf of Alaska. The portion added, would be allocated proportionately to the areas in the GOA in which he had accrued initial QS. *(Those persons who would receive less QS because of the CDQ program, but who would not otherwise receive QS in area of the Gulf of Alaska, would not be compensated. Additionally, persons who receive initial QS in areas in the Bering Sea and Aleutian Islands and who would also be eligible to participate in the halibut CDQ program would not be compensated.)*

(D) ELIGIBLE WESTERN ALASKA COMMUNITIES. The Governor of Alaska is authorized to recommend to the Secretary that a community within western Alaska which meets all of the following criteria be eligible for the western Alaska community quota program (hereinafter "the Program"):

- (1) be located on or proximate to the Bering Sea coast from the Bering Strait to the western most of the Aleutian Islands or a community located on an island within the Bering Sea, that the Secretary of the Interior has certified pursuant to section 11(b)(2) or (3) of Pub. L. No. 92-203 as Native villages are defined in section 3(c) of Pub. L. No. 92-203;
- (2) be unlikely to be able to attract and develop economic activity other than commercial fishing that would provide a substantial source of employment;

- (3) its residents have traditionally engaged in and depended upon fishing in the waters of the Bering Sea coast;
- (4) has not previously developed harvesting or processing capability sufficient to support substantial participation in the commercial groundfish fisheries of the Bering Sea/Aleutian Islands because of a lack of sufficient funds for investing in harvesting or processing equipment; and
- (5) has developed a community development plan approved by the Governor, after consultation with the North Pacific Fishery Management Council.

(F) **COMMUNITY DEVELOPMENT PLANS.** Within 60 days of the effective date of these regulations, the Governor shall submit to the Secretary, after review by the North Pacific Fishery Management Council, initial criteria which the community must, at a minimum, include in a community development plan to be eligible to participate in the program. The criteria shall include provisions concerning the following:

- (1) amount of quota requested;
- (2) length of time community is requesting to receive a share of the quota;
- (3) benefits that will accrue to the community from approval of their plan and release of quota, including how the plan will assist in diversifying the community's economy and provide opportunities for training and employment;
- (4) how individual resident harvesters will be provided an opportunity to participate in the fishery;
- (5) how the benefits will be shared within the community;
- (6) business plan which will provide adequate information to complete a financial feasibility assessment;
- (7) business arrangements which are entered into between a community and residents who reside outside of the community, provided that residents of a community shall received a preference for a portion of the harvesting quota over any arrangements for harvesting with persons who reside outside of the community; and
- (8) within 30 days of receipt of the criteria from the Governor, the Secretary will approve, disapprove, or return the criteria to the Governor with recommendations for changes necessary to comply with the provisions of this Act, or other applicable law.

(E) **APPROVAL OF PLANS**

- (1) Within 45 days of receipt of an application for a community, the Governor shall review the community's eligibility for the program and the community development plan, and at least 14 days prior to the next NPFMC meeting, forward the application to the North Pacific Fishery Management Council for its review and recommendations. The Governor of Alaska may hold a public hearing and submit a synopsis of that hearing to the Council in lieu of a hearing by the Council itself. The application shall be subject to a public hearing before the Council, or a committee of the Council. If the Council does not review the plan at its next regularly scheduled meeting, the Governor shall then submit the application to the Secretary for designation of a portion of the quota. The Governor shall submit the application to the Secretary within 14 days of Council action or within 14 days of the date of the adjournment of the Council meeting without any action taken on the application, unless the application is withdrawn by the applying community.

- (2) Within 30 days of the receipt of an application approved by the Governor, the Secretary will designate a portion of the quota to the community, if the community development plan satisfies the criteria developed by the Governor and approved by the Secretary, or return the application to the Governor with reasons for denial.

Sec.5. AD HOC WORKING GROUPS. Two ad hoc working groups shall be established. One by the Council composed of but not limited to representatives from fixed gear vessel owners, crew members and processors, who would likely be affected by the Council's action on IFQs. The second group will be established by the Alaska Regional Director, NMFS, composed of administration, data management, enforcement, and legal professionals. The groups will develop a detailed implementation plan covering all aspects of the carrying out the Council's preferred alternative for a fixed gear IFQ management program (for sablefish and halibut). All states represented on the Council shall be given an opportunity to provide technical input to the groups.