

North Pacific Fishery Management Council

Richard B. Lauber, Chairman
Clarence G. Pautzke, Executive Director

605 West 4th Avenue
Anchorage, Alaska 99501



Mailing Address: P.O. Box 103136
Anchorage, Alaska 99510

Telephone: (907) 271-2809
FAX (907) 271-2817

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NEWSLETTER

Council Approves Sablefish/Halibut IFQs and 1992 Groundfish Specifications at December Meeting

The North Pacific Fishery Management Council met December 3-9 in Anchorage to set groundfish harvest levels and bycatch limits and apportionments for 1992. As in 1991, all quotas were apportioned to fully domestic fisheries. The Council also approved an Individual Fishing Quota (IFQ) system for the fixed gear sablefish and halibut fisheries. Other major action included changes in bycatch management measures for 1992. Details of these items and other Council actions at their December meeting are provided in this newsletter.

The Council will meet next for three days, January 15-17 at the downtown Hilton Hotel in Portland, Oregon. Major items scheduled for that meeting include further considerations of the proposed vessel moratorium and the revised North Pacific Fisheries Research Plan, discussion of crab management, and consideration of proposed changes in the start of the pollock "B" season for the Bering Sea and Aleutians for 1993, and the second quarter Gulf of Alaska pollock opener for 1992.

1992 Advisory Committee Appointments Announced

Advisory Panel. Seven new members have been appointed to the Council's Advisory Panel for 1992:

Gary Cadd	Kenai Peninsula Sportsmen's Assn.
Dan Falvey	Alaska Longline Fishermen's Assn.
Dean Paddock	Bristol Bay Driftnetters Assn.
Penny Pagels	Greenpeace
Byron Pfundt Assn.	Petersburg Vessel Owners Assn.
John Sevier	Alaska Pacific Seafood
Michael Stevens	ProFish International

The following fourteen Advisory Panel members were reappointed for the coming year:

John Bruce	Deep Sea Fishermen's Union
Al Burch	Alaska Draggers Assn.
Phil Chitwood	Arctic Alaska Fisheries
Dave Fraser	American High Seas Fisheries Assn.
Kevin Kaldestad	Kaldestad Fisheries
David Little	Clipper Seafoods
Pete Maloney	UniSea
Perfenia Pletnikoff	Central Bering Sea Fishermen's Assn.

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John Roos	Pacific Seafood Processors Assn.
Harold Sparck	Bethel
Beth Stewart	Aleutian East Borough
John Woodruff	Alaska Fresh Seafood, Inc.
Robert Wurm	Kodiak Longline Vessel Owners Assn.
Lyle Yeck	Oregon

Scientific and Statistical Committee. The Council reappointed all twelve members of the Scientific and Statistical Committee for another one-year term. Members of the SSC are:

William Aron	Alaska Fisheries Science Center, NMFS
John Burns	Fairbanks
William Clark	International Pacific Halibut Commission
Douglas Eggers	Alaska Department of Fish and Game
Larry Hreha	Oregon Department of Fish and Wildlife
Daniel Huppert	Univ. of Washington Institute of Marine Studies
Gordon Kruse	Alaska Department of Fish and Game
Richard Marasco	Alaska Fisheries Science Center, NMFS
Marc Miller	Univ. of Washington, School of Marine Affairs
Terrance Quinn II	Univ. of Alaska, Juneau Center for Ocean Sciences
Donald Rosenberg	Retired, Alaska Sea Grant College Program
Jack Tagart	Washington Department of Fisheries

Gulf of Alaska Groundfish Specifications for 1992

The Council established Gulf of Alaska groundfish specifications for the upcoming 1992 fisheries, including recommended Acceptable Biological Catches (ABCs), Total Allowable Catches (TACs), and Prohibited Species Catch (PSC) limits. Twenty-five percent of the preliminary TACs (set in September) will go forward as interim harvest limits for the first of the fishing year until superseded by the final specifications published in late January. The final specifications are summarized in Table 1 and are based on the most current stock assessment information contained in the Stock Assessment and Fishery Evaluation (SAFE) document, which the Council reviewed and approved at the December meeting.

Some notable changes from 1991 involve the pollock fisheries in the Gulf of Alaska. In addition to a reduced TAC of 87,400 mt, the pollock fishery also is affected by sea lion protective measures instituted by Amendment 25 to the Gulf of Alaska FMP. These measures include quarterly apportionment of the Western/Central area TAC, subdivision of the Western/Central TAC into three geographic sub-areas (divisions at 154 degrees W and 159 degrees W), and a limit on the amount that can be rolled over from one quarter to the next. The sea lion protective measures will go into effect on or about January 20 of the 1992 fishing year. All trawling for any groundfish species is prohibited until January 20th or until these measures are in effect, whichever comes later.

The Council also reduced the TAC for Pacific cod by 20% to 63,500 mt and the TAC for sablefish by 10% to 20,800 mt. All other groundfish stocks remain relatively stable compared to 1991, though the TACs for arrowtooth flounder and deepwater flatfish have been increased in the Central Gulf because of increased demand for these species. The total TAC for all groundfish for 1992 in the Gulf of Alaska is 282,066 mt, all of which is allocated to Domestic Annual Processing (DAP).

**TABLE 1. GULF OF ALASKA
1992 Council Recommendations for ABC, TAC, and Apportionments**

9-Dec-91

All Values in Metric Tons

Species	Area	Council		Council	
		ABC	TAC	DAP	JVP
Pollock	W/C	96,000	84,000	84,000	
	Shelikof	0	0	0	
	E	3,400	3,400	3,400	
	Total	99,400	87,400	87,400	0
Pacific Cod	W	23,500	23,500	23,500	
	C	39,000	39,000	39,000	
	E	1,000	1,000	1,000	
	Total	63,500	63,500	63,500	0
Flatfish, Deep	W	1,740	1,740	1,740	
	C	33,550	15,000	15,000	
	E	3,990	3,000	3,000	
	Total	39,280	19,740	19,740	0
Flathead sole	W	12,580	2,000	2,000	
	C	31,990	5,000	5,000	
	E	3,710	3,000	3,000	
	Total	48,280	10,000	10,000	0
Flatfish, Shallow	W	27,480	3,000	3,000	
	C	21,260	7,000	7,000	
	E	1,740	1,740	1,740	
	Total	50,480	11,740	11,740	0
Arrowtooth	W	38,880	5,000	5,000	
	C	253,320	15,000	15,000	
	E	11,680	5,000	5,000	
	Total	303,880	25,000	25,000	0
Sablefish	W	2,500	2,500	2,500	
	C	9,570	9,570	9,570	
	W. Yakutat	3,740	3,740	3,740	
	E. Yak./S.E. Out.	4,990	4,990	4,990	
	Total	20,800	20,800	20,800	0
Pacific Ocean Perch	W	1,620	1,470	1,470	
	C	1,720	1,561	1,561	
	E	2,390	2,169	2,169	
	Total	5,730	5,200	5,200	0
Shortraker/Rougheye	W	100	100	100	
	C	1,290	1,290	1,290	
	E	570	570	570	
	Total	1,960	1,960	1,960	0
Other Slope	W	1,390	1,390	1,390	
	C	6,510	6,510	6,510	
	E	6,160	6,160	6,160	
	Total	14,060	14,060	14,060	0
Rockfish (Pelagic Shelf)	W	1,212	1,212	1,212	
	C	4,393	4,393	4,393	
	E	1,281	1,281	1,281	
	Total	6,886	6,886	6,886	0
Rockfish (Demersal Shelf)	S.E. Out.	550	550	550	0
Thornyhead	G W	1,798	1,798	1,798	0
Other Species	G W	0	13,432	13,432	0
GULF OF ALASKA TOTAL		656,604	282,066	282,066	0

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 1992, the Council recommends the following halibut PSC apportionments for the Gulf of Alaska groundfish fisheries:

	<u>Trawl gear</u>		<u>Hook and line gear</u>
1st quarter	600 mt (30%)	1st trimester	190 mt (25.6%)
2nd quarter	600 mt (30%)	2nd trimester	500 mt (67.6%)
3rd quarter	400 mt (20%)	3rd trimester	50 mt (6.8%)
4th quarter	400 mt (20%)		
TOTALS	2000 mt		740 mt

For hook and line gear, the second trimester would be released coincidental with the opening of the sablefish season on May 15, and would end on August 31. The third trimester apportionment will be released on September 1. As in 1991, pot gear would be exempt from the halibut PSC limits. For 1992, the Council is recommending a separate PSC allowance of 10 mt for the demersal shelf rockfish fisheries in the Southeast Outside District. The total halibut PSC limit for all fisheries/all gear types is 2,750 mt, the same as for 1991.

As a basis for establishing a separate halibut PSC allowance for the demersal shelf rockfish fisheries, the Council approved a regulatory amendment prepared by NMFS which establishes that authority. The regulatory amendment also will provide NMFS the authority to establish directed fishing standards for demersal shelf rockfish. Current regulations, established under the authority of the State of Alaska, allow for retention of up to 10% demersal shelf rockfish as measured against other retained species. Under this directed fishing standard, NMFS is concerned that the entire demersal shelf rockfish TAC could be taken as retainable bycatch by "topping off" in other fisheries such as the 'other' rockfish, thornyhead, and deepwater flatfish fisheries. Under the regulatory amendment approved by the Council, NMFS may reduce this directed fishing standard to 1%.

In action on bycatch amendment 19/24, the Council delayed the opening date for trawl fisheries for Gulf rockfish to the Monday closest to the start of the third quarter, June 29 for 1992.

Bering Sea/Aleutian Islands Groundfish Specifications for 1992

The Council adopted final groundfish specifications for the 1992 fisheries in the Bering Sea and Aleutian Islands including recommended Acceptable Biological Catches (ABCs), Total Allowable Catches (TACs), Vessel Incentive Program (VIP) rate standards, and Prohibited Species Catch (PSC) limits and seasonal apportionments. Pollock continues to dominate the BS/AI fishery; for 1992 the Council recommended a BS/AI pollock TAC of 1,300,000 mt for the Eastern Bering Sea, 51,600 mt for the Aleutian Islands area, and 1,000 mt for the newly created Bogoslof District (518). This represents nearly 70% of the total groundfish tonnage available. The Council also split the Bering Sea pollock TAC into a roe-season (January 20 - April 15) allowance of 442,000 mt and a non-roe (June 1 - December 31) allowance of 663,000 mt. The Council chose not to split the Aleutian Islands TAC. By setting the Bogoslof TAC at 1,000 mt, the Council is recommending that NMFS not allow directed fishing for pollock in this area. This amount will serve as bycatch in non-pollock fisheries. This action responds to continued concern for the health of the Aleutian Basin pollock stock. Stock scientists at the Alaska Fisheries Science Center have presented information that indicates that the Aleutian Basin stock supports the Bering Sea "donut hole" fishery.

Bering Sea/Aleutian Islands groundfish specifications are presented in Table 2. Most BS/AI groundfish stocks appear to be healthy. There is a large increase in the ABCs for Atka mackerel and yellowfin sole, however, Pacific cod ABC decreased about 20% from last year and the TAC was reduced by 47,000 mt.

**Table 2. BERING SEA/ALEUTIAN FISHERIES GROUND FISH
1992 Council Recommended Groundfish Specifications (mt)**

Species	Area	Seasons\1	ABC	TAC	ITAC\2	Seasonal Allowances	DAP
Pollock	EBS	Roe (1/20-4/15)	1,490,000	1,300,000	1,105,000		1,105,000
		Non-Roe (6/1-12/31)				442,000	40%
	AI		51,600	51,600	43,860		43,860
		518		25,000	1,000	850	
Pacific cod			182,000	182,000	154,700		154,700
Yellowfin sole			372,000	235,000	199,750		199,750
Greenland turbot			7,000	7,000	5,950		5,950
Arrowtooth flounder			82,300	10,000	8,500		8,500
Rock sole			260,800	40,000	34,000		34,000
Other flatfish			199,600	79,000	67,150		67,150
Sablefish	EBS		1,400	1,400	1,190		1,190
	AI		3,000	3,000	2,550		2,550
POP complex							
True POP	EBS		3,540	3,540	3,009		3,009
Other POP complex	EBS		1,400	1,400	1,190		1,190
True POP	AI		11,700	11,700	9,945		9,945
Sharp/Northern	AI		5,670	5,670	4,820		4,820
Short/Rougheye	AI		1,220	1,220	1,037		1,037
Other rockfish	EBS		400	400	340		340
	AI		925	925	786		786
Atka mackerel			43,000	43,000	36,550		36,550
Squid			3,600	2,000	1,700		1,700
Other species			27,200	20,000	17,000		17,000
BS/AI TOTAL			2,773,355	1,999,855	1,699,877		1,699,877

\1 Only the EBS pollock fishery is seasonally apportioned

\2 Recommended TAC less 15% reserve

Fixed gear fishing will open in the Bering Sea and Aleutians on January 1, 1992. Rock sole and other trawl fisheries will open on January 20, 1992. Fisheries for yellowfin sole, Greenland turbot, arrowtooth flounder and other flatfish will open May 1.

Bering Sea/Aleutian Islands PSC Bycatch Apportionments

Table 3 presents the 1992 apportionments of prohibited species (halibut, herring and crab) catch limits among several trawl fisheries. Attainment of an apportionment or seasonal allowance of PSC will close the fishery. Approval of Amendment 19 to the BS/AI Fishery Management Plan will establish new PSC apportionment groups as presented in Table 3. The Council recommended not apportioning any PSC to the Greenland turbot/arrowtooth flounder/sablefish group because the Council intends that these species should be utilized as bycatch only. The Council recommended reducing the trawl halibut PSC cap of 5,333 mt by 300 mt of halibut mortality and established a fixed gear halibut PSC of 750 mt. Regarding herring PSC, Alaska Department of Fish and Game estimates the Eastern Bering Sea biomass to be approximately 956,000 mt, of which 1%, or 956 mt, is apportioned as PSC to the trawl fishery groups.

Environmental Assessments for 1992 Groundfish Fisheries

NMFS has prepared draft Environmental Assessments (EAs) for the 1992 groundfish fisheries in both the Bering Sea/Aleutian Islands and the Gulf of Alaska. They analyze the potential impacts on the marine environment of the 1992 groundfish quotas relative to the quotas set for 1991. The Council has approved these draft EAs. They will be revised to incorporate the final specifications from the December meeting and will be available for public comment when the final specifications are published, likely in late January.

Recordkeeping and Reporting Requirements for 1992

Annual changes to the NMFS recordkeeping and reporting requirements are presented to the Council for its review each fall, prior to implementation for the next fishing year. The proposed changes for 1992 were reviewed at the September and December meetings. NMFS will be preparing a Proposed Rulemaking to implement these changes which will be published in late December. Industry and public may comment during January prior to the Final Rulemaking. Major changes include (but are not limited to):

1. For logbooks, require shoreside processors to record landed weight of retained groundfish.
2. For weekly production reports, require shoreside processors to report landed retained product type and weight, catcher vessel and processor discard amounts, and finished product weights. Also, require processors to indicate intended target species for the upcoming week.
3. For daily production reports, require shoreside processors to report landed product type and weight, catcher vessel and processor discard amounts, and finished product weights for species for which daily reports are required.

Other miscellaneous changes will be required for 1992. For more detail, contact Sue Salveson at NMFS Regional Office in Juneau (907/586-7228).

**Table 3. Council Recommendations for Apportionments to PSC Categories
1992 BSAI Trawl Fisheries**

Fishery Group	Halibut, Primary	Halibut, 2nd	Herring	Red King Crab	C. bairdi	C. bairdi
	(mt)	(mt)	(mt)	Zone1	Zone1	Zone2
1 <u>G. Turbot, A. Flounder & Sablefish</u>	0	0	0	0	0	0
2 <u>Yellowfin Sole</u>	743	849	134	75,000	100,000	1,225,000
May-July	50%	50%				
August - December	50%	50%				
3 <u>Rock Sole & O. Flatfish</u>	660	755	0	85,000	700,000	300,000
First Quarter	75.0%	75.0%				
Second Quarter	12.5%	12.5%				
Third Quarter	12.5%	12.5%				
Fourth Quarter	0%	0%				
4 <u>Pacific Cod</u>	2,063	2,359	29	10,000	100,000	712,500
First Quarter	60%	60%				
Second Quarter	30%	30%				
Third Quarter	10%	10%				
Fourth Quarter	0%	0%				
<u>Rockfish</u>	330	377	10	0	0	50,000
First Quarter	10%	10%				
Second Quarter	30%	30%				
Third Quarter	60%	60%				
Fourth Quarter	0%	0%				
6 <u>Other*</u>	605	692	210	30,000	100,000	712,500
Pollock 'A' Season	32%	32%		32%	32%	32%
Pollock 'B' Season	68%	68%		68%	68%	68%
7 <u>MW Pollock (Herring)</u>	n/a	n/a	574	n/a	n/a	n/a
TOTAL	4,400	5,033	956	200,000	1,000,000	3,000,000

* "Other" group includes b.t. pollock, m-w pollock, Atka mackerel, and other.

What Does A Delayed Pollock 'B' Season Mean to You?

The Council has been petitioned to delay the pollock non-roe 'B' season from the current June 1 start date. The Council declined to take action for 1992 but may initiate an amendment that will delay the non-roe season to July 15, August 20, or September 1. Such a delay could have far ranging ramifications on fish harvesting, primary and secondary processing, and markets. Some of the issues raised by the petitioners and in public comment include optimal timing of the fishery to improve value, quality and safety; impacts on Gulf of Alaska fisheries and the need for concurrent seasons and/or exclusive registration; implications of the inshore/offshore allocation, if approved; and the opportunity for pollock processors to process salmon during the summer months.

This obviously is a very complex issue and the Council wants to know how you and your operations may be impacted by a delay in the non-roe season. Please submit your comments to us by January 10, 1992. At the January 15-17 meeting in Portland, the Council will determine whether to move ahead with such an amendment for the 1993 fishery. The Council also will consider whether to delay the second quarter of the Gulf of Alaska pollock season this year until June 1 to align it with the non-roe season in the Bering Sea.

Groundfish Management Changes for 1992

Vessel Incentive Program

Bycatch rate standards for the Vessel Incentive Program (VIP) for the first and second quarters of 1992, as adopted by the Council, appear in Table 4. The Council reviews bycatch rates in the trawl fisheries and establishes standards for the VIP twice a year, once in December and again in April. Fishermen exceeding these standards are subject to severe fines.

The VIP fishery groups were changed and expanded due to approval of Amendment 19 at the December meeting. For the BS/AI, the groups were expanded to include all trawl fisheries. They are divided into the six groups shown in Table 4. These groups are identical to the BS/AI trawl PSC apportionment groups. In the GOA, the VIP was expanded to include the midwater pollock fishery and all other trawl fisheries. In addition, chinook salmon was included for both the BS/AI and GOA incentive programs. Rates of 0.02 chinook/mt of groundfish for the BS/AI and 0.16 chinook/mt for the GOA were recommended by the Council for all trawl fisheries. The Regional Director, NMFS, has the authority to adjust the VIP rate standards based on inseason information.

Bycatch Amendment 19/24

The Council took final action on Amendments 19 and 24 to the BS/AI and the GOA Fishery Management Plans, and recommended emergency action as appropriate to implement the proposed measures early in 1992 fishery. The amendment has six major elements:

1. Hot spot authority. This refers to the occurrence of high bycatch rates of prohibited species in discrete areas, and the ability of NMFS to curtail in-season groundfish operations in those areas. The Council recommended two amendments to enhance the Regional Director's hot spot authority. The first would extend hot spot authority into the GOA similar to the BSAI, except revised in both areas to eliminate the need for public comment before closing an area. The second change would authorize the establishment, by regulatory amendment, of time/area closures to reduce bycatch rates of prohibited species. These closures would be based on prior information concerning the seasonal distribution and abundance of prohibited species and bycatch rates of prohibited species associated with various groundfish fisheries. Any closure would require a determination by the Secretary, in consultation with the Council.
2. Vessel Incentive Program (VIP). The Council expanded the VIP to include all trawl fisheries in the BS/AI and GOA. The new incentive program will include chinook salmon as well as halibut and red king crab. Bycatch rate standards of 0.02 chinook/mt of groundfish for the BS/AI and 0.16 chinook/mt for the GOA

Table 4. Council Recommendations for Incentive Program Rate Standards

1992 BSAI Incentive Program

Fishery and quarter	Hallbut	Red King Crab	Chinook Salmon
	(as a % of Groundfish)	(number of animals per mt groundfish)	
1 <u>G. Turbot, A. Flounder & Sablefish</u>	**Bycatch Only All Quarters**	n/a	0.02/mt
First Quarter			
Second Quarter			0.02/mt
2 <u>Yellowfin Sole</u>			
First Quarter	none	2.5/mt	0.02/mt
Second Quarter	0.5%	2.0/mt	0.02/mt
3 <u>Rock Sole & O. Flatfish</u>			
First Quarter	2.0%	2.5/mt	0.02/mt
Second Quarter	1.6%	2.5/mt	0.02/mt
4 <u>Pacific Cod</u>			
First Quarter	3.0%	n/a	0.02/mt
Second Quarter	2.5%		0.02/mt
5 <u>Rockfish</u>			
First Quarter	2.0%	n/a	0.02/mt
Second Quarter	2.0%		0.02/mt
6 <u>Other*</u>			
First Quarter	0.5%	n/a	0.02/mt
Second Quarter	0.5%		0.02/mt
7 <u>Pollock, Midwater</u>			
First Quarter	0.1%	n/a	0.02/mt
Second Quarter	0.1%		0.02/mt

1992 GOA Incentive Program

Fishery and quarter	Hallbut	Chinook Salmon
	(as a % of Groundfish)	(number/mt)
1 <u>Pollock, Midwater</u>		
First Quarter	0.1%	0.16/mt
Second Quarter	0.1%	0.16/mt
5 <u>All Other Trawl Fisheries</u>		
First Quarter	5.0%	0.16/mt
Second Quarter	5.0%	0.16/mt

were recommended for all trawl fisheries. Table 4 shows the new VIP fishery categories and rate standards of halibut and crab for the first two quarters of 1992.

The VIP also was changed to expand observer coverage to vessels under 60 feet. Currently vessels greater than 125 feet require 100% observer coverage and vessels between 60 feet and 125 feet require observers 30% of the time. The Council recommends that all vessels participating in incentive program fisheries be required to carry observers; 100% for vessels over 125 feet and 30% for vessels under 125 feet. NMFS estimates that only 18 permits were issued for vessels under 60 feet in 1991.

3. Groundfish opening dates. The Council recommends that trawl fisheries in both the BS/AI and the GOA be delayed until January 20, 1992. The opening date for non-trawl fisheries, including hook and line, pot and jigging, will continue to be January 1, 1992. The GOA rockfish opening date will be delayed six months until the Monday closest to the start of the third quarter, June 29 for 1992, to avoid the high bycatch of chinook salmon and halibut experienced in the early months of the year. As in 1991, trawl fisheries for yellowfin sole, Greenland turbot, arrowtooth flounder and other flatfish will open May 1.
4. BS/AI fixed gear halibut PSC limit. Until now only trawl fisheries have had halibut PSC limits. Under the alternative recommended by the Council, a 750 mt halibut PSC mortality limit for the non-trawl fisheries will be established for one year. Of that amount, 300 mt will come out of the BS/AI trawl fishery halibut PSC limit of 5,333 mt, reducing it to 5,033 mt.
5. New PSC apportionment categories. Currently, four trawl fisheries receive crab and halibut PSC allowances:
 - A. Greenland turbot/arrowtooth flounder,
 - B. rock sole,
 - C. yellowfin sole/other flatfish, and
 - D. Pacific cod, bottom trawl pollock, mid-water pollock, Atka mackerel, sablefish and other.

Under the alternative adopted by the Council the new halibut and crab PSC apportionment groups include the following:

- A. Greenland turbot/arrowtooth flounder/sablefish,
- B. yellowfin sole,
- C. rock sole/other flatfish,
- D. Pacific cod,
- E. rockfish, and
- F. bottom trawl pollock, mid-water pollock, Atka mackerel and other.

For the last group, the Atka mackerel and mid-water pollock fisheries will be excluded from any PSC-related closure because the bycatch rates are much lower in these two fisheries.

6. Changes to fishery definitions. Under the Council's recommendation, the fishery definitions for both the vessel incentive program and the PSC allowance program would be the same, and would be as follows:
 - A. Mid-water pollock if pollock is \geq to 95% of the total catch.
 - B. Other targets as determined by the dominant species retained.
 - C. For the BS/AI, a flatfish fishery consisting of rocksole, yellowfin sole, and other flatfish (excluding Greenland turbot and arrowtooth flounder) will be defined and then subdivided into three fisheries. If yellowfin sole accounts for at least 70% of the retained flatfish catch, it is a yellowfin sole fishery. Otherwise, it is a rock sole or other flatfish fishery depending on which dominates the retained catch.

7. Directed fishing standards changes. Under the Council's recommendation, regulations would be amended to allow more effective enforcement of directed fishery closures and to further limit trawl bycatch amounts of halibut after a halibut PSC bycatch allowance has been reached. Under this recommendation, the following measures would be implemented:
- A. Trawling for groundfish in the GOA would be prohibited when the halibut prohibited species catch (PSC) limit or seasonal allowance is reached. One exception is that directed fishing for pollock by vessels using pelagic trawls would be allowed.
 - B. Directed fishing standards would be seven percent of the aggregate amounts of GOA and BS/AI groundfish other than pollock, that are caught while fishing for pollock with pelagic trawl gear.
 - C. Directed fishing standards for GOA rockfish species of the genera Sebastes and Sebastolobus would be reduced to 15 percent of the aggregate amounts of deepwater flatfish, flathead sole, arrowtooth flounder, and sablefish; plus 5 percent of the aggregate amount of all other fish species retained at the same time by a vessel during the same fishing trip.
 - D. For purposes of the directed fishing rule, the operator of a vessel is engaged in a single fishing trip, from the date when fishing commences or continues in an area after the effective date of a notice prohibiting directed fishing in that area, until the first date on which at least one of the following occurs: (1) a weekly reporting period ends; (2) the vessel enters or leaves a reporting area for which an area specific TAC or directed fishing standard is established; or (3) any fish or fish product is offloaded or transferred from that vessel.

Marine Mammals

In September the Council approved Amendments 20 and 25 to the Bering Sea/Aleutian Islands and the Gulf of Alaska FMPs which contained sea lion protective measures such as 10-mile no-trawl zones around rookery sites in the Bering Sea, Aleutian Islands, and the Gulf of Alaska. The only exception was in the Aleutians where trawling was allowed for species other than pollock. The Proposed Rule published by NMFS to implement these measures differs from the Council action: all trawling within 10 miles of Aleutian rookeries in will be prohibited. This action was taken because NMFS found that all takes of sea lions by trawlers in 1991 occurred in the Atka mackerel fisheries in the Aleutians. This amendment package is currently under Secretarial review and public comment is invited until December 30, 1991. Comments should be addressed to the NMFS Regional Office, P.O. Box 21668, Juneau, AK 99802.

Another item of importance relative to this amendment package concerns the 1992 season opening dates for trawl fisheries in the Bering Sea/Aleutian Islands and the Gulf of Alaska. They will be delayed until implementation of the sea lion protective measures. NMFS is striving to meet the January 20 opening date, consistent with other Council recommendations on seasons.

Other Council action from the December meeting with respect to marine mammals involves the Walrus Islands fishing closures. As part of the Amendment 17/22 package approved last June, 12-mile no-fishing zones around the Round Islands, the Twins, and Cape Pierce (Walrus Islands) were reestablished for an indefinite period of time to minimize fishing-related disturbance to walrus. The Proposed Rule to establish these closures has been published by NMFS and the public comment period ends on January 13, 1992. In December, the Council voted to request the Secretary to partially disapprove their earlier action by deleting the Walrus Islands closures to fishing activities. A majority of Council members felt there was not a strong enough link between fishing operations beyond 3 miles and changes in the walrus usage of the haul-out sites, to justify the continued closure from 3 to 12 miles offshore. The Council also considered there may be greater impacts caused by subsistence hunts if any are allowed in the area. Interested parties may comment to the Secretary of Commerce on this issue until January 13, 1992. Comments should be addressed to NMFS Regional Office, P.O. Box 21668, Juneau, AK 99802.

Sablefish and Halibut Management

The Council approved, by a 7-4 vote, an individual fishing quota (IFQ) management plan for the sablefish and halibut fixed gear fisheries off Alaska. The issue, which first appeared before the Council in 1987, was one of the most debated in the Council's history. The plan generally mirrors the Council's preferred alternative identified in September 1991 and is scheduled to be implemented in 1994. Until then open access will continue unless modified by further Council action. The Council-proposed plan is attached to this newsletter.

After the amendment package is complete, it will be submitted to the Secretary of Commerce. The package will be under Secretarial Review for a minimum of 95 days which includes a 45-day public review. The proposed plan and the accompanying documents also may undergo a 45-day National Environmental Policy Act (NEPA) review. Notices of the comment periods will be in the Federal Register and in news releases from the involved agencies. The public will be able to obtain the analyses and proposed rules by contacting the Council or NMFS Regional Office in Juneau. It is likely that the IFQ management plan would not be implemented until 1994 at the earliest.

The Council also addressed an expansion of halibut Area 4C in the Bering Sea, proposed by the Central Bering Sea Fishermen's Association during the Council's annual halibut regulatory cycle. A similar proposal was submitted to the International Pacific Halibut Commission (IPHC) in January 1991. The IPHC deemed the proposal allocative in nature and, therefore, under the authority of the Council. The Council reviewed a discussion paper on the issue prepared by staff and voted not to proceed with further action on the proposed expansion.

Groundfish and Crab Moratorium

The Council adopted a work plan and time schedule to implement a vessel moratorium by 1993. The moratorium elements and options recommended by the Advisory Panel have been structured into three alternatives: (1) status quo open access, (2) a "strict" moratorium, with minimal exceptions and more conservative qualifying guidelines; and (3) a "liberal" moratorium with exemptions based on selected criteria, and a less restrictive compliance framework. The moratorium proposal will require an environmental assessment, fishery impact statement, and regulatory analysis which will be presented to the Council at the April 1992 meeting for initial review. The Council must take final action in June to have the moratorium implemented by January 1993.

The Council is aware that a moratorium on new entrants will not resolve the fundamental problems associated with excess capacity in the fisheries. Instead, the objective of the moratorium would be to control continued growth in fishing capacity while the Council assesses alternative management proposals to address the overcapacity problem in order to achieve the optimum yield from the fisheries. The moratorium is proposed as an interim measure to prevent further unnecessary capitalization while the Council develops and implements a Comprehensive Rationalization Plan.

Previously, the Council established a control date of September 15, 1990, for entry into the fisheries. Fishing vessels entering after the control date are not assured future access to the fisheries. Due consideration was given to vessels under construction at the time, providing that such vessels had harvested or processed fish in the identified fisheries by January 15, 1992. During the December meeting, the Council reaffirmed the control dates established for these qualifying vessels that were under construction as of September 15, 1990. For trawl operations, the deadline for entry into the fisheries is February 9, 1992, in recognition of the delayed trawl season opener. For fixed gear operations, the deadline for entry remains at January 15, 1992.

U.S Operations Restricted from Donut

The Council continued its efforts to eliminate fisheries in the Donut Hole, that area of the Central Bering Sea outside 200 miles. In September the Council had responded to a letter from Senator Stevens by requesting NMFS to develop regulations and permit conditions that would prohibit any vessel or processing facility from participating in fisheries under the Council's jurisdiction if they were affiliated with foreign operations in the Donut Hole. NOAA General Counsel reported in December that they are analysing this request and will report their findings in January.

The General Counsel went on to provide the Council with draft regulations that would restrict U.S. operations from working in the Donut area, by requiring any vessel owner or operator who applies for a federal groundfish to agree that the vessel will not be used to fish for groundfish in the Donut during the fishing year. The Council requested the Secretary to expedite these permit restrictions so they would be effective early in 1992. In reviewing foreign vessel permits, the Council recommended, as they did for 1989-1991, that foreign vessels only be permitted to support U.S. operations when operating in our 200 mile zone and not be allowed to tranship fish caught in the Donut.

**NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
MEETING UPDATE**

Meeting	Date/Time	Location
Interagency Bycatch Team	January 6, 1992 10:00 AM	Alaska Fisheries Science Center, Building 4, Room 2143 7600 Sand Point Way N.E. Seattle, Washington
NPFMC Advisory Panel/Scientific & Statistical Committee Meetings	Begin 1:00 PM on Jan. 13, 1992	Hilton Hotel Portland, Oregon
North Pacific Fishery Management Council Meeting	Jan. 15-17, 1992	Hilton Hotel Portland, Oregon
International Pacific Halibut Commission Annual Meeting	Jan. 27-30, 1992	Seattle, Washington
Pacific Salmon Commission Annual Meeting	Feb. 3-7, 1992	Vancouver, B.C.

Council Meeting Schedule for 1992-93

1992		1993	
Week of	Location	Week of	Location
January 13	Portland, Oregon	January 12	Anchorage, Alaska
April 20	Anchorage, Alaska	April 19	Anchorage, Alaska
June 22	Sitka, Alaska	June 21	Kodiak, Alaska
September 21	Anchorage, Alaska	September 20	Anchorage, Alaska
December 7	Anchorage, Alaska	December 6	Seattle, Washington

Sablefish and Halibut Fixed Gear IFQ Management Plan

This is the Council's halibut and sablefish fixed gear management plan as approved at their December 1991 meeting. The amendment package and implementation plan will be completed and forwarded for Secretarial review early next year. There will be further opportunity for public comment then. The plan will be implemented no sooner than 1994.

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 shares" (QS) are equal to a person's fixed gear landings (qualifying pounds) for each area fished.
- (D) The "Quota Share Pool" is the total amount of QS in each area. The QS pool may change over time due to appeals, enforcement, or other management actions.
- (E) "Individual Fishing Quota" (IFQ) means the annual poundage of fish derived by dividing a person's QS into the QS pool and multiplying that ratio by the annual fixed gear TAC for each management area.
- (F) "Fixed gear" is defined to include all hook and line fishing gears (longlines, jigs, handlines, troll gear, etc.) and pot gear for sablefish in the BS/AI.
- (G) "Catcher boat" or "catcher vessel" means any vessel which delivers catch or landing in an unfrozen state.
- (H) "Freezer longliner" means any vessel engaged in fishing in the fixed gear fishery which, during a given trip, utilizes freezer capacity and delivers some or all of its groundfish catch in a frozen state.
- (I) "Bona fide fixed gear crew member," is defined as any person that has acquired commercial fish harvesting time at sea (i.e. fish harvesting crew), that is equal to 5 months of any commercial fish harvesting activity (*in a fishery in state or federally managed waters of the U.S.*)¹ Additionally 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

1. Text shown in *italics* provides clarification by the staff to indicate Council intent.

- (ii) a qualified person who meets the requirements of this section engaged in a lease of a fishing vessel (written or verbal) 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.) (*Documentation proving such a lease existed will include the lease document itself if it exists, or other proof that the lessee did in fact control the disposition of the vessel, its gear, crew, and catch.*)
 - (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 any one of the following years: 1988, 1989 or 1990. These three years shall be known as the quota share qualifying years.
 - (3) Quota shares shall be assigned initially 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. These historical periods shall be known as the quota share base period. For each species and management area, NMFS will select a person's best five (5) years (subject to approval of the person involved) from the quota share base period to calculate their quota shares.
 - (4) The sum of the catch in each person's five (5) selected years for each area shall equal that person's quota shares for that area. All QS in any area shall be added together to form the "Quota Share Pool" for that area.
- (C) VESSEL CATEGORIES. Quota shares and IFQs shall be assigned by vessel category as follows:
- (1) Freezer Longliner Shares:
 - (i) A vessel is determined to be a freezer longliner in a given year, if during that year it processed (froze) fixed gear (as defined above) caught groundfish. If a vessel is determined to be a freezer longliner and that vessel was used in the most recent year of participation by the owner, through 9/25/91, then all qualifying pounds landed by that vessel owner during the qualifying years shall be assigned as freezer longliner shares, unless the owner also participated in the most recent year through 9/25/91, using a catcher only vessel, then shares will be assigned to separate categories, in proportion to the catch made aboard each of the vessels. (*The Council's intent is that if a vessel is determined to be a freezer longliner that all QS accruing to that vessel will be issued as freezer vessel 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 QS base period by a vessel owner, whose last vessel that participated in a fixed gear fishery through 9/25/91 is determined to be a catcher vessel, shall be allocated catcher boat quota shares.
 - (ii) There shall be two categories of catcher boat shares for the sablefish QS/IFQ fishery:
 - (a) vessels less than or equal to 60 feet in length overall, and
 - (b) vessels greater than 60 feet in length overall.

- (iii) There shall be three categories of catcher boat shares for the halibut QS/IFQ fishery;
 - (a) vessels less than or equal to 35 feet in length overall,
 - (b) vessels greater than 35 feet but less than or equal to 60 feet in length overall, and
 - (c) vessels greater than 60 feet in length overall.
 - (iv) For initial allocation of catcher boat Quota Shares:
 - (a) if, during the last year of participation in a fixed gear fishery through 9/25/91, 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 (or type) categories, then the QS allocation shall be for each vessel category and may not be combined into a single category.
 - (b) if a QS 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.
 - (v) Any person owning catcher boat quota shares may sell those quota shares to any person 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. *(The Council's intent is that 10% of a QS owner's shares may be leased in any given year.)*
 - (vi) Fish caught with catcher boat quota shares may not be frozen aboard the vessel utilizing those quota shares.
 - (vii) Sablefish catcher boat shares may be utilized on a vessel with freezer capacity as long as no frozen product of any species is on board the vessel while those catcher boat shares are being utilized. Further, sablefish freezer shares may not be utilized at the same time as sablefish catcher vessel 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. Additionally, corporations or partnerships which received an initial allocation of catcher boat QS may purchase catcher boat QS and/or IFQs.
 - (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.2(C)(2)(v). For the sablefish fishery east of 140°W longitude and for the halibut fishery in Area 2C, the above allowance for hired skippers applies only 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.)

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 a change caused by the death of a corporate member providing the death did not result in any new corporate members. Additionally, corporate membership is not deemed to change if a corporate member becomes legally incapacitated and a trustee is appointed to act on his behalf, nor is corporate membership deemed to have changed if the ownership shares among existing members changes, nor is corporate membership deemed to have changed if a member leaves the corporation. *(In the case where ownership of shares is initially allocated to a publicly held corporations, the Council did not make a recommendation regarding what constitutes a change in membership of the corporation.)*
- b) **Partnership:** Any partnership that has no change in membership, except a change caused by the death of a partner providing the death did not result in any new partners. Additionally, a partnership is not deemed to have changed if a partner becomes legally incapacitated and a trustee is appointed to act on his behalf, nor is a partnership deemed to have changed if the ownership shares among existing partners changes, nor is a partnership deemed to have changed if a partner leaves the partnership.
- c) **Individual:** any individual as defined in Sec.1(B).
- (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; additionally QS holdings in the area east of 140°W. (East Yakutat and Southeast Outside) shall not exceed 1% of the QS or IFQs 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 any of the following ownership caps.
 - (a) 0.5% of the total QS or IFQs from the combined IPHC areas 2C, 3A, and 3B.
 - (b) 0.5% of the total QS or IFQs from the combined IPHC areas 4A, 4B, 4C, 4D, and 4E.
 - (c) 0.5% of the total QS or IFQs from all IPHC areas combined.

(d) 1.0% of the total QS or IFQs from IPHC Area 2C.

(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 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 the fisher is a registered buyer and proper documentation of such sales is provided to NMFS.
- (ii) Frozen product may only be off-loaded 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.
- (iv) Persons holding IFQs and wishing to fish must check-in with NMFS or their agents prior to entering any relevant management area, additionally any person transporting IFQ caught fish between relevant management areas must first contact NMFS or their agents.

(E) **INDIVIDUAL FISHERIES QUOTAS.** Individual fishing quotas are determined for each calendar year for each person by applying the ratio of a person's QS to the QS pool for an area to the annual fixed gear Total Allowable Catch for each management area. In mathematical terms, $IFQs = (QS / QS \text{ pool}) \times \text{fixed gear TAC}$. Persons must control IFQs for the amount to be caught before a trip begins, with the exception that limited overages will be allowed as specified in an overage program approved by NMFS and the IPHC.

(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. (EY/SO), 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 on a single vessel.
- (ii) For halibut, no more than 0.5% of the combined IPHC area quota may be taken on any one vessel except that persons who received an initial allocation of more than 0.5% overall ownership level (1% in area 2C) may continue to fish their QS on a single vessel. *(This differs from the ownership cap in that the limit applies to the whole North Pacific combined area TAC rather than the TAC combined for areas 2C, 3A, 3B, or for areas 4A, 4B, 4C, 4D, and 4E combined.)*

- (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.
- (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 IFQs and those fishing under the community development programs (CDQs).
- (2) DISCARDS OF HALIBUT. Discard of legal sized halibut is prohibited by persons holding halibut IFQs and by those fishing under the CDQ program. Persons holding freezer longliner shares are exempt from this discard prohibition.
- (J) Any person retaining sablefish or halibut with commercial fixed gear must own or otherwise control IFQs. *(The intent of the Council is to prohibit open access fixed gear fisheries for sablefish and halibut, and to require that persons in fixed gear fisheries who retain sablefish and/or halibut as bycatch must own or control IFQs for those species.)*
- (K) In order for the continued prosecution of non-IFQs fixed gear fisheries, the Council recommends the suspension of the halibut fixed gear Prohibited Species Catch limit for the first two years of the IFQ program.
- (L) Fish harvested incidentally during the operation of a QS/IFQ fishery shall be termed bycatch species for the purpose of this program. Bycatch species shall be Pacific cod and rockfish, but other species may be included by NMFS by regulatory amendment if it can be shown that the species is unlikely to survive if discarded. Any species identified as a bycatch species that is taken during the operation of a QS/IFQ fishery shall be retained and landed unless designated a prohibited species.
- (M) Persons holding IFQs may utilize those privileges at any time during designated seasons. Retention of fixed-gear caught sablefish or any halibut is prohibited during closed seasons. Seasons will be identified by the Council and the IPHC on an annual basis. *(The IPHC and IFQ implementation teams have recommended initially that the season for IFQ sablefish and halibut should open on March 1 and close on November 30.)*

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 (TAC) 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, will be partially compensated and the cost of the compensation will be borne equally by all initial sablefish QS/IFQ recipients. In general this compensation plan will issue incremental amounts of QS in each non-CDQ area to each disadvantaged person.

(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 proximate² 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 the management area.

2. *(In determining whether a community qualifies, the Governor of Alaska will determine the interpretation of the word "proximate".)*

- (3) For IPHC management area 4B, 20% of the halibut quota, exclusive of issued QS, shall be made available for a community development program for residents of disadvantaged western Alaska coastal communities physically located in or proximate² to the management area.
 - (4) For IPHC management area 4D, 30% of the halibut quota shall be made available for a community development program for residents of disadvantaged western Alaska coastal communities located in IPHC areas 4D and 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, will be partially compensated, and the cost of compensation will be borne equally by all initial halibut QS/IFQ recipients. In general this compensation plan will issue incremental amounts of QS in each non-CDQ area to each disadvantaged person.
- (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.
- (E) **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.

(F) 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.4. AD HOC WORKING GROUPS.

- (A) Two ad hoc working groups have been established: One group was established 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 was established by the Alaska Regional Director, NMFS, composed of administration, data management, enforcement, and legal professionals. The groups developed 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 were given an opportunity to provide technical input to the groups. A Draft Implementation Plan, dated November 1991, contained details of the implementation plan, and except where modified by the Council, was accepted as part of the IFQ preferred alternative. The implementation groups are also authorized to continue their work to implement the Council's QS/IFQ program.