

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

DATE: \_\_\_\_\_

I wish to testify on:

AGENDA TOPIC: Bering Sea Groundfish

AGENDA Numbers: G. 6. III

Time required for presentation: 10 minutes

NAME: Harold Spark

MAILING ADDRESS: box 267 Bethel AK

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

DATE:

12/12

I wish to testify on:

AGENDA TOPIC:

G-6

B/S - AC Groundfish

AGENDA Numbers:

G-6

FMP

Time required for presentation:

10 min or less.

NAME:

Steve Johnson

MAILING ADDRESS:

3030

Bank of Cal.

/ Seattle

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

DATE: 12/14/79

I wish to testify on:

AGENDA TOPIC: BS/AI GROUND FISH

AGENDA Numbers: 6 6.

Time required for presentation: 5-10 MIN.

NAME: WALTER PEREYRA

MAILING ADDRESS: \_\_\_\_\_

DATE: 11/6/79

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

I wish to testify on:

AGENDA TOPIC: Bering Sea/Aleutian Islands FMP, WINTER HALIBUT SAVINGS

AGENDA Numbers: G 6.

Time required for presentation: 10 minutes.

NAME: HENRY HAUGEN of Haugen and Thoreen, Seattle

MAILING ADDRESS: 4 Webster

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

DATE: 1-10-80

I wish to testify on:

AGENDA TOPIC: RESOLUTION OF HALIBUT WINTER SAVINGS AREA & PROBLEMS

AGENDA Numbers: G-6 1.

Time required for presentation: 5 MIN.

NAME: MIKE ANGELL

MAILING ADDRESS: ~~750~~ PO BOX 1275 KODIAK AK 99615

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

DATE: 1-10-80

I wish to testify on:

AGENDA TOPIC: RESOLUTION OF HALIBUT WINTER SAVINGS AREA PROBLEMS

AGENDA Numbers: C 6 1.

Time required for presentation: 5 MIN.

NAME: JUEL ANGELL

MAILING ADDRESS: PO BOX 1514 KODIAK AK 99615

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

DATE: Jan 10, 1980

I wish to testify on:

AGENDA TOPIC: BERING SEA GROUND FISH FMP

AGENDA Numbers: 7 (1) C-6

Time required for presentation: 5 MIN.

NAME: DAN WEBSTER

MAILING ADDRESS: C/O PACIFIC PEARL, DUTCH HARBOR, AK 99695

1870

THE UNIVERSITY OF CHICAGO

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NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

DATE: 1-10-80

I wish to testify on:

AGENDA TOPIC: G 6 (2.)

AGENDA Numbers: Consideration of salmon savings area closures to foreign trawling

Time required for presentation: \_\_\_\_\_.

NAME: harold sparck

MAILING ADDRESS: box 267, be thel

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

DATE:

1/10/80

I wish to testify on:

AGENDA TOPIC:

~~BTD~~ G(6) Salmon Savings

AGENDA Numbers:

G6

issue

Time required for presentation:

5 min

NAME:

Stephen Johnson

MAILING ADDRESS:

30th Floor Bank of Cal.  
Seattle

MEMORANDUM

Agenda Item G-6

DATE: January 8, 1980

TO: Advisory Panel

FROM: Mark Hutton

SUBJECT: Bering Sea/Aleutian Groundfish Fishery Management Plan - issues.

**ACTION REQUIRED:**

*Possible reconsideration of the Advisory Panel recommendations for the Domestic Fishery and the winter halibut savings area.*

BACKGROUND

Four issues have been carried over from the December Council meeting. They deal with (a) the salmon savings time and area closure to foreign trawling (b) the domestic fishery in the winter halibut savings area (c) in season field order authority (d) the impacts of time and area closures. The Scientific and Statistical Committee will address these issues and has been asked to comment on the proposals submitted to relax the domestic trawl restrictions in the winter halibut savings area.

WINTER HALIBUT SAVINGS AREA

A request has come from Daniel Webster to eliminate the domestic trawl restrictions in winter halibut savings area (i.e., 2000 metric ton quota between December 1 and May 31) and instead use observers to monitor the incidental catch of halibut; using 1% as a maximum guide line for the incidental catch rate. You have submitted recommendations which are being considered by the SSC. Recommendations have also been made by the IPHC which are also being considered by the SSC. Last, Bert Larkins, Bering Sea Groundfish

Plan drafting team leader, has responded to the Daniel Webster request to relax the trawl restriction by establishing a maximum incidental catch rate equal to 1% of the 2000 metric ton quota or 20 metric tons of halibut.

TIME AND AREA CLOSURES ("WINDOWS")

- New England Fish Company and Icicle Seafoods Inc. have withdrawn all their proposed time and area closures around certain shore based processing plants. A new Icicle Seafoods proposal is attached. Because their area recommendations for time and area closures around Petersburg, Seward, Kodiak and Akutan have been withdrawn the Advisory Panel's previous recommendation for conditions and restrictions to the Joint Ventures permits should be readdressed. The new proposal from Icicle calls only for a general 12 mile coast wide exclusion to joint venture foreign processing and for a time and area closure around Akutan.

MEMORANDUM

DATE: December 7, 1979

TO: Council Members, Scientific & Statistical Committee  
and Advisory Panel

FROM: Jim H. Branson

SUBJECT: Bering Sea/Aleutian Island Area Groundfish FMP

ACTION REQUIRED

1. *To approve an amendment giving the Regional Director inseason field order authority.*
2. *To consider relaxing domestic trawling restrictions in the winter halibut savings area, and*
3. *Readdress a salmon savings time and area closure to foreign trawlers.*

BACKGROUND

(Inseason Field Order Authority)

The Bering Sea and Aleutian Island Groundfish Fishery Management Plan was approved by Terry Leitzell and published in the Federal Register on November 19th. It is expected to be implemented in late January, 1980. The plan contains no provision for the issuance of field orders for inseason adjustments of time and area . . . an oversight. This provision is standard in the Tanner Crab and Gulf of Alaska Groundfish Plan. Bert Larkin, Management Plan Drafting Team Leader, has recommended that we amend the plan to include a section similar to 8.3.1.1(h) Issuance of Field Orders in the Gulf of Alaska Groundfish Plan. The proposed language is attached. (Attachment 1)

BACKGROUND

Mr. Daniel Webster, Steuart Investment Company, represented by Henry Haugen, has criticized the 2,000 metric ton quota for the winter halibut savings area for domestic fisheries as " . . . excessive to conservation and management needs and unnecessary." In the plan, Section 14.3.1.3.b.2(i) states:

"December 1 - May 31: Domestic trawling will be permitted only until the total U.S. trawl catch from this area exceeds 2,000 metric tons:" Section 14.3.1.3.c.1(i) permits a similar 2,000 metric ton U.S. longline catch in the area excluding halibut."

Attached (attachment 2) is an October 26 letter from Daniel Webster to Mr. William Gordon, National Marine Fisheries Service, explaining his request. We expect Mr. Webster and/or Mr. Haugen to discuss this matter with the Council.

A proposed alternative by Mr. Webster to relax the quota restriction would be to use observers to monitor the incidental catch of halibut and/or other prohibited species.

The Halibut Commission has recently recommended that a by-catch of 1500 mt of halibut be placed on groundfish fisheries in the Bering Sea. Halibut would be returned to the sea and the by-catch estimated from observer programs. The limit would be divided among domestic and foreign fisheries. Then when a nation's by-catch allocation is reached all fishing for groundfish for that nation ceases for the remainder of the year. Their report is attached.

#### POSSIBLE COURSES OF ACTION

- (1) Raise, maintain or eliminate the 2,000 metric ton quota for U.S. boats in the winter halibut savings area and place observers on domestic groundfish vessels to monitor the incidental catch of halibut and other prohibited species. A prerequisite to this is a commitment from U.S. boats of their voluntarily taking aboard observers.
- (2) Defer action and ask the Management Plan Drafting Team to study the problem for the next meeting.

#### (Salmon Savings Time and Area Closures)

We have been asked to reconsider time and area closures to foreign trawling for the 1980 winter season to protect salmon of Western Alaska origin. In June the Council concluded the available data were insufficient to isolate specific time and area closures without using large broad closures. The attached report (prepared by the National Marine Fisheries Service) discusses the problem, the available data and summarily states no further restrictions are recommended at this time.

The Council requested increased observer coverage on these vessels in the 1980 fishery so the data we have could be verified and hopefully, if warranted, a time and area closure enacted for 1981.

## POSSIBLE COURSE OF ACTION

No action can be taken at this meeting: the issue was placed on the agenda too late to advertise. Therefore, we could postpone any consideration of the issue, examine the proposed 1980 observer coverage and date and when appropriate advertise for the next meeting.

### Attachments

1. November 6th letter from Larkin to Branson and proposed amendment to the Bering Sea Plan regarding issuance of field orders.
2. October 31st letter from Bill Gordon to Daniel Webster and October 26th letter from Daniel Webster to Bill Gordon regarding winter halibut savings area in the eastern Bering Sea.
3. November 29th letter and report from Don McCoughran, International Pacific Halibut Commission to Branson on the recommendations for minimizing by-catches of halibut in the Bering Sea.
4. November 26th letter from Terry Leitzell to John Negroponte regarding incidental catch of salmon by foreign trawlers in the Bering Sea.

MIH

# ICICLE SEAFOODS, INC.

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SEATTLE, WASHINGTON 98199  
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AGENDA G-6  
Dec. '79/Jan. '80

FILE	ACT	INFO	ROUTE TO	INITIAL
			Exec. Dir.	
			A. Exec. Dir.	
			Admin. Off.	
			Exec. Sec.	
			Writer/1	
			Writer/2	
			Sec. Korean	
			Sec. Soviet	
JAN 7 1980				

January 4, 1980

Mr. Clem Tillion  
Chairman  
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
Suite 32, 333 West Fourth Avenue  
Port Office Mall Building  
Anchorage, Alaska 99501

Dear Clem:

At the December meeting of the North Pacific Fishery Management Council, Icicle Seafoods presented several proposals concerning its bottomfish processing in the Bering Sea/Aleutian area. During the three days in which area restrictions to protect the U.S. processing industry were discussed, several constructive criticisms were made concerning our proposals which have led us to re-examine and modify the original request I made on behalf of Icicle in my letter preceding the December meeting dated December 5, 1979. As you may also recall, I also wrote the Council concerning the use of time and area restrictions to protect the U.S. processing industry on June 20, 1979; I have attached both of these former letters to this document for your convenience. Our evaluation since the December meeting has led us to simplify our request concerning area restrictions in the following manner:

1. An amendment to the Bering Sea Groundfish Management Plan and conditions on Korean and Soviet processing vessel permits which would provide for an exclusion of foreign processing activity within 12-miles of Alaska shores. We feel that this would protect the U.S. processing industry adequately in 1980 given the stage of development the industry has achieved at this time. It is also our view that if it is right to protect the harvesting segment of U.S. industry from foreign harvesting competition in this 12-mile zone, it surely is right to protect the processing segment from a foreign processing competition in the same area.
2. Because of the significant enforcement problems which we now understand might be encountered by the Coast Guard with our previous circle area proposal, we instead are requesting an area restriction as an amendment to the Fishery Management Plan and as a permit conditions on foreign processing vessels which would provide for an exclusion of foreign processing within a rectangular window bounded on the north by 54° 40 minutes latitude, on the south by 53° 40 minutes



2. (cont'd)

latitude, on the west by 164° 45 minutes longitude and on the east by 166° 0 minutes longitude.

Foreign competition, both in harvesting and processing sectors, for the fisheries resources in the area immediately adjacent to our processing plant would present an unreasonable burden which could greatly affect the success or failure of our operations. We do not feel that we should have to compete with foreign interests which are not subject to the same regulatory, economic and social constraints that we are (i.e., OSHA, FDA, minimum wage, etc.). We require a high quality product delivered on a timely basis in order to survive in a highly competitive, quality-conscious world bottomfish market. If we are forced to receive product from areas distant to our plant, either because we cannot compete with foreign processors monetarily for local product or because local stocks are depleted due to foreign processing operations, our product quality will drop and we will no longer be competitive. While the highly mobile foreign processing vessels can move to new areas to find new fish stocks, we are not able to do so. If the fish stocks in the area around Akutan disappear, even on a short-term basis, we would be forced to cease operations. Although it is essential to conserve fish stocks in the aggregate in the Bering Sea or Gulf of Alaska, it is also necessary, in my view, to apply the same conservation goals to localized fish stocks if fishery management is to be truly meaningful. We need protection from unfair foreign competition in order to survive and evolve.

3. An exclusion of foreign processing activity through permit conditions and FMP amendments in the winter Halibut Savings Area between December 1st and May 31st.

The 2,000 metric ton quota in the Bering Sea Halibut Savings Area on trawl-caught fish was established to provide for expansion of the traditional crab bait troll fishery and for the initial development of domestic human consumption fishery. Clearly, the present U.S. bait fisheries in conjunction with planned U.S. domestic processing operations will be more than adequate to fully utilize this quota. In a word, there is no surplus for allocation to foreign processing operations in this area. Whatever uncertainty may still exist about the applicability and meaning of the Processor Preference, one thing is clear: Foreign processors may be allocated only that portion of the U.S. harvest which domestic processors do not have the capability and intent to process.

It is my view that a foreign processor allocation should occur only after domestic operations have ceased or when it becomes readily apparent that domestic processors will be unable to reach the quota figure.

Because we believe that the protection provided in the 12-mile area restriction proposal will be adequate at this time, we are no longer asking for additional area restrictions around our Petersburg, Sitka, Homer and Seward facilities. By way of further clarification, we no longer are requesting the area restriction on foreign fishing within

Clem Tillion  
Chairman, NPFMC  
January 4, 1980  
Page 3

70 miles of Akutan nor are we any longer requesting the time restrictions presented in my December 5 proposal.

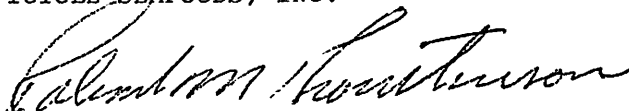
I should probably also comment on two arguments which were made at the December meeting in opposition to the protection we are seeking from the Council: first, it has been argued that because foreign processing activities would not be allowed in certain areas that these area restrictions would "significantly affect" the operation of U.S. fishing vessels and therefore cannot be imposed. Second, it has been argued that area restrictions may not be imposed unless a conservation goal is present and that no conservation goals are present in the use of these area restrictions on foreign processing vessels.

As to the first point, although the imposition of an area restriction on foreign factory ships may affect or inconvenience some U.S. fishermen who choose to fish for the Soviet and Korean vessels, clearly U.S. fishermen are not significantly affected if they are still able to harvest fish wherever they please and they may even do so quite conveniently in areas outside of the protection zones we request. As to the second point, we do not acknowledge that a conservation goal is necessary in order to impose area restrictions on foreign factory ships to protect U.S. processors, but even if a conservation goal is needed, there clearly is a significant conservation purpose served through the reduction of incidental halibut mortality when fish are sorted on U.S. decks rather than delivered in a cod end operation to foreign factory ships. An additional localized conservation purpose would also be served by avoiding concentrated foreign processing activities on near shore stocks.

We would welcome the opportunity to discuss our proposal with the Council at your January 10th meeting. We will be happy to answer any questions the Council may have concerning our proposal for our bottomfish program. We are committed to the goal of developing a 100% U.S. fishing industry where Americans harvest and process the fishery resources of the 200-mile zone. We urge you to support that goal and the area restrictions we have requested in this letter if you believe it is in the best interest of Alaska and the nation.

Respectfully Submitted,

ICICLE SEAFOODS, INC.

  
Robert M. Thorstenson  
President

RMT:pbl

Enclosures

20 June 1979

MEMORANDUM

TO: Clem Tillion, Chairman  
North Pacific Fishery Management Council

FROM: Robert M. Thorstenson, President  
Icicle Seafoods, Inc.

RE: Imposition of Conditions and REstrictions on Foreign Factory  
Ships and Permits

I am writing regarding agenda item number 12 which will be considered at the North Pacific Fishery Management Council meeting on June 28 and 29 in Alaska. It is my understanding that the Council intends to consider an amendment to the Gulf of Alaska Groundfish Fishery Management Plan whereby certain areas of the Gulf would be closed to joint venture operations in order to implement the provisions of Public Law 95-354, the processor preference law. I wish in this memorandum to express some of the views of those of us in the processing industry concerning the necessity of imposing such time and area restrictions and to support the Council's decision to develop same. I hope that we will have an opportunity to make a more substantial submission to the Council at the July meeting and intend to do so and would like to request time to make a presentation at that meeting. Therefore, on a preliminary basis, I have the following thoughts that I would like to submit to the Council.

BASIS FOR IMPOSITION OF  
CONDITIONS AND RESTRICTIONS

Initially and foremost it must be recognized that the Secretary of Commerce through the Regional Councils has the discretionary authority not to grant a foreign factory ship permit for operations within the 200-mile zone, even if there is a surplus of U.S. harvested fish. That is, in order to foster the development of the United States fishing industry, such permit applications could be denied. As a general matter, I am not advocating this position, but rather advocate the vigorous enforcement of the processor preference law along with imposition of conditions and restrictions on any permits that will be issued. If appropriate conditions and restrictions are imposed upon the permits and the United States processors are not inhibited in their development or adversely affected by the operation of the foreign factory ships in the 200-mile zone, there would be no reason not to have the additional value of increased United States harvesting activities accrue to the nation. However, it must always be kept in mind that the goal of Congress and the only way to achieve the greatest value of our 200-mile fishery resources is to have the United States fishing industry eventually fully harvest and process all

fishery resources in the zone.

It is no longer questioned by the Regional Councils or the Secretary of Commerce whether such conditions and restrictions can be legally imposed; indeed, several conditions and restrictions have been imposed on the recent Soviet permits in California, Oregon and Washington and the Soviet and Korean permits that have been issued for Alaska. The issue now is, what types of conditions and restrictions would best protect all segments of the United States fishing industry and cause it to develop while, at the same time, permit certain factory ship operations within the 200-mile zone.

### TYPES OF CONDITIONS AND RESTRICTIONS

#### 1. Area Restrictions

It is clear that foreign operations should not be permitted in those limited areas where the United States fishing industry is initiating operations. These areas in Alaska include:

1. Kodiak
2. Seward
3. Sitka
4. Homer
5. Cordova
6. Dutch Harbor
7. Sand Point
8. King Cove

It would be appropriate to protect these areas from foreign factory ship operations. There is no reason why foreign operations should be allowed to occur in these areas when other vast areas remain open. Indeed, it would be extremely harmful to permit foreign factory operations in those limited areas where the United States fishing and processing industries have chosen to initiate their operations.

Stated most simply, the scope of protection offered to these areas should be whatever is necessary to cause them to develop fully. For example, one day's steaming distance from each area would be a reasonable level of protection and still leave vast areas open for joint venture operations.

#### 2. Time Restrictions

The area closure suggested above could fluctuate depending upon the nature of operation of the domestic industry in those areas that was being protected. For example, for a year round domestic operation the closure would, of course, be on a full time basis. For a start-up operation in other areas that chose, would operate only at certain times during the season, it may be reasonable to only close such areas to foreign factory ships at those certain times

Clem Tillion  
20 June 1979  
Page Three

General time closures may also be appropriate to close all areas at certain times to encourage maximum utilization by the United States fishing industry. For example, when the domestic industry is targeting upon salmon or crab, it may be appropriate to permit foreign factory ship operations in certain areas for bottomfish. Whereas, when such species are not being fished or processed, it would be appropriate to encourage domestic bottomfish utilization and protect the industry from such foreign operations.

### 3. Gear Restrictions

Gear restrictions also should be imposed upon the U.S. harvesting operations that intend to deliver to foreign factory ships in order to assure that the domestic industry has available to it those species which it chooses to utilize. It appears that sablefish and Pacific cod will be targeted upon by the United States fishing industry before other bottomfish species. Gear restrictions (and other conditions and restrictions) should be imposed to assure that the domestic industry has sufficient amounts of these species available to it to meet its needs.

### 4. Conditions

Restrictions generally should be absolute in most circumstances, that is, the restrictions imposed on the foreign factory ship permits should be fully effective. It may be possible, however, in certain circumstances to incorporate conditions into a permit that would provide for increased or additional foreign factory ship operations under certain circumstances. For example, it may be appropriate to lift a gear restriction if a foreign factory ship operator provided a suitable method to transfer prohibited species (so long as the OY had not been exceeded) back to the domestic industry.

In conclusion, I very much appreciate the opportunity which the Council has provided for this input to their Fishery Management Plan amendemnt process and hope that you will give these several concepts your consideration

Very truly yours,

Robert M. Thorsenson

M E M O R A N D U M

TO: Clem Tillion, Chairman  
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

FROM: Robert M. Thorstenson, President  
ICICLE SEAFOODS, INC.

DATE: December 5, 1979

SUBJECT: ESTABLISHMENT OF CONDITIONS AND RESTRICTIONS IN  
FISHERY MANAGEMENT PLANS AND FOREIGN PROCESSING  
VESSEL PERMITS TO PROTECT THE UNITED STATES  
FISH PROCESSING INDUSTRY

I am writing concerning the establishment of area restrictions for foreign fishing and processing vessel operations in the Gulf of Alaska and Bering Sea through amendment to the 1980 Gulf of Alaska FMP (item G.5(c) of the draft agenda for the December meeting of the Council) and through permit conditions and restrictions on Soviet and Korean processing vessel permits (item H.5 of the agenda). I will also try to set out what I understand to be the U.S. processing industry's plans for Alaska groundfish in 1980 as well as Icicle's specific plans for same. I would appreciate your having copies of this memorandum and its attachments included in the briefing books of the Council members for their consideration at the December meeting.

Also attached for your convenience is a copy of my earlier memorandum to you, in which I addressed the imposition of conditions and restrictions, dated June 22, 1979.

UNITED STATES FISH PROCESSOR PLANS FOR 1980

Icicle plans to begin processing bottom fish in the Bering Sea early in January and will operate until April. The target species will be Pacific Cod, but other species will be processed as well.

Fishing will be done by bottom and mid-water trawl gear. Also, several vessels will be fishing longline and pots for Black and Pacific Cod.

Also, it is my understanding that several plants in Dutch Harbor and Unalaska plan similar operations.

As we have for the past several years, Icicle is currently processing, at Petersburg, bottom fish from Southeastern Alaska, up to and including Yakutat; and it is our understanding that NEFCO is planning an expanded operation in Kodiak.

Our plants at Seward, Sitka and Homer will again process bottom fish from local fishing fleets. This fish is caught by longline, pots and bottom trawls.

REQUESTED AMENDMENTS TO THE GULF OF ALASKA GROUND FISH  
FISHERY MANAGEMENT PLAN

1. Area Restrictions

General: It is respectfully requested that a general 12-mile area restriction be imposed on foreign processing ship operations; that is, a restriction identical to that imposed upon foreign harvesting ship operations in the Fishery Management Plan. If it is appropriate to protect the United States harvesting segment of the fishing industry by a general 12-mile zone in which foreign fishing is prohibited, it would be equally appropriate to protect United States processing segment of the fishing industry in the same general area. In fact, I and others were of the belief that the 1979 Gulf of Alaska Fishery Management Plan provided this protection. However, the Secretary of Commerce interpreted the Fishery Management Plan differently. Currently, the Secretary of Commerce has promulgated final regulations which specifically provide that foreign processing ships can operate up to three miles of the Alaska shore in the Gulf of Alaska. I believe it is incumbent upon the Regional Council to reassert in a clear and unmistakable fashion that it wishes to establish a general 12-mile restriction on foreign fishing and processing activities in the Fishery Management Plans.

Specific: It is also respectfully requested that specific area restrictions be established in the Fishery Management Plan for those areas in which the United States fish processing industry plans to operate in 1980. With respect to the Akutan area, where Icicle Seafoods plans to have three processing ships, the Alaska, Arctic and Bering Stars operating for a portion of the season in a pilot project, it is respectfully requested that the Bering Sea Fishery Management Plan restrict all foreign fishing within fifty miles of Akutan and all foreign processing within thirty miles. With respect to Icicle's continuing operations in Homer, Seward and Petersburg, accordingly, it is respectfully requested that foreign fishing be prohibited within seventy miles of said cities and foreign processing be prohibited within thirty-five miles. Because of the new processing operation of NEFCO and others, I believe that similar area restrictions should be established for Kodiak.

2. Time Restrictions

It is respectfully requested that foreign fishing and processing be prohibited at all times within twelve miles

of the shore of the Gulf of Alaska, and in those protected areas requested above for Kodiak, Homer, Petersburg and Seward. With respect to Akutan, the area requested to be closed on account of our pilot operation, it should be closed only when we are operating, that is, from early January until April or longer if U.S. processors are operating in that area.

### 3. Conditions

Along with an amendment of the Fishery Management Plans, these conditions and restrictions should be specifically recommended to the Secretary for inclusion in the 1980 Soviet and Korean permits. I would also request an additional condition that any foreign processing permit for the receipts of U.S. harvested fish should be issued upon the condition that it will be suspended if any United States fish processor has the capacity and intent to process such fish, but is unable to do so because of a lack of supply. If United States fish processors are not receiving a steady supply of United States harvested fish in a timely fashion, it would be appropriate to suspend the foreign processing permits until such time as deliveries were initiated or resumed; bear in mind that, because of the Nicholson Act, United States fish processors on shore cannot receive fish from foreign fishermen and consequently are totally dependent on United States fishermen for their supply of fish. Thus, any effort to interrupt a steady, timely flow of product to the United States fishing industry would prevent it from obtaining raw product elsewhere. It is therefore respectfully requested that the Fishery Management Plan be amended to impose a ban on foreign processing of U.S. harvested fish during any period of time when the United States fish processing industry desires fish but is unable to obtain a supply.

### CONCLUSION:

Several arguments have been put forth that the Fishery Management Plans cannot impose area restrictions to foster the development of the U.S. processing industry and that time and area restrictions on foreign permits to accomplish this result would be illegal. I understand that some have argued that the imposition of conditions and restrictions by the North Pacific Fishery Management Council on foreign factoryship operations would unfairly discriminate against certain United States fishermen. What I have proposed allows all U.S. fishermen to harvest bottomfish without discriminating against any fisherman's ability to do so. The conditions and restrictions I have requested to protect Icicle and other U.S. processing operations would restrict foreign processing ships in the same way that U.S. fishermen in several fisheries are protected through the imposition of area restrictions on foreign harvesting ships.



The fact is, one man's discrimination is another man's priority or preference. If there is discrimination, it is against foreign processing of U.S. fish and it is a result of the passage by the United States Congress of the Fishery Conservation and Management Act, itself. I suggest that such tools are precisely what Congress intended the Regional Council to use to cause the development of the United States industry. In a November 20, 1978 letter to the Secretary of Commerce, the ranking members of the House Merchant Marine and Fisheries Committee stated,

"(C) Careful consideration should be given to implementing the provisions of Section 303(b) relating to such things as fishing time, ocean area in season, and type and quantity of fishing gear, to insure that fisheries management plans provide the maximum opportunity for development of the entire U.S. fishing industry." (See Attached)

There can be no questions that the North Pacific Fishery Management Council has the authority to impose conditions and restrictions in fishery management plans and should use such authority to insure that it develops the United States fish processing industry in addition to the harvesting segment of the fishing industry. There also can no longer be any question that if the Council recommended area conditions and restrictions on foreign fishing or processing permits, to protect the U.S. processing industry, that the Secretary has the discretion to impose such conditions on these permits.

I believe it is becoming more and more clear that the infant United States ground fish industry will continue to be unable to compete against the existing fully-developed foreign ground fish industry unless the FCMA fishing and processing priorities are enforced and area restrictions are imposed. The costs that our developing United States industry incurs to engage in this business are, understandably, far greater than the costs incurred by the foreign fishing industry; any United States enterprise must comply with all of the minimum wage, OSHA, EPA, tax and other laws which, in the aggregate, support the American way of life. Obviously, foreign operators do not need to meet such standards. Nonetheless, I believe the United States industry can do the job if we are given the time and the opportunity to do so.

Respectfully submitted,

ICICLE SEAFOODS, INC.



PROPOSED RESOLUTION

TO: North Pacific Fishery Management Council  
FROM: Alaska Board of Fisheries  
DATE: January 4, 1980

It has come to the attention of the Alaska Board of Fisheries that Korean and Soviet factory processing ships propose to operate in the Gulf of Alaska and Bering Sea to process U.S. harvested fish and that area restrictions have been proposed on these operations as follows: A 12-mile closure throughout Alaska; a closure for foreign processing in the Halibut Savings Area in the Bering Sea; and a rectangular window in which foreign processing will not be allowed near Akutan in the Aleutian chain bounded on the west by  $164^{\circ} 45$  minutes longitude, on the east by  $166^{\circ} 0$  minutes longitude, on the north by  $54^{\circ} 40$  minutes latitude and on the south by  $53^{\circ} 40$  minutes latitude. It is the view of the Alaska Board of Fisheries and its biologists that these area closures should become amendments to the Fishery Management Plans and that these area closures should be included as conditions on foreign processing ship permits in the Gulf of Alaska and Bering Sea both to provide protection to American processing operations on and offshore and to support conservation goals for these fisheries. It is our view that these area closures will protect near shore fish stocks from intensive harvesting activity which could be occasioned by the location of large foreign factory ships at those sites and that mortality of incidental halibut catches will be greatly reduced to the extent that they are caught and sorted on the deck of U.S. fishing vessels rather than caught and transferred in cod end operations with foreign factory ships.

It is therefore resolved that the North Pacific Fishery Management Council support the conservation goals of the Alaska Department of Fish and Game and of the 200-mile Fishery Conservation Zone by imposing the above area restrictions on the operations of Soviet and Korean factory ships, both as conditions on the permits for such ships and as amendment to the Fishery Management Plans.



## DANIEL E. WEBSTER AND COMPANY, INC.

MARINE MANAGEMENT

December 17, 1979

SUITE 225  
200 WEST THOMAS STREET  
SEATTLE, WASHINGTON 98109  
206-284-8481

Mr. Clement Tillion, Chairman  
Mr. Jim H. Branson, Executive Director  
North Pacific Fishery Management Council  
P. O. Box 3136 DT  
Anchorage, Alaska 96813

Dear Clem and Jim,

I enclose copies of my remarks on December 14 to the Council, with the request that you provide them to the members in view of the recess of the meeting until January 10-11. A number of questions were asked before and after the recess, which I will comment on here.

The present time and area restrictions in the Bering Sea plan in conjunction with the descent of winter ice would preclude domestic trawling for six months per year except for 2,000 MT for bait. Steuart Fisheries will commence trawling from Dutch Harbor with 1-3 vessels on or about April 15 (45 days before the areas would be re-opened for both foreign and domestic trawling). By then, 100% of the present quota of groundfish should be taken.

In winter the Davidson Bank is not enough area for trawlers to operate in. In one particular area like the Bank, there may be an ice storm, fog or sea swells which interrupt fishing while the weather is better elsewhere. Fishermen and process workers will quit if the vessels are forced to stay in port. In summer, the foreign trawlers fish in the Bering Sea and are numerous enough to preempt the grounds.

Steuart Fisheries will accept observers on its vessels to monitor the bycatch of halibut - in winter or summer, in any area of Alaska. Wherever its vessels operate, I expect a halibut mortality rate not higher than 1% of the groundfish catch on the basis of weight, because the vessels are equipped both for off-bottom trawling and dragging and have decks partitioned off by bin boards for rapid sorting. I wish every trawler carried this protection for halibut.

The Bering Sea already is "trawler country," just as west Texas is renowned for cattle raising. I cannot agree with the extreme positions of some longliners from Southeast Alaska and Seattle who want the area for themselves. They might make a better deal for both longliners and trawlermen with people like us than with U.S.-foreign joint ventures or foreign fishermen. We want to stay in Dutch Harbor. We want the local economy to expand and provide more employment for fishermen and process workers, and halibut is part of the picture.

The question of effective enforcement appears to be troubling all of us. Observers and the mandatory logging of halibut bycatch on domestic trawlers might help, but what else could the Council do, short of throttling trawling?

One approach which the Council has not tried is to give the facts first to the fishermen, including foreign nations, and tell them to get out of trawl or pot fisheries, unless their operation in individual cases involves low mortality of halibut. This will give fishermen a choice between keeping or losing their privileges, and may require a study and follow-up reports. The drawback of time and area restrictions is that fishermen don't become involved in enforcement, and without their cooperation, a depressed fishery might not come back.

When the meeting recessed, we agreed that you will ask the plan development team to make specific recommendations by January 10. I would appreciate an extension of the final review period if necessary to allow time to incorporate any changes when the meeting is over.

Sincerely,



Daniel E. Webster

DEW:hb  
Encl.

DANIEL WEBSTER/STEUART FISHERIES  
REMARKS BEFORE THE NORTH PACIFIC FISHERY MANAGEMENT COUNCIL  
DECEMBER 12-14, 1979

Your plans and ours in the Bering Sea/Aleutian Islands groundfish fishery are not the same at this time. Hopefully, the differences will be ironed out so that halibut in the region receive adequate protection and our trawlers can fish there 12 months a year.

Some of you may not know who we are, or what Steuart Fisheries is doing and planning in Dutch Harbor. Steuart Fisheries is a fishing vessel owner. We want to become a successful distributor-wholesaler of Alaskan fish/shellfish. Steuart Fisheries is resident in Alaska, registers its fishing vessels in the State, hires fishermen in Dutch Harbor, processes its products there, pays local taxes and is owned and operated by a diversified U. S. distributor-wholesaler.

There is still time for the Council to reconsider the winter halibut savings areas and the pot sanctuary provided for in the groundfish management plan for the Bering Sea. The plan is in the Secretary's final, 45-day review period. Unless the Council acts, our progress will be stopped cold by these measures. You will need details of our business to know why.

Highlights of our planning for the next few years are the following:

1. Domestic sales of \$40 million per year of frozen fish portions and fresh fillets. This figure includes approximately 20 million portions. Our portions will be 5 oz. net weight and consist of a frozen fillet garnished and individually packaged.

2. The U. S. is a big market for processed fish. Caterers such as Marriott, Stouffers, Sheraton Hotels and United Airlines buy frozen food portions delivered by surface freight in refrigerated vans. Also, food markets such as Safeway Stores want fresh fillets shipped by air/truck. The fresh fillet market is relatively small, but selling fresh fish provides a mechanism needed to price products properly and pay fishermen fair prices for all of their catch.

3. The raw product we will require is approximately 60 million lb. (27,000 MT) per year of true cod, perch and flathead sole from the Bering Sea/Aleutian Islands region. Also, Alaskan shrimp, crab and halibut will be needed for garnishes in order to transform fillets into "a seafood dinner in one serving."

4. We will require processing in Alaska. We want custom packing contracts with one or two Dutch Harbor plants employing altogether about 150 process workers on a year-around basis. We estimate the local payroll will be \$2 million per year using a minimum wage of \$4.50 per hour. The arithmetic is \$4.50 per hour x 60 hours per week x 50 weeks per year x 150 workers = \$2,025,000 payroll. Experience indicates that a worker can fillet 50 lb. of fish per hour, so we expect that local processors will hire approximately 150 workers to do our work. The requirement for 150 workers is based upon matching production (50 lb. per hour x 60 hours per week x 50 weeks per year x 150 workers = 22,500,000 lb.) and sales (60,000,000 lb. of raw fish x 33% recovery = 20,000,000 lb.) with enough margin for the operation of the plants at less than 100% capacity.

5. Until recently, there were production barriers. All of them are being removed except, of course, for the time and area restrictions on trawling in your management plan for the Bering Sea. The breakthroughs most important to us are a new groundfish unloader which is faster and less damaging than unloading iced fish with pughs and shovels, and a vacuum packager which seals 24 instead of 3 portions per minute previously. We also are working to reduce the shortage of housing and storage in Dutch Harbor.

6. Sixty million lb. (27,000 MT) of raw fish annually requires a minimum of three 108-ft. trawlers and three 90-ft. trawlers operating 300 days per year in the Bering Sea and Aleutian Islands. Steuart Fisheries already has spent more than half of the \$12 million needed to buy these fishing vessels. The 108-ft. trawlers presently in service are the DISCOVERY BAY, HALF MOON BAY and SUNSET BAY. The three 90-ft. trawlers will not be built in 1980, however, unless the Council removes the time and area restrictions on domestic trawling on the best fishing grounds. The following table contains a summary of proforma operations which indicates that such restrictions will cripple all of our plans:

	Hold Capys. (Per Vessel)		Weekly Trips/ Year	Combined Production/Yr.		Fishing Grounds/ Target Species
	Lb.	MT		Lb.	MT	
Three 108-ft. trawlers (ea. 6,700 cu. ft. of insulated fish holds)	300,000	136	40	34,200,000	15,500	Winter-Bering Sea Summer-Davidson Bank True Cod/Flathead Sole
Three 90-ft. trawlers (ea. 5,000 cu. ft. of insulated fish holds)	275,000	102	40	25,800,000	11,700	Winter-Bering Sea Summer-Aleutian Isl. True Cod/Perch
				<u>60,000,000</u>	<u>27,200</u>	

The present quota of 2,000 MT is adequate only for bait trawling in the eastern Bering Sea between December 1 and May 31. We know the restrictions will force us to compete with foreign fishermen for the resources of the same area during the rest of the year. There is an obvious potential for gear conflict. The vast preponderance in numbers in their favor indicates that more than 400 foreign trawlers will overwhelm Steuart Fisheries' small

fleet and preempt the fishing grounds. We know we can trawl on other fishing grounds when the foreigners are not fishing in the Bering Sea such as the Davidson Bank, but the notoriously variable weather (ice storms, fog banks and sea swells) requires significantly more area for trawling in winter than summer.

We spelled out our future plans so that the Council will agree it is necessary to amend the management plan. We are not promising a definite date, but we know that a minimum of 2-3 years will go by before we can be in full operation. Meanwhile, we can sell brine frozen cod, and the HALF MOON BAY will begin delivering them in Dutch Harbor on or about April 15. This vessel will be joined by one or both sister ships for the following 100-day fishing season, if they do not receive government research work.

Hopefully, the plan development team will make amendment proposals before the next meeting of the Council. We believe that present time and area restrictions will not contribute much to the recovery of halibut stocks in the other regions of Alaska where fishermen want more, not less, protection. The key to adequate protection for halibut is to be found instead in off-bottom trawling, in sorting the trawl catch on deck and in reducing the storage of crab pots at sea. There is research supporting the effectiveness of these other measures which the plan development team is aware of.

We request the following action at the next meeting of the Council:

1. Amend the groundfish management plan in the Bering Sea to eliminate time and area restrictions on domestic trawl operations. Presently these operations cannot conceivably be a probable threat to halibut stocks of the region.
2. Amend the same plan and the groundfish management plan for the Gulf of Alaska to require observers on domestic trawlers in times and areas when the Alaska Commissioner of Fish and Game may seek to corroborate logging of incidental catch of halibut.
3. Request a study followed by a report to the Council next year on restrictions which might be instituted with respect to the design and use of trawl nets and pots throughout Alaskan waters. This report should evaluate scientifically the probable impact on halibut stocks of alternative restrictions and practices.



e-6 (X)

**U.S. DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
 NATIONAL MARINE FISHERIES SERVICE  
 P. O. BOX 1668 - JUNEAU, ALASKA 99802

January 3, 1980

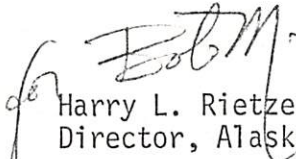
Jim Branson, Executive Director  
 North Pacific Fishery Management Council  
 P.O. Box 3036 DT  
 Anchorage, AK 99510

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Dear Jim:

The Regional Office has taken action to extend the PMP/Environmental Assessment for the Trawl and Herring Gillnet Fishery of the Eastern Bering Sea and Northwest Pacific into the 1980 fishing year to regulate foreign fisheries until the NPFMC's FMP is implemented. Enclosed are the necessary amendments to accomplish this action.

Sincerely,

*for*   
 Harry L. Rietze  
 Director, Alaska Region

Enclosures



December 27, 1979

F/CM3 - William Gordon

F/AKR - Harry L. Rietze

Supplement to "Proposed Changes" to the PMP for the Trawl Fisheries and Herring Gillnet Fishery of the Eastern Bering Sea and Northeast Pacific. (Roland Smith's call to Bob McVey December 26, 1979).

The following should be included in the "Proposed Changes" to the subject PMP that we submitted December 21, 1979.

Page 9325 Section 4.0(4). Insert the following after "Pacific ocean perch and other rockfishes."

Four rockfish species, including Sebastes polyspinus, S. aleutianus, S. borealis, and S. zacentrus, that formerly were in the "other rockfish" category, are combined with S. alutus as Pacific ocean perch. The specification of the "other rockfish" TAC did not include the above four Sebastes species because they were historically recorded as Pacific ocean perch rather than "other rockfish."

Page 9325 Section 4.0(8) Herring. Add the following sentence:

This figure is an adjustment of the acceptable biological catch (ABC), taking into account best available information. The ABC has been derived by applying an exploitation rate of 0.13 to the 1979 estimated biomass of 224,874 mt. The exploitation rate was derived by procedures worked out by scientists of the Northeast and Alaska Fishery Center and the Alaska Department of Fish and Game (ADF&G). The estimated biomass was determined through aerial surveys conducted by ADF&G.

The TAC of 41,200 mt includes a DAH of 33,200, which is the sum of DAP (27,000), JVP (6,000), and Subsistence (200); these components have been established as follows:

DAP - Although maximum harvest capacity is projected to be 65,380 mt, processing capacity is approximately 36,400. The best real estimate of DAP is 27,000 mt, which is a slight increase over the 1979 upper limit potential harvest of 25,000 mt to account for unexpected additional effort and/or ideal weather conditions during the time critical to the roe fishery. This 27,000 mt is expected to be caught in the inshore roe and food fisheries all of which will probably be utilized by domestic processors.

JVP - The remaining 6,000 mt of DAH could be taken in an offshore food and bait fishery. It is unlikely, however, that any of this offshore herring catch would be utilized by domestic processors, in the absence of expressed intentions and in view of the much higher value of the inshore roe fishery. Therefore, this 6,000 mt is available for utilization by joint ventures. One proposed joint venture has already indicated its intent to utilize 4,900 mt of herring and a second proposed joint venture will probably experience incidental catches.

Subsistence - During the period 1975-78, the subsistence harvest of herring averaged 100 mt annually. Subsistence is set at 200 mt to provide ample amounts for any increases in subsistence harvests.

cc:  
Pat Travers

cc: F/AKR12  
JWBROOKS/RJBERG:c1 12-27-79

December 21, 1979

F/CM3

(SGD) ROBERT W. MOVEY

F/ARR - Harry L. Rietze

Extension of the PMP/Environmental Assessment for the Trawl Fisheries and Herring Gillnet Fishery of the Eastern Bering Sea and Northeast Pacific into the 1980 fishing year.

We had submitted an earlier "Proposed Changes" that updated the subject PMP/Environmental Assessment (reference: our September 25, 1979, memo with attachments). The earlier version included all HSY, EY, OY, and TALFF figures, except for herring, that are in the North Pacific Fishery Management Council's FMP for the Groundfish Fishery in the Bering Sea/Aleutian Island area. We have since obtained new data that justify changes to HSY, EY, OY, TALFF, and DAH values for herring and DAH values for the other species and species groups. Accordingly, we are submitting a new version of the "Proposed Changes" to the PMP/Environmental Assessment; it will supersede the earlier version. Attached is the Environmental Assessment. The "Proposed Changes" was communicated to F/CM36 on December 21, 1979.

RJBERG:c1

12-21-79

ENVIRONMENT IMPACT ASSESSMENT ON PROPOSED AMENDMENTS  
TO THE PRELIMINARY MANAGEMENT PLAN FOR THE  
TRAWL FISHERIES AND HERRING GILLNET FISHERY OF THE  
EASTERN BERING SEA AND NORTHEAST PACIFIC

Description of Action

The proposed action is to extend into the 1980 fishing season the preliminary management plan (PMP) for the Trawl Fisheries and Herring Gillnet Fishery of the Eastern Bering Sea and Northeast Pacific, which was adopted for foreign fishing in 1977 under provisions of the Fishery Conservation and Management Act of 1976 (P.L. 94-265). An environmental impact statement was prepared relative to the action of adopting the PMP, and it was determined that there were no significant environmental impacts. The PMP was published in the Federal Register on February 15, 1977.

In 1979, respective optimum yields (OY), total allowable levels of foreign fishing (TALFF), and domestic annual harvest (DAH) were as follows: pollock-950,000, 950,000, and zero; yellowfin sole-106,000, 106,000, and zero; other flounders-139,000, 139,000 and zero; Pacific ocean perch, Areas I, II, and III combined-6,500, 6,500, and zero; Area IV-15,000, 15,000, and zero; sablefish, Areas I, II, and III, combined-3,000, 3,000, and zero; Area IV-1,500, 1,500, and zero; cod-58,000, 56,500, and zero; herring-18,670, 8,670, and 10,000; squid-10,000, 10,000, and zero; Atka mackerel-24,800, 24,800, and zero; and other species-93,600, 93,600, and zero.

Most OY's and allocations will change for the 1980 fishing year. In addition, new species groups, namely turbot and rockfish, have been assigned OY, TALFF, and DAH values. A separate OY with TALFF and DAH has been established to provide for a pelagic pollock fishery off the Aleutian Islands. This is in addition to the Bering Sea/Aleutian

*Island pollock fishery*  
*Island pollock fishery*

For the various species or species groups new OY (TAC), and initial TALFF, DAH, and Reserves (difference between OY and TALFF plus DAH) are summarized in the following table:

OY and initial TALFF, DAH, and Reserve in Bering Sea/Aleutian Islands Area - 1980 (metric tons)

Species group	Sub-area	OY (TAC)	TALFF	DAH	Reserve
Pollock	Bering Sea/ Aleutians	1,000,000	930,450	19,550	50,000
	Aleutians (Pelagic)	100,000	100,000	0	0
Yellowfin Sole		117,000	109,100	2,050	5,850
Turbot		90,000	84,425	1,075	4,500
Other flounder		61,000	56,650	1,300	3,050
Pacific cod		58,700	31,500	24,265	2,935
Pacific ocean perch	Bering Sea	3,250	1,708	1,380	162
	Aleutians	7,500	5,745	1,380	375
Other rockfish		7,727	5,677	1,550	500
Sablefish	Bering Sea	3,500	2,450	700	350
	Aleutians	1,500	650	700	150
Atka mackerel		24,800	23,460	100	1,240
Herring		41,200	6,000	33,200	2,000
Squid		10,000	9,450	50	500
Others		74,249	68,537	2,000	3,712

Other changes proposed for the management of the 1980 fishery include provisions for releasing portions of DAH and Reserves not utilized by U.S. fishermen to TALFF.

## Environmental Elements

The following items and impact assessments relating to the proposed action were reviewed:

- o Fishery Resource - The estimated equilibrium yields for the species concerned are as follows: pollock, Bering Sea/Aleutians-1,000,000; Area IV-Aleutians (pelagic)-unknown; yellowfin sole-117,000; turbot-90,000-95,000; other flounders-44,300-76,800; cod-53,700; Pacific ocean perch, Areas I, II, and III combined-6,500; Area IV-15,000; other rockfish-unknown; sablefish, Areas I, II, and III combined-3,500; Area IV-1,500; Atka mackerel-unknown; herring-not applicable; squid-more than or equal to 10,000; others-89,400.
- o Marine Mammal Resource - Seven important marine mammals, including the northern sea lion, northern fur seal, bearded seal, ringed seal, harbor seal, large seal, and ribbon seal, are affected by the Bering Sea and Aleutian Island fisheries. Of the seven species, it is expected that harvesting groundfish, principally pollock, could potentially affect the sea lion and fur seal. The other marine mammal species feed primarily on pelagic fish, cephalopods, attached benthic fauna, and crustaceans. Although the authorized harvest level of herring for 1980, which

is a pelagic species, represents about a 120 percent increase over that of 1979, it is well below MSY and far below some historically high catches. No adverse effects on marine mammal species that feed on herring are expected to occur as a result of the herring harvests. The total allowable catch of groundfish in 1980, however, is about 25 percent below the average catch of 1969 to 1976; more groundfish should be available to marine mammals than in previous years of higher harvests.

The total allowable catch of groundfish in the 1980 fishing year is about 9 percent higher than in 1979. The actual impact of this higher harvest level on the sea lion and fur seal, while immeasurable, is thought to be insignificant when the large biomass of groundfish available to these mammals is taken into account.

- o Physical Environment - Discharge of sewage and processing wastes in nearshore areas will occur; these discharges will be permitted and monitored by the Environmental Protection Agency. Ecological effects of these discharges, if properly handled, will be insignificant.

#### Economic and Social Factors

- o The United States trawl fishery is presently small and will not be influenced by the foreign fisheries managed

under this PMP. Reserves will provide a supply of fish for U.S. fishermen in the event that U.S. capacities have been underestimated. If any U.S. capacities have been overestimated, portions may be reallocated to foreign nations.

### Conclusions

- o Mitigating Measures Related to the Proposed Action - No significant environmental impacts are expected, therefore, no actions are proposed to mitigate potential adverse effects.
- o Unavoidable Adverse Effects with the Implementation of the Proposed Action - As mentioned previously, discharges and processing wastes would have the only unavoidable environmental effects.
- o Relationships Between Local Short-term Uses of the Environment and the Maintenance and Enhancement of Long-term Productivity -  
The proposed action will comply with P.L. 94-265 by preventing overfishing while achieving, on a continuous basis, the OY from the fishery. Monitoring of catch levels and re-evaluation of the production dynamics of fish stocks will ensure the long range productivity of the resource.
- o Irreversible and irretrievable Commitment of Resources Involved with the Proposed Action - No Permanent losses to fishery, air or water resources are expected, except where possible future processing plants are constructed.



o Alternatives to the Proposed Action - The adjustments of the total allowable catch, upward or downward are alternatives. However, in light of the known condition of the stocks and/or the lack of biological data to support adjustments, these alternatives are not practicable at this time.

Recommendation

Having reviewed the Environmental Impact Assessment and considered the spirit and intent of P.L. 94-265 and the available information relating to the proposed action, we have determined that there will be no significant effects on the resources. We recommend a negative environmental impact determination on the proposed action.

Approved:

—  
Director, National Marine Fisheries Service

cc:  
F/AKR12  
RJBERG:c1

12-21-79

Dec 21, 1977  
revision

1

PROPOSED CHANGES TO THE  
PRELIMINARY FISHERY MANAGEMENT PLAN  
FOR THE  
TRAWL FISHERIES AND HERRING GILLNET FISHERY OF THE  
EASTERN BERING SEA AND NORTHEAST PACIFIC

1.0 Statement of Proposed Action

The proposed action is to modify for the 1980 fishing season, certain species categories and certain values for maximum sustained yield (MSY), equilibrium yield (EY), and optimum yield (OY), which equals total allowable catch (TAC), for the preliminary fishery management plan (PMP) for the Trawl and Herring Gillnet Fishery of the Bering Sea and Aleutian Islands. This PMP, published in the Federal Register February 15, 1977, was implemented March 1, 1977, under provisions of the Fishery Conservation and Management Act of 1976.

These modifications will change certain values for total allowable levels of foreign fishing (TALFF), domestic annual harvest (DAH), and reserves for the 1980 fishing year. They result from analysis of fishery data obtained since this preliminary fishery management plan was proposed and are being incorporated, except for herring, into the fishery management plan (FMP) for the Groundfish Fishery in the Bering Sea/Aleutian Island area, prepared by the North Pacific Fishery Management Council and currently being reviewed by the Secretary of Commerce. The Council is preparing a draft FMP for Bering-Chukchi Sea herring that may be implemented by November, 1980. Certain parts of the PMP pertaining to herring are being modified, using the best current data that are also utilized in

the draft FMP.

Amounts set aside for DAH were determined by analysis of fishing fleet capacity and its expected intent to fish, taking into account processing capacity and intent to process. Amounts expected to be needed for subsistence and joint ventures have been considered. As effective utilization of living marine resources is a result of wise conservation and management, these changes are intended to reflect that concept in respect to the various fisheries of the Eastern Bering Sea and Aleutian Region. It is expected that implementation of these modifications will substantially contribute to the improvement and well-being of the fishery resources to which they are directed.

## 2.0 The Preliminary Fishery Management Plan

(1) Page 9325 Section 4.0, Table 18 (see attached table of changes). Make the following additional changes pertaining to herring: MSY, change to 48,186 from 50,000-100,000; EY, change to "not applicable" (NA) from 21,000; Status, delete all and add "herring, although overfished in previous years, have shown an increase in abundance in all major spawning areas during the 1976-78 period and a similar or slightly greater abundance in 1979 relative to 1978"; 1980 TAC, change to 41,200 from 18,670; U.S. capacity, change to 33,200<sup>1/</sup> from 10,000; TALFF, change to 6,000 from 8,670; reserve, create a reserve of 2,000.

(2) Page 9320 Section 3.0(2) Yellowfin Sole

(c) Maximum sustainable yield. Delete all after first

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<sup>1/</sup> 33,200 = 27,000 (DAP) + 6,000 (JVP) + 200 (Subsistence)

sentence and add: The results of cohort analyses indicate that exploitable biomass reached a historic low in 1969 but then rose to 90,000 mt by 1975. Applying the Alverson-Pereyra yield equation to the pre-1963 biomass estimate results in an MSY range of 169,000-260,000.

(e) Equilibrium yield. Delete all and add: Based on the 1975 research survey, equilibrium yield was calculated to be 126,000 mt with a confidence interval of 106,000 to 147,000 mt. Wakabayashi (1976) estimated that equilibrium yield in the same period was 117,000 mt. On the basis of data through 1975 Wakabayashi, Bakkala, and Low (1977) inferred that a conservative approximation of equilibrium yield would be the low end of the above range -- 106,000 mt.

A cohort analysis was conducted to determine population age structure and abundance. It indicated biomass of age six and older fish increased from 1971 to 1975. Projected estimates of biomass from cohort analysis suggest the improvement of the yellowfin sole resource, which started in 1973 or earlier, continued at least through 1976 and 1977. Considering the conservative nature of the EY based on data through 1975 and the positive trends since then, EY is now set at 117,000 mt.

(3) Page 9320 Section 3.0(3) Other Flounders. Change to read: Turbots and Other Flounders. Delete all under this section and add: Under the Preliminary Fishery Management Plan of 1977 and as updated in 1978 and 1979, all flatfishes, other than Pacific halibut and yellowfin sole, were grouped under an "Other Flounders" category; species within this category,

however, may be separated into two main complexes by virtue of their biology and bathymetric distribution. Also the fisheries for these two flounder complexes are quite distinct.

(a) Distribution. The turbot (arrowtooth flounder and Greenland turbot) are large flatfishes which are distributed along the continental slope in deep water. "Other Flounders" include the following smaller species; flathead sole, rock sole, Alaska plaice, and trace amounts of rex sole, Dover sole, starry flounder, longhead dab, butter sole, and lefteye flounders. "Other Flounders" are small in size and are generally found well up on the continental shelf in shallow water.

(b) Maximum Sustainable Yield. After a long period of relatively small catches, turbot production increased substantially in the early 1970's and continued at a high level. Of the two species in this complex, Greenland turbot has accounted for 80 percent of the catch.

Since turbot is secondary or only occasional target species taken in the fisheries for pollock, sablefish, and yellowfin sole, it is difficult to estimate the MSY of this complex with standard production models which rely on commercial catch-effort statistics.

Although catches averaging 105,000 mt have been sustained during the period 1972-76, catch rates of Greenland turbot in one foreign fleet have decreased substantially during the same period. Accordingly, MSY for the turbot complex is believed to be in the order of 100,000 mt.

Information on the abundance of all the "Other Flounders" is

lacking; a NMFS trawl survey in 1975 indicated a standing stock of 232,000-334,100 mt of flathead sole and rock sole, implying a virgin biomass of 462,000-668,200 mt. Inasmuch as plaice and dab are virtually unutilized by the fisheries, they are excluded from the computation of MSY.

Estimates of MSY of "Other Flounders" range from 44,300 mt to 76,800.

(c) Equilibrium Yield. Commercial catch-effort statistics are of little use for stock assessment of turbot because they are not primary target species. In the case of such secondary species, it is extremely difficult to determine data points that are indicative of stock abundance. Catch rates for these species tend to vary more in response to fishing strategy for primary target species than to turbot abundance. The problem is compounded because data from individual vessels that do target on turbot are often merged and summarized with data of all other vessels.

Given the difficulty in using commercial CPUE data for non-target species and the lack of research survey coverage of the depth strata where adult turbot reside, the only quantitative information bearing on current stock condition is that for juveniles which occur in shallow water and were sampled by research vessels. In one area sampled since 1973, catch rates for young arrowtooth flounder increased from 1.1 kg per km trawled to 3 kg per km trawled in 1976; the preliminary value for 1977 was almost identical to that for 1976. Therefore, the current catch level of about 21,000 metric tons does not appear

to be detrimental to recruitment.

Catch rates of juvenile Greenland turbot have been relatively stable since 1974, also indicating that fishery removals have not impacted Greenland turbot recruitment in recent years.

As mentioned above, it is difficult to evaluate the condition of individual species using catch rates of mixed species fisheries. Nonetheless, it may be significant that during the period 1972-76 when the total annual Greenland turbot catch decreased about 16 percent (from 95,300 to 79,800 mt), the catch rate of that species in the Japanese landbased dragnet fishery decreased by 32 percent (from 40 to 27 mt/100 hours). This fleet accounted for 44 percent of the total Greenland turbot catch.

In summary, recognizing the lack of adequate stock assessment information, but considering the downward trend in catch and CPUE for Greenland turbot, the equilibrium yield for this complex is believed to be about 5-10 percent below MSY, or 90,000-95,000 mt.

There is no evidence to suggest that MSY for "Other Flounders" is unattainable and therefore EY equals MSY, or 44,300-76,800 mt.

(4) Page 9320 Section 3.0(4) Pacific ocean perch. Change to read: "Pacific ocean perch and other rockfish". Add sentence at end of each of following subsections as follows:

(a) Distribution and abundance. Add: Little information is available on the distribution and abundance of

other rockfish species.

(b) Status. Add: Little information is available on the status of other rockfish species.

(c) Maximum sustainable yield. Add: No information is available on the MSY of the other rockfish species.

(d) Estimated equilibrium yield. Add: No information is available on the EY of other rockfish species.

(5) Page 9322 Section 3.0(5) Sablefish (Blackcod).

(a) Maximum sustainable yield. Delete last paragraph and add: Although the sablefish resource should be managed by regions, the long-term productivity in each region is probably related to the overall condition of the resource. Therefore, it is difficult to get an accurate estimation of the MSY within each region by using fishery information of that region alone. To reduce this problem, both Japanese and U.S. scientists have estimated MSY of the resource as a whole. The latest Japanese estimate of MSY for the entire resource from California to the Bering Sea was 69,000 mt (Anon. 1978). The U.S. estimate of MSY was 42,600 to 46,500 mt (Low et al. 1976), using essentially the same general production model, but with a different weighting of data among regions. The MSY estimate of 69,600 mt appears high in view of the fact that the highest catch in history was 65,000 mt (1972) and that average catches from 1968 to 1975 of 48,200 mt have resulted in continuing and rapid declines in CPUE; accordingly, the high end of the U.S. estimate of overall MSY is considered to be most appropriate -- 46,500 mt. Apportioning this value among regions according to fishing effort results in



an MSY for the Bering Sea/Aleutian region of 13,500 mt. This MSY is further divided between the Bering Sea and Aleutian Island subareas into 11,600 mt and 1,900 mt, respectively.

(b) Equilibrium Yield. Catch and catch per unit effort (CPUE) trends clearly indicate that sablefish stocks in the Eastern Bering Sea/Aleutian Island Region are considerably reduced in abundance when compared to earlier years of the fishery.

The average annual sablefish catch for 1973-75 was 7,800 mt compared to the average catch for the preceding five years of 18,700 mt. Averages for CPUE were lower during the latter period than during the former. Furthermore, CPUE continued downward during 1976-1977. Clearly, an average annual catch of 7,800 mt cannot be sustained. Considering that the declines in CPUE appear to have been less severe in 1976 and 1977, catch trends during that period may be closer to the current EY. Hence, EY is set at 5,000 mt for the Region; EY's for the Bering Sea and Aleutian Island subareas are 3,500 mt and 1,500 mt, respectively.

(6) Page 9322 Section 3.0(6) Pacific Cod.

(a) Distribution and abundance of stocks. Delete second paragraph and add: The annual catch of Pacific cod by Japan increased from 19,100 mt in 1964 to about 74,600 mt in 1970; since then, catches have varied between 40,000 and 60,400 mt. Catches by the USSR have only been reported since 1971 and have increased from 4,000 mt in 1971 to 18,500 mt in 1975. Since 1973, the total cod catch has varied between 55,600-67,000 mt.

(b) Maximum Sustainable Yield. Delete all and add: Few biological data concerning cod are available, and their incidental occurrence in the trawl catch makes questionable the use of CPUE trends for evaluating stock condition. Considering that the cod catch grew very quickly in the mid-1960's and then became rather stable thereafter, the average catch since 1968 should reflect at least a minimal estimate of MSY. That average is 58,700 mt.

(d) Equilibrium Yield. Delete all and add: The MSY of 58,700 mt is believed to be achievable, and therefore EY equals MSY.

(7) Page 9323 Section 3.0(7) Pacific Halibut. Delete paragraph two and add:

(a) Maximum Sustainable Yield. Dunlop et al. (1964) estimated that MSY was about 3,000 mt (round weight) in the southeastern Bering Sea (IPHC Areas 4A and 4B).

Historically, this area has been the most productive for the North American setline fishery, and the MSY for the entire eastern Bering Sea (east of 175° W) probably is no more than 5,000 mt. Estimates of MSY are not available for the western Bering Sea as the North American setline catch in this area has been minor (less than 300 mt). Relatively large catches of halibut (over 3,000 mt) in the western Bering Sea were reported by the Japanese setline fishery in the early 1960's. MSY has not been estimated for the Aleutian area; stocks are small relative to those in the Bering Sea and are considered to be a component of stocks in the Gulf of Alaska.

(b) Equilibrium yield. The equilibrium yield available to the North American setline fishery probably is about the same as the present level of catch of 300 mt, which is well below MSY.

The EY in the western Bering Sea and Aleutians is unknown but probably substantially below MSY.

(8) Page 9324 Section 3.0(8) Herring, Table 17. Substitute with new table 17. Delete all except Table 17, and add:

(a) Distribution and abundance. Herring are found in the western Bering Sea along the Kamchatka Peninsula, in the Olytorsky gulf, and north of the Gulf of Anadyr. In the eastern Bering Sea, they occur from Unalaska Island to Port Clarence on the Seward Peninsula. Bering Sea herring are found on the continental shelf and slope area and do not move into deep water off the Bering Sea basin. In winter, herring concentrate on the continental slope, avoiding shallower, colder waters of the shelf (Rumyantsev and Darda, 1970).

In the late 1960's and early 1970's, there were three principal fisheries for Pacific herring in the eastern Bering Sea: a Japanese trawl fishery, a Soviet trawl fishery, and a Japanese gillnet fishery (Table 17). The Republic of Korea conducted a minor-trawl fishery for herring in the eastern Bering Sea in 1974, catching about 200 mt. The main trawl fisheries operated along and inside the 200-mile line between the Pribilof Islands and St. Matthew Island during the winter and spring months, November to March. The gillnet fishery operated off the Bering Sea coast of Alaska from Bristol Bay to Norton Sound

Table 7. Herring catches in metric tons of Japan and the U.S.S.R. in the eastern Bering Sea by fishing year for 1959-1978 and all nation catches by calendar year.

Fishing year (July-June)	U.S.S.R.	Japan	Total trawl	Gillnet fishery Japan	U.S.	Fishing year total	Calendar Year	U.S.S.R.	Japan	U.S.	Total
1959-60	10,000		10,000			10,000	1960	10,000	403	-	10,403
1960-61	9,800		9,800			9,800	1961	9,800	772	-	10,572
1961-62	24,450		24,450			24,450	1962	24,450	313	-	24,763
1962-63	47,060		47,060			47,060	1963	47,060	0	-	47,060
1963-64	38,950		38,950		18	38,968	1964	33,950	862	13	39,830
1964-65	10,000	1,362	11,362		0	11,362	1965	10,000	896	0	10,896
1965-66	5,000	3,117	8,117		0	8,117	1966	5,000	3,355	0	8,355
1966-67	a/	2,831	a/	30	122	a/	1967	a/	2,714	122	-
1967-68	9,800	9,486	19,286	818	83	20,187	1968	22,255	38,367	83	60,705
1968-69	75,379	50,857	126,236	1,949	45	128,230	1969	94,491	34,946	45	129,482
1969-70	92,228	23,901	116,129	1,585	32	117,746					
1970-71	60,126	24,236	84,362	4,603	18	88,983	1970	117,202	28,345	32	145,579
1971-72	67,343	13,143	80,689	472	88	81,250	1971	23,000	23,130	13	46,143
1972-73	39,999	346	40,345	1,878	78	42,301	1972	54,000	6,453	82	60,546
1973-74	16,810	219	17,029	3,337	114	20,480	1973	34,361	1,913	78	36,352
1974-75	15,039	2,663	17,702	736	51	18,489	1974	19,300	5,635	114	25,049
1975-76	9,518	3,119	12,637	2,668	8	14,922	1975	14,201	1,814	51	16,066
1976-77	18,097	3,449	21,546	551	2,550	24,647	1976	16,812	6,426	8	23,248
1977-78	8,240	2,703	11,043	0	7,305	18,348	1977	13,145	5,592	2,550	21,287
							1978	6,663	2,320	7,305	16,288

Sources:

USSR 1960-1964: fishing season (November-April) from Shaboneev (1965) and Rumyantsev and Darda (1970); 1964-1966: U.S. Fish and Wildlife Service foreign fishery surveillance reports, Alaska Region; 1968-1976 furnished by the USSR under provisions of U.S.-USSR fisheries agreements; 1977: data provided by the USSR under provisions of P.L. 94-265.

Japan 1960-1963: Forrester et al., 1973; 1964-1976: Fisheries Agency of Japan; 1977: data provided by Japan under provisions of P.L. 94-265.

U.S. Alaska Department of Fish and Game, excludes subsistence catches.

a/ Unavailable.

during the spring months, usually April to June. During this period of foreign directed fishing for herring, abundance of herring in the eastern Bering Sea declined significantly. This decline was indicated by the catch and CPUE of foreign trawlers on the winter grounds and by reports from subsistence fishermen along the coast. The catch and CPUE of foreign trawlers are no longer useful as indicators of herring abundance, since herring are now largely incidental catches.

The best indication of current herring abundance is the results from ADF&G aerial surveys that have been conducted in coastal spawning areas annually since 1976. Aerial surveys have indicated an increase in herring abundance in all major spawning areas during the 1976-78 period. Preliminary 1979 observations indicate a similar or slightly greater abundance compared to 1978.

(b) Maximum sustainable yield. Herring populations are subject to significant changes in abundance over relatively short periods of time. It appears that the changes result mainly from changing environmental conditions which influence spawning success and juvenile survival; fishing pressure may also contribute. Because of this aspect of herring population dynamics, the maximum sustainable yield (MSY) is difficult to establish with precision. Using historical catches, MSY is calculated to be 48,186 mt.

(c) Equilibrium yield. Since size of herring populations varies markedly over short periods of time an estimate of equilibrium yield is not meaningful and therefore is

not stated.

(9) Page 9324 Section 3.0(10) Other species. Delete all and add: This category includes sculpins, sharks, skates, eulachon, smelts, capelin, and octopus.

(a) Maximum sustainable yield. Virtually nothing is known of the population structure, biological attributes, or potential yield of the individual components of this category; therefore, only a pragmatic appraisal of "MSY" is possible.

During the last 5 years of record, the catch of this category has averaged about 4 percent of the combined catch of the other, specified groundfish species. During that period, no indication of declining abundance has been noted; accordingly, it is assumed that the aggregation of stocks in the "Others" category can sustain removals equal to 4 percent of the total catch of the specified species as long as that catch remains less than the 1972 peak of 2,234,500 mt (see Annex IV-4).

Accordingly, "MSY" of this category is considered to be 89,400 mt.

(b) Equilibrium Yield. MSY is believed attainable, and therefore, EY equals MSY.

(10) Page 9324 Section 4.0(1) Walleye Pollock. Change fourth sentence to read: ". . . the TAC in 1980 is set at 1,000,000 mt in the Bering Sea subarea and 100,000 in the Aleutian Island subarea.

(11) Page 9324 Section 4.0(2) Yellowfin Sole. Delete all and add: This resource has rebounded surprisingly well from a state of depletion in mid-1960's. Current abundance is high (55-

85% of the estimated virgin biomass) and all fishery and biological indicators are possible. Furthermore, the average catch in 1977-78 was well below the conservative estimate of EY which, considering the low natural mortality of the species, should provide additional enhancement to the population in 1980. Accordingly, TAC is considered equivalent to current EY -- 117,000 mt.

(12) Page 9325 Section 4.0(3) Other Flounders. Change to read: Turbots and flounders. Delete all and add: The TAC for the turbot complex is considered equivalent to the low end of the EY range, or 90,000 mt. The "Other Flounders" complex appears healthy and a significant portion of it (plaice and longhead dab) are yet to come under exploitation. Therefore TAC is considered equivalent to the mid-point of the MSY range, or 61,000 mt.

(13) Page 9325 Section 4.0(4) Pacific Ocean Perch. Change to read: Pacific ocean perch and other rockfishes. The TAC of Pacific ocean perch will be set at half of the current EY in order to balance the need for rebuilding stocks against severe economic dislocation in the foreign trawl fisheries -- 3,250 mt in the eastern Bering Sea and 7,500 mt in the Aleutian Islands.

Until additional, accurate fishery information becomes available, the TAC of other rockfishes will be held at 7,727 mt.

(14) Page 9325 Section 4.0(5) Sablefish. Delete all and add: Sablefish stocks in this Region have been overfished and are not now capable of producing MSY. Although the source of recruitment to these stocks is not known, neither eggs nor larvae of sablefish have been detected in this region. It is possible,

therefore, that recruitment comes from spawning in the Gulf of Alaska. If so, rebuilding of stock abundance will be a function of healthy spawning stocks in the Gulf rather than in the Bering Sea/Aleutian Region. Therefore, ABC is considered equivalent to EY - 3,500 mt in the Bering Sea area, 1,500 mt in the Aleutian area.

(15) Page 9325 Section 4.0(6) Cod. Delete all and add: TAC is considered equivalent to MSY, or 58,700 mt.

(16) Page 9325 Section 4.0(7) Halibut. Delete 1979 and add: 1980

(17) Page 9325 Section 4.0(8) Herring. Delete all and add: The 1980 TAC for this species is set at 41,200 mt. <sup>CS</sup> <sup>A</sup>

(18) Page 9325 Section 4.0(10) Other Species. Delete all and add: TAC for "other species" has been set at 74,249 mt and is region wide instead of being divided into the eastern Bering Sea and Aleutian Island subareas.

(19) Page 9329 7.0 References. Add the following as indicated:

#### Yellowfin sole

Wakabayashi, K. 1976. Studies on resources of yellowfin sole in the eastern Bering Sea. Fishery Agency of Japan. (Submitted to INPFC).

Wakabayashi, K., R. Bakkala, and L. Low. 1977. Status of the yellowfin sole resource in the eastern Bering Sea through 1976. U.S. Dept. Commerce, NOAA, NMFS, NWAFC, Seattle, WA. (Doc.



submitted to INPFC) 45 p.

### Sablefish

Anonymous. 1978. Report of the meeting between U.S. and Japanese scientists for the exchange of information on the condition of fishery stocks in the Bering Sea and northeastern Pacific. U.S. Dept. of Commerce, NOAA, NMFS, NWAFC, Seattle, WA. (unpubl.)

Low, L. L., G. K. Tanoanaka, and H. H. Shippen. 1976. Sablefish of the northeastern Pacific Ocean and Bering Sea. U.S. Dept. of Commerce, NOAA, NMFS, NWAFC, Seattle, WA. (Processed Rept.)  
115 p.

(20) 9.0 Appendix B, Section 2.0 Catch Quotas. Change the catch quota of pollock to 930,450 in areas I, II, and III, combined and to 100,000 in area IV from 950,000 in areas I-IV, combined; for yellowfin sole to 109,100 from 106,000; for turbot - 84,425; for other flounders to 56,650 from 139,000; for Pacific ocean perch to 1,708 in areas I, II, and III, combined from 6,500 and to 5,745 in area IV from 15,000; other rockfish - 5,677; for sablefish to 2,450 in areas I, II, and III, combined from 3,000 and to 650 in area IV from 1,500; for cod to 31,500 from 56,500; for Atka mackerel - 23,460; for herring - to 41,200 from 18,670; for squid to 9,450 from 10,055; for others to 68,537 from 93,600.

(21) 9.0 Appendix B Section 6.0 Statistical reporting.

(a) Annual, add "other rockfish" and "squid" to list.

(22) 9.0 Appendix B add a new section. 8.0 Reserves,

which reads as follows:

#### 8.0 Reserves

Up to twenty five percent of the reserves shown in Section 4.0, table 18 shall be transferred to TALFF on or as soon as practicable after the following dates if the Regional Director determines the reserves are greater than the amount of fish that will be caught by U.S. fishermen: February 2, April 2, June 2, and August 2.

(b) In addition to the above, any portion of reserves not transferred to TALFF on any of the first three dates above may be transferred on a subsequent date(s).

(23) 9.0 Appendix B, add a new section, 9.0 Apportionment of DAH to Talff, which reads as follows: As soon as practicable after each of the following dates, the Regional Director shall reassess each DAH amount as set forth in Section 4.0, Table 18, and apportion to TALFF such parts thereof as he determines are greater than the amount of fish that will be caught by U.S. fishermen: June 2, and August 2. Any portion of DAH not transferred to TALFF on the first date above may be transferred on the second date.

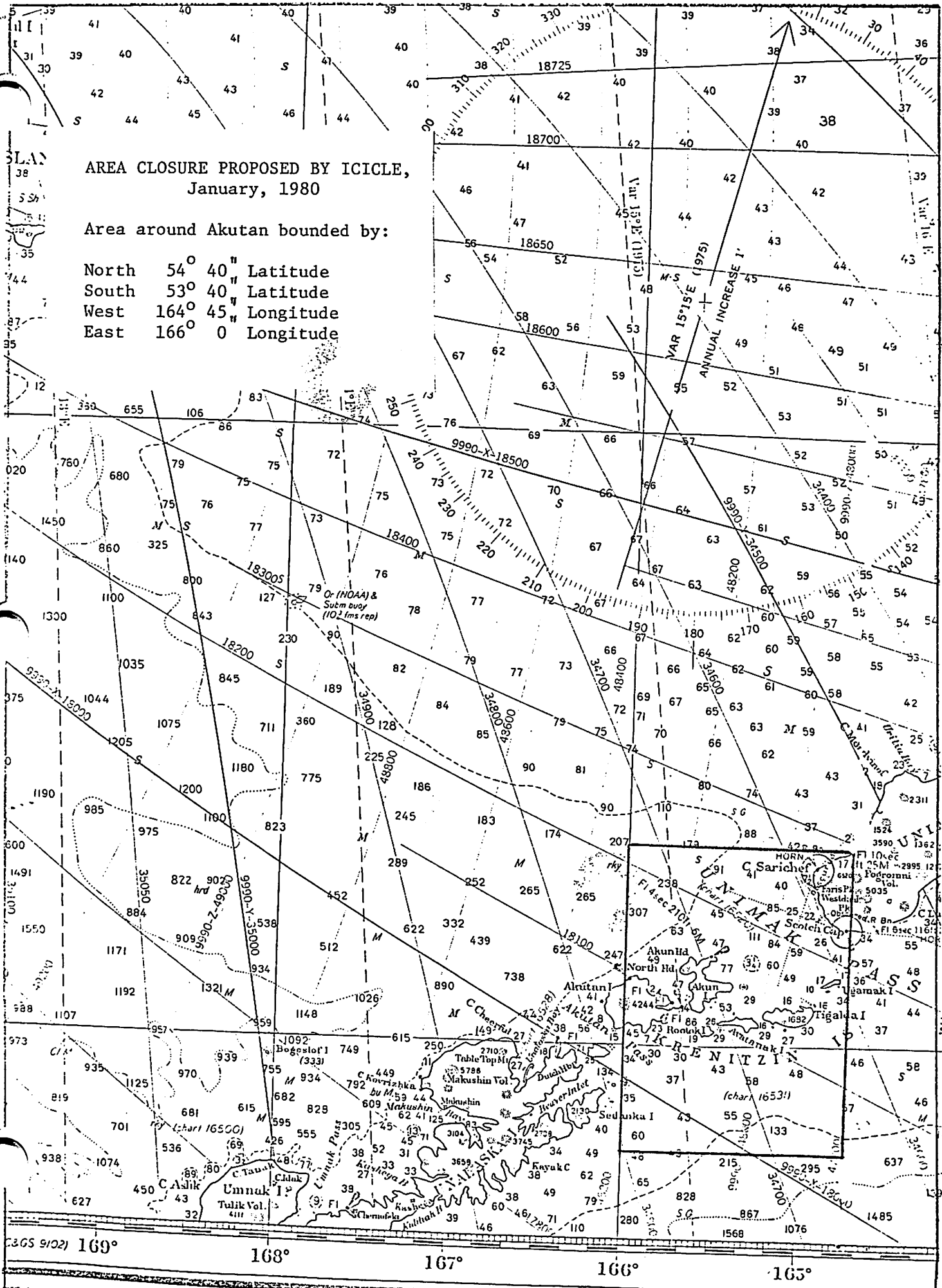
(24) 9.0 Appendix B, add a new section, 10.0 Fishing-prohibited which reads as follows: Fishing for groundfish by trawl vessels of a nation is prohibited when that nations' national allocation for any groundfish species is reached; and fishing for groundfish by all vessels of a nation is prohibited when that nation's national allocation for sablefish, Pacific cod, turbot, or "other species" is reached.

17

AREA CLOSURE PROPOSED BY ICICLE,  
January, 1980

Area around Akutan bounded by:

North	54° 40' "	Latitude
South	53° 40' "	Latitude
West	164° 45' "	Longitude
East	166° 0' "	Longitude



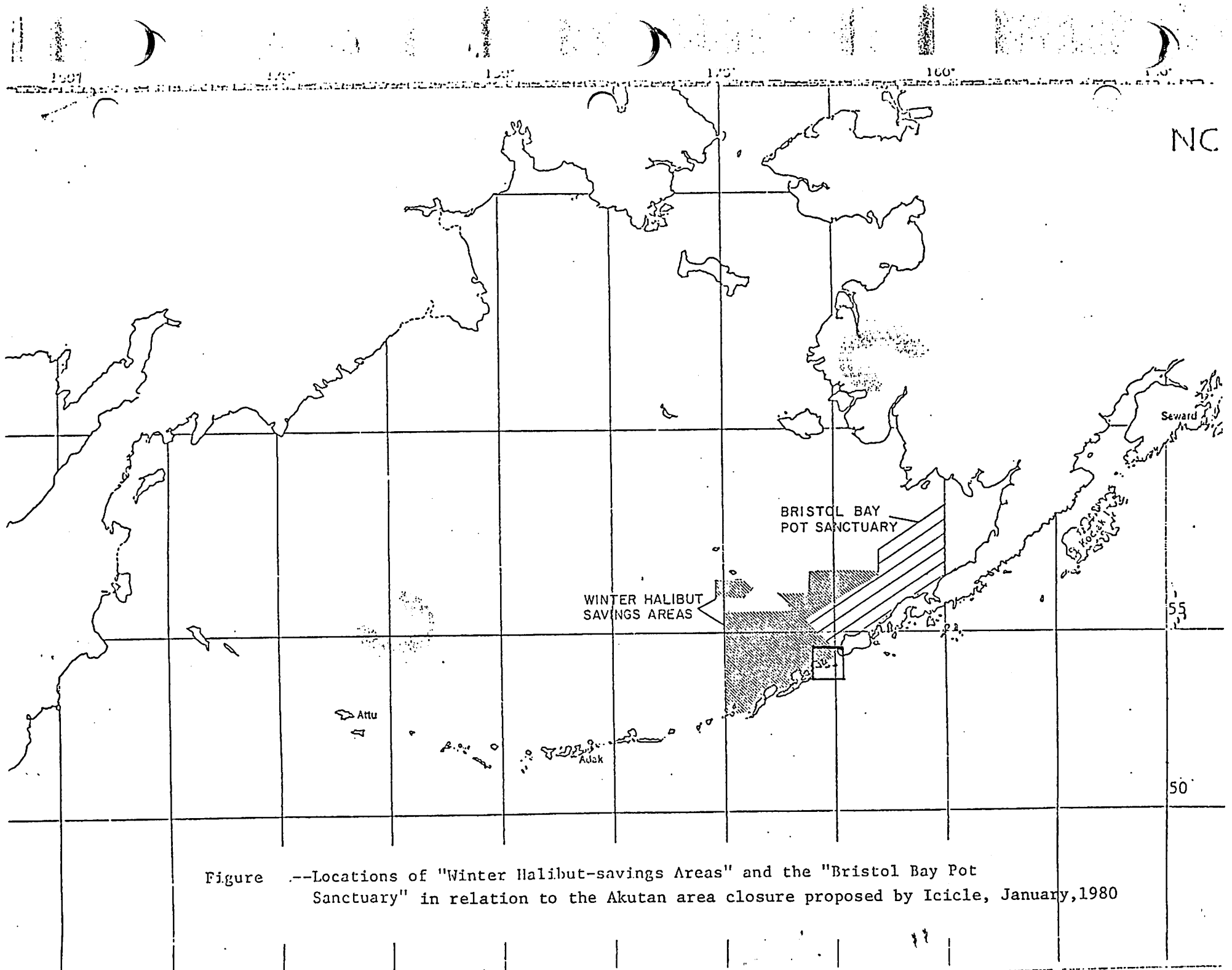


Figure --Locations of "Winter Halibut-savings Areas" and the "Bristol Bay Pot Sanctuary" in relation to the Akutan area closure proposed by Icicle, January, 1980



Telephoned to NPFMC Headquarters today: January 9, 1980:

To: Clement V. Tillion, Chairman

The Pacific Sea Food Processors Association at its Annual Membership Meeting today unanimously endorsed the area restriction requested by Robert M. Thorstenson in his January 4, 1980 letter to you.

Sincerely,

Robert F. Morgan  
President



DATE	TIME	ROUTE TO	INITIAL
10/17		Exec. Dir.	[Signature]
		A. Exec. Dir.	[Signature]
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AGENDA G-6.b

DEC. 1979

**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
 NATIONAL MARINE FISHERIES SERVICE

Northwest and Alaska Fisheries Center  
 Resource Ecology and Fisheries Management  
 2725 Montlake Boulevard East  
 Seattle, WA 98112

November 6, 1979

F112:HAL

Mr. Jim H. Branson  
 Executive Director - NPFMC  
 P. O. Box 3136 DT  
 Anchorage, Alaska 96813

Dear Jim:

In response to your letter of October 31 regarding implementation of the Bering Sea/Aleutian Groundfish FMP, your first glance was accurate--the lack of a domestic provision for in-season authority was an oversight on the part of the PDT; i.e., there was no purposeful exclusion of such a provision.

I have recently heard of industry plans to soon begin a significant domestic fishery in the Bering Sea/Aleutian region which may lead to a petition to the Council to relax certain FMP restrictions (e.g. 2000 mt limit during the winter halibut-savings closure). In considering such requests, the Council may well want to do what it can to foster a domestic fishery as long as it could be assumed that a relaxation of certain restrictions would not lead to conservation problems (e.g. unacceptably high incidental halibut mortalities). Field order authority that would allow conservation-based, in-season modifications to the domestic management regime should help provide that assurance.

Therefore, I recommend that a section similar to 8.3.1.1(H), Issuance of Field Orders in the Gulf of Alaska Groundfish FMP be added to the Bering Sea/Aleutian Plan.

Sincerely,

*Bert*

H. A. Larkins  
 PDT Leader

cc: R. Bakkala (F111)  
 L. Low (F112)  
 P. Rigby (ADFG)  
 S. Hoag (IPHC)



Northwest and Alaska Fisheries Center  
Resource Ecology and Fisheries Management

November 6, 1979

F112:HAL

TO: BS/Al Groundfish PDT  
(L. Low, R. Bakkala, P. Rigby, R. Stokes, S. Hoag)

FROM: H. A. Larkins, PDT Leader

SUBJECT: BS/Al Groundfish FMP

The attached letter from Naugen and Thoreen is self-explanatory. In anticipation of the Council asking for PDT (as well as SSC and AP) advice on the matter, may I have your comments prior to the December Council meeting?

My letter of November 6 to Jim Branson (also attached) might help a bit with this if there is some way of monitoring the domestic fishery (e.g. observers).

Attachments (2)

cc: J. Brooks (FAK)  
✓ J. Branson (NPFMC)

F112:HLarkins:2-7729:dms:11/6/79

## 14.3.1.7 Issuance of Field Orders

AGENDA G-6  
DEC. 1979

(A) In-Season Adjustment of Time and Area  
Management of shellfish and finfish fisheries by the State of Alaska in recent years compares favorably with the management of most other fisheries in the United States and elsewhere. The success of this management program may be largely attributed to the deliberate flexibility built into the governing system by state law and the resultant ability of the Board of Fisheries and the Department of Fish and Game to make timely changes in the regulations to meet changing needs and conditions. This flexibility which has been realized through annual revision of the regulations by the Alaska Board of Fisheries, together with emergency orders and regulations issued in season by the Department, has result in many benefits:

- (a) New information and data relating to resource management can be immediately incorporated into the management program, even when the fishery is in progress.
- (b) The management approach adopted by the Board prior to the season can be adjusted and refined during the season on the basis of assessments of actual resource conditions.
- (c) Unanticipated resource conditions can be reacted to immediately to prevent both underfishing and wasteful underutilization.
- (d) The dangers posed by high effort levels of efficient harvesting units (as where fleet capacity equals or exceeds the OY) can be closely controlled.
- (e) Unexpected developments with respect to economic and social factors (natural disaster, changes in marketing conditions, cannery fires) can be accommodated so the resources are distributed and allocated in a manner which maximizes overall public benefits.



- (f) Management philosophies and policies formulated through legislative and administrative processes may be carried out in the field by personnel familiar with local conditions.
- (g) Management approaches which are proving unworkable or which are imposing undue hardships may be changed at once.
- (h) Necessary in-season refinements in management programs can be accomplished primarily in the field with the advice and assistance of the users more directly affected.

(B) Issuance of Field Orders

The Council finds that the Optimum Yields in this plan, which are based upon projections of the status of the stocks, economic and other conditions several months in advance of the actual conduct of the fishery, may be found to be mis-specified in light of unpredicted and unanticipated adverse or favorable stock conditions which are revealed in-season. Under such circumstances, the Council further finds it appropriate for conservation purposes only, that the Regional Director of the National Marine Fisheries Service, Alaska Region or his designee in close coordination with the Commissioner of the Alaska Department of Fish and Game, take immediate action by issuing field orders adjusting time and/or area restrictions; therefore, this plan provides that seasons and areas shall be subject to in-season adjustment by the Regional Director of the National Marine Fisheries Service. The Regional Director or his designee may adjust season opening and closing dates based upon the following considerations:

1. the effect of overall fishing effort within a major statistical area;
2. catch per unit effort and rate of harvest;

14-4b

AMENDED

3. relative abundance of stocks within the area in comparison with pre-season expectation;
4. the proportion of halibut (see section 8.3.1.1 (D)) or crab being handled;
5. general information on the condition of stocks within the area;
6. information pertaining to the optimum yield for stocks within the statistical area; or
7. any other factors necessary for the conservation and management of the groundfish resource.

In order to assume effective management of the groundfish resource as a unit throughout its range, in-season adjustments made by the Regional Director must be coordinated with similar actions taken by the State regarding waters under state jurisdiction. It is necessary that the Regional Director, to the extent possible, act in conjunction with the Alaska Department of Fish and Game in order to effect uniformity of management in State waters and the fishery conservation zone. As a result, any changes proposed by the Regional Director will be accompanied by advance notice to the State to allow for opportunity to maintain such uniformity. In most cases, the Regional Director will exercise his authority on the basis of recommendations received from the Department, and will reply on the Department for season data, reports, and assessments necessary to make a determination as to the advisability of any action contemplated. In all cases, continuous consultation between the Department and the Regional Director will be maintained.

It is expected that the actual opening and/or closing dates for the seasons prescribed in this plan will be adjusted by the Regional Director pursuant to the Authority described in this section. Such action is not considered emergency action that would require amendment of the plan, or regulations implementing the plan; adjusting the season opening and closing dates is meant to be inherent part of the seasons themselves. For this reason, any adjustments made by the Regional Director or his designee will be effected by the issuance of a field order and announcement in the manner currently utilized by the State of Alaska.

Any in-season amendment of the plan's season or area or other implementing regulations beyond the scope of the above described authority will be accomplished by emergency regulations, as provided in section 305(e) of the Act, in accordance with the recommendation of the Regional Director following consultation with the Commissioner of the Department of Fish and Game. It is understood that time will often be of the essence in making effective the aforementioned adjustments and changes.

3

**Haugen and Thoreen**  
ATTORNEYS AT LAW  
4055 21ST AVENUE WEST  
SEATTLE, WASHINGTON 98199  
(ADJACENT TO FISHERMEN'S TERMINAL)  
PHONE (206) 285-9393

HENRY HAUGEN  
DAVID H. BOYD

November 27, 1979

HAROLD A. THOREEN

FILE	ACT	INFO	ROUTE	DATE
			Exec. Dir.	
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			Writer/2	
			Sec. Recop.	
			Sec. Typist	
NOV 30 1979				

Mr. Jim Branson  
Executive Director  
North Pacific Fishery Management Council  
P.O. Box 3136 DT  
Anchorage, Alaska 99510

Re: Bering Sea FMP; Council meeting Dec. 12-14

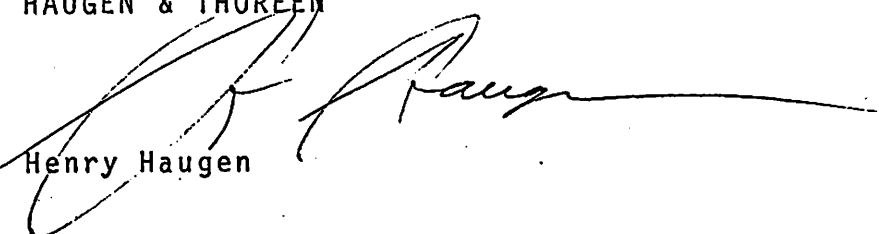
Dear Jim:

Thank you for your letter of November 6, and this confirms that I will appear on behalf of Steuart Fisheries to discuss the winter halibut savings area at the December meeting. I assume from the agenda that our item will come up no sooner than late afternoon on Wednesday, December 12, 1979.

Fish politics makes strange bedfellows. I find that Marine Resources Co. Inc. is also vitally interested in this item and, accordingly, Wally Pereyra and I will coordinate a presentation to save the council's time, though we may have differing views on certain aspects of the problem. We should take no more than one hour if Harold and Gordon don't work us over.

Very truly yours,

HAUGEN & THOREEN

  
Henry Haugen

HH:spm

cc: Dan Webster  
Frank Steuart  
Wally Pereyra



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
National Marine Fisheries Service  
Washington, D.C. 20235

October 31, 1979

F3/WGG

FILE	ACT	INFO	ROUTE TO	INITIAL
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			Writer/1	
			Writer/2	
			Sec. Recop.	
			Sec. Typist	
			NOV 5 1979	

Mr. Daniel E. Webster  
Daniel E. Webster and Company, Inc.  
200 West Thomas Street, Suite 225  
Seattle, Washington 98109

Dear Mr. Webster:

This will acknowledge your letter of October 26, 1979, regarding your concern about the provision within the Fishery Management Plan for Bering Sea Groundfish for a winter halibut saving area in the eastern Bering Sea. I have discussed this matter with Mr. Frank Steuart and fully understand the concern that this management measure may impact on the operations of the trawlers.

In my discussion with Mr. Steuart, I suggested that he contact Mr. Jim H. Branson, Executive Director of the North Pacific Fishery Management Council, and advise the Council members of the possible adverse impact through him. I note that copies of your letter to me were furnished to the Council, so they will be aware of your concern. I also have discussed the potential impact with Mr. Branson and he assured me that the matter will be reviewed at the next Council meeting. I am confident that the problem will be resolved satisfactorily.

Thank you for your letter.

Sincerely yours,

William G. Gordon  
Director, Office of Resource  
Conservation and Management

cc: Mr. Jim H. Branson



DANIEL E. WEBSTER AND COMPANY, INC  
MARINE MANAGEMENT

FILE	ACT.	INFO	ROUTE TO	INITIAL
			Exec. Dir.	<i>JS</i>
			A. Exec. Dir.	
			Admin. Off.	
			Exec. Sec.	
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<i>JS</i>				

SUITE 225  
200 WEST THOMAS STREET  
SEATTLE, WASHINGTON 98109  
206-284-8481

October 26, 1979

Mr. William Gordon  
F36  
National Marine Fisheries Service  
Page Building 2  
3300 Whitehaven St.  
Washington, D. C. 20235

Subject: WINTER HALIBUT SAVING AREA IN EASTERN BERING SEA

Dear Mr. Gordon,

I learned today that a huge area of the eastern Bering Sea is about to be closed to bottomfish trawling (except for 2,000 metric tons of fish) by American fishermen each year between December 1 and May 31. My company manages three new 108-ft. trawlers for Steuart Fisheries named DISCOVERY BAY, HALF MOON BAY and SUNSET BAY, which operate from Dutch Harbor in the eastern Bering Sea. I oppose the proposed winter closure of this bottomfishery and request a fair hearing on the matter.

The closure would deny access to American trawlers to an area covering some of the country's most abundant bottomfish grounds. The owner of the vessels has invested approximately \$7 million and will need seasonal income from these grounds to continue in business.

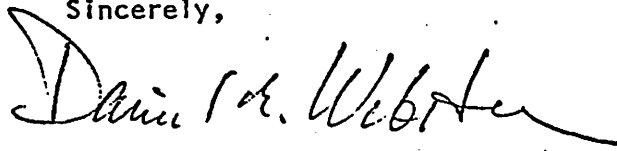
The saving of large numbers of juvenile halibut is not assured by this measure. Halibut is found not only in this area of the Bering Sea, but in the Gulf of Alaska and other areas which will not be closed in the winter.

In my view, there are more effective ways to prevent the harvesting of halibut by American trawlers such as "drop" lines, which are a second ground line running several feet below a drag net and provide an escape route for halibut. The vessels which I manage have such lines 'in use' in addition to pelagic (midwater) nets which never touch bottom. Government studies support the effectiveness of such approaches in largely eliminating the catch of halibut by trawler. My company can demonstrate the devices work well, but no one brought the problem to my attention before.

The area closure would be unnecessary in the case of the above-mentioned vessels, but I was told today that the North Pacific Fishery Management Council wanted an effective deterrent to poor practices by other fishermen. This action seems to

me to be an invasion of an individual's right which could be stopped by legal action, if necessary. I am referring the matter today to my company's attorney, who will contact you and the Council.

Sincerely,



Daniel E. Webster

cc: Clement V. Tillion, Chairman  
Jim H. Branson, Executive Director  
North Pacific Fishery Management Council  
Suite 32, 333 West 4th Avenue  
P. O. Box 31360T  
Anchorage, Alaska 99510

COMMISSIONERS:  
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 PRINCE RUPERT, B.C.

AGENDA G-6(a)  
 DEC. 1979

DIRECTOR  
 DONALD A. MC CAUGHRAN

INTERNATIONAL PACIFIC HALIBUT COMMISSION

ESTABLISHED BY A CONVENTION BETWEEN CANADA  
 AND THE UNITED STATES OF AMERICA

P.O. BOX 5009  
 UNIVERSITY STATION  
 SEATTLE, WA 98105

TELEPHONE  
 (206) 634-1838

29 November 1979

FILE	ACT	INFO	ROUTE TO	INITIAL
			Exec. Dir.	<i>DM</i>
			A. Exec. Dir.	
			Adm'n. Off.	
			Exec. Sec.	
			Writer/1	
			Writer/2	
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			Sec. Typist	
			DEC 3 1979	

Mr. Jim Branson  
 Executive Director  
 North Pacific Fishery Management Council  
 P.O. Box 3136 DT  
 Anchorage, AK 99510

Dear Jim:

Enclosed are copies of IPHC staff recommendations for controlling incidental halibut catches in the Gulf of Alaska and the Bering Sea. The recommendations involve the domestic fishery as well as the foreign fishery.

I have recently sent copies to the commissioners and suspect that they may want to submit a formal recommendation at a later date. In any event, I thought that you and the Council should be aware of the staff's views, and might want to begin any reviewing process that is appropriate.

Steve Hoag has already presented our proposal to the Groundfish Plan Development Teams, but the teams may not comment on the proposal unless specifically asked to do so by the Council.

Sincerely yours,

*DM*  
*(sith)*  
 Donald A. McCaughran  
 Director

Encl.



RECOMMENDATIONS FOR MINIMIZING BY-CATCHES  
OF HALIBUT IN THE BERING SEA

By  
IPHC Staff

Background

Halibut are caught inadvertently by foreign and domestic fishermen seeking other species of groundfish. Regulations prohibit the retention of incidentally caught halibut in the groundfish fisheries, but many of the released fish die from injuries received during capture. (Retention of halibut is only allowed by Canadian and United States fishermen using hook and line gear during the prescribed halibut season.)

Incidental or by-catches represent a loss in potential yield and are partly responsible for present low abundance of halibut stocks in the Bering Sea (Hoag 1976; International Pacific Halibut Commission 1978).

Several restrictions have been placed on the groundfish fisheries to reduce the by-catch. During the early 1970's the International Pacific Halibut Commission (IPHC) proposed that foreign trawling be prohibited in areas when the by-catch of halibut was high. As a result of subsequent negotiations with Japan and U.S.S.R. area-time closures were enacted. The closures were first negotiated for the Bering Sea in 1973, and the area and duration of the closures were expanded in 1975 (Hoag 1976). With extended jurisdiction of fisheries resources to 200 miles in 1976, the area-time closures in effect at that time were continued as part of the preliminary management plan for groundfish in the Bering Sea. Area-time closures, as well as other restrictions, were reexamined during the preparation of the final management plan for the Bering Sea. As a

result, the management plan included expanded area-time closures. Domestic fishermen are allowed to fish during the closures until their groundfish catch exceeds 2,000 m.t. The present closures occur from December 1 through May 31 and have been termed "winter halibut-savings areas" by the North Pacific Management Council. These areas are shown in Figure 1.

The purpose of this report is to evaluate present restrictions in the groundfish fishery with regard to halibut and recommend any changes that could provide better protection of halibut, while at the same time allow for a productive groundfish fishery.

#### Effectiveness of Present Restrictions

The winter halibut-savings areas in the Bering Sea provide significant protection for halibut and are, in part, responsible for a reduction in the halibut by-catch. By-catch declined from about 7,000 m.t. in 1973 to about 1,500 m.t. in 1977 (Hoag 1976; International Pacific Halibut Commission, unpublished). The abundance of juvenile halibut increased during this period, and the present restrictions generally have been considered a success.

Recent estimates, however, indicate that the by-catch of halibut increased to 2,853 m.t. in 1978 (U.S. National Marine Fisheries, unpublished).

The increase resulted from a high by-catch by small Japanese stern trawlers (<1,500 GRT). These vessels accounted for 1,781 m.t. of halibut or 62% of the total by-catch in the Bering Sea. Most of the small trawlers are part of the Japanese "land-based" fleet and fish for different species than the "mothership" and "freezer-trawl" fleets (H. A. Larkins, NMFS). Flounders and Pacific cod represent a relatively larger proportion of the total catch by the small trawl fleet. Also, about 20% of the 1978 catch by small trawlers consisted of unidentified species (NMFS, unpublished).

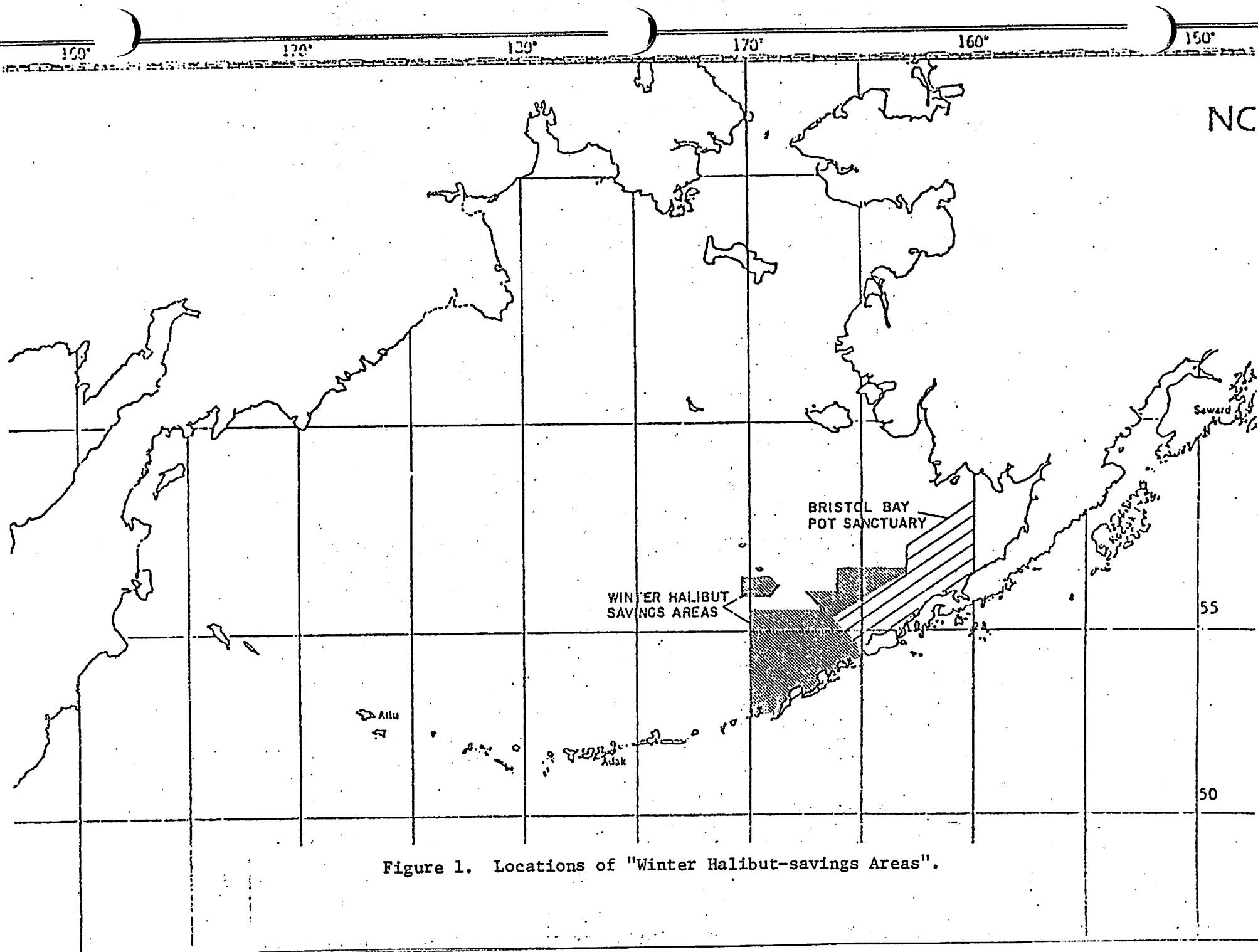


Figure 1. Locations of "Winter Halibut-savings Areas".

NMFS observers indicate that the incidence of halibut in the groundfish catch is over 10 times higher on small trawlers than on motherships or large trawlers. Also, the incidence is consistently high over a large area (Figure 2).

These results suggest that present area-time closures are not effective in protecting halibut from all elements of the fishery. The high halibut catch by the small trawl fleet indicates that the problem is the pattern or method of fishing and not the area and time of fishing.

#### Recommendations

I recommend that a by-catch limit of 1,500 m.t. of halibut be placed on groundfish fisheries in the Bering Sea. Halibut would be returned to the sea, and the by-catch estimated from observer programs. The 1,500 m.t. limit would be divided among domestic and foreign fisheries, similar to the way optimum yield for each species is now handled. Area divisions of the by-catch limit could also be employed, although they may not be necessary. When a nation's by-catch allocation is reached, all fishing for groundfish by that nation ceases for the remainder of the year. The recommended limit is close to the annual catch during the 1975 to 1977 period and is above the 1978 catch by the mothership and freezer trawler fleets (1,072 m.t.). Therefore, the limit should not be a burden on most components of the fishery. If the by-catch cannot be estimated soon enough to allow closures of the fishery, then the allocation of other groundfish species should be reduced the following year, i.e., invoke the penalty the year after the limit was exceeded.

The winter halibut-savings areas should be continued until the effectiveness of the by-catch limit can be demonstrated. This assures some degree of protection in the event that the by-catch limit proves to be ineffective.

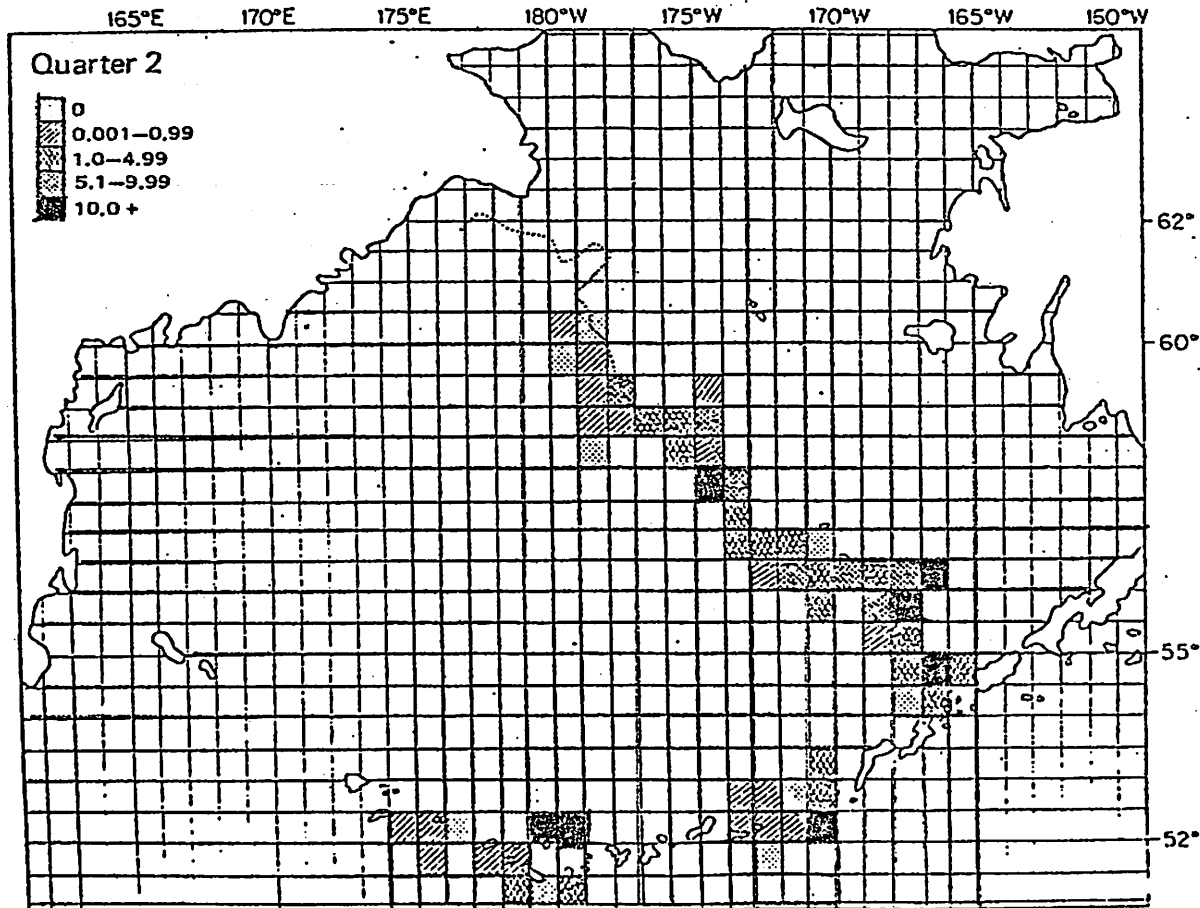
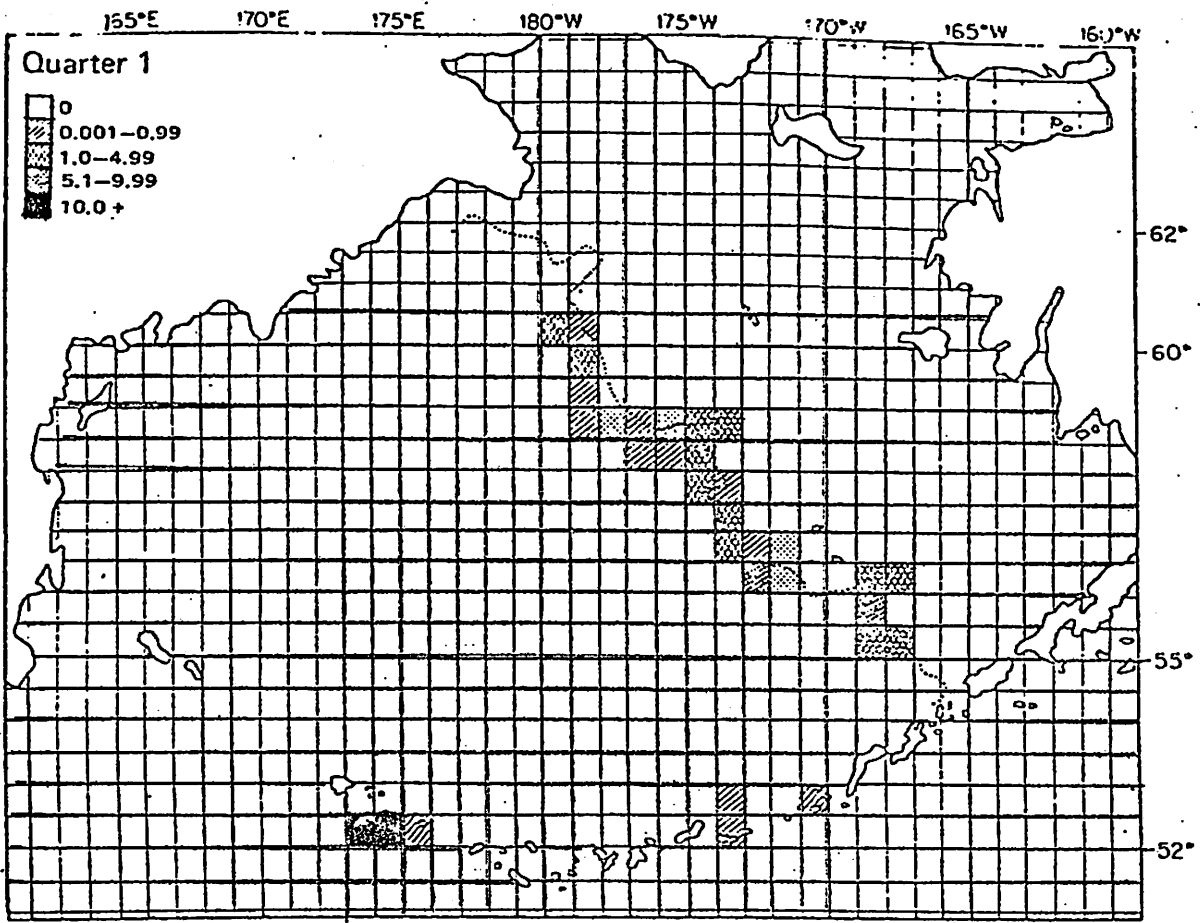


Figure 2.--Average incidence (no./mt) of Pacific halibut (*Hippoglossoides stenolepis*) on Japanese small stern trawlers by quarter in the Bering Sea and Aleutian Islands Region, 1978 (U.S. observer data).

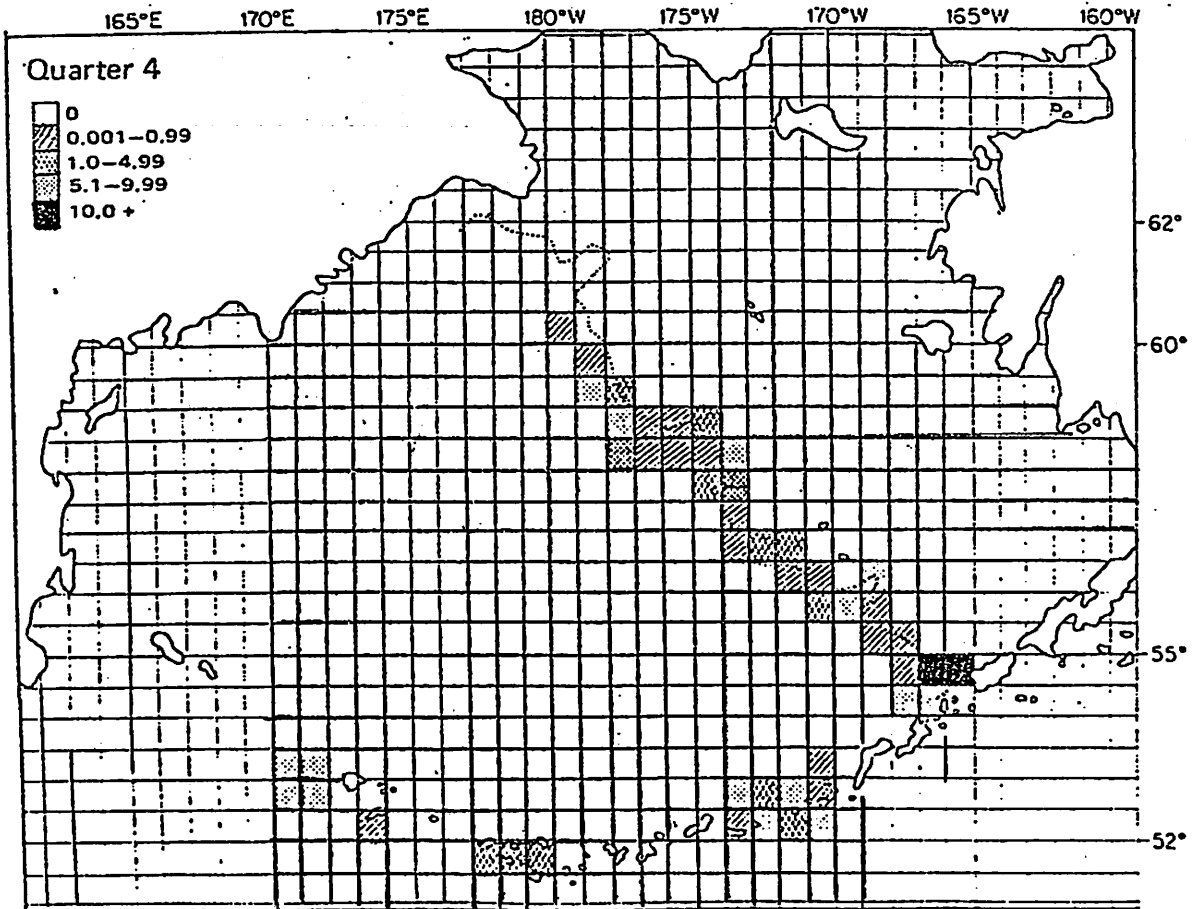
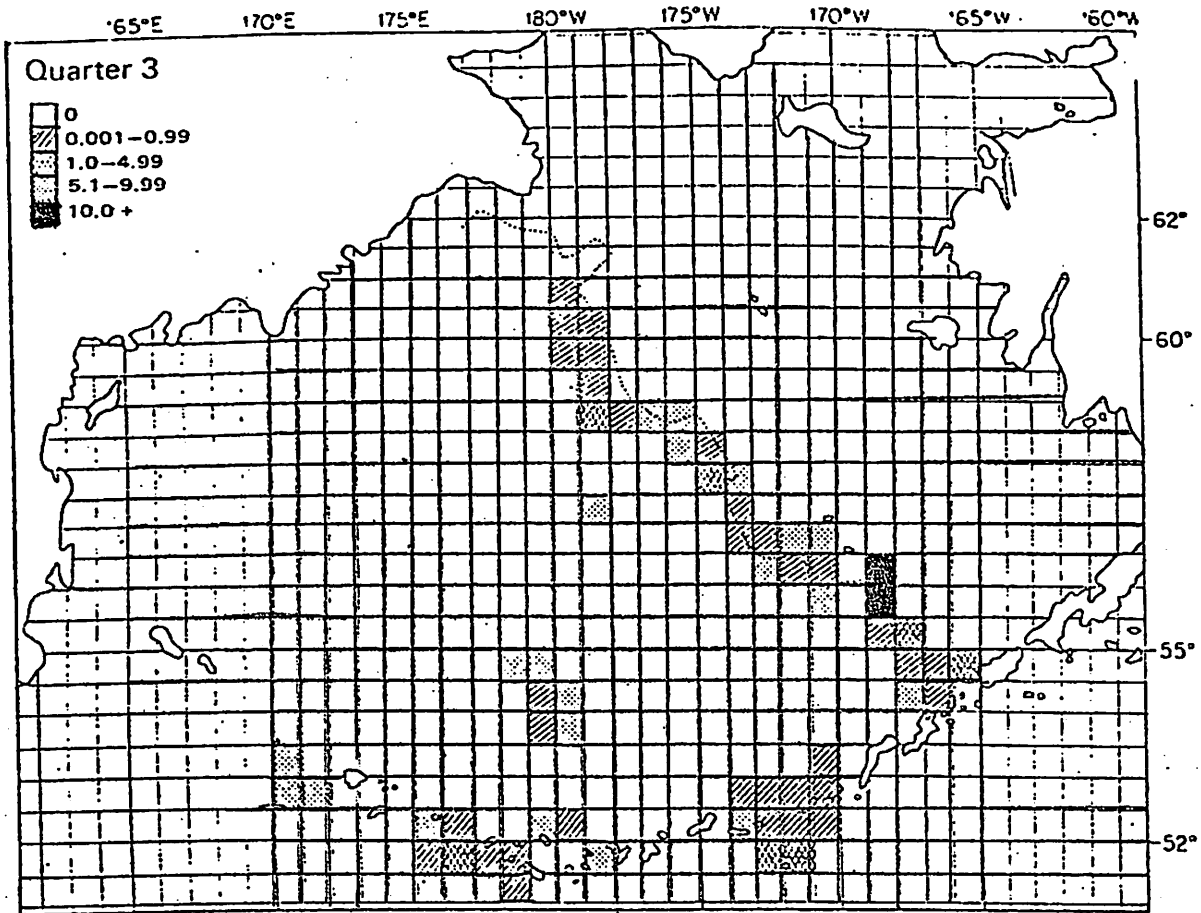


Figure 2. cont'd.

Adequate observer coverage of both the foreign and the developing domestic fisheries is essential if the by-catch limit is to be successful. This probably will require expanding existing programs. Funds for an observer program presently are being collected from the foreign fishery, but only part of these funds are made available to the U.S. National Marine Fisheries Service to enact the program. The exact level of coverage needed to adequately monitor the by-catch is not known, but may be in the range of 30 to 50 percent.





## Impact of the Foreign Trawl Fisheries on Salmon in the Bering Sea and Western Alaska

---

The U.S. Foreign Fishing Regulations designate salmon as a prohibited species for the foreign fisheries operating in the U.S. fishery conservation zone. Nevertheless, some salmon are caught incidentally. The regulations require that: (1) each foreign vessel shall minimize its catch of prohibited species; and (2) after allowing for sampling by an American observer, all prohibited species or parts thereof shall be returned to sea immediately, with a minimum of injury, regardless of condition.

The data on incidental catches of salmon by foreign trawlers in the Bering Sea come from two sources: catch reports submitted by the foreign fishing vessels, and reports from U.S. observers placed aboard some of the foreign vessels. The U.S. observers sample the catches before they are sorted by species. The observers count the number of salmon (by species) in each weighed sample taken from the catches that are sampled. This information provides an incident rate, expressed as the number of salmon per metric ton (mt) of total catch. The salmon are also weighed individually and their average weight determined. The incident rate for each particular statistical area and three-month period are averaged. Then the average incident rate is multiplied by the total catch per area, per period, by country, and the products are summed over the year to determine the total incidental catch of salmon, by nation, by year.

In 1977, for example, the foreign fleet caught an estimated 47,730 salmon along with 1,140,900 mt of groundfish. About 91 percent of the salmon were chinook, with chum salmon making up the remaining 9 percent. The average weight of these salmon was 4.0 kilograms (kg) or 8.8 pounds. Thus, the weight of the incidental catch of salmon in 1977 amounted to 190.92 mt (420,024 pounds). That gives a ratio of 0.167 kg of salmon caught for each mt of groundfish. In other words, in 1977 the foreign fishing vessels in the Bering Sea harvested 23.9 mt (52,690 pounds) of groundfish for each individual salmon that was caught.

The Scientific and Statistical Committee and the NMFS Northwest and Alaska Fisheries Center examined the times and locations of the incidental catches of salmon to determine if some additional restrictions on times and areas for foreign fishing could reduce the number of salmon taken. The available data indicate that large areas of the Bering Sea would have to be closed for long periods of time to ensure a substantial reduction in the incidental catch of salmon.

The analyses showed that the losses, in catches of groundfish to the foreign nation and of fees to the U.S. treasury, that would occur to save the salmon justified no further restrictions on foreign fishing at present. One consideration was that there are only 1 1/2 years of observer data. That is an inadequate basis for predicting what might happen in the fishery year after year. Time and area closures that might have saved a substantial number of salmon in 1978 might save no salmon in 1980 if the groundfish or salmon congregate differently than they did in 1978. Further, although there is a loss of salmon, most of those caught are juveniles (average weight about 9 pounds).

Juvenile salmon suffer a natural mortality ranging from 15 to 34 percent each year they stay in the Bering Sea. Those caught accidentally in the foreign trawl fisheries would have probably remained in the Bering Sea for another 2 1/2 years had they not been caught. Thus, had the 47,730 juvenile salmon not been caught in 1977, and assuming they would have suffered a natural mortality rate at the lower end of the range (15%), then 7,160 would have died anyway during 1977, another 6,068 would have died during 1978, and 2,586 would have died in 1979 before the surviving 31,898 began their migrations up the rivers to spawn.

Of the salmon killed by the foreign trawls, an average of 91 percent are chinook. Thus, of the 31,898 salmon surviving in the example, about 29,027 would have been chinook. The NMFS Northwest and Alaska Fisheries Center believes that about 93 percent of the chinook taken incidentally in the trawl fisheries in the Bering Sea may be of Western Alaskan origin. That percentage would mean about 26,995 of the original loss would have been adult chinook returning to Western Alaska streams. The other chinook would have come from Asian streams and other streams in North America.

According to the Alaska Department of Fish and Game, the harvest of Western Alaska chinook salmon amounted to 360,791 in 1977 and 394,754 in 1978, giving an average of 377,772. Thus, the 26,995 adult Western Alaska chinook lost because of the foreign fishery would have amounted to only seven percent of the harvest. The actual number of chinook salmon lost to Congressman Young's constituents, therefore, is relatively small.

Furthermore, the available information indicates that the Western Alaska chinook stocks have been increasing in abundance in recent years. That would indicate that the incidental mortality caused by the foreign trawlers is having little impact on those runs.

We are, however, considering a proposal to ask one group of foreign fishermen to change their fishing gear so that the incidental catch of salmon might be further reduced. The available evidence indicates that the small Japanese trawlers fishing with on-the-bottom trawls catch proportionally more salmon than do the other foreign vessels which use

off-the-bottom trawls. Although we have reached no decision yet, we may request that the small Japanese trawlers replace their bottom trawls with off-bottom trawls.

In summary, the number of salmon taken incidentally in the foreign trawl fisheries in the Bering Sea warrant no further restrictions on the foreign trawlers at this time. As we gain a better understanding about the distribution of salmon and groundfish in the Bering Sea and the impact of different types of fishing gear, we may find that we can close certain areas for certain times or require the use of specific types of trawls to protect salmon while avoiding undue restrictions on the harvest of groundfish.

Drafted By: A. M. Andersen, NMFS, F36, 634-7449, 11/20/79, plj



AGENDA G-6  
DEC. 1979

# REP. JOHN G. (JACK) FULLER

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P.O. Box 689  
Nome, Alaska 99762  
(907) 443-2968

While in Juneau  
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Juneau, Alaska  
99811

(907) 465-3789  
465-3893

## Alaska House of Representatives

Chairman  
Special Committee on Substance  
Vice-Chairman  
State Affairs Committee  
Member Legislative Council  
Member Resources Committee

December 4, 1979

### DISTRICT 22

- Brevig Mission
- Buckland
- Deering
- Diomedea
- Elim
- Gambell
- Golovin
- Kotlik
- Koyuk
- Nome
- Savoonga
- Selawik
- Shaktolik
- Shishmaref
- Stebbins
- Michael
- er
- Jralakleet
- Wales
- White Mountain

Senator Clem Tillion  
North Pacific Fisheries Management Council  
Box 3136 DT  
Anchorage, Alaska 99510

FILE	ACT	INFO	ROUTE TO	INITIAL
			Exec. Dir.	
			A. Exec. Dir.	
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			Exec. Sec.	
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			Sec. Repro.	
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DEC 6 1979				
<i>Copy made for Council file for return to Tillion</i>				

Dear Clem:

As you know from our past discussions, I am deeply interested in the development of our fisheries in the Norton Sound area. I feel strongly that the fishermen in my district should not have their livelihoods threatened by the activities of foreign vessels fishing in the Fisheries Conservation Zone.

Of specific concern to me right now is the interception of king salmon by foreign trawlers in the vicinity of the Pribilofs. Interception of salmon in this area has a detrimental impact on my constituents. For this reason, I believe that the establishment of a salmon saving area in the vicinity of the Pribilofs which closes the area to trawlers from February to November should be discussed by the North Pacific Fisheries Management Council. I therefore request that you add discussion of such a salmon saving area to the agenda of the next council meeting and that you allow public testimony relating to establishment of such an area.

Thank you for your consideration of this matter.

Sincerely yours,

Representative John G. Fuller

DON YOUNG  
CONGRESSMAN FOR ALL ALASKA

AGENDA G-6  
DEC. 1979

WASHINGTON OFFICE  
1210 LONGWORTH BUILDING  
TELEPHONE 202/225-5765

COMMITTEES:  
INTERIOR AND INSULAR  
AFFAIRS  
WILDERNESS, MARINE AND  
FISHERIES

# Congress of the United States

## House of Representatives

DISTRICT OFFICES  
FEDERAL BUILDING AND  
U.S. COURT HOUSE  
701 C STREET, BOX 3  
ANCHORAGE, ALASKA 99513  
TELEPHONE 907/271-5978  
FEDERAL BUILDING, ROOM 212  
101 12TH AVENUE, BOX 10  
BARBANKS, ALASKA 99701  
TELEPHONE 907/456-6949

Washington, D.C. 20515

December 3, 1979

FILE	ACT	INFO	ROUTE TO
			Exec. Dir.
			A. Exec. Dir.
			Adm. Serv.
			Ext. Aff.
			Writing
			Writer 2
			Sec. Resou.
			Sec. Typist

Mr. Jim Branson  
Executive Director  
North Pacific Fishery Mgt. Council  
P.O. Box 3136 DT  
Anchorage, AK 99510

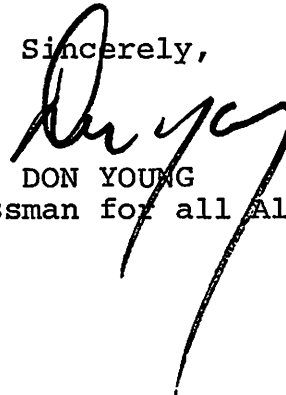
Dear Jim:

As you know, my office has had a number of discussions with Western Alaska fishermen regarding proposed amendments to the Bering Sea Groundfish FMP which has been approved by the Council. The thrust of these amendments would be to impose a time/area closure on a portion of the Bering Sea foreign trawl fishery for the purpose of protecting immature Western Alaska king salmon stocks.

Although I recognize the problem of lack of observer data to completely justify such a management scheme, I do think it important that the residents of Western Alaska be allowed to present their case for such an amendment to the Council. I therefore ask that you convey to the Council my request that the subject of the proposed trawl closure area amendment be included on the agenda at the forthcoming Council meeting this month.

As always, I appreciate your assistance in this matter. If I can be of any assistance to the Council, please let me know.

Sincerely,



DON YOUNG  
Congressman for all Alaska

cc: H. Sparck

DY:rhm

Received  
12-14-79

COMMENTS ON PROPOSED REGULATIONS TO IMPLEMENT THE  
BERING SEA AND ALEUTIAN ISLANDS GROUND FISH FISHERY MANAGEMENT PLAN  
44 FEDERAL REGISTER 66356 (November 19, 1979)

PART 675, SUBPART A-GENERAL

- 1 - Figure 2 appended to Section 675.2 gives incorrect geographical coordinates for the sub-areas established by the regulations.
- 2 - The "other fish" category of groundfish is not defined.
- 3 - The definition of owner includes "character" when probably charterer was intended.
- 4 - The regional director of the National Marine Fisheries Service is given authority to delegate his authority to any individual. This could include a private person, the Alaska Department of Fish and Game or to the government of Japan. His authority to delegate his powers should be more narrowly constrained.

675.4 PERMITS

- 1 - It is stated that a permit is valid only for the vessel for which it is issued and that it is not transferrable. This leaves uncertain whether or not a change of ownership, or charterer, or type of fishing gear to be used requires a new permit.
- 2 - It is stated in this Section that a permit may be revoked or suspended if the vessel is used in the commission of an offense prohibited by the Act or these Regulations. This is in excess of the authority granted by the Act which allows revocation or suspension only in the case of violations by foreign fishing vessels. See Section 204(b)(12) of the FCMA. It also seems to be a difficult case of government overkill. For instance one of the Regulations requires the operator of a vessel to "sort its catch as soon as possible." It seems entirely inappropriate to give the government authority to revoke a permit for an entirely subjective opinion as to whether or not sorting was conducted as soon as possible. There are, of course, a number of other possible violations of an equally minor nature.

SECTION 675.5 REPORTING REQUIREMENTS

- 1 - The proposed regulations require submission of a State of Alaska fish ticket or an equivalent document containing all of the information required on an Alaskan fish ticket. The requirements of a State of Alaska fish ticket are not set forth and are of course subject to change by the State of Alaska at any time. The exact reporting requirements desired should be set forth in the Regulations.
- 2 - The fish ticket and other information is required to be submitted to the Alaska Department of Fish & Game within one (1) week. This informational requirement imposed on domestic fishermen is more burdensome and restrictive than the weekly catch report requirement imposed on foreign fishermen by 50 C.F.R. §611.9(e).

- 3 - Likewise an extensive processor reporting requirement is set out which appears to be far in excess of anything needed for the management of the fishery and, so far as known, is not required for any other fishery in the United States.
- 4 - There is the usual failure to accord confidentiality to the statistics required to be submitted by the Regulations. See Section 303(d) of the FCMA which requires the Secretary to prescribe procedures to preserve such confidentiality. A clear statement should be included that any reports submitted shall be utilized in aggregate form only for management purposes and will not be utilized in civil or criminal prosecutions against the vessel submitting the information nor will specific fishing locations and catches be divulged to would be competitors.

#### SECTION 675.20 MANAGEMENT MEASURES

- 1 - The Prohibited Species Section is extremely confusing. It should not be difficult to merely list the species that are prohibited to certain gear. It is unrealistic to by regulation require that the prohibited species catch be minimized and that the catch be sorted as soon as possible. Likewise it is beyond the mandates of the Act to create a rebuttable presumption that any prohibited species found onboard was caught and retained in violation of the Section. Thus under the language imposed, a vessel which catches a halibut no matter how quickly it returns it to the sea is faced with a rebuttable presumption of a violation. Section 310(e) of the Act creates a rebuttable presumption only for the purposes of civil forfeitures of vessels or catch.
- 2 - The proposed regulations governing the cessation of domestic fishing are ambiguous and more restrictive than provisions applying to foreign fishing. They are not in accord with recommendations contained in the Fishery Management Plan. Under Section 675.20(c)(1) fishing for all groundfish must cease when the OY for any species is reached. Thus when 3,250 metric tons of Pacific Ocean Perch are taken in the Bering Sea, the fishing for the one million tons of Pollock in the same area must cease. This certainly is not the intent of the Fishery Management Plan and is an indefensible way to manage the fishery.
- 3 - The closure of an area when a particular OY is reached is not applied with an even hand. Thus under the proposed regulations, domestic longlining for sable fish can continue despite a general closure to domestic trawl fishermen. This is in spite of the fact that longlining for sable fish results in a high catch of the same groundfish species that presumably are meant to be protected.
- 4 - The winter halibut savings area is defined as including waters within the territorial limits of Alaska whereas the Regulations and Plan cannot, under the FCMA provisions here pertinent, extend to those state waters.
- 5 - The concept of the winter halibut savings area is inconsistent with the national standards for fishery conservation and management, and should be substantially revised. Halibut are but one species in the groundfish mix and fishing is by

hook and line rather than trawl. The effect of the halibut savings area is to deny use of the eastern Bering Sea by domestic trawlers for six months out of each year. The fact that 2,000 metric tons of groundfish may be taken during closure is almost an insult to the fishery. That quantity of fish is insignificant when compared to the one and a half million metric tons set up as an OY. That quantity will not support a single viable domestic fishing effort in these waters. Though the International Pacific Halibut Commission has been regulating the halibut fishery for the past 50 years, they have never proposed closing this portion of the eastern Bering Sea to U.S. trawlers even though their sole purpose in life is to perpetuate halibut. In fact when a sanctuary was imposed in the Queen Charlotte Sound because it was believed that it was a nursery ground for halibut, it proved to be entirely ineffective as a measure to increase the halibut stocks and was abandoned a number of years ago. It would appear highly dubious to embark upon a similar program of much greater consequences in light of this past history. The historical records indicate that the Bering Sea supports only a very minor halibut fishery. The resource was fished down years ago by the halibut fishermen and has never come back. Even though there has been very little fishing in this area in the past years, the gains to the halibut fishermen have been minimal or non-existent. Data compiled by the IPHC in its extensive sampling program indicates that halibut in the Bering Sea area have a higher mean age than in any other region, and have a smaller percentage of younger fish present than any other area. Thus to classify this extensive area as a nursery or a need for particular halibut savings measures is discounted by the data available. Likewise research conducted by the National Marine Fisheries Service indicates a variety of other methods to conserve halibut rather than by a complete closure to all trawling by domestic fishermen. The principal espoused in the proposed regulations could have dire consequences. Quite simply, the most logical extension would be to close the entire FCZ in the North Pacific to trawling in order to allow the halibut resource complete freedom to expand. Of course no scientific support for this can be found as the decline in the halibut resource can only be attributed to overfishing by halibut fishermen, long-term environmental conditions, and the unregulated heavy foreign fishing of the past.

- 6 - Apportionment of Reserves. The method of apportionment of reserves needs considerable refinement. One section of the Regulations contemplates an apportionment of reserve either to TALFF or DAH whereas another contemplates a transfer only to TALFF. The apportionment is to occur up to 25% of the reserve on each of four (4) specified dates. An ineffective attempt is made to allow any unutilized amount to be added to the reserve for apportionment on the next specified date but this cannot be since the regional director is allowed to apportion only 25% of the original reserve on each of these four dates. Further the allocation among the various components of DAH contains no recognizable standards for accomplishment.



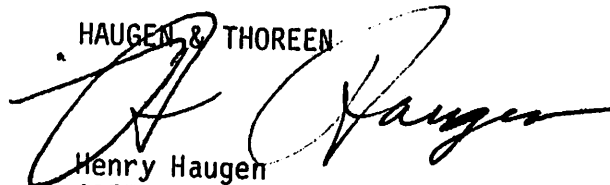
SECTION 675.22 FIELD ORDERS

- 1 - Though these are to be filed for publication in the Federal Register, provision is made to merely utilize the unspecified customary practices of the Alaska Department of Fish & Game to make them effective presumably within 48 hours. The specific procedures to be utilized must be specified in the Regulations. In addition a 48-hour broadcast notice seems poorly equipped to regulate a fishery of this potential magnitude. With the quantities of resource involved, the nature of the fishery that is exposed, open sea conditions, and the substantial costs and effort necessary to mount a fishery, 48 hours is entirely too short. It does not appear impossible to expect our managers to keep abreast of the fishery so as to be able to utilize more routine procedures. No closure should be allowed in the absence of truly emergency conditions without opportunity for the affected public to make comment and be fully apprised of the basis for such a closure.
- 2 - Bristol Bay pot sanctuary is closed to trawling from June 15 to October 31 but not to other fishing gear. The period of closure is contrary to that contained in the Fishery Management Plan and the area again includes waters subject to the jurisdiction of the State of Alaska. That pot sanctuary is presently larger than is needed for the storage of pots and should be reduced in size.

DATED at Seattle, Washington this 11th day of December, 1979.

Respectfully submitted,

HAUGEN & THOREEN



Henry Haugen  
4055 - 21st Avenue West  
Seattle, Washington 98199  
(206) 285-9393

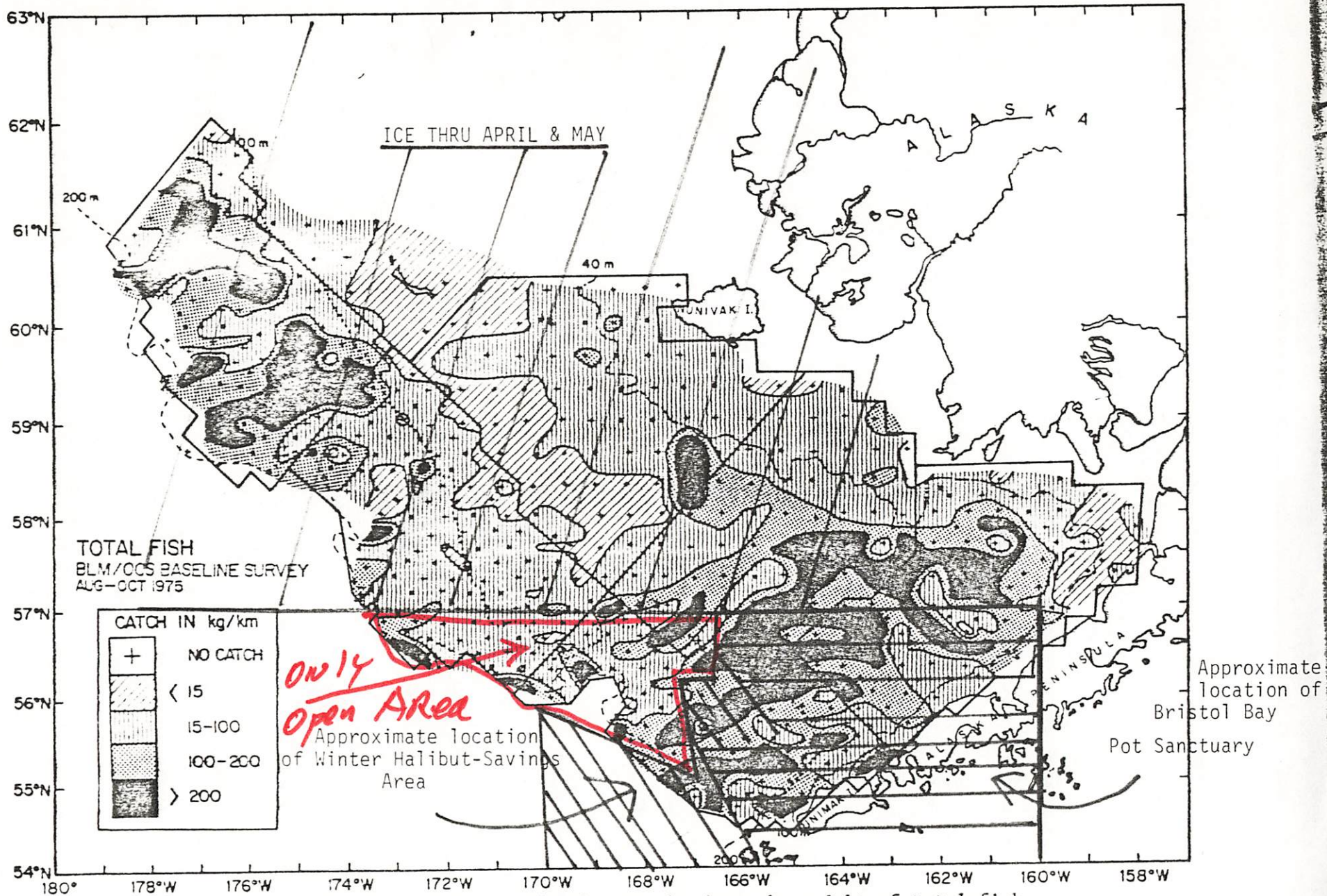


Figure IX-10.—Distribution and relative abundance by weight of total fish in the eastern Bering Sea.

Tillion  
C-6

UNIVERSITY OF WASHINGTON  
SEATTLE, WASHINGTON 98195

College of Fisheries  
WH-10

December 11, 1979

The Honorable Clem Tillion, Chairman  
North Pacific Fisheries Council  
P.O. Box 3136DT  
Anchorage, Alaska 99510

Dear Clem:

As you well know the Fishery Conservation and Management Act of 1976 under which our Council operates has, as one of its goals, the encouragement of development of fisheries which are currently underutilized or not utilized by United States fish industry, including bottomfish off Alaska.

The largest underutilized resource in U.S. waters is the pollock of Bering Sea.

I suggest that we ask our Plan Development Team and the Scientific and Statistical Committee to develop a plan to provide an increased incentive to the U.S. fishing industry to harvest Bering Sea pollock.

If we look back into our country's history, the methods for encouraging the development of the land area and the mineral resources of the West was by grants of land for homesteads or for building railroads and the system of filing claims for private ownership by prospectors who had located and proved the existence of mineral resources.

I suggest we establish this system to allow fishing claims or "seasteed" rights to Bering Sea pollock.

The first question will be, "Is this a Limited Entry Program?" I believe it is and we must look to the Law to see what the Council and the Secretary must take into account.

The Law, in Section 303, is quite specific in its requirements to a system for limited access to a fishery in order to achieve Optimum Yield. The Council and the Secretary must take into account (a) present participation in the fishery, (b) historical fishing practices in and dependence on the fishery, (c) the economics of the fishery, (d) the capability of fishing vessels

used in the fishery to engage in other fisheries, (e) the cultural and social framework relevant to the fishery and (f) any other relevant considerations. Since there is no present fishery, the major item to be considered is item f. and the other relevant considerations are the need to encourage the development of fisheries, which are currently underutilized or not utilized by the U.S. fish industry, including bottom-fish off Alaska.

There are a number of ways such a program could be established. The following are only examples. I believe it very important that the exact details of a number of alternatives be worked out by the Council and tested in the public hearing process.

For example, an individual, partnership, or corporation would be eligible for the right to take one percent of the total allowable catch per month for Bering Sea pollock for each metric ton of pollock caught and processed each year for a two-year period. There are obviously all kinds of alternatives for the amount of leverage or the multipliers applied to what is caught during the proving up period to the later right of fishing.

Another possibility is to provide the right to utilize a certain amount of fishing effort. For example, an individual, partnership, or corporation that caught a metric ton of pollock which was processed could be allowed the application of one tillion<sup>1</sup> of fishing effort in perpetuity with the right to sell or lease that right.

May I suggest that this topic be added to our Agenda for discussion and, that with approval of the Council, it be referred to the Plan Development Team and the Scientific and Statistical Committee.

Sincerely yours,

  
Donald E. Bevan  
Associate Dean

DEB/aw  
cc: Charles Fullerton  
D. L. Alverson  
Steve Penoyer

1/ A tillion is that amount of fishing effort which will provide one percent of the monthly catch of Bering Sea pollock.

KNOWN SALMON SPAWNING STREAMS AND LAKES WITHIN THE YUKON RIVER DRAINAGE

NUMBER OF KNOWN SALMON SPAWNING STREAMS & LAKES	ALASKA		CANADA		TOTAL
	KINGS	CHUMS	COHOS	FINKS	
	51	94	26	3	112
	44	9	1	-	48
	95	103	27	3	160

1/ TOTAL NUMBER OF SALMON SPAWNING STREAMS AND LAKES IN WHICH ONE OR MORE SPECIES OF SALMON HAVE BEEN OBSERVED.

Source:

Alaska Dept. Fish Game  
 Michael E. Heeger  
 Oregon State Biologist  
 Yukon Area

December 14, 1979

12-14-79  
 Michael Heeger

Harold Spicker



YUKON RIVER BASIN  
(330,000 square miles)

Tables from 1978  
Yukon Annual  
Mgmt Report

Table 14. Aerial survey salmon escapement estimates<sup>1/</sup>, Yukon River drainage, 1978.

Stream (drainage)	Date	Rating	Kings	Cohos	Summer Chums	Fall Chums	Pinks
<u>Archuelinguk (Mt. Village) R.</u>	7/15	Poor	3	-	1,322	-	1,415
<u>Andreafsky River</u>							
West Fork	7/14	Fair	1,062	-	57,321	-	980
East Fork	7/11+28	Good	2,487	-	127,050	-	10
			3,549	-	184,371	-	990
<u>Anvik River drainage</u>							
Tower & Sonar count	6/22-7/21	-	1,041	-	166,102	-	249
Lower drainage below tower (including Yellow River) <sup>2/</sup>	7/14-15	Good	72	-	85,237	-	-
Tower to Beaver Creek	7/19	-	168	-	-	-	-
Total Anvik River drainage			1,281	-	251,339	-	249
<u>Thompson Creek</u>	7/15	Poor	-	-	625	-	-
<u>Simon Creek</u>	7/15	Good	-	-	4,272	-	-
<u>Rodo River</u>	7/15	Good	37	-	17,845	-	-
<u>Nulato River (main stem)</u>	7/26	Good	-	-	4,750	-	-
North Fork	7/26	Good	498	-	36,909	-	-
South Fork	7/26	Good	422	-	12,821	-	-
Subtotal			920	-	54,580	-	-
<u>Koyukuk River drainage</u>							
Gisasa River	7/13	Poor	45	-	9,280	-	-
Dakli River	7/25	Fair	2	-	1,309	-	-
Wheeler Creek	7/26	Fair	-	-	1,400	-	-
			2	-	1,709	-	-
Hogatza River							
Clear Creek	7/25	Fair	-	-	2,716	-	-
Caribou Creek	7/25	Fair	-	-	2,386	-	-
			-	-	5,102	-	-
South Fork	8/8	Fair	98	-	2,190	-	-
Jim River	8/8	Fair	56	-	1,231	-	-
			154	-	3,421	-	-
Total Koyukuk R. drainage			201	-	20,512	-	-
<u>Melozitna River</u>							
Fox Creek	7/13	Fair	-	-	309	-	-
Turnaround Creek	7/13	Fair	-	-	196	-	-
Blacksand Creek	7/13	Fair	1	-	1,054	-	-
Melozitna Hot Springs Creek	7/13	Fair	8	-	4,012	-	-
			9	-	5,571	-	-
<u>Tozitna River</u>	7/20	Poor	194	-	2,262	-	-
<u>Tanana River drainage</u>							
Kantishna River drainage							
Toklat River <sup>4/</sup>	10/24-27	Fair	-	200	-	20,000	-
Sushana Creek <sup>4/</sup>	10/24-27	Fair	-	-	-	5,000	-
Geiger Creek <sup>4/</sup>	10/24-27	Fair	-	-	-	10,000	-
Subtotal			-	200	-	35,000	-
Nenana River	10/13	Good	-	350	-	-	-
Clear Creek <sup>2/</sup>	7/25	Good	56	-	5	-	-

Table 14. (Cont'd) Aerial survey salmon escapement estimates<sup>1/</sup>, Yukon River drainage, 1978.

Stream (drainage)	Date	Rating	Kings	Cohos	Summer Chums	Fall Chums	Pinks
<b>Upper Tanana River drainage</b>							
Benchmark #735 Slough	10/30	Poor	-	-	-	1,705	-
Delta River	10/30	Fair	-	-	-	10,051	-
Tanana River (bridge to island)	10/30	Fair	-	-	-	5,700	-
Bluff Cabin Slough	10/30	Good	-	-	-	5,340	-
Clearwater Lake and outlet <sup>2/</sup> , <sup>5/</sup>	10/26	Good	-	570	-	-	-
Delta Clearwater River <sup>2/</sup> , <sup>5/</sup>	10/26	Good	-	4,798	-	-	-
One Mile Slough	10/30	Fair	-	-	-	475	-
Subtotal Upper Tanana River			-	5,368	-	23,271	-
<b>Subtotal Tanana River drainage</b>							
<u>Morelock Creek</u>	8/3	Poor	-	-	35	-	-
<b>Porcupine River drainage</b>							
Sheenjek River	10/3	Poor	2	-	-	14,610	-
Fishing Branch River	10/13	Good	-	-	-	15,000	-
Subtotal Porcupine River drainage			2	-	-	29,610	-
<b>Yukon Territory Streams</b>							
Whitehorse Fishway <sup>3/</sup>	7/25-8/30	-	725	-	-	-	-
Takhini River	8/17	Poor	115	-	-	-	-
Nordenskjold River	8/17	Poor	17	-	-	-	-
Nisutlin River	8/18	Fair-Poor	375	-	-	-	-
Nisutlin Lake outlet	8/18	Fair-Poor	109	-	-	-	-
Big Salmon River	8/19	Good	1,150	-	-	-	-
Little Salmon River	8/16	Good	330	-	-	-	-
Tatchun Creek <sup>3/</sup> , <sup>4/</sup>	8/29	-	200	-	-	-	-
Subtotal			3,021	-	-	-	-
<b>TOTAL YUKON RIVER DRAINAGE</b>			<b>14,536</b>	<b>6,384</b>	<b>549,824</b>	<b>87,881</b>	<b>2,654</b>

1/ Only peak estimates listed; carcasses included

2/ Boat survey

3/ Data supplied by Environment Canada-Fisheries Service, Whitehorse

4/ Foot survey

5/ Data furnished by Division of Sport Fish



Appendix Table 22. Comparative Yukon River drainage coho salmon aerial survey escapement estimates, 1971-1978 <sup>1/</sup>

	<u>1971</u>	<u>1972</u>	<u>1973</u>	<u>1974</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>
<u>Nenana River drainage</u>								
<u>Lost Slough</u>								
East Bank 1 mile below Anderson	-	-	-	900	116	118	524	350
East Bank 3 miles below Anderson	-	-	-	488	827	-	-	-
<u>Wood Creek</u>	-	-	-	-	-	-	310	-
<u>Clear Creek</u>	-	-	-	-	-	13	-	-
<u>Seventeen Mile Slough</u>	-	-	-	<u>27</u>	<u>956</u>	<u>229</u>	<u>1,167</u>	<u>466</u>
Subtotal Nenana R. drainage	-	-	-	1,415	1,899	360	2,001	816
<u>Delta Clearwater River</u>	3,000	632 <sup>3/</sup>	1,982	3,950	5,100 <sup>3/</sup>	1,920	4,793 <sup>3/</sup>	4,798 <sup>3/</sup>
<u>Clearwater Lake and Outlet</u>	-	417	249 <sup>2/</sup>	560	1,530	460 <sup>3/</sup>	730 <sup>3/</sup>	570 <sup>3/</sup>
<u>Richardson Clearwater River</u>	-	527 <sup>2/</sup>	175	235	4 <sup>2/</sup>	80 <sup>2/</sup>	327	-

<sup>1/</sup> Peak estimates presented only

<sup>2/</sup> Poor or incomplete survey

<sup>3/</sup> Boat survey by Sport Fish Division

Appendix Table 20. Comparative Yukon River drainage summer chin salmon escapement estimates, 1958-1978 <sup>1/</sup>

Year	Andreatsky River	East Fork	Total	Anvik River Drainage Lower Count	Below Lower Site (Indicates tributaries)	Above Lower Site (Includes tributaries)	Subtotal	Total (Best estimate of escapement combined lower aerial & boat surveys)	Hodo River	Mudato River (Including main North Fork)	South Fork	Total	Gleason River	Lozline River	Chena River	Satcha River			
1958	3,030	8,110	10,040	19,530	16,190	211,130	166,315	100,240	200,000	3,403	50,000	52,500	400	1,1560	469 <sup>2/</sup>	670	1,152	1,161	
1959				37,570	37,570	601,080	237,051	162,514	200,000	20,600	12-14,000 <sup>2/</sup>	116,000	27,500	116,000	37,500	116,000	51,580 <sup>2/</sup>	232,780	245,057
1960				119,000	119,000	98,095	71,745	169,840	100,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000
1961				17,600 <sup>4/</sup>	17,600	41,460	25,573	87,033	208,763	26,156	201,277	645,485	406,166	262,754	251,211	16,110	17,841	50,275	41,683
1962				24,600	24,600	92,200	74,110	10,966	100,240	85,2	100,240	100,240	100,240	100,240	100,240	100,240	100,240	100,240	100,240
1963				14,495 <sup>4/</sup>	14,495	100,342	71,475	201,277	601,080	237,051	162,514	166,315	100,240	85,2	100,240	100,240	100,240	100,240	100,240
1964				119,000	119,000	98,095	71,745	169,840	100,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000
1965				175,800	175,800	119,000	98,095	71,745	169,840	100,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000
1966				278,500	278,500	119,000	98,095	71,745	169,840	100,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000
1967				119,000	119,000	98,095	71,745	169,840	100,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000
1968				119,000	119,000	98,095	71,745	169,840	100,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000
1969				119,000	119,000	98,095	71,745	169,840	100,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000
1970				119,000	119,000	98,095	71,745	169,840	100,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000
1971				119,000	119,000	98,095	71,745	169,840	100,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000
1972				119,000	119,000	98,095	71,745	169,840	100,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000
1973				119,000	119,000	98,095	71,745	169,840	100,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000
1974				119,000	119,000	98,095	71,745	169,840	100,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000
1975				119,000	119,000	98,095	71,745	169,840	100,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000
1976				119,000	119,000	98,095	71,745	169,840	100,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000
1977				119,000	119,000	98,095	71,745	169,840	100,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000
1978				119,000	119,000	98,095	71,745	169,840	100,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000	116,000

<sup>1/</sup> Data obtained from aerial surveys unless otherwise indicated. Peak estimates listed only.  
<sup>2/</sup> Incomplete or poor survey conditions resulting in a very minimal count.  
<sup>3/</sup> Boat survey.  
<sup>4/</sup> Includes pink salmon.  
<sup>5/</sup> Combined aerial and boat surveys.

Before the  
NORTH PACIFIC FISHERY  
MANAGEMENT COUNCIL

December 14, 1979

Bering Sea and Aleutian Islands  
Groundfish Fishery Management Plan

I am Henry Haugen, a lawyer from Seattle, Washington, appearing on behalf of Steuart Investment Company, which owns 3 Alaska based 108 foot Marco trawlers - SUNSET BAY, DISCOVERY BAY, and the newly launched HALF MOON BAY. I am accompanied by Mr. Daniel Webster who is the manager of the fishing activities of these vessels.

The base of operations for these vessels is Dutch Harbor, Alaska. Support facilities are in place so that the vessel can rather quickly shift from a crab vessel configuration to a trawl configuration, but the primary emphasis is on trawling and the vessels are so configured now. This is a 100% U.S. operation with no foreign investment. We have in the past and intend in the future to deliver to U.S. shore-side processors. We have no involvement with either the Korean or Russian joint ventures proposed for groundfish off Alaska which is one of the major purposes enunciated in the legislation which created the North Pacific Fishery Management Council, that is the Fishery Conservation and Management Act of 1976.

It is thus with some degree of total frustration that I must report that the Bering Sea and Aleutian Islands Groundfish Fishery Management Plan which this Council approved and which was published in the Federal Register of November 19, 1979, is preventing us from engaging in the fishery. My specific comments on the regulations are being submitted to the Secretary of Commerce and a copy is provided for your information. This also includes some supporting documentation from the literature and I would like to review with you only the major substantive issue - the effect of the proposed regulations on domestic trawling.

The eastern Bering Sea is the richest fishing area in the world now that the North Sea has suffered some declines. As you are well aware, it has supported major trawl fleet operations by a number of nations for many years. We want

to mount a domestic trawl fishery in this region targeting on Pacific Cod and Pacific Ocean Perch, early in 1980. We have made arrangements for the delivery of the catch by a shore-based U.S. processor. We have arrangements for the sale of the product in the market place. The Fishery Management Plan will prevent our operation from taking place. In essence, your plan closes the Eastern Bering Sea to trawling for ten (10) months of the year.

A modern Bering Sea fishing vessel must participate in the king crab fishery to be economically viable. With outfitting, transit, and fishing time, this consumes the months of August, September and October during which no significant trawling can be expected to take place. Further, all processors will have their efforts fully devoted to the crab fishery and be unable to accept any groundfish.

Now that the king crab season is over, our vessels can turn to trawling, but where can he go? According to the Plan, and I might add, the proposed regulations presently fail to reflect this, the Bristol Bay Pot Sanctuary is closed. The pot sanctuary is closed to trawling from June 15 to October 31 according to proposed regulations. That is, closed when pots are gone and open when grounds may be full of pots (100,000 of them). The Plan proposed no trawling year round. From December 1 to June 1, the Winter Halibut-Savings Area is closed. These two areas total the staggering sum of 36,000 square miles. In addition, the ice extends to the northern edge of these areas, precluding trawling. It is true that 2,000 metric tons of groundfish may be taken from the sanctuaries by trawlers, but as the rationale in the Plan makes clear, this is only to accommodate a crab bait fishery. This amount is clearly inadequate to support a viable commercial trawl effort and it won't even support our proposed effort. In short, with a 2,000 metric ton quota, the Steuart vessels cannot even plan to conduct a commercial fishery.

To illustrate the effect of your plan, I have submitted a rough chart which sets forth the distribution of the fishery resource and overlays on that the edge of the ice in the spring, the Winter Halibut-Savings Area and the pot sanctuary. As you can easily observe, there are essentially no fishing grounds in the eastern Bering Sea made available to U.S. trawlers prior to June 1.

Commencing on June 1, a U.S. trawler could operate in these waters but he would be competing with the large foreign fleets that move here at that time. In August, he must change gear and get ready for the September opening

of the king crab fishery. Thus this plan in practical effect will only allow domestic trawling in the eastern Bering Sea for 2 months during the course of the year.

These draconian measures have, as their basic purpose, the protection of the Bering Sea halibut resource. The rationale is, quite simply, prohibit trawling wherever halibut live and save the resource for the halibut setline fleet. In populist terms, the trawler is made the whipping boy for the decline in the halibut resource. I would suggest that this rationale is faulty for the following reasons:

1 - There is no significant halibut resource or fishery in the eastern Bering Sea to protect. Halibut make up less than 1% of the total resource in the area and supports only the most minor of fisheries. Over the last decade, less than 10 vessels per year even attempt to conduct a part time fishery. The catch makes up less than 5% of the total catch of the halibut fleet. This minor fishery does not warrant the extraordinary savings measures here contemplated.

2 - Contrary to the suggestions in the plan, the eastern Bering Sea does not serve as the nursery grounds for the entire West Coast halibut resource. Far and away the major movements of halibut find their way through the passes into the Gulf of Alaska, but it is a cruel hoax to hold out hope that creating a sanctuary in the Bering Sea will cause a dramatic increase in the halibut resource elsewhere.

3 - The basic causes of decline in the halibut resource has been over-fishing by halibut fishermen under IPHC leadership in the 1960s, a poorly understood deterioration of environmental conditions, and a grossly excessive foreign fishing effort prior to the exercise of effective control by the U.S. It remains uncertain whether or not the resource can ever be brought back, but to place the sole burden of restoring the stock on trawlers is inherently unfair. This bias in favor of the halibut fishermen and against the trawler is no where more clearly illustrated than in the Bering Sea Fishery Management Plan. The trawler is pre-empted from the grounds when a total of 2,000 metric tons of groundfish is taken. The halibut longliner, when the halibut season is closed, can and does shift to longlining for sablefish on these same grounds. By special exception to the general regulatory scheme, he is given a right to catch and land groundfish without regard to the 2,000 ton quota placed on trawlers. He may well unintentionally catch halibut with an attendant mortality rate which is nowhere mentioned in the plan. In the draft halibut plan, this

incidental catch of halibut by setliners was indentified as being up to 14% by weight.

4 - The regulatory measures fail to address the major sources of incidental catches but instead concentrate solely on the unrepresented and -politically weak domestic trawler.

The setline catch of halibut is less than 300 metric tons. It is estimated in your plan that 1,000 metric tons of halibut are taken by crab pots incidental to their fishing and, of course, used. There is no control placed on this in your plan - it is a practice condoned by silence. This makes it difficult to believe that the Council is treating all classes of fishermen fairly and equitably.

5 - The halibut savings measures to date have not been effective. These areas have been virtually closed to intensive trawling for several years. In spite of an expected increase in juvenile halibut, the actual benefits have been almost imperceptible. The average age of halibut in the Bering Sea is greater than in any other area on the West Coast and the percentage of halibut less than age 9 is less than any other area. Maybe the IPHC is encouraged by these results, but I don't believe an outside observer can be.

Recommendations before you from other groups are most disturbing, and if accepted, will also prevent the development of a domestic trawl fishery. Thus the staff of the International Pacific Halibut Commission has recommended that when a total by-catch of 1500 metric tons of halibut has been reached by both foreign and domestic trawlers, all trawling should cease. An identical recommendation is made for the Gulf of Alaska. Since in recent years you have estimated the by-catch to be approximately 5,000 metric tons in the Gulf of Alaska and 2,000 metric tons in the Bering Sea, it is clear that the intent of the recommendations is to curtail trawling. Unspecified in the recommendations is the mechanism for determining the by-catch other than a hope that observer coverage at the 50% level can be obtained. As you are well aware, this is not a realistic goal for the foreign fleet and observers have never been required on any domestic fleet. I hasten to add that domestic trawlers welcome government biologists on board their vessels and have a good relationship with them. We should be careful to avoid changing to a concept that envisions a policeman on board every U.S. vessel.

The Advisory Panel report displays a similiar anti-trawl attitude. At least the panel agreed that the 2,000 metric

top trawl quota in the Winter Halibut-Savings Area should be removed, but beyond that it becomes unsatisfactory from the viewpoint of rational management. The proposal calls for a 5,000 ton quota with a 1/2% incidental catch of halibut to be allowed. If the incidental catch is less than 1/2%, then another 5,000 ton quota is to be allowed. Assuming that the 1/2% is to be determined by weight, this means that catch of 55,000 pounds of halibut by domestic trawler will be the trigger point. This represents less than one tow for a modern off-shore trawl vessel. It is in stark contrast to the 14% incidental catch of halibut by setliners and the 3,000,000 pounds taken by crab pots neither of which the FMP addresses. There is a complete absence of data to support the choice of 1/2% or the 5,000 ton quota.

As to the Bristol Bay Pot Sanctuary, the panel was as confused as the rest of us in trying to determine the purpose. Thus again without any supporting rationale, a 2,000 metric ton quota was proposed without any incidental catch limitations. The pot sanctuary is left over from an earlier bilateral agreement with Japan. The area did not appear to support any fishery resources and it was impossible to store pots there. Since then, the Bering Sea has warmed up, and the area now supports an ever-increasing resource. The availability of more convenient pot storage locations and the economic necessity to reduce fuel costs have resulted in a declining use of the area for pot storage which in any event is normally out of the pot sanctuary. Thus the pot sanctuary has in fact become nothing more than a no trawling area with little thought given to the rationale.

Unfortunately, neither the Plan Development Team or the Scientific and Statistical Committee has been asked to look at this particular problem and hence we do not have their recommendations. It would be unwise to make a decision without their input.

The Council has the duty to prepare an FMP which contains conservation and management measures;

- (1) that are both necessary and appropriate.
- (2) are based on best scientific information available;
- (3) promote efficiency;
- (4) in the case of an allocation of resource, be fair and equitable to all fishermen.

I do not believe that you have been receiving sound

advice in preparing the Bering Sea Fishery Management Plan in so far as the trawl management measures are concerned. The advice you have received and the proposed FMP regulations include domestic trawl closures which are not necessary and appropriate, not based on best scientific information; do not promote efficiency; and allocate resources in a manner which is not fair or equitable to trawlers.

If we continue the present management philosophy there will never be a viable domestic trawl fishery in the eastern Bering Sea. This will match our track record in the Gulf of Alaska, a sample of which is attached: zero landings in the Shumagin area for the past year.

I believe that it is possible for a domestic trawl fishery and a halibut fishery to co-exist in the Bering Sea. The measures you have proposed will preclude such a co-existence and in my view reflects an inability on the part of the Council to properly manage the fishery resources of the United States. I would suggest that you adopt a more reasonable management scheme which recognizes the legitimate needs of the resource, all segments of the fishing industry and the overall national interest.

I would recommend that you withdraw the domestic trawl closures in the eastern Bering Sea as presently contained in the FMP regulations proposed by the Secretary of Commerce. You should send this problem back to the team and the SSC and direct them to come up with a more rational proposal that is supported by the facts. To this end, the Steuart vessels would more than welcome biologists on board to observe operations and get a better grasp of the incidental catch of halibut problem. There is no data now on a domestic trawl fishery in the Bering Sea and to attempt to regulate before the facts are gathered rather than after is unwarranted.





North Pacific Fisheries Management Council  
 Jim Branson, Executive Director  
 Department of Commerce NOAA  
 P. O. Box 3136  
 Anchorage, Alaska 99510

FILE	ACT	INFO	ROUTE TO	INITIAL
			Exec. Dir.	
			A. Exec. Dir.	
			Admin. Off.	
			Exec. Sec.	
			Writer/1	
			Writer/2	
			Sec. Recep.	
			Sec. Typist	
			JAN 10 1968	
			cc: Council	

My name is Roger Marshall and I have the F/V WILD MARY. I fished joint venture with KMIDC last summer off Kodiak. I am writing in reagrd to the Council meeting January 10. I understand there are certain parties that would like to severely restrict our joint venture program by putting huge restrictive areas around ports.

*Mail to  
 Harrill  
 Mace  
 Arnaudo*

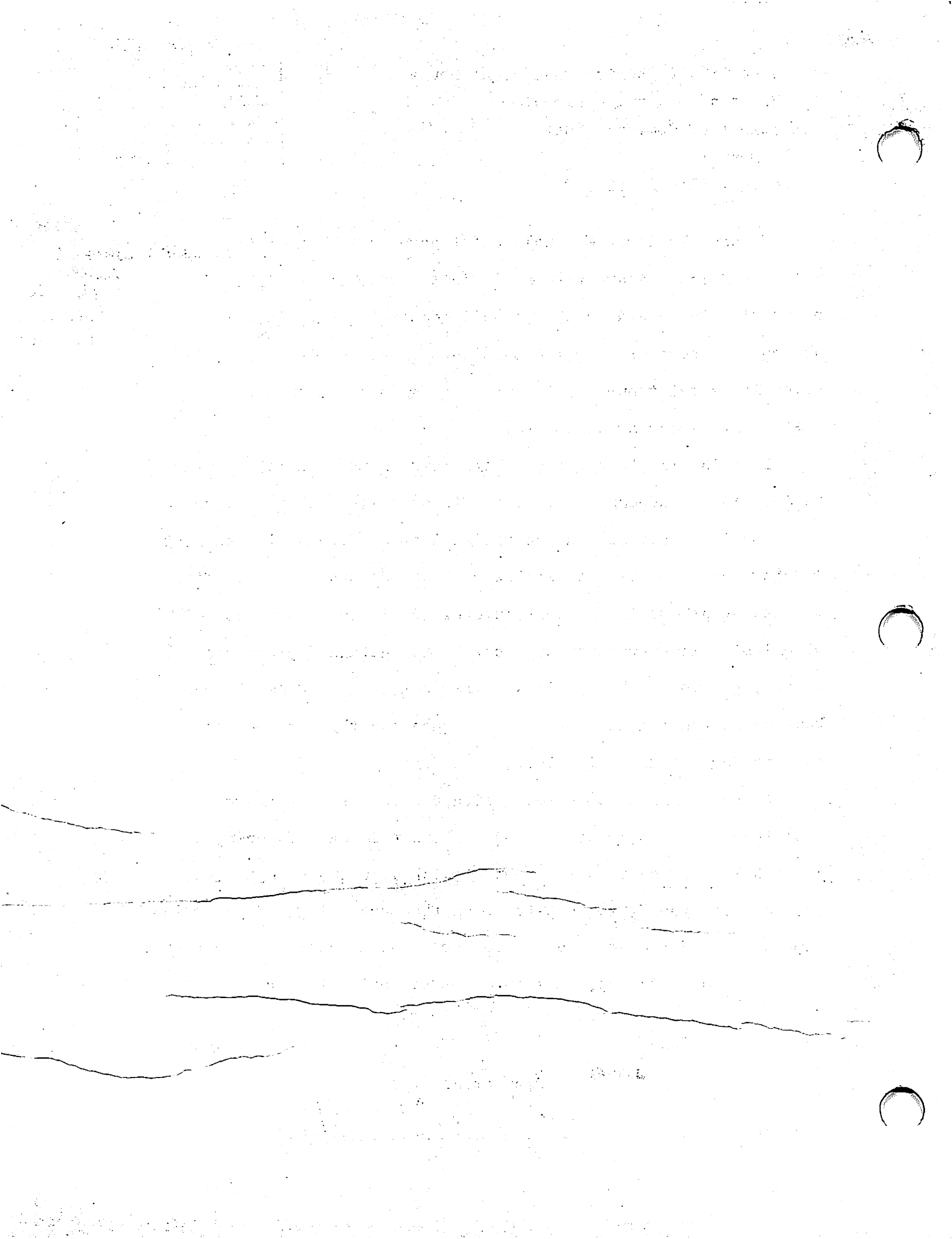
I would like to express my opinions on this matter. I am an American fisherman and I am entitled to fish and take fish from American waters. The companies that are trying to restrict foreign ventures are not capable of handling the volume of fish and they won't be in the near future. As I understand the 200 mile limit, if Americans can't catch the sustained yield, foreigners get to catch the fish. This doesn't make sense to me because it won't help American fishermen and that was one of the reasons for the 200 mile limit.

With my limited experience with a joint venture program I believe it is going to be good for the American fisherman who needs help because the fisherman's catch volume has increased in the last few years, far outstripping the processing and marketing capabilities of the American processor. Until such time the American processor can catch up, we should not be restricted or stopped.

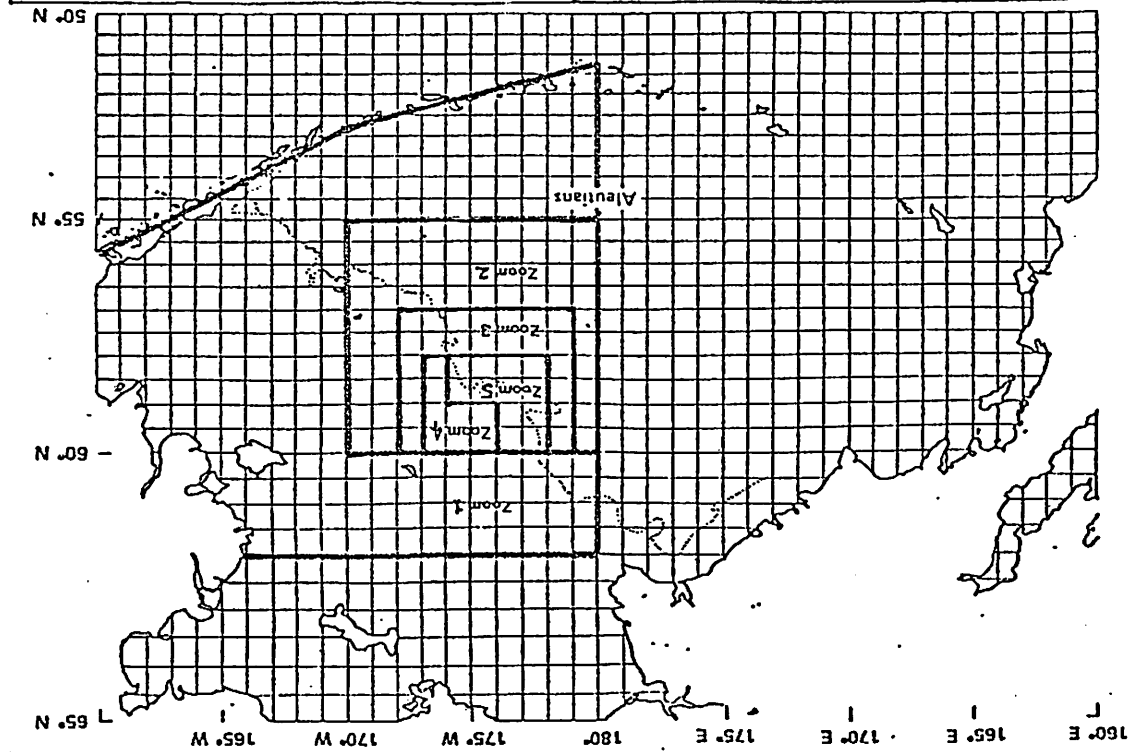
Respectfully,

*Roger W. Marshall*

RWM/mlm

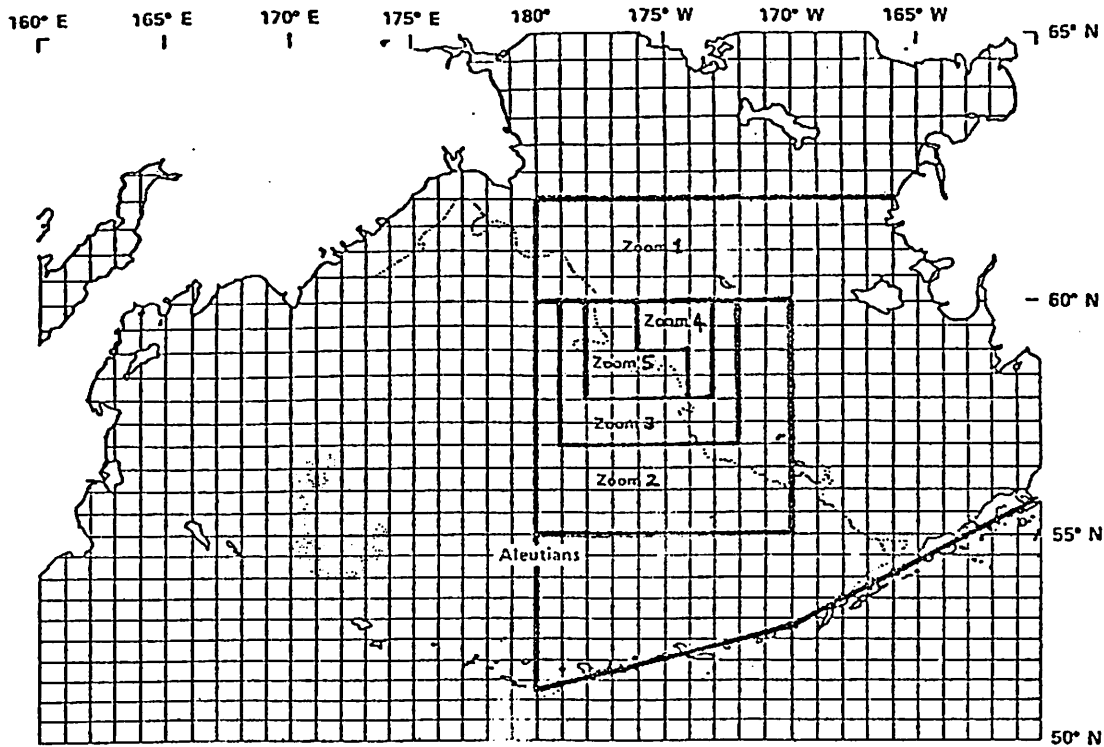


PERCENT OF GROUNDFISH ACCOUNTED FOR BY VESSEL TYPE AND BY MONTH, 100% = 1,548,232 mt (Averaged from 1977 and 1978 foreign catch-effort data)



		JAPANESE SMALL TRAWLERS					JAPANESE LARGE TRAWLERS				
		1	2	3	4	5	1	2	3	4	5
Jan	2.50	2.26	2.26	2.15	2.15	2.15	2.25	.96	.96	.65	.65
Feb	1.79	1.68	1.68	1.11	1.11	1.11	2.59	2.27	1.94	1.29	.98
Mar	2.76	2.30	2.30	2.18	2.18	2.18	3.22	2.89	2.58	1.93	1.93
Apr	2.12	1.87	1.57	1.33	.80	.80	2.91	2.58	1.94	1.29	.98
May	.57	.45	.22	.22	.12	.12	2.93	2.60	1.95	1.31	.98
Jun	.35	.12	0	0	0	0	5.52	1.94	1.28	1.06	1.06
Jul	1.29	.35	.25	.11	0	0	9.40	2.94	2.29	1.65	.33
Aug	1.82	.45	.33	.11	.11	.11	8.77	3.60	3.60	3.27	1.29
Sep	1.55	1.33	1.33	.99	.99	.99	9.08	4.54	4.54	3.26	1.61
Oct	1.51	.99	.99	.55	.55	.55	8.06	3.53	3.53	1.93	1.93
Nov	2.49	1.57	1.57	1.01	1.01	1.01	6.75	3.54	3.54	1.94	1.94
Dec	2.10	1.53	1.53	1.31	1.31	1.31	3.22	1.94	1.61	1.29	1.29
Ann	20.85	14.90	14.21	11.07	10.33	10.33	64.70	33.33	29.76	20.87	14.97
		U.S.S.R. LARGE TRAWLERS					KOREAN LARGE TRAWLERS				
		1	2	3	4	5	1	2	3	4	5
Jan	1.60	1.20	1.20	1.07	1.07	1.07	0	.08	.06	.04	0
Feb	1.63	1.30	1.10	1.10	1.10	1.10	.08	.21	.17	.08	.04
Mar	.68	.68	.52	.52	.52	.52	.17	.17	.08	.04	.02
Apr	.49	.34	.23	.20	.20	.20	.15	.15	.04	.02	0
May	.38	.25	.25	.25	.25	.25	.46	.46	.04	.02	0
Jun	.17	.17	.17	.17	.17	.17	.39	.39	0	0	0
Jul	0	0	0	0	0	0	.43	.43	.01	.01	.01
Aug	.57	.89	.89	.89	.89	.89	.35	.35	0	0	0
Sep	.89	.39	.39	.14	.14	.14	.33	.33	.01	.01	.01
Oct	1.41	.39	.39	.14	.14	.14	.49	.49	.05	.04	.01
Nov	.80	.12	.12	.06	.06	.06	.40	.40	.30	.22	.21
Dec	.96	.65	.65	.58	.58	.58	.76	.76	.47	.33	.33
Ann	9.58	5.99	5.52	4.98	4.98	4.98	3.46	3.46	.76	.47	.33

NUMBER OF SALMON CAUGHT INCIDENTALLY IN THE FOREIGN GROUND FISH FISHERY  
(Averaged from 1977 and 1978 U.S. Observer Data)



AREA	NUMBER OF SALMON					PERCENTAGE OF NUMBER				
	1	2	3	4	5	1	2	3	4	5
JANUARY	2112	2112	2045	2045	2045	5	5	5	5	5
FEBRUARY	15753	15173	14401	8323	8323	35	33	32	18	10
MARCH	2109	1649	1375	331	331	5	4	3	1	1
APRIL	1824	1211	1092	236	236	4	3	2	1	1
MAY	998	445	112	4	4	2	1	0	0	0
JUNE	267	0	0	0	0	1	0	0	0	0
JULY	1368	4	0	0	0	3	0	0	0	0
AUGUST	478	117	117	25	25	1	0	0	0	0
SEPTEMBER	630	242	238	177	177	1	1	1	0	0
OCTOBER	1539	703	689	363	363	3	2	2	1	1
NOVEMBER	8403	4242	4129	2022	2022	18	9	9	4	4
DECEMBER	10207	5800	5618	5310	5310	22	13	12	12	12
ANNUAL	45688	31698	29816	18836	18836	100	71	66	42	42

AREA	METRIC TONS OF GROUND FISH					PERCENTAGE OF CATCH				
	1	2	3	4	5	1	2	3	4	5
JANUARY	59660	34815	33811	26847	26809	4	2	2	2	2
FEBRUARY	74803	63665	56740	39968	39537	5	4	4	3	3
MARCH	69321	55623	47935	36546	35887	5	4	3	2	2
APRIL	64699	51244	42042	29129	27149	4	3	3	2	2
MAY	77146	66790	50198	29960	27973	5	4	3	2	2
JUNE	146816	66961	41098	19272	19002	10	4	3	1	1
JULY	218416	91536	79490	55283	18698	14	6	5	4	1
AUGUST	215543	84381	77957	71863	20953	13	6	5	5	1
SEPTEMBER	225703	93655	92192	75277	42084	15	6	6	5	3
OCTOBER	179879	56497	55883	30405	28770	12	4	4	2	2
NOVEMBER	135266	62714	62104	37958	37873	8	4	4	3	3
DECEMBER	78980	41725	40131	32458	32306	5	3	3	2	2
ANNUAL	1548232	769606	679581	484966	357041	100	50	45	33	24





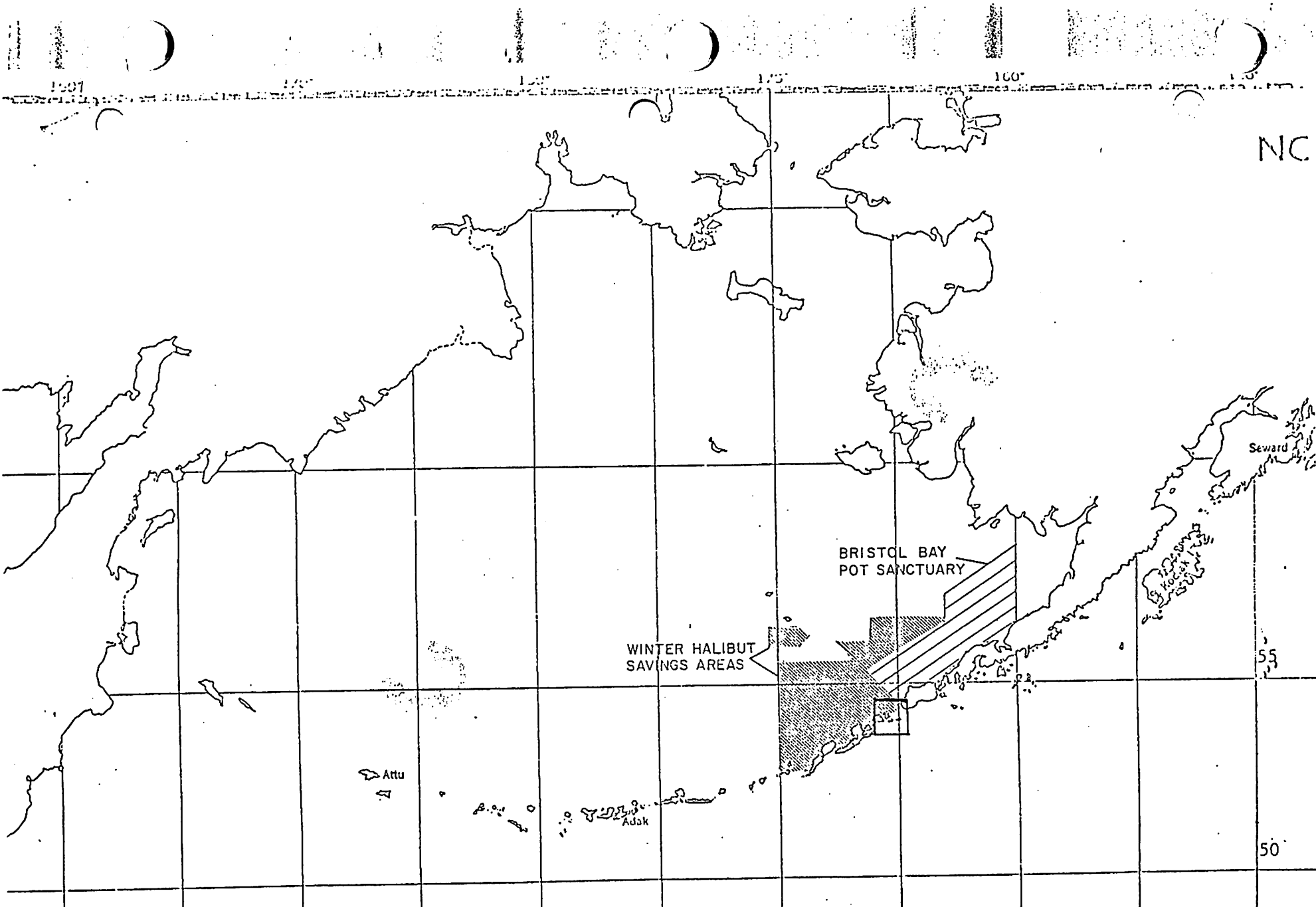


Figure --Locations of "Winter Halibut-savings Areas" and the "Bristol Bay Pot Sanctuary" in relation to the Akutan area closure proposed by Icicle, January, 1980