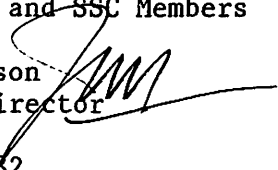


M E M O R A N D U M

TO: Council, AP and SSC Members

FROM: Jim H. Branson
Executive Director 

DATE: July 13, 1982

SUBJECT: Bering Sea and Aleutian Islands Groundfish

ACTION REQUIRED:

The Council is scheduled to approve an Amendment to establish a Fishery Development Zone north of Unimak Pass in the Eastern Bering Sea.

BACKGROUND

- I. In May the Council instructed the PMT to develop an amendment for Council review at this meeting that would establish a U.S. Fishery Development Zone north of Unimak pass.

The PMT met on June 23rd in Seattle to receive input from the public and draft the amendment. A draft of the Amendment and a discussion of the rationale for it was included in the Bering Sea and Aleutian Islands PMT report in the last Council mailing.

Since the May Council meeting we have received an additional favorable comment on the proposal from Mr. J. G. Ferguson of the Pelican Cold Storage Company.

A chart of the Fishery Development Zone is included here as item D-6(a)(1).

- II. At the request of the Council the PMT studied a proposal from the North Pacific Longline Gillnet Association to allow foreign longlining year round in the Winter Halibut Savings Area. On January 1, 1982, when the FMP was implemented, foreign longliners were restricted to fishing at depths greater than 500 m from December 1 through May 31. Prior to that time they had been allowed to operate without restrictions in the Area.

NMFS data shows the foreign longline four-year average by-catch of halibut in the entire Bering Sea/Aleutian Islands Area as 140 mt. Because of their low halibut by-catch, the Council has already exempted foreign longliners from the provisions of the prohibited species amendment (Amendment #3).

The PMT recommends that if foreign longliners are allowed to fish year-round at any depth in the Winter Halibut Savings Area they would have to fish at depths greater than 500 m if their halibut by-catch for the BS/AI FMP area reached $(0.75 \times 140) = 105$ mt.

Catches of halibut and Pacific cod in the Winter Halibut Savings Area by foreign longliners (or U.S. fishermen) are not available at this writing. Analyses of data necessary to derive that information is still being done.

The PMT report on the proposal did not consider the possible effects of foreign longlining for Pacific cod on the domestic fishery.

Domestic catches of Pacific Cod have been as follows:

1. Bering Sea, all areas, Source: ADF&G, NMFS (mt)

	<u>1980</u>	<u>1981</u>	<u>1982</u>
JVP	8,456.4	9,330.0	4,971 (thru June 19)
DAP	5,858.3	8,718.9	5,708 (thru May 31)
TOTAL	14,314.7	18,048.9	10,679

2. Southeastern Bering Sea, Source: ADF&G (mt)

	<u>1980</u>	<u>1981</u>	<u>1982</u>
DAP	2,432.5	3,849.2	5,245 (thru May 31)

The status of the Pacific cod resource is as follows:

	<u>1982</u>	<u>Amendment #4</u>
OY	78,700 (mt)	120,000 (mt)
DAP	26,000	26,000
JVP	17,065	17,065
DNP	200	200
Reserve	3,395	6,000
TALFF	31,500	70,735

Amendment 4 was submitted for Secretarial review on February 22, 1978, but has not yet been approved.

The PMT report on this proposal is in your briefing books as item D-6(a).

A letter from Paul MacGregor on behalf of the North Pacific Longline Gillnet Association explaining the proposal is in your briefing books as Item D-6(b).

BERING SEA/ALEUTIAN ISLANDS GROUND FISH FISHERY MANAGEMENT PLAN

Report on the Proposal to Allow Foreign Longline Fisheries
in the Winter Halibut Savings Area

Draft of
July 1, 1982

Plan Maintenance Team
Bering Sea/Aleutian Islands Groundfish FMP
North Pacific Fishery Management Council
Anchorage, Alaska

Bering Sea/Aleutian Islands Groundfish Fishery Management Plan
Report on the Proposal to Allow Foreign Longline Fisheries
in the Winter Halibut Savings Area

INTRODUCTION

In May the representative for the North Pacific Longline Gillnet Association asked the Council to allow foreign longlining year-round in the Winter Halibut Savings Area. They want to be able to operate at all depths in the Winter Halibut Savings Area (see Figure 1), removing the current restriction that they operate only in depths greater than 500 m from December 1 through May 31.

DISCUSSION

The present regulation prohibiting foreign longlining shallower than 500 m in the Winter Halibut Savings Area was imposed in January 1982 to control the incidental catch of Pacific halibut.

NMFS reports that the 1978-81 four-year average halibut by-catch by foreign longliners in the entire Bering Sea/Aleutian Islands area is 140 mt. During this time foreign longliners were not restricted.

This proposal would allow foreign longliners a larger area to operate in during December 1 through May 31 without additional impact on the Pacific halibut resource if the team's recommendation to put a ceiling on the catch is adopted. If the Council amends the FMP, the PMT recommends that when the incidental catch of Pacific halibut by all foreign longliners reaches 75% of their 1978-81 incidental catch levels, (105 mt), then the restriction in the Winter Halibut Savings Area should be reactivated to slow down the incidental catch of halibut.

The Regional Director, by field order, could reactivate the restriction that all foreign longline vessels operate in depths deeper than 500 m during December 1 through May 31 in the Winter Halibut Savings Area when 105 t of Pacific halibut have been caught incidentally by all foreign longline vessels combined.

The proposal seems to be consistent with actions taken by the Council in Amendment #3, which controls the incidental catch of prohibited species in the Bering Sea/ Aleutians region. In that amendment, foreign longline vessels are exempt from catch limits set to control the incidental catch of Pacific halibut, salmon, and crab.

If the foreign longliners are permitted to fish year-round at depths less than 500 m they will be able to increase their catch of Pacific cod, a species of great interest to the domestic fishery. Japanese longline catches of Pacific cod in the whole Bering Sea and Aleutian Islands area have been as follows:

<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
5,248 mt	3,356 mt	5,662 mt	6,081 mt

In its analysis of this proposal, the PMT focused on its effect on the incidental catch of halibut and not on interactions between domestic and foreign fishermen over the Pacific cod resource.

Data on the Pacific cod catch and halibut by-catch by foreign longliners in the Winter Halibut Savings Area should be available at the July Council meeting.

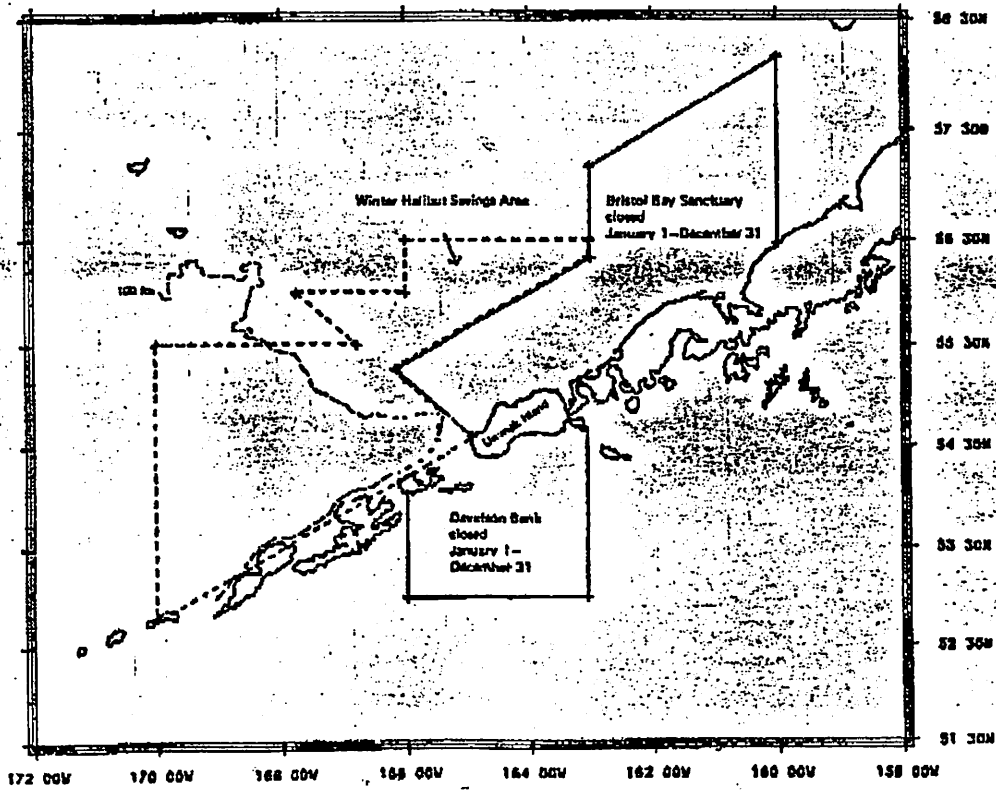
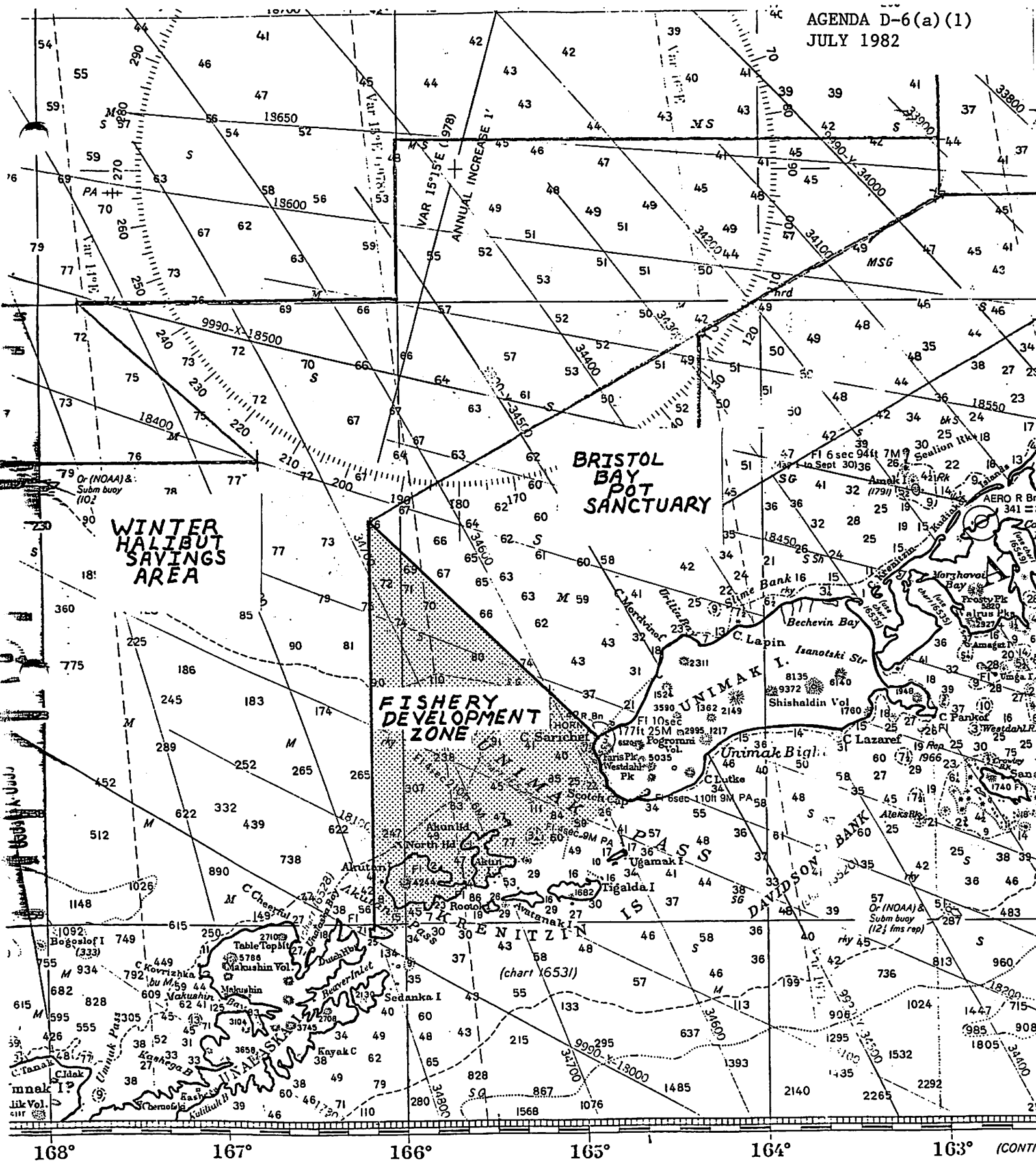


Fig. 1. Location of the Winter Halibut Savings Area in the Bering Sea/Aleutians Region.



MUNDT, MacGREGOR, HAPPEL, FALCONER & ZULAUF

ATTORNEYS AT LAW

ACTION	ROUTE TO	INITIAL
	630 BANK OF CALIFORNIA CENTER	3
	SEATTLE, WASHINGTON 98184	4
	208-824-5950	
	Sec./Exkr.	
	Sec. [unclear]	

June 17, 1982

JAY H. ZULAUF
 JAMES C. FALCONER
 HENRY HOWARD HAPPEL, III
 WM. PAUL MacGREGOR
 J. CARL MUNDT
 J. J. LEARY, JR.
 MATTHEW COHEN
 FENTON P. WILKINSON
 KATHERINE ANN JANEWAY

Dr. Loh Lee Low
 Northwest and Alaska Fisheries Center
 2725 Montlake Boulevard East
 Seattle, Washington 98112

Re Exemption of Foreign Longline Vessels From
 Winter Halibut Savings Area Provisions of
 Bering Sea Groundfish FMP

Dear Dr. Low:

At the May meeting of the North Pacific Fishery Management Council, the Bering Sea Groundfish Plan Development Team ("PDT") was asked to consider the possibility of exempting foreign longline vessels from the Winter Halibut Savings Area ("WWSA") closure provisions of the Bering Sea FMP. It is my understanding that the PDT will be considering that issue at its meeting here in Seattle next week.

The purpose of this letter is to briefly explain the rationale for the Japanese longliners' request for such an exemption, and to advise you and the other Team members that we will be working with Mr. Hoag prior to the PDT meeting in an effort to resolve any concerns which the International Pacific Halibut Commission might have over the proposal.

As you may remember from my testimony to the Council last month, the justification for the proposed exemption is twofold. First, and most importantly, the closure as applied to longline vessels is simply unnecessary. As demonstrated in the years prior to the implementation of the FMP^{*/}, the operation of foreign

^{*/} The FMP was implemented on January 1, 1982. Under the PMP which governed foreign fishing operations prior to the implementation of the FMP, foreign longline vessels were allowed to operate in the WWSA on a year-round basis.

Dr. Loh Lee Low
June 17, 1982
Page two

MUNDT, MacGREGOR, HAPPEL,
FALCONER & ZULAUF

longline vessels in the WHSA has had and will have no significant impact on the stocks of halibut which the closure is designed to protect. Indeed, the incidental catch of halibut in this area by foreign longline vessels was so low under the PMP, that the Team and the Council exempted such vessels from the halibut provisions of the Prohibited Species Amendment (Amendment #3 to the FMP) which was adopted last year.

Second, from an operational standpoint, such an exemption would alleviate the difficulties which are anticipated this year when both trawl and longline vessels will be forced to fish the area at the same time (e.g. June - December). Previously, longline vessels were allowed access to the area during those times when the WHSA was closed to trawling. This enabled longline vessels to take their groundfish allocations without having to compete head-to-head with trawlers for access to the grounds.

I have discussed this situation with Mr. Hoag on several occasions and plan to meet with him prior to next week's PDT meeting in an effort to develop a mutually acceptable proposal which we can make to the Team. In the meantime, if you or any of the other team members have any questions, please give me a call.

Sincerely yours,

MUNDT, MacGREGOR, HAPPEL,
FALCONER & ZULAUF



Paul MacGregor

PM:aes
cc: Bering Sea PDT Members
Mr. Y. Okazaki

July 16, 1982

Mr. Jim H. Branson
Executive Director
North Pacific Fishery Management Council
P. O. Box 3136DT
Anchorage, Alaska 99501

Dear Jim:

Today we received a draft copy of the "Bering Sea/Aleutians Groundfish Fishery Management Plan Amendment #6--Establishment of a U.S. Fishery Development Zone," dated July 15, 1982. Since we have just received Amendment #6 and feel that it deserves serious consideration, we ask that the NPFMC postpone any action on this issue until the October meeting so that we can study its merits and develop our positions. However, we would strongly urge that the Amendment be structured as a no foreign fishing area rather than a no foreign trawling area.

Sincerely,

Rudy A. Petersen

Rudy A. Petersen, President
The Highliners Association

R. Barry Fisher

R. Barry Fisher
Coalition for Open Ocean Fisheries

BERING SEA/ALEUTIAN ISLANDS GROUND FISH FISHERY MANAGEMENT PLAN
Amendment #6 -- Establishment of a U.S. Fishery Development Zone

Draft of
July 1, 1982

Plan Maintenance Team
Bering Sea/Aleutian Islands Groundfish FMP
North Pacific Fishery Management Council
Anchorage, Alaska

Bering Sea/Aleutian Islands Groundfish Fishery Management Plan
Amendment #6 -- Establishment of a U.S. Fishery Development Zone

PURPOSE

The purpose of this amendment is to establish a U.S. fishery development zone (FDZ) just north and west of Unimak Pass (Figure 1) which is bounded by straight lines joining the following coordinates:

55°16'N, 166°10'W (westernmost corner of Bristol Bay Pot Sanctuary)
54°00'N, 166°10'W (Unalga Island), and
54°36'N, 164°55'42"W (Cape Sarichef Light, southernmost corner of Bristol Bay Pot Sanctuary)

This zone is reserved for use by domestic fisheries--shorebased and joint venture vessels included. All foreign trawl fisheries are excluded year-round from operating in this FDZ. (The Council may wish to exclude all foreign longline fisheries from this FDZ as well because the fisheries compete directly with domestic fishermen for Pacific cod.)

RATIONALE

Development of domestic groundfish fisheries has been slow in the Bering Sea/Aleutians region. Yet, this region has one of the greatest potential for supporting a large domestic groundfish fishery. The present OY of groundfish in the region is between 1.4-2.0 million metric tons and almost all of the catch has been taken by foreign fisheries.

The Fishery Development Zone proposed has been identified as a good fishing ground located in close proximity to shorebased support facilities. In recent years, the operation of domestic fisheries (both shorebased and joint venture) for groundfish in the region has been proven to be successful. However, these domestic fisheries are carried out by vessels that are generally smaller than foreign vessels and are at an early developmental stage where they have difficulty competing effectively with foreign vessels on the same fishing ground at the same time.

In order to protect the vessels that now operate in the FDZ and to stimulate further development of domestic groundfish fisheries, all foreign trawlers should be excluded year-round from the zone. (Foreign longline vessels are smaller in numbers and their smaller-scale operation and stationary gear have a lesser negative effect on the operation and development of domestic groundfish fisheries in the FDZ.)

The exclusion of all foreign trawlers from the zone should provide the following positive factors for the development of domestic fisheries:

- (1) The zone is known to be an area with one of the highest, if not the highest, catch-per-unit-effort (CPUE) for groundfish in the Bering Sea/Aleutian region and will provide a competitive advantage for domestic vessels. Trawl surveys conducted by the U.S. National Marine Fisheries Service show that typically, CPUE is expected to be 1.7 times higher during the summer (232 kg/hr vs. 135 kg/hr) or 2.9 times higher (645 kg/hr vs. 221 kg/hr) during the winter within the zone as opposed to another good fishing area slightly west and north of this zone from Unimak Pass to the Pribilof Islands area.
- (2) The zone will afford a greater opportunity for domestic vessels to develop their fisheries and operate without concern for interference or conflict with foreign vessels for the same physical space and groundfish species. The foreign fisheries have had the advantages of developing their fisheries virtually without regulation for 15 years before the MFCMA came into effect in 1977. The domestic fishery is just beginning to develop its groundfish fishery in the Bering Sea/Aleutian region.
- (3) Catch rates are expected to be maintained at a higher level for domestic fisheries if foreign vessels are excluded from the zone. The individual and combined fishing power of the larger foreign vessels are massive. They overwhelm those of domestic vessels and are capable of quickly preempting a fishing ground to the point of low catch rates or profitability and then move quickly to more lucrative grounds. The smaller domestic vessels, which must depend

more on shorebased support facilities, cannot operate effectively over as wide a geographical area as foreign vessels can and should, therefore, be protected from preemption problems.

- (4) More Pacific cod and a higher catch rate for Pacific cod, which domestic fishermen seek, should be made available if foreign vessels are excluded from the zone. Catches of cod during 1977-80 averaged 3,300 metric tons (800 t by longline vessels) per year and this amount of cod can all be utilized by domestic fisheries since their DAH is at least 60,000 t and the cod equilibrium yield is projected to decline from its present high level to average historic levels (170,000 t to 60,000 t range) beginning in 1983-84 (Wespestad, et al. 1982)^{1/}.
- (5) The zone will also encourage the operation of domestic vessels using stationary gear (longline and traps) when foreign trawlers are excluded.

IMPACT OF EXCLUDING FOREIGN FISHERIES FROM THE FISHERIES DEVELOPMENT ZONE

The establishment of the U.S. Fishery Development Zone should create competitive advantages and further opportunities for development of domestic fisheries in the Bering Sea/Aleutians region. More importantly, however, is the negligible impact on foreign fisheries if the zone is established. Foreign longliners, however, are negatively impacted more than foreign trawlers as a result of the zone.

Effect on Groundfish Catches

Groundfish catches taken by foreign fisheries inside the FDZ during 1977-80 are given in Table 1. Total groundfish caught in the zone averaged 7%

^{1/} Wespestad, Vidar, Richard Bakkala, and Jeff June. 1982. Current abundance of Pacific cod (Gadus macrocephalus) in the eastern Bering Sea and expected abundance in 1982-86. NOAA Tech. Memo. NMFS F/NWC-25, Northwest and Alaska Fish. Ctr., 2725 Montlake Blvd. E., Seattle, WA 98112.

(84,000 t) of the Bering Sea/Aleutian catch during 1977-80. Of these catches, the dominant species were pollock (73,400, 88%); flatfishes (3,400 t, 4%); Pacific cod (3,300 t, 4%); Pacific ocean perch (300 t, 0.4%); and sablefish (183 t, 0.2%). The catch by foreign longliners in the zone averaged 1,200 t, and the dominant species taken were Pacific cod (800 t), flounders (200 t), and sablefish (100 t).

If all foreign vessels are excluded from the FDZ and if the fish are taken up as increased Domestic Annual Harvest (DAH), then the impact on foreign fisheries is not any different than the fact that DAH has increased and, therefore, TALFF must be decreased correspondingly.

If DAH is not increased and if foreign fisheries are excluded from the FDZ, then the foreign fisheries may have to make up its former catches from the FDZ elsewhere. To determine if this is possible, a time-area closure model of the Bering Sea (Low et al. 1981)^{2/} was used to simulate how the foreign catch will be re-distributed if the fisheries are displaced from the FDZ. Assuming that these fisheries will fish proportionately harder in the open zones, the model shows that all the foreign fisheries are able to make up their former catches elsewhere without getting into problems of premature closure of their fisheries as a result of achieving the catch quota of a particular species group early. Therefore, any impact on foreign fisheries from the standpoint of making up for lost catches is negligible or nil. (Foreign longliners, however, will have more difficulty making up for their "lost catches" in the zone if they are excluded since there are few viable longline grounds for them in the Bering Sea/Aleutians region.)

Effect on Incidental Catch of Prohibited Species

If all foreign fisheries are excluded from the FDZ and the catches within the FDZ are taken up by domestic vessels, the change in catch pattern of

^{2/} Low, L., B. Gibbs, and R. Narita. 1981. Bering Sea time-area closure model. In reducing the incidental catch of prohibited species by foreign groundfish fisheries in the Bering Sea. North Pacific Fishery Management Council, Doc. 13).

prohibited species (Pacific halibut, salmon, and crabs) cannot be reasonably predicted. There is insufficient information to predict what the catch pattern by domestic vessels (shorebased and/or joint venture) will be.

If all foreign fisheries are merely excluded from the zone only and their former catches in the zone are now taken elsewhere in the open areas, it is possible to calculate the expected change in prohibited species catches using the Bering Sea time-area closure model mentioned earlier. Table 2 shows the expected catches of prohibited species under such conditions. Either no change or only a small decrease in catches is observed for Pacific halibut and king crab. Increased incidental catches are expected for Tanner crab (+3%) and salmon (+10%).

Although the model predicts a potential 10% increase in interception of salmon, this event, presumably, may not happen when Amendment #1a on salmon and/or Amendment #3 on prohibited species are implemented. These amendments establish specific catch limits for incidental catches of salmon.

(Whether foreign longliners are included or excluded from the FDZ has little effect on prohibited species since their incidental catches are small by comparison to the total. Moreover, the longliners have little, if any, impact on the incidental catch of salmon and crabs.)

Table 1 -- Foreign catch of groundfish in the Bering Sea/Aleutian region, 1977-80 averaged.
Amount taken (t) inside and outside U.S. Fishery Development Zone.

Area	Total Groundfish	Pollock	Pacific Cod	Yellowfin Sole	Turbots	Other Flounders	Sablefish	Atka Mackerel	POP	Rockfish	Others
A. <u>All Foreign Fisheries Combined</u>											
Inside Zone	83,871	73,425	3,304	786	474	2,127	183	1,188	312	44	2,025
Outside Zone	1,182,997	866,600	35,238	86,467	9,917	78,109	2,508	22,412	6,682	10,431	56,612
TOTAL	1,266,869	940,025	38,542	87,253	10,391	80,236	2,691	23,600	6,994	10,475	58,637
B. <u>Foreign Longline Only</u>											
Inside Zone	1,227	15	799	0	17	160	108	0	1	1	94
Outside Zone	7,506	93	2,663	24	20	2,317	1,586	0	16	59	668
TOTAL	8,733	108	3,463	24	37	2,477	1,694	0	17	60	762

Table 2 -- Incidental catch of prohibited species by foreign fisheries associated with establishment of a U.S. Fishery Development Zone in the Bering Sea/Aleutian region, 1977-80 averaged.

Area	Halibut (t)	King crab (nos.)	Tanner crab (nos.)	Salmon (nos.)
<u>A. Amount of Incidental Catch</u>				
Inside Zone	229	63,093	402,325	3,449
Outside Zone	3,124	1,499,725	16,739,730	93,074
TOTAL	3,353	1,562,819	17,142,055	96,523
<u>B. Change Due to Closure of Zone</u>				
Percentage change	0%	-1%	+3%	+10%
Amount of change	+1	-11,730	+569,279	+10,052

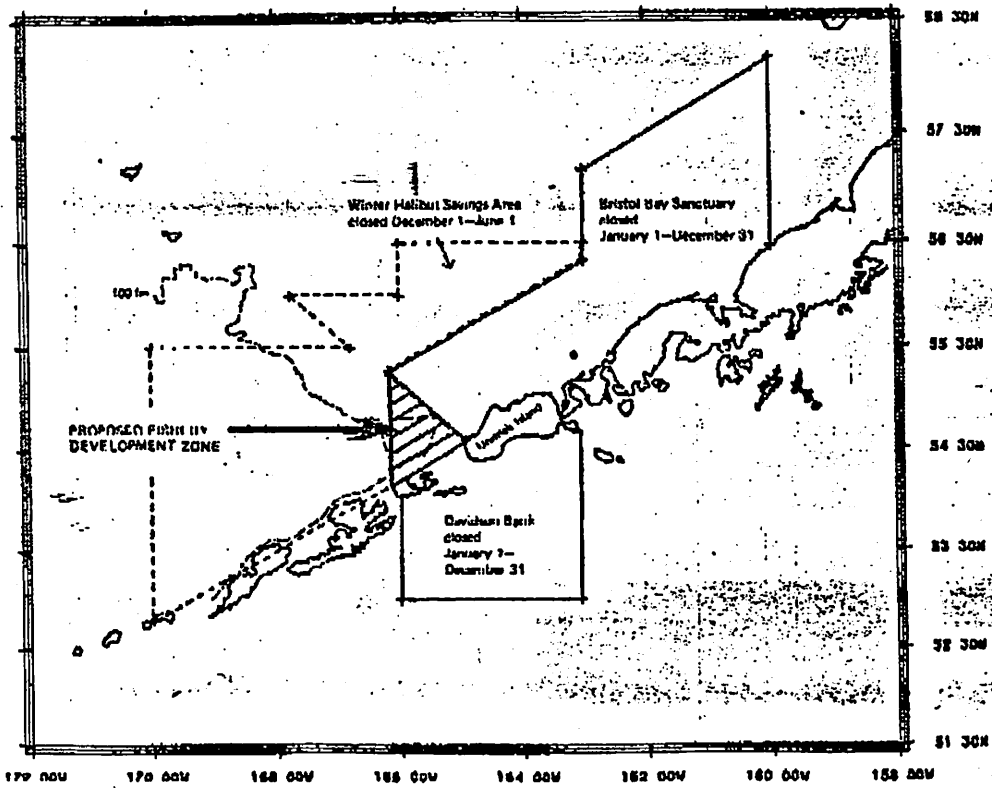
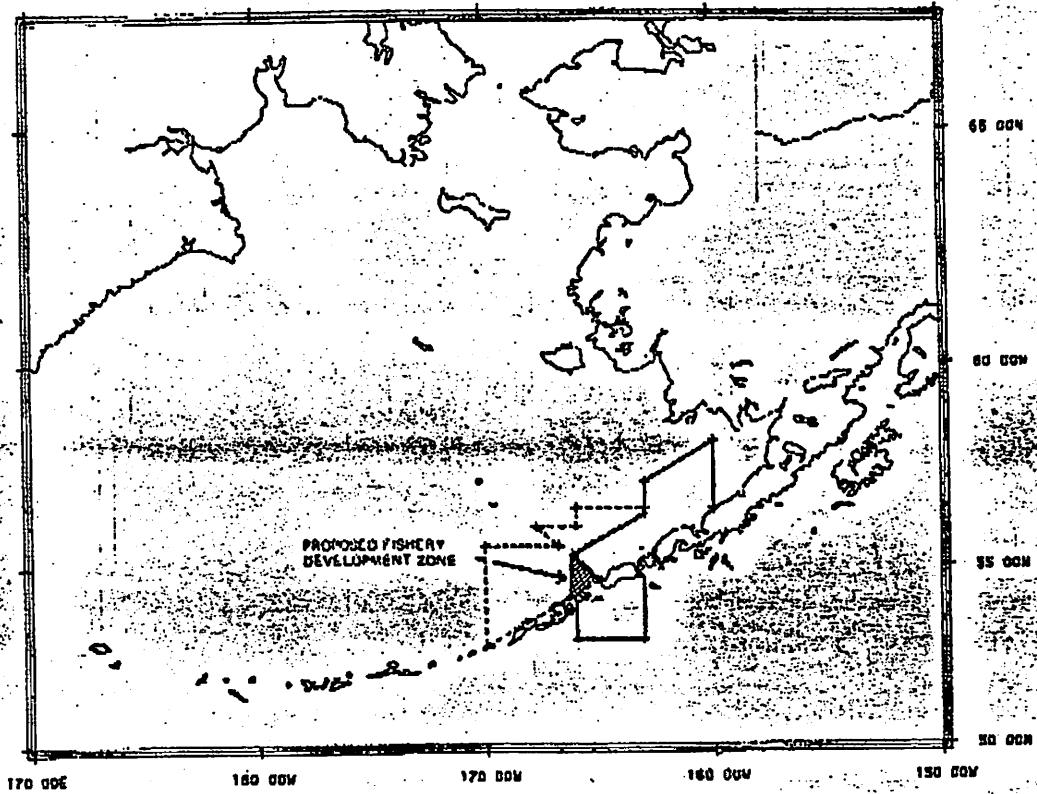


Fig. 1. Location of U.S. Fishery Development Zone in relation to existing foreign fisheries restricted areas.

