

North Pacific Fishery Management Council

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MINUTES ADVISORY PANEL May 20-22, 1985 Anchorage, Alaska

The Advisory Panel met May 20-22, 1985 in the Kuskokwim Room of the Sheraton Anchorage Hotel. The following members were in attendance:

Robert Alverson	Ronald Hegge	Don Rawlinson
Terry Baker	Oliver Holm	Julie Settle
Al Burch	Robert Hunter	Cameron Sharick
Joseph Chimegalrea	Richard Lauber	Walter Smith
Larry Cotter	Nancy Munro	Thomas Stewart
Gregory Favretto	Daniel O'Hara	Richard White
Barry Fisher	Alvin Osterback	John Woodruff
		Dave Woodruff

Eric Jordan submitted a letter to the Advisory Panel explaining his absence is due to the upcoming troll season and is unavoidable.

B-1 Executive Director's Report

The only issue requiring AP recommendation under the ED report was the United Fishermen of Alaska's Proposal on offshore oil development. The Advisory Panel unanimously recommends the Council adopt a motion urging a 10-year delay in the lease.

C-1 Election of AP Officers

Larry Cotter and Ronald Hegge were nominated for Chairman. Larry Cotter was elected by a secret ballot vote. Robert Alverson and Ronald Hegge were nominated for Vice-Chairman and Robert Alverson was elected.

The Advisory Panel requests the Council to provide Robert Alverson with a suitable parchment recognizing his tenure as Chairman and the Council's appreciation for his efforts.

C-2 MFCMA Reauthorization

Ron Miller gave a status report on current congressional activity relative to reauthorization.

A motion was seconded and carried to recommend the Council notify Congress of its discontent with the "2/3" voting requirement outlined in Section C, #11, and to urge Congress to delete that provision from its reauthorization consideration. The vote was 10 to 7.

A second motion was passed 9 to 7 to recommend the Council notify Congress of its discontent with the "2/3" voting requirement outlined in Section C, #13, and to urge Congress to delete that provision from its reauthorization consideration.

During discussion members of the AP expressed concern with a determination of who would be entitled to vote in any referendum, and also expressed concerns regarding limited entry and its effects on small fishermen. Another concern was that any fishery be able to be managed without the encumbrance of unnecessary bureaucratic procedures.

D-1 Salmon

Jim Glock reported to the AP on options for salmon management.

A motion was seconded and carried to recommend the Council adopt a management plan similar to the King Crab Plan for FCZ troll salmon. The vote was unanimous.

The AP notes that the Salmon FMP applies to the entire FCZ. However, the AP did not address a state management role for salmon in the FCZ with the exception of the troll fishery. Some concern was expressed by AP members, regarding the State of Alaska's potential role in FCZ salmon management as that role applies to salmon activity outside of the troll industry.

D-2 Gulf of Alaska Groundfish FMP

Amendment 14 Proposals D-2(a)

1. Gear and/or Area Restriction in the Sablefish Fishery. The AP Sablefish Workgroup reported on its deliberations. A consensus was reached there be a concurrent, Gulfwide opening; pot and trawl gear types can possibly reach an agreement; longline and trawl can possibly reach an agreement; and longline and pot probably cannot reach an agreement.

After several hours of discussion the following motions were made, seconded, and voted on:

(a) Eastern Gulf: longline-only; Central Gulf: longline-only with a 10% trawl bycatch; and Western Gulf: 85% longline and 15% trawl.

Failed 10 to 10.

(b) Eastern Gulf: longline-only; Central and Western Gulf: an allocative split of one-third to pot, one-third to trawl, and one-third to longline with a three-year phase out. At the end of the three-year phase out the pot allocation would revert to the longline allocation.

A motion was seconded and carried to recommend the Council notify Congress of its disapproval with the "198" voting requirement outlined in Section 6, #11, and to urge Congress to delete that provision from the reauthorization legislation. The vote was 10 to 7.

A second motion was passed 9 to 7 to recommend the Council notify Congress of its disapproval with the "198" voting requirement outlined in Section 6, #11, and to urge Congress to delete that provision from the reauthorization legislation.

During discussion members of the AP expressed concern with a deterioration of the wild fishery for whitefish in any referendum, and also expressed concern regarding limited entry and its effect on small fishermen. Another concern was that any fishery be able to be managed without the assistance of unnecessary bureaucratic procedures.

D-1 Salmon

The block reported on the AP on options for salmon management.

A motion was seconded and carried to recommend the Council adopt a management plan similar to the King Crab Plan for BSA small salmon. The vote was unanimous.

The AP notes that the Salmon BMP applied to the entire BSA. However, the AP did not address a state management role for salmon in the BSA with the exception of the small fishery. Some concern was expressed by AP members regarding the state of Alaska's potential role in BSA salmon management as that role applied to salmon activity outside of the small fishery.

D-2 Gulf of Alaska Groundfish BMP

Amendment to Proposal D-2(a)

1. Goal and/or Area Restriction in the BSA Small Fishery. The AP Subgroup reported on its deliberations. A consensus was reached that for a concurrent, statewide opening; pot and trawl gear types can possibly reach an agreement; longline and trawl can possibly reach an agreement; and longline and pot probably cannot reach an agreement.

After several hours of discussion the following motions were made, seconded, and voted on:

(a) Eastern Gulf; Longline-only; Central Gulf; Longline-only with a 10% trawl bycatch; and Western Gulf; BSA Longline and BSA Trawl.

Passed 10 to 10.

(b) Eastern Gulf; Longline-only; Central and Western Gulf; an alternative split of one-third to pot, one-third to trawl, and one-third to longline with a three-year phase out. At the end of the three-year phase out the pot allocation would revert to the longline allocation.

Amendment to the motion: The phase out period for pots shall be four years.

The amendment to the motion failed 13 to 7, the motion itself failed 12 to 6.

(c) Eastern Gulf: longline-only; Central and Western Gulf: an allocative split of one-third to pot, one-third to trawl, and one-third to longline with a three-year pot phase out in the Central Gulf and a five-year pot phase out in the Western Gulf. At the end of the phase out period the pot allocation would revert to the longline allocation.

Failed 10 to 10.

(d) Eastern Gulf: longline only; Western and Central Gulf: 15% to trawl with the remaining 85% to be open to longline or pot as a first come first serve basis, and a two-year phase out of pots. At the end of the two-year phase out, the entire 85% reverts to longline.

Amendment to the motion: The phase out period shall be three years.

The amendment to the motion failed 12 to 6, the motion itself failed 16 to 2.

(e) Eastern Gulf: longline-only; Central and Western Gulf: an allocative split of 50% to longline, 25% to trawl and 25% to pot in each area with pots phased out over three years and that portion of the allocation reverting to longline.

Amendment to the motion: The pot phase out in the Central Gulf shall be one year.

The amendment failed 10 to 8.

Second amendment to the motion: The allocation in the Central and Western Gulf shall be 50% longline, 15% trawl, and 35% pot.

The second amendment failed 15 to 3, and the motion itself failed 13 to 5.

(f) Longline only east of 170° with a Gulfwide trawl bycatch of 10%.

Failed 10 to 10.

(g) Eastern Gulf: longline-only; Central and Western Gulf: an allocative split by each area of 50% to longline, 25% to pot, and 25% to trawl. Pot fishing will be phased out in the Central Gulf in one year and in the Western Gulf over three years. The pot allocation shall revert to the longline allocation after each step of the phase out.

This motion passed by a vote of 16 to 3, with one abstention. The vote was as follows: In favor - Robert Alverson, Terry Baker, Al Burch, Joseph Chimegalrea, Larry Cotter, Greg Favretto, Barry Fisher, Ron Hegge, Robert Hunter, Rick Lauber, Nancy Munro, Alvin

Amendment to the motion: The phase out period for each shall be four years.

The amendment to the motion called 13 to 7, the motion itself called 13 to 6.

(c) Eastern Gulf longline-only; Central and Western Gulf: an alternative split of 50% to trawl and 50% to longline, 50% to trawl and 50% to longline, and one-third to trawl, and one-third to longline. The three-year phase out in the Central Gulf and one-third to trawl and two-thirds to longline in the Eastern Gulf. At the end of the phase out period the longline allocation shall revert to the longline allocation.

Called 10 to 10.

(d) Eastern Gulf: longline only; Western and Central Gulf: 15% to trawl with the remaining 85% to be open to longline or pot on a first come first serve basis, and a two-year phase out of pots. At the end of the two-year phase out, the entire 85% reverts to longline.

Amendment to the motion: The phase out period shall be three years.

The amendment to the motion called 13 to 6, the motion itself called 16 to 7.

(e) Eastern Gulf: longline-only; Central and Western Gulf: an alternative split of 50% to trawl and 50% to longline, 50% to trawl and 50% to longline, and one-third to trawl and two-thirds to longline. The three-year phase out in the Eastern Gulf and one-third to trawl and two-thirds to longline in the Central and Western Gulf. At the end of the phase out period the longline allocation shall revert to the longline allocation.

Amendment to the motion: The pot phase out in the Central Gulf shall be one year.

The amendment called 10 to 8.

Second amendment to the motion: The allocation in the Central and Western Gulf shall be 70% longline, 15% trawl, and 15% pot.

The second amendment called 12 to 3, and the motion itself called 13 to 5.

(f) longline only east of 170° with a 50/50 trawl/pot split of 10%.

Called 10 to 10.

(g) Eastern Gulf: longline-only; Central and Western Gulf: an alternative split of 50% to trawl and 50% to longline, 50% to trawl and 50% to longline, and one-third to trawl, and one-third to longline. The three-year phase out in the Eastern Gulf and one-third to trawl and two-thirds to longline in the Central and Western Gulf. At the end of the phase out period the longline allocation shall revert to the longline allocation.

This motion passed by a vote of 10 to 3, with one abstention. The vote was as follows: In favor - Robert Anderson, Terry Baker, Al Bond, Joseph Ching, Larry Carter, Gene Cavatone, Harry Fisher, Ron Hagan, Robert Hunter, Rick Lander, Nancy Moore, Alvin

Osterback, Julie Settle, Cameron Sharick, Dave Woodruff and John Woodruff; Opposed - Oliver Holm, Don Rawlinson and Richard White; Abstained - Walter Smith.

2. Rockfish Areas and Quotas. The AP adopted Alternative 2 by a vote of 12 to 1. They felt this option would provide the most flexible harvesting strategy. While protecting the shelf rockfish stocks located between 56°N and 57°30'N, it also provides sufficient OY to allow for development of rockfish fisheries elsewhere in the Gulf. The opposing view thought that Alternative 3 would address the other local depletion issues.

3. Optimum Yields.

Pollock - Chose Alternative 1, 305,000 mt unanimously.

POP - Chose Alternative 1 unanimously.

Other Rockfish - Chose Alternative 1 unanimously.

Atka Mackerel - Chose Alternative 1 unanimously.

Other Species - Chose Alternative 1 unanimously.

4. Reporting Requirements for Catchers/Processors. In general the AP recommends that catcher/processors be required to report their catch on a weekly basis to NMFS and to check in and out of management areas by contacting the Coast Guard. However, the AP voiced several questions with the proposed alternatives written:

- (a) Will all vessels be treated similarly? Large vessel operations usually have an office at their home port that can supply NMFS with catch reports. Small vessels may not have a home office and may find it difficult to report their catches in writing on a weekly basis.
- (b) What is the penalty for noncompliance with the regulation?
- (c) Is this measure enforceable?

5. Establish Pacific Halibut Bycatch. The AP unanimously voted to recommend establishing a framework procedure for the annual review and adjustment of PSC limits. There were two versions of the framework, Alternative 3 and Alternative 3'. The AP recommended Council adoption of Alternative 3. However, they also expressed their concern that this alternative does not address the problem of noncompliant vessels whose activity could force premature closure of the fisheries. The AP recommends the Council seriously consider some type of framework that will address this issue.

6. Implement NMFS Habitat Policy. The AP voted 19 to 2 to recommend that the Council approve Alternative 1b, which will address the habitat issue, but not with specific sections and detailed text in the FMP. The two members opposed submitted the following minority report:

Alternative 1a (to include habitat policy and proposed text in the FMP) provides the Council with regulatory authority over three activities not provided by Alternative 1b. Namely: (1) dumping of fishing gear; (2) limiting fishing in contaminated areas; and (3) time/area closures to protect fish habitat. It is the opinion of the minority that these are appropriate activities for the Council to regulate.

Appendix - Working Draft
Working Draft - Revised - October 1984
Appendix - Working Draft

The AP adopted Alternative 2 by a vote of 11 to 1. This vote reflects the fact that the most flexible permitting strategy would address the other local habitat issues.

3. Summary Table

- Table - Other Alternative 1, 200,000 mt annually.
- Table - Other Alternative 1, 200,000 mt annually.
- Table - Other Alternative 1, 200,000 mt annually.
- Table - Other Alternative 1, 200,000 mt annually.
- Table - Other Alternative 1, 200,000 mt annually.

4. Report of the Regulatory Process. In general, the AP recommends that regulatory processes be required to report their work on a weekly basis to the AP and to speak in and out of management areas by contacting the local guard. However, the AP voiced several questions with the proposed alternatives.

- (a) Will all vessels be tracked individually? Large vessel operations should have an office at their home port that can supply the AP with such reports. Small vessels may not have a home office and may find it difficult to report their activities in writing on a weekly basis.
- (b) What is the penalty for non-compliance with the regulations?
- (c) Is this process enforceable?

5. Regulatory Framework. The AP unanimously voted to recommend establishing a framework procedure for the annual review and adjustment of PSC limits. There were two versions of the framework, Alternative 1 and Alternative 2. The AP recommended Council action on Alternative 1. However, they also expressed their concern that this alternative does not address the problem of unpermitted vessels whose activity could force premature closure of the fisheries. The AP recommends the Council seriously consider some type of framework that will address this issue.

6. Implementing the Habitat Policy. The AP voted 10 to 2 to recommend that the Council approve Alternative 1b, which will address the habitat issue, but not with specific sections and detailed text in the PMP. The two members opposed submitted the following minority report:

Alternative 1a (to include habitat policy and proposed text in the PMP) provides the Council with regulatory authority over three activities not provided by Alternative 1b, namely: (i) dumping of fishing gear; (ii) fishing fishing in contaminated areas; and (iii) areas closed to protect fish habitat. It is the opinion of the minority that these are appropriate activities for the Council to regulate.

7. Sablefish Fishing Seasons. The motion was made and seconded that there be a concurrent season opening Gulfwide on March 1. An amendment to the motion was made and seconded to change the opening date to April 1. The amendment passed 9 to 6. There was a second amendment made and seconded to add the following language to the motion: "In the event the Council approves a sablefish allocation to the trawl fishery that the trawl fishery shall be open January 1 with the opening date for other gear groups to be April 1. This amendment passed unanimously. The complete motion passed also, 12 to 4.

Single Species OY Amendment D-2(a)

The AP, by a vote of 19 to 1, approved the adoption of Alternative 1 to solve the single species OY problem.

Joint Venture and Foreign Salmon Interceptions D-2(c)

The AP unanimously voted to advise the Council to adopt voluntary measures for industry to minimize incidental catches of salmon as follows:

Each joint venture must have a chief representative on the grounds who has power to move or stop fishing. Fishing will stop, if, over a three-day period, incidental catches of salmon exceed two animals per metric ton. If an individual tow exceeds three animals per metric ton, the chief representative must take action to prevent this from recurring. Appropriate action will be at the discretion of the chief representative and may include changing fishing times, techniques or locations.

D-3 Bering Sea/Aleutian Islands Groundfish FMP

Amendment 9 Proposals D-3(a)

1. Raise upper end of the OY range. The AP voted unanimously to recommend Alternative 2, the status quo.

2. Reduce incidental catch of salmon in joint venture fisheries. By a vote of 16 to 1, the AP recommends that the joint venture industry adopt voluntary measures to substantially reduce salmon bycatches in 1985. Weekly monitoring by each company should be included in the program. If by the September Council meeting, when the joint ventures are completed, there has been no success in reducing the bycatch of chum salmon, a formal plan amendment should be pursued for 1986 cycle.

3. Reduce catch of fully utilized domestic species. The AP unanimously recommends closing the area within 20 miles of the Aleutians to all foreign trawling (Alternative 1). Inasmuch as the nearshore pollock stocks are easily accessible and larger than offshore stocks, the resource should be protected for use by domestic interests.

4. Require domestic catcher/processors to submit periodic catch reports. The AP recommends the same for the Bering Sea as they did for the Gulf of Alaska. See D-2(a), #4 portion of minutes.

5. Implement NMFS Habitat Policy. The AP recommends the same for the Bering Sea as they did for the Gulf of Alaska. See D-2(a), #5 portion of minutes.

... The motion was made and seconded that there be a concurrent session opening on April 1. An amendment to the motion was made and seconded to change the opening date to April 1. The amendment passed 8 to 6. There was a second amendment made and seconded to add the following language to the motion: "in the event the Council approves a request for the new fishery that the Council shall be open January 1 with the opening date for other gear groups to be April 1. This amendment passed unanimously. The complete motion passed also, 13 to 4.

Amendment 10-2(a)

... by a vote of 19 to 1, approved the adoption of Amendment 1 to revise the single species program.

Amendment 10-2(c)

The 45 unanimously voted to advise the Council to adopt voluntary measures for industry to minimize incidental catches of salmon as follows:

Each joint venture may have a total representative of the grounds who has power to move or stop fishing. Fishing will stop if over a three-day period, incidental catches of salmon exceed two animals per metric ton. If an individual log exceeds three animals per metric ton, the total representative must take action to prevent this from recurring. Appropriate action will be at the discretion of the chief representative and may include changing fishing times, techniques or locations.

Amendment 9 Proposal 10-3(a)

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... The AP voted unanimously to recommend Alternative 2, the narrow one.

... Reduce incidental catch of salmon in joint venture fisheries. By a vote of 19 to 1, the AP recommended that the joint venture fisheries adopt voluntary measures to substantially reduce salmon bycatch in 1983. Weekly monitoring by each company should be included in the program. If by the September General meeting, when the joint ventures are completed, there has been no reduction in bycatch of chin salmon, a formal plan amendment should be prepared for 1984 cycle.

... Reduce catch of fully utilized domestic species. The AP unanimously recommended closing the area within 30 miles of the coastline to all foreign fishing (Alternative 1). Inasmuch as the members hold stock in the area, the committee and larger than others stocks, the committee should be prepared for use by domestic fisheries.

... require domestic catcher/processors to submit periodic catch reports. The AP recommended the same for the Gulf of Alaska as they did for the Gulf of Alaska, 10-3(a), 45 minutes.

... The AP recommended the same for the Gulf of Alaska, 10-3(a), 45 minutes.

Net Entanglement Provision D-2/3(b)

AP members expressed concern over the impact of the proposal upon U.S. fishermen and further questioned whether the regulation as proposed by the SSC would have any meaningful, positive impact on the problem.

The AP unanimously passed a motion to amend the proposal as follows:

DISPOSAL OF FISHING GEAR AND OTHER ARTICLES

- (A) No fishing vessel shall intentionally discard or abandon fishing gear, net fragments, or other articles which may interfere with fishing activities or cause damage to fishery resources and other marine animals. Exception to this rule will be permitted in case of an emergency involving the safety of the ship and/or crew or when officially authorized to do so; however, the vessel shall make a reasonable effort to retrieve its gear when and if possible.
- (B) If abandoned or discarded floating fishing gear or net fragments ~~// or other articles~~ are encountered, or in the event of accidental or emergency placing of such article into the fishery conservation zone, the operator of the vessel shall ~~make a reasonable attempt to recover the article or~~ immediately report the incident to ~~the appropriate official~~ [who, where and how] giving:
1. the name of the reporting person and his vessel;
 2. the nature of the article;
 3. the location of the article; and
 4. the time and date of the incident.

The AP also unanimously passed a motion to encourage the Council to develop and implement an education program directed to all fishermen regarding the discard problem and the regulation.

Joint Venture and Foreign Salmon Interceptions D-3(c)

The same decision was made for the Bering Sea as was made for the Gulf of Alaska. See D-2(c) portion of minutes.

Trawl Closures to Protect King Crab Aggregations D-3(d)

AP members expressed a great deal of continuing concern with NMFS reporting procedures while, at the same time, recognizing the responsibility for compliance falls on the foreign vessels and nations. The AP recommends NMFS provide all foreign vessels engaged in TALFF operations in crab sensitive areas a recommended PSC rate to be utilized as a self-policing guide. This motion carried unanimously.

AP members expressed concern over the impact of the proposal upon U.S. fisheries and further questioned whether the regulation proposed by the 282 would have any meaningful, positive impact on the problem.

The AP unanimously passed a motion to amend the proposal as follows:

DISPOSAL OF FISHING GEAR AND OTHER ARTICLES

(A) No fishing vessel shall intentionally discard or abandon fishing gear, net fragments, or other articles which may interfere with fishing activities or cause damage to fishery resources and other marine animals. Except as provided in this rule, no fishing gear or other articles shall be discarded or abandoned in case of an emergency involving the safety of the ship or crew or when officially authorized to do so; however, the vessel shall take a responsible effort to retrieve the gear when and if possible.

(B) Incidents of discarded fishing gear or net fragments shall be reported to the nearest U.S. Coast Guard cutter or other U.S. official in the event of an accident or emergency. The vessel shall report the incident to the nearest U.S. official who, where and how living:

1. the name of the reporting person and his vessel;
2. the nature of the article;
3. the location of the article; and
4. the time and date of the incident.

The AP also unanimously passed a motion to encourage the Council to develop and implement an education program directed to all fishermen regarding the discard problem and the regulation.

Joint Venture and Foreign Sales/Intersections D-3(c)

The same decision was made for the Bering Sea as was made for the Gulf of Alaska. See D-3(c) portion of minutes.

Draw Closure on Foreign King Crab Intersections D-3(d)

AP members expressed a great deal of continuing concern with WTS reporting procedures while, at the same time, recognizing the responsibility for compliance falls on the foreign vessels and nations. The AP recommended WTS provide all foreign vessels engaged in TAIWF operations in crab sensitive areas a recommended TSC form to be utilized as a self-reporting guide. This form is attached herewith.

Interim Action Committee Report on Factory Trawlers Request to Reduce Cod TAC
D-3(e)

A spirited discussion took place concerning the validity of the data utilized by the Interim Action Committee in making their decision that no biological emergency existed. The discussion also focused on whether or not the DAP CPUE would increase given a decrease in TALFF. The Factory Trawlers Association requested the reserve be withheld.

The AP recommends the reserve and unallocated portions of Pacific cod TALFF not be released during 1985. The motion to make this recommendation passed 17 to 1, with one abstention.

The following minority report was submitted for inclusion in the minutes:

The action to not release reserves in the Bering Sea for codfish is unfounded based on the following:

- (1) The scientific opinion is that there is no biological emergency involved that requires such an action.
- (2) The noticed drop in CPUE in the trawl fleet was predicted by the scientists in December 1984 and was compensated for by dropping 100,000 mt from the EY of 320,000 to come up with the TAC of 220,000 mt. There is no evidence that the EY was overestimated at the December meeting. Scientific staff still support same EY.
- (3) Withholding reserves will not necessarily benefit the domestic fleet because the area where the foreign activity is taking place is several hundred miles north of the area where the domestic factory trawlers are operating.
- (4) It is more probable that the joint venture vessels operating in the same vicinity of the factory trawlers harvesting a 63,000 mt allocation of codfish are having a more direct effect on the U.S. factory trawlers' CPUE.

A similar determination took place concerning the validity of the data utilized by the Interim Action Committee in making their decision that no biological emergency existed. The decision also focused on whether or not the DAW CODE would increase given a decrease in TAC. The Foreign Trawlers Association requested the review be withheld.

The IC recommended the review and allocated portions of TAC 1984 and TAC 1985 not be released during 1987. The action to make this recommendation passed 17 to 1 with one abstention.

The following scientific report was submitted for inclusion in the minutes:

The action to not release reviews in the Working Paper on codfish is unfounded based on the following:

- (1) The scientific opinion is that there is no biological emergency involved that requires such an action.
- (2) The codling trap in DAW in the trawl fleet was provided by the scientist in December 1984 and was compared for its trapping efficiency at 100,000 mt from the NY of 320,000 to come up with the YAC of 320,000 mt. There is no evidence that the NY was overestimated or the December meeting. Scientific staff will support some NY.
- (3) Withholding reviews will not necessarily benefit the domestic fleet because the areas where the foreign activity is taking place is several hundred miles north of the area where the domestic factory trawlers are operating.
- (4) It is more probable that the joint venture vessels operating in the same vicinity of the factory trawlers harvesting a 60,000 mt allocation of codfish are having a more direct effect on the U.S. factory trawlers' CPOB.