

M E M O R A N D U M

TO: Council, SSC and AP Members
FROM: Jim H. Branson
Executive Director
DATE: November 29, 1984
SUBJECT: Bering Sea/Aleutian Islands Groundfish

ACTION REQUIRED

Information only on: (1) Industry Incidental Working Group recommendations, (2) 1984 Fishery Development Zone results, (3) deadline for proposed changes to FMP.

BACKGROUND

1. Agenda item D-3(d)(1) is a note from Barry Collier, NPFVOA, explaining the industry proposal to control JVP and DAP prohibited species bycatches in the Bristol Bay Pot Sanctuary and the rest of the Bering Sea/Aleutian Islands area. They've proposed, as I understand it, a two stage approach: 1-establish absolute bycatch ceilings based on observations in the 1985 U.S. groundfish fisheries, 2-use the ceilings to establish bycatch rates in 1986, to be enforced by federal regulation. They would like bycatch rates, to be observed by the industry, to be set for 1985 for the Pot Sanctuary only.

The proposal seems sound and certainly most, if not all, of the industry players participated. The only soft spot I see is the ability to gather good information in the DAP groundfish fisheries. To do this we should have in place a functioning domestic observer program.

If the data is to be collected in 1985, the Council should set its domestic observer program policy at either the February or March 1985 meetings.

2. Item D-3(d)(2) is the letter sent to Bill Gordon, endorsing the foreign-U.S. industry agreement on the Fishery Development Zone for 1984. Item D-3(d)(3) is a letter from Mark Chandler with observations on Korean trawling during the agreement period (June 1 - September 15).

NMFS enforcement had the following observations of vessels operating in the FCZ during the agreement period:

<u>Date</u>	<u>Vessel</u>	<u>Nationality</u>	<u>Position</u>	<u>Observation</u>
June 18	CHEOG YANG HO	Korean	54°41'N, 165°23'W	fishing
June 15	OYANG HO	Korean	54°32'N, 165°32'W	fishing
June 18	SHINAN HO	Korean	54°40'N, 165°20'W	fishing
July 10	F. BUSSE	W. German	55°01'N, 165°77'W	not fishing
June 5	NO. 707 DAIHO	Korean	54°30'N, 165°43'W	not fishing

Jay Hastings should have a report for the Council on the results of this industry agreement.

3. December 7 is the deadline for receipt of proposals which will be considered in the 1985 groundfish amendment cycle. A list of proposals received to date is on page 13 of the Plan Team report. The Plan Team will meet prior to the February meeting to evaluate the proposals and estimate the resources needed to prepare the analyses and documentation necessary for each one. At the February meeting the Council is scheduled to decide which proposals should be prepared for public review and eventual Council final action.

RECEIVED NOV 29 1984



**North Pacific
Fishing Vessel
Owners' Association**

ACTION	ROUTE TO	INITIAL
November 26, 1984
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TO: Industry Incidental Catch Working Group
 FROM: Barry D. Collier *[Signature]*
 SUBJ: Incidental Catch Working Group
 Recommendations to NPFMC

Based on a consensus from the Working Group (see attendance list) at the last formal meeting October 30, the Steering Committee will report to the NPFMC at its early December meeting the following:

"The Industry Incidental Catch Working Group recommends establishing catch levels of halibut/crab per (?) tons of directed catch for on-bottom fishing operations in the Bristol Bay Pot Sanctuary Area for the calendar year 1985 with the appropriate surveillance. During this time period extensive data will be collected and evaluated to allow for a ceiling level to be established for the entire Bering Sea with a sub-ceiling for the Pot Sanctuary in 1986. After establishing this ceiling level, rates can be easily calculated. The ceiling levels used to establish the catch rate should be indexed on an annual basis to reflect changes in availability of target and incidental catch species. If an individual operations (countries) allowable catch level of halibut/crab is exceeded in the Bristol Bay Pot Sanctuary Area then all on-bottom fishing operations involving that operation (country) within that Area would have to be terminated."

Considerations to be included:

- 1). Framework the above recommendation to allow for yearly reconsideration;
- 2). Domestic trawl operations are to be included in the above recommendation;
- 3). Foreign directed operations are currently considered under Amendment #3 of the Groundfish Plan;

- 4). The Group recognizes the need for two industry procedural manuals:
 - A. Yellowfin Sole experience manual describing the successful practices of the MRC operation in reducing their by-catch levels;
 - B. Crab manual on suggested methods of reducing mortality by crab fishermen.

The Working Group prefers the concept of by-catch allocation to individual operations, not nation-by-nation. The specific by-catch rate for 1985 will be considered after this seasons statistics are evaluated and recommendations from the Working Group will take place at the March Council meeting.

Members of the Working Group realize that this proposed regulation can not be implemented in time for the 1985 season and encourage all users to voluntarily observe this recommendation.

Thank you.

Industry Incidental Catch Working Group Meeting
Attendance List: Tuesday, October 30th, 10:00 a.m., Wharf Restuarant

Mick Stevens, ProFish International
Phil Chitwood, MRC
David Fraser, Cape Flattery Fisheries
Hal Ostebovik, F/V GREAT PACIFIC
Tor Storkerson, F/V PACIFIC ALLIANCE
Don Rawlinson, Peter Pan Seafoods
Bart Eaton, F/V AMATULI
Tom Parks, Alaska Marketing Association
Jim Balsiger, NMFS
Steve Hoag, IPHC
Joe Terry, NMFS
Don Swisher, Japan Deep Sea Trawlers Association
Robert Alverson, Alaska Marketing Association, FVOA
Mark Lundsten, Deep Sea Fishermen's Union
Harold Lokken, Pacific Fisheries Foundation
Roger Davies, Deep Sea Fishermen's Union
Jon Adams, Deep Sea Fishermen's Union
Don Skauge, F/V OCEAN LEADER
Mike Hastings, F/V KARINA EXPLORER
Jim Prince, Cape Flattery Fisheries
Chester Peterson, F/V PACIFIC CHALLENGER
Christofer Peterson, F/V PACIFIC CHALLENGER
Barry Collier, NPFVOA
Barry Fisher, Highliners Association
John G. Peterson, NPFMC
Olaf Austenberg, F/V ROYAL AMERICAN
Per Odegaard, F/V VANSEE

INDUSTRY INCIDENTAL CATCH WORKING GROUP ROSTER:

Jon Adams, Deep Sea Fishermen's Union
Bob Alverson, Fishing Vessel Owners' Association/
Alaska Marketing Association
Jim Balsiger, NMFS
Al Birch, Alaska Draggers' Association
Jim Branson, NPFMC
Terry Buholm, F/V AMERICAN VIKING
Phil Chitwood, MRC
Rodger Davies, Deep Sea Fishermen's Union
Lois J. DuPey, MRC
Bart Eaton, Alaska Marketing Association, F/V AMATULI
Egil Ellingsen, F/V FLYING CLOUD
Barry Fisher, Highliners Association
Phil Fuller, F/V COLUMBIA
George Fulton, Marco
Marvin Gjerde, Fishing Vessel Owners' Association
Sid Green, F/V VESTFJORD
David Harville, Alaska Draggers' Association
Jay Hastings, Japan Deep Sea Trawlers Association
Sara Hemphill, NPFMC
Steve Hoag, IPHC
Stan Hovik, F/V PACIFIC FURY, OCEAN FURY, NORDIC FURY
Steve Hughes, NRC
Ted Hvatum, F/V VALIANT
Otto Jaguard, Fishing Vessel Owners' Association
Bruce Jenkinsen, MRC
Bill Jensen, F/V U.S. DOMINATOR
Roy Johnson, F/V POLAR STAR
Steve Johnson, Garvey, Schubert, Adams & Barer
Dr. Loh Lee Low, NMFS
Harold Lokken, Pacific Fisheries Foundation
Mark Lundsten, Deep Sea Fishermen's Union
Paul MacGregor
Dr. Rick Marasco, NMFS
Russ Nelson, NMFS
Tom Parks, Alaska Marketing Association
Wally Pereyra, ProFish International
Bonar Peterson, Chalice Trawlers
Dennis Petersen, F/V OCEAN HARVESTER, OCEAN SPRAY
Rudy Petersen, Highliners Association
Dick Reynolds, Alaska Dept. of Commerce & Economic Development
Kris Poulsen, Alaska Marketing Association
Stan Simonsen, F/V GOLDEN FLEECE
Lucy Sloan, NFF
Jeff Stephens, United Fishermen's Marketing Association
Mick Stevens, ProFish International
Don Swisher, Japan Deep Sea Trawlers Association
Joe Terry, NMFS
Joe Wabey, F/V AMERICAN EAGLE
Robert Watson, F/V SEA WOLF
Mel Wick, Alaska Draggers' Association
Ray Weaver, Deep Sea Fishermens' Union
Joe Gnagey, Steuart Fisheries
Jon Zuck, Alaska Contract Ltd.

Industry Incidental Catch Working Group Roster:
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Bob McVey, NMFS
John Peterson, NPFMC
Don Rawlinson, Peter Pan Seafoods
Konrad Uri, Transpacific Seafoods, Inc.
Terry Baker, Arctic Alaska Seafoods, Inc.
Don Bevan, WDF
American Fishing Ventures, F/V OCEAN BOUNTY, ALEUTIAN BOUNTY
Jeff Hendricks, Alyeska Ocean Inc.
Dave Stanchfield, F/V MORNING STAR
Cary Swasand, F/V STARWARD
David Fraser, Cape Flattery Fisheries
Hal Ostebovik, GREAT PACIFIC
Tor Storkerson, F/V PACIFIC ALLIANCE
Don Skauge, F/V OCEAN LEADER
Mike Hastings, F/V KARINA EXPLORER
Jim Prince, Cape Flattery Fisheries
Chester Peterson, F/V PACIFIC CHALLENGER
Christofer Peterson, F/V PACIFIC CHALLENGER
Barry Collier, NPFVOA
Oluf Austneberg, F/V ROYAL AMERICAN
Per Odegaard, F/V VANSEE

North Pacific Fishery Management Council

James O. Campbell, Chairman
Jim H. Branson, Executive Director

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Anchorage, Alaska 99510



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February 9, 1984

Mr. William G. Gordon
Assistant Administrator for Fisheries
National Marine Fisheries Service
3300 Whitehaven, Page 2 Bldg.
Washington, DC 20235

Dear Bill:

At the February 3, 1984 meeting, the Council made the following motion on Amendment 6 to the Bering Sea/Aleutian Islands groundfish fishery management plan: that the Council table further consideration of Amendment 6, pending the evaluation of voluntary actions by foreign fishing fleets in the area to be taken this year. Representatives of the major foreign fishing fleets at the Council meeting, i.e. Japanese trawl and longline fisheries, Korean and West German fisheries, agreed to refrain from trawling in the FDZ area from June 1 through September 15, and to no foreign longlining from March 15 through September 15.

Based on conversations with you and statements by Pete Jensen at the Council meeting, the Council understood that, in your opinion, the only substantive ground warranting disapproval of Amendment 6 was that the procedure followed by the Council was inconsistent with the Administrative Procedures Act (5 U.S.C. 553) in that the public was not given adequate opportunity to make informed comment to the Council before it adopted the amendment.

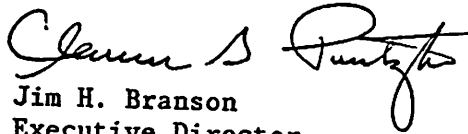
Prior to the February 1984 meeting, in order to satisfy procedural requirements, the Council noticed the availability of the Environmental Assessment and Regulatory Impact Review, and mailed copies of these documents to all Council, SSC and AP members, as well as all members of the public who had commented both at the Council meetings and during the MFCMA Secretarial Review. The Council was advised by NOAA General Counsel, yourself, and Pete Jensen that the procedural requirements had been satisfied and the Council could have resubmitted the Amendment 6 package in its present form and that it would be approved.

Mr. William G. Gordon
February 9, 1984
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By tabling consideration of resubmitting Amendment 6, the Council can vote to resubmit the amendment at a later date and have it reviewed under Section 304(b)(3), Procedures for Secretarial Review of a Resubmitted Amendment. Although the Council endorsed the voluntary measures agreed to by representatives of the foreign fishing companies, the Council was concerned that no one from the U.S. processing or harvesting sectors who had supported Amendment 6 had testified at this meeting.

We appreciated the clarification you were able to give us during our meeting on the disapproval letter dated December 8, 1983.

Sincerely,



S- Jim H. Branson
Executive Director

cc Council Members

RECEIVED NOV 28 1984

Jeff Polvolny
NPFMC Staff

Jeff,

I wanted to notify you that I sighted the Korean trawler Shin An Ho, # 6 NAX, at 15:30 local time in the position $54^{\circ} 31' N$, and $165^{\circ} 30' W$ on July 28, 1984. The vessel was trawling in this area, within the Fisheries Development Zone for a least 2 days.

Mark D. Chandler
Nov 28, 1984