

MEMORANDUM

TO: Council, AP and SSC Members

FROM: Clarence G. Pautzke  
Executive Director



DATE: September 20, 1991

SUBJECT: Future Management Planning

**ACTION REQUIRED**

- (a) Further consideration of the development of a moratorium.
- (b) Preliminary planning for comprehensive rationalization program.

**BACKGROUND**

Moratorium

In April the Council requested NMFS to report on procedures and requirements necessary to develop a moratorium on entry into all fisheries under the Council's jurisdiction, except salmon, and to develop individual fishing quota (IFQ) systems for those fisheries. The report is available as item C-6(a). It suggests a phased approach to implementing a moratorium and IFQ systems. Their schedule calls for the moratorium to be implemented January 1993.

The moratorium design from April, with revisions suggested by the AP, is at C-6(b). The Council needs to consider the schedule proposed by NMFS and give staff direction on further development. In the inshore-offshore motion that passed in June was a provision to move ahead quickly with a moratorium, possibly using an emergency rule.

Several dates bearing on the moratorium were published in the Federal Register on September 5, 1990. The Council noticed the public of its intent to develop measures to limit access to the groundfish, crab, and halibut fisheries off Alaska, and to establish a control date of September 15, 1990 for entry into the fisheries. Vessels entering the fisheries after September 15, 1990 will not be assured of future access to the fisheries if a moratorium is imposed. However, "due consideration" will be given to vessels that harvest or process fish before January 15, 1992, if either:

- (1) they were under construction, reconstruction, or under contract for construction, reconstruction or purchase as of September 15, 1990, for purposes of participating in the fisheries; or

- (2) they were under written option or contract for purchase, or written contract for construction or reconstruction before September 15, 1990, but that option or contract was canceled because of the previously proposed January 19, 1990 control date, provided these vessels are placed again under written contract for such activities by January 1, 1991.

### Comprehensive Rationalization Program

Part IV of the inshore-offshore motion called for the development of alternatives to rationalize the groundfish and crab fisheries. The alternatives shall include, but are not limited to:

1. ITQs
2. License Limitation
3. Auction
4. Traditional Management Tools
  - a. Trip Limits
  - b. Area Registration
  - c. Quarterly; Semi Annual or Tri-annual allocations
  - d. Gear Quotas (hook and line, pots etc.)
  - e. Time and area closures
  - f. Seasons
  - g. Daylight only fishing
5. Continuation of inshore/offshore allocations
6. Implementation of Community Development Quotas
7. No Action

The Council family, industry and other interested parties were then requested to submit additional ideas for rationalizing the fisheries by September 30, 1991.

The Council needs to establish a process for development and evaluation of the above alternatives and any others submitted by the September deadline. In your notebooks as item C-6(c) is a draft plan that has two main phases. The first is a comprehensive qualitative examination of the alternatives as they might address the Council's goals and objectives for rationalization (which still need to be defined). This qualitative phase would take through next spring and would allow the Council to narrow the range of alternatives to the set of "reasonable alternatives", in a NEPA sense, to be analyzed more thoroughly and quantitatively. Phase 2 would be the quantitative analysis which would require through the spring of 1993. Implementation could occur sometime in 1994, leaving room for slippage between then and the December 31, 1995 duration for the inshore-offshore proposal.

The staff needs direction on how far and fast the Council wants to move in defining the problems in the fisheries, the goals and objectives, and the scope of rationalization, given all the other issues before the Council. The endeavor outlined in C-6(c) will absorb enormous amounts of staff and Council family time in design, analysis, and evaluation, and meetings of assigned committees, and the Council, AP and SSC. It will be a three-year commitment of time and energy which could have high benefits for the fisheries, but will require rapt attention to ensure we get an effective, usable end product.

JUNE 17, 1991

NMFS REPORT TO THE NORTH PACIFIC COUNCIL  
June 1991 Meeting Agenda Item C-8

PLANNING FOR MORATORIUM AND INDIVIDUAL FISHING QUOTAS

The Problem

The North Pacific fisheries under Council jurisdiction are showing classic signs of excess fishing capacity. These problems stem from a "race for fish" as fishermen attempt to harvest as much as possible before attainment of a TAC or bycatch limit prompts an area closure. Allocation conflicts are the most significant of these problems; the current "inshore-offshore" issue is a case in point. As a result, we either have or are experiencing: gear conflicts, excessive bycatch of non-target species, discard of lower valued but potentially useful fish products, poor handling of catch resulting in decreased product quality, insufficient attention to safety, and economic instability from boom-and-bust cycles.

The Council has tentatively found that domestic harvesting and processing capacity in the groundfish, crab and halibut fisheries off Alaska currently exceeds the amount necessary to harvest the annual TAC of most species of groundfish, halibut and crabs under Council jurisdiction.

Is A Moratorium The Answer?

In response, the Council is considering a moratorium on further entry into the groundfish, crab and halibut fisheries. As discussed frequently at recent Council meetings, a moratorium appears to have substantial support as a means of "putting a lid" on fishing effort and "buying time" until a better scheme can be developed.

There are several difficulties with a moratorium, however. Foremost of these is that a moratorium does not solve the problem of harvesting overcapacity. This problem occurs when the addition of one more unit of harvesting capacity will not produce an additional unit of fish. At best, a moratorium will slow the growth in harvesting capacity in the short term. At worst it will guarantee the continuation of overcapacity and delay a long-term solution. It took the Mid-Atlantic Council 12 years to advance beyond a moratorium in the surf clam fishery. Other difficulties include the arbitrary decision of where to draw the line on entry (are vessels "in the pipeline" to be allowed in and which ones?), potential social inequities, and the fact that a moratorium will not balance fishing capacity with the amount of

fish to be harvested in a year.

Increasingly, fishermen and managers alike are discussing market mechanisms as a means of striking this balance. The NMFS currently favors market mechanisms as a means of allocating access to wild fish resources and as a long-term solution to balancing fishing capacity with TAC. But market-based allocation schemes, such as individual fishing quotas (IFQs), also come with numerous practical and political problems. In large multi-species and multi-gear fisheries, such as those off Alaska, these problems are intimidating. While the Council struggles to resolve these problems, fishing capacity continues to grow, and involve the Council in a morass of allocation disputes.

For this reason, using a moratorium as a stepping stone to a market-based IFQ program may be acceptable providing there is some assurance that such a program will be recommended to the Secretary within a certain time frame. If the Council wishes to proceed with a moratorium, it should be with an understanding that a moratorium will not solve the overcapacity problem in the long run, and that the Secretary is unlikely to approve a moratorium that does not lead to a definite long-term solution to that problem.

#### Procedural Difficulties.

The administrative procedures for implementing a moratorium under the Magnuson Act are no different than for any limited access form of management. The Council's or the Secretary's intent for a moratorium to be temporary does not relieve any of the legal requirements for implementing a limited access program. Hence, it is unlikely that a moratorium could be implemented any quicker than any fundamental plan amendment and probably would take longer than most.

The Magnuson Act, at section 303(b)(6), provides authority for fishery management plans to

"establish a system for limiting access to the fishery in order to achieve optimum yield if, in developing such a system, the Council and the Secretary 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."

Other considerations in developing access control programs include the distribution of economic and social benefits, transferability of fishing privileges, short-term and long-term social and economic effects, enforcement and monitoring costs, and simplicity of the program which can enhance public understanding and compliance.

A moratorium recommendation to the Secretary also does not escape the requirements of the National Environmental Policy Act (NEPA). The NMFS likely would recommend that the Council prepare a supplemental environmental impact statement (SEIS) to support a moratorium proposal because of potentially significant socio-economic effects of the action. The NEPA implementing regulations require a SEIS to "rigorously explore and objectively evaluate all reasonable alternatives" (40 CFR 1502.14(e)). Because a moratorium is a form of limited access, the Council would be advised that other forms of limited access also should be assessed as reasonable alternatives to a moratorium.

Other applicable laws would require the Council to consider economic assessments consistent with Executive Order 12291 and the Regulatory Flexibility Act. These assessments are done in a regulatory impact review (RIR) that is typically combined with the SEIS. The RIR would identify expected effects, provide a benefit/cost analysis, and estimate net benefits to the nation.

In summary, the procedural requirements are no different for a moratorium than they would be for any other management regime with potentially profound effects. The idea that a moratorium would be quick and easy to implement does not appear realistic especially if, in the process of assessing the effects of a moratorium, the Council must consider and reject other alternatives that may work better to solve the overcapacity problem.

#### A Possible Solution.

One approach, however, may be to fully integrate a moratorium into a long-term solution. A moratorium proposal on its own will suffer the above procedural difficulties in addition to running the risk of being disapproved as not solving the problem. But a moratorium combined with the scheduled phase in IFQ measures may enjoy more procedural success. The moratorium program, in this approach, could be phase one of a multi-phased plan to achieve a market-based regime to distribute access rights to fishery resources under Council jurisdiction.

The SEIS/RIR for this approach would describe, as one alternative, an overall plan to implement IFQs in selected fisheries in an iterative fashion. The analysis for this approach would be necessarily generic in its consideration of IFQ or license limitation programs as was done in the SEIS/RIR for

the sablefish limited access proposals in November 1989. Descriptive sections of the omnibus SEIS/RIR for groundfish, crab and halibut resources and fisheries would form a basic reference document. Economic and social analyses for all phases except the moratorium phase would be general, but expanded as each new phase became more refined.

For example, the immediate implementation of a moratorium as phase one could be followed by an IFQ program for longline fisheries as phase two on a specific date. This could be followed by phase three, say expansion of the IFQ program to Bering Sea crab fisheries on a specific date, and followed by phase four, say expansion to certain trawl fisheries and so on. With each iteration, an environmental assessment (EA) and RIR would be submitted in support of the regulatory changes to implement the next phase. The EA/RIR would be simpler than the omnibus EIS/RIR, and would examine alternative refinements or details of an IFQ program for the particular fishery affected by that phase.

One benefit of this approach, over a stand-alone moratorium with a sunset date, is that it provides greater assurance that the Council is committed to proceeding with development of a long-term solution to the overcapacity problem. After gaining Secretarial approval of its omnibus limited access program and generic SEIS/RIR, the Council would have to maintain a firm work schedule to meet the successive implementation dates of each phase.

Potential Event Schedule For Omnibus Limited Access Plan

<u>Task</u>	<u>Who</u>	<u>When, Time</u>
Problem statement	Council, FPC	September, 1991
Draft and publish FR notice of intent/scoping	NMFS - Region and Central Office	October, 1991, two weeks
Scoping	Public, Council, NMFS - Region	November-December 1991, 30-60 days
Specification of alternatives for analysis	Council, FPC	January, 1992
Data collection and analysis	NMFS - Center and Region, Council staff or a contractor	February - March, 1992, two months

Analysis, writing first draft	NMFS, Council staff or contractor	April 1992, one month
Peer and internal review	Staffs of Council, NMFS - Center and Region, and selected university scientists	May, 1992, one month
Review by Council, AP and SSC, approval for public review	Council	June, 1992
Publish FR notice of availability of SEIS	NMFS - Central Office and EPA	July, 1992, two weeks
Public review of draft SEIS	Public	August-September, 1992, 45 days
Approval for Secretarial review	Council	September, 1992
Draft FR notice of proposed rulemaking	NMFS - Region	October, 1992
Submission for Secretarial review	Council; NMFS - Region	November, 1992
Implementation of omnibus limited access plan and Phase I moratorium	NMFS - Central Office	April, 1993, 140 days after receipt from Council
Begin analysis for Phase II, first stage IFQ program	Council, NMFS Region - Center staff or contractor	January, 1993
Implementation of Phase II, first stage IFQ program	NMFS - Region	January, 1995

And so on at roughly two-year intervals.

REVISED (as modified by AP on 4/23/91)  
OBJECTIVE AND ELEMENTS OF A PROPOSED MORATORIUM

**Moratorium Objective:** To control continued growth in fishing capacity while the Council assesses alternative management measures including, but not limited to, limited and open access measures to address the overcapacity problem and to achieve the optimum yield from the fisheries.

**Key Elements**

1. **Earliest Qualifying Date:** Must have made landings at least once during or after:

Option 1: 1980  
Option 2: 1976  
~~Option 3: No date~~

[AP recommends deletion of Option 3; No need to go back to beginning of time; Motion passes 14-5]

2. **Latest Qualifying Date:** Must have made landings on or before:

~~Options 1 & 2 combined:~~ September 15, 1990 ~~with due consideration given those vessels that are active by~~  
January 15, 1992 if contracts by September 15, 1990 (or contracted by January 1, 1991, if disadvantaged by January 19, 1990 cutoff), ~~as described in paragraphs a and b~~

[AP recommends combining the option to reflect wording in FR Notice; Motion passes unanimously]

3. **No minimum qualifying poundage, just a legal landing in any qualifying year.**

4. **Exemption for Small Vessels**

Option 1: No exemptions for smaller vessels.  
Option 2: Exempt vessels less than 40' LOA  
~~Option 3: Exempt vessels less than 43' LOA in GOA and/or BSAI~~  
Option 4: Exempt vessels less than 60' LOA in GOA and/or BSAI

[AP recommends deletion of Option 3; save staff time during analysis; Motion passes 17-2].



5. Exemption for Disadvantaged Communities

- Option 1: No exemptions.  
Option 2: ~~Use size exemption approach above assuming that disadvantaged communities will use smaller vessels.~~  
Option 3: Define disadvantaged communities, define vessels, and then exempt its vessels. (Council include additional landings requirements.)

[AP recommends deletion of Option 2; Options 1 and 3 are adequate for analysis; Motion passes unanimously]

6. Exemption for Qualifying Vessels Lost or Destroyed Immediately before Moratorium begins (Two options for defining "immediately"; since 1/1/90 or since 6/15/89.)

- Option 1: Can be replaced with similar capacity.  
Option 2: ~~Can be replaced with increased capacity limited to, for example, 20% more in LOA and/or width.~~

[AP recommends deletion of Option 2; the AP is concerned that the 20% restriction may not allow compliance with anticipated US Coast Guard vessel safety regulations and deletion of this option also will prevent a person from increasing his vessel capacity under both Elements 6 and 10; Motion passes 11-9]

7. Moratorium will be applied equally to all sector of industry.  
(Sectors tentatively defined to include catcher/processors, catchers, and mothership processors.)

8. Length of Moratorium

- Option 1: Until Council rescinds or replaces, not to exceed 4 years from implementation.  
Option 2: Same as Option 1, but Council may extend for 2 years if limited access is imminent.

9. Fisheries Crossovers During Moratorium

- Option 1: Any boat that qualifies to fish at all, may fish in any fishery (groundfish, crab, or halibut).  
Option 2: Same as Option 1, but Council would be able to use a regulatory amendment to limit participation in specific fisheries to those who participated in the fishery before the moratorium was imposed.

10. Replacement of Vessels Lost or Destroyed During Moratorium.

- Option 1: Can be replaced with similar capacity.
- Option 2: Can be replaced with increased capacity limited to, for example, 20% more in LOA and/or width.

(Caveat: replaced vessels cannot be salvaged and come back into fishery.)

11. Replacement or Reconstruction of Vessels During Moratorium

- Option 1: Can be replaced with similar capacity but replaced vessel must leave fishery.
- Option 2: May increase capacity of vessel by 20% in LOA and/or width, once during moratorium years.
- Option 3: May reconstruct vessel to upgrade processing equipment and stability, but not increase fishing capacity through changes in LOA, width or horsepower, or other suitable index of fishing capacity.
- Option 4: May reconstruct vessel once during the moratorium to upgrade processing equipment and stability, but not increase catch carrying capacity by more than: (a) 20% for vessels 125' and greater, (b) 30% for vessels between 80'-125' (c) 40% for vessels 80' and less.

[AP recommends adding Option 4; Motion passes 15-3; ]

12. Appeals Procedure: Use adjudication board of government persons and nonvoting industry representatives.

[AP recommends the addition of active fishing industry representatives to the Board; this expertise will be necessary to properly evaluate appeals; Motion passes 15-3]

## Initial Work Plan for the Council's Rationalization Initiative

The Council has requested its staff to undertake development of alternatives which would rationalize the fisheries in the BSAI and the GOA. The following alternatives have been set forth as the initial options for accomplishing this goal:

1. ITQs
2. License Limitation
3. Auction
4. Traditional management tools including but not limited to:
  - a. Trip limits
  - b. Area registration
  - c. Seasonal allocations
  - d. Gear restrictions
  - e. Time and area closures
  - f. Seasons
  - g. Daylight only fishing
5. Continuation of inshore/offshore allocation
6. Community Development Quotas
7. No action

While fisheries management has so far been successful in maintaining the biological integrity of the stocks, the fisheries are becoming more and more influenced by problems related to economic inefficiencies, economic and biological waste, and economic and social allocation. The multi-species nature of the fisheries coupled with an open access management regime leads to discards of some prohibited species, shortfalls in the TAC of some species, overages in the TAC of others, an overcapitalized fishing fleet, basic economic inefficiencies, and allocational conflicts between user groups. As the Council addresses the myriad of problems and allocational requests with numerous and often unrelated management measures, the result can be an overburdened regulatory and enforcement environment, legal battles, and the risk of bureaucratic gridlock. Facing these dilemma, the Council would like to pursue a comprehensive rationalization of its efforts in addressing the existent and emerging issues confronting the management of fisheries in this region.

The seven alternatives listed above represent suggested avenues for the broad-based approach necessary to achieve this goal. Analyses of biological, economic, and social impacts resulting from changes in the fishery management regime vary in scope depending on the nature of the issue and the magnitude of the change contemplated. The tools available for quantitative analysis lose their predictive confidence the greater the change. For example, the effects of a ban on night trawling likely would be relatively easier to analyze, and the results much more reliable, than the ramifications of instituting an auction-based allocation system. An auction-based system would not only change the allocation system dramatically, but might also require a significant change in the Magnuson Act. More significant changes in the management regime lend themselves less to quantitative analysis and more to qualitative, or theoretical, analysis.

Table 1 reflects the staff's initial perception of the significance of the proposed alternatives, and the extent to which the management alternative lends itself to quantitative and/or qualitative

analysis. Table 2 provides a list of the data bases that currently exist and the data bases that need to be further developed to accomplish partial cost/benefit and distributional analysis. Table 3 is a list of models, both quantitative and qualitative, currently in use or being developed which would aid in the analyses required.

Definitive, quantitative cost/benefit and distributional analyses (EIS) of the initial 7 management approaches listed (and the list may be expanded) would require the concentrated efforts of Council, Region, and Center staff analysts, as well as outside help, over an extended period of time--likely 3 or more years. While such an approach may be desirable, it might become prohibitive in terms of the costs and time that would be associated with such an undertaking.

An alternative approach is to consider the undertaking in a three-step procedure. This procedure first would conduct a 'theoretical/qualitative analysis' of the problem areas and the proposed alternatives. This evaluation might be summarized in form of discussion papers, supplemented with specific detail and development of the proposed options. This undertaking would constitute Phase I of an overall, longer range analytical effort. It is anticipated that this document would be sufficient for the Council to make an preliminary choice of a preferred alternative for further analysis. The second step, or Phase II would thoroughly develop the preferred alternative, leading to an eventual final determination by the Council. Lastly, Phase III encompasses the implementation of the preferred alternative into appropriate management actions.

Phase I is a critical step in the overall analytical process, and involves the entire Council family. It is intended to focus attention on the identification and specification of the problem, relevant management alternatives, and appropriate analytical procedures. A working document relating to limited entry, for example, might include the following:

1. A complete review of the theory and practice of limited entry programs in existence, including those which may be approved for Alaska fisheries and awaiting implementation. This would include both ITQs and license limitation alternatives.
2. A work plan for the more detailed analysis which would be required if the Council chose the ITQ or license limitation option. This would develop specific options for how an overall ITQ plan could be fashioned to incorporate all fisheries under the Council's jurisdiction and would include specific staffing requirements, time lines, and data/modeling requirements.
3. An exploration into the possibility of an auction based system both from a practicality and a legal standpoint. As with the ITQs, this alternative would be explored in qualitative detail with options developed for how it might actually work in an integrated fisheries management approach.
5. An examination of the past use of traditional management tools, the successes and failures of such, and a look at the potential of these tools to rationalize the current and future fishery. This section of the Phase I analysis could contain quantitative as well as qualitative-type analyses to a larger degree than, say, ITQs. As part of this examination, staff would revisit the basic premise of TAC setting as a function of fish population dynamics, independent of any economic, allocational, or political externalities. This will help us examine one of the basic problems in managing these fisheries, that of non-

proportional catch limits. It is a "back to square one" approach that should aid in the development of overall traditional management tools, as well as provide a basis for evaluating an ITQ alternative.

6. Revisiting the inshore/offshore allocation and its ability to accomplish the goals of the Council, in light of other long range options. This would include development of a plan for folding the inshore/offshore allocation period into a possible ITQ system for the overall fisheries.
7. CDQs could be examined in the context of all of the above listed management alternatives. This would include integrating possible CDQ options into the long range work plans developed for ITQs, license limitation, traditional management tools, or other options the Council defines. During Phase I this would consist primarily of theoretical type analysis, but, could include quantitative assessment to a degree.

The definitive quantitative study would not be included in Phase I analyses. Such a detailed analysis for all the fisheries would be overly time consuming and potentially wasteful if the Council is seriously considering only a limited number of options. The detailed analysis would occur in Phase II of this proposed work plan, focusing on development and evaluation of the preferred alternative, or a few selected options.

This three-step approach would provide the Council with enough information on which to make a reasonable choice as to the future direction of management of the fisheries and focus attention on priorities early in the process, rather than at the very end. This is not to say that the Council would make management decisions first and then come up with the analysis to support them. Rather, it narrows the range of alternatives consistent with the nature of the problems under consideration. Phase I would be sufficient to identify alternatives or options to be dropped from consideration for further analysis. It would provide the basis for a directional decision as to which is the best method to accomplish the goals of the fisheries; then, the detailed part of the analysis would occur in Phase II. The second step would include the EIS, providing the appropriate detail of analysis and ensuring public participation in the process. Phase II would describe the distributional effects of the alternatives--who wins and who loses--and the cost/benefits analyses, to the degree this can be quantified.

As a rough approximation, the following time schedule is provided to follow the sequence of activity from beginning to end, within the next four years:

Phase I. The theoretical analysis described above would take place beginning in September of 1990. Concurrently, the data bases and models required for the more detailed analysis of Phase II would be compiled and developed as necessary. This package could be brought back to the Council at the April, 1992 meeting. The package could be released for a public comment period after the April meeting. At the June, 1992 meeting, the Council would make a decision as to which avenue of alternatives to pursue in more detail - this decision could range from all of the alternatives listed to only one or two of the alternatives. The whole intent of the phased approach described here is that the Council would not elect to identify the entire list to be fully analyzed, but rather, narrow the options down to a manageable level for the second phase of analysis (preferably one alternative with perhaps a suite of options). A series of public workshops/scoping sessions may be useful during the initial review period (between April and

June) to aid the Council in deciding which path to pursue.

Phase II Based on the Phase I analysis, the Council would, at the June 1992 meeting, direct staff to proceed with the detailed, quantitative analysis of the alternative identified to hold the best promise of rationalizing the fisheries off Alaska. This analysis would consist of a full-blown EIS document with an attempt to describe the cost/benefits of the alternatives. All appropriate data bases and models would be utilized to identify the biological, economic, social, and distributional effects of the proposed alternative. As an example, assuming an ITQ alternative is chosen, an analysis would be performed similar to that done for sablefish and halibut which would show the distribution of the initial allocations for all of the affected groundfish fisheries. All specific Magnuson Act requirements would be addressed in similar fashion for the alternative identified by the Council. The time frame in which this analysis could be completed will, of course, depend on the alternative(s) ultimately selected by the Council for inclusion in the analysis. Again, the intent of Phase I is to narrow down the options such that an ultimate solution can be accomplished in a realistic time frame. Upon completion (estimate June 1993) the EIS package would be presented for Council review and release for NEPA/public comment period.

Phase III A decision on a preferred alternative could occur at the September, 1993 meeting. The preferred alternative would likely require further development/analysis after the September meeting and be presented to the Council at the December, 1993 meeting for a final decision. This decision would be forwarded for Secretarial review in early 1994 and, assuming approval, implementation of the preferred alternative could begin as early as January 1, 1995.

Table 1

# Appropriatness of Cost/Benefit & Distributional Analyses of Changes in Management Regimes

	Magnitude /a	Quantitive /b	Qualitative /c
ITQs	████████████████████	████	████████████████████
License Limitation	██████████████	██████████	████████████████████
Auction	████████████████████	████	██████████████
Continue of inshore/offshore	◆	◆	████████████████████
Implementation of CDQs	██████████	██████████	██████████
<b>Traditional Managemet Tools</b>			
Trip limits	██████████	██████████████	████████████████████
Area Registration	████	██████████	██████████████
Time allocations	████	██████████████	████████████████████
Gear Quotas	██████████	██████████████	████████████████████
Time area closures	████	██████████████	████████████████████
Seasons	████	██████████████	████████████████████
Daylight only fishing	████	██████████████	██████████

/a Arrows indicate the magnitude of change from status quo.

/b Arrows indicate availability and appropriateness of quantitative analysis.

/c Arrows indicate the availability and appropriateness of qualitative analysis.

Table 2

## Existing Datasets / Hoped-for Datasets

<b>EXISTING DATASETS</b>	<b>LOCATION</b>	<b>CONTACT</b>	<b>YEAR</b>
AK. groundfish fish tickets	ADFG/NMFS	Galen Tromble	1977
NMFS weekly catcher processor reports	NMFSRO	Galen Tromble	1986
IPHC landings records	IPHC	Bob Trumble	19??
Alaska Vessel registration file	ADFG	Carmine DiConstanzo	1977
Coast Guard Vessel registration file	USCG	Galen Tromble	?
Federal Vessel registration file	NMFSRO	Galen Tromble	1977
Intent to Process file	ADFG	Carmine DiConstanzo	1977
AK gross earnings file	CFEC	Elaine Dinneford	?
Annual processed product reports	ADFG	Elaine Dinneford	1986
Pre-season processor survey	NMFSRO	Jessie Gharret	1986
OMB survey	NPFMC	Marcus Hartley	1989
Salmon & other AK fish tickets	ADFG	Elaine Dinneford	?
Foreign and JV observer data and logs	AFSC	Jerry Berger	1977
Domestic observer database	AFSC	Jerry Berger	1990
Domestic Logbook reports	AFSC	Jerry Berger	1990
Annual longline surveys	AFSC	Sandra Lowe	1977
Tri-annual trawl surveys	AFSC	Sandra Lowe	1977
Annual trawl surveys	AFSC	Sandra Lowe	1977
PacFin Price/Value reports	AFSC	Will Daspit	1984
Stokes Halibut cost survey	IPHC	Bob Tromble/Bob Stokes	1989
Currency Exchange Rates	FAS		
Employment/Payroll Data	ADL		
AK limited entry permit prices		Elain Dinneford	
N.Z. IFQ prices		Russel Harding	
N.E. IFQ prices			
Pacific Whiting Demand Survey		Gil Silvia	

**OTHER NECESSARY BUT UNKNOWN DATASETS**

	<b>Contact</b>
Price/Quantity data for fish products	
Pink Sheet data	Urner Berry
BANR data	Bill Atkinson
Von Druska data	Von Druska
Capital Construction Fund data	
Investment/Equity data	
Fish-Population Dynamics	Wespested
Catch per unit effort data	Berger? Hughes?
Russian, Japan, US industry	
Consumer Prices; US, EEC, Japan, BLOC	J. Anderson, AFS



Table 3

## Analytical Models Available

MODEL	STATUS	INFORMATION
Jensen/Radtke	complete	Would allow examination of distribution effects, given exogenous effort specifications.
Arnarson	complete revision necessary	Simulates effort in open access fishery, could be adapted to examine IFQ fishery.
Hartley	Could be updated/revised	Useful for any single species/single process fishery
Smith/Funk	Updated 9/91	Useful to examine bycatch effects, but requires exogenous effort specifications.
Huppert	(Theoretical only)	Examines theoretical benefits of IFQs in multispecies trawl fishery.
Anderson	(Theoretical only)	Examines theoretical benefits and ramifications of IFQs in multispecies trawl fishery.
L.line IFQ allocation model	revise for species	Examines distributions of IFQs from initial allocations.
Love/Silvia	proposed	Derives market power indexes and examines losses in ex-vessel revenue which occur in open-access.
Silvia Multiple Goal	adaptation necessary	Solves for net national benefits given estimated effects of alternatives and social welfare function.
Herman etal. Demand		Demand Models for Crab and Salmon
Boyce/Criddle		Auto-Regressive Models imputing fishing costs and optimality
Population Models		Stock levels TAC etc,



# ALASKA CRAB COALITION

AGENDA C-6(a)  
SEPTEMBER 1991  
SUPPLEMENTAL

SEP 10 1991

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DATE: September 6, 1991

TO: Rick Lauber, Chairman  
North Pacific Fishery Management Council  
P.O. Box 183136  
Anchorage, Alaska 99510

FROM: Arni Thomson, Executive Director  
Alaska Crab Coalition

RE: NEED FOR THE NPFMC TO COMPLETE THE ANALYSIS  
FOR THE LICENSE MORATORIUM BY DECEMBER, 1991

#### INTRODUCTION:

The members of the Alaska Crab Coalition (ACC) are very concerned about the NPFMC's failure to conduct its expressed intent to follow through with the Environmental Assessment and Regulatory Impact Review (EARIR) analysis to complete the preliminary action taken in August of 1990 on the license moratorium for crab and groundfish fisheries.

#### DISCUSSION:

We refer to lengthy discussions and public testimonies during the winter and spring Council meetings of 1990, in which diverse industry groups expressed widespread concern about overcapitalization in the EEZ fisheries and the need to initiate a moratorium cutoff date for all the EEZ fisheries under the NPFMC jurisdiction. The adoption of the moratorium, although recognized not to be a panacea, was felt by industry to be a necessary "first step in the right direction" toward developing long term solutions for overcapitalization of the fleets.

The ACC also notes that industry recognized that the action of the NPFMC in taking up the moratorium discussions in the winter of 1990 and previous limited entry discussions generated a boatbuilding boom in the Northeast Pacific. At this time, Bering Sea crab fisheries are particularly being impacted by newly constructed boats with more being planned on shipyard drawing boards. (Enclosures, Seattle Times, April 19, 1990, "A Warning For Fish Factory Fleet;" and Anchorage Times, August 28, 1991, "New Crab Catcher.") If the moratorium decision is completed, with the published

cutoff dates of September 15, 1990 for initiating new construction and January 15, 1992 for entrance into the fisheries, then it will significantly deter additional expansion of the fleets. (Reference, The Federal Register, September 5 and September 13, 1990.)

At this time there are approximately 240 full time Bering Sea crab boats, with an additional 50-60 crossovers and new construction vessels expected into the fisheries this fall.

The ACC also notes that the Council's preliminary action on the moratorium as a first step in limiting access and curbing overcapitalization, is now an integral part of NOAA/NMFS public policy. Numerous press articles on the East Coast and in the Pacific Northwest during the past eighteen months link overcapitalization with increased pressures on fishing quotas and eventual depletion of fisheries resources. Limiting access to fisheries is now viewed by managers as one of the necessary components for preventing overfishing in commercial fisheries. (Enclosures, Washington Post, August 16, 1991 and August 24, 1991.)

The NPFMC should be cognizant of the outcome of a judicial challenge mounted against the ineffective management of declining groundfish stocks in New England. In Conservation Law Foundation of New England, Inc. and Massachusetts Audubon Society v. Robert Mosbacher, et al., the Commerce Department felt compelled to agree to a settlement, incorporated in an Order of the United States District Court, setting forth a conservation regime for the principal stocks in the groundfish complex. Had the New England Council and the Commerce Department exercised their responsibilities under the Magnuson Fishery Conservation and Management Act to conserve the groundfish stocks in the face of massive overcapitalization, the highly undesirable result of a Court imposed management scheme would have been avoided.

Unfortunately, there is a real possibility that a decline of certain groundfish and crab stocks in Alaskan waters, coupled with a failure to take timely action on the moratorium, could lead to a lawsuit for which the New England case could stand as a precedent. The NPFMC, the industry of the region, and the Commerce Department should be anxious to avert such a result.

For the last two years, the NPFMC has devoted its staff resources and the majority of its public discussions almost exclusively to two groundfish allocation issues, inshore-offshore and sablefish limited entry, at the expense of conservation related management issues. The action on these issues is essentially dealing with the issue of overcapitalization in groundfish, however, by failing to take action on the moratorium, the Council has ignored its responsibility in terms of federal policy, to take corrective action in terms of the massive overcapitalization that

is occurring in Bering Sea crab fisheries. Bear in mind, the Council is in part responsible for generating the overcapitalization through its published intent to establish a moratorium on new entrants. However, if the Council fails to complete the initial action in a timely manner, which appears likely and eventually adopts a new date in the future, it will stimulate another boatbuilding boom which will further expand the problem of overcapitalization of the fleets.

In the NPFMC's precedent setting action at the June 1991 meeting in Anchorage, Alaska, a decision was passed out for review by the Secretary of Commerce to allocate groundfish resources of pollock and cod in the Bering Sea and the Gulf of Alaska. An essential component of the problem statement leading to the rationale for the allocation of the resources is identified as fleet overcapitalization.

Council Member Joseph R. Blum (Director of the Washington State Dept. of Fisheries) has repeatedly noted for the record, that if overcapitalization is the problem, then the Council should be moving aggressively to adopt limited entry programs and/or incorporating action into the inshore-offshore decision to limit access in the EEZ fisheries.

With this in mind, Mr. Blum, maker of the original motion on inshore-offshore at the June Council meeting, incorporated a strong statement of intent to the effect that the NPFMC is to follow through with a moratorium for crab and groundfish fisheries at the earliest possible date.

**RECOMMENDATION:**

In light of the background information provided in this correspondence that focuses on overcapitalization and the moratorium, we request that the NPFMC complete the appropriate analysis for the moratorium by December of 1991 and that it implement The Federal Register dates of September 15, 1990 and January 15, 1992. We suggest that this reasonably could be accomplished by incorporation of that analysis into the inshore-offshore documentation since that agenda item seems to moving expeditiously.

# A warning for fish-factory fleet

## Experts urge limits before it's too late in the North Pacific

by Ross Anderson  
Times staff reporter

After a decade of uncontrolled growth, Seattle's \$1 billion factory-trawler fleet is in danger of collapsing under its own weight, scientists and other authorities have warned Congress.

If left unregulated, floating fish processors threaten to deplete fishing stocks in the North Pacific while causing financial turmoil and greater risks of accidents, according to critics.

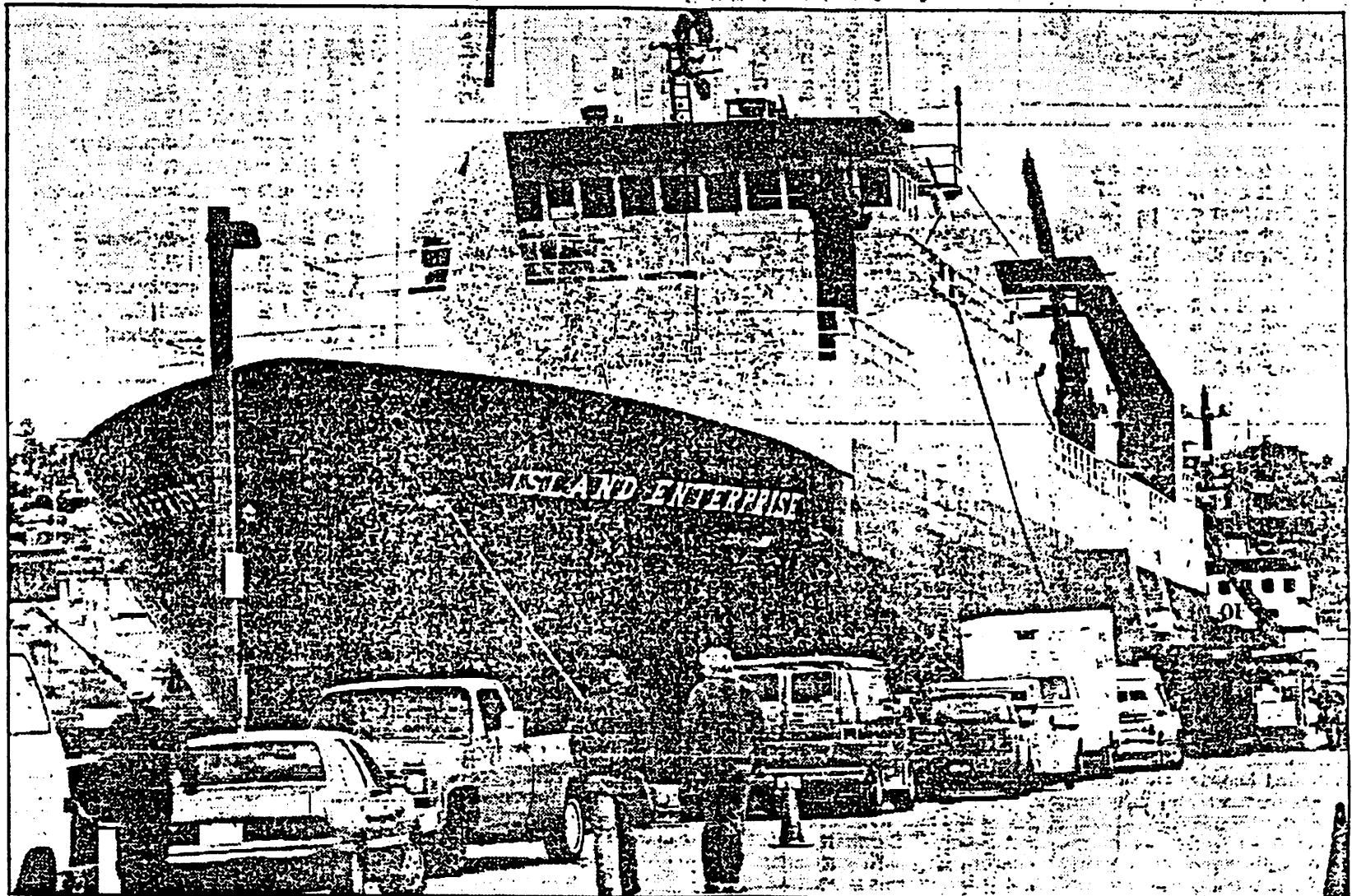
Dr. Dayton Alverson, a Seattle fisheries consultant, drafted the letter to Congress, which is being made public today. It has been signed by more than 200 scientists and other fisheries authorities, including several leaders in the trawler industry itself.

Citing "unseen biological, social and economic consequences," the scientists asked Congress to immediately cut off entry of new factory ships in the North Pacific, home to some of the world's richest fishing grounds.

The fleet is made up of more than 60 vessels, 150 to 300 feet long, representing an investment of more than \$1.1 billion.

Each year, the ships scoop some 2 million tons of pollock and other bottom fish from the Bering Sea and North Pacific, processing it below decks into frozen fillets or "surimi," a fish paste that is converted into artificial crab and other products.

Most of those fishing vessels have been launched in the past five years, riding a gold rush-like boom in the North Pacific fisheries.



Scientists and fisheries authorities are calling on Congress to cut off entry into the North Pacific of new factory trawlers, like the Island Enterprise at Fisherman's Terminal, which they say threaten to deplete fishing stocks.

Barry Wong / Seattle Times

At present, the federal government sets strict quotas on how much fish the fleet can take but continues to allow new vessels to enter the fishery.

The warning comes just a matter of weeks after the Alaska Factory Trawlers Association (AFTA), a Seattle-based

group representing most of the factory trawlers, released a report touting the industry's economic contributions to the Seattle area.

According to the AFTA report, the industry produced \$700 million in seafood sales last year — three times its sales just two years ago. Factory trawlers employ

7,500 people this year, most of them from Western Washington, producing a payroll of about \$172 million.

But scientists and other authorities have warned for several years that the fishing fleet is growing too fast, outpacing the limited bottom-

lantic cod, Bering Sea king crab, California sardines and dozens of other fisheries have led to sudden collapses from over-fishing.

"The North Atlantic is the best-studied ocean in the world," Alver-

# Scientists want to avoid repeat of North Atlantic

## FISHING

continued from D 1

son said. "But those fisheries were depleted in a matter of years. We don't want to see it happen again in the North Pacific."

But so far, federal authorities have refused to regulate the number of boats plying the North Pacific fisheries. In fact, the government continues to subsidize new factory trawlers through federal loan guarantees amounting to millions of dollars for some of the larger boats.

So far, authorities say conservative quotas have prevented the fleet from over-harvesting North Pacific stocks. But they agree that there is mounting pressure on the federal government to increase quotas and pressure on fishermen to exceed those quotas.

The heightened competition on the fishing grounds also has affected the industry in other ways. Among them:

- Critics say increased pressure to produce distracts attention from safety equipment and procedures in hazardous North Pacific waters.

- The industry has seen its first wave of financial failures. As many as six large North Pacific vessels have fallen into bankruptcies or mortgage foreclosures in recent months. When the huge factory ship Bering Trader went on the bankruptcy auction block last month, it failed to attract even the minimum bid of \$10 million — about one-third what it cost to build.

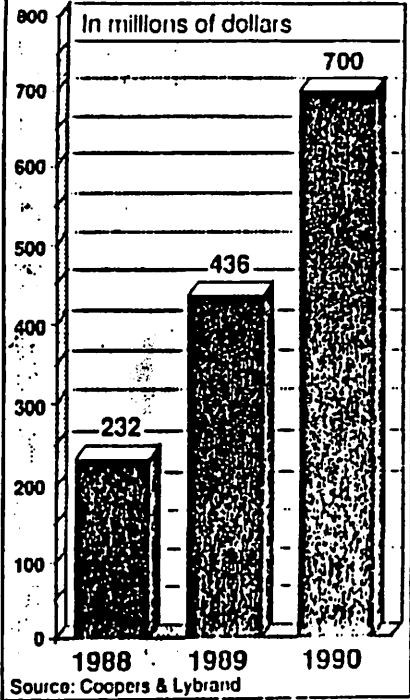
- An industry that once boasted lucrative pay for unskilled labor now has been saddled with lawsuits filed by former crew members who say they worked weeks and months and received little or no wages.

H.A. "Bert" Larkins, executive director of AFTA, signed the letter to Congress, saying that he and many of the members of his association agreed with the scientists' concern. AFTA has recently changed position and now favors a moratorium on entry into the fishery, he said.

"In 25 years of Northwest fisheries," Larkins said, "I've never seen things anywhere near as

## Wholesale value of factory-trawler production

The Seattle-based fleet of factory trawlers expects \$700 million in sales this year, three times their sales of just two years ago.



Ed Walker / Seattle Times

divisive as they are right now. Guys who have worked together for decades have stopped talking to each other."

The question of a moratorium is complicated, Larkins said, by Alaska's political efforts to reserve a large percentage of North Pacific fishing stocks for onshore plants in Kodiak, Dutch Harbor and other coastal communities.

The onshore-offshore processing debate has moved to Congress, which is attempting to re-authorize the Magnuson Act, the 1976 legislation that extended U.S. fisheries jurisdiction from 12 miles to 200 miles offshore and ultimately triggered the factory-trawler boom.

In the letter to Congress, Alverson insists that a moratorium is the only solution — at least for now. Free-market economics don't work in dealing with a commonly owned resource such as fisheries, he said. Because nobody owns the fish, there is no incentive to conserve.

"In the end," he said, "society pays an increasingly high price."

# Demand for fishing vessels may be sated

By IMRE NEMETH

3/28/91

TIMES BUSINESS WRITER

Alaska's offshore fishing fleet is reaching the saturation point, a Mobile, Ala., shipbuilder said Tuesday.

Bender Shipbuilding & Repair Company Inc. just delivered the 180-foot Pacific Orion to Seattle-based Polmar Fisheries Inc. this week.

Linda Lewis, a Bender spokeswoman, said the crab catcher-processor appears to be the last of a line. Bender has built or

converted ships for many of the industry's larger fishing companies, including Arctic Alaska Fisheries Corp. and Deep Sea Fisheries Inc.

"It's kind of maxed out up there," she said.

Lewis said her company has some prospects but no more orders. She said the market appears saturated for large fishing vessels and bottom-fish trawlers. Her company has moved into building casino riverboats and mid-sized cruise ships.

The Orion has the capacity to catch, process and freeze 48,000 pounds of crab per day. It can carry 400 crab pots on deck and is built to comply with the most rigid U.S. Coast Guard safety requirements, Lewis said.

The ship was converted from an offshore supply vessel, the Gemini Tide, that had been working the oil fields in the Mediterranean Sea. It had been registered in Italy.

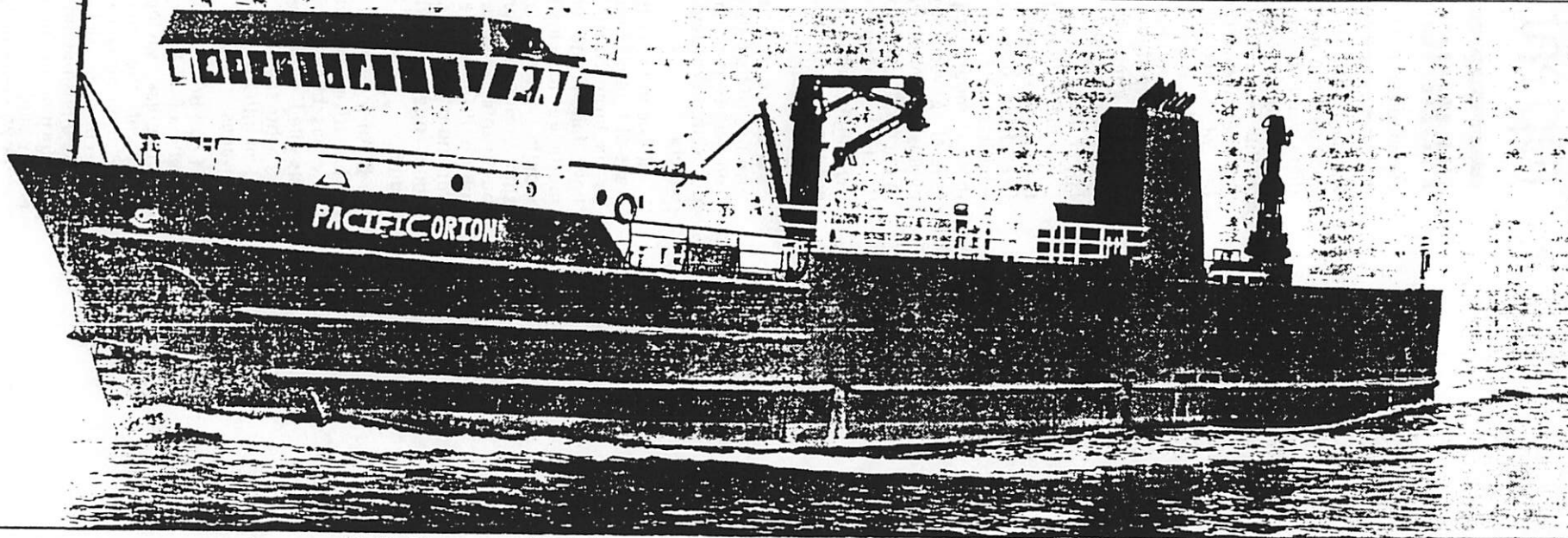


Photo courtesy BENDER SHIPBUILDING & REPAIR CO.

## New crab catcher

The Pacific Orion was converted into a crab catcher and processor by Bender Shipbuilding &

Repair Co. of Mobile, Ala., for Polmar Fisheries in Seattle. The vessel will have the capacity to

process up to 48,000 pounds of crab products per day. Story, page E8.

## *How Many Fish?*

**I**N THE 1960s and early 1970s there was a huge increase in foreign fishing off U.S. shores. The fisheries were depleted, the U.S. catch was much reduced, and in 1976 Congress stepped in. For the purpose of fishing, it extended the 12-mile territorial limit to 200 miles and ordered the foreign boats out of the new zone except with permission. To rebuild and sustain the fisheries, it then tried to tame the new frontier by setting up a system of federal regulation. Lots of luck.

The regulation was not to be direct; regulation even then was a mildly dirty word. The law created eight regional councils mainly drawn from the fishing industry itself. These quasi-public panels were required to develop fishery management plans for each species or broader category of fish offshore. Each plan was to set out an "optimum yield" (OY) and the regulatory means of achieving it. OY was mushily defined, as is Congress's way, as the amount of fish that would be of "greatest overall benefit to the Nation," but taking into account how many fish the biologists thought could be safely caught and still leave each species room to reproduce and sustain itself. All plans had to be approved by the secretary of commerce.

What sounded orderly and impressive enough on paper has in too many fisheries turned out to be a failure in fact. Foreign overfishing has been suppressed—but domestic overfishing has re-

placed it. In some cases the self-regulatory mechanism has performed as it should, but in others neither the councils nor the commerce secretaries meant to back them up have been tough enough. The National Fish and Wildlife Foundation estimates that 14 stocks, representing about a fifth of the stocks offshore, are currently "overexploited." It says that nearly a third of stocks have dwindled rather than flourished since the advent of regulation (for another fourth, this information is not available), and that 10 of the overexploited fisheries are so far gone that it would take them five to 20 years to recover if there were no fishing at all.

Two broad possibilities have been sketched for reform. One is to stiffen the existing system, have the secretary if not the weaker councils crack down, with Congress in reserve to legislate sustainable yields if they aren't imposed administratively. The other is to change the system by limiting entry and somehow introducing ownership to the fisheries on the likely theory that if fishermen are given a salable share in the resource they will be more willing to conserve it. But to whom to limit entry? That is the problem, of politics as well as design.

The current regimen is too weak. An important part of the food supply, a natural resource and an industry all three are wasting as a result; the government needs to shift the incentives to save them instead.



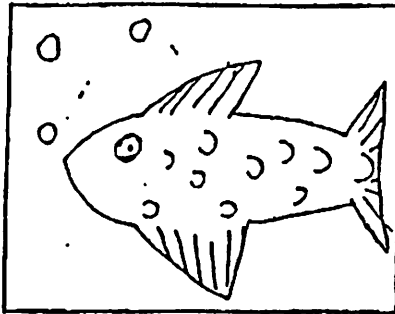
## Focus on the Fisheries

I was pleased to read The Post's editorial of Aug. 16 regarding the status of our ocean fisheries. This issue is of utmost concern to those directly and indirectly involved in our fishing industries, both seafood and recreation, and to the general public as well. If anything, the editorial understates the seriousness of the situation.

We have identified more than 100 species or groups of fish and shellfish as having been overfished in one manner or another. Landings from these overfished resources were worth nearly \$1 billion at the dock to the seafood industry alone in 1990. Any improvement in the status of these resources will contribute substantially to the U.S. economy. In fact, we believe that effective management can increase the net economic benefits from the seafood industry by more than \$1.8 billion. When one also considers our sportfishing and boating industries, the expected return is magnified even further.

There are three crucial factors that must be addressed. First, marine fishery resources are renewable, so we must focus our management efforts on the long term. Successful long-term management requires a consensus on the problems, their sources and solutions. We are working to improve our scientific advice so that good management decisions can be made and sustained.

Second, the open-access form of management practiced historically in



BY KATY KELLY

the United States needs to be changed. Open access is characterized by a substantial capital investment by the harvesting sector which dissipates the benefits from our fisheries. This often leads to excessive regulation designed to counter the effect of this investment. Finally, in a perfect Catch-22, these regulations make the existing capital investment inefficient, drawing in more dollars which ultimately lead to overfishing. We need to extricate the government as much as possible from the allocation process, moving from "free-for-all" fishery management plans to programs that allow market forces to work effectively at the harvesting level.

The Post's editorial mentioned the use of individual transferable quotas (ITQs) in fishery management. This is one way to address the open access issue. We are actively promoting the conversion from open-access management through leadership, education and support for the nation's eight regional fishery management councils, which, by law, are the only entities that have the authority to develop such management programs. We now have one fishery going, through the conversion to an ITQ system designed to ensure equity and fairness to fishermen, and there are several more under development by the regional fishery management councils.

Third, there needs to be a way to recover our fisheries from their present overfished state in a fiscally responsible way. This is the toughest problem that we face. There are

those who would say that the fishing industries must bear this burden alone, since it was their short-term interests that brought us to this point. While there is some truth to this contention, past governmental policies share responsibility for having allowed those short-term interests to prevail. A policy shift away from open-access management provides the opportunity to create sound ways to finance and sustain a recovery.

Rebuilding the nation's marine fisheries is an awesome task. Continued interest by the general public and the media is not only appreciated but necessary, and we welcome their comment and attention. Our marine fishery resources are too important to ignore.

**WILLIAM W. FOX JR.**

Assistant Administrator for Fisheries  
U.S. Department of Commerce  
National Oceanic and Atmospheric Administration  
Silver Spring

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Letters should be signed and must include the writer's home address and home and business telephone numbers. Because of space limitations, those published are subject to abridgment. Although we are unable to acknowledge those letters we cannot publish, we appreciate the interest and value the views of those who take the time to send us their comments. Letters intended for publication should be addressed to Letters to the Editor.

To the NPFMC / record

Fr Douglas B Gordon, Executive Director

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American High Seas Fisheries Association

Sept 27, 1991

In lieu of Public testimony on C<sub>6</sub>, D<sub>2</sub>(a), C<sub>1</sub>(c)

C<sub>6</sub> Moratorium      AHSFA has supported since 1988, ~~and continues~~ as a condition to inshore-offshore, and continues to request you proceed with the moratorium. The "landings-by" date needs to be adjusted if seasons are delayed in D<sub>2</sub>(a)

D<sub>2</sub>(a)      AHSFA has written the Council requesting that all fisheries by all gears in all areas, be delayed until Feb 1. Whatever the Council does it must resist discriminating against gear, trawlers, and allow fixed gear to start Jan 1.

C-1 (c) Protective Measures for Marine Mammals

The 10-mile zones are based on an untested hypothesis which says trawlers remove herring and pre-reprint pollock which are critical to herring sealions. (year round). Hence the zones applying to TRAWL ONLY. Regardless of what you do, these are some concerns for your record.

The hypothesis, as such, for 10 mile zones on trawlers, is untested and based on nothing scientific. If the Council goes further and applies the 10 mile zones to pollock only, one trawl sector will have been, most unfairly and without grounds based on scientific reason discriminated against.

Shorebased catcher vessels by-in-large do not catch prerecruit (< 3yr) pollock in these zones or outside them. Contrast that fact against the high grading of small pollock NE + NW of the Pribilofs by Factory Trawlers. Shorebased catches have voluntarily excluded themselves from vast areas to allow the herring migration at specific times and to ensure we don't close ourselves down by exceeding the herring cap. This was illustrated to the Council in testimony in June with the use of charts during Inshore - offshore item

Further, with regards the proposed zones around Atkun and Akutan AHSFA members report to me there have been no interactions between trawlers

and sealions in these areas in recent times. The proposal would institute closures year round. Surely the needs of weaning sealions are not year round. If the measure covers all trawl it would impact the winter cod fishery (limit seines included from Sandpoint) and reportedly may reduce the shoreside production including pollock

by up to 30%, impacting a minimum of 35 trawlers and up to 60 trawlers at various times of the year. I am led to believe that the pollock, in terms of food value, equates to junk food for ~~pollock~~ sealions. And further that during pollock spawning when the food value is higher, the fish are out of the diving range of sealions. Reportedly the populations of at least these two rookeries maybe increasing.

These concerns lead us to conclude that the 10 mile zones, applicable to trawlers only, or worse, pollock trawlers only, have no rational or scientific basis. This is an emotional reaction to

a perceived situation that intends to use the (less mobile shore based delivery pollock trawlers) pollock trawlers as the scapegoat.

Thank you for your consideration  
Gordon