MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke
Executive Director

DATE: June 17, 1992

SUBJECT: Miscellaneous Groundfish

ACTION REQUIRED

1. Recommend bycatch rate standards to support the expanded Vessel Incentive Program (VIP) during the second half of 1992.

2. Receive informational item on request by IPHC for scientific research permit.

3. Petition from St. Paul Island.

BACKGROUND

Expanded Vessel Incentive Program

In April the Council recommended the following third and fourth quarter halibut and red king crab bycatch rate standards for the then-current vessel incentive program (VIP):

Halibut (as a % of groundfish catch)			Red King Crab (# individuals per ton groundfish catch)	
BSAI:	P. Cod	3.0%	BSAI: Flatfish	2.5/mt
	Flatfish	0.5%		
GOA:	Rockfish	5.0%		
	Cod	5.0%		

Under Amendment 19/24, which will be implemented sometime in the third quarter, the VIP will expand to authorize halibut bycatch rate standards for each trawl fishery category that receives a separate allocation of crab and halibut PSC, as shown below:

1. Greenland turbot/arrowtooth flounder/sablefish;
2. rock sole/other flatfish; yellowfin sole;
3. rockfish;
4. Pacific cod; and
5. pollock/Atka mackerel/other species fishery categories.

In addition, a separate halibut bycatch rate standard would be specified for the pollock fishery that would become effective when the directed fishery for pollock by trawl vessels using non-pelagic trawl gear is closed.

However, NMFS is recommending aggregating the fishery categories for the VIP into three categories, as follows:

1. yellowfin sole fishery;
2. the pollock fishery when fishing for pollock with non-pelagic trawl gear is prohibited; and
3. all other trawl fisheries.

At this meeting, NMFS staff will recommend bycatch rate standards for these three fishery categories. These standards will be specified under the final rule implementing the expanded incentive program.

IPHC Scientific Research Permit Request

Item D-2(k)(1) in your notebooks is a copy of a request from the IPHC to the Alaska Fisheries Science Center for a permit to conduct a Halibut Bycatch Sorting Experiment. This is included for informational purposes to keep the Council apprised of research activities of the IPHC regarding halibut bycatch. The purpose of the experiment is to determine if alteration of sorting and discarding practices can result in savings in halibut discard mortality rates.

St. Paul Island Petition

The City of St. Paul has petitioned the Council to request NMFS to authorize and support independent research on the origin and migration of pollock stocks in the Eastern Bering Sea. Item D-2(k)(2) is the petition.

COMMISSIONERS:

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INTERNATIONAL PACIFIC HALIBUT COMMISSION

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

June 12, 1992

Mr. Steve Pennoyer, Regional Director
National Marine Fisheries Service
PO Box 21668
Juneau, AK 99802-1668

Dear Steve:

The International Pacific Halibut Commission (IPHC), Natural Resources Consultants (NRC), and the Alaska Fishery Science Center (AFSC) are planning an experiment to evaluate increased halibut survival in bottom trawls, the Halibut Bycatch Sorting Experiment. The experiment involves sorting and discarding halibut from the groundfish catch more rapidly than is now current practice, and estimating the savings in halibut discard mortality rates. The groundfish fleet could use such sorting without the rigor of the proposed research plan, but we currently have no way of evaluating the effectiveness of the sorting efforts. Observer coverage now required on board groundfish vessels cannot provide appropriate data.

To the degree possible, we plan to conduct the fishery during an open fishing period in the Bering Sea or Gulf of Alaska, but attaining TAC or PSC limits may cause fishery closures before the experiment can take place. We are requesting a permit for cooperative scientific research with the vessel allowed to retain catch to defray cost of the experiment, in case the experiment must take place during a fishing closure. Details of the operation follow.

Objectives. The experimental design consists of three treatments: sorting below decks in the normal manner; sorting above decks using a screening grid over the hatch; and enhanced sorting for a specified time period below decks. We will obtain condition factors from halibut in each category to test for differences. The experiment will address the following questions:

1) What percent of the total halibut bycatch can be screened by the grid?

2) What percent of the total halibut bycatch can be sorted during the period of enhanced sorting?

3) What is the survival rate of halibut discarded from the grid screening and the enhanced sorting, compared to normal discards?

4) How much additional operating time accrues from the sorting procedures?

5) Will grid screening or enhanced sorting increase overall survival of halibut bycatch from trawls?

Procedures. We intend that the vessels participating will operate in a normal commercial manner, over the full 24 hr period. If a scientific fishing permit is used, we will collect data from each haul. If the experiment occurs during open fishing, we will collect data from hauls not selected by the Observer. We intend to observe a minimum of 30 hauls for each treatment, but may modify the sampling design after further review of the statistics. Our primary concern is Pacific cod, which is allotted the greatest portion of bycatch in the Bering Sea, but other target species may be considered. Examination of halibut length frequency data in the January-May, 1990 cod fishery suggests that we will see adequate amounts of halibut large enough to be screened by the grids (see Table). Although numbers of large halibut will be small, their biomass contribution is important. In Areas 511 and 517, halibut longer than 60 cm made up 30-50 percent of the bycatch biomass, and halibut longer than 80 cm made up 20-30 percent of the bycatch biomass. Larger halibut were more common during the latter months.

We plan for the experiment to occur following the Bering Sea-Aleutian Islands pollock B season, probably in September or October. The exact time and location will depend on what, if any, fisheries are open. As the B season draws to an end, we will assess our options and provide an addendum to this request that specifies the final plan.

Tow length will not be predetermined, but we will assure that the distribution of tow length will be the same among all treatments. We will randomize order of treatments without the captain's advance knowledge. To minimize confounding by species composition, depth, and area, the vessels will operate within predetermined boundaries. The nature and area of the operation will be selected to offer high probability of seeing halibut. Several vessel operators have experimented with the size of grid openings, and will recommend a grid configuration.

Data collection. During the grid screening and enhanced sorting, we will collect data from all halibut encountered. To be consistent, we will whole haul sample to collect and evaluate all halibut not experimentally sorted. Halibut data will include paired halibut size and condition factor observations, and time of observation from the net coming on board. Such data will allow enumeration and frequency distributions for the treatments (total halibut, total halibut from grid screening or enhanced sorting, and total halibut missed by the experimental treatment).

Groundfish data will include weight of total catch and total target catch, species composition of the catch, tow data (depth, location, duration, and time) and cumulative processing and sorting times.

Vessels. The IPHC has arranged with NRC and the Highliners Association for two vessels to participate in the bycatch sorting project. We selected vessels from the Highliners Association because they have committed substantial financial support to the project. We will entertain offers from other vessels or organizations that will contribute financially. Names and radio call signs of the selected vessels will be provided in the addendum to this proposal.

Quantity of retained groundfish. If the experiment does not occur during an open fishing period, the vessels expect to retain groundfish under the conditions of the scientific permit. Based on past fishing success for cod during a fall fishery, we expect a factory trawler to retain approximately 2,400 mt (round weight) of cod for a month of fishing; a shore-based catcher vessel would retain roughly 1,000 mt.

Data analysis and reporting. Scientists from IPHC, NRC, and AFSC will provide analysis of the data. Results will be published and made available to the public. The primary literature, the IPHC Report Series, or NMFS reports may be chosen as appropriate.

Personnel. Bob Trumble (IPHC), Lee Alverson (NRC), and Rich Marasco (AFSC) will lead in planning the experiment. We will assign sufficient staff to collect and analyze the data, and to publish the results.

This project is an example of the cooperation needed to address a serious management problem in Alaska waters, and in waters around the world. Bycatch costs millions of dollars to the halibut fishery through reduced catch limits and to the groundfish fisheries through premature closures. Methods of reducing discard mortality will allow more groundfish harvest for a given amount of bycatch, and hopefully will lead to reductions in bycatch mortality. We look forward to your support for this project.

Sincerely,

Donald A. McCaughran
Director

cc: William Aron, Alaska Fishery Science Center
North Pacific Fishery Management Council
Commissioners

Summary of halibut bycatch size distribution (ratio of pounds from fish larger than threshold to total pounds) by time and area in the Bering Sea cod fishery, 1990.

Area 511	Jan.	Feb.	Mar.	Apr.	May
>60 cm	.30	.52	.28	.53	.71
>80 cm	.20	.33	.18	.20	.23

Area 517	Jan.	Feb.	Mar.	Apr.	May
>60 cm	.26	.40	.43	.41	.82
>80 cm	.09	.15	.20	.21	.48

CITY OF SAINT PAUL
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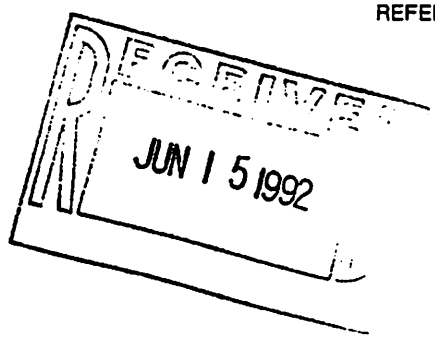
IN REPLY
REFER TO:



June 15, 1992

Rick Lauber, Chairman
North Pacific Fishery Management Council
321 Highland Drive
Juneau, Alaska 99801

Dear Mr. Chairman:

I am enclosing herewith a petition asking that the Council direct NMFS to authorize and support independent research on the question of whether the pollock stocks presently designated as "Eastern Bering Sea" are in fact one stock, and whether those fish spend a substantial portion of their lives in waters outside U.S. jurisdiction. If so, the EBS stocks are clearly at risk unless controls are imposed on the harvest within the Russian EEZ and the international zone.

Such controls would necessarily have to be imposed through treaty negotiations with Russian authorities. As time goes on, the temptation for the Russian fisheries industry to cash in on a massive pollock harvest will increase, so the sooner negotiations begin, the more likely it will be that an effective Bering Sea management regime can be established.

The people of St. Paul realize that the issue of Bering Sea pollock stock distribution and migration is a contentious issue, but we believe that if the Russian scientists are correct, the economy of our island may be in permanent jeopardy.

Please contact me if the Council would like further information or details on this matter.

Sincerely yours,

Larry Merculieff

Larry Merculieff
City Manager

cc: Clarence Pautzke, Executive Director
North Pacific Fishery Management Council
P. O. Box 103136
Anchorage, Alaska 99510

CITY OF SAINT PAUL
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IN REPLY
REFER TO:

PETITION TO NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

I. STATUS OF PETITIONER. The City of St. Paul is an incorporated second class city located on St. Paul Island, one of the Pribilof Islands in the Bering Sea. The majority of the residents of the city are indigenous Aleuts, descendants of persons who were brought to the Pribilofs against their will by Russian fur traders in the 18th century in order to harvest fur seals.

II. RECENT HISTORY OF ST. PAUL RESIDENTS. For many years the main occupation of St. Paul residents was the harvest of fur seals under federal regulation and license. When the commercial fur seal harvest was terminated by Congress in 1984, the villagers of the Pribilof Islands were successful in obtaining federal and state funds for the construction of harbors both on St. Paul and St. George. The St. Paul harbor was completed in 1989. It was designed to service the Bering Sea fishing fleet, thus replacing the jobs that were lost when the federal government ended the seal harvest. Naturally, the success of the St. Paul harbor depends on the long-term viability of the Bering Sea fisheries, mainly pollock.

In addition, a small but locally important tourism industry has been established on St. Paul, based on the presence of large numbers of marine mammals and nesting seabirds during the summer months. Over the past few years, populations of fur seals, sea lions, and sea birds have declined dramatically, threatening the fledgling St. Paul tourism base. Reasons for such rapid population declines are probably complex, but the available evidence suggests that food stress is a major contributing factor.

Since pollock of varying age classes constitute a major part of the diet of all the affected species, a decline in pollock stocks will probably result in an even steeper rate of decline in the very species that tourists come to see on St. Paul Island. Indeed, there is much

evidence which suggests that pollock are a "keystone" species essential for the nutritional needs of many other animals.

The decline of species dependent on pollock as a food source also adversely affects the subsistence lifestyle of the entire Bering Sea region which is characterized by small villages inhabited mostly by indigenous people.

For these reasons, the long-term health of the Bering Sea pollock stocks is critical to the economy of St. Paul Island and to the culture of its people.

III. THEORIES REGARDING EASTERN BERING SEA POLLOCK STOCKS.

There are several theories regarding the possible distribution and migratory patterns of EBS pollock stocks. One such theory, adopted by NMFS for the purpose of managing the Bering Sea fishery, is that EBS pollock comprise three more or less distinct stocks: the so-called "Aleutian" stock, the "basin" stock, and the "shelf" stock. Alternatively, the "Aleutian" stock is regarded as a part of the "basin" stock. Under either variation it is assumed that a relatively small percentage - say, 20% - of EBS pollock migrate into Russian or international waters, where they are subject to a harvest unregulated by U. S. authorities. The Russian fleet, including joint ventures, is assumed to concentrate its harvest on Western Bering Sea stocks originating in the Russian 200-mile zone.

Russian (and reportedly Japanese) scientists view the Bering Sea pollock stocks differently. Russian research indicates that the pollock presently designated as "EBS" are essentially one stock. After spawning along the slope and on the shelf, eggs, larvae and young fish drift with the prevailing current in a northwesterly direction across the shelf and concentrate, for reasons probably related to food requirements, in the plankton-rich waters south of Point Navarin on the Russian side. There is an existing Russian fishery in this area which reportedly harvests up to 800,000 metric tons of young pollock per year. As the young fish mature, they migrate eastward across the basin to the EBS spawning grounds. After spawning, mature fish then migrate annually from the spawning grounds across the international zone (the "doughnut hole") into the Kamchatka basin in Russian waters for feeding purposes, then back to the EBS to spawn again.

If the Russian EBS pollock stock theory is correct, an individual EBS pollock will run an increasingly intense gauntlet of targeted fisheries from about age 2 until its demise. Russian scientists believe that about 80% of EBS pollock stocks spend a substantial part of their lives in the Russian EEZ. The combined harvest potential of Russian-U.S., Russian-Vietnamese, and Russian-Japanese joint ventures plus the Russian fleet itself appears much too large for WBS production alone, supporting the hypothesis that this harvest will include EBS fish in very large numbers.

IV. CONCLUSION. The City of St. Paul urges that the North Pacific Fishery Management Council direct NMFS to support independent research, using available Russian and Japanese data and the best available fishery stock assessment technology, to resolve this issue of stock distribution and migration patterns. If the current NMFS view of EBS pollock distribution and migration is correct, no harm will be done and much doubt will be laid to rest. If the Russian view is correct, action can then be taken to avoid an unregulated massacre of EBS pollock stocks outside U.S. jurisdiction.

DATED this 20th day of June, 1992.

THE CITY OF ST. PAUL

By: LARRY MERCULIEFF
City Manager

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668
June 19, 1992

Mr. Richard B. Lauber, Chairman
North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, Alaska 99510

Dear Rick,

A proposed rule has been published in the Federal Register that would implement Amendment 19 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI) and Amendment 24 to the FMP for Groundfish of the Gulf of Alaska (GOA) and associated regulatory amendments (57 FR 22695, May 29, 1992). The public review and comment period on the proposed rule extends through July 13, 1992. We are considering several changes for the final rule and request that the Council comment on these changes at its June 1992 meeting. If the Council and other public comment support these revisions as described below, they could be implemented under the final rule. These changes are necessary for the implementation and enforcement of the Council's intent for the BSAI vessel incentive program and for directed fishery closures.

First, the preamble to the proposed rule highlighted differences between the proposed expansion of the BSAI and GOA vessel incentive programs. In the preamble, we specifically requested comment on whether the BSAI program should be tailored more closely after that proposed for the GOA. In an April 17, 1992, letter to you (attached), we recommended that the proposed expansion of the BSAI incentive program be implemented in a manner similar to that proposed for the GOA. A single halibut bycatch rate standard is proposed for all GOA trawl fisheries, except for the pollock fishery when directed fishing for pollock with non-pelagic trawl gear is prohibited. This approach would provide more sampled hauls per vessel to support statistically valid estimates of monthly bycatch rates relative to the proposed BSAI incentive program. In contrast to the GOA, bycatch rate standards are proposed for six different trawl fishery categories under the proposed BSAI incentive program.

In our April 17 letter, we suggested that the proposed BSAI incentive program specify separate halibut bycatch rate standards only for the (1) yellowfin sole fishery, (2) pollock fishery when fishing for pollock with non-pelagic trawl gear is prohibited, and (3) all other trawl fisheries combined. We further suggested that at its June 1992 meeting, the Council recommend bycatch rate standards to support the expanded incentive program during the second half of 1992. Summary data on 1991 bycatch rates observed

in the BSAI trawl fisheries are listed in Attachment 2 to my April 17 letter. Additional information on halibut bycatch rates experienced by vessels in the BSAI trawl fisheries are presented in Table 1 to this letter.

The Council also may wish to comment on a second change for the final rule that we are considering for purposes of clarifying the enforcement of directed fishery closures. Portions of the proposed rule revise directed fishing closures that are triggered by the attainment of prohibited species bycatch allowances. Other portions of the proposed rule revise directed fishing standards themselves. When a directed fishery closure is implemented, trawl operations are allowed to continue if retained amounts of groundfish do not exceed specified bycatch levels. The ability of vessels to continue trawl operations under directed fishing closures makes these closures difficult to monitor and enforce except by at-sea vessel boardings or by observing shoreside landings of catch. We recommend, therefore that the final rule be changed in a manner that would allow more effective enforcement of directed fishing closures through aerial surveillance. Specifically, we recommend that when directed fishing with trawl gear for all groundfish species in a Federal reporting area is closed, that fishing for groundfish with trawl gear be prohibited in that area. Under this prohibition, no trawl gear could be deployed by a Federally permitted vessel in the area and effective aerial monitoring of fishery closures could be implemented.

We expect that a trawl prohibition would occur most frequently in the GOA, where attainment of quarterly halibut bycatch allowances, combined with small quarterly pollock quotas, routinely close regulatory areas to directed fishing for all groundfish species with trawl gear.

Although a closure of the Bering Sea or Aleutian Islands subareas to directed fishing for groundfish with trawl gear is less likely than in the GOA, we recommend that similar restrictions on the use of trawl gear be implemented to help enforce such closures if and when they occur.

Sincerely,

Steven Pennoyer
Director, Alaska Region

Enclosure

Table 1. Bycatch rate (BCR) data for the BSAI trawl fisheries based on cumulative data for monthly vessel bycatch rates sorted by ascending bycatch rate (bycatch rates are expressed as percentages).

Cumulative percentage of total groundfish harvest	Maximum BCR at specified % of groundfish harvest	# vessel months with BCR > than max. BCR	% vessel months with BCR > than max. BCR
Yellowfin sole - 1991 average bycatch rate = .565 percent			
50	.288	79	51
63 proposed BCR standard	.500	55	35
75	.805	38	24
90	1.259	17	11
Midwater pollock - 1991 average bycatch rate = .045 percent			
50	.007	130	47
75	.037	73	26
89 proposed BCR standard	.100	40	14
90	.111	37	13
Other trawl fisheries - 1991 average bycatch rate = .913 percent			
50	.811	247	55
75	1.833	152	34
90	2.568	85	19
93 proposed BCR standard	3.000	61	13

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668
June 19, 1992

Mr. Richard B. Lauber, Chairman
North Pacific Fishery Management Council
P.O. Box 103136
Anchorage, Alaska 99510

RE: Recordkeeping and reporting requirements

Dear Rick,

The North Pacific Fishery Management Council (Council) adopted changes to the 1992 recordkeeping and reporting program at its December 1992 meeting (Attachment 1). Subsequently, we submitted a proposed rule to the Secretary of Commerce (Secretary) for review and approval that would implement these changes. We anticipated that the approved portions of the rule would be effective early in the 1992 fishing season. However, processing schedules and the President's moratorium on new regulations have delayed implementation. We now expect implementation will be too late in the fishing year to be of any real value for 1992. Given that we are considering additional changes to recordkeeping and reporting requirements for 1993, we have notified our Washington, DC office to stop its review of the 1992 package and that we intend to combine 1992 and 1993 changes in a revised rulemaking package. We will submit the revised package to the Secretary for review and approval later this summer with the objective of having the revised rule in place by the start of the 1993 fishing year.

Staff from the National Marine Fisheries Service (NMFS) and the Alaska Department of Fish and Game (ADF&G) have recently met to discuss additional changes to recordkeeping and reporting requirements that should be considered for 1993. The Council must take action on these recommended changes at its June 1992 meeting so that the proposed and final rulemaking process may be completed prior to the start of the 1993 fishing year. A brief description of the changes recommended by staff is set forth in Attachments 2 and 3 to this letter.

Sincerely,

Steven Pennoyer
Director, Alaska Region

Enclosure

Attachment 1: Changes to recordkeeping and reporting requirements adopted by the Council at its December 1991 meeting.

I. Logbooks.

A. Require shoreside processors to record landed weight of retained groundfish.
   1. Landed weights of retained groundfish (whole, bled, or headed and gutted fish) and catcher vessel and processor discard amounts will be used to monitor groundfish quotas.
   2. Existing requirements to record species product weights would be maintained for enforcement and other purposes.

B. Delete shoreside processor requirement to record employee information in daily logs.

C. Revise instructions and incorporate minor format changes to facilitate accurate recordkeeping.

II. Weekly Production Report

A. Require shoreside processors to report landed retained product type and weight (round weight in most fisheries), catcher vessel and processor discard amounts, and finished product weights.
   1. Standard product recovery rates will be applied against landed product weights reported by shoreside processors and finished product weights reported by at-sea processors for purposes of quota monitoring.

B. Require processors to indicate intended target species for the upcoming week.
   1. Indication of intended target operations will enhance inseason fishery effort and closure projections.

C. Revise instructions and incorporate minor format changes to facilitate accurate recordkeeping.

III. Daily Production Report

A. Require shoreside processors to report landed retained product type and weight (round weight in most fisheries), and discard amounts for species for which daily reports are required.

B. Revise instructions and incorporate minor format changes to facilitate accurate recordkeeping.

IV. Permit applications

A. Require vessel owners to report vessel ADF&G registration number, telephone, fax, telex and COMSAT ship numbers, owner's telex number, and name of responsible person if the vessel owner is registered as

a company.

B. Revise instructions and incorporate minor format changes to facilitate accurate recordkeeping.

V. Check in/out Reports

A. Require processor vessels to specify intended target species on their check-in report.

1. Indication of intended target operations will enhance inseason projections of fishing effort and closures.

VI. Groundfish Utilization Surveys

NMFS proposes to delete this semi-annual survey because it no longer serves a useful purpose. The original justification for these surveys was to collect information on anticipated production capacity of domestic groundfish processors that would be used by the Council when it recommended TAC apportionments among DAP and JVP operations. The original intent for the survey no longer exists and information now collected under these surveys provides little useful guidance for annual projections of DAP harvest and production activity

VII. New Reports

A. Alaska Commercial Operator's Annual Report (ACOAR).

1. This report would replace the Monthly Product Value Report that was repealed in 1990. Alaska State regulations require processors under its jurisdiction to submit this report on an annual basis. The proposed action would extend the collection of this information to at-sea processing operations, many of which already voluntarily comply with the State's collection.

B. EEZ Product Check-in Report

1. This report would be required of all domestic vessels that have on board fish or fish products obtained from groundfish harvested outside the U.S. EEZ off Alaska. The report would be submitted by vessel operators prior to a vessel entering a Federal reporting area and would provide information on vessel identification, groundfish and prohibited species product on board, and intended U.S. port of landing. Without this report, all fish or fish product on board a vessel when it enters the Alaska EEZ will be assumed to have been harvested in U.S. waters and the vessel will be held accountable for any prohibited species or groundfish retained on board in amounts that are inconsistent with Federal regulations.

VIII. Miscellaneous changes

A. Redesignate GOA reporting areas as 3-digit reporting areas.

B. Specify geographic coordinates for demarcation between BSAI and GOA reporting areas.

C. Designate new statistical areas for:

- internal waters of the State of Alaska (Prince William Sound and Southeast inside district); and
- international waters in the Bering Sea between the USSR and the USA (Donut hole)

Attachment 2 - Additional changes to recordkeeping and reporting requirements recommended for 1993

I. General changes to reporting requirements

1. Implement species specific reporting for flatfish and rockfish species to allow for consistent reporting requirements for Bering Sea and Gulf of Alaska groundfish operations and reduce the level of confusion and associated misreporting of catch amounts.

   A. Flatfish. All vessels and processors would report catch and product amounts for the following species in the BSAI and GOA (species codes will be provided that are consistent with ADF&G species codes): Greenland turbot, arrowtooth/kamchatka flounder, yellowfin sole, rock sole, flathead sole, Rex sole, Dover sole, Alaska plaice, starry flounder, and "remaining flatfish".

   B. Rockfish. Given ADF&G requirements for shoreside operations to report catch amounts by species and that ADF&G and NMFS staff are available to aide in species identification, all shoreside processors would report catch and product amounts by individual species and NMFS logbooks would include ADF&G rockfish species codes. In the BSAI and GOA, catcher vessels and at-sea processor vessels would report catch and product amounts for the following rockfish categories that could later (post season) be broken out into individual species based on observed catch composition: shortraker/rougheye, sharpchin/northern, thornyhead, POP, demersal (existing GOA list), pelagic (existing GOA list) and slope (all other species).

2. Pending the outcome of revised Amendment 18 (catcher vessel operation area) at least two reporting areas in the Bering Sea would be renumbered to eliminate having two separate statistical areas for Area 511 and two separate areas for Area 522. In consideration of historical databases, we recommend that the western and eastern parts of 511 be identified as Areas 509 and 508, respectively, and that the northern and southern areas of 522 be redesignated as Areas 524 and 523, respectively.

II. Logbooks

1. Catcher vessel logbook requirements.
   A. Exempt vessels from logbook requirements that are exempt from mandatory observer coverage (currently, vessels less than 60 ft LOA). Intent

is to reduce recordkeeping burden on vessel operators.

B. Exempt vessels from logbook requirements that are participating in other than a directed fishery for groundfish (i.e., the Pacific halibut fishery).

C. Revise the logbook form to delete the field titled "No. of skates or pots run" and require vessels to record "No. of hooks or pots per set".

2. Shoreside operation logbook

A. Delete requirement to record finished product and in-plant discards by gear and area (quota monitoring now based on landed weight). Logbooks would be reformatted into two physical parts: Part 1 will record retained landings and discards by area and gear type. Part 2 will record aggregate daily amounts of finished product and in-plant discards. (See attached DRAFT revision of shoreside logbook form) - NOTE: We will revise the definition of our 99 and 95 discard codes for consistency with ADF&G discard codes).

B. Clarify shoreside tender requirements with respect to logbooks: Tenders would receive a shoreside logbook and would be required to maintain information on catcher vessel deliveries (Part I of attached logbook form).

III. Weekly Production Report (WPR)

A. Develop a separate WPR for shoreside processors that reports Part 1 information from logbooks (retained landings and discards (codes 95 and 98) by species, product, area, and gear) and Part 2 information (aggregate weekly amounts of species product and in-plant discards).

The shoreside processor WPR would also be expanded to list the preprinted ADF&G fish ticket number recorded for each groundfish delivery. (See attached DRAFT revision of shoreside WPR)

IV. Vessel Check-in/out reports

Add "mothership processor" to list of alternative "gear types.

V. Vessel permit application

Collect information on Federal Tax number to determine whether vessels are owned by same company or organization. This information is necessary to protect statutorily confidential information.

VI. Week Ending Date

Change WED to midnight Saturday to allow more timely receipt of weekly observer data by the Region and allow processors more time to prepare reports. Weekly Production Reports (WPRs) for a WED would still be due by midnight the following Tuesday.

VII. Landings information for catcher vessels delivering to motherships in Federal waters.

Under the Cooperative Agreement between NMFS and ADF&G for the collection of groundfish fish tickets, the State will require groundfish fish tickets only for groundfish landings in State waters. Under State regulations, therefore, mothership operations in Federal waters will not be required to submit ADF&G fish tickets. Notwithstanding various uses of fish ticket data, we believe that documentation of catcher vessel participation in the groundfish fisheries (including those vessels delivering to motherships in Federal waters) is desirable to support future Council consideration of groundfish ITQ programs. If the Council concurs in the value of this information, NMFS will pursue options for the collection of landings information from catcher vessels delivering to mothership operations, including Federal regulations that would require motherships to comply with State fish tickets requirements.

NOTE: Additional changes to reporting requirements may be required if the Council adopts an extension of inshore/offshore management measures under revised Amendment 18. Examples of additional requirements include: (1) revisions to the Federal groundfish vessel permit application that would allow a processor vessel to declare whether the vessel will be fishing under the inshore or offshore component, (2) three new reporting areas in the Bering Sea to monitor offshore pollock catch in the catcher vessel operation area, and (3) Federal permit application for shoreside groundfish processors so that NMFS may more effectively monitor shoreside operations in the inshore component.

Attachment 3

Draft Revisions of 1993 logbook and reporting forms

SHORESIDE PROCESSOR DAILY CUMULATIVE PRODUCTION LOG — PART I

PART A

PAGE	WEEK ENDING DATE	PLANT NAME	MANAGER'S SIGNATURE
		ADF&G PROC. CODE	

OBSERVER (*)

	MON	TUES	WED	THUR	FRI	SAT	SUN
YES							
NO							

REPORTING AREA

GEAR TYPE: (circle one)
Hook & line Pot Non-pelagic trawl Pelagic trawl Jig/Troll Other

NOTE (*) OBSERVER: Check box for YES or NO to indicate whether an observer was present on each day.

PART B

CATCHER VESSEL DELIVERY INFORMATION Record in lbs. or nearest 0.01 mt Check ☐ lbs ☐ 0.01 mt

DATE OF DELIVERY	FISH TICKET #	RECEIPT TIME	CATCHER VESSEL NAME	ADF&G NO.	GROUNDFISH DELIVERY WEIGHT

CATCHER VESSEL DELIVERY INFORMATION (CONT'D)

DATE OF DELIVERY	FISH TICKET #	RECEIPT TIME	CATCHER VESSEL NAME	ADF&G NO.	GR DELI

PART C

RETAINED LANDINGS INFORMATION AND DISCARDED SPECIES INFORMATION (DISCARD Product Code 96, 98, or 99 only) For groundfish and herring, indicate lbs or nearest 0.01 mt. For halibut, salmon, king crab and Tanner crab, record in numbers Check

Species Code																	
Product Code																	
Weekly Balance Forward																	
MON	DATE																
TUES																	
WED																	
THUR																	
FRI																	
SAT																	
SUN																	
WEEKLY CUMULATIVE TOTAL																	

SHORESIDE PROCESSOR DAILY CUMULATIVE PRODUCTION LOG — PART II

PAGE	PLANT N.	MANAGER'S SIGNATURE
	ADF&G PROC. CODE	

OBSERVER (*)

	MON		WED	THUR	FRI	SAT	SUN
YES							
NO							

NOTES:
(*) OBSERVER: Check box for YES or NC ... e whether an observer was present on each day.
(**) FINISHED PRODUCT INFORMATION: For ancillary products, begin product codes with "A", e.g., A12.

MANAGEMENT AREA (Circle One) GOA BSAI

FINISHED PRODUCT INFORMATION (**) Record in lbs or nearest 0.01 mt — Check ☐ lbs

Species Code																	
Product Code																	
Weekly Balance Forward																	
MON DATE																	
TUES																	
WED																	
THUR																	
FRI																	
SAT																	
SUN																	
WEEKLY CUMULATIVE TOTAL																	

MANAGEMENT AREA (Circle One) GOA BSAI

FINISHED PRODUCT INFORMATION (**) Record in lbs or nearest 0.01 mt — Check ☐ lbs

Species Code																	
Product Code																	
Weekly Balance Forward																	
MON DATE																	
TUES																	
WED																	
THUR																	
FRI																	
SAT																	
SUN																	
WEEKLY CUMULATIVE TOTAL																	

MANAGEMENT AREA (Circle One) GOA BSAI

FINISHED PRODUCT INFORMATION (**) Record in lbs or nearest 0.01 mt — Check ☐ lbs

Species Code																	
Product Code																	
Weekly Balance Forward																	
MON DATE																	
TUES																	
WED																	
THUR																	
FRI																	
SAT																	
SUN																	
WEEKLY CUMULATIVE TOTAL																	

CATCHER VESSEL DAILY FISHING LOG

WHITE—Vessel Copy, Keep In Log Book
YELLOW—NMFS Copy, Remit

PAGE	YEAR - MONTH - DATE	VESSEL NAME & ADF&G NO.	REPORTING AREA	OPERATOR'S SIGNATURE	OBSERVER ONBOARD	CREW SIZE
				GEAR TYPE (circle one) Hook & Line Pot Non-pelagic trawl Pelagic trawl Jig/Troll Other	YES ___ NO ___	

HAUL OR SET NO.	TIME OF GEAR DEPLOYMENT	BEGIN POSITION OF HAUL OR SET LATITUDE	LONGITUDE	AVE. SEA DEPTH (Circle M or FM)	AVERAGE GEAR DEPTH (Circle M or FM)	DATE AND TIME OF GEAR RETRIEVAL	END POSITION OF HAUL OR SET LATITUDE	LONGITUDE	HAUL OR SET DURATION	NO. OF HOOKS OR POTS PER SKATE	ESTIMATED ROUND CATCH WEIGHT (Circle lbs or mt)	INTENDED TARGET SPECIES CODE(S)	COMMENTS

DISCARDED SPECIES: (Product Codes 96 or 98 only): For groundfish and herring, indicate lbs or nearest 0.01 mt
For halibut, salmon, king crab, and Tanner crab, record in numbers

— Check ☐ lb ☐ 0.01 mt

SPECIES/PRODUCT TYPE CODE													
BALANCE FORWARD													
DAILY TOTAL													
CUMULATIVE TOTAL FOR FISHING TRIP													

CATCH DELIVERY INFORMATION

RECORD ADF&G FISH TICKET NUMBER IF DATE REPRESENTS LANDING DATE	IF CATCH DELIVERY IS MADE TO A U.S. PROCESSOR RECORD PROCESSOR NAME AND ADF&G PROCESSOR CODE

NOTE: Logbook sheets must be filled out each day of a fishing trip, starting from the first day a vessel leaves an Alaskan port or enters the EEZ off Alaska until a vessel returns to port or leaves the Alaskan EEZ. On days of no fishing activity, record date, vessel I.D., and whether or not an observer is onboard.

SHORESIDE PROCESSOR WEEKLY PRODUCTION REPORT

National Marine Fisheries Service
Attn: IRO
P.O. Box 21668, Juneau, AK 99802
FAX: 907-586-7131 Telex: 62296000
Telephone: 907-586-7005 OR 7562

Processor Name	Call Sign	Federal Permit No. (AK9)
		ADF&G Processor No. (F)

Week Ending Date	☐ Original Report ☐ Revised Report	Representative Signature	Date	Phone No. / FAX/Telex No.

Primary and Secondary Target Species Codes for Next Week:

PART I

GEAR TYPE: (circle one) Hook & line Pot Other Non-pelagic trawl Pelagic trawl Jig/Troll

RETAINED LANDINGS

INDICATE FEDERAL REPORTING AREA ⇨

Species Code	Product Code	Weight (nearest 0.01 mt)

INDICATE FEDERAL REPORTING AREA ⇨

Species Code	Product Code	Weight (nearest 0.01 mt)

DISCARD Code 98, 98, 99 ONLY. Record discards of groundfish and herring to nearest 0.01 metric tons; record halibut salmon, king crab, and Tanner crab in numbers.

Species Code	Product Code	Weight (nearest 0.01 mt)	PSC No.

Species Code	Product Code	Weight (nearest 0.01 mt)	PSC No.

PART II

FINISHED PRODUCT

Each species must have at least one primary product. For FINISHED PRODUCT, indicate primary product with "P" and ancillary products with "A"

Species Code	P/A	Product Code	Weight (nearest 0.01 mt)

Species Code	P/A	Product Code	Weight (nearest 0.01 mt)

TCHER VESSEL DELIVERY IFORMATION

FISH TICKET #

Control No. 0648-0213
ration Date: 3/31/95

National Marine Fisheries Service
Attn: IRO
P.O. Box 21668, Juneau, AK 99802
FAX: 907-586-7131 Telex: 62296000
Telephone: 907-586-7005 OR 7562

AT-SEA PROCESSOR
WEEKLY PRODUCTION REPORT

Processor Name	Call Sign	Federal Permit No. (AK9)
		ADF&G Processor No. (F)

Week Ending Date

☐ Original Report
☐ Revised Report

Processor Type: (Circle One)
(1) Mothership (2) Catcher/Processor

Gear Type of Harvester (Circle One)
Hook & Line Pot Non-pelagic Trawl Pelagic Trawl Jig/Troll Other (Specify):

Primary and Secondary Target Species Codes for Next Week:

Representative Signature	Date	Phone No.	FAX/Telex No.

INDICATE FEDERAL REPORTING AREA ⇨

FINISHED PRODUCT ★

Species Code	P/A	Product Code	Weight (nearest 0.01 mt)

INDICATE FEDERAL REPORTING AREA ⇨

Species Code	P/A	Product Code	Weight (nearest 0.01 mt)

DISCARDS ★★
(Product Code 98, 99 ONLY)

Species Code	Product Code	Weight (nearest 0.01 mt)	PSC No.

Species Code	Product Code	Weight (nearest 0.01 mt)	PSC No.

★ Each species must have at least one primary product. For FINISHED PRODUCT, indicate primary product with "P" and ancillary products with "A"

★★ For DISCARDS, record discards of groundfish and herring to nearest 0.01 metric tons; record halibut, salmon, king crab, and Tanner crab in numbers.

OMB Control No. 0648-
Expiration Date: 3/31/

CHECK-IN/CHECK-OUT REPORT AT-SEA PROCESSOR

National Marine Fisheries Service
P.O. Box 21668, Juneau, AK 99802
Telex: 62296000
FAX: 907-586-7131
Telephone: 907-586-7228

Representative	Telephone Number	FAX/Telex No.
Vessel Name	Call Sign	COMSAT Ship No.
Federal Permit Number (AK9)	GEAR TYPE: (circle one) Mothership /Processor Hook & Line Pot Trawl Jig/Troll Other	

BEGIN Message	**Lat/Long:**									
Date:	NMFS Reporting Area	511	512	513	514	516	517	518	519	521
		522	530	540	610	620	630	640	649	650
Time (ALT):		659	750	Primary and Secondary Target Codes						
CEASE Message	**Lat/Long:**									
Date:	NMFS Reporting Area	511	512	513	514	516	517	518	519	521
		522	530	540	610	620	630	640	649	650
Time (ALT):		659	750							
BEGIN Message	**Lat/Long:**									
Date:	NMFS Reporting Area	511	512	513	514	516	517	518	519	521
		522	530	540	610	620	630	640	649	650
Time (ALT):		659	750	Primary and Secondary Target Codes						
CEASE Message	**Lat/Long:**									
Date:	NMFS Reporting Area	511	512	513	514	516	517	518	519	521
		522	530	540	610	620	630	640	649	650
Time (ALT):		659	750							
BEGIN Message	**Lat/Long:**									
Date:	NMFS Reporting Area	511	512	513	514	516	517	518	519	521
		522	530	540	610	620	630	640	649	650
Time (ALT):		659	750	Primary and Secondary Target Codes						
CEASE Message	**Lat/Long:**									
Date:	NMFS Reporting Area	511	512	513	514	516	517	518	519	521
		522	530	540	610	620	630	640	649	650
Time (ALT):		659	750							

OMB Control No. 0648-0213
Expiration Date: 3/31/95

National Marine Fisheries Service
Alaska Region
Juneau, Alaska
June 22, 1992

--DISCUSSION PAPER--
A PERFORMANCE-BASED DEFINITION OF A PELAGIC TRAWL

SUMMARY

At its April 22-27, 1992, meeting, the North Pacific Fishery Management Council (Council) adopted a revision to the definition of a pelagic trawl that is currently in groundfish regulations. The Council also requested the National Marine Fisheries Service (NMFS) to prepare a report that would address performance standards to accompany the definition of a pelagic trawl. In responding to the Council's request, NMFS examined 1991 observer reports to determine whether bottom life forms, other than free swimming fish, were always present or only occasionally present, in groundfish catches by vessels using pelagic trawls. **Information reported by observers shows that, in 14,484 tows using pelagic trawls that resulted in 760,253 metric tons of catch, zero kilograms of bottom life forms were caught. This result suggests that the presence of bottom life forms in pelagic trawl catches rarely occurs. Presence, therefore, of bottom life forms in the cod end of a trawl might be used as a performance standard to accompany a pelagic trawl definition.**

INTRODUCTION

Pelagic trawls are used by fishermen to fish for groundfish, primarily pollock, off Alaska. Foreign, joint venture, and U.S. fishery data indicate that bycatch rates of prohibited species such as halibut and crab are typically small when fishing with pelagic trawls. NMFS understands that the primary reason for the small bycatch rates is because meshes in a pelagic trawl are very large, starting behind the fishing line and extending aft for several meters. When pelagic trawls are fished as designed, most halibut and crab that might have passed over the fishing line are able to escape through the large meshes. Such escape occurs even when the pelagic trawl is fished in close proximity to the sea bed, because the belly of the pelagic trawl rises obliquely aft of the fishing line, providing room under the belly for halibut and crab to escape.

Fishermen are able to fish a pelagic trawl in such a way that causes the belly not to rise obliquely behind the fishing line. Fishermen targeting Pacific cod, for example, may slow their vessel's fishing speed, causing the mesh sizes of a pelagic trawl to collapse. In such cases, insufficient room under the belly of the trawl will exist for halibut and crab to escape. High bycatch

rates of halibut and crab may result.

PURPOSE AND NEED

Major management decisions are focusing on amounts of prohibited species being caught in the groundfish fisheries. Past use of pelagic trawls by U.S. vessels in the pollock fishery resulted in very small bycatches of halibut and crab compared to the use of bottom trawls in which high bycatches of halibut and crab often were caught. Some bycatches of halibut and crab by U.S. vessels using trawl gear, however, continue to be higher than expected in directed fisheries for some of the groundfish target species categories.

NMFS has implemented several recommendations of the Council for management measures that were intended to minimize the catch of halibut and crab by prohibiting the use of bottom trawls while allowing the use of pelagic trawls. Experience has shown, however, that some fishermen have defeated the purpose of a pelagic trawl definition by reconfiguring a bottom trawl in such a way that it strictly met the definition of a pelagic trawl, but still functioned as a bottom trawl. Other fishermen apparently have been able to fish a pelagic trawl in such a way that it can be used to target on groundfish species that normally would be taken with bottom trawls. As a result, bycatches of halibut and crab have been higher than anticipated.

NMFS intends to revise the definition of a pelagic trawl in the groundfish regulations. NMFS is not aware, however, of any pelagic trawl definition that could not be defeated by fishermen by reconfiguring it or simply fishing it differently than designed for purposes of targeting groundfish species normally caught with bottom trawls. As a result, high bycatch rates of halibut and crab are likely to continue, frustrating the overall objective of maximizing groundfish catches within existing prohibited species catch limits.

DESCRIPTION OF THE ALTERNATIVES

Alternative 1 - Status quo.

Under this alternative, the existing definition of a pelagic trawl would be retained.

This definition reads as follows:

> Pelagic trawl means a trawl which does not have discs, bobbins, rollers, or other chafe protection gear attached to the foot rope, but which may have weights on the wing tips and
>
> (1) which has stretched mesh sizes of at least 64 inches,

as measured between knots, starting at all points on the fishing line, head rope, and breast lines and extending aft for a distance of at least 10 meshes from the fishing line, head rope, and breast lines and going around the entire circumference of the trawl, and which webbing is tied to the fishing line with no less than 20 inches between knots around the circumference of the net (Figure 3) and which contains no inserts or collars or other configurations intended to reduce the mesh size of the forward section, or

(2) Which has parallel lines spaced no closer than 64 inches, or a combination of parallel lines and meshes with stretched mesh sizes of at least 64 inches, measured as described above in paragraph (1) of this definition, for a distance of at least 33 feet, and starting at all points on the fishing line, head rope, and breast lines and going around the entire circumference of the trawl

Alternative 2 - Implement the definition a pelagic trawl as recommended by the Council at its April 22-26, 1992, meeting.

Under this alternative, the definition of a pelagic trawl would read as follows:

Pelagic trawl means a trawl which:

1. (a) Does not have discs, bobbins, rollers, or other chafe protection gear attached to the foot rope, but which may have weights on the wing tips, and

(b) Has stretched mesh sizes of at least 60 inches, as measured between knots,

(i) Starting at all points on the fishing line, head rope, and breast lines and extending aft from the fishing circle and going around the circumference of the trawl, and

(ii) Which has the webbing tied to the fishing line with no less than 20 inches between knots around the circumference of the net.

(c) Has stretched mesh sizes of at least 60 inches continuing from the fishing circle,

(i) For a distance equal to or greater than one-half the vessel's length, and

(ii) For an additional distance equal to or greater than one-half the vessel's length has webbing, which shall be stretched measure larger than 15 (possibly 30-inch or 60- inch stretched mesh) inches, and

(iii) Contains no configuration intended to reduce the mesh size of the forward section.

(d) May have parallel lines spaced no closer than 64 inches in the forward section ahead of the required minimum length

of large mesh, but such parallel lines shall not substitute for the required length of large mesh.

(2) Shall be permitted to have small mesh

(a) Within 10 feet of the head rope and breast lines for the purpose of attaching instrumentation and/or lifting devices, e.g. kites or floats.

(b) Within 32 feet of the center of the head rope for the purpose of attaching of instrumentation, e.g. netsounders.

(3) Shall have no more than one each fishing line and/or foot rope, for a total of no more than two (one) weighted lines on the bottom of the trawl between the wing tip and the fishing circle.

(4) Shall have no metallic components except for connectors, i.e., hammerlocks or swivels, aft of the fishing circle and forward of any mesh greater than 5.5 inches stretched measure.

Alternative 3 -- Implement the pelagic trawl definition contained in Alternative 2 and include a performance standard.

Under this alternative, the Council's recommended definition of a pelagic trawl would be proposed in rulemaking. The following performance standard would accompany the definition. The presence of bottom life forms other than free swimming fish in pelagic trawl catches would be used to determine whether the pelagic trawl was fished on the bottom. The presence of such bottom life forms in the trawl catches would be a violation.

DISCUSSION OF ALTERNATIVES.

Alternative 1. The existing definition of a pelagic trawl reasonably depicts a pelagic trawl configuration. Associated with this definition, however, is the definition of a fishing line, which reads:

> "Fishing line means a length of chain or wire rope in the bottom front end of a trawl to which the webbing or lead ropes are attached."

Fishermen have been able to defeat this definition merely by attaching parallel lines in front of an existing bottom trawl, resulting in a configuration that meets the definition of a pelagic trawl with parallel lines. Once the fishing line is no longer in front, it is no longer a fishing line by definition.

Associated with the fishing line is the foot rope, which is defined as follows:

"chain or wire rope attached to the bottom front end of a trawl and attached the fishing line."

Again, once the foot rope is further back in the belly of a reconfigured bottom trawl, it is no longer a foot rope by definition. Fishermen have been able to use these reconfigured trawls, which strictly met the definition of a pelagic trawl, to trawl for groundfish species, e.g. Pacific cod, which normally are caught with bottom trawls, in areas where the use of bottom trawls was prohibited. High bycatch rates of Pacific halibut and crab continued as a result, defeating the purpose of regulations intended to prohibit bottom trawling for purposes of minimizing bycatches of halibut and crab while still allowing pelagic trawling for pollock.

Alternative 2. The Council's recommended definition of a pelagic trawl may address the weaknesses identified with the existing definition. Prohibiting the use metallic components except for connectors aft of the fishing circle ought to solve the problem discussed above in which fishermen are able to attach inserts in front of bottom trawls for purposes of meeting the pelagic trawl definition.

NMFS is not certain, however, whether fishermen would not be able to fish a pelagic trawl in such a way that it still could function as a bottom trawl. NMFS also is not certain whether fishermen would not be able to attach heavy, non-metallic components aft of the fishing circle in such a way to cause a pelagic trawl to function as a bottom trawl. If fishermen are able to use a pelagic trawl, as defined by the Council, for groundfish species that normally are caught with bottom trawls, the purpose of regulations that are intended to minimize high bycatch rates of halibut and crab would be defeated.

Alternative 3. Fishermen, who use pelagic trawls in the midwater directed pollock fishery, catch very small amounts of bottom dwelling life forms, except free swimming fish. Fishermen using bottom trawls, or cause pelagic trawls to fish for groundfish species that normally are caught with bottom trawls, catch large amounts of such bottom dwelling life forms. NMFS proposes, therefore, to implement a performance standard to accompany the Council's definition of a pelagic trawl. The presence of bottom dwelling life forms in trawl catches when bottom trawling is prohibited would be a violation.

NMFS proposes this performance standard after reviewing 1991 information about pelagic trawl catches contained in NMFS observer reports. This information is summarized in the table below. Out of a total of 14,591 tows with pelagic gear, 99 percent, or 14,484 tows, resulted in catches of zero amounts of bottom dwelling life forms. The total catch reported by observers in ~~14,220~~ 14,484 tows was

763,985 mt.

Summary of 1991 observer reports showing catches with pelagic trawl gear in the Bering Sea and Aleutian Islands area.

No. of tows (pelagic trawls)	Total catch (mt)	Total bottom catch (kilograms)	Halibut bycatch bycatch (mt)
14,484	760,253	0	609
61	1,487	< 50	5
14	383	50 < 100	1
15	745	100 < 250	3
8	538	250 < 500	<1
9	579	> 500	<1

NMFS believes that available information indicates that a performance-based definition of a pelagic trawl has merit. The vast majority of tows with pelagic trawls results in no bottom dwelling life forms, and therefore, fishermen ought to be able to prosecute the midwater pollock fishery without violating the performance standard that would accompany the definition.

NMFS believes that the accompanying performance standard must be simple, and therefore, recommends only that the presence of bottom dwelling life forms in pelagic trawl catches would constitute a violation when bottom trawling is prohibited. NMFS does not recommend a rate-based standard that would rely on amounts of groundfish caught. Such a standard would require observers to partially sample whole hauls for purposes of obtaining proportions that would be statistically valid. NMFS anticipates that a rate-based standard administratively would be too cumbersome to implement.

At the same time, NMFS believes that a performance-based definition should not result in "instant bandits". When thousands of tows are made with pelagic trawls while fishing for pollock, an occasional bottom dwelling life form may be caught. For example, the data in the above table shows that the presence of bottom dwelling life forms occurred in only 2.5 percent of the total hauls when using pelagic trawls.

The Council might consider, therefore, providing a small allowance to account for the frequency of the presence of bottom dwelling life forms in the codends. The Council, for example, could recommend that a violation would take place only if 5 percent or more of the total number of observed hauls during a reporting week resulted in the presence of bottom dwelling life forms. The presence of fewer than 5 percent of the hauls during a reporting week would not constitute a violation. Vessel operators, therefore, would have opportunity to adjust their fishing methods when using pelagic trawls and avoid being in violation at end of a reporting week.