DRAFT AGENDA

Joint Session
of the
North Pacific Fishery Management Council
and the
International Pacific Halibut Commission
January 17, 1990

I. NPFMC Chairman - Welcoming Remarks

II. IPHC Chairman - Introductory Remarks

III. Issues of Mutual Concern

1. Area 4C (Pribilof Islands) 10,000 lb. trip limit extension.
2. Fishing seasons in Areas 4B and 4C.
3. Experimental fishery in Bristol Bay Closed Area.
4. Halibut bycatch issues.
5. Halibut limited access.

IV. Concluding Comments

MEMORANDUM

TO: Council, AP and SSC Members

FROM: Clarence G. Pautzke
Executive Director

DATE: January 10, 1990

SUBJECT: Halibut Management

ACTION REQUIRED

(a) Discuss with IPHC Commissioners management issues of mutual concern.

(b) Consider rescheduling to April the initial limited access considerations for halibut. Refine alternatives as appropriate.

BACKGROUND

(a) Joint Session with IPHC Commissioners

Last January, the Council met jointly with the IPHC Commissioners to discuss long-term management options for the halibut fishery and other issues of mutual concern. It was a productive meeting for both agencies, and it was agreed that future joint sessions should be planned on an annual basis. This year's joint session will focus on several issues of mutual interest.

1. Area 4 Halibut Fisheries [see map under item C-6(a)].

Area 4A - Vessel clearances are required for non-local vessels before fishing in this area and before unloading halibut. Vessel clearances can only be obtained in Dutch Harbor or Akutan. This measure does not have an expiration date.

Area 4B - The Council approved a series of early openings for Area 4B in 1988 effective for the 1989 and 1990 seasons. The 1990 early openings were reaffirmed by the Council at its December 1989 meeting and have been included in the IPHC staff recommendations for the 1990 fishery [see item C-6(b)]. This allocational measure will expire at the end of 1990. Area 4B non-local fishermen must obtain vessel clearances, a measure which does not expire.

Area 4C - In December 1989, the Council approved an amendment to the halibut fishing regulations to impose 10,000 lb. trip limits on the entire quota for Area 4C beginning in

1990. Vessel clearance requirements for non-local vessels also are in effect for this area. Both regulatory measures have no expiration date. The Council also asked for a June 25 opening date in 1990; IPHC staff has concurred.

Area 4D - Currently, non-local vessels must obtain vessel clearances; this measure does not expire.

Area 4E - In December 1987, the Council imposed 6,000 lb. trip limits for the entire quota in Area 4E commencing with the 1988 season. Vessel clearances are also required of non-local vessels. Both regulatory measures do not expire.

Closed Area - No halibut fishing is permitted in the Closed Area (Bristol Bay). However, over the past several years the Council has received proposals to permit a commercial fishery in the Closed Area [see item C-6(c)]. In 1989, the Council recommended to IPHC that a fishery be considered if no conservation issues would constrain such a fishery.

2. Halibut Bycatch Management in North Pacific Groundfish Fisheries.

The Council has implemented several management measures designed to reduce the incidental mortality of halibut in the directed groundfish fisheries in the Gulf of Alaska and the Bering Sea/Aleutian Islands. Specific Prohibited Species Catch (PSC) mortality limits are set for each management area. In recent years, IPHC staff have worked closely with the Council in developing new measures to further minimize such bycatch. Recent recommendations from the Council follow.

Gulf of Alaska

Amendment 18 to the Gulf groundfish Fishery Management Plan (FMP) established halibut mortality limits of 2,000 mt by trawl fisheries and 750 mt by longline and pot fisheries. This measure is effective only for 1990; the halibut PSCs will be apportioned quarterly, by gear group.

For 1991 and beyond, the halibut mortality limits will be frameworked with limits established for both trawl and fixed gear fisheries. The Council's Plan Amendment Advisory Group (PAAG) has recommended analysis of several new measures for possible amendments to the Gulf plan or regulations.. These include apportionment of halibut PSC by fishery, by season, and by individual operation. The PAAG also recommended analyzing a measure to establish a PSC reserve system and to permit retention of halibut in longline groundfish fisheries. If approved at this meeting, these measures will be developed and analyzed in the next several months, with final Council approval in June 1990.

Bering Sea/Aleutian Islands

Amendment 12A to the BSAI FMP prescribes a halibut mortality cap of 4,000 mt in the BSAI management areas. This measure expires at the end of 1990. The Council's PAAG has recommended as its highest priority in the current FMP amendment cycle the development of a new bycatch management regime for the BSAI for 1991 and beyond. A review of bycatch management alternatives is under item D-1(a)(3). A recent proposal from the IPHC is under item C-6(d).

Other Bycatch Issues

The Council believes that gear modifications may be an appropriate measure to minimize halibut bycatch in certain groundfish fisheries. Such measures as requiring "tara" style brittle hooks or malleable, bendable hooks may cause large halibut to fall off at the rail and thus limit mortality in cod and sablefish fisheries. Pots rigged to minimize halibut entry may be effective in cod pot fisheries. Agenda D-1(c) reviews the current status of Council action on groundfish pots rigged to minimize halibut bycatch.

IPHC and Council staff have begun a series of work sessions with groundfish fishermen to discuss halibut bycatch and mortality rates. A workshop on halibut mortality was held during the Council's September 1989 meeting to explain current data on mortality rates, and to seek fishermen's ideas on minimizing injury to halibut released during groundfish fisheries. A second workshop will be presented in the near future on halibut bycatch, asking fishermen to share ideas on how to minimize incidental take of halibut.

Additional research is needed on gear modifications and to monitor halibut condition when released and how this relates to actual mortality. The Council's observer program, which is now underway in the GOA and BSAI, should provide very valuable data on bycatch and mortality rates. However, specific research on mortality of halibut released from trawl, longline, and pot fisheries, similar to that conducted by Hoag many years ago, should be pursued.

(b) Future Halibut Management Planning

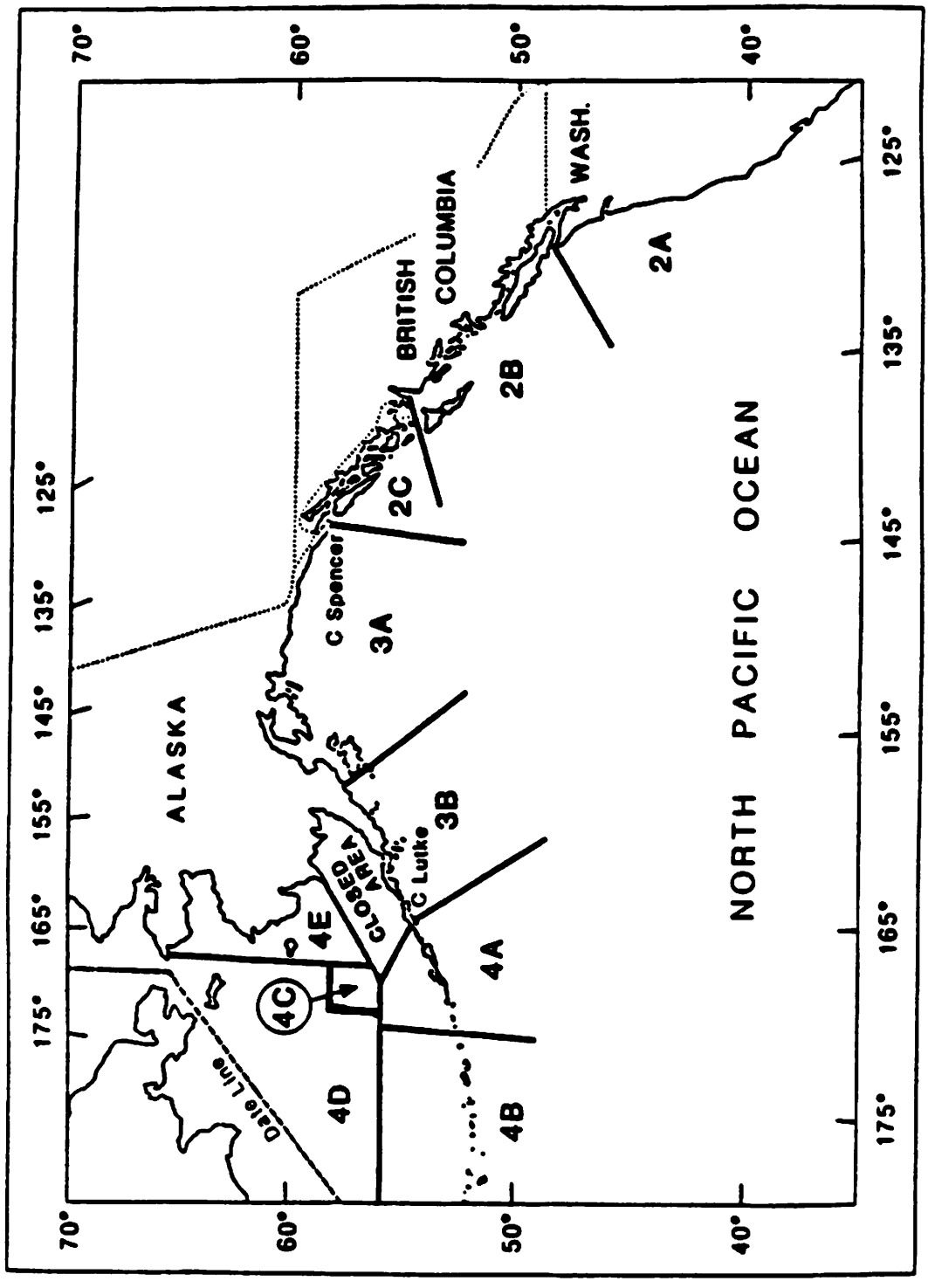
It's taken an inordinate amount of time to finish up the sablefish analysis in response to comments from reviewers. And though the IPHC staff has contributed a great deal of time to the halibut analysis, I have not been able to divert our staff's time to it yet.

So, how do we proceed from here? That will depend greatly on the Council's decision on sablefish. If the Council chooses status quo for sablefish, do they still want to proceed with halibut and expend the necessary staff resources in light of other pressing problems?

If the Council chooses an alternative other than the status quo, the final analysis of the specific configuration and the draft regulations may need to come back for a final pass in April. Finalizing the analysis and helping with the draft regulations will take time and staff energy.

This leaves the analysis for halibut hanging until I can redirect staff effort. How fast we can move on it will depend in part on my quickly filling our vacant economist position. It will also depend on how much the Council can narrow the alternatives. Hopefully, after the sablefish decision is completed, the Council will be able to greatly refine the halibut options in item C-6(e).

One final note. If the halibut analysis goes out to public review this spring and a final decision is set for June, we ought to ask IPHC to schedule halibut openings not to interfere with our meeting the week of June 24.



Regulatory areas for the Pacific halibut fishery.

AGENDA C-6(b)
JANUARY 1990

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INTERNATIONAL PACIFIC HALIBUT COMMISSION

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

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DEC 26

ACTION	ROUTE TO	INIT
	Exec. Dir.	
	Dep. Dir.	
	Admin. Off.	
	Exec. Sec.	
	Sec./Typist	

December 18, 1989

Dear Sir:

Enclosed is a summary of preliminary staff proposals for regulation of the 1990 Pacific halibut fishery.

If you have any questions about the proposals, please let me know as soon as possible. There will be full opportunity for discussion on these and other proposals during the Annual Meeting.

Sincerely yours,

Stephen H Hoag

Stephen H. Hoag
Assistant Director

jdf

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INTERNATIONAL PACIFIC HALIBUT COMMISSION
DECEMBER 1989

Preliminary Stock Assessment

As predicted last year, halibut stocks continued to decline in 1989 at a rate of about 10% per year. Stocks are still in relatively good condition in most areas but well below their 1986 peak.

The staff's assessment continues to be based primarily on the age composition of the landings and to a lesser extent on catch per unit effort (CPUE) data from fishermen's logbooks. In the past, total biomass was calculated and then a separate procedure was used to distribute it among management areas. In contrast, this year's estimate of biomass and yield is based on an independent analysis for each area. The staff believes that the past procedure resulted in higher than desirable exploitation rates for some areas. In particular, the staff is concerned for stocks in those areas where total exploitation rates have been well over the 40 percent level in recent years. If the recruitment of young fish continues to decline, as is expected over the next several years, these areas will be more vulnerable to a major reduction in stocks than other areas.

A summary of the estimated stock biomass (exploitable adult stock only) in each area along with the CPUE, median age of fish in the catch, and the exploitation rates is provided below:

	IPHC Regulatory Area					
	2A	2B	2C	3A	3B	4
Estimated Biomass in 1990 (millions of pounds)	1.5	29.8	32.9	132.8	23.1	12.9
1989 Commercial Fishery CPUE (lbs per skate)	135	168	234	327	412	306
Median age in the 1989 commercial fishery (years)	10	11	12	11	11	12
Exploitation Rates:						
Commercial Fishery	0.31	0.34	0.31	0.26	0.26	0.38
Total Removals*	0.59	0.43	0.41	0.36	0.33	0.46

*Includes recreational harvest, bycatch, and waste from the commercial fishery.

Preliminary Recommendations

Catch Limits

The staff's management goal for catch limits is based primarily on taking 35% of the estimated biomass in each area, including bycatch and recreational harvest. However, the staff recognizes that stability in the landings is also important to the fishing industry.

The staff recommendations include a range of catch limits that incorporate the assessment results as well as the Commission's objective of stable harvest levels. (The range consists of this year's stock assessment results and a midpoint between the 1989 catch limit and the current forecast for the 1991 catch limit). It must be kept in mind that setting catch limits in 1990 at the upper end of the range increases the risk of stock decline, and may cause catch limits in 1991 and beyond to be reduced even further than indicated.

The staff recommendation for the commercial fishery, the 1989 catch limits, last year's forecast for 1990, and a forecast for 1991 are provided below:

	IPHC Regulatory Area						
	2A*	2B	2C	3A	3B	4	Total
	(millions of pounds)						
1989 catch limit	0.65	10.0	9.5	31.0	8.5	5.0	64.65
Last year's forecast of the 1990 catch limits	0.6	7.8	7.4	26.3	8.9	4.8	55.80
Current staff recommendations for 1990 catch limits	0.42**	7.8**	8.0**	30.4	6.4**	3.5**	56.52
	0.52	8.5	8.4	33.0**	7.2	4.1	61.72
Current forecast of 1991 catch limits	0.39	7.0	7.2	29.7	5.8	3.2	53.29

*Includes the recreational fishery.
**Catch limits based on results from this year's stock assessment.

Fishing Periods

A proposal for 1990 fishing periods is provided in the attached table and figure. The staff does not consider the dates of the fishing periods to be of significant

biological concern, and the proposal is intended to serve as a starting point for discussions within the halibut industry. Factors considered in developing the proposal include:

1. Stay within the catch limit.

2. Avoid fishing on high tides.

3. Avoid landings on holidays.

4. Spread landings throughout May-September while avoiding major landings during salmon and herring seasons.

5. The U.S. has the first fishing period in even years, the Canadians in odd years.

6. Close the Alaska periods on Tuesday and the Canadian periods on Sunday to facilitate marketing.

7. Accommodate allocative regulations by the Pacific and North Pacific Fishery Management Councils.

The staff proposal includes a 48-hour fishing period in Areas 3A and 3B in May to reduce the possibility of fishing in October when weather conditions tend to be poor.

Proposal to Divide Area 2A

At the 1989 Annual Meeting, the Oregon Department of Fish and Wildlife asked the Commission to review appropriate biological and fishery data to determine if Area 2A should be subdivided into separate management areas.

The Staff has completed its review and determined that exploitation rates in recent years have probably been higher in the northern part of Area 2A than in the southern part. However, the Staff does not consider subdivision to be imperative, because any increase in total yield from the resource as a result of subdivision is probably small. Also, additional costs could be incurred because the scientific basis for determining resource distribution and catch limits in the subareas is not precise. A subdivision would create pressure to collect additional data to perform separate stock assessment for each of the subareas.

Therefore, the staff recommends that Area 2A not be subdivided at this time.

Pacific Fishery Management Council Allocation of Area 2A Catch Limit

The Pacific Fishery Management Council has been reviewing allocation of the Area 2A catch limit among the recreational, treaty Indian, and non-treaty commercial fisheries. The Council's recommendation to IPHC will be adopted in a telephone conference call in early January, 1990. A copy of the proposed options may be

obtained by calling the Council office in Portland, Oregon at (503)326-6352.

North Pacific Fishery Management Council Allocation of Area 4B and 4C Catch Limits

In response to a request from the North Pacific Fishery Management Council, the Commission is proposing a series of short openings for Area 4B prior to the major opening in late July. The North Pacific Fishery Management Council decided at its December meeting to recommend to the U.S. Secretary of Commerce that a fishing period limit of 10,000 pounds be applied to the entire Area 4C catch limit. In 1989, the fishing period limit was 10,000 pounds for the first half of the catch limit and 20,000 pounds for the second half.

Miscellaneous

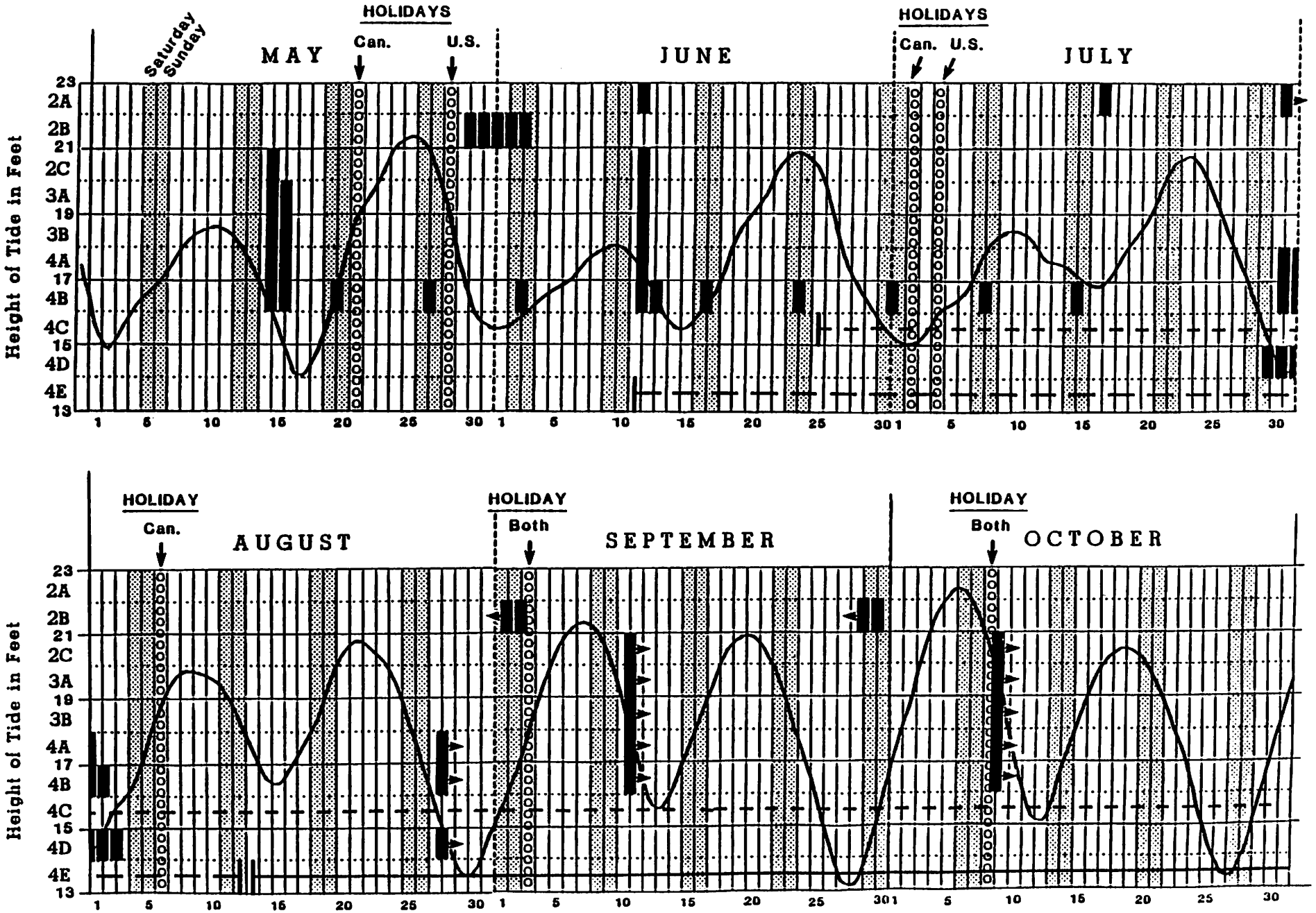
The staff recommends that other 1990 regulations controlling such items as gear restrictions, size limits, closed areas, and the recreational fishery, remain the same as in 1989.

Recommended 1990 Fishing Periods

Area	Dates	No. Days
2A	6/11-12	1
	7/16-17	1
	7/30-*	
2B	5/29-6/3	5
	*-9/3	
	*-9/30	
2C	5/14-15	1
	6/11-12	1
	9/10-*	
	10/8-*	
3A,3B	5/14-16	2
	6/11-12	1
	9/10-*	
	10/8-*	
4A	5/14-16	2
	6/11-12	1
	7/30-8/1	2
	8/27-*	
	9/10-*	
	10/8-*	
4B	5/14-16	2
	5/19-20	1
	5/26-27	1
	6/02-3	1
	6/11-13	2
	6/16-17	1
	6/23-24	1
	6/30-7/1	1
	7/07-8	1
	7/14-15	1
	7/30-8/2	3
	8/27-*	
	9/10-*	
	10/8-*	
4C	6/25-10/31	1 day open/ 1 day closed
4D	7/29-8/3	5
	8/27-*	
4E	6/11-8/12	2 days open/ 1 day closed
	8/13-10/31	open continuously

*Closing (or opening) date to be determined

1990 Serdovia High Tides



BRISTOL BAY HALIBUT COOP
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December 27, 1989

Clarence G. Pautzke, Executive Director
NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
P.O.Box 103136
Anchorage, Alaska 99510

Dear Mr. Pautzke:

We appreciate the Council's efforts to deal with our proposal for a small boat, near shore Bristol Bay halibut fishery. According to your letter of October 5th to the International Pacific Halibut Commission (IPHC), it appears the NPFMC will support a small fishery in 1990 if there is no conservation problem.

Backup information regarding our halibut proposal was submitted to you last fall. Since then, we have become even more aware of the enormous amounts of bycatch of halibut which continues. We understand through the approval of preseason apportionments of halibut bycatch between the DAP and JVP fisheries in the Bering Sea/Aleutian area (Zone 1 and 2) that incidental mortality can reach upwards of 12 million pounds, round weight.

We also understand that most incidental mortality impacts the juvenile halibut. It is our position that the IPHC must not view our proposal as potentially detrimental to the juvenile stocks of halibut in the nursery area. In fact, according to the 1987 survey conducted by the IPHC, in the conclusion section it states that a small stock of legal sized halibut inhabits Bristol Bay. This is the stock of halibut which we would like to target on and derive economic benefit for our area.

Although the Bristol Bay area is a juvenile nursery area, we believe catches of sublegal halibut will remain small. The selective properties of No. 3 and No. 5 circle hooks will insure this.

Again, please understand that it is hard for us to understand the biological and conservation rationale for any denial of a small halibut fishery in Bristol Bay. If possible, it is my hope that the Council will pressure the IPHC to allow this fishery.

It is our understanding that our proposal will be discussed in a joint meeting between the NPFMC and the IPHC January

17, 1990 at Anchorage. Representatives from our cooperative will attend this meeting. If we are allowed opportunity for public testimony at this meeting, we will be glad to do this and answer any questions.

Thank you.

Sincerely,

William H. Nicholson,
Steering Committee Member

AGENDA C-6(d)
JANUARY 1990

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AND THE UNITED STATES OF AMERICA

ACTION ROUTED TO

JAN 8

cc: Hw, Bw

January 3, 1990

Dr. Clarence Pautzke
North Pacific Fishery Management Council
PO Box 103136
Anchorage, AK 99510

Dear Clarence:

The IPHC staff has prepared a slightly revised version (enclosed) of the Bering Sea-Aleutian Island bycatch management proposal that we submitted in June, 1989. The new version addresses the mandatory observer program now scheduled for 1990, and offers alternatives as a backup to the incentive program that we still prefer. We will make copies of our proposal available to the Plan Amendment Advisory Group at its meeting on January 4, 1990.

We read with interest a recent letter to the Council from Steve Pennoyer, NMFS Alaska Regional Director, recommending future considerations for bycatch management. Dated September 15, 1989, the letter was a status report on bycatch management that emphasized potential problems in moving directly to an incentive program, given logistic, legal, and data uncertainties. The letter recommended considering a continuation of a modified Amendment 12A until an incentive program could be more fully evaluated after 1990 observer data are available. We recognize the peril of moving too quickly with plans that have not been fully developed. However, we have given considerable thought to the problems mentioned in Mr. Pennoyer's letter, and believe that solutions to many of them that may be at hand should be analyzed during this amendment cycle. Our staff will work closely with the staffs of the Council and the Region to develop our ideas more fully. We strongly recommend that the Council direct the BS-AI and Gulf of Alaska Plan Teams to proceed with evaluation of incentive programs for Amendments to both Fishery Management Plans.

While we strongly support the PSC concept, we believe that Amendment 12A has two serious problems that reduce its benefit for halibut bycatch management. First, amendment 12A is based in part on closures for subareas of the BS-AI. Our analysis has indicated that INPFC areas used for BS-AI management are not effective for management of halibut bycatch. Second, the race for fish under the Olympic system causes bycatch rates higher than necessary for effective groundfish harvest, because groundfish fishermen cannot afford to reduce bycatch rates at the expense of competitiveness.

Under Amendment 12A, groundfish fishermen and directed halibut fishermen stand to lose harvest. We believe that the incentive concept described in our proposal improves the situation for both groups. We recognize that an optimum incentive program will take time to fine tune, but encourage the Council to move forward with incentives in its thoughtful and deliberate manner.

Sincerely,

Donald A. McCaughran
Director

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cc: Commissioners
PAAG

RECOMMENDATIONS FROM THE INTERNATIONAL PACIFIC HALIBUT COMMISSION FOR LONG TERM MANAGEMENT OF PACIFIC HALIBUT BYCATCH IN THE BERING SEA[1]

Robert J. Trumble and Stephen H. Hoag

December, 1989

The International Pacific Halibut Commission (IPHC) Staff has concluded that the bycatch management for Pacific halibut in Amendment 12A to the Bering Sea-Aleutian Islands Groundfish Management Plan should not be adopted on a permanent basis. The present system could result in either a loss of groundfish production or unnecessarily high halibut bycatch. The concept needs to be modified to account for the 1990 groundfish observer coverage and the Olympic style DAP fishery.

Our primary objective for long term halibut bycatch management in the Bering Sea-Aleutian Islands is to develop a process that would provide the maximum amount of groundfish harvest with the minimum disruption to the industry, while staying within a PSC limit set by the North Pacific Fishery Management Council. We believe that the concepts in this proposal will benefit both the groundfish and halibut longline industries, and will be compatible with bycatch management that may be developed for red king crab and Tanner crab. We also believe that these concepts should apply to the Gulf of Alaska. Our preferred approach is to provide incentives to groundfish fishermen to reduce bycatch mortality to increase the amount of groundfish harvested for a given amount of halibut bycatch. This approach requires closing the Bering Sea when a bycatch limit is reached. However, the same concepts can be applied in a manner that restricts the groundfish fisheries to minimize halibut bycatch without the need to close the fisheries upon reaching the limit. We believe that the second approach is less efficient and less direct, and much less desirable than the preferred one.

The IPHC manages the Pacific halibut resource as a single stock, because egg and larval drift and counter migration by juvenile fish apparently cause homogeneity in the resource that prevents development of separate populations. Unit management of the Pacific halibut justifies a single prohibited species catch (PSC) limit for the Gulf of Alaska and Bering Sea-Aleutian Islands (BSAI). In this way, effects of bycatch on the directed Pacific halibut fishery may be considered in a consistent way. Even so, the different natures of groundfish fishing in the Gulf of Alaska and BSAI will require some different bycatch management procedures.

The immediate Pacific halibut bycatch problem for Alaska waters is the temporary nature of Amendment 12A to the BSAI Groundfish Fishery Management Plan, which is due to expire no later than the end of 1990. A plan to replace 12A is due for discussion at the June, 1989 North Pacific Fishery Management Council meeting. This document is background for the IPHC Staff position on measures to control halibut bycatch. It contains justification for selecting a single Pacific halibut PSC value for Alaska waters, and management measures for controlling Pacific halibut bycatch in the BSAI. These bycatch management

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[1]This is a revised version of the Bering Sea bycatch management proposal submitted to the North Pacific Fisheries Management Council in June, 1989.

concepts are also appropriate for the Gulf of Alaska.

Pacific Halibut PSC Limit

Halibut are managed as a single population throughout their range, although catch is apportioned to management areas according to distribution of exploitable biomass. Bycatch in the BSAI affects directed halibut fishing in the Gulf of Alaska and areas to the south more than in the Bering Sea because of migration of juveniles out of the Bering Sea. We strongly recommend that future bycatch management be constructed for all Alaskan waters as a unit so that the bycatch impacts can be treated consistently.

Recent coast-wide halibut bycatch mortality has ranged from about 4,200 mt (round weight) in 1986 to a projected 8,300 mt in 1989 if the 5333 mt BSAI PSC limit experiences 100% mortality[2]. This bycatch range reduces the directed halibut harvest by roughly 6,600 mt to 13,200 mt. A portion of the reduction is applied to the Bering Sea, Gulf of Alaska, British Columbia, Washington, Oregon, and California waters. These bycatch values have a major effect on the directed halibut fishery.

We have recommended in previous correspondence that halibut bycatch mortality remain at status quo levels until objective criteria are developed to justify an increase or decrease. For the five years of 1983 to 1987, total halibut bycatch mortality in Alaskan waters has averaged about 4,700 mt, and averaged about 6,000 mt for the 10 years period 1978 to 1987. Of this mortality, the Bering Sea has accounted for 2,800 and 3,200 mt for the five and 10 year averages, respectively. Bycatch estimates for 1988 and 1989 are substantially higher than during the preceding decade. Groundfish harvest and estimated halibut bycatch are presented in Table 1.

We believe that 6,000 mt of halibut bycatch mortality for Alaskan waters is too high, and that in no case should the Alaskan halibut bycatch mortality upper limit be higher than 6,000 mt. The halibut resource rebuilt and the directed fishery grew at this level of bycatch. The TALFF and JVP fisheries harvested their apportionments with bycatch significantly below 6,000 mt, a level that provides adequate bycatch for the domestic groundfish fisheries. Bycatch in the Gulf of Alaska and the Bering Sea is linked in its effect on the directed halibut fishery. Increases in one area should be balanced by reductions in the other, not to exceed whatever total bycatch cap the Council may set.

Bycatch Management Measures

Background. A report by Dr. William Clark, IPHC Biometrician, concludes that species composition is an important predictor of bycatch, and suggests that area-time restrictions are of limited value. Although further analysis may

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[2]The industry agreement that recommended 5333 mt of halibut bycatch was based on an assumed discard mortality rate of 75%, leading to a target mortality of 4000 mt. However, no scientific data have been presented in support of a 75% mortality rate. The IPHC and the BSAI Groundfish Team use estimates of 100% mortality based on characteristics of the DAP trawl fishery in the BSAI. These characteristics include large catches, sorting below decks, slow sorting, and long time on deck before discard.

identify areas and times for which restrictions may be appropriate, the present analysis suggests that other options may be more useful in reducing bycatch. A model to predict bycatch from species composition of pollock, Pacific cod, yellowfin sole, and other flatfish (based on 1986-1988 JVP bycatch data) has been developed by a working group of NMFS and IPHC (report in preparation). The model determines coefficients to convert quantity of harvest by species into estimates of bycatch, and converts groundfish catch (mt) into Pacific halibut bycatch (kg) according to the following formula[3]:

Halibut = 2.9058*pollock + 11.0030*P.cod + 0.6456*YFS + 6.9681*other flat.

The model appears to be appropriate for both the JVP and DAP fisheries,although incomplete information on DAP discard of unutilized groundfish will detract from accuracy of the model results.

Applying species-specific coefficients from this model to 1989 TAC values set by the Council provides the following estimate of Pacific halibut bycatch (mt), using an extreme assumption that all groundfish will be harvested by bottom trawl:

Species	1989 TAC	Bycatch
Pollock	1,340,000	3,894
P. cod	230,681	2,538
YFS	182,675	118
Other flats	165,945	1,156
Total	1,919,301	7,706

The 1988 PacFIN data show that virtually the entire TAC was harvested, and that longline harvest was minimal:

Species	Trawl (mt)	Longline (mt)	Total (mt)
Pollock	1,359,955	93	1,360,048
P.cod	194,994	2,569	197,563
Other	416,921	6,345	423,266
Total	1,971,870	9,007	1,980,877

Two species are of special concern: 1) pollock because the large harvest volume

[3]A more detailed form of this procedure (Berger, J. D., R. F. Kappenman, L.L. Low, and R. J. Marasco. 1989. Procedures for bycatch estimation of prohibited species in the 1989 Bering Sea domestic trawl fisheries. NOAA Tech. Memo. NMFS F/NWC-173) provides development of the model and coefficients for the model on a quarterly basis.

by bottom trawling causes high bycatch in spite of moderate bycatch rates; and 2) Pacific cod because the high bycatch rates cause high bycatch in spite of moderate harvest volume. A large reduction of Pacific halibut bycatch would accrue from harvesting pollock by midwater trawl rather than bottom trawl. The following schedule demonstrates Pacific halibut bycatch reductions as pollock harvest shifts from 100% bottom trawl to midwater trawl:

% midwater	midwater harvest (mt)	bycatch reduction (mt)
10	140,000	407
25	350,000	1017
50	700,000	2034

A similar schedule shows Pacific halibut bycatch reduction from a TAC reduction in Pacific cod, or reduction in Pacific cod bycatch rates of Pacific halibut.

% Reduction	New TAC (mt)	New Bycatch	Bycatch Reduction
10	210,000	2310	220
25	170,000	1870	660
50	120,000	1320	1210

The IPHC staff has developed recommendations for controlling Pacific halibut bycatch that are designed to provide the maximum amount of groundfish for harvest, and the least disruption to normal operations, while staying within a halibut PSC limit set by the Council. The basic premise is to provide incentives for reduced bycatch rates, and rewards of increased harvest for operations that reduce bycatch. Rewards may take the form of additional fishing time within a fishery/gear PSC allocation, or shift from one fishery/gear to another that can demonstrate lower bycatch and mortality rates.

Recommendations for managing with a PSC limit.

1. Subdivide the BSAI pollock TAC so that a minimum of 50% will be harvested by midwater trawl. A fishery early in the year when pollock are schooled for spawning will encourage midwater trawling, and a requirement that the species composition be greater than 95% pollock will assure off bottom trawling. Pacific halibut bycatch will be reduced by about 2,000 mt (from an all-trawl baseline) by this action alone.

2. Provide "bycatch credit" and additional fishing time for operations that demonstrate low bycatch rates. Manage the BSAI bottom trawl fisheries for a halibut PSC limit set by the Council, allocated from the total Alaska PSC

limit. For fisheries with 100 percent observer coverage, establish a check point procedure that would exclude fishermen with bycatch rates above threshold values. For fisheries with partial observer coverage, close the fishery when the model predicts the PSC limit is reached. If observers demonstrate that bycatch rates are less than average, those operations that take the observers may continue to fish until the observed Pacific halibut savings are accounted for. For example, an operation that fished at an observed rate such that 100 mt less halibut were caught than predicted by the species composition, could fish for an additional 100 mt of observed halibut bycatch. This provides an incentive both to take observers and to fish cleanly. To prevent exceeding the PSC limit, closing the groundfish fisheries before actually reaching the PSC limit (perhaps at 90% of the limit) is necessary. The operations without observers presumably fish at higher bycatch rates (take more bycatch than predicted) than operations that take observers, and raising the amount of bycatch in the observed group will increase the bycatch above the PSC limit. Redesigned bottom trawls can be made to reduce bycatch rates.

3. Manage fixed gear to minimize bycatch and discard mortality rates. If these rates produce less bycatch mortality than do bottom trawl rates, then shift TAC from bottom trawl in a manner consistent with Council allocation policies. For example, require longline fisheries for groundfish to use light gangions and light hooks to reduce the bycatch rates of Pacific halibut. Similarly, groundfish pots equipped with Pacific halibut exclusion devices appear to fish with low bycatch rates. These fixed gear fisheries are minimal at present, but have potential for growth, especially for Pacific cod. A policy rewarding lowest bycatch mortality would encourage pot and longline fisheries to develop if they can demonstrate low bycatches, and would provide incentive for the trawl industry to fish at cleaner rates or with less discard mortality to prevent reallocation of TAC.

Recommendations for managing without a PSC limit

If the bycatch management measures 1-3 above are insufficient or cannot be implemented, or if measures are desired that will not require total closure of the Bering Sea-Aleutian Islands to groundfish fishing, we have identified alternatives to our preferred proposal. We view the following measures as the best opportunity for reducing bycatch, but with increasingly severe restrictions:

a. Require a minimum of 75% of the pollock fishery to occur with midwater trawl. This would probably make the directed pollock fishery midwater trawl, with the remaining 25% reserved as bycatch in other fisheries, but would reduce Pacific halibut bycatch by about 2,900 mt compared to a 100 percent bottom trawl baseline.

b. Require that groundfish harvest by bottom trawl be sorted on deck, with Pacific halibut discarded over the side in 30 minutes or less. This would reduce bycatch mortality by about 50 percent, or 1,600 mt, compared to status quo.

c. Allocate 50,000 mt of Pacific cod to halibut-excluding pots or other gears with low bycatch mortality. This would reduce bycatch by about 450 mt compared the same quantity of Pacific cod caught with bottom trawling.

d. For the bottom trawl pollock and Pacific cod fisheries, require bottom trawl gear that has been demonstrated to reduce Pacific halibut bycatch rates.

This requirement may cause a short term reduction of pollock and Pacific cod harvested because of time needed to develop and test the modified trawl.

e. Reduce TAC of species with high bycatch mortality to keep mortality within limits set by the Council.

Summary

The IPHC Staff has recommended a 6,000 mt upper limit for the Pacific halibut PSC limit in Alaska waters, to be apportioned between the BSAI and the Gulf of Alaska. Time-area closures do not seem to provide sufficient control of bycatch, so bycatch management measures evaluated by the staff emphasize direct accounting.

Our proposal strives to maximize groundfish harvest and minimize disruptions to the fishery for a given level of PSC set by the Council. We propose requiring that at least 50% of the pollock harvest occur with midwater trawl, that the bottom trawl fishery close when the model predicts that the PSC limit has been reached, and that bottom trawl operations with voluntary observers that demonstrate that bycatch rates are lower than predicted be allowed to continue fishing after the closure until the bycatch savings are used. Groundfish longline fisheries would be required to use light gangions and hooks, and pots would need halibut exclusion devises. Several additional measures were identified in case the predictive model is not used for closing the groundfish fisheries, or if additional halibut bycatch reductions are necessary. The additional measures will reduce bycatch, but we consider them to be less desirable because of difficulty in implementation or increased costs relative to our primary proposal.

Table 1. Groundfish catch and Pacific halibut bycatch mortality in the Gulf of Alaska and Bering Sea/Aleutian Island regions, 1978-1989. Data for 1988 and 1989 are preliminary.

Year	Gulf of Ak. Groundfish Catch (mt)	Gulf Bycatch Mort. (mt)[1]	BS/AI Groundfish Catch (mt)	BS/AI Bycatch Mort. (mt)[1]	Total Groundfish Catch (mt)	Total Bycatch Mort. (mt)[1]
1978	171,000	3,180	1,386,000	3,029	1,557,000	6,209
1979	173,000	4,545	1,289,000	3,269	1,462,000	7,814
1980	215,000	4,595	1,334,000	5,570	1,549,000	10,166
1981	255,000	4,095	1,366,000	3,865	1,621,000	7,960
1982	236,000	3,784	1,322,000	2,869	1,558,000	6,653
1983	299,000	3,134	1,383,000	2,575	1,682,000	5,709
1984	357,000	2,382	1,609,000	2,830	1,966,000	5,211
1985	329,000	1,133	1,766,000	2,538	2,095,000	3,671
1986	142,000	934	1,742,000	3,363	1,884,000	4,297
1987	142,000	2,061	1,708,000	3,461	1,850,000	5,522
1988	151,000	2,245	1,982,000	5,343	2,133,000	7,588
1989	179,000	2,734	1,625,000	4,479	1,804,000	7,213
AVG 83-87		1,929		2,953		4,882
AVG 78-87		2,984		3,337		6,321

[1]Bycatch mortality estimates are from trawl, longline, and pot fisheries.

prepared: December 14, 1989

Decision Points for Halibut Longline Annual Fishing Allotment System

This outline presents the proposed annual fishing allotment (AFA) system for longlining halibut. The grayed areas represent options under consideration.

I. SCOPE OF PROGRAM: **Halibut longline vessels**

II. THE WHO, WHAT, WHEN, WHERE, AND HOW OF ANNUAL FISHING ALLOTMENTS

A. **What** - Each **qualified person** would have the option of fishing in the derby open access fishery or with individual allotments. The **amount of weight assigned to each allotment would vary yearly** as the TAC varied from year to year.

B. **Where - Each IPHC management area in the Gulf of Alaska, Bering Sea, and Aleutian Islands**: 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E.

C. **When** - Allotments would be available **yearly to those who qualified for them. Initial allotments would be made for the 1991 fishing year.**

D. **Who** - The person who owned or was a lease holder of a vessel that made halibut longline landings.

1. **"Person"** - As defined by the Magnuson Act with the exclusion of non U.S. citizens. Any individual who is a U.S. citizen, any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State but being controlled by U.S. citizens), and any Federal, State, or local government or any entity of any such government.

2. **Person leasing a vessel (lease holder)** - Qualified by a written bareboat contract. Evidence of a qualified lease would include paying the crew shares and supplying the fishing gear.

E. **How** allotments would be made.

1. The vessel must have made longline landings of halibut in the **years 1986 or 1988 through 1990**.

2. Allotments would be based on the recorded landings of the vessels (fish tickets). These landings could be in the derby or allotment fisheries. The recorded landings would be either:

i. **Average of the 3 preceding years**, 1988 through 1990 for initial allotments. Landings could have been made in any of the three years. Each vessel's average catch, by area, would be divided by the overall average catch for that area. This ratio would be multiplied by the projected average catch per vessel for the upcoming year.

ii. **Average of 3 of the 5 preceding years**, 1986 through 1990 for initial allotments. Landings must have been made in one area for 3 of the 5 years. Each individual vessel would have their average divided by the total of all averages for each area. The total of averages would be divided by the best 3 TACs, by area, resulting in a percentage of the TAC for the IFQ fishery. Individual allotments would be determined by multiplying these percentages by the new area TAC.

(continued)

3. The allotments would be based on the most recent landings. For example, the 1992 fishing year allotments would be based on either 1989 through 1991 landings or the average of 3 of the years 1987 through 1991 (depending on which option is chosen in II(E)(2)).

F. **Annual choice**

1. An open access derby fishery would exist in each area.
   i. An initial and minimum amount of 10-20% of the TAC, by area, would be allocated to the derby fishery each year.
   ii. The allotment weight of those wishing to use allotments would be subtracted from each adjusted TAC, by area.
2. Each year each eligible vessel owner or lease holder would have the option of fishing in the derby fishery or with allotments.
   i. Eligible people would have to notify NMFS by a specified date if they wished to fish allotments.
   ii. Any vessel could fish either the derby fishery **or** allotments but must do the same in all areas.
   iii. Owners of multiple vessels could share allotments among qualified vessels but not among non-qualified vessels.
3. **Any vessel** which was **not eligible** for allotments **could fish in the derby** fishery.
4. Allotments are **IPHC management area specific** and may not be transferred between areas.

III. ADMINISTRATION

A. **NOAA Fisheries regional office would administer the system** although the duty could be contracted to the State of Alaska.

B. Settlement of appeals disputes during the yearly allotment process.
   1. The basis of **judgement for use in appeals will be fact**. That is, errors on fish ticket records will be considered. Lease holders would have to come to the Appeals Board with certified records and agreement of the owner of record of the vessel. If such agreement can not be reached, judicial proceedings outside of the Appeals Board would be required.
   2. The **Appeals Board would hear initial appeals**. Subsequent appeals would go to NOAA Fisheries Regional Director followed by appeals to the Secretary of Commerce and then the court system.

C. Other considerations

1. The system could be designed with a built in review period in three years. The system would not automatically sunset but major structural changes could occur if required.
2. New regulations would be required.
3. New penalties would be required.

Decision Points for Halibut Longline IFQ Management System

This outline presents the proposed individual fishing quota system (IFQ) for longlining halibut. The grayed areas represent options under consideration. This series of choices was approved by the Council at its September meeting.

I. SCOPE OF PROGRAM
- A. **Halibut**
- B. **Longline boats**

II. THE WHO, WHAT, WHEN, WHERE, AND HOW OF IFQS
- A. **What** - Each **IFQ** would be a **percentage of the total allowable catch** (TAC) for each management area. These percentages would be **defined as "units"** which could be subdivided into smaller units. The **amount of weight assigned to each unit would vary yearly** as the TAC varied from year to year.
- B. **Where - All IPHC management areas in the Gulf of Alaska, Bering Sea, and Aleutian Islands**: 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E.
- C. **When** - IFQs would be issued **yearly to those who owned them. Initial allocations would be made in 1990 for the 1991 fishing year.**
- D. **Who** - The person who owned or was a lease holder of a vessel that made halibut longline landings.
  1. **"Person"** - As defined by the Magnuson Act with the exclusion of non U.S. citizens. Any individual who is a U.S. citizen, any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State but being controlled by U.S. citizens), and any Federal, State, or local government or any entity of any such government.
  2. **Initial** allocations to:
     - i. **Vessel owner(s)** except when a qualified lease exists.
     - ii. **Person leasing a vessel (lease holder)** - Qualified by a written bareboat contract. Evidence of a qualified lease would include paying the crew shares and supplying the fishing gear.
- E. **How** initial allocations will be made
  1. The vessel must have made longline landings of halibut in the **years 1984 through 1988.**
  2. Participation in the halibut fishery within 12 months prior to final Council action:
     - i. The person must have been a qualified participant.
     - ii. The person need not have been a qualified participant.
  3. Initial allocations would be based on the recorded landings of the vessels (fish tickets). The recorded landings would be either:
     - i. Best years landings during the period.
     - ii. Average of the two best years landings during the period.
     - iii. Initial landings in 1987 and subsequent years weighted at 75% in combination with 1 or 2 above.
     - iv. Initial landings in 1988 weighted at 75% in combination with 1 or 2 above.
- F. **Appeals** could be brought forth based on disability or extreme extending circumstances such as vessel sinking. Consideration might be given to those involved in oilspill cleanup in 1989.

(continued)

G. Leave a portion of the fishery open access
   1. Retain a portion of the TAC for bycatch as is done now. This bycatch amount will be removed from the overall TAC before the TAC for IFQs is finalized. No IFQ would be needed to land this bycatch halibut.
   2. A portion of the TAC, 5%-10%, would be set aside for a directed fishery for those persons who do not control any halibut IFQs in any area. This is designed to allow new entrants to the fishery with no entry cost.

III. TRANSFERABILITY
   A. All IFQs would be totally transferable, that is **both sale and lease would be allowed.**
   B. All **IFQ transfers** would have to be **approved by NMFS** prior to landing.
   C. Persons must **control IFQs** for amount to be caught **before a trip begins.**
   D. IFQs are **management area specific** and may not be transferred between areas.
   E. **No specific limits** would exist **on the amount** of IFQs one person could **control.** Excessive ownership would be subject to U.S. Department of Treasury anti-trust enforcement.
   F. In order **to control IFQs,** a person would have to be a **U.S. citizen (proof** of citizenship may be required) and:
      1. Be the owner or lease holder of the vessel using the IFQs.
      2. Be an experienced participant in the halibut fishery (documentation to include income dependancy, duration of experience, and/or other criteria).

IV. DURATION OF IFQ HARVEST RIGHTS
   A. No specified ending date so that the IFQs would be good for an indefinite period of time.
   B. Allow for review of the system in 5 years. The system would not sunset but major structural changes could occur if required.

V. COASTAL COMMUNITIES
   A. Determining how coastal communities could gains access to halibut harvest rights for use by their members.
      1. Allocated - IFQs would go only to communities with no history of resident participation or to a government agency(s) for those communities. This may require changes to the Magnuson Fishery Conservation and Management Act.
      2. Allowed for communities to acquire IFQs by means of special regulations to buy, sell, and control them.
   B. Specific regulations which may be necessary if one of the above options are chosen. The following are a list of some questions which would have to be answered should that occur.
      1. Who receives or is allowed exceptions for IFQ control? Possible examples include individuals, coastal development organizations, communities, corporations, etc.
      2. What delineates those groups (above) eligible for these exceptions?
      3. What other definitions of persons and organizations are necessary?
      4. Would these entities be required to used the IFQs or could they lease them?
      5. Would these entities be required to be vessel owners or lease holders?
      6. If there are other transferability restrictions would these entities have exceptions?
      7. Would a special administrative panel be established to remove local conflicts and provide cohesion?
      8. Would limits be placed on the amounts each entity would be allowed to control?
      9. Would a total number or percentage be established for overall IFQ control by these entities?

(continued)

VI. ADMINISTRATION

A. **NOAA Fisheries regional office would administer the IFQs** although the duty could be contracted to the State of Alaska.

B. Settlement of appeals disputes during the allocation process.

1. The basis of **judgement for use in appeals will be fact**. That is, errors on fish ticket records will be considered. Extreme hardship concerning participation in the 12 months prior to final Council action would be considered including oilspill cleanup work. Lease holders would have to come to the Appeals Board with certified records and agreement of the owner of record of the vessel. If such agreement cannot be reached, judicial proceedings outside of the Appeals Board would be required.
2. The **Appeals Board would hear initial appeals**. Subsequent appeals would go to NOAA Fisheries Regional Director followed by appeals to the Secretary of Commerce and then the court system.

<u>The Council is aware of the following items but the Council and NOAA Fisheries staffs will deal with the specifics.</u>

C. Enforcement

1. Nature of harvest right. - This must be defined (property, lease, harvest, etc) including its use as collateral and the ability of the government to censure the right.
2. Establishing a system to accurately account for catch including reporting, observer, and monitoring systems.
3. Adequate enforcement procedures need to be established. A new system might require new methods of enforcement including enforcement agents which have accountant type duties.
4. New regulations would be required.
5. New penalties would be required.

Decision Points for Longline Halibut License Management System

This outline presents the proposed license limitation system for longlining halibut. The grayed areas represent options requiring choices. This series of choices was approved by the Council at its September meeting.

I. SCOPE OF PROGRAM
- A. **Halibut**
- B. **Longline boats**

II. THE WHO, WHAT, WHEN, WHERE, AND HOW OF IFQS
- A. **What** - Each **License** would be vessel size specific. The length would be overall length as recorded in Coast Guard files. There would be **eight vessel classes**:
  1. Class A - 25 ft. or less
  2. Class B - 26 to 30 ft.
  3. Class C - 31 to 35 ft.
  4. Class D - 36 to 40 ft.
  5. Class E - 41 to 45 ft.
  6. Class F - 46 to 50 ft.
  7. Class G - 51 to 55 ft.
  8. Class H - over 55 ft.
- B. **Where - Four IPHC management areas**: 2C, 3A, and 3B; 4A, 4B and 4D; 4C; 4E.
- C. **When** - Licenses would be issued **yearly to those who owned them. Initial allocations would be made in 1990 for the 1991 fishing year.**
- D. **Who** - The person who owned or was a lease holder of a vessel that made halibut longline landings.
  1. **"Person"** - As defined by the Magnuson Act with the exclusion of non U.S. citizens. Any individual who is a U.S. citizen, any corporation, partnership, association, or other entity (whether or not organized or existing under the laws of any State but being controlled by U.S. citizens), and any Federal, State, or local government or any entity of any such government.
  2. **Initial** allocations to:
     - i. **Vessel owner(s)** except when a qualified lease exists.
     - ii. **Person leasing a vessel (lease holder)** - Qualified by a written bareboat contract. Evidence of a qualified lease would include paying the crew shares and supplying the fishing gear.
- E. **How** licenses would be initially allocated
  1. The vessel must have made longline landings of halibut in the **years 1984 through 1988.**
  2. Participation in the halibut fishery within 12 months prior to final Council action:
     - i. The person must have been a qualified participant.
     - ii. The person need not have been a qualified participant.
  3. Initial license allocations would be **based on the recorded landings** of the vessels (fish tickets). The recorded landings would be either:
     - i. Best years landings during the period.
     - ii. Average of the two best years landings during the period.
  4. A **minimum poundage may be required** in order to be allocated a license (see E(3), above). Five choices of minimum poundage are under consideration. These minimums **could apply differently to different vessel size classes.**
     - i. 1,000 lbs.
     - ii. 5,000 lbs.
     - iii. 10,000 lbs.
     - iv. 25,000 lbs for vessels over 50 ft.
     - v. 50,000 lbs for vessels over 50 ft.

(continued)

F. **Appeals** could be brought forth based on disability or extreme extenuating circumstances such as sinking of a vessel. Consideration might be given to those involved in oilspill cleanup in 1989.

G. Leave a portion of the fishery open access
   1. Retain a portion of the TAC for bycatch as is done now. This bycatch amount will be removed from the overall TAC before the TAC for licenses is finalized. No license would be needed to land this bycatch halibut.
   2. A portion of the TAC, 5%-10%, would be set aside for a directed fishery for those persons who do not control any halibut licenses. This is designed to allow new entrants to the fishery with no harvest right entry cost.

III. TRANSFERABILITY
   A. License could be transferable in one of two ways:
      1. Leasable but non-saleable.
      2. Both leasable and saleable.
   B. Combinative - **Allow upgrades in vessel size** class by tendering two licenses of a class for one license of the next larger class (one vessel class upgrade).
   C. A system incorporating transferable and non-transferable licenses based on initial participation in 1987 and/or 1988.
      1. Persons whose vessel made initial landings in 1987 and subsequent years would be issued non-transferable licenses.
      2. Persons whose vessel made initial landings in 1988 would be issued non-transferable licenses.
   D. Non-transferable license could be:
      1. Valid for an indefinite period of time
      2. Valid for only a set number of years (perhaps 2 or 5)

IV. MISCELLANEOUS
   A. All **license transfers** would have to be **approved by NMFS** prior to use.
   B. Licenses are **management area specific** and may not be transferred between areas.
   C. **No specific limits** would exist on the **number of licenses** one person could **control**. Excessive ownership would be subject to U.S. Department of Treasury anti-trust enforcement.
   D. In order **to control a license**, a person would have to be a **U.S. citizen** (**proof** of citizenship may be required) and:
      1. Be the owner or lease holder of the vessel using the license.
      2. Be an experienced participant in the halibut fishery (documentation to include income dependency, duration of experience, and/or other criteria).
   E. Any **buyback program** to reduce the number of licenses would be **industry sponsored and funded**.

V. DURATION OF LICENSE LIMITATION HARVEST RIGHTS
   A. No specified ending date so that the licenses would be good for an indefinite period of time.
   B. Allow for review of the system in 5 years. The system would not sunset but major structural changes could occur if required.

VI. COASTAL COMMUNITIES
   A. Determining how coastal communities could gains access to halibut harvest rights for use by their members.
      1. Allocated - Licenses would go only to communities with no history of resident participation or to a government agency(s) for those communities. This may require changes to the Magnuson Fishery Conservation and Management Act.

(continued)

2. Allowed for communities to acquire licenses by means of special regulations to buy, sell, and control them.

B. Specific regulations which may be necessary if one of the above options are chosen. The following are a list of some questions which would have to be answered should that occur.
   1. Who receives or is allowed exceptions for license control? Possible examples include individuals, coastal development organizations, communities, corporations, etc.
   2. What delineates those groups (above) eligible for these exceptions?
   3. What other definitions of persons and organizations are necessary?
   4. Would these entities be required to used the licenses or could they lease them?
   5. Would these entities be required to be vessel owners or lease holders?
   6. If there are other transferability restrictions would these entities have exceptions?
   7. Would a special administrative panel be established to remove local conflicts and provide cohesion?
   8. Would limits be placed on the amounts each entity would be allowed to control?
   9. Would a total number or percentage be established for overall license control by these entities?

VII. ADMINISTRATION

A. **NOAA Fisheries regional office would administer the licenses** although the duty could be contracted to the State of Alaska.

B. Settlement of appeals disputes during the allocation process.
   1. The basis of **judgement for use in appeals will be fact**. That is, errors on fish ticket records will be considered. Extreme hardship concerning participation in the 12 months prior to final Council action would be considered including oilspill cleanup work. Lease holders would have to come to the Appeals Board with certified records and agreement of the owner of record of the vessel. If such agreement can not be reached, judicial proceedings outside of the Appeals Board would be required.
   2. The **Appeals Board would hear initial appeals**. Subsequent appeals would go to NOAA Fisheries Regional Director followed by appeals to the Secretary of Commerce and then the court system.

<u>The Council is aware of the following items but the Council and NOAA Fisheries staffs will deal with the specifics.</u>

C. Enforcement
   1. Nature of harvest right. - This must be defined (property, lease, harvest, etc) including its use as collateral and the ability of the government to censure the right.
   2. Adequate enforcement procedures may need to be established. A new system might require new methods of enforcement.
   3. New regulations would be required.
   4. New penalties would be required.

AGENDA C-6(a)
SUPPLEMENTAL

INTERNATIONAL PACIFIC HALIBUT COMMISSION

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

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11 January 1990

Dear Sir:

Enclosed is a summary of regulatory proposals for the 1990 Pacific halibut fishery that have been received by the Commission to date.

Sincerely yours,

Stephen H. Hoag
Assistant Director

ps

SUMMARY OF PROPOSALS FOR 1990

CATCH LIMITS

1. IPHC Staff

- Assessment studies indicate that halibut stocks in most areas are well below their 1986 peak, and that stocks will continue to decline over the next several years as a result of fewer young halibut. The staff's primary management goal for catch limits is based on limiting total removals including by-catch to 35 percent of the estimated biomass in each area. Investigations indicate that this strategy minimizes the risk of a major collapse in stocks. However, the staff recognizes that short-term stability in the landings is also important to the fishing industry and has included a management option that phases in reductions in 1990.

- The staff's preferred option is to set the 1990 catch limits so that all removals represent 35 percent or less of the exploitable biomass in each area. The basis for this option was presented in the population assessment report; setline catch limits are obtained after subtracting recreation harvest and losses from bycatch and wastage.

- At last year's annual meeting, the staff proposed phasing in reductions to avoid abrupt changes in the catch limit from one year to the next. This year's assessment continues to suggest that large reductions in catch limits are needed in some areas, and this could cause a severe hardship on the fishing industry. To phase in the needed reductions by 1991, the staff submits an option that would set the 1990 catch limits at the mid-point between the 1989 catch limits and the current forecast for the 1991 catch limits. The staff considers this a less desirable option and cautions the Commission and the fishing industry that choosing this option may cause catch limits in 1991 and beyond to be even lower than forecasted. Further, continually fishing an area at rates above 35 percent may jeopardize the future productivity of the resource. Therefore, the staff recommends that any phase-in be completed by 1991.

- A summary of the two options for the 1990 catch limits along with the 1989 catch limits and forecast for 1991 catch limits are provided below. The estimated total exploitation rates in 1989 from the population assessment results are also included for comparison with the staff's 35 percent exploitation goal.

CATCH LIMITS (continued)

	Regulatory Area						
	2A	2B	2C	3A	3B	4	Total
	Percent						
1989 Total Exploitation Rate	59	43	41	36	33	46	38
	Millions of Pounds						
1989 Catch Limit	.65	10.0	9.5	31.0	8.5	5.0	64.65
Forecast for 1991 Catch Limits	.39	6.6	6.8	31.0	5.8	3.1	53.59
Options for 1990 Catch Limits (1)*	.42	7.8	8.0	33.0	6.4	3.5	59.12
(2)**	.52	8.3	8.2	31.0	7.2	4.1	59.32

*Preferred option based on limiting all removals to 35% of the exploitable biomass.
**Phase-in option based on setting limits at mid-point between 1989 catch limit and forecast for 1991.

The staff proposal for Area 2A includes the recreational harvest as well as Treaty Indian and other commercial harvest.

In Area 4, the staff recommends the following catch limit division:

	4A	4B	4C	4D	4E
	Millions of Pounds				
Option 1	1.3	1.3	.4	.4	.05
Option 2	1.5	1.5	.5	.5	.05

The division is based on keeping the relative catch in each area the same as in 1989.

CATCH LIMITS (continued)

2. Industry

Canada

- Pacific Coast Fishing Vessel Owners' Guild - 8 million pound quota in 2B with same percentage drop in Alaska as in B.C.

Alaska

- Deep Sea Fishermen's Union, Seattle - quotas to remain status quo or best available biological judgement by staff.

- Bering Sea Fishermen's Assoc., Anchorage - maintain 1989 catch limit for Area 4E.

- Toksook Bay Fishermen Assoc., Toksook Bay - as in 1989.

- Halibut Assoc. of North America - quota at biologically sound level for long term resource benefit.

FISHING PERIODS

1. IPHC Staff

- A proposal for 1990 fishing periods is provided in the attached table and figure. The staff does not consider the dates of the fishing periods to be of significant biological concern, and the proposal is intended to serve as a starting point for discussions within the halibut industry. Factors considered in developing the proposal include:

    - Stay within the catch limit.
    - Avoid fishing on high tides.
    - Avoid landings on holidays.
    - Spread landings throughout May-September while avoiding major landings during salmon and herring seasons.
    - Alternate first fishing period between Canada and the U.S.
    - Close the Alaska periods on Tuesday and the Canadian periods on Sunday to facilitate marketing.
    - Accommodate allocation regulations by the Pacific and North Pacific Fishery Management Councils.

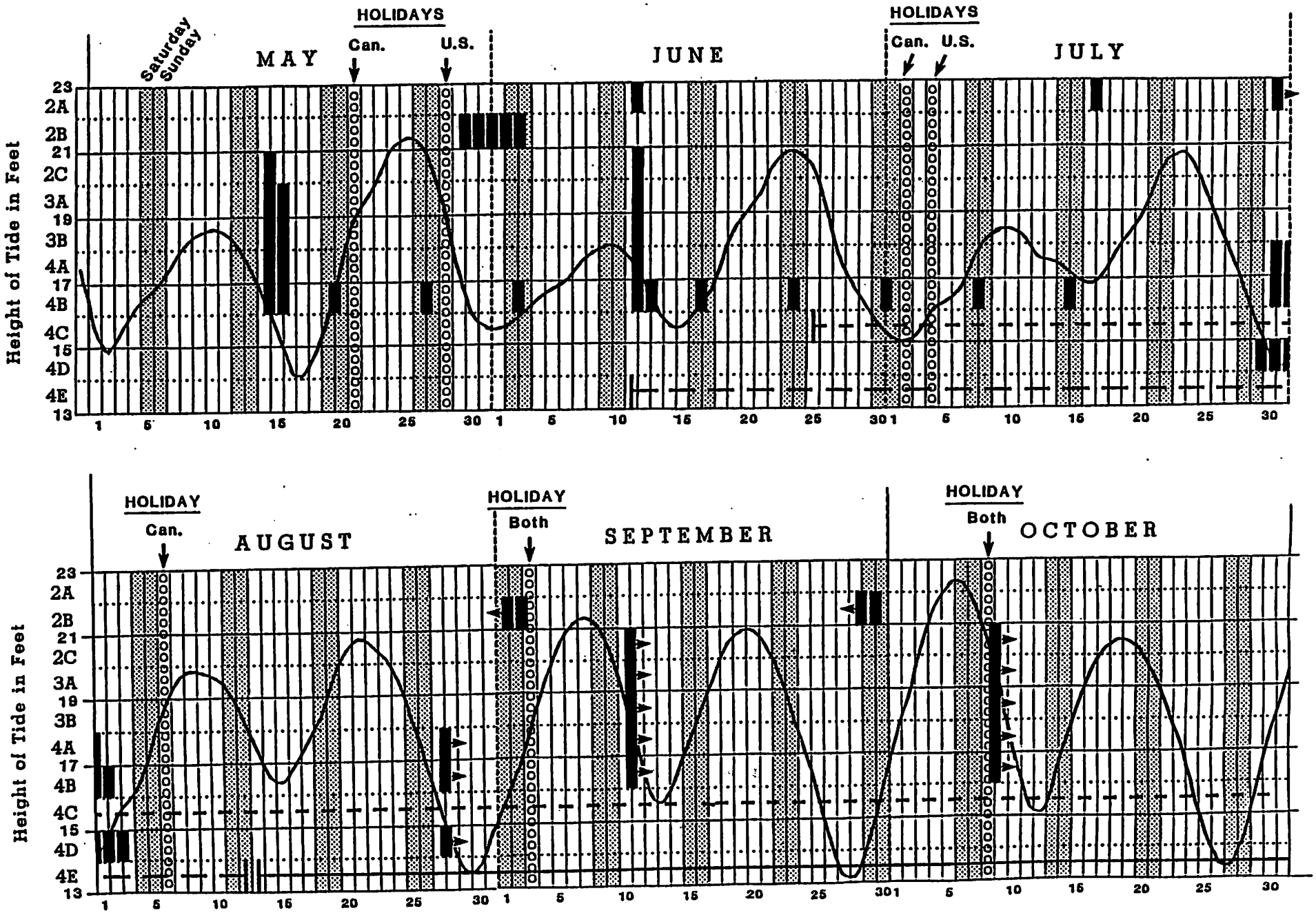
- The staff proposal includes a 48-hour fishing period in Areas 3A and 3B in May to reduce the possibility of fishing in October when weather conditions tend to be poor.

Recommended 1990 Fishing Periods

Area	Dates	No. Days
2A	6/11-12	1
	7/16-17	1
	7/30-*	
2B	5/29-6/3	5
	*-9/3	
	*-9/30	
2C	5/14-15	1
	6/11-12	1
	9/10-*	
	10/8-*	
3A, 3B	5/14-16	2
	6/11-12	1
	9/10-*	
	10/8-*	
4A	5/14-16	2
	6/11-12	1
	7/30-8/1	2
	8/27-*	
	9/10-*	
	10/8-*	
4B	5/14-16	2
	5/19-20	1
	5/26-27	1
	6/02-3	1
	6/11-13	2
	6/16-17	1
	6/23-24	1
	6/30-7/1	1
	7/07-8	1
	7/14-15	1
	7/30-8/2	3
	8/27-*	
	9/10-*	
	10/8-*	
4C	6/25-10/31	1 day open/ 1 day closed
4D	7/29-8/3	5
	8/27-*	
4E	6/11-8/12	2 days open/ 1 day closed
	8/13-10/31	open continuously

*Closing (or opening) date to be determined

1990 Sel)via High Tides



FISHING PERIODS (continued)

2. Industry

Canada

- Pacific Coast Fishing Vessel Owner's Guild - in Area 2B, two openings of four days each, one in the Spring, April or May, and one in August or September.

Alaska

- Deep Sea Fishermen's Union of the Pacific, Seattle - openings once a month, starting in May, until quotas are taken. No fishing recommended for October.

- K-Bay Fisheries Ass., Homer - stay with 24 hour openings, no 48 hour openings (letter suggests series of appropriate dates coinciding with low tides April to October).

- Bering Sea Fishermen's Assoc, Anchorage - in Area 4E, maintain status quo as in 1989.

- Toksook Bay Fishermen Assoc, Toksook Bay - in Area 4E, same as in 1989.

- Halibut Assoc. of North America, Seattle - Area 2B, first opening to close on May 6, second opening in September. Alaska openings, first opening open on May 14, second open on June 4, third open on Sept 10, fourth open on October 8. In general, all Alaska openings with minimum period of 24 hours, opening on Mondays, and commencing at 5 or 6 am. At least nine days with fourteen preferable between each country's closing dates.

- Michael Buschur, F/V C Marie, Eagle River - no October opening. Do not like 48 hour opening in May, if necessary would be better as a second opening in June, depending on May catches. September opening could be 2 or 3 days if necessary to avoid October fishing. Schedule a July or August opening. Any combination of the above.

OTHER PROPOSALS

Proposal to Divide Area 2A

- At the 1989 Annual Meeting, the Oregon Department of Fish and Wildlife asked the Commission to review appropriate biological and fishery data to determine if Area 2A should be subdivided into separate management areas.

1. IPHC Staff

- The Staff has completed its review and determined that exploitation rates in recent years have probably been higher in the northern part of Area 2A than in the southern part. However, the Staff does not consider subdivision to be imperative, because any increase in total yield from the resource as a result of subdivision is probably small. Also, additional costs could be incurred in determining the resource distribution and catch limits within Area 2A. Therefore, the staff recommends that Area 2A not be subdivided at this time.

2. Industry

- Keith Peters, F/V Jaeger, Port Angeles - support splitting 2A into two management areas, one below Cape Granville, one above.

Pacific Fishery Management Council Allocation of Area 2A Catch Limit

- The Pacific Fishery Management Council met on January 11 in Seattle to consider allocation of Area 2A halibut. At this meeting, they recommended that the Area 2A catch limit be not less than 520,000 pounds.

- The Pacific Fishery Management Council has allocated the Area 2A catch limit as follows:

  - Allocate 25% of Area 2A TAC to treaty indians. This option essentially maintains the status quo proportional sharing set forth in the 1989 Catch Sharing Plan with a slight increase in the tribal share from 23.4% in 1989 to 25% in 1990.

  - Divide the non-Indian sub-TAC equally between commercial and sport fisheries and maintain the 61:39 sport sharing between Washington and Oregon as follows:

    50% commercial share of non-Indian sub-TAC.
    50% Sport share of non-Indian TAC.

    61% Washington share of sport allocation.
    39% Oregon share of sport allocation.

- Animal Research and Consultation, Corvalis - letter regarding catch sharing.

North Pacific Fishery Management Council Allocation of Area 4B, 4C, and 4E Catch Limits

- The staff recommendation for fishing periods in Areas 4B, 4C, and 4E comply with allocation regulations adopted by the North Pacific Fisheries Management Council. Further, the North Pacific Fishery Management Council decided at its December meeting to recommend to the U.S. Secretary of Commerce that a fishing period limit of 10,000 pounds be applied to the entire Area 4C catch limit. In 1989, the fishing period limit was 10,000 pounds for the first half of the catch limit and 20,000 pounds for the second half.

Miscellaneous

1. IPHC Staff

- The staff recommends that other 1990 regulations controlling such items as gear restrictions, size limits, closed areas, and the recreational fishery, remain the same as in 1989.

2. Industry

Gear Retrieval

- National Marine Fisheries Service, Juneau - add regulation to 'Section 7, Closed Periods' to read "Any vessel that is unable to retrieve all fishing gear prior to the close of a halibut fishing period, must report the quantity and location of such gear to a fishery officer or representative of the Commission prior to off loading.

- Kodiak Longline Vessel Owners Assoc., Kodiak - in the event of a medical emergency during a halibut opening, allow vessel to return to fishing grounds and retrieve gear and retain halibut thus caught.

Trip Limits or Individual Fishing Quotas

- Halibut Assoc. of North America, Seattle - trip limits only for cleanup on last openings.

- Keith Peters, F/V Jaeger, Port Angeles - implement ITQ system.

- David Kelly, F/V Arrow, Honolulu - use trip limits by vessel class on all openings.

Research Needs

- Deep Sea Fishermen's Union of the Pacific, Seattle - continue in-depth studies on 2A grounds to explain perceived increase of fish on these grounds.

OTHER PROPOSALS (continued)

Emergency Changes to Opening Dates due to Weather

- Thais Gasca, Homer - when weather conditions are 49 knots or greater, extend open period in Gulf areas.

Sub-divide Area 4B

- Nick Delaney, Kodiak - create a new sub-area of the present 4B Aleutian Islands halibut fishing area west of the longitudinal line of 179 degrees east to allow utilization of resource in this area.

Near-shore Bristol Bay Halibut Fishery

- The North Pacific Fishery Management Council considers this proposal to be mainly a conservation issue. The Council supports a small fishery in 1990 if there is no conservation problem.

- Letters in support of a nearshore halibut fishery in Bristol Bay have been received from the Western Alaska Cooperative Marketing Association, the Bristol Bay Herring Marketing Co-op, Grant Shimanek of Dillingham, and the Bristol Bay Halibut Coop. This area would have two two-week openings and a quota of 50,000 pounds.

Other

- Halibut Assoc of North America, Seattle - continue to improve enforcement measures, continue to fight for reducing bycatch of halibut by other target fisheries, continue to help with quality issues.

HALIBUT ASSOCIATION OF NORTH AMERICA

2208 N.W. MARKET STREET, #311
SEATTLE, WASHINGTON 98107
PHONE 206-784-8317

January 12, 1990

Dr. Donald A. McCaughran, Director
INTERNATIONAL PACIFIC HALIBUT COMMISSION
P.O. Box 95009
Seattle, Washington 98145-2009

Dear Dr. McCaughran:

The Halibut Association of North America (HANA) would like to take exception to recent comments made by the group calling themselves F.I.S.H.

For those not familiar with "HANA", we are an association whose members buy approximately 75% of the halibut landed in Alaska, British Colombia, Washington State, and Oregon. We have been in existence since the early 1960's to promote the sale of halibut. In the 1960's, our organization fought the importation of Greenland turbot being marketed as halibut, in the 1970's we worked with the FDA to solve the mercury problem associated with halibut and in the 1980's, we find ourselves fighting to maintain the very existence of the halibut industry from those that want to replace fishermen and processors who have relied on the income from this great whitefish for the last 101 years.

While we can't speak for our fishermen regarding the F.I.S.H. group, it should be pointed out that many of our Association members have relationships with the current fleet generation's fathers going back to the 1940's and 1950's. Both of us have a strong traditional stake in this industry.

One of the things that the F.I.S.H. group talks about the most under the current system is the "glut" of fish that arrives in port after a 24 hour opening and how it swamps processors, freight carriers and the market. We would like to address each of these three areas.

First, a little history.

PROCESSING

In the 1970's, the halibut fleet had a mandatory eight day layup which they had to take before departing on their second, third,

or fourth trips (the number of trips was determined by how the actual catch stood versus the season quota). Since the season opened at the same time for everyone and buyers wouldn't accept fish older than about twenty days, guess what----? Every twenty days, plus the layup factor, brought "gluts" of fish to the major northern ports of Kodiak, Seward, Petersburg, and Prince Rupert. (Note: Some boats were even known to stretch their trips to 28-30 days!) It was not uncommon for any one buyer in these ports to have 2.5-3.0 million pounds waiting to unload after each opening. In other words, plants in these ports adapted to the system, built up their unloading and freezing capacities and handled the situation. (With this in mind, today's halibut quality from properly handled fish that averages 36 hours old at the plant is the best in history.)

HANA has always respected and supported the good job the I.P.H.C. has done in managing this single fish stock. In the 1980's, as the resource expanded, so did the fleet, the buyers and the market. Fishing periods became shorter, new fishermen and processors had to learn how to handle halibut and fresh fish was flown or otherwise transported out of Alaska to cities across the U.S.A. and Canada. This is the system that we have today and while it is not perfect, the industry has adapted to it and continues to fine tune.

One last point on these "gluts"--while the seafood industry as a whole isn't proud of them, they are part of the business and must be dealt with. Examples are:

- 1-2 hour herring openings where 10,000 plus tons are taken.
- 12 hour sockeye gillnet salmon openings where over one million fish are caught.
- Boatloads of shrimp and crab having to wait two to five days to unload.
- Pink salmon seiners put on limit or suspension because their buyers were at capacity.
- Etc.

TRANSPORTATION

The surface transportation side of this business considers the current halibut season setup a freight bonanza for both fresh and frozen fish. They know in advance exactly when their equipment has to be staged in Alaska. They also know very closely what quantity of containers each of their customers in each location will use. Most airlines also plan well in advance for this fish movement, some allocating entire wide body jets to handle the volume.

If the F.I.S.H. group's plan is to convert the halibut industry into a total fresh program stretched throughout the year, two things would change:

1. Transportation companies (air and surface) would not be able to plan their equipment logistics as well as they currently can.

2. With unlimited fresh fish available, supply and demand will force market levels down eliminating the need and making prohibitive the excessive cost that air freight dictates. Surface transportation would get this business. One must also keep in mind that, in early spring and late fall, weather affects both fishing and flight schedules out of Alaska.

SALES

F.I.S.H.'s concept of year round fresh fish sounds good initially until further analysis is considered.

1. While there are no exact statistics available, it is generally recognized that the single big buyers of fresh halibut are on the retail side of the business. On a given opening, say 75%-80% plus, of the fresh fish available goes to retail with the remainder going to food service (restaurant type).

The reasons that supermarkets like and use such great quantities of fresh halibut are:

° It is a two to three time per year "event" that can be hyped with ads to bring people into their stores (i.e., big chain ads in L.A. will support 250,000-300,000 lbs. -- one ad, one customer, one market.)

° They can plan their ads and logistics 3-4 months in advance once the seasons are set.

° They can be absolutely assured that, barring a natural disaster, the quantities of fish they order will be in their stores as scheduled.

° Once the two to three times/year hype is over they can settle back into their other normal seasonal programs and feel that the fresh push on halibut brought them new customers for other year round grocery items and acted as a stimulus to help their year round frozen halibut and other fish programs prosper.

° They have confidence that the halibut industry won't do something stupid like: scheduling openings such that fresh fish would arrive in their stores over three day weekends, when their customers are

all traveling; scheduling openings to conflict with the first Copper River king and sockeye salmon opening (when salmon and halibut go head to head, salmon always wins), or scheduling openings to conflict with traditional holidays when their customers are going to buy other items (hot dogs, hamburgers on the 4th of July, turkey at Thanksgiving, etc.)

- They also have confidence in the industry that openings will be scheduled such that: fish will be in their stores during weekends when shopping is heaviest, that Canadian and U.S.A. openings won't overlap and eliminate one of the annual "events" and most important that, at least from HANA members, they can count on consistent quality fish.

2. Retail and food service alike can only handle certain sizes and grades of fresh halibut. Most, prefer 20-40 with 10-40's accepted if the medium sizes aren't available. Seldom are 40-60's desired and few over 60 pound fish are. (The last couple of years, the 60 plus category amounts to 30% of total landings, the 40 plus category jumps to 50% of total landings). How does the F.I.S.H. group plan on using these undesirable sizes? Even if a processor fletched (filleted) the fish for the end user, can you imagine the dilemma that a housewife or restaurant chef would have in dealing with a 3" thick piece of halibut from a big fish?

   Depending on fishing conditions some halibut will come aboard the vessel with seal bites or other blemishes. How does this number two fish get handled under F.I.S.H.'s program?

3. The F.I.S.H. group has a long list of members. It would be interesting to know what percentage of the 66.0 million pounds caught in 1989 by the commercial fleet was utilized by F.I.S.H. members? Our guess is that many of our Association's frozen customers use more halibut in one day than F.I.S.H. members use in a year.

4. In Canada, the big fish and chip buyers all prefer 40/up frozen fish over fresh as the fresh tends to "explode" in their fryers. This is a big volume business especially in eastern Canada.

HANA believes that the bread and butter of the halibut industry is frozen whole fish and value added products derived from this. We are a frozen products industry and always will be.

4. Under the I.Q. (individual quota) system proposed by F.I.S.H. we have often wondered what will happen when more boats land fresh fish than what the market can or wants to absorb at any point in time. The difference between this year's catch of 66.0 million pounds and this year's fresh sales of 5.0 to 10.0 million pounds (estimate, no information available) is a lot of halibut.

HANA is the first to recognize that the current halibut industry isn't perfect. The system has evolved over time because of something the eastern Europeans are now trying to get--free enterprise. More effort should first be spent improving our current situation as opposed to reinventing the wheel or second guessing how we got where we are. The problems are more complex than F.I.S.H. ever imagined.

We all better work together to solve the by-catch problem or none of the above will matter....there won't be a longline halibut fishery.

Sincerely,

HALIBUT ASSOCIATION OF NORTH AMERICA

Ralph G. Hoard
President

RGH:kl/pbl

cc: Dr. Donald A. McCaughran
Director, I.P.H.C.

Mr. Robert Alverson
Chairman, Conference Board

TESTIMONY BEFORE
THE JOINT MEETING
OF THE NPFMC AND THE IPHC
ANCHORAGE, ALASKA
JANUARY 17, 1990

Mr. Chairmen, and members of the Council and the Halibut Commission, thank you for allowing me time to present public testimony.

For the record, my name is William Nicholson. I am a commercial salmon and herring gillnetter from Dillingham, Alaska. I am serving as a member of a steering committee called the Bristol Bay Halibut Coop which was organized in 1987. This steering committee is comprised of several local residents from communities in the Bristol Bay area. This organization made the original request to allow a small fishery in Bristol Bay closed halibut nursery area.

I would like to make the following brief comments in regards to our current proposal.

First of all, our group has submitted the proposal because we feel we have a socio-economic need to diversify into other fisheries. We have seen the passage of the Magnason Act, the growth and total Americanization of the bottomfisheries in the Gulf of Alaska and the Bering Sea. We now hear the ever increasing talks of limited access into these fisheries.

We have seen other fishing groups get into the bottomfish fisheries off our area. We too would like to have the right to derive economic benefit from the resource directly off our area. We support open access, and would like to get into the halibut fishery before some form of limited access is imposed.

Secondly, it is our position that this small fishery in the closed area will not present a conservation problem for the Pacific Halibut stocks.

We say this because our proposal for a 50,000 lb quota is very small. Over the years, the Council has allowed an enormous trawl bycatch in the closed area. In 1989, the Council approved an enormous bycatch of between 5,000 to 6,000 tons of halibut in the eastern Bering Sea areas, much of which is taken in the Bristol Bay closed area.

This action taken recently by the Council clearly indicates to us that the Council believes there is really no conservation problem in regards to the Bering Sea halibut stocks.

Furthermore, the majority of the halibut caught in the 1987 fall Bristol Bay setline survey were mature legal sized halibut. Also the study did indicate that a small commercial fishery will not present any adverse impact upon the juvenile stocks.

Lastly, we feel we have a right to fish halibut as long as there is older, larger sized halibut to catch in the proposed area. We are the only area in the North Pacific that does not have immediate access to commerical halibut fishing grounds. Historically, other nursery areas that were closed, have been opened up to allow catches of larger, mature halibut.

We have worked with staff members of both the Regional Council as well as the Halibut Commission dealing with some of the specific aspects of our proposal. Also, the Council has recommended that our proposal be passed as long as there is no conservation problem. We are especially hopeful that the IPHC will deal with our proposal in a rational and sincere manner. I hope I am not stepping on anyone's toes, when I say it is also our concern that our proposal will not be discarded simply due to political pressure.

In conclusion, we do not envision a huge commercial halibut fishery to be developed in the Bristol Bay area. We feel this will never occur because it is evident that no large sums of halibut exist in the area. However, if there are legal sized halibut that can be found, then we would like to be able to conduct a small commercial fishery there.

Our group will be attending the IPHC annual meeting in Seattle in a couple of weeks to present our case.

At this time, we request that the IPHC seriously considers our proposal and not only address our proposal, but support it. It is our perception that the RC has made an allocation as long as there is no biological problem. The staff members on the IPHC and the 1987 setline study has indicated that they feel there is no conservation problem. Based upon this evidence, the small nearshore fishery should be allowed.

Thank you.