


MEMORANDUM

TO: Council, SSC, and AP Members

FROM: Clarence G. Pautzke 
Executive Director

DATE: September 17, 1992

SUBJECT: Groundfish Regulatory Amendments - Initial Review

ACTION REQUIRED

- (a) Initial review of the PSC allowances for the Inshore/Offshore and CDQ pollock fisheries.
- (b) Approve regulatory amendment defining legal gear types.
- (c) Receive progress report on total catch measurement initiative.
- (d) Receive progress report on interactive communications initiative.
- (e) Consider proposals for changes in groundfish seasons for Gulf of Alaska.

BACKGROUND

Inshore/Offshore and CDQ PSC Allowances

Amendment 18 established community development quotas (CDQs) of up to 7.5 percent of the Bering Sea and Aleutian Islands area pollock TACs and, for 1992, allocated the remainder of the pollock TACs as follows: 35 percent for vessels delivering pollock for onshore processing and 65 percent taken by or delivered to vessels that process at sea. Revised Amendment 18, if approved by the Secretary, will impose the same allocation between catch for onshore and at-sea processing for 1993 but then increase the percent for onshore processing to 37.5 percent for 1994 and 1995. The onshore processing, at-sea processing, and CDQ pollock fisheries will be referred to jointly as the pollock allocation fisheries.

Last June, the Council requested staff to prepare an amendment package that included alternatives to allocate the pollock fishery prohibited species catch limit allowances among the three pollock allocation fisheries established by Amendment 18 and Revised Amendment 18. This draft is the result of a staff analytical team's initial efforts to evaluate the efficacy and the potential biological and socioeconomic impacts of such an allocation of PSC allowances.

Three alternatives are being considered.

Alternative 1 is the status quo with no explicit PSC allowances for the three pollock allocation fisheries, i.e., a PSC closure would close all three pollock allocation groups.

Alternative 2 would split the bottom trawl pollock PSCs for halibut and crab, and the midwater pollock PSC for herring among the three pollock allocation fisheries. The PSC percent assigned to each pollock allocation fishery would be specified in regulations and changed by regulatory amendment. For 1993 and until changed, the PSCs would be distributed in proportion to the expected pollock catch in each fishery: 7.5%, 32.375%, and 60.125%, respectively, to the CDQ, onshore processing, and at-sea processing fisheries, assuming that each takes the same percent of its pollock allocation with bottom trawl gear. It would establish a bottom trawl pollock PSC for herring in addition to the existing midwater PSC, and split them among the three pollock allocation fisheries in the proportions noted above.

Alternative 3 is similar to Alternative 2 but it would apply only to the herring PSC limit and allowances. It would establish a bottom trawl pollock PSC for herring in addition to the existing midwater PSC, and split them among the three pollock allocation fisheries in the proportions noted above.

The Council needs to review this draft now and consider releasing it for public review, with changes as desired. Final action could be scheduled for December. Approved changes would not be in place before mid-1993.

Legal Gear Types

The NMFS intends to draft a regulatory amendment which would explicitly define legal gear types. Regulations now only define illegal gear types and if a gear is not mentioned it can be used. Item D-7 (b)(1) is a discussion paper on this issue. The Council could give NMFS the go ahead to prepare this amendment and forward it to the Secretary for approval, and then comment on the proposed rule in December.

Total Catch Measurement

NMFS is continuing to pursue options for total catch measurement which do not rely on product recovery rates. Volumetric measurement seems to hold the most promise. NMFS has met with industry representatives and is continuing to develop options with their input. An amendment package is not available now, but NMFS will report further regarding progress on this issue.

Interactive Communications

NMFS will also report on developing interactive communications systems with the fishing fleet to facilitate in-season management of the fisheries.

Proposed Changes to Groundfish Seasons

Item D-7 (e)(1) contains two proposals from the Alaska Groundfish Data Bank requesting changes to fishing seasons in the Gulf of Alaska. The first proposal is to open the Pacific cod trawl fisheries on January 1 instead of January 20, to allow a "fair start" for all gear types fishing for Pacific cod.

The second proposal is to delay the second quarter pollock fishery in the Gulf until June 1 (or the Monday nearest June 1). Reasons for the proposal include increased recovery rates, decreased salmon bycatch, and decreased discards of undersized pollock. The proposal assumes that both inshore/offshore and exclusive registration would be in place for 1993, otherwise, the Gulf pollock openings should coincide with the Bering Sea openings.

Prepared by David Ham
National Marine Fisheries Service
Alaska Region
Juneau, Alaska
September 16, 1992

--DISCUSSION PAPER--
DEFINITION OF LEGAL GEAR TYPES

SUMMARY

NMFS proposes to prepare amendments to regulations that govern the groundfish fisheries of the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands area (BSAI). These proposed amendments would define legal gear types as only those that are defined in the GOA and BSAI groundfish regulations. This action would resolve several problems with the use of non-defined gear types and clarify the groundfish regulations.

PURPOSE AND NEED

A need exists to specify which gear types are legal in the groundfish regulations of the GOA and BSAI. This action would clarify the application of prohibited species catch (PSC) closures and protect the environment from the hazards of new gear types.

PSC Closures

As competition increases for groundfish quotas and associated PSC limits, prohibited species bycatch allowances are being harvested more quickly, precipitating closures for specified gear types. Because PSC closures are defined by gear type, fishermen might use alternative gear types that are not defined in the regulations, and therefore be exempt from PSC closures. Clarification of which gear types are legal would help the NMFS Enforcement branch to enforce PSC closures, and decrease the burden to regulatory agencies from in-season actions to regulate these gear types.

Physical and Biological Effects

If a new gear type is used to fish for groundfish, it should be evaluated to determine its physical and biological effects. If potentially adverse effects exist, regulations may be needed to govern the use of that gear type. For example, a new gear type may have high incidental catches of marine mammals, prohibited species, birds, or corals, or may physically damage the benthic environment. Drift and sunken gill nets are examples of types being used to fish for groundfish without PSC bycatch constraints or assessments of their impact on the environment.

DEFINITION OF LEGAL GEAR TYPES

If legal fishing gear were specified by regulatory amendment as those defined in the existing groundfish regulations, no other gear types would be allowed, and the regulations would be more clear. The Council and NMFS would no longer be reacting to the development of new gear types, which is costly in terms of administrative and management time.

For 1992, approximately 20 permits were requested for gear types that are not defined in the regulations out of the 2,420 permits that were granted (Table 1). Therefore, these proposed regulatory amendments should not greatly impact the majority of permittees, because most permits were issued for gear types that are presently defined in the regulations.

The gear types currently defined in the GOA and BSAI groundfish regulations are hook and line, jig, longline, pelagic trawl, pot and line, pot and longline, and trawl. Limiting the types of legal fishing gear would not stifle experimentation or entrepreneurship in the fishing industry, because experimental fishing permits and research permits would be available to support the development of new gear types to more effectively harvest groundfish. If a new gear type proved successful through the experimental or research fishing program, that gear type could be added to the list of defined gear types by regulatory amendment.

**TABLE 1. 1972 U.S. AND GOM FEDERAL REPORTING AREAS.
GEAR TYPES LISTED ON FEDERAL GROUND FISH PERMITS.**

GEAR	COUNT (*)
HOOK & LINE	1308
HOOK & LINE/DRIFT GILLNET	2
HOOK & LINE/GILLNET	3
HOOK & LINE/JIG	39
HOOK & LINE/JIG & TROLL	3
HOOK & LINE/JIG & TROLL/POTS	1
HOOK & LINE/JIG/GILLNET	1
HOOK & LINE/JIG/POTS	7
HOOK & LINE/JIG/TROLL	63
HOOK & LINE/JIG/TROLL/POTS	11
HOOK & LINE/POTS	290
HOOK & LINE/POTS/GILLNET	3
HOOK & LINE/POTS/JIG	22
HOOK & LINE/POTS/JIG/TROLL	33
HOOK & LINE/POTS/JIG/TROLL/NET	1
HOOK & LINE/POTS/SEINE	1
HOOK & LINE/POTS/TRAWL	6
HOOK & LINE/POTS/TROLL	1
HOOK & LINE/POTS/TROLL/JIG	1
HOOK & LINE/SUNKEN GILLNET	2
HOOK & LINE/TRAWL	8
More ...	

GEAR	COUNT (*)
HOOK & LINE/TROLL	21
HOOK & LINE/TROLL/JIG	4
JIG	5
JIG & TROLL	1
JIG/HOOK & LINE	4
JIG/HOOK & LINE/POTS	2
JIG/POTS	1
JIG/TROLL	5
JIG/TROLL/GILLNET/HOOK & LINE	1
POTS	118
POTS/HOOK & LINE	34
POTS/HOOK & LINE/JIG/GILLNET	1
POTS/HOOK & LINE/TRAWL	1
POTS/HOOK AND LINE	1
POTS/JIG/HOOK & LINE	1
POTS/TRAWL	1
PROCESS	21
PROCESS/TRAWL	1
SUPPORT	44
TRAWL	142
TRAWL/HOOK & LINE	70
More ...	

More ...

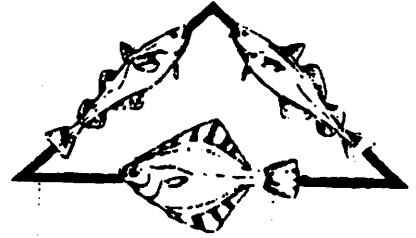
GEAR	COUNT(*)
TRAWL/HOOK & LINE/JIG/TROLL	2
TRAWL/HOOK & LINE/POTS	75
TRAWL/HOOK & LINE/POTS/GILLNET	3
TRAWL/HOOK & LINE/POTS/JIG	5
TRAWL/HOOK & LINE/POTS/JIG/TROLL	2
TRAWL/HOOK & LINE/POTS/JIG/TROLL/DR	1
TRAWL/HOOK & LINE/POTS/TROLL/JIG	1
TRAWL/HOOK & LINE/TROLL/JIG	1
TRAWL/HOOK & LINE/TROLL/JIG/POTS	1
TRAWL/POTS	34
TRAWL/POTS/HOOK & LINE	4
TRAWL/POTS/JIG	1
TRAWL/POTS/JIG/HOOK & LINE	1
TRAWL/SEINE	1
TROLL	1
TROLL/JIG	1
TROLL/JIG/HOOK & LINE	2

59 records selected.

SQL>

Alaska Groundfish Data Bank

SUBMITTED SEPTEMBER 10, 1992



PROPOSAL TO OPEN TRAWL PACIFIC COD FISHERY JANUARY 1

PROPOSAL

All trawl groundfish fisheries will open January 20 except Pacific cod which will open January 1.

EXISTING REGULATIONS

Under existing regulations all trawl fisheries open January 20.

JUSTIFICATION

Pacific cod is the only fishery shared by fixed gear (pots and longlines) and trawls. Allowing fixed gear on the grounds 20 days ahead of the trawl opening allows fixed gear to pre-empt fishing grounds and creates gear conflicts. When all gear types are allowed to start at the same time, pre-emption problems are reduced.

Delaying the opening for fixed gear does not appear reasonable as an opening delay would prohibit crab fishermen from fishing Pacific cod for bait.

SUBMITTED SEPTEMBER 10, 1992



PROPOSAL TO OPEN THE 2ND QUARTER GULF OF ALASKA POLLOCK FISHERY THE MONDAY NEAREST JUNE 1

PROPOSAL

Gulf of Alaska second quarter pollock fishery will open on the Monday nearest June 1. (Provided inshore/offshore is still in effect and exclusive registration between the Gulf of Alaska and Bering Sea/Aleutians is in effect for pollock).

EXISTING REGULATIONS

Under the existing the regulations, the Gulf of Alaska's Second Quarter pollock fishery will open April 1.

PAST HISTORY

In 1990 the Gulf of Alaska pollock fishery quota was released in four equal portions at the beginning of each quarter. In 1991 the 2nd quarter opening was delayed until mid-June while new regulations protecting sea lions were written. In 1992 the 2nd quarter opening was delayed by emergency rule until June to coincide with the Bering Sea B season opening.

JUSTIFICATION

Starting the second quarter Gulf of Alaska pollock fishery in June instead of April will increase recovery, decrease chinook salmon bycatch and decrease discards of undersized pollock.

INCREASED RECOVERY: In April pollock are at the end of their spawning period, the flesh is watery and of poor quality which substantially reduces the recovery and the quality of pollock products.

DECREASED CHINOOK SALMON BYCATCH: Pollock were fished in April of 1990, however Chinook salmon bycatch by week data from the observer program is not readily available. 1991 bycatch data shows that in all fisheries which take Chinook salmon the bycatch rates are highest January thru April and again September through November. The highest Chinook salmon bycatch is during the first four months of the year, January thru April. The same pattern appears in the 1992 bycatch data.

Further, the division of the quota into three areas forces a fishery in the Chirikof area. This is the area where the rockfish fleet in 1991 experienced Chinook salmon bycatch rates ranging from .3 to 8 Chinook salmon per metric ton during March and April. We expect the pollock fleet would also have Chinook salmon bycatch problems in Chirikof in April.

DECREASED DISCARDS: In 1991 and 1992 the discard rate of pollock during the first quarter fishery, estimated from the inseason discard reports, was 16%. Most of the discard is believed to have been small pollock. The presence of small pollock mixed in with large pollock is common during the first part of the year.

In 1991 the discard of pollock during the June-July fishery was 2% and in 1992 the discard of pollock during the June fishery was 5% (both percentages estimated from the inseason discard data).

GULF POLLOCK PROPOSAL - PAGE 2 OF 2

There is no discard data available from the April 1990 fishery; however, it is reasonable to assume that the presence of small fish on the grounds will be higher in April than in June.

STELLAR SEA LIONS

Though the original reason for four quarterly apportionments of the Gulf pollock quota was to spread the fishery out over a year to avoid hammering the stocks during the roe season, the quarterly apportionment scheme has also become an important part of the sea lion recovery efforts in the Gulf of Alaska.

It may be that delaying the 2nd quarter opening until June will be as beneficial to sea lions as it is to recovery rates, Chinook salmon and juvenile pollock. Since young sea lions eat small pollock, any management measures which reduce the take of small pollock should be beneficial to sea lions. Further, more alternative food sources, such as salmon, are available to sea lions in June than in April.

RELATION TO THE BERING SEA POLLOCK OPENING

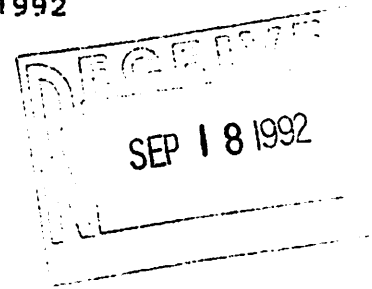
This proposal assumes that inshore/offshore will still be in place and the exclusive registration between the Gulf of Alaska and Bering Sea will be in place. Obviously, if these two management measures are not in place, the Gulf of Alaska pollock openings should coincide with the Bering Sea openings to prevent the Gulf pollock fishery from becoming unmanageable as it was in Fourth Quarter 1991.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802 166.

AGENDA D-7(d)
SEPT 1992
Supplemental

September 18, 1992



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

Dear Rick,

We have been working with industry and COMSAT to develop a system which will enable industry to submit reports to NMFS via satellite communications.

The Alaska regional office will be prepared in 1993 to accept weekly production reports and at-sea processor checkin/checkout messages submitted as data files using COMSAT systems, or other systems which provide similar capability. NMFS will establish a standard file format and mail address for the electronic messages. Companies interested in submitting electronic reports should contact Galen Tromble at the Alaska Region office (907-586-7229).

The Observer Program office, Alaska Fisheries Science Center, is presently receiving digitized catch messages from 15 to 25 vessels utilizing COMSAT Standard A. Programming and land-based testing of on-screen data entry systems is nearly complete for Standards A, B, C, and M. Testing aboard vessels will follow. COMSAT is developing the procedures for providing transmittal services, with an expected completion date of September 28, 1992. If testing is successful and software installation can be coordinated with vessels when they are in port this fall, the system can be implemented by January 20, 1993.

At present, about 135 vessels that have operated in the Alaskan groundfish fishery have Standard A or Standard B communications. For these vessels, the cost to transmit observer catch reports is expected to be less than \$2 per week. There are about 15 vessels that currently have Standard C equipment. The weekly cost to transmit observer catch reports via Standard C is expected to be about \$30 per week. The weekly cost to vessels with Standard M communications is expected to be about \$5 per week. Computerized catch messages are expected to reduce vessel catch message costs by almost 100 percent for Standard A and B vessels, 25-50 percent for Standard C vessels, and about 90 percent for Standard M vessels. Similar cost reductions are expected for the weekly production and checkin/checkout reports.



An additional cost savings to vessels sending digitized data will result from the "cleanliness" of the messages. These messages have almost 100 percent readability, which is considerably better than faxed messages. This results in almost no need to request retransmission of messages.

We expect the cost savings alone will attract many vessels to use these systems. Development of regulations mandating satellite communication capability may be pursued after the system is fully implemented and proven.

Sincerely,



Steven Pennoyer
Director, Alaska Region

cc: Jerry Berger, REFM