

North Pacific Fishery Management Council

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*AP Approved
1-9-94
John Bruce*

Certified by: _____
Date: _____

ADVISORY PANEL MINUTES DECEMBER 6-8, 1993 ANCHORAGE, ALASKA

The Advisory Panel for the North Pacific Fishery Management Council met on December 6-9, 1993, at the Seattle Downtown Hilton Hotel. Members in attendance were:

Dave Benson
John Bruce, Chair
Al Burch
Steve Drage
Dan Falvey
Dave Fraser
Kevin Kaldestad

Bryon Pfundt
Dave Little
Stephanie Madsen
Pete Maloney
Doug Ogden
Penny Pagels
Dean Paddock

Perfenia Pletnikoff
John Roos
John Sevier
Harold Sparck
Michael Stevens
Beth Stewart, Vice Chair
Robert Wurm

Minutes for the September 1993 meeting were approved.

C-2 OBSERVER PROGRAM

The AP recommends the Council adopt items G2 & 3 of Steve Pennoyer's letter to Richard Lauber and change billing to a bimonthly schedule and change to semi-annual permitting.

- G. Fee Collection
2. Fee payments will be made bimonthly (every 2 months) within 30 days from the date of issuance of each bimonthly bill to the NOAA office of the Comptroller to be deposited in the North Pacific Observer Fund within the U.S. Treasury. The fee will be documented in a manner prescribed by NMFS.
3. All processors as defined under Item G(1) may be required to have a federal permit to receive fish from plan fisheries. Processors must apply for these permits semi-annually by the deadline prescribed by the Regional Director. Permits would be issued semi-annually on January 1 and July 1 to those processors whose fee payments are current. The NOAA office of the Comptroller shall assess late charges for underpayment or late payments of fees.

(This motion passed unanimously.)

The AP also recommends the Council change the sunset provision by beginning the clock for sunset commencing 3 years after NMFS starts paying the contractors. The eleven AP members who supported this motion did so because they believed that the industry needs a guaranteed full review of this program.

Upon reauthorization of the plan, sunseting may revert to status quo. Concerns were expressed over the issue of setting ex-vessel values. This was a relatively close vote and a minority report is included.

(This motion passed 11-7)

C-2 Observer Program - Minority Report

We, the undersigned members of the AP, do not support the sunset provision for the research plan.

The purpose of the research plan is to provide a more equitable method of collecting fees to fund the research carried out by the federal observer program. This change in funding is necessary to eliminate the numerous problems with the current observer plan.

The time frame between implementation of the research plan and the proposed sunset date will not allow adequate time to evaluate the plan. This may prematurely eliminate the research plan and cause an interruption in the quality of biological information needed to manage the resource. Inclusion of a sunset end date endangers national perception of the Council's research plan in light of increased public demand for total removal, discards, and bycatch rate accountability.

A sunset provision also has the potential to eliminate subsequent observer coverage. As there will not be a funding mechanism, NMFS will have to re-initiate observer/observer contractor/vessel company arrangements.

Additionally, the sunset provision is unnecessary as the Council already has the ability to reevaluate the fee percentage or any other shortcomings of the program on an annual basis. Concerns about fees can be addressed in this manner.

Signed: Dan Falvey Doug Ogden
 Dave Fraser Rob Wurm
 Penny Pagels Harold Sparck
 Dave Little

C-4 HALIBUT MANAGEMENT

The AP recommends the Council send this document out for public review. There was a fair amount of discussion regarding both the trip limits and the set-aside percentage. However, the AP finally opted against picking a preferred alternative at this time.

(This motion passed 19-1)

C-5 COMPREHENSIVE PLANNING

The AP received the report from staff and decided, by consensus to conduct a generalized discussion of the CRP issue, without getting into specific motions or actions at this time. The following themes were reflected in the discussions:

1) An item of particular interest to the AP is the issue of whether the suite of alternatives currently on the table is appropriate for the CRP analyses. The AP is fairly divided on this issue with some of the members feeling that the suite of alternatives should be as broad as possible and should include at least those that are currently active. Associated with this perspective is the feeling that the timelines associated with the CRP issue should not serve as a constraining factor, that in fact, this is an inherently slow process that will require an understanding by the industry of all of the implications of such a comprehensive program. This was reflected in the way in which the sablefish/halibut program was developed.

Another point of view (roughly half of the AP) was that the suite of alternatives should be narrowed to only those which can reasonably be expected to address the problems for which CRP is being developed. The feeling was that the alternatives must be pared down in order to have any reasonable chance of getting a system in place in the foreseeable future. Specifically, many of the members with this point of view felt that License Limitation should be eliminated from further consideration. It was felt that our experience in developing the sablefish/halibut program should help in making some of the hard choices that will be required to pare down the alternatives to a manageable list.

2) The issue of waste and discards entered the discussion with some of the members feeling, for example, that the "Harvest Priority" solution (written comment to the Council) needs to be further considered, not necessarily as an alternative to IFQs, but at least as an interim, first step management measure. This alternative could be considered either within, or parallel to, the other CRP alternatives. There was some consensus that this recommendation should be explored further.

Others (again fairly evenly divided) felt that this approach was not really addressing the specific problems of overcapitalization and the race for fish would only delay the CRP process, and was more of an issue for the Full Utilization agenda item.

Related to this topic, some AP members felt that it is imperative to include an option under the IFQ alternative to credit only retained catch. At least one AP member also felt that under the QS bundling concept, an option should be included to "fix" the bundles, such that a transfer of target species QS would be accompanied by the attendant bycatch QS.

3) On the issue of the processor 'two-pie' QS system, it was suggested that this alternative should be eliminated, in part because it is currently not a legal option. Several AP members felt that it should be included and that we need a better understanding of the implications of this alternative before we can delete it. It was also suggested that the 'one-pie' option (allocating a percentage of the harvest QS to processors) should be included as an alternative.

4) The AP recognizes the need for further, more in-depth discussion of these issues. Therefore, the AP recommends to the Council (unanimously) that an additional day be set aside for the AP at the January meeting to specifically discuss CRP. A motion was passed (with two objections) to convene the AP at 10:00 a.m. on Sunday to devote a full day to these deliberations.

D-1 CRAB MANAGEMENT

The AP recommends the Council send this document out for public review and also consider asking Staff to develop criteria for superexclusive registration areas. There was a suggestion during the public hearing that the State be asked to bind itself to a promise not to ask for superexclusive registration again. The AP does not believe that is a workable idea, and instead suggested that superexclusive criteria be developed during the public review process.

(This motion passed 18-1)

D-2(A) GROUND FISH AMENDMENTS

The AP recommends the Council direct NMFS to implement this amendment package by emergency rule so that it is in place no later than March 1, 1994. This includes directed fishing standards. The AP was told that emergency rules now had to meet specific criteria. Therefore, the AP appointed a committee to draft appropriate justification for this request. The justification is attached and also passed unanimously. Between the time the AP voted on this motion and the time the justification was presented, the AP learned that there was some question about whether the season date changes incorporated in the emergency rule included Greenland turbot, the AP would like to clarify this issue. We did not include Greenland turbot in the motion, because that species is not included in O. Flats.

(This motion passed unanimously)

D-3(A-B) GULF OF ALASKA GROUND FISH

It is the AP's practice to go through the specification process by placing the entire set of ABCs developed by either the Plan Team or the SSC on the table as TACs. We then move through the list and amend several of the proposed TACs. The final motion passed unanimously, however, several amendments received less than full support.

The AP unanimously recommends the Council adopt the Plan Team's recommended ABCs as the 1994 GOA groundfish TACs, with some amendments (see Table 1).

The AP amended the following ABCs to develop TACs:

Flatfish (deep water): The AP recommends that the Central Gulf TAC for deep water flats be set at 7,500 mt. No changes were recommended for Western or Eastern Gulf. The AP suggested TAC for the Central Gulf reflects recent catches but does not encourage growth, thus saving halibut bycatch. (This motion passed unanimously)

Rex sole: The AP recommends setting the Rex sole TAC for the Central Gulf at 7,500 mt. Our reasons are the same as for deep and shallow flats. (This motion passed unanimously)

Flathead sole: The AP recommends setting the flathead sole TACs as follows - 2,000 mt for the Western Gulf, 5,000 for the Central Gulf, and 3,000 mt for the Eastern Gulf. (This motion passed unanimously)

Flatfish (shallow): The AP recommends the Western Gulf TAC for shallow flats at 4,500 mt. Our reasons were the same as those for deepwater flats. (This motion passed unanimously)

Arrowtooth flounder: The AP recommends setting the arrowtooth flounder TACs as follows 5,000 mt Western Gulf, 20,000 mt Central Gulf, and 5,000 for Eastern Gulf. (This motion passed unanimously)

Pacific ocean perch: The TAC required under the rebuilding plan is 2,550 mt and is proportionately distributed by area. (This motion passed unanimously)

Shortraker/rougheye: The AP did not recommend changes in TACs but did recommend that this group of rockfish be given "bycatch only" status. Stocks are not strong enough to support directed fishing. (This motion passed unanimously)

Pelagic shelf rockfish: The AP had a lengthy discussion regarding POP bycatch in this fishery. Although the AP did not change the TACs, the AP recommends the Council encourage NMFS to closely monitor POP bycatch so that the POP rebuilding program is not compromised. (This motion passed unanimously)

Thornyhead rockfish: The AP also recommends that thornyhead be placed on the "bycatch only" status as well. (This motion passed unanimously)

Rockfish (other slope): This is basically a new fishery. All the targets have been moved out one-by-one. AP members were concerned that high bycatch in what is essentially a new fishery could result in the shutting down of other fisheries. Other AP members did not want to foreclose a directed fishery. The AP finally recommends the following TACs: 199 mt Western Gulf, 988 mt Central Gulf, and 3813 mt Eastern Gulf. Minority report to follow.

(This motion passed 14-5)

Atka mackerel: The AP recommends setting the Atka mackerel TACs at 2,500 mt for the Western Gulf and 1,000 mt for the Central Gulf. The AP spent a lot of time on this issue. There seemed to be very little definitive information about Atka mackerel; compounding this problem was the fact that studies in the Aleutians indicate Atka mackerel are found in Steller sea lion stomach contents.

(This motion passed 14-4)

Halibut Apportionments and PSC Limits: The AP recommends that the Council adopt the numbers set forth during the September 1993 meeting and contained in agenda item D-3(a-b) pages 2 and 3 of the action memo.

Halibut Mortality Rates: The AP spent a considerable amount of time discussing halibut mortality rates. The AP recommends that for the 1994 fishing season, the Council adopt the 1993 rates and the establish a uniform procedure for setting mortality rates. In that uniform procedure, the AP recommends that the Council adopt a rolling two-year average (using most recent data) and set the following year's rates at the June meeting.

D-3 (a-b) GOA Groundfish - Minority Report

Rockfish (Other slope)

We, the undersigned members of the AP, oppose setting the TAC for slope rockfish higher than the 1993 harvest of 3,000 mt.

Documents reviewed by the Council during the 1992 reevaluation of rockfish management strategies predicted the impact a developing slope rockfish fishery would have on other rockfish species and traditional fisheries.

The high discard of target species and the high bycatch of other rockfish species, exhibited by the 1993 fishery, in addition to the curtailment of traditional fisheries caused by this bycatch, fulfilled these predictions.

Allowing these impacts to increase by setting a TAC that is higher than the 1993 harvest is inconsistent with achieving OY.

Signed: Dan Falvey
Doug Ogden
Bryon Pfundt

TABLE 1. GULF OF ALASKA GROUND FISH
Final 1994 Council recommendations and apportionments (metric tons)

Species	Area	1993			Council 1994 ABC	Council 1994 TAC
		ABC	TAC	Catch*		
Pollock	W (61)	34,068	24,087	20,274	22,130	22,130
	C (62)	36,737	25,974	23,452	23,870	23,870
	C (63)	86,195	60,939	61,990	56,000	56,000
	E	3,400	3,400	689	7,300	7,300
	Total	160,400	114,400	106,405	109,300	109,300
Pacific Cod	W	18,700	18,700	18,398	16,630	16,630
	C	35,200	35,200	35,029	31,250	31,250
	E	2,800	2,800	1,621	2,520	2,520
	Total	56,700	56,700	55,048	50,400	50,400
Flatfish, Deep	W	2,020	1,740	371	460	460
	C	35,580	15,000	5,612	12,930	7,500
	E	7,930	3,000	126	3,120	3,120
	Total	45,530	19,740	6,109	16,510	11,080
Rex sole	W				800	800
	C	included in deepwater flatfish			9,310	7,500
	E				1,840	1,840
	Total				11,950	10,140
Flathead sole	W	12,580	2000	581	9,120	2,000
	C	31,830	5,000	1,864	23,080	5,000
	E	5,040	3,000	8	3,650	3,000
	Total	49,450	10,000	2,453	35,850	10,000
Flatfish, Shallow	W	27,480	4,500	378	20,290	4,500
	C	21,260	10,000	6,302	12,950	12,950
	E	1,740	1,740	6	1,180	1,180
	Total	50,480	16,240	6,686	34,420	18,630
Arrowtooth	W	38,880	5,000	1,790	28,590	5,000
	C	253,330	20,000	15,663	186,270	20,000
	E	29,080	5,000	957	21,380	5,000
	Total	321,290	30,000	18,410	236,240	30,000
Sablefish	W	2,030	2,030	740	2,290	2,290
	C	9,610	9,610	11,877	11,220	11,220
	W. Yakutat	3,830	3,830	4,441	4,850	4,850
	E. Yak./SEO	5,430	5,430	5,357	7,140	7,140
	Total	20,900	20,900	22,415	25,500	25,500
Pacific Ocean	W	753	341	474	680	571
Perch	C	949	949	1,078	850	714
	E	1,676	1,270	283	1,500	1,265
	Total	3,378	2,560	1,835	3,030	2,550
	Shortraker / Rougheye	W	100	90	84	100
Rockfish (Other Slope)	C	1,290	1,161	1,169	1,290	1,290
	E	570	513	609	570	570
	Total	1,960	1,764	1,862	1,960	1,960
	W	330	214	313	330	199
Rockfish (Pelagic Shelf)	C	1,640	1,064	1,493	1,640	988
	E	6,330	4,105	1,003	6,330	1,048
	Total	8,300	5,383	2,809	8,300	2,235
	W	1,000	1,000	902	1,000	1,000
Northern Rockfish	C	4,720	4,720	3,862	4,720	4,720
	E	40	40	115	40	40
	Total	5,760	5,760	4,879	5,760	5,760
	W	1,010	1,010	231	1,030	1,030
Rockfish (Pelagic Shelf)	C	4,450	4,450	2,081	4,550	4,550
	E	1,280	1,280	824	1,310	1,310
	Total	6,740	6,740	3,136	6,890	6,890
	W	800	800	671	960	960
DSR	S.E. Out.	800	800	671	960	960
Thornyhead	Gulfwide	1,180	1,062	1,348	1,180	1,180
Atka mackerel	Gulfwide	with other species			4,800	3,500
Other Species	Gulfwide	NA	14,602	11,821	NA	14,504
GULF OF ALASKA TOTAL		732,868	306,651	252,880	553,050	304,589

* Catch through October 30, 1993

D-3(C-D) BERING SEA/ALEUTIAN ISLANDS GROUND FISH

As with the GOA specifications, it is the AP's practice to go through the specification process by placing the entire set of ABCs developed by either the Plan Team or the SSC on the table as TACs. The final TAC recommendations are the result of a series of amendments made by AP members. Many of the TAC recommendations are made keeping in mind the need to stay at or below the 2 million metric ton catch limit for the BSAI. The AP would also like to advise the Council that the issue of waste was addressed by the AP on several occasions during this process. There was general frustration expressed that there was no appropriate manner in which to adequately deal with this very important issue. The AP urges the Council to provide an agenda time at the January 1994 meeting to begin to systematically address waste concerns.

Pollock: For the area 518 the AP recommends a TAC of 1,000 mt and further recommends that area 518 pollock be managed as a bycatch only.

Yellowfin Sole: The AP recommends a TAC of 150,325 mt. This figure is somewhat higher than last year's catch, but well within acceptable limits.

Greenland Turbot: The AP recommends a TAC of 7,000 mt. There was some consideration of setting a TAC of 12,000 mt which would have been below the Plan Team ABC, but above the SSC's ABC. By a vote of 6/11 that motion failed. The support for a 7,000 mt TAC was centered around concern for lack of recruitment.

Arrowtooth Flounder: The AP recommends a TAC of 10,000 mt.

Rock Sole: The AP recommends a TAC of 75,000 mt.

Other Flatfish: The AP recommends a TAC of 56,000 mt.

POP Complex: Although the AP did not amend the numbers, we do favor managing Other POP in the Eastern Bering Sea, and Shortraker/Rougheye in the Aleutian Islands as bycatch only.

Atka Mackerel: The AP recommends setting the TAC for Atka mackerel at 68,000 mt, apportioned as follows--10,000 mt for the Western area, 44,525 for the Central area, and 13,475 mt for the Eastern area.

Squid & Other species: The AP recommends 3,110 mt of squid and 26,390 mt of Other species. This brought us to the 2 million mt cap.

Apportioning the Roe/Non Roe Pollock Fishery: The AP recommends that 45% of the pollock be allocated to the roe season and 55% to the B Season (vote 15/4) This is the same split as last year.

Minority Report: The group supports a 50-50 split of pollock between A&B seasons in 1994. This 5% shift of the ITAC will significantly increase the chances that the "A" season fleet will not be shut out of a crucial part of the peak roe season-when the value of the fish to the industry is dramatically higher than during the "B" season. Utilization of the resource is higher and wastage is lower during the "A" season. The SSC has on more than one occasion told the Council that there is no expected significant impact on the resource from such a variation in seasonal exploitation.

Signed: Mick Stevens, Dave Fraser, Dave Benson

Midwater/Bottom Trawl Pollock Apportionment: The AP has no recommendation.

Non-Trawl PSC By Catch Apportionment: The AP recommends that the Council adopt the apportionments from the September meeting.

Trawl PSC Apportionment: The AP was divided evenly on this topic. Eight members supported the numbers you will find in PSC Minority 1 Table, and eight supported the numbers you will find PSC Minority 2 table.

**Table 2. BERING SEA/ALEUTIAN ISLANDS GROUND FISH (December 1993)
Final 1994 Council ABC and TAC Recommendations and Apportionments (mt)**

Species	Area	Seasons	ABC 1993	ABC 1994	Allowance	TAC	ITAC	CDQ
Pollock	EBS	Roe	1,340,000	1,330,000	45% of ITAC	1,330,000	1,130,500	99,750
		Non-Roe					508,725	
	(Bogoslof)	AI 518	58,700 42,000	56,600 31,750	*	56,600 1,000	48,110 850	4,245 75
Pacific cod	BS/AI		164,500	191,000		191,000	162,350	
Yellowfin sole	BS/AI		238,000	230,000		150,325	127,776	
Greenland turbot	BS/AI		7,000	7,000		7,000	5,950	
	BS				2/3	4,669	3,969	
	AI				1/3	2,331	1,981	
Arrowtooth flounder	BS/AI		72,000	93,400		10,000	8,500	
Rock sole	BS/AI		185,000	313,000		75,000	63,750	
Other flatfish	BS/AI		191,000	225,000		56,000	47,600	
Sablefish	EBS		1,500	540		540	459	
	AI		2,600	2,800		2,800	2,380	
POP complex								
True POP	EBS		3,330	1,910		1,910	1,624	
Other POP complex	EBS		1,400	1,400	*	1,400	1,190	
True POP	AI		13,900	10,900		10,900	9,265	
Sharp/Northern	AI		5,670	5,670		5,670	4,820	
Short/Rougheye	AI		1,220	1,220	*	1,220	1,037	
Other rockfish	EBS		400	365	*	365	310	
	AI		925	770	*	770	655	
Atka mackerel	BS/AI		117,100	122,500		68,000	57,800	
	W			53,900		10,000	8,500	
	C			55,125		44,525	37,846	
	E			13,475		13,475	11,454	
Squid	BS/AI		3,400	3,110		3,110	2,644	
Other species	BS/AI		26,600	27,500		26,390	22,432	
BS/AI TOTAL			2,476,245	2,656,435		2,000,000	1,700,000	

Notes:

* Council recommends as bycatch only (no directed fishery).

Roe Season for Pollock: January 20 to April 15. Non-Roe season: August 15 to December 31.

ITAC = recommended TAC less the 15% reserve.

CDQs equal half the reserve for Pollock, or 7.5% of the BSAI Pollock TAC.

Approval of Amendment 24 in early 1994 will allocate the P. cod TAC as follows: 44% hook-&-line, 54% trawl, 2% jig.

BSAI flatfish fisheries open May 1, but may open earlier subject to implementation of an Emergency Rule in early 1994.

**Table 3. Final 1994 Council Recommendations for BSAI Prohibited Species Catches
BSAI Trawl Fisheries PSC Apportionments and Seasonal Allowances**

Fishery Group	Assumed Mortality*	Halibut Mortality Cap (mt)	Herring (mt)	Red King Crab (animals) Zone1**	C. bairdi (animals) Zone1	C. bairdi (animals) Zone2
Yellowfin sole Jan. 20 - Aug. 2 Aug. 3 - Dec. 31	70%	592 230 362	332	40,000	175,000	1,275,000
Rocksole/other flatfish Jan. 20 - Mar. 29 Mar. 30- June 28 June 29 - Dec. 31	70%	688 428 180 80		110,000	475,000	260,000
Turbot/arrowtooth/sablefish	40%	137				5,000
Rockfish Jan. 20 - Mar. 29 Mar. 30 - June 28 June 29 - Dec. 31	60%	201 40 120 41	8			10,000
Pacific cod Jan. 20 - June 28	60%	1,200	25	10,000	175,000	200,000
Pollock/mackerel/"o. species" Jan. 20 - April 15 April 16 - Dec. 31	60%	957 430 527	178	40,000	175,000	1,250,000
MW Pollock (Herring)			1,419			
TOTAL		3,775	1,962	200,000	1,000,000	3,000,000

* Council recommended discard mortality rates for 1994.

** Zone 1: Areas 511, 512, & 516. Zone 2: Areas 513, 517 & 521

BSAI Non-Trawl PSC Bycatch Apportionments and Seasonal Allowances

Fishery Group	Assumed Mortality**	Halibut Mortality (mt)	Seasonal Apportion (mt)	%
Pacific Cod Jan 1 - April 30 May 1 - August 31 Sept. 1 - Dec. 31	12.5/15%	725	685 40 Rollover	95 5
Other Non-Trawl*	12.5/15%	175		
Groundfish Pot	5%	Exempt		
TOTAL		900 metric tons		

* Includes Hook & Line Sablefish, Turbot, Rockfish, and Jlg.

** Council recommended discard mortality rates. Lower number reflects the Careful Release Program.