

North Pacific Fishery Management Council

Richard B. Lauber, Chairman
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June 7, 1996

DRAFT AGENDA

**123rd Plenary Session
North Pacific Fishery Management Council
June 11-16, 1996
Red Lion Hotel Downtown
Portland, Oregon**

The North Pacific Fishery Management Council will meet at the Red Lion Inn Downtown in Portland, Oregon, beginning at 8:00 a.m. on Tuesday, June 11, 1996 and continue through Sunday, June 16, 1996. Other meetings to be held during the week are:

<u>Committee/Panel</u>	<u>Beginning</u>
Advisory Panel	8:00 a.m., Monday, June 10
Scientific and Statistical Committee	8:00 a.m., Monday, June 10
IPHC/NPFMC Joint Meeting	1:00 p.m., Tuesday, June 11
PNCIAC*	1:00 p.m., Tuesday, June 11
* (at River Place Hotel, 1510 S.W. Harbor Way; Marquam/Eliot Mtg Room)	
Enforcement Committee	7:00 p.m., Wednesday, June 12
Finance Committee	Noon, Friday, June 14

All meetings except Council executive sessions are open to the public. Other committee and workgroup meetings may be scheduled on short notice during the week. All meetings will be held at the hotel unless otherwise noted.

INFORMATION FOR PERSONS WISHING TO TESTIFY BEFORE THE COUNCIL

Sign-up sheets are available at the registration table for those wishing to testify before the Council on a specific agenda item. Sign-up must be completed before public comment begins on that agenda item. Additional names are generally not accepted after public comment has begun.

Submission of Written Comments/Testimony. Any written comments and materials to be included in Council meeting materials must be submitted to the Council office **by 5:00 p.m. on Wednesday of the week before the Council is scheduled to begin (i.e., June 5 for this meeting).** Material received after the deadline may not be included in meeting materials. Because this is an out-of-town meeting, copying facilities will be at a minimum; please make every effort to submit comments by June 5, earlier if possible. Materials provided during the meeting for distribution to Council members should be provided to the Council secretary. A minimum of 18 copies is needed to ensure that Council members, the executive director, NOAA General Counsel and the official meeting record each receive a copy. If you wish copies to be available for the Advisory Panel (22), Scientific and Statistical Committee (12), staff (10) or the public (50), they must also be provided after the pre-meeting deadline.

FOR THOSE WISHING TO TESTIFY BEFORE THE ADVISORY PANEL

The Advisory Panel has revised its operating guidelines to incorporate a strict time management approach to its meetings. Rules for testimony before the Advisory Panel have been developed which are similar to those used by the Council. Members of the public wishing to testify before the AP must sign up on the list for each topic listed on the agenda. Sign-up sheets are provided in a special notebook located at the back of the room. The deadline for registering to testify is when the agenda topic comes before the AP. The time available for individual and group testimony will be based on the number registered and determined by the AP Chairman. The AP may not take public testimony on items for which they will not be making recommendations to the Council.

FOR THOSE WISHING TO TESTIFY BEFORE THE SCIENTIFIC AND STATISTICAL COMMITTEE

The usual practice is for the SSC to call for public comment immediately following the staff presentation on each agenda item. In addition, the SSC will designate a time, normally at the beginning of the afternoon session on the first day of the SSC meeting, when members of the public will have the opportunity to present testimony on any agenda item. The Committee will discourage testimony that does not directly address the technical issues of concern to the SSC, and presentations lasting more than ten minutes will require prior approval from the Chair.

COMMONLY USED ACRONYMS

ABC	Acceptable Biological Catch	MMPA	Marine Mammal Protection Act
AP	Advisory Panel	MSY	Maximum Sustainable Yield
ADF&G	Alaska Dept. of Fish and Game	mt	Metric tons
BSAI	Bering Sea and Aleutian Islands	NMFS	National Marine Fisheries Service
CDQ	Community Development Quota	NOAA	National Oceanic & Atmospheric Adm.
CRP	Comprehensive Rationalization Program	NPFMC	North Pacific Fishery Management Council
EA/RIR	Environmental Assessment/Regulatory Impact Review	OY	Optimum Yield
EEZ	Exclusive Economic Zone	POP	Pacific ocean perch
FMP	Fishery Management Plan	PSC	Prohibited Species Catch
GOA	Gulf of Alaska	SAFE	Stock Assessment and Fishery Evaluation Document
IBQ	Individual Bycatch Quota	SSC	Scientific and Statistical Committee
IPHC	International Pacific Halibut Commission	TAC	Total Allowable Catch
ITAC	Initial Total Allowable Catch	VBA	Vessel Bycatch Accounting
MFCMA	Magnuson Fishery Conservation and Management Act	VIP	Vessel Incentive Program

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	<u>Estimated Hours</u>
A. CALL MEETING TO ORDER	
(a) Approval of Agenda	•
(b) Approval of Minutes of Previous Meeting(s)	•
B. REPORTS	
B-1 Executive Director's Report	•
B-2 State Fisheries Report by ADF&G	•
B-3 NMFS Management Report	•
B-4 Enforcement and Surveillance Report	•
	(3 hours for A/B items)
C. NEW OR CONTINUING BUSINESS	
C-1 <u>Halibut IFQs¹</u> Final decision on raising Bering Sea ownership caps.	(1 hour)
C-2 <u>Halibut Issues - Joint Meeting with IPHC Commissioners</u> (Tuesday, June 11: 1-5 p.m.)	(4 hours)
(a) Introduction.	
(b) Area 4 biomass distribution and effects on catch sharing plan.	
(c) Bycatch compensation model and stock assessment change.	
(d) Halibut gridsorting in the groundfish fisheries.	
(e) Halibut bycatch in the groundfish fisheries.	
(f) Public comments.	
(g) General IPHC-NPFMC discussion.	
C-3 <u>BSAI Pacific Cod Allocations</u> Final decision on gear allocation amendment.	(12 hours)
C-4 <u>BSAI Crab Bycatch Issues</u> Final decision on proposed closures and PSC limits.	(8 hours)
C-5 <u>Improved Retention and Utilization</u> Initial review of proposed amendment package.	(6 hours)
C-6 <u>Ban on Night Trawling for Cod</u> Report and further direction.	(1 hour)
C-7 <u>Groundfish Overfishing Definitions</u> Final decision on proposed revisions.	(3 hours)
C-8 <u>Halibut Charterboat Issue</u> Finalize Request for Proposals.	(1 hour)
C-9 <u>Electronic Reporting</u> Initial review of proposed electronic reporting requirements for both onshore and offshore processors.	(1 hour)
D. CHAIRMAN'S REMARKS AND ADJOURNMENT	

Total Agenda Hours 40

¹NOTE: IFQ Socioeconomic research reports are postponed until September meeting when the annual IFQ cycle begins.

TIME SUMMARY

Total agenda hours	40.00 hours
Lunches - 5 days (1.25 ea)	6.25 hours
Breaks (4/day, 20 min ea-5-1/2 days)	<u>7.50 hours</u>
Total hours required:	53.75 hours

Meeting as follows, Tuesday through Saturday

8 am - 5:30 pm, 5 days x 9.5 hours	= 47.5 hours
and	
8 am - Noon on Sunday	= <u>4.0 hours</u>
	51.5 hours

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Certified: *Alan Bendys*
Date: *5-31-96*

MINUTES Scientific and Statistical Committee April 15-17, 1996

The Scientific and Statistical Committee of the North Pacific Fishery Management Council met April 15-17, 1996 at the Hilton Hotel in Anchorage. All members were present except Richard Marasco and Marc Miller:

Keith Criddle, Chair
Sue Hills
Terrance Quinn II
Harold Weeks

Jack Tagart, Vice Chair
Doug Larson
Phil Rigby

Jim Balsiger
Seth Macinko (Alt.)
Al Tyler

C-1(a) Pacific Cod Allocation

The SSC heard staff presentations from Darrell Brannan and Marcus Hartley. Public testimony was given by Paul MacGregor, AFTA; John Gauvin, AFTA; Arni Thomson, ACC; Thorn Smith, NPLA; and Brent Paine, UCB.

The SSC did not receive the draft EA/RIR until minutes before it was scheduled to take up this topic. Accordingly, the SSC cannot provide the Council with any recommendation as to whether the draft EA/RIR is suitable for release for public review. This kind of problem results when the Council fails to allow sufficient time and resources to allow for preparation and review of amendment packages.

The SSC reiterates the advice it provided to the Council in both December and January that time and data limitations preclude the development of a quantitative analysis of net national benefits sufficient to provide a basis for choosing between alternative allocation splits. The SSC continues to believe that a qualitative assessment would be adequate for analysis of a simple rollover. The linear programming model in the EA/RIR is not sufficiently credible to serve as a basis for judgment of the relative merits of the alternatives the Council is considering. Limitations of the model are partly a reflection of what the LP modeling approach can do, partly a reflection of the current model specification, and partly a reflection of outstanding data limitations which cannot be resolved in the near term.

The SSC noted the following specific concerns:

- (1) There are difficulties in inferring what the gross revenue per ton of catch is from weekly processor reports (WPRs), particularly for the catcher-vessel segment of the fleet. This problem occurs because WPRs do not contain enough information on target fisheries and do not treat landings by individual vessels through processing to final product (see below).

- (2) The analysis evaluates gross revenue changes instead of changes in net benefit measures because there are no adequate data on how cost of production would change with different alternatives or on effects beyond the vessel level. Revenue maximization is not the same as net benefit maximization, and can lead to different choices.
- (3) The analysis depends heavily on differences in halibut bycatch rates (as noted, for example, in paragraph 2 of page 78). Halibut bycatch rates by different industry sectors appear to be fairly volatile over the 1992-95 period (e.g., Table 3.6(iv) on page 48), and model results are likely to depend significantly on which set of bycatch rates are chosen to parameterize the model.
- (4) The reported opportunity cost of bycatch estimates losses to other fisheries but may miss other, perceived costs of bycatch, such as the waste of edible fish.
- (5) The model does not recognize limitations on harvesting capacity in determining allocations to different industry sectors.
- (6) The Council's revised problem statement mentions several issues of concern that motivate possible action, including compressed fishing seasons, social aspects of the allocations, habitat, stability, and waste. Due to the limited time to review the document, the SSC doesn't know to what extent, if any, these issues are addressed in the analysis.

The SSC recommends the following revisions:

- (1) The LP model is miscast as the centerpiece and culmination of the analysis. The model results are illustrative of some of the tradeoffs that might be encountered and are helpful in developing intuition, but should be clearly labeled as illustrative. It is possible to develop a shorter, qualitative discussion of the likely effects of allocation alternatives using the intuition that the quantitative model provides: alternatives favoring sectors with higher revenues per ton will tend to be preferred, and sectors with higher prohibited species catches will tend to be closed prematurely. This type of discussion can be accompanied by the existing tables in the document which provide information on catches, revenues, and bycatch levels.
- (2) Provide the following summary table(s) or narrative:
 - (a) a summary snapshot of the current BSAI Pacific cod harvest broken down by gear type and operational mode, including total, retained and discarded amounts in both absolute and relative terms;
 - (b) how each alternative is likely to distribute overall catches, higher overall halibut bycatch, and other indicators thought to be important;
 - (c) a review of the elements of the problem statement relative to the analysis;
 - (d) a summary of the key factors (e.g., revenues, halibut bycatch) that are likely to "drive" the results.
- (3) Provide an executive summary and other missing elements of the draft of 4/15/96 (numbered and labeled tables, renumber pages, etc.).

Finally, the SSC offers two comments that are relevant beyond the context of the current analysis. First, there is a mismatch between the WPR and fish ticket/observer data which means that the subsequent determination of prices/revenues in specific fleets/fisheries is suspect. The data mismatch occurs because target fishery and landing vessel information are not reported on WPRs. The SSC has previously noted the lack of specificity in WPR data (see minutes of August, 1995 teleconference). The draft EA/RIR provides a dramatic illustration of the potential adverse analytical consequences associated with this data problem. Using the pot Pacific cod fishery as an example, the analysis notes that the WPR data produced a gross revenue estimate of \$4.97 million

compared to the \$15.6 million estimate produced from the blend data. The SSC believes that the underlying reason for this disparity should concern everyone involved in the Council process. To quote from the analysis: "We are unable to determine if the pot vessels catch of Pacific cod in the WPR data was processed into salt cod or an H&G product, *or even if the fishery should be classified as trawl catcher vessel or pot.*" The SSC foresees continued analytical difficulties as the Council pursues management measures with area, fleet sector, and/or vessel specific features. Quantitative analysis of these measures will obviously hinge on the availability of data that can be properly matched to the detail of the selected management measures.

Second, the SSC suggests that a generalized economic model be developed and annually maintained. The effort focused on development of this kind of model ought to be comparable to that devoted to stock modeling. Modeling efforts should include vessel/processor level economics and regional impacts. The lack of a maintained model places Council staff in the position of reinventing the wheel whenever they are called on to assess potential economic consequences. Development of such a model would require a commitment of ADF&G or NMFS personnel as well as cooperation from industry.

C-1(b) Ban on night trawling for P. Cod

The SSC received reports on this issue from Dave Witherell and Gregg Williams. There is no new analysis of the issue since it was last considered in 1993. It appears that previously articulated concerns about enforcement are still relevant and other mechanisms are available for achieving the goal of bycatch reduction. However, the previous analysis by Adlerstein and Trumble was based on a relatively small number of tows in 1990. It may now be possible to use a much larger observer data base to address this issue with the benefit of a data base.

C-2 Crab Bycatch

Reports Received

Written reports and staff testimony were provided during the April SSC meeting on:

- (1) April Crab Rebuilding Committee meeting.
- (2) April Crab Plan Team meeting;
- (3) March actions on Bering Sea crab management by the Alaska Board of Fisheries; and
- (4) Crab bycatch from the 1994 and 1995 GOA groundfish trawl fisheries. Chris Blackburn summarized the report of GOA crab bycatch prepared by the Alaska Groundfish Data Bank.

The SSC heard testimony about the possible need for additional crab protection in the form of either PSC caps or else additional closed areas in the Kodiak Area. Testimony was received from Chris Blackburn, who made a special presentation based on an extensive analytical document developed by the Alaska Groundfish Data Bank. The message she presented was that PSC caps were not useful, and that the closures in place now were adequate. She also stated that areas could be modified to protect any significant future crab recruitment. There was no agency testimony on this issue.

EA/RIR Review

The SSC commends the analysts on their document of the draft EA/RIR for proposed Amendment 41 and additional analysis of the Red King Crab Savings Area, Amendment 37. As a single package the EA/RIR provides a more comprehensive analysis of three possible management actions to protect Bering Sea crab. The SSC heard public testimony from the John Gauvin (American Factory Trawlers Association), Dave Fraser (United Catcher Boats), and Tom Casey representing several fishing companies.

The concerns of the SSC expressed in the January minutes have all been dealt with in a clear and comprehensive manner; and in addition, the analysts have developed important sections on background and management measures, including rebuilding of the Bristol Bay red king crab stock. The document also includes environmental impacts of the alternatives and a regulatory impact review of the economic and socioeconomic impacts. The document includes nine important appendices that explain details of earlier management actions, condition of stocks, and a description of the Bering Sea Bycatch model, the latter being one of the requests of the SSC. Several other concerns of the SSC were addressed: the report examines the cost to the C. bairdi directed fishery of increasing the bycatch; allocation of caps for PSC among alternative groundfish fisheries was analyzed; and a section was developed on potential trawling impacts on crucial benthic habitat of juvenile red king crab and Tanner crab. This latter section is particularly pertinent to management Measure 3, the nearshore Bristol Bay trawl closure.

In examining the alternatives for PSC limits that fluctuate with abundance (Measure 2: Alternative 3), the SSC discussed the recommendation made by the Crab Rebuilding Committee that a different "currency" be used in establishing caps (e.g., caps in terms of "large" crab rather than total number of crab may be more stable over time than the total number of crab due to recruitment fluctuation). The SSC believes that a change to a new "currency" system should be done carefully with requisite analyses, because the effects of using different measures may be complicated. If the Council wishes to move in this direction, the SSC suggests it be done as a separate amendment to avoid confusion.

The EA/RIR calculates savings of area closures in terms of adult equivalents that result from modeling analysis. The SSC recognizes that this is a commendable addition to the analysis that represents an important step forward in the evaluation of bycatch effects. The SSC recommends that the EA/RIR be released for public review.

Additional Items

The document identifies topics that are important for additional research. One critical issue that the SSC has emphasized many times is the need for a comprehensive treatment of bycatch control measures involving time-area closures. If one could start from scratch, a meaningful set of time-area closures might be developed that provides sufficient protection for prohibited species (halibut, crab, herring, and salmon) while allowing the groundfish fisheries to take relatively high amounts of groundfish efficiently. Necessary to this development would be a projection of how groundfish fisheries would respond to particular closures. A joint industry and agency group could probably develop such anticipated responses. These responses could then be incorporated into a modified Bering Sea bycatch model augmented with extended spatio-temporal distributions of catch and bycatch. The SSC recommends that the Crab Rebuilding Committee take up this comprehensive examination as a priority.

Another focus of the Crab Rebuilding Committee could be to provide projections of rebuilding that will occur as a consequence of various management measures including restriction of directed harvests and short-term and long-term bycatch control measures in the groundfish fleet. The length-based analysis model might provide a basis for such projections.

C-3 Observer Program

The current EA/RIR contains 4 alternatives: Alternative 1, Option 1 (Research Plan), Alternative 1, Option 2 (no observer coverage), Alternative 2 (current Pay-as-you-go), and Alternative 3 (modified Pay-as-you-go (PAYG)).

The most important issue here is to make sure that the current collection of data does not stop after 1996, so Alternative 1, Option 2 is clearly unacceptable. In previous testimony, the SSC has indicated that either the Research Plan or Modified PAYG solve problems found in the current PAYG system. In December, the Council decided to move forward with the Modified PAYG. In the staff presentation to the SSC at this meeting, it was revealed that there is great uncertainty in what observer costs and compensation will be under this system, and that ADF&G and NMFS have not yet developed a unified approach to utilizing observers. A third problem is that observer costs under Modified PAYG are not likely to be known until the bid process is completed. Resolution of some of these uncertainties may be helpful before the Council gives final approval to the Modified PAYG, and may require the Council to stay with the current PAYG for one more year. Nevertheless, the SSC reiterates that the current system is flawed (e.g., in the way observers are placed and the need for separation between operators and observer contractors), and movement toward a new system is urgently needed. The essential elements of a new system are outlined in the SSC's January 1996 minutes.

D-1 Groundfish Management

D-1(a) BSAI Pollock "B" Season Delay

Chris Oliver presented the staff report on the supplemental analysis which was done based on the 1993 EA/RIR. In general, the analysis was appropriately conceived and qualified. The SSC had some concerns about the use of a three-year old analysis, because structural conditions have changed to some degree and these changes could invalidate the inferences made in the analysis. In this case, the results of the analysis seem consistent with expectations, indicating some improvements in pollock revenues, some potential for adverse interactions with marine mammals, with possible decreases in chum salmon catch and slight increases in chinook salmon catch.

The SSC notes that it would have been useful to validate the predictions of the earlier analysis before it was used for evaluating this amendment. This validation could be performed by comparing the recent observations on observable variables such as bycatch quantities and pollock production with the predictions made by the earlier analysis.

The supplemental analysis invites speculation about the contribution of pollock vessels to halibut bycatch rates observed in the early portion of the yellowfin sole fishery (see Table 3.1 and associated discussion on page 15). However, the document goes on to note that the lower halibut bycatch rates observed after the opening of the pollock B season might be explained by seasonality in bycatch rates rather than by particular vessels exiting the yellowfin sole fishery. The SSC notes that the data presented in Table 3.1 possibly could have been broken down to distinguish between pollock vessels and dedicated yellowfin vessels, thereby providing a better understanding of fleet specific halibut bycatch rates.

D-1(b) Overfishing

Grant Thompson (AFSC) gave an overview of the EA/RIR that he authored to amend the overfishing definition. The SSC commends Grant for his fine work on this SSC-sponsored initiative and for taking into account SSC comments from the January meeting. The SSC recommends that the document go out for public review with some minor revisions. These revisions are:

- Wherever possible include verbiage clarifying differences between new and old versions and giving intuitive explanations of technical formulas which will make the document more "user-friendly".
- The document should emphasize that the $F_{40\%}$ cap for ABC in Tiers 3 and 4 will apply to about one-half of BSAI and GOA species. There should be stronger rationale for this cap; the December 1995 SSC minutes maybe helpful in this regard.
- The document should also emphasize that the $F=0.75M$ cap for ABC in Tier 5 will apply to most of the remaining species and represents a departure from $F=M$, which remains the OFL. There should be a stronger rationale for this change based on the cited references of Deriso and Thompson which suggest that $F=M$ can exceed F_{MSY} .
- A paragraph explaining the effect of the new definitions on emerging fisheries is desirable.
- Table 2 should highlight which species would be affected by the new definitions.

D-1(d) Experimental Fishery Permit

The SSC reviewed a request for an Experimental Fishing Permit from Dave Fraser. The request is for determining the viability of a pelagic trawl fishery for rockfish in Area 650 of Southeast Alaska. The details of the experiment are contained in the letter of application.

With some additional requirements the SSC believes the project could provide valuable information. The SSC recommends the following be included in the permit language.

- (1) A specific sampling plan should be designed for the first week's hydroacoustic survey to ensure representation coverage of the entire experimental area.
- (2) A sampling plan should be designed to ensure all hauls are sampled during the experiment. Specifically hauls should be sampled for species composition, age structure, length, and sex.
- (3) Because abundance and distribution of the targeted rockfish species are poorly understood, some protection from localized depletion should be specified for fishing during the third phase.

The SSC recommends that the proposer work with AFSC staff to develop these plans. In addition, the proposer should consult with ADF&G and NMFS, to determine maximum bycatch amounts for species groups such as DSR, sablefish, and chinook salmon.

D-2 Halibut Sport (Charter) Management

Chris Oliver provided the staff report on a draft Request for Proposals (RFP) to assess possible future limitations on the halibut sport fishery. The SSC feels that the draft RFP calls for an overly ambitious effort given the time and funding which may be available. Reasons for this include:

- (1) The contractor will need to use data from several other agencies. It is possible that obtaining this data will involve significant time lags.

- (2) The RFP as currently written will require the collection of primary data through surveys of charter boat operators and halibut sport fishermen. Designing and implementing quality surveys, with subsequent analysis and report generation, can easily take several months to a year.

One way to better accommodate a short time frame would be to focus solely on the charter boat operators. Even so, six months is probably too short a time frame for a high quality analysis. If the Council wants a comprehensive analysis, it may be advantageous to divide the RFP into a couple of sub RFPs: i.e., one for the charter boats and another for the value of angling. The RFP will probably attract the highest caliber of researchers if it does not require the contractor to write the EA/RIR and if it is very specific regarding the nature of deliverables and the time frame for their delivery.

Other SSC comments are:

- (1) The Charter boat survey should collect data that will show both the current level of net revenue and how net revenue is likely to change with different allocations.
- (2) To provide comparable information on the commercial fleet, the Council staff should begin developing a systematic data base on IFQ transaction prices and transaction quantities, along with descriptive information such as the quota class, area fished, etc. This information can be used to help determine marginal net revenues in the commercial fishery which can be compared to the information generated for the sport sector.
- (3) Limitation of effort alternatives will likely require collection of a much larger and more detailed body of information.

Additional Items - Auke Bay Facility

The SSC heard a brief presentation from Terry Quinn (UAF) on a proposed fisheries facility at Auke Cape in Juneau. The facility would house the NMFS regional office, NMFS Auke Bay Lab and NOAA General Counsel, and provide a separate wing for the University of Alaska Fairbanks fisheries program. Planning for the facility is underway and efforts are being made to secure funding through Federal, State, University, and private sources. This facility would be the first academic/federal complex focused on fisheries and would enhance research and management efforts directed toward Alaska's fisheries.

The University is asking for a letter of support from the Council to Senator Stevens for the Auke Cape facility in general and the University's inclusion in the facility in particular. The SSC urges the Council to support this request and notes that synergistic benefits are likely to occur from this consolidation of federal and University fisheries forces.

ADVISORY PANEL MINUTES
APRIL 15-18, 1996
ANCHORAGE, ALASKA

Advisory Panel members in attendance:

Bruce, John (Chair)	Highleyman, Scott
Alstrom, Ragnar	Jones, Spike
Benson, Dave	Lewis, John
Burch, Alvin	Madsen, Stephanie (Vice-Chair)
Cotton, Bruce	Maloney, Pete
Cross, Craig	Nelson, Hazel
Falvey, Dan	Paddock, Dean
Fanning, Kris	Roos, John
Fraser, Dave	Sevier, John
Fuglvog, Arne	Wurm, Robert
Gundersen, Justine	Yeck, Lyle

Advisory Panel member, John Sevier, was absent Monday and Tuesday.

C-2 Crab Bycatch Issues

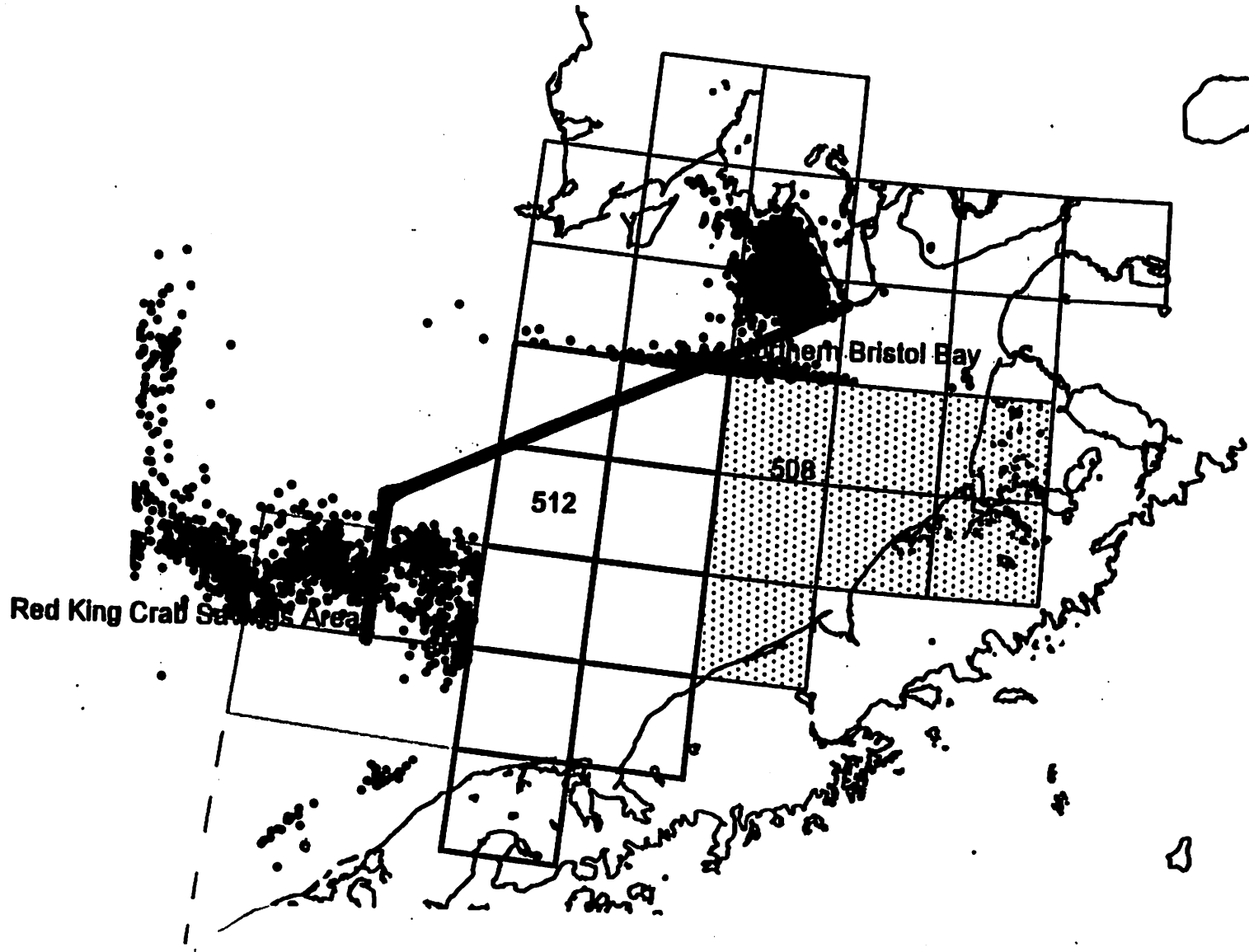
The AP recommends that the Council send out the EA/RIR for public review with the following changes:

Bering Sea/Aleutian Islands

Bristol Bay Red King Crab Savings Area

1. Add Alternative 2, Option C: closure from January 1 to August 1.
2. Add Alternative 2, Option D: close area based on modified version of the old pot sanctuary.
 - Boundaries of the closure would close all waters in the Bering Sea east of a line originating at Cape Constantine, extending to 58°10' N, 160°W to 57°10'N, 163°W to 56°30'N, 163°W to 56°30'N, 164°W, then south to 56°N. After April 1, this closure would extend south to the Alaska Peninsula.
 - This option would require 100% observer coverage for fishing north of 58° and east of 162° and would be limited to May and June (see attached chart).
 - Further, the area between 163° and 164° between 56°30' and 57°00' would not open until April 1 and would be closed upon reaching a red king crab cap in a range of 5,000 to 15,000 red king crab. (Note this alternative deals with both Bristol Bay Red King Crab Savings Area and nearshore Bristol Bay Trawl Closure Area.)

1988 JV yellowfin sole fishery.



PSC Caps

- a.) Alternative 3: reduce the lower end of Tanner crab caps to .10.
- b.) Alternative 3: reduce the lower end of red king crab caps to .10.
- c.) Alternative 2: range of 1.5 - 2.1 million in Zone 2.
- d.) Alternative 2: add Option C — 6 million opilio PSC cap.

Nearshore Bristol Bay Trawl Closure Area

1. Alternative 5, Option A: allow fishing north of 58° and east of 160° to 159° as recommended by crab rebuilding committee. This option requires 100% observer coverage.

Additionally, the AP recommends that the Council include in the analysis:

1. Recision of trawl exemption area of Port Moller, as described by the crab rebuilding committee.
2. Based on trawl survey, plot species that correlate with crab habitat as identified in the EA/RIR.
3. Economic analysis should examine impacts of different TACs for pollock and other groundfish.
4. Model run to combine all three actions: crab savings area, critical habitat areas, and caps.
5. Plot highest CPUE of yellowfin sole by block, by month.
6. Chart to include all closed areas identified in Appendix 5, page 177, for the Bering Sea/Aleutian Islands, Gulf of Alaska as well as closures in state waters.

Motion carries unanimously (21/0).

The AP remains concerned about the impacts of different types of fishing gear on habitat and unobserved mortality. We encourage the Crab Rebuilding Committee and Crab Plan Team to pursue research into these areas. Motion carried 16/3/2 abstentions.

C-1 BSAI Pacific Cod Allocations

In the interest of addressing the biological, economic and regulatory changes which have occurred in the Pacific cod fishery, the AP recommends that the EA/RIR of Pacific cod allocation be released for Public Review with Option 4, 5, 6 and 7 deleted. Further, the trawl apportionment option be based upon a 3-year historical total catch.

The AP additionally recommends that staff incorporate anecdotal information regarding the pot fleet's participation and harvest ability to date in the 1996 Pacific cod fishery.

The AP also requests that the Council form a group of fishermen and processors to negotiate percentages before the June meeting.

The AP further recommends that the analysis include discussion of disposition of any halibut PSC not utilized by an allocation of Pacific cod. Such discussion should include possible reallocation of halibut as PSC and returning saved halibut to the biomass for allocation by the IPHC. Motion carries 11/10.

In recognizing the importance of addressing these changes, the AP recommends that the analysis be released without delay. Main motion carries 16/6.

**MINORITY REPORT
C-1 PACIFIC COD ALLOCATIONS**

The recommendations of the AP regarding the EA/RIR do not fully address the biological, economic and regulatory changes that have occurred in the Pacific cod fishery. We feel that the narrow range of options recommended by the AP is far too restrictive in perspective to allow for a full and objective review of the issue.

Additionally, while the merits of the constructive industry dialogue could be extremely beneficial in a final determination, a Council mandate for a conclusion from a negotiation or for that conclusion to be binding is not acceptable, as such, a conclusion may not fully address the issues referenced in the Pacific cod allocation problem statement.

Signed: Spike Jones
Kris Fanning
John Bruce
Rob Wurm
Arne Fuglvog

C-1(b) Ban on Night Trawling for Pacific Cod

The AP recommends that the Council direct staff to proceed with an analysis of a ban on night trawling for Pacific cod and development of an amendment. The analysis should include an evaluation of a check-in requirement declaring the directed fishery for that vessel. Also, a range of options should be included for determining start/stop times.

The AP further recommends the formation of an industry group (trawlers) to develop the elements of the plan. This group would also include NMFS enforcement. The AP received a status report on the trawl web regulations from NMFS. The AP requests the Council to encourage NMFS to work with a trawl committee as soon as possible to resolve outstanding issues related to the physical definition of a codend as well as enforcement problems related to the directed fishing standards. The AP requests that the Council initiate consideration of a check-in requirement to eliminate these concerns. Motion carries 15/1.

C-3 Observer Program

The AP recommends extending the existing Observer Program for one year until a final decision on a replacement plan can be made. Funds collected for the start-up of the Research Plan should be returned. The motion carried 9/6. [This replaced a motion retaining funds.]

We further request that the OAC continue to meet and attempt to identify the total cost of the third party program and any additional programs, and any mitigation measures for reducing the impact of the third-party plan on 30% vessels. The results of these meetings should be incorporated into the EA/RIR in addition to an updated evaluation of labor costs under the Research Plan.

The AP believes this action is necessary to make an informed decision between the Research Plan and the Third Party Plan. The motion carries unanimously (16/0).

C-4 Sablefish/Halibut IFQs

In regards to Amendment 43 for the BSAI FMP and GOA FMP, the AP recommends that the Council adopt Alternative 2, Option A to increase halibut to 3,000 lbs and Alternative 3, Option A to increase sablefish to 5,000 lbs. Both sweep ups will be in 1996 quota share units that yield the appropriate poundage. Motion carries 11/10.

A motion recommending Alternative 2, Option B and Alternative 3, Option B failed 10/10.

The AP recommends that the EA/RIR allowing sablefish pot longlines in the Bering Sea and increasing halibut QS use caps in the BSAI be sent out for public review, with the following additions:

Sablefish Pot Longlines in the Bering Sea

Option C to allow the use of "C" class (under 60') catcher vessels sablefish quota shares in the Bering Sea when harvested with pot gear by a class "B" (over 60') vessel.

Halibut QS Use Caps in BSAI

Add a section describing the unused quota share in the Bering Sea.
Motion carries unanimously.

C-5 Improved Retention and Utilization

The AP recommends development of an EA/RIR for Improved Retention and Utilization for pollock, Pacific cod, rocksole and yellowfin sole. The analysis should focus on Option 2, a species-based approach, and should address the issues and concerns contained in the IR/IU Committee report. We further recommend that the analysis should:

1. include pollock, Pacific cod, shallow flatfish and rex sole in the Gulf of Alaska,
2. identify as a goal:
 - a. utilizing the resource for human consumption to the greatest extent possible, and
 - b. provide incentives for avoidance of unwanted and unmarketable catch.

Implementation should be as soon as possible but no later than 1998 for pollock and Pacific cod with a 5-year phase-in beginning at 60% retention for the flatfish species. It is important that implementation be concurrent in the Bering Sea/Aleutian Islands and Gulf of Alaska.

The AP commends the IR/IU Committee for its work and recommends that the committee continue to meet and work on details as the analysis proceeds and the program develops.

The motion carried unanimously.

D-1 Groundfish Management — Pollock Trimester

The AP requests that the Council amend the regulations implementing Amendment 45, establishing GOA pollock trimesters, to reflect a September 1 opening for the 3rd trimester in the western Gulf. Motion carries 17/2.

D-1(a) Pollock 'B' Season Delay

The AP recommends that the Council adopt Alternative 2 — delay the start of the B season; the season would open on September 1. Motion carries 9/8/3. [Note: This motion was substituted for the original motion to adopt Alternative 1, status quo.]

**MINORITY REPORT
D-1(a) Pollock "B" Season Delay**

The 'B' season delay proposal originated at the request of a factory trawl company interested in salmon processing opportunities which may never materialize given the market conditions of the past few years. We feel that groundfish regulatory measures should primarily focus on the specifics of the fisheries being regulated by the Council and that the current starting date is appropriate based on the EA/RIR which balances bycatch impacts on chum and chinook, balances CPUE and yield considerations with safety concerns of catcher boats about fishing after the equinox, and that August 15 is the optimum date. Further, the Alternative 2 option adopted by the AP does not address the impacts on yellowfin sole of separate start dates.

Signed: Dave Fraser
 Pete Maloney
 Stephanie Madsen
 Dave Benson
 Lyle Yeck
 Al Burch

D-1(b) Overfishing Definition

The AP recommends the EA/RIR be sent out for public review, noticing the following concerns:

1. The AP is concerned with the Favg in regards to squid and requests a discussion of implications of this approach over time, especially in regard to a non-target species.
2. The AP has the same concern as squid with other pelagic shelf rockfish in the GOA.
3. The AP requests clarification of Favg to "other species" in the Bering Sea.

D-1(c) DSR License Limitation

The AP recommends that if a license limitation program goes forward for the DSR fishery, it would be included in the Groundfish License Limitation Program. Motion carries 13/6/1.

A motion to recommend an analysis be initiated for a DSR License Limitation using the elements and options outlined by the Sitka Rockfish Workgroup submittal dated April 10, 1996, failed on a vote of 8/10.

DRAFT ENFORCEMENT COMMITTEE REPORT

Ban on night trawling for Pacific cod in the Bering Sea The Enforcement Committee noted that the comments made in the NOAA Enforcement letter dated February 16, 1993 still applied. Defining night can be addressed by setting a specific hour by season/month for start/stop. Enforcement of a species-specific ban on night trawling would be impeded because: (1) directed fishing standards cannot be tied to individual hauls; (2) use of the directed fishing standards would not prevent vessels from targeting on Pacific cod at night; (3) only individuals voluntarily complying would be prevented from fishing, while nonparticipants would be advantaged. In this case, that advantage is considerable given the added fishing time gained during night periods. Therefore, there would be a greater potential gain with minimal risk to the violator. The committee further noted the possibility for increased discarding.

The most enforceable approach to reduce halibut bycatch in the Pacific cod fishery would be to close all trawling on certain Pacific cod fishing grounds that have demonstrated high bycatch in the past. The committee recommends to the Council that an industry group identify a geographic area for a night trawling ban that would have minimal impact on other fisheries and not be tied to a species fishing standard. The committee discussed that any night trawling ban would be an interim measure until improved retention/improved utilization and/or vessel bycatch allocation measures were implemented.

The committee requests that the Council designate a catcher vessel and catcher/processor representative to meet with the committee in September to discuss other possible time and area closure alternatives.

Mesh size restrictions. Regulations implementing mesh size restrictions are currently under review at NMFS Alaska Region. Four areas were identified that require clarification: (1) directed fishing standards identify the target species of a trip retroactively and would impede enforcement of a mesh size for a specific fishery at-sea; (2) legal definition of a cod end; (3) top panels - number of bars in the mesh are different depending on the type of mesh (square vs. diamond) and hanging ratio; (4) cod end liner - distinguishing a net liner, which the Council prohibited, from double mesh, which is still allowed, may not be possible.

Two factors may affect the need for implementing regulations to impose mesh size restrictions: (1) much of the industry is already using the appropriate mesh in their nets and (2) pending improved retention/improved utilization regulations.

Grid-sorting. The committee withdrew this item from discussion until possible Council action in the future.

Bering Sea pot longlines for sablefish. The committee noted that directed fishing for sablefish with pot longlines in the Bering Sea would fall within the IFQ program requirements. Targeting of other groundfish, e.g., Pacific cod, during a trip utilizing only pot longline gear would be prima facie evidence of a violation.

Crab closures. The committee noted that the most enforceable closure would be for all trawling. The next level of enforceability to afford fishing flexibility would close bottom trawling for all species. The least enforceable measure would be to ban trawling for a specific species. Closures would be best defined as geographical areas with linear boundaries. They noted that the northern Bristol Bay and near-shore Bristol Bay closure alternatives are all enforceable; the geographic boundaries are well defined and all options are either an all trawl or bottom closure. The Bristol Bay closure areas already have year round patrol coverage.

Improved Retention/Improved Utilization. The committee endorses a species-specific rather than target fishery approach for IR/IU. Increased resources will likely not be available for observer coverage, compliance monitoring, or enforcement. The committee noted that enforcement can only realistically occur at 100% retention, and that any phase-in should occur under industry initiative, not under regulations, with industry reporting annually to the Council on their progress with achieving phase-in goals. The committee recommends that a date be set, such as three years after initiation of a voluntary program, for an industry committee to report on their achievement of 100% retention to the Council. The committee will consider the revised EA/RIR again in September.