

North Pacific Fishery Management Council

Don W. Collinsworth, Chairman
Clarence G. Pautzke, Executive Director

605 West 4th Avenue
Anchorage, Alaska 99501



Mailing Address: P.O. Box 103136
Anchorage, Alaska 99510

Telephone: (907) 271-2809
FAX (907) 271-2817

Certified by: Regina Kirchner
Date: June 27, 1990

ADVISORY PANEL MINUTES April 22-26, 1990 Anchorage, Alaska

The Advisory Panel of the North Pacific Fishery Management Council met April 22-24, 1990 at the Anchorage Hilton Hotel. The following members were present:

George Anderson
Al Burch
Phil Chitwood
Lamar Cotten
Dave Fraser

Kevin Kaldestad
David Little
Pete Maloney
Nancy Munro, Chair
Dan O'Hara

Jay Skordahl
Harold Sparck
Dave Woodruff
Robert Wurm
Lyle Yeck

Paul Clampitt, Edwin Fuglvog, Vic Horgan, Jr., Pete Isleib, and John Woodruff were absent.

C-6 Sablefish Fixed Gear Management

AP heard staff report and public testimony on sablefish management.

AP recommended that the Council direct staff to refine the sablefish documents prior to sending them out for public review. The recommended refinements would include:

1. A review of inconsistencies and concerns brought out in AP discussion.
2. An analysis of a third alternative. This alternative would be a modified open access alternative using gear restrictions and time and area closures. One suggested example was a 20,000 hooks per boat limit.

The AP recommends that bycatch issues be prioritized, but would expect the sablefish documents be revised and returned to the AP and Council by the June meeting.

The motion passed 10-5.

Concerns about the sablefish document discussed by the AP include:

Questionable assumptions:

1. Open Access means increased pressure to raise TACs.
2. IFQs will lessen allocation issues for Council.
3. Fishermen will consider processor's preference in deciding when they fish.
4. Rural community problems cannot be addressed under open access.

Missing analysis:

1. No analysis on loss of employment.
2. Not adequate information on what sablefish would be available for bycatch by halibut fishermen.
3. Little analysis on what percent of fleet will receive quota in such a small amount that they would have to lease, sell, or buy more.
4. Limited discussion of the impacts of high grading.
5. Legal issues surrounding feasibility of IFQ system which requires the IFQ owner to be the vessel operator.

Further specific concerns will be submitted to the staff by industry.

C-6(b) Issues that Warrant Council Discussion

AP heard a staff report on nine issues involved in implementing a sablefish IFQ system. The AP commented:

1. Initial allocation - The allocation process is a NMFS decision. However, a reasonable appeals process is needed.
2. Citizenship of initial applicants - There should be no grandfathering in of non-U.S. owned and controlled persons. Some AP members felt that 50% ownership was not sufficient and the level should be higher.
3. Appeals - The general agreement was that 5 out of 6 years might lessen the number of appeals. The AP had mixed opinions on the "bareboat" charter definition.
4. IFQs may not be issued until TACs have been published - Either option 4.3 (changing the fishing year for sablefish to March 1) or 4.4 (establish preliminary TACs and issue a percentage of that TAC as a preliminary IFQ) would be acceptable. Changing the fishing year might be easier administratively.
5. Vessel size classes - Several ideas about vessel size classes were discussed:
 - Four size classes: 0-50', 50-75', 75-100', > 100'
 - Original IFQ recipients could use quota in any size class, but when they sell IFQ shares those shares would revert to the original class size.
 - Two size classes: <50', ≥ 50'
6. Two-year prohibition on leasing - Some members felt that IFQs should never be leasable and the IFQ owner should be onboard. Some felt a variation on "use it or lose it" would be appropriate. Most AP members felt that IFQ holders should be able to lease after they have used 90% of their IFQs in any given year.
7. Three percent ownership cap - The AP would like to know if it is possible to restrict ownership to natural persons, perhaps with a grandfather clause for qualifying corporations. Some members thought the 3% ownership cap was too high and 1% was suggested as an alternative.

8. Sufficient IFQs at the beginning of the trip - The AP would recommend that a tolerance of perhaps 1% be allowed on landings.
9. Halibut bycatch - The AP recognizes that the halibut PSC cap could turn a sablefish IFQ system into a "race for fish". The AP discussed adjusting the halibut cap or allocating the PSC by gear type and then to individual IFQ holders.

C-7 Future Management Planning

The AP heard a staff report and public testimony on the issue of a moratorium. The AP heard a partial report on the Fishery Planning Committee's discussions of the industry proposed moratorium.

The AP recommends that the Council move forward in developing the moratorium concept on harvesting and harvesting/processing vessels in fisheries under Council jurisdiction. *The motion passed 8 to 6.*

The AP feels that reasonable qualifying criteria for a moratorium would be:

- (a) Any vessel which was participating in any fishery under the Council's jurisdiction on or before, but no later than January 19, 1990.
- (b) Any vessel that has a keel laid no later than January 19, 1990, with the primary intent of operating in a fishery under the Council's jurisdiction. In all cases the vessel must report catch in fisheries under the Council's jurisdiction on or before July 1, 1991.

The AP recommends that the Council address major issues in the following order:

1. Bycatch
2. Inshore/Offshore Allocation
3. Moratorium
4. Community Development Quota System

The motion passed 8 to 6.

Minority Report. The undersigned members of the Advisory Panel are opposed to the AP's decision separating development of a moratorium from further development of the inshore-offshore amendment package. In our view further entry of additional harvesting capacity into an already fully subscribed fishery, constitutes a major threat to conservation of the North Pacific fisheries resource, and only serves to exacerbate the allocation problems which originally gave rise to the inshore-offshore issue. Any effort to develop an inshore-offshore allocation scheme in the absence of a moratorium makes an equitable allocation scheme an impossibility and will only serve to increase pressure on the resource. Signed by: George Anderson, Phil Chitwood, Dave Fraser, Kevin Kaldestad, and Lyle Yeck.

C-8 Inshore-Offshore Allocation

The AP received a progress report on the inshore-offshore analysis.

With reference to the team's economic survey and public review plan, the AP expressed a concern that industry's comment to the industry profiles may not be held confidential. Several members pointed out that to provide detailed economic comments on the survey-generated profiles, will require submission of confidential information and it should not be made available to the public. If this concern is not met, the Council may not receive the quality public comment it desires.

The AP recommends that the Council reinsert reference to harvesting in the Fishery Planning Committee's proposed rewording of the Problem Statement, paragraph 3, so that it would read:

"The Council defines the problem as a resource allocation problem where one industry sector faces the risk of preemption by another. The analysis will evaluate each of the alternatives as to their ability to solve the problem within the context of ~~harvesting~~ processing capacity exceeding resources.

This motion passed unanimously.

C-9 Pollock Roe-Stripping

The AP heard a staff report and public testimony about pollock roe-stripping and/or seasonal apportionments in the Gulf of Alaska and Bering Sea/Aleutian Islands.

The AP recommends that the Council:

- (1) Establish a quarterly apportionment schedule for the pollock TAC in the Gulf of Alaska or portions thereof.
- (2) Maintain a separate TAC on the Shelikof winter pollock fishery.
- (3) Prohibit the practice of roe-stripping of pollock in the Gulf of Alaska and Bering Sea/Aleutian Islands.
- (4) Establish a seasonal TAC apportionment schedule for pollock in the Bering Sea/Aleutian Islands or portions thereof. Allocate the TAC between the roe and non-roe season.

The motion passed 10-3.

The AP recommends that the Council define roe-stripping using the concept labelled as Option 1 in Appendix 5 to the EA/RIR which uses PRRs to back calculate to round weight equivalent.

D-3(a) 1990 Herring Bycatch Emergency Action

Due to the extreme concerns over particular Bering Sea herring stocks the AP recommends that the Regional Director begin work on an emergency rule which would:

1. Establish a bycatch cap for Bering Sea herring at [1% - 4%] of the biomass.
2. Establish zones and times for closures as shown on the attached map. These time/area closures would be triggered when the bycatch cap was reached.
3. Require 100% observer coverage on trawlers fishing in these zones at the times specified and require daily monitoring and report of herring bycatch rates and volume.

The AP recommends:

- the Council consider emergency action at the June meeting to establish a winter savings area northwest of the Pribilof Islands and a corridor between the summer and winter areas.
- the Council request the State of Alaska and NMFS to conduct appropriate stock identification studies and provide a protocol to observers or the fleet for collection of samples.

The motion passed 8 to 1.

SMALLEST AREAS THAT WOULD ADDRESS CONSERVATION CONCERNS

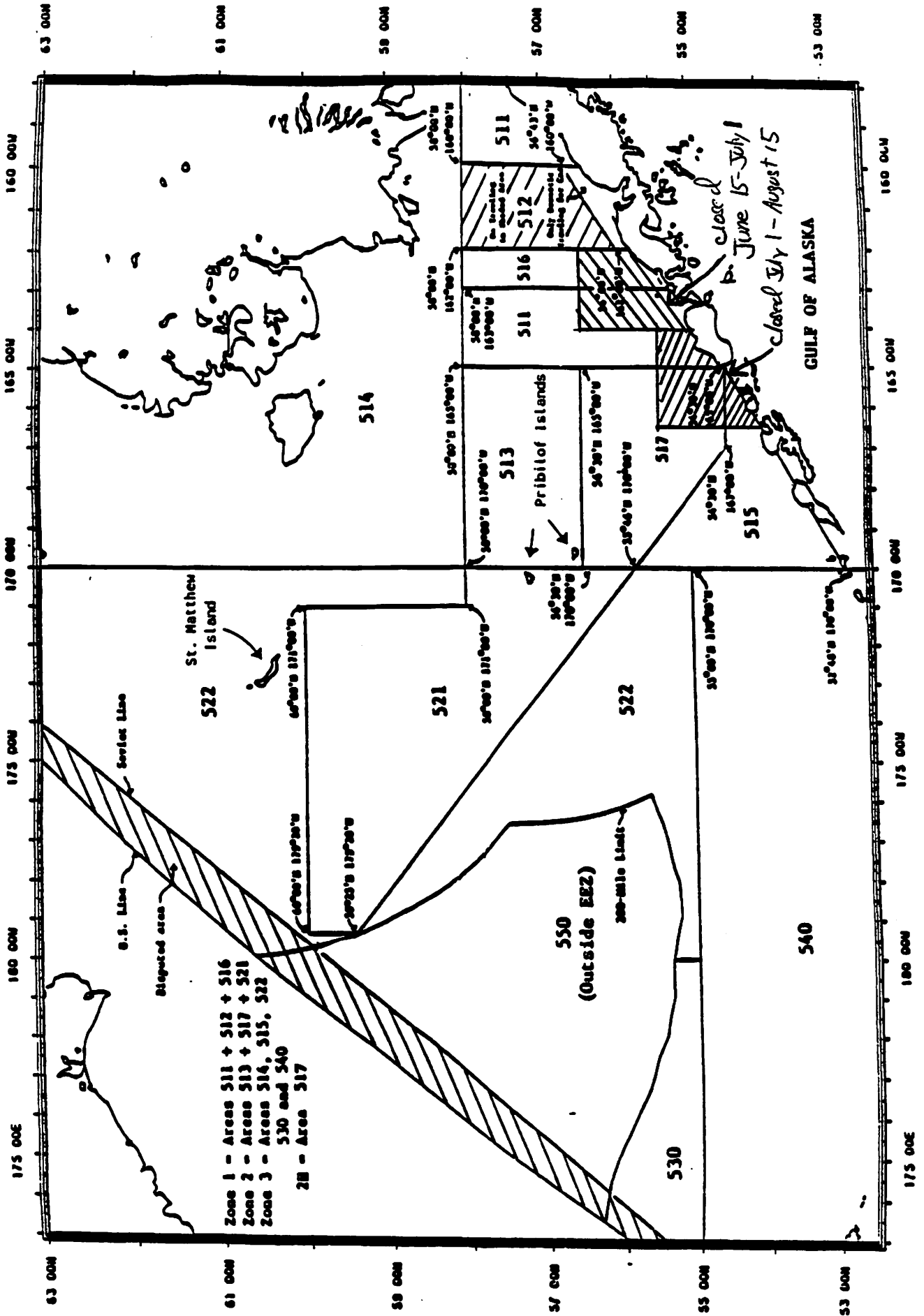


Figure 6-11 National Marine Fisheries Service regulatory reporting areas for the Bering Sea/Aleutians area.

D-3(b) Groundfish Amendment 16/21

Chapter 2 - Bering Sea Bycatch Management

The AP recommends the Council modify and send out for public review Chapter 2 of Amendment 16/21 EA/RIR with the following changes:

Alternative 1. Status quo.

Alternative 2.

- (1) Rollover of Amendment 12a for one year.
- (2) Rollover of Amendment 12a with subsequent adjustment of caps reflecting change in population since 1988 for one year.

Alternative 3. Modify the incentive plan:

- (1) Apportion the caps for halibut, king crab, and bairdi to the following four fisheries:

	Halibut	King Crab	C. Bairdi
JV Flatfish			
DAP Flatfish (Yellowfin sole, rocksole)			
DAP Sablefish, Turbot			
DAP Other (pollock, cod, rockfish, Atka mackerel)			

Option 1: Rollover of Amendment 12a caps for one-year.

Option 2: Rollover of Amendment 12a caps for one-year with subsequent adjustment of caps reflecting change in population since 1988.

- Allow for a seasonal apportionment of the PSC caps.
- The Regional Director in consultation with the Council will apportion the caps based on an assessment of bycatch needs with an evaluation of the best available information to achieve optimal distribution for the purpose of maximizing groundfish harvest in order to achieve OY.

- (2) Provide for a one-year program (1991) to identify and sanction vessels with excessively high bycatch rates of halibut, red king crab, and bairdi.

For the purposes of sanctioning vessels, running bycatch rates would be calculated for the following fisheries:

	Halibut	King Crab	C. Bairdi
Rocksole			
Pacific cod			
Pollock (midwater trawl)			
Pollock (bottom trawl)			
Greenland turbot/Sablefish			
Atka mackerel			
Yellowfin sole/O. flatfish			
Rockfish (POP/Slope)			
Other			
JV Flatfish (after May 15)			

This program would be based on bycatch rates observed on DAP vessels such that:

- (a) [Weekly] monitoring of each vessel's observed bycatch rate would be conducted to determine vessel's average monthly rate.
- (b) Observed bycatch rates would be based on total catch rather than retained catch.
- (c) If a vessel's average [monthly] rate exceeds [2-4] times the monthly fleet average for the fishery, that vessel will be prohibited from further [bottom] trawling for a [1 week] period, [except that no vessel will be sanctioned if it meets the historic industry average based on the rates in the NOAA Technical Memorandum NMFS F/NWC-155 (attached).]
- (d) This program would assume that various fisheries can be adequately defined based on NOAA Technical Memorandum NMFS F/NWC-155 (attached).
- (e) The number of target fishery cells to which the program will be applied will be determined by the Regional Director (in consultation with Council) based on optimal utilization of resources available to him.

This scheme assumes that JV flatfish is delayed until May 15 by permit condition if possible, or by regulatory amendment if necessary.

The motion passed unanimously.

The AP discussed several possible problems in applying running bycatch rates to target fisheries. One of the concerns expressed was the issue of applying current bycatch rates on what might be a declining stock. For example, if the stock of a target fishery is declining one would expect boats to tow harder and longer and consequently have higher bycatch.

In light of this, the AP recommends that the Council request NMFS provide information on:

- (a) The effect of duration of tow on bycatch rates by target fishery.
- (b) An analysis of standardization of CPUE from 1980-89 by target fishery.

Another concept discussed was requesting NMFS to publish observed bycatch rates. The AP discussed both the idea of publishing rates by individual vessel and by groups of vessels above and below the average bycatch rate.

Chapter 3 - Define Overfishing Definition

The AP recommends that this chapter be sent out for public review. *The vote was unanimous.*

Chapter 4 - Establish Procedure of Interim TAC Specifications in the GOA and BSAI

The AP recommends that this chapter be sent out for public review. *The vote was unanimous.*

Chapter 5 - Modify Demersal Shelf Rockfish Management in the GOA

The AP recommends that the document be modified:

- highlight the allocational impacts
- clearly outline the Federal oversight parameters
- clarify the species included under the management measures

The AP recommends that the document be sent out for public review.

The motion passed 9 to 1.

Chapter 6 - Herring Bycatch Management in the BSAI

The AP recommends that the document be refined and returned to the Council at the June meeting for a decision on sending it out for public review.

The motion passed unanimously.

The AP recommends that the document be modified to include:

1. Background information on life history parameters (natural mortality).
2. Pristine biomass estimates.
3. Time series analysis of catch, biomass, bycatch, and exploitation rate, on an annual basis from 1980-1989.
4. Age distribution and length frequency information of herring taken as bycatch.

5. Comparison of exploitation strategy against the overfishing definition (with and without bycatch included).
6. Model run of herring bycatch applied to target fisheries as identified in the AP BSAI bycatch "penalty box" scheme.
7. Additional information on the magnitude of bycatch offshore.

Chapter 7 - Change Fishing Gear Restrictions in the GOA and BSAI

The AP recommends that this chapter be sent out for public review. *The vote was unanimous.*

Chapter 8 - Expand Halibut Bycatch Management Measures in the GOA

The AP notes that in apportioning halibut PSC limits, the economics of the target fisheries should be considered. The AP suggests that the same long-term bycatch solution should apply, where appropriate, to both the GOA and BSAI.

The AP would encourage public comment on whether any leeway should be provided in attaining bycatch rates.

The AP recommends that this chapter be sent out for public review. *The vote was unanimous.*

Table 1.--Selection criteria for the target fisheries.

	<u>Species group</u>	<u>% of Catch</u>		<u>Target fishery</u>
If	Other Flatfish	≥35	→	Other Flatfish
If	Other Flatfish	<35		
		↓		
If	Pacific Cod	≥60	→	Pacific Cod
If	Pacific Cod	<60		
		↓		
If	Walleye Pollock	>95	→	Walleye Pollock Midwater
If	Walleye Pollock	≥50	→	Walleye Pollock Bottom
If	Walleye Pollock	<50		
		↓		
If	Greenland Turbot	≥35	→	Greenland Turbot
If	Greenland Turbot	<35		
		↓		
If	Atka Mackerel	≥20	→	Atka Mackerel
If	Atka Mackerel	<20		
		↓		
If	Yellowfin Sole	≥20	→	Yellowfin Sole
If	Yellowfin Sole	<20	→	Other Fish

(Rock sole)

(≥ 45 or 50%)

(+ blackcod)

Rockfish (PSP / slope)

week and subarea, the vessel's target is classified as "other" for that week and subarea. No other options are applied.

The method used to determine the target fishery in this report is taken from proposed Amendment 12 Alternative 3 Option A to the BS/AI FMP. In this proposal, six different targets are identified in the trawl fishery: rock sole (Lepidopsetta bilineata), Pacific cod (Gadus macrocephalus), walleye pollock (Theragra chalcogramma) caught midwater, walleye pollock caught on bottom, Greenland turbot (Reinhardtius hippoglossoides), and yellowfin sole. These bottom trawl fisheries are identified as follows:

Pacific cod - 60% or more of the catch is Pacific cod,
rock sole - 35% or more of the catch is rock sole,
walleye pollock - 50% or more of the catch is walleye pollock,
Greenland turbot - 35% or more of the catch is Greenland turbot,
Yellowfin sole/other flatfish - any bottom trawl operation not classified into one of the above.

In the event that the above target fishery criteria were met both for rock sole and another species, rock sole was the target species. The only midwater trawl operation is for walleye pollock, and essentially only walleye pollock is taken in the trawl.

In producing the by-catch rates, these criteria were slightly modified. A category for Atka mackerel (Pleurogrammus monopterygius) was included for catches that were made up of 20% or more of Atka mackerel. A category for "other fish" was included for catches that didn't fall into any of the other categories. In addition, the yellowfin sole/other flatfish category was changed to be only yellowfin sole, and the criteria was redefined as: 20% or more of the catch is yellowfin sole. Thus, the following procedure was used to determine the target fishery for each vessel for each subarea for each week (Table 1 presents the criteria used to determine each target fishery). Each foreign fisheries observer's report was used to calculate the percentage of each species group in the catch for each vessel/subarea/week. For the years 1986-88, rock sole was not reported by itself, but was included in the "other flatfish" group. Therefore, I first examined the percentage of "other flatfish" in the catch. If the "other flatfish" group made up at least 35% of the catch, "other flatfish" was determined to be the target species. If "other flatfish" made up less than 35% of the catch, the catch was then examined with respect to Pacific cod. If Pacific cod accounted for at least 60% of the catch, it was determined to be the target species. If Pacific cod made up less than 60% of the catch, the catch of walleye pollock was measured. If walleye pollock made up more than 95% of the catch, the catch was attributed to the walleye pollock midwater trawl fishery. If walleye pollock made up between 50% and 95% of the catch, the catch was attributed to the walleye pollock bottom trawl fishery. If walleye pollock accounted for less than 50% of the catch, the Greenland turbot catch was checked. If this species made up at least 35% of the catch, then the catch was classified as coming from the Greenland turbot fishery. If the Greenland turbot percentage was less than 35%, the catch was next examined for Atka mackerel. If Atka mackerel made up at least 20% of the catch, it was considered the target species. If Atka mackerel made up less than 20% of the catch, the yellowfin sole percentage was measured. If yellowfin sole made up 20% or more of the catch, it was determined to be the target species. If this test also failed, "other fish" was designated as the target.