

North Pacific Fishery Management Council

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Certified by John Bruce
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ADVISORY PANEL MINUTES OCTOBER 5-9, 1998 SEATTLE, WASHINGTON

Advisory Panel members in attendance:

Alstrom, Ragnar	Gundersen, Justine
Benson, Dave	Henderschedt, John
Blott, Tim	Jones, Spike
Bruce, John (Chair)	Lewis, John
Burch, Alvin	Madsen, Stephanie (Vice-Chair)
Cross, Craig	Nelson, Hazel
Falvey, Dan	Paddock, Dean
Fanning, Kris	Stephan, Jeff
Fraser, Dave	Ward, Robert
Fuglvog, Arne	Yeck, Lyle
Ganey, Steve	Yutzenka, Grant

Advisory Panel (AP) member, Ragnar Alstrom had to leave the meeting early due to family emergency. The AP unanimously approved their June 1998 meeting minutes.

Senate Bill 1221

The AP recommends the Council notify Congress and the Secretary of Commerce that the Magnuson-Stevens Act of 1996 sets out the legitimate, public process for resolving fishery management issues in the 200-mile (EEZ) zone off Alaska, and that process requires public deliberation and full scientific disclosure through the Advisory Panel (AP), Scientific & Statistical Committee (SSC), Council, and the Secretary of Commerce so as to assure due process of law and fair and equitable industry regulation. The Congress of the United States needs the regional knowledge, experience and expertise of the Council process to conduct credible commercial fisheries management in the 200-mile zone off Alaska.

The AP recommends the Council advise Congress to allow the NPFMC to resolve the inshore/offshore pollock allocation dispute through the conventional Council/SOC process. The AP further recommends the Council urge Congress to conduct an open hearing process should they choose to go forward with SB 1221.

Motion carries 11/5/2. Roll call votes as follows:

<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Blott Bruce Burch Falvey Fanning Fuglvog Ganey Jones Lewis Nelson Ward	Benson Gundersen Madsen Paddock Yutzenka	Henderschedt Stephan Note: Stephan changed his vote from yes to abstention after the voting was completed.
11	5	2

C-1 License Limitation Program (LLP)

The AP recommends the Council initiate a regulatory amendment to designate a vessel on a LLP license. The AP further recommends that transfers of LLP licenses to a different vessel be limited to one transfer per calendar year. Motion carried 20/0.

Action 1: Restrict Transfers of Non-Federally Permitted Vessels

The AP recommends the Council restrict the transfer of licenses from vessels which never held a federal fisheries permit as follows:

1. Licenses may be transferred only if the vessel originally assigned the license is transferred along with the license. This restriction should not prohibit the replacement of the original vessel if lost.
2. Transfers of fishing histories and subsequent licenses which would be issued as a result of those transfers that occurred after February 7, 1998 would be prohibited.

Motion carried 20/0.

Action 2: Add Trawl and Non-Trawl Gear Designations to the Groundfish LLP

The AP recommends the Council add a trawl gear designation to the groundfish LLP. The trawl designation would be based on trawl gear used by the qualifying vessel during the original qualifying period, regardless of area. A provision would be included that would require a vessel declare a trawl or non-trawl designation for the cod target fishery annually.

Additionally, the AP recommends the Council allow vessels not qualifying for trawl designation to receive a trawl designation by showing they have made a significant financial commitment to use trawl gear in the groundfish either by:

1. having made a legal landing through Feb. 7, 1998, with trawl gear, or
2. document a significant* investment toward the conversion of a vessel before February 7, 1998 and made a landing by December 31, 1998, in a North Pacific trawl fishery.

*The AP suggests the Council define "significant" financial commitment as a minimum \$100,000 purchase of equipment specific to trawl equipment .

Motion carried 22/0.

Action 3: Rescind the Community Development Quota (CDQ) Vessel Exemption

The AP recommends the Council rescind the CDQ vessel exemption portion of the LLP, with grandfather rights to any vessels currently built or operating in an existing CDP. Motion carried 20/0.

Action 4: Clarify the Council's Intent on the Transfer of Catch History

The AP recommends no action at this time. Motion carried 22/0.

Action 5: Require Recent Participation in Crab Fisheries

The AP recommends the Council adopt Alternative 10 which requires participation at least once between 1995 and February 7, 1998. Motion carried 13/9.

A motion to adopt the modified alternative below failed 7/10/3.

Recent participation would be defined as:

- Vessels over 125 ft. landing in both 1996 and 1997, and
- Vessels under 125 ft, landing in any two years 1995, 1996, 1997

The AP also recommends the Council allow an exemption to the recent participation provision for any vessel that made landings in any BSAI crab fishery in 1998, on or before February 7, 1998 and for which the owner acquires license limitation rights related to a vessel that meets the GQP and EQP landing requirements. Motion carried 18/1/3.

The AP further recommends the Council allow an exemption for a lost or destroyed vessel which made a landing in a BSAI crab fishery at any time from the time the vessel left the fishery through January 1, 2000. Vessel would be deemed to have met the recent participation criteria and would be granted a general license and endorsements to which it was entitled under the original Crab LLP. Motion carried 21/0/1.

Interim Permits

The AP recommends the Council implement the changes to the crab LLP as soon as possible. If interim use permits are necessary we recommend they mirror the license process as closely as possible for simplicity and consistency. Motion carries 19/0.

(Action taken on severability of crab and groundfish license during Agenda C-2 Crab Buyback Program)

Action 6: Allow Limited Processing for Catcher Vessels

The AP recommends allowing a limited processing upgrade in any fisheries excluding pollock target species for catcher vessels not to exceed:

- GOA: 5 mt round weight per day (Motion passed 13-6)
- BSAI: 5 mt round weight per day (Motion passed 12-7)

The above motions were the result of a series of motions outlined below:

1. allowance for 5 mt per day in any fisheries excluding pollock and fixed gear target species for cod in BS only (amendment failed 5-10-1)
2. vessels 60-125 ft processing limit of 12 mt per day, Bering Sea only, with an amendment to limit processing to no more than 20% of catch per quarter (amendment passed 9-8)
3. Motion to table any action until December 1998 (failed 8-9-1)
4. Motion to allow vessels 60 - 125 ft processing limit of 9 mt per day with a limit of processing to no more than 20% of the catch per quarter (passed 10-8)
5. Motion including #4 and 5 mt limit in GOA failed (5-13)
6. Motion for 5 mt per day in any fisheries excluding pollock in GOA and cod target in area 630 failed (5-11)
7. Motion for Alternative 1-Status Quo failed (8-11)
8. Motion for limited processing in BS: vessels 60-125 ft. 9 mt was substituted for prevailing final motion.

C-2 Crab Vessel Buyback Program

The AP recommends the Council modify the LLP to permit severability of a crab license from a joint crab/groundfish license for the sole purpose of retiring the crab license in perpetuity. Motion carries 13/4.

C-4 Community Development Quotas (CDQs)

The AP notes a number of problems associated with the implementation of the multi-species CDQ program that may jeopardize the viability of the fishery. Therefore, the AP recommends the Council:

1. Move forward with Amendment 38, the January start date for CDQ fisheries.
2. Move forward with Amendment 39, squid and other species bycatch limitations in the multi-species CDQ fishery.
3. Encourage NMFS and CDQ implementation committee to find timely solutions to other problems identified:
 - the availability of observers for 1998 fishery
 - requirements for small onshore processors in the CDQ fisheries be the same as in open access fisheries
 - technical amendment addressing trip limits in 4E
 - regulations needed to allow CDQ opilio fishery during the State's shellfish management year instead of calendar year.
 - convene the IFQ and CDQ Implementation Committees to review and suggest revisions to correct the conflict between harvesting CDQ and IFQs in the same trip.

Motion carries unanimously (19/0).

C-5 Observer Program

The AP provides the following recommendations to the Council on proposals outlined in C-5(d):

1. Develop an evaluation of observer performance as related to the duration of their experience.
2. Develop regulations which specify the policy of not distributing personal information on observers.
3. Develop a MOU with the Coast Guard on the handling of safety complaints by observers.

4. Develop regulations for observer housing and working conditions onshore.
5. Defer this issue until NMFS has finished its evaluation of coverage needs and industry can address this issue in a comprehensive manner.
6. No action on establishing observer station guidelines at this time.
7. Develop regulations allowing substitutions by NMFS observers corp.
8. No action at this time.
9. Develop regulations to base coverage on weekly reporting periods.
10. Defer this issue until NMFS has finished its evaluation
11. Require NMFS to be responsible for supplying computers to observers.
12. Defer action until NMFS has finished its evaluation.
13. Develop regulations to reduce observer coverage to 10% for vessels using pot gear.

Additionally, the AP recommends the Council revise regulations to base the observer coverage requirements during IFQ fishing upon 30% of the IFQ pounds rather than quarterly requirements and re-examine the current requirements in southeast. Motion carries unanimously (18/0).

C-8 Halibut and Sablefish IFQs

(a) Final Action on IFQ Amendments

- Action 2: The AP recommends the Council adopt Alternative 2 (revise FMP language to allow QS holders wishing to hire skippers to establish indirect vessel ownership through corporate ties). Motion carries unanimously (18/0).
- Action 3: The AP recommends the Council adopt Alternative 2 (redefine "a change in the corporation or partnership" to include "a dissolution of the corporation or partnership"). Motion carries unanimously (18/0).
- Action 4: The AP recommends the Council adopt Alternative 2 (revise the methodology of calculating use caps for fixed gear sablefish from percent to QS units based on 1996 QS units). Motion carries unanimously (19/0).
- Action 5: The AP recommends the Council adopt Alternative 3 (allow QS holders to provide NMFS/RAM with the name of an immediate family member as a beneficiary to whom the existing survivorship transfer privileges will be granted in the absence of a surviving spouse). Motion carries unanimously (18/0).

(c) Report on Weighmaster Program

The AP notes that the weighmaster program calls for hiring more than 110 part-time personnel and shifts enforcement from a random monitoring program of at least 20% to a 100% observation of landing weights on deliveries over a minimum size. Given the good compliance history of the IFQ program and the lack of landing weight violations from established processors, the AP believes this shift in policy is unnecessary. The weighmaster program as proposed is a costly means of compensating for the understaffing situation at NMFS.

The AP further notes that several of the potential IFQ enforcement issues raised in the Matthews report have been addressed by standardized slime and ice deductions and the US Coast Guard's at-sea efforts. However, the AP remains concerned about the understaffed condition of NMFS enforcement and its effects on fisheries enforcement in Alaska.

In an effort to raise the IFQ compliance monitoring levels above the 20% minimum identified at the beginning of the proposal, the AP recommends the Council hold a joint meeting of the IFQ Implementation Committee, or a sub-set thereof, and the Council's Enforcement Committee. The joint meeting would be tasked with evaluating the following:

1. adequate compliance monitoring levels
2. the potential for involving personnel from ADF&G, USCG, NMFS and the IPHC in achieving the compliance monitoring program.
3. proposals to address the remaining needs at achieving adequate compliance monitoring levels.

Motion carried unanimously (18/0)

(d) IFQ Cost Recovery Fee Program

The AP recommends the Council direct NMFS to work cooperatively with ADF&G, processors and fishermen to develop a standardized fee collecting mechanism which will provide consistency between current fee collection programs, the IFQ fee, CDQ program, and potential future fee programs.

With respect to the proposed IFQ fee program, the AP recommends it not go forward until a mechanism to reflect actual prices and an appeals mechanism is in place. If NMFS moves forward with the program as proposed, the AP recommends in the strongest possible terms that a mechanism be included which allows fishermen to submit evidence demonstrating discrepancies between standard prices charged by NMFS and actual prices received by the individual fishermen. Motion carries unanimously (19/0).

D-1(a) Chinook Salmon Bycatch

The AP recommends the Council send the EA/RIR/IRFA out for public review. Motion carries unanimously 20/0.

D-1(b) Total Catch Measurement

Based on information presented to the AP at this meeting, information outlined in the SSC from the February 1998 meeting, and information in the Verser report, the AP recommends the Council direct staff to prepare a discussion paper on ways to review and improve the adequacy of catch and bycatch accounting in order to ensure compliance with provisions in the Magnuson-Stevens Act. Motion carries unanimously (19/0).

D-1(c) Sablefish Rolling Closures

At the request of NMFS, the AP recommends the Council adopt Alternative 1, no action. The AP recognizes that the reordered survey sequence has eliminated trawl interactions, but longline interactions are still occurring. Due to uncertain effects of these interactions on the TAC, the AP recommends the Council continue to request NMFS develop a sablefish assessment program that includes logbook and age/length data in conjunction with the survey. We further request the Council direct NMFS to publish the names of vessels sighted fishing near survey sites. The AP is pleased with the positive results of cooperation between industry and NMFS and encourage such efforts in the future. Motion carries 17/1.

D-1(d) GOA Demersal Shelf Rockfish (DSR) Retention in IFQ Fisheries

The AP recommends the Council release for public review the EA/RIR on retention of DSR in fixed gear fisheries. The AP further recommends adding an option under Alternative 2 which would require IFQ registered buyers to accept deliveries of rockfish and Pacific cod as a condition of their permit. Additionally, the analysis should include:

- a. a discussion of the procedures for the surrender of overages, and
- b. a discussion of how the proceeds of the sale of forfeited fish would accrue to fisheries management, research and possible use for observer coverage in the directed DSR fishery.

Motion carries unanimously (20/0).

D-1(e) GOA Fair Start Amendment

The AP recommends the Council table action on this issue at this time. Motion carries unanimously (15/0).

D-1(f) Improved Retention/Improved Utilization (IR/IU)

The AP recommends the Council release for public review the EA/RIR on regulatory changes to the IR/IU program including an option under Alternative 2 which allows adjustment to the maximum allowable roe percentage in the Bering Sea and information from industry and CDQ sources on actual roe recovery rates. Motion carries 18/1.

D-2 (a-c) Initial 1999 BSAI Groundfish Specifications and SAFE

The AP recommends that the Council set the 1999 preliminary groundfish specifications at the ABC and TAC levels established in the 1998 final specifications. The AP further recommends that the Council set the preliminary PSC apportionments for trawl and non-trawl fisheries as apportioned in the 1998 final specifications. The AP recommends that the opilio bycatch cap for trawl fisheries be apportioned as follows:

yellowfin sole	3,397,420	or 73%
rocksole/other flat	837,720	or 18%
Greenland turbot	46,540	or 1%
rockfish	46,540	or 1%
Pacific cod	139,620	or 3%
pollock	186,160	or 4%
	4,654,000	or 100%

The AP recommends not making a seasonal apportionment of PSC in the preliminary specifications. Finally, the AP recommends the Council set the preliminary VIP rates as listed in the bycatch rate standards in the region's September 29, 1998 letter to the Council. Motion carries unanimously (17/0).

The AP recommends that the preliminary specifications for 1999 allow the use of up to 10,000 red king crab of the rocksole/oflat red king crab apportionment in the 56°- 56°0' strip of the Red King Crab Savings Area. Motion carries 8/2/4.

D-2(c-f) Initial 1999 GOA Groundfish Specifications and SAFE

The AP recommends the Council set the preliminary 1999 GOA groundfish specifications at the ABC and TAC levels established in the 1998 final specifications. The AP further recommends the Council set the preliminary PSC apportionments for trawl and hook & line as apportioned in the 1998 final specifications. Motion carries unanimously (17/0).

D-3 Groundfish Issues for Discussion

(b) Shark Management

The AP recommends the Council initiate an EA/RIR for shark management with the following alternatives (taken from Robert Clasby's letter of 9/25/98):

- Alternative 1. Maintain the status quo and continue management under different commercial fishing regulations in state and federal waters.
- Alternative 2. Amendment of the Council's groundfish FMPs to separate sharks, skates, and rays from the "other groundfish" species category and enact specific federal regulations.
- Alternative 3. Amend the Council's FMPs to separate sharks, skates, and rays from the "other groundfish" species category and make explicit management deferrals to the state (as with demersal shelf rockfish).
- Alternative 4. Delete sharks from the Council's FMPs and allow management to defer to the state in federal waters (as with lingcod).

Motion carries unanimously (17/0).

D-4 Scallop License Limitation Program (LLP)

The AP recommends the Council release Amendment 4 (Scallop License Limitation Program) for public review with the following revisions:

- 1. Add option under Alternative 4 to include 1998 up to October 9, 1998.
- 2. Add suboption to above option requiring participation in two of the three years (1996, 97, October 9, 1998). Amendment carries 15/2.
- 3. Delete "A" under Option 3.

Motion carries unanimously (18/0).

D-5 BSAI Crab SAFE & *C. bairdi* Rebuilding Plan

The AP recommends the Council use the alternatives for a *C. bairdi* rebuilding plan as outlined by the Plan Team with the following additions to be included in the analysis:

- a. all sources of mortality including handling and bycatch in the directed crab fishery as well as bycatch in the scallop and groundfish fisheries.
- b. stair-step harvest rates as well as stair-step pot limits.
- c. any proposed modification of PSC caps or closure zones should include an analysis of the effects of such action on bycatch of other groundfish, crab species and gear conflicts.
- d. evaluation of any proposals submitted that would be effective for rebuilding.

Motion carries unanimously (18/0).

The AP requests the Council ask NMFS and ADF&G to meet in order to evaluate methods to improve current crab models and report back in February 1999. The AP encourages the meeting allow public observation. Motion carries unanimously (17/0).

D-6 Staff Tasking

The AP tabled discussion of this agenda item until the December 1998 meeting. Motion carries unanimously (16/0).