

North Pacific Fishery Management Council

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ADVISORY PANEL MINUTES September 22-24, 1986 Anchorage, Alaska

The Advisory Panel for the North Pacific Fishery Management Council met in the Sheraton Hotel on September 22-24, 1986. The following members were present:

Nancy Munro, Chairman	Ronald Hegge	Julie Settle
Robert Alverson, Vice Chairman	Oliver Holm	Cameron Sharick
Rupe Andrews	Pete Isleib	Thorn Smith
Terry Baker	Eric Jordan	Walter Smith
Alvin Burch	Richard Lauber	Thomas Stewart
Joseph Chimegalrea	Daniel O'Hara	Richard White
Gregory Favretto	Alvin Osterback	Dave Woodruff
Barry Fisher	Don Rawlinson	John Woodruff

Minutes of the June 23-24, 1986 Advisory Panel meeting were approved as read.

A-1 ELECTION OF OFFICERS

The AP elected Nancy Munro to be interim Chairman through the December meeting to replace Larry Cotter who is now on the Council.

C-1 LEGISLATIVE UPDATE

Safety Legislation

Moved and seconded: The AP recommends that the Council send a letter to the Congressional Delegation and House and Senate leadership protesting the defeat of H.R. 5013, the Commercial Fishing Vessel Liability and Safety Act of 1986.

This bill specifies voluntary safety standards for various classes of fishing vessels and places caps on liability awards. The industry hopes that the insurance writers will use these safety standards to set limits for liability insurance. The motion carried unanimously.

C-2 DOMESTIC OBSERVER PROGRAM

Moved and seconded: The AP recommends that the Council convene, in its name, a meeting to which a broad spectrum of industry would be invited to discuss domestic observer coverage. The motion carried unanimously.

C-3 PERMITTING U.S. TRANSPORT AND SUPPORT VESSELS

Moved and seconded: The AP recommends that rather than requiring permits for U.S. support vessels, U.S. observers on foreign ships add transshipment information to their weekly reports. This information would include the type, quantity, and destination of products. The motion carried unanimously.

D-1 TANNER AND KING CRAB FMPs

Crab Management

Moved and seconded: The AP recommends that the Council move on Alternative 1, Option 2, which manages crab through a joint statement of principles of NMFS and ADF&G without an FMP.

The AP requests that the Council and the Alaska Board of Fisheries consider the development of a bona fide industry workgroup without regard for residency. This group would be responsible for developing a management plan for the Bering Sea and Aleutian Islands crab fisheries. Composition of the panel should include state and federal biologists, fishermen, processors, a NPFMC member, and ADF&G staff personnel to assist in developing a comprehensive management plan that would be responsive to the needs for inseason adjustments in the fisheries.

The motion carried 11 to 4.

C. Bairdi

Moved and seconded: Based on the Advisory Panel Tanner Crab Bycatch Subcommittee report (included as Attachment 1), the AP recommends that there be no directed C. bairdi pot fishery for 1986. The motion carried unanimously.

D-2 GULF OF ALASKA GROUND FISH FMP

D-2(c) Amendment 15

Goals and Objectives

The AP recommends that the Council approve the Goals and Objectives of Amendment 15 as written with the following exceptions:

- (1) The AP recommends that Objective 5, which concerns controlling effort in a fishery, be deleted. The AP felt this made a better policy statement than an objective. The AP also questioned what would constitute "a request from industry". The motion carried 11 to 2.
- (2) The AP recommends that Objective 6 be reworded, deleting "only if benefits to the United States can be predicted". The revised objective would read as follows:

"The decision to rebuild stocks to commercial or historical levels will be undertaken after evaluating the associated costs and benefits and the impacts on related fisheries."

The AP felt that predicting benefits into the future would be very difficult if not impossible. The motion carried unanimously.

- (3) The AP recommends that Objective 7 be reworded to read as follows:

"Population thresholds will be established for economically viable species or species complexes under Council management on the basis of the best scientific judgements of minimum population levels required to maintain reproductive potential over the long term. If population estimates drop below those thresholds, acceptable biological catch (ABC) will be set to reflect necessary rebuilding as determined in Objective 6."

This includes two changes in the first line, "major species" is replaced with "economically viable species". The last sentence has been reworded to delete an automatic ABC of zero. The motion carried unanimously.

Problem 1: Inability to Efficiently Adjust Harvest Guidelines

Moved and seconded: The AP recommends that the Council approve Alternative 1 which establishes a framework procedure for setting TACs on an annual basis. This framework addresses a serious administrative problem and is believed superior to the status quo in that it allows the annual setting of quotas without plan amendment. The motion carried 13 to 8.

Minority report. The framework proposed by Amendment 15 is incomplete and should be reworked for further consideration at a later date. Our concerns are the following:

- (1) The system proposed goes far beyond the framework system of the Bering Sea Plan in that it determines PSCs as well as TACs. There is no procedure, nor are there any standards for setting important PSCs. There is no reference in the RIR that PSCs would be set for the DAP fishery. We, therefore, need a confirmation of our understanding that the PSC system is not to be applied to the DAP fishery. We need a detailed elaboration of the procedures and standards which will be used to set PSCs for JVP and TALFF fisheries.
- (2) Optimum yield is abandoned as a management standard due to the breadth of the range proposed.
- (3) The RIR does not present the system in a manner that is understandable. There are far too many gaps in the presentation which permit important policy decisions to be made without public comment. An amendment should be complete before the Council approves it, particularly by frameworking, because it forms the basis for important Council decisions for years to come.

We recommend that the Council postpone action on the OY frameworking measure until these deficiencies are resolved.

Signed by: Barry Fisher, Cameron Sharick, Don Rawlinson, Thorn Smith, Walter Smith, Richard White, Rick Lauber, Alvin Burch, and Terry Baker.

Problem 2: Inadequate Reporting Requirements

Moved and seconded: The AP recommends that the Council approve Alternative 1 which requires weekly reports by catcher/processors or motherships. The motion carried unanimously.

Problem 3: King Crab Bycatch in Kodiak Bottom Trawl Groundfish Fisheries

Moved and seconded: The AP recommends that the Council adopt a variation on Alternative 1, wherein the Marmot Flats area is expanded to encompass areas of reported crab concentrations. A chart defining the area is included as Attachment 2. The motion carried on a vote of 13 to 5.

Minority report. We support Alternative 1 as written for the following reasons:

- (1) The observer data is inadequate to justify any closures which is why the Council turned to an industry workgroup.
- (2) The workgroup recommendations were unanimous and represent the best available knowledge from fishermen actually fishing the areas in question.
- (3) According to ADF&G's report titled "Summary of Incidental Catch Data of Prohibited Species in the Trawl Fishery Near Kodiak from the Domestic Observer Program" dated June 1986, "bycatch rates do not appear to be related to commercial crab landings by statistical area."
- (4) Closure of an area prevents obtaining bycatch data.
- (5) ADF&G has \$160,000 with which to run an observer program. To increase the closure area prevents the collection of data.
- (6) Only 7.5% of the observed tows in the Marmot Flats area contained king crab. Total observed king crab bycatch 1978-1984 (43 hauls) was 47 king crab in the commercial fishery.
- (7) 85% of the king crab population is protected under Alternative 1.
- (8) If the Council wishes to also protect halibut and/or Tanner crab, we suggest the workgroup be reconvened.

Signed by: Alvin Burch, Barry Fisher, and Terry Baker.

Problem 4: Inadequate Inseason Management Authority

Moved and seconded: The AP recommends that the Council adopt Alternative 1 which authorizes the Regional Director to close fisheries on the basis of all relevant information to promote fisheries conservation. The motion carried unanimously.

D-2(d) TAC Apportionments for 1987

The AP recommends that the Council send out the following proposed TACs for public comment.

Moved and seconded: Referring to Table 1 on page 3 of the Resource Assessment Document (Attachment 3), the AP recommends that the proposed TACs be equal to FMG for pollock, Pacific ocean perch, sablefish, Atka mackerel, other rockfish, thornyheads, squid, and other species.

Moved and seconded: For Pacific cod the AP recommends a proposed TAC of 75,000 mt equal to the 1986 OY. Concerns expressed over Pacific cod included the bycatch of halibut and reserving the fish for U.S. industry. The motion carried 22 to 1.

Moved and seconded: For flounders the AP recommends a proposed TAC of 30,000 mt to reflect reported industry interest in this stock. The motion carried 11 to 8.

Moved and seconded: The AP recommends that the Council retain the 2,000 mt PSC limit on halibut in the Gulf. The AP recognizes that under current bycatch rates this PSC limit would not be compatible with a TAC of 30,000 mt for flounders. The intent was to provide an incentive for those segments of the industry wishing to target on flounder an opportunity to prove that they could improve their bycatch rates. The motion carried 13 to 5.

D-2(e) DAP and JVP Apportionments for 1987

Moved and seconded: The AP recommends the Council leave DAP and JVP unspecified for 1987 until further public comment is reviewed between now and the December meeting. The AP recommends that no TALFF be allocated for 1987. The motion carried unanimously.

D-3 BERING SEA/ALEUTIAN ISLANDS GROUND FISH FMP

D-3(c) Amendment 10

1. Inadequate Control of Bycatch of Crabs and Halibut in DAH Fisheries

Moved and seconded: The AP recommends that the Council adopt Alternative 2 for a 2-year period. During this time the AP recommends an annual review of the issue by the Council which would include reports from the AP Tanner Crab Bycatch Subcommittee.

The AP supports the concept of frameworking found in Alternative 4 and recommends that it be further developed by the plan team for the next amendment cycle. The motion carried unanimously.

In discussion over this issue some concerns of the AP included:

- (1) The expense and logistics of 100% observer coverage. It was noted, however, that Alternative 2 simply requires a scientific data gathering program acceptable to NMFS and the Council and not necessarily 100% coverage.

- (2) Alternative 2 lacked the flexibility to change bycatch limits and bycatch rates. For an example, if red king crab stocks continued to improve, we would not have the flexibility to change PSC limits.
- (3) The AP realized that Alternative 4 had this flexibility to set new PSCs annually if necessary, but were concerned about how those PSCs would be set (ranges and terms) and wanted the plan team to more fully develop procedures for setting PSCs.

Moved and seconded: The AP recommends that the Council set a Bering Sea-wide cap on halibut bycatch in the yellowfin sole/flatfish fishery of 828,000 animals, which upon attainment would close Zone 1, as defined in Amendment 10, to joint venture flatfish trawling. The motion carried 17 to 2.

[Note: The cap was calculated as follows: The AP subcommittee started with an initial cap of 3,100 mt of halibut. In applying it to joint venture flatfish operations, 500 mt were removed for crab and shrimp fishing and 360 mt for foreign trawling. Using an agreed upon average weight of 5 lbs. for halibut this weight is equivalent to 987,392 animals. The subcommittee agreed to remove 10% of this in consideration of DAP trawling and 60,000 mt non-flatfish joint venture trawling. This leaves the cap of 828,000 animals.]

The AP acknowledges that this is part of a short-term solution and recommends that Bob Alverson be added to the AP Tanner Crab Bycatch Subcommittee to represent halibut fishermen in any negotiations for a more comprehensive, long-term solution.

2. Inadequate Catch Reporting Requirements in DAP Fisheries

Moved and seconded: The AP recommends the Council adopt Alternative 2 which would require weekly reporting from vessels which process at sea. They suggested that the words "freezes or dry-salts" be replaced with "freezes or salts". The motion carried unanimously.

3. Inadequate Authority for Inseason Reapportionment

The AP rejected this change in NMFS authority, expressing concern that DAP might be reallocated to JVP prematurely. They felt that fish should be left in DAP through the last quarter or until the end of the year.

4. Inseason Management Authority

Moved and seconded: The AP requests that the Council adopt Alternative 2 which authorizes the Regional Director to open or close any or part of a regulatory area. The majority supported the motion after a presentation by Bill Robinson (NMFS staff) explaining how the authority would be used. He addressed the question of whether PSC limits for crab in the Bering Sea in 1986 could have been changed by the Regional Director. Robinson's response was that if a PSC was not directly tied to a certain stock abundance, but was rather an apportionment issue, then the Regional Director could not change those PSC limits. The motion carried 16 to 2.

D-3(d) TAC Apportionments for 1987

Moved and seconded: The AP recommends that the Council send the TACs proposed in the RAD out for public review with a notation on species such as Pacific cod and Greenland turbot which may change (see Attachment 4). The AP also recommends that the Council send out for public comment the idea of subdividing the Bering Sea for purposes of sablefish management between a northern area and a southern area. The lines and quotas for these areas would be discussed and established after reviewing public comments. The AP recommends that the Council adopt an overall OY for the Bering Sea of 2 million mt. In addition, they stated their intent to recommend adjusting the TAC for Pacific cod to equal DAH when the final figures are set in December. The motion carried unanimously.

D-3(e) DAP and JVP Apportionments for 1987

Moved and seconded: The AP recommends that the Council send out for public review the provisional allocations recommended in Attachment 4 with the proviso that:

DAP = TAC for Pacific ocean perch, Rockfish, Sablefish, and
Greenland Turbot

The motion carried 16 to 1.

OTHER BUSINESS

Groundfish Data Monitoring

The AP heard a report from Bill Robinson on FY 87 Groundfish Data Collection needs. The AP wishes to express their concern to the Council over the lack of management information, and due to decreased budgets, the proposed cut-backs in the groundfish fish ticket program.

Reflagging

Moved and seconded: The AP heard testimony regarding the issue of reflagging and recommends that the Council pass a resolution to support legislation which would ban the reflagging of foreign vessels into the U.S. fishing/processing fleet with an effective date of September 24, 1986. The motion carried 16 to 1.