

North Pacific Fishery Management Council

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Certified By: *Robert Alverson*

Date: *December 6, 1981*

ADVISORY PANEL MINUTES Sheraton Hotel Anchorage, Alaska September 23, 1981

The Advisory Panel met on Wednesday, September 23, 1981, at the Sheraton Hotel from 9:00 a.m. to 6:15 p.m. The following members were present: Bud Boddy, Al Burch, Larry Cotter, Jesse Foster, Richard Goldsmith, Eric Jordan, Joe Kurtz, Rick Lauber, Ray Lewis, Dan O'Hara, Ken Olsen, Alan Otness, Don Rawlinson, Lewis Schnaper, Jeff Stephan, Tony Vaska, and Chairman Robert Alverson.

A. CALL TO ORDER AND APPROVAL OF AGENDA AND MINUTES OF THE PREVIOUS MEETING

The meeting was called to order by Chairman Robert Alverson. The agenda was approved by all Advisory Panel members. Minutes of the July 22, 1981 Advisory Panel meeting were approved as read.

B. SPECIAL REPORTS

B-1 Executive Director's Report. The Executive Director's Report was presented by Clarence Pautzke. Under this agenda item the written statement on amendments to the MFCMA did not contain the proposal to provide voting representation on the Pacific Council. The AP suggests the voting on the Pacific Council by Alaskan representation be provided for in the NPFMC written and oral comments.

B-2 ADF&G Report on Domestic Fisheries. This report was presented by Mark Miller. The AP took no action under this agenda item.

B-3 NMFS Report on Foreign Fisheries. Ron Naab, Phil Chitwood and Ron Berg presented current foreign fishing activity off of Alaska.

B-4 U.S. Coast Guard Report on Enforcement and Surveillance. As no representative from the U.S. Coast Guard was present, no report was made available to the Advisory Panel.

B-5 Update on Joint-Venture Operations. John Schmiedtke from the West German operation off Alaska gave a brief presentation of their operations. He indicated the West German owners were looking for another joint-venture. He indicated that the joint-venture is not economically viable solely on deliveries of pollock. Mr. Schmiedtke proposed a free port in Alaska so that products could be off loaded to avoid transfer at sea.

Mr. Schmiedtke went on to indicate that because of quality problems, the strengthening of the dollar and other economic considerations, products from U.S. processors had not been purchased and this was one reason they were seeking to buy products from U.S. catcher vessels.

B-6 AP and SSC Reports on Non-Agenda Items. No action taken.

C. OLD BUSINESS

C-1 Report on Halibut Limited Entry Meeting. This report was presented by Jim Richardson and debated to considerable degree. There was no consensus as to what should be the next step by the Council as it is unclear what the procedure in developing options for limited entry is. No action was taken by the Advisory Panel though concern over the current situation in the industry was expressed by several members.

A letter from Kim Buchman from Seldovia was read into the record. It is attached to the AP minutes.

C-2 Review of Advisory Panel Subgroup Memberships. Dick Goldsmith was added to the Gulf of Alaska Groundfish subcommittee and Larry Cotter to the Inter-Council Salmon subcommittee. Other members of the AP that wish changes on subgroups are instructed to contact the Council staff.

C-3 Other Old Business as Appropriate. No action taken.

D. NEW BUSINESS

No action was taken.

D-1 Election of Council Chairman and Vice-Chairman. No action taken.

D-2 Approve Meeting Schedule for 1982. The Advisory Panel suggests to the Council if it wants a report on existing troll regulations, a meeting in Sitka in September is recommended. If it wishes input on proposed amendments, a March meeting in Sitka is best, but a meeting in Sitka at either time will be good.

D-3 Update Council Subgroups. No action taken.

D-4 Interim Appointments to the Advisory Panel. No action taken.

D-5 Review of Permit Applications. It was moved by the AP that the Council deny the six Japanese vessels their requested permits due to the severity of their offenses. This passed with two in opposition. The opposing view point was that the permits should be denied if the Japanese ships are in fact found guilty or if monetary fines are paid.

D-6 Other New Business As Appropriate. No action taken.

E. FISHERY MANAGEMENT PLANS

E-1 Salmon FMP. Jim Glock and Pat Travers presented information concerning the FMP and the recent court decision by Judge Craig.

The following motion was adopted by the AP on a vote of 9 to 5.

"that the AP urge the Council to seek a final legal determination that the salmon fishery in the waters off Alaska is subject to treaty obligations before amending the Alaska troll fishery management plan to meet treaty obligations."

E-2 Herring FMP. There was a motion to allow a high seas harvest of 3,000 to 6,000 metric tons of herring in the Bering Sea. This was defeated by a vote of 10 to 5.

In the event the Council decides to allow this potential surplus, the AP recommends that it not be granted to joint-ventures as several domestic groups, Trident Sea Foods, a shore-based activity in Akutan, Alaska Packers and American Fisheries Products, indicated interest in taking the herring as a solely domestic activity.

The Advisory Panel heard testimony from the Bering Sea Fishermen representative as well as from Mick Stevens.

E-3 King Crab FMP. The AP adopted the following motion concerning the King Crab FMP.

"Whereas the Alaska Board of Fisheries has provided sufficient conservation and management to the king crab fishery off Alaska and,

whereas an FMP for king crab would impose unnecessary regulatory burdens and increased costs to the industry, the AP recommends to the Council that action on the proposed King Crab FMP be terminated and a finding be made and communicated to the U.S. Secretary of Commerce that no need for a king crab FMP exists."

This was passed 12 to 4.

Majority Viewpoint

Supporting points of the majority position included the following:

1. That the State has operated a successful management regime based on a time-tested and proven philosophy which has provided a climate for the profitable development of a multi-million dollar industry.
2. That the MFCMA does not mandate that the Council establish an FMP for king crab, as is supported by the decision of the Pacific Management Council to not establish an FMP for dungeness crab, shrimp, and herring.
3. That the Alaska Board of Fisheries bears the weight of direct regulatory responsibility for their actions, and is therefore closer to the consequences of their management decisions; the Council, in contrast, cannot regulate and therefore has less control due to their limited advisory capacity.

4. That the Alaska Board of Fisheries and ADF&G have intimate knowledge of the king crab management regime and have management and enforcement machinery, experience, and empirical knowledge which can never be duplicated by the Federal government.
5. That the allegations of regulatory discrimination are unfounded and unsubstantiated.
6. That the allegations of unfair treatment of non-residents in State Courts are unfounded and unsubstantiated.
7. That the increased regulatory requirements of an FMP and the associated processes and procedures would be unnecessarily burdensome to the industry.
8. That an FMP for king crab would increase the monetary costs to the industry which are unnecessary.
9. That an FMP for king crab would increase the costs to the federal government and put further pressure on an already overburdened NMFS staff and budget; and would further divert valuable human and financial resources away from those fisheries which are in true need of conservation and management.

Minority Viewpoint

The major objections raised by those opposed to the Advisory Panel's action on the King Crab Plan were:

1. There has been no analysis done to ascertain that Alaska's regulatory system has, in fact, provided "sufficient conservation and management" in the king crab fishery. Nor has there been an analysis to determine that Alaska's management of this fishery accomplishes the objectives of the Magnuson Fishery Conservation and Management Act (MFCMA).
2. Alaska's management system does not meet the objectives and national standards of the MFCMA.
3. By law, the Board of Fisheries must be responsive to the interests of the State and its citizens. In so doing, Alaska's regulatory system has discriminated against non-residents.
4. The MFCMA requires that a fishery management plan be developed for this fishery.
5. Alaska has no authority to regulate non-resident vessels fishing for king crab in the Fishery Conservation Zone.

Other reasons for opposing the majority vote of the Advisory Panel are found in the five sets of written comments on the king crab plan submitted to the Council by the North Pacific Fishing Vessel Owners Association.

On the subject of the proposed NRC contract on king crab, the following motion was passed unanimously with one abstention:

"The Council should evaluate if a need for this research really exists, and if so, to distribute an RFP and fund the entire amount if it is established that the study is really needed."

Points supporting this decision included the following:

1. That NMFS and ADF&G already provide the information proposed in the study.
2. That the proposed study was not necessary at this time and could wait until after the statistics of current fishery performance are produced and evaluated this winter.
3. That concern was demonstrated that those proposing to carry out the study have strongly endorsed a management philosophy different from the current philosophy being used.
4. That it was improper to award a contract of this sort without first advertising an RFP.
5. That NMFS biologists could provide the same information if they were so directed and requested.
6. That contributors other than NBA were unidentifiable and/or non-committal.

E-4 Tanner Crab FMP. Steve Davis and Jerry Reeves presented information on Amendments #6 and 7 and a forecast of potential harvest levels on opilio and bairdi tanner crab. Jerry Reeves indicated that the preliminary abundance of commercial sized tanner crab for 1982 is about 50% of that available for 1981.

The Advisory Panel suggests due to increasing complaints from the crab fishermen of losing pots in the Pot Sanctuary to foreign trawl activity that the Council coordinate, at the earliest time, a meeting for the Pot Storage Committee to meet with appropriate ADF&G, Coast Guard, NMFS and other appropriate agencies to determine if a different area can be found to store pots. With the increased use of pair trawls by foreign fleets in this area the gear conflict issues are increasing. This was a primary concern expressed to those AP members that were in contact with fishermen participating in the current king crab fishery out of Dutch Harbor and Akutan.

E-5 Gulf of Alaska Groundfish FMP. The AP endorsed the PMT's concept of having one amendment encompassing several parts concerning reorganization; amendments proposed by ALFA and the North Pacific Longline-Gillnet Association and changes to reduce the OY of black cod and suggest that it go out for public comment.

E-6 Bering Sea/Aleutian Islands Groundfish FMP.

First Action. The AP requests that the Council send a telegram to the Secretary of Commerce to support immediate adoption of the Bering Sea/Aleutian Islands FMP.

Second Action. The AP would like to reiterate its support to stand by the NMFS fee schedule in light of the comments in the letter from the Korean Trawler's Association.

Third Action. The AP adopted the Harville draft of September 23, 1981 titled, "Bering Sea/Aleutians Groundfish Amendment: Annex." This was adopted with one opposing vote.

Amendment #3 was unanimously passed with the following two suggested changes.

1. Delete the words "the foreign groundfish fishery and" on Page 3, first paragraph under Establishment of Targets for Prohibited Species Catches.
2. Change the current formula determining allocation of PSC's as follows:

$$PSC_{ij} = \frac{(\text{Annual Catch Rate} \times \text{Percent Target Reduction}_{ij})}{x \text{ TALFF}_i + \text{Reserves}_i}$$

The annual catch rate would be as follows:

	<u>Halibut</u>	<u>King Crab</u>	<u>Tanner Crab</u>
1977-80 Average	<u>3,182</u>	<u>916,804</u>	<u>16,003,329</u>
	Current OY	Current OY	Current OY

This change is suggested because the proposed formula does not take into consideration the increase in OY established by the Council in January which ranges from 1,400,000 mt to 2,000,000 mt. These OY ranges are 11% to 62.5% greater than the 1977-80 average used in establishing the base catch rate. As an example for 1982 or 1983 under the proposed formula, incidental catches of prohibited species would increase regardless of the health of those prohibited species.

Example 1.

1981	OY = 2,000,000 mt
	<u>150,000</u> DAH
	1,850,000 TALFF
<u>3,182</u>	halibut x .90 x 1,850,000 = 4,210 mt
1,258,102	

The target for 1982 for halibut is 90% of 3,182 mt or 2,863 mt. The proposed formula would result in a 47% over catch of halibut.

<u>Example 2.</u>	1983	2,000,000 OY
		<u>300,000 DAH</u>
		1,700,000 TALFF

1977-80 average king crab $\frac{916,804}{1,258,102} \times .90 \times 1,700,000 = 1,114,941$

The target for king crab is 90% of 916,804 or 825,123. The current formula would result in an increase of 35% above the target level regardless of the current health of the crab resource.

The current formula does not address the needs of the prohibited species resources when OY is increasing and can result in increased catches of prohibited species. The examples above were calculated on the extreme based on OY of 2,000,000 mt.

If you assume an OY of 1,500,000 for 1982 and a domestic harvest of 150,000

OY	=	1,500,000
DAH	=	150,000
TALFF	=	1,350,000

you have $\frac{916,804}{1,258,102} \times .95 \times 1,350,000 = 934,583$

which is still 13% above the target level for king crab.

The proposed new formula will take into account annual changes in the health of the overall groundfish resource, whereas the current formula does not. And if the health of the prohibited species is changed the target figures can be increased or decreased under the annual review section.

F. CONTRACTS, PROPOSALS, AND FINANCIAL REPORTS

The Advisory Panel endorsed the contract study concerning the origin of Salmon of Southeast Alaska streams and river.

The Advisory Panel then passed a motion to adjourn.

Kim.A.Buchman
p/o Box 224
Seldovia, Alaska
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September 21, 1981

North Pacific Management Council
Advisory Panel.

Gentlemen,

I would like to state my opposition to Limited Entry in the Halibut Fisheries off the State of Alaska.

Halibut stocks are as strong as ever. There is no need to give the catch to a few.

And if it is difficult for a few to travel 2,000 miles to fish, I would invite them to move up to our fine state and become part of our healthy and diversified fleet.

This fisheries for years has been a place for young men to start in our commercial fisheries.

Our fine system of free enterprise will enable the survival of the fittest and the future evolution of a healthy onshore fisheries.

Let's not cloud the issues with lengthy feasibility studies. We all know the difficulties and injustices left by Limited Entry of Salmon and the continuing battles.

Sincerely yours,

Kim A. Buchman

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