

North Pacific Fishery Management Council

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Certified by John Bruce
Date 6/19

ADVISORY PANEL MINUTES APRIL 14-16, 1997 ANCHORAGE, ALASKA

Advisory Panel members in attendance:

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

Advisory Panel member, Teresa Turk, was absent. The Advisory Panel unanimously approved the February 1997 meeting minutes.

Election of Officers

The Advisory Panel (AP) unanimously approved maintaining the current officers, John Bruce-Chair and Stephanie Madsen-Vice-Chair.

C-1 Halibut Charterboat Management

The AP remains concerned with the validity of some of the assumptions contained in the analysis. However, we believe allowing the public to review and comment on the work done to date would provide additional

information, productive alternatives and be in the best interest of public policy. Therefore, we request the document be released for public comment with the addition of:

1. A cover letter which both focuses public comment on the scope and nature of the alternatives and notices the public that the quantitative aspects of the analysis may be subject to future refinement and changes;
2. An expanded executive summary which lays out the alternatives, characterizes the various halibut user groups, and qualitatively examines the impacts of the alternatives.
3. A section discussing the ability of traditional management tools (bag limits, annual limits, etc.) To address elements of the problem statement and to mitigate the impacts of proposed alternatives.
4. A discussion of the proposed Jones Act changes and their impact on current charter operations and future catches.

Additionally, the AP requests that final action should **not** be taken in June **except** for:

1. scheduling final action on Alternative 2 (to implement reporting requirements), and
2. taking final action on the moratorium with a control date of April 16, 1997. It was the understanding of the AP that approving this control date did not preclude subareas from being excluded from a moratorium, suggesting qualifications specific to subareas or requesting a control date for their area beyond April 16, 1997.

Motion carries 18/3.

C-2 Halibut Issues

(a) Seabird Avoidance

The AP recommends the Council release for public review the Halibut Supplement EA/RIR using the revised language in the addendum (a minor revision to Alternative 2.1b). Motion carries unanimously.

(b) Area 4 Catch Sharing Plan

The AP recommends the Council release for public review the Area 4 Catch Sharing Plan EA/RIR with the following changes:

1. Delete Alternative 3.
2. Add an alternative allowing the CDQ portion of Area 4 C, D, and E to be set aside to be distributed by the State of Alaska with options that allow the harvest to occur either across IPHC regulatory C, D, and E areas or confine to existing C, D, and E areas.

Motion carries unanimously.

(c) Subsistence EA/RIR

The AP recommends the Council release for public review the EA/RIR creating and defining a Halibut Subsistence fishery category with the following changes:

1. Delete Option 6.
2. Option 2, suboption C: substitute "non-tribal" in place of "non-native".
3. Option 3, suboption B: add 2 hooks to analysis.
4. Add to Option 5, suboption C to either prohibit or allow the exchange (trade, barter) of halibut for other goods with:
 - a. other tribes
 - b. any Alaska rural resident
 - c. any Alaska resident
 - d. anyone.
5. Option 7: revise to read, "Develop cooperative agreements with Tribal, State and Federal governments."
6. Add Option 8: a daily bag limit of between 2-20 fish per day.

The AP expressed its concern that there is currently no satisfactory system for assessing the size and trends in the subsistence fishery catch in rural Alaska. Motion carries 20/1. (Motion to table failed 4/15)

The AP further requests the Council ask staff to expand the analysis to include:

1. A discussion of current case law relative to halibut in the British Columbia Indian food fishery and the Washington state treaty right uses of halibut.
2. A response to issues raised by the Alaska State Legislature's letter, particularly question 2 (below) including a discussion about racial versus aboriginal based allocations and a summary of the status of sovereignty status in current case law.

Question 2 - "Under what authority can the Council adopt allocation criteria based on race which are in conflict with the State's constitution?"

3. Enforcement concerns if in fact a conflict exists with the Alaska State Constitution.

Motion carries unanimously.

(d) Amendment 50/50 - Halibut Food Banks

The AP recommends the Council adopt Alternative 2. Motion carries unanimously.

C-3 Halibut/Sablefish IFQ Program

IFQ Amendments

The AP recommends the Council release for public review the EA/RIR amending the vessel ownership requirement for the IFQ program with the following changes:

1. Under Alternative 2, Option B: substitute 49% in place of 51%
2. Under Alternative 2: add Option C of 5%
3. Add a new alternative to grandfather ownership levels held at:
 - a. date of Secretarial approval
 - b. as of April 16, 1997

Additionally, the AP requests the analysis:

1. add a description of the number of pounds involved and the number of vessels for 1995, 1996 and year-to-date for 1997.
2. include a discussion of the effects of the options on crew members.

Motion carries 21/1.

The AP recommends the Council release for public review the EA/RIR extending transfer privileges to surviving heirs of deceased QS and IFQ holders in the IFQ program. The AP also requests the addition of an alternative to address the AP's concern in cases when the family (spouse or children) continue to hold ownership of the vessel. In such cases, the surviving spouse would remain vested with the right to employ a hired skipper beyond the three years as long as they continue to hold ownership of the vessel. In the case of surviving children, they would have the same right for three years after reaching age 18.

Motion carries unanimously.

Lien Registry

The AP requests the Council support the lending institutions request to Congress for a six month extension on implementation of a lien registry for the IFQ program so they can further refine and develop a registry. Motion carries unanimously.

C-5 GOA Improved Retention/Improved Utilization (IR/IU)

The AP recommends the Council release for public review Amendment 49 implementing IR/IU in the Gulf of Alaska with the addition of an alternative allowing a defined legal buffer below the directed fishing standards. Motion carries 20/2.

The AP further requests the Council direct staff to initiate a regulatory amendment examining a change in the directed fishing standards such as a rolling average of overages/underages idea relative to IR/IU in both the Gulf of Alaska and the Bering Sea/Aleutian Islands. Motion carries unanimously.

C-6 Vessel Bycatch Allowances (VBA)

The AP recognizes that resolution of the outstanding legal issues and development of an adequate monitoring, compliance and enforcement plan are necessary prerequisites to determining the specific elements that will compose an effective program.

We recommend the Council direct the Committee, in conjunction with NOAA GC, NMFS enforcement staff and representatives of the observer program including the Association for Professional Observers, to address the following issues to determine whether adequate monitoring and enforcement are feasible before proceeding with an formal analysis. The issues are those identified in:

1. January 1996 analytical outline by Joe Terry on page three (Attachment 1).
2. Legal issues raised in the NOAA GC memo (dated April 11, 1997)
3. Committee report.

The AP further request the Council specifically identify salmon and herring as possible inclusions in any VBA alternative. Motion carries 16/6.

C-8 Experimental Fishing Permit

The AP recommends the Council support the experimental fishing permit request by Groundfish Forum, Inc. Motion carries unanimously.

D-1 GOA Groundfish Issues

(b) Rolling Closures

The AP recommends the Council proceed with development of an EA/RIR to implement rolling closures around the sablefish survey. We further recommend the following be added as options:

1. Change in sampling area sequence (reordered survey)
2. Nearshore open area for halibut and other fisheries
3. Gear specific exemptions to be renewed annually.

Motion carries 20/1.

D-2 BSAI Groundfish Management

(a) Forage Fish Amendment

The AP recommends the Council adopt a combination of Alternative 2, Option 2 and Alternative 2, Option 4 including the following language changes:

1. Under Alternative 2, Option 2 change the 1% to 5%, and
2. Under Alternative 2, Option 4 add the language: "To facilitate disposition of forage fish taken as bycatch, forage fish may be used in meal production but cannot exceed 1% (0.01) of the total amount of product (waste and whole fish) used for meal within each calendar quarter."

Motion carries 21/1.

(b) Atka Mackerel 2% Jig Allocation

The AP recommends the council release for public review the EA/RIR Proposed Amendment 34 that would authorize an allocation of Atka mackerel to vessels using jig gear with the following option changes:

1. Alternative 2: all options would be modified to include a suboption for step-up provisions of ½% increments up to 2% that would be frame-worked to allow moving to the next increment if quota was taken.
2. Delete Alternative 3.

Additionally the AP recommends the analysis include supplemental discussion regarding:

1. Alternative 4: what the TAC would have been in the Bering Sea the past six years if it was split out.
2. Discussion of the communities of Atka and Nikolski and their ability to use CDQ quota in the jig fishery.

Motion carries unanimously.

(c) VIP Standards

The AP recommends the Council approve the VIP standards outlined in the letter from the NMFS Regional Director for the second half of 1997. Motion carries unanimously.

The AP further suggests to the Council it is appropriate to establish a *C. bairdi* VIP for the cod fishery in the Bering Sea.

D-3 Scallop Fishery Management Plan

The AP recommends the Council approve the SAFE report, TAC and PSC specifications as outlined below:

Table 1. Scallop TAC amounts for the period July 1, 1997, through June 30, 1998, in pounds and kilograms of shucked scallop meat by scallop registration area and district.

Scallop Registration Area	TAC	
	lb	kg
Area A (Southeastern)	zero	zero
Area D (Yakutat)		
District 16	35,000	15,880
All other districts	250,000	113,430
Area E (Prince William Sound)	17,400	7,893
Area H (Cook Inlet)		
Kamishak District	28,000	9,074
Area K (Kodiak)	400,000	181,488
Area M (Alaska Peninsula)	200,000	90,718
Area O (Dutch Harbor)	170,000	77,132
Area Q (Bering Sea)	600,000	272,155
Area R (Adak)	75,000	43,019
TOTAL	1,767,400	810,789

Table 2. Crab bycatch limits for the period August 1, 1997, through June 30, 1998, in numbers of crabs by scallop registration area and district.

Scallop Registration Area	Crab Bycatch Limits		
	Red king	<i>C. bairdi</i>	<i>C. opilio</i>
Area A (Southeastern)	-	-	-
Area D (Yakutat)	-	-	-
Area E (Prince William Sound)	-	630	-
Area H (Cook Inlet)			
Kamishak District	60	29,000	-
Outer/Eastern Districts	98	2,170	-
Area K (Kodiak)			
Shelikof District	35	51,000	-
Northeast District	50	91,600	-
Area M (Alaska Peninsula)	79	45,300	-
Area O (Dutch Harbor)	10	10,700	-
Area Q (Bering Sea)	500	238,000	172,000
Area R (Adak)	50	10,000	-
Total	882	478,400	172,000

Motion carries unanimously (20/0).