

# North Pacific Fishery Management Council

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Certified by Linda Roberts  
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**ADVISORY PANEL MINUTES  
APRIL 19-22, 1999  
ANCHORAGE, ALASKA  
Anchorage Hilton Hotel**

**Advisory Panel members in attendance:**

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

Advisory Panel (AP) member, John Lewis, was absent. John Bruce and Stephanie Madsen were unanimously re-elected to serve as Chair and Vice-Chair respectively. The AP unanimously approved their February 1999 meeting minutes.

## **C-2 Steller Sea Lions**

The AP recommends the Council release for public review the EA/RIR/IRFA to Implement Reasonable and Prudent Steller Sea Lion Protection Measures with the following additions:

### ***Gulf of Alaska (GOA)***

#### **2.5.1. Options for Season Dates and TAC Apportionments**

Season	Start Date	TAC Apportionment
A	January 20	25%
B	5 days after A season closure	25%
C	September 1	25%
D	5 days after C season closure	25%
Motion carries 16/0/2.		

Provide a discussion of mechanism(s) available to revert to a trimester or A and B season openings if TAC is reduced. Motion carries unanimously (19/0).

### 2.5.3 Options for Trip Limits in the GOA

Add Option 3: 300,000 lb trip limit in the western, central and eastern Gulf with a prohibition of tendering in 620, 630 and 640 and a 500,000 lb tendering limit in 610. Motion carries unanimously (19/0).

### 2.7 Options for Pollock No-trawl Zone in GOA

Include monthly break down of data for the 8 haulouts to determine whether there is a seasonal use pattern by the fleet. Motion carries unanimously (19/0).

Include data, by quarter, comparing pollock size distribution by the ADF&G statistical areas associated with the 8 additional rookeries versus size distribution in the remainder of the NMFS management areas. (Motion carries unanimously, 19/0, as part of the BSAI motion.)

### ***Aleutian Islands:***

Include option to open directed pollock fishing in all of the alternatives in Section 1.

### ***Bering Sea:***

Add option to all alternatives: Catcher vessels less than or equal to 99 ft length overall (LOA) would be exempt from CH/CVOA closures from September 1 through March 31 unless the percentage cap for the inshore sector has been reached. To accomplish this objective, NMFS would announce the closure of the CH/CVOA conservation zone to catcher/vessels over 99 ft LOA before the inshore sector percentage limit is reached and in a manner intended to leave remaining quota within CH/CVOA sufficient to support fishing by vessels less than or equal to 99 ft LOA for the duration of the current inshore sector opening.

### **A1/A2 Stand-down:**

Add sub options to all stand-downs, to apply stand-down only inside CH.

### **B-season start dates:**

Option 2: Add sub-option for 1999, to open earlier than August 1st, by the number of days equivalent to the stand-down

Add Option 3 (for the year 2000): Allow co-ops to open as of June 1st

Add Option 4: Allow motherships to open Sept. 1st with a single season (corrects page 14 of EA)

**B and C season stand-down period:**

- Add Option 4: Stand-downs only apply inside CH
- Add Option 5: Stand-down 5 days

**C season start date:**

- Add Option 3: C season opens 5 days after the closure of B season.

**TAC apportionments to individual seasons for non-CDQ sectors:**

- Add option 1: A1 = 30%, A2 = 15%
- Add option 2: A1 = 15%, A2 = 30%
- Add option 3: A1 = 15% inside CH, 7.5% outside CH, A2 = 7.5% inside CH, 15% outside CH

**A1 and A2 seasons: (pages 35-37)**

- Add option 4: Based on overall split of A1 = 15% inside CH, 7.5% outside CH, and A2 = 7.5% inside CH, 15% outside CH, apportion by sector as follows: (Option would be approved only after industry consensus on percentages)

Inshore	A1	___	in	___	out	A2	___	in	___	out
CP	A1	___	in	___	out	A2	___	in	___	out
Mothership	A1	___	in	___	out	A2	___	in	___	out
CDQ	A1	___	in	___	out	A2	___	in	___	out

Weighted Average A1=66.6% in, 33.3% out A2=33.3% in, 66.6% out  
 Overall A1/A2 = 50/50

**B/C season split Inside Outside CH:**

- Add option 3: 1999 phase-in for half of reduction for Y2K end point
- Add option 4: based on the central tendency of the average of the bottom trawl survey distribution plus the 2 to 3 standard deviations.
- Add option 5: 30% inside, 70% outside (CPs 100% outside; Inshore and Motherships 50% inside, 50% outside)
- Add option 6: if motherships have a single B/C season, motherships to take 100% catch outside CH/CVOA.

**Split of catch outside CH during B/C seasons:**

**Options for determining split amounts:**

- Add option 4: based on the central tendency of the average of the bottom trawl survey distribution, plus the 2 to 3 standard deviations.

**Options for BS no trawl zones:**

- Under Option 3, add sub-option defining short-term as 5 years.

- Modify Option 5: Comprehensive combination of closures and no closures around BSAI/GOA rookeries to comprise an adaptive management experiment incorporating rookery status through 1998.

**Options for AI subarea:**

- Clarify that Option 2 allows for directed fishery in the AI.

## Additions to the Analysis:

Before the analysis is released for public review, the AP requests that NMFS review the data and assumptions used to develop the analysis of the seasonal EBS pollock distribution. The analysis itself should be revised to include:

1. A list of the assumptions used to determine the values of Table 3.4;
2. The formulas and values used to calculate the entries of Tables 3-4 and Table 3-5;
3. The probabilities associated with the alternative scenarios of Figure 3-19;
4. A justification for the reliability of using the winter acoustic survey as an estimate of the absolute size of the EBS pollock biomass in the CH-CVOA.
5. The estimates of selectivity and catchability for the winter CH/CVOA survey.
6. Add an appendix to the analysis preventing pollock catch, by percent and tons, within 10, 20, 40 and 60 nm of rookery and haulouts sites listed as CH over the period since late 1970s.

Clarify that stand-downs are not a principle or rule. Distinct separations of seasons are only one means to insure that the principle of temporal distribution is achieved. To the extent that co-ops can provide mechanisms to prevent lumping, stand-downs are not necessary.

Motion carries unanimously (19/0).

## C-3 American Fisheries Act (AFA)

*The Advisory Panel (AP) struggled with attempting to separate the document into two separate documents which would allow required sideboard decisions to be made in June while allowing issues surrounding possible co-op structures (Ch 10), implementation issues (Ch 9) and associated issues such as using 2 out of 3 years for determining pollock catch history and compensation of inshore catcher vessels with offshore catch history in another document that would provide for an initial review in June and final action in September. Through further discussion, it became apparent the decisions regarding the associated issues need to be made in June in order for catcher vessels to have information necessary to determine their interest in forming a co-op. The AP continued to move forward with recommendations to the current document.*

The AP recommends the Council release for public review the EA/RIR/IRFA for American Fisheries Act sideboard measures with the following revisions:

### 6.0 AFA Catcher Processor Sideboards

#### Section 6.6.2. All fishing closes for the AFA catcher processor fleet.

Expand discussion of "squid box" problem and include discussion of the effects of a full pollock closure.

(A motion to delete modifications to catcher processors sideboard options from the analysis failed 9/13.)

### 7.3 Crab Sideboards

#### Section 7.3.1.6. Restrict Co-ops to their Aggregate Traditional Harvest.

Revise discussion in text to reflect intent that aggregate traditional harvest cap would apply to:

Option A: the percentage of crab harvest in each species between 95, 96 and 97.

Option B: average catch history 95, 96 and 97 on an each species by each species and vessel by vessel basis.

### *7.5 Groundfish Sideboards*

#### Section 7.5.1. Determination of Traditional Non-pollock Groundfish Harvest.

Review tables 7.11, 7.17, and 7.23 - trawl caught Pacific cod for accuracy, verify that amounts do not include rollover. Revise any corresponding numbers if necessary.

#### Section 7.5.1.1. To Whom Do the Sideboards Apply

Include histogram of catcher vessel pollock catches inshore with the intent of exempting certain vessels from sideboard caps whose pollock harvest is below a certain level.

#### Section 7.5.1.2. When do Sideboards Apply.

Clarification is needed in text reflecting intent that period of restrictions apply in the symmetrical window in which catch history was earned.

(Section 7.5.2.1. A motion to base catcher vessel PSC sideboards on historic PSC catch (as opposed to proportional to groundfish catch) failed 11/10.)

#### Section 7.5.3. Compensation for Inshore Catcher Vessels.

Include additional break points for minimum pollock delivery levels, below which a vessel would be ineligible for compensation. Table 7.29 add: less than 2,000 mt, 3,000 mt, and 5,000 mt.

### *7.6 GOA Sideboards*

#### Section 7.6.1 Deep and Shallow water Flatfish Sideboard Caps.

1. Add sub-option to base sideboard on historical catch as well as bycatch. Closure would occur once either cap (target or halibut PSC) is reached.
2. Add option for super-exclusive registration by fishery period/season. Motion carried 14/6.

Include table equivalent to 7.27 for PSC bycatch rates in the deep and shallow water flatfish target fisheries for AFA vessels and non-AFA vessels.

### *8.0 Processing Limits on Species other than BSAI Pollock*

#### Section 8.3 Identification of Ten Options.

Delete options 7 through 10 (all options that apply individual limits)

Additionally, the AP recommends:

1. Provide a more detailed explanation of options to determine catcher vessel pollock catch using 2 out of 3 years.
2. Include description of AFA requirement of inshore catcher vessels and processors to repay loan through assessment on all pollock catch.
3. Identify AFA eligible catcher vessels.
4. Include Dooley Hall proposal as an alternative. Motion carries 13/5/1.

The AP requests the Council establish a Co-op Implementation Committee representing industry and NMFS to examine possible inshore co-op structures and monitoring issues to facilitate development of the regulations necessary to implement inshore pollock co-ops.

Main motion carries unanimously (22/0).

The AP recommends the Council release for public review the EA/RIR/IRFA implementing AFA conformance measures. Motion carries unanimously (22/0).

### **C-6 Seabird Protection**

The AP recommends the Council adopt Alternative 2, Option 1 (with the changes noted below in bold), and Sub-option a.

**Option 1:** All applicable hook-and-line fishing operations would be conducted in the following manner:

1. Use groundlines which are sufficiently weighted to cause the baited hooks to sink out of reach of seabirds **promptly** after they are set.
2. If offal is discharged while gear is being set or hauled, it must be discharged in a manner that distracts seabirds from baited hooks, to the extent practicable. The discharge site on board a vessel must either be aft of the hauling station or on the opposite side of the vessel from the hauling station. Hooks must be removed from any offal (i.e., fish heads) that is discharged; and
3. Make every reasonable effort to ensure that birds brought aboard alive are released alive and that wherever possible, hooks are removed without jeopardizing the life of the bird.
4. Employ one of the following seabird avoidance measures:
  - a. Tow a bird scaring line during deployment of the gear to prevent birds from taking baited hooks. The bird scaring line would be towed directly over the baited hooks and would be of a sufficient length and attached to the vessel at a sufficient height to protect the entire area behind the stern of the vessel where baited hooks are accessible to seabirds. If multiple bird scaring lines are used, they would be immediately adjacent, on each side, of the groundline bearing the baited hooks.
  - b. Towed buoy bags or float devices and bird streamer lines would qualify as bird scaring lines if they are properly constructed to effectively deter and prevent seabirds from accessing baited hooks.
  - c. **Towing a board or stick must be accompanied by a or b above to be considered an acceptable measure.**
  - d. In addition to 4a or b above, deploy hooks underwater through a lining tube at a depth sufficient to prevent birds from settling on hooks during deployment of gear.
  - e. In addition to 4a or b above, deploy gear only during the hours specified in regulation [“hours of darkness” §679.24(e)(3)(iv)], using only the minimum vessel’s lights necessary for safety.

Sub-option: These requirements under Option 1 would apply to:

- a. All vessels, 26 ft LOA or longer, using hook-and-line gear.

Motion carries 19/1.

The AP reiterates its previous recommendation that further study of seabird avoidance measures be conducted. These studies need to include:

1. Size and type of hook
2. Use of tory lines on different sizes of vessels
3. Use of the line shooting device
4. Sablefish survey information in terms of seabird interaction.

The AP further recommends that NMFS provide programmatic research funding for seabird bycatch studies. Motion carries unanimously (20/0).

Regarding the letter from Jim Cook (WPFMC), the AP suggests the Council request:

1. Any information that provides the identity, origin and type of netting found.
2. Any information available that would enable determination of the length of time the material has been at sea in order to determine if it was pre-Marpol regulations.

The AP recommends the Council approve both experimental fishing permit (EFP) applications to study the effectiveness of seabird avoidance devises from Ed Melvin, University of Washington Sea Grant. Motion carries unanimously (18/0).

#### **D-1(b) Shortraker/Rougheye (SR/RE) and Thornyhead MRB Reduction**

The AP recommends the Council adopt Alternative 2 as modified below:

MRB for SR/RE in the eastern Gulf be adjusted to 7% for the deepwater complex fisheries and hook-and-line fishery.

Additionally, the AP recommends:

1. Any adjustment to the MRB be limited to SR/RE in the eastern Gulf of Alaska regulatory area.
2. No further action in regard to prohibiting fishing for POP with non-pelagic trawl at this time.

Further, the AP recommends the Council continue the analysis of:

1. Hook-and-line bycatch of SR/RE and thornyhead in the halibut ITQ fishery.
2. The natural bycatch rates of SR/RE and thornyhead in the halibut/sablefish ITQ fishery.
3. Spatial and temporal analysis of SR/RE bycatch in the halibut and sablefish ITQ fisheries.
4. Possible changes in distribution of fishery with a mid-water trawl fishery.
5. Review of size/age composition of POP in mid-water versus bottom trawl fishery.
6. Analysis of GOA trawl catch of thornyhead before and after change in sablefish MRB.
7. SR/RE bycatch in hook-and-line DSR fishery.
8. Examine a gear split for SR/RE by TAC management areas.
9. Include effects of the final action on SR/RE and thornyhead catches and any other conservation concerns identified in other areas.

Motion carries unanimously (18/0).

#### **D-1(c) Non-pelagic Trawl Ban in Cook Inlet**

The AP recommends the Council postpone action on the EA/RIR prohibiting the use of non-pelagic trawl gear in Cook Inlet until an analysis identifying less stringent alternatives such as:

1. Observer coverage requirement when in area.
2. Time and area closures.
3. Commissioner's permit.

can be included for initial review in October 1999.

Additionally, include (1) a discussion regarding other fisheries that are currently prosecuted in this area and their effect on habitat, and (2) examine the suitability of this area as a marine sanctuary. Motion carries 15/2.

#### **D-1(d) Halibut Mortality Avoidance Program (HMAP) Proposals**

The AP recommends the Council approve the HMAP pilot program for analysis and rulemaking for implementation in the year 2000, or as soon as possible. Motion carries unanimously (16/0).

#### **D-1(f) Allocation of BSAI Pacific Cod Among Fixed Gear Vessels**

The AP is concerned that, because of time constraints, we were unable to provide input to the Council and would request the Council allow the AP to provide that input before moving forward with this action. Motion carries unanimously (17/0).

#### **D-1(h) EFP for Species Composition Testing Methods**

The AP recommends the Council approve the experimental fishing permit (EFP) application to test species composition testing methods. Motion carries unanimously (17/0).