

North Pacific Fishery Management Council

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Johns Bewick

Date

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ADVISORY PANEL MINUTES FEBRUARY 1-4, 1999 ANCHORAGE, ALASKA

Advisory Panel members in attendance:

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

The Advisory Panel (AP) unanimously approved their December 1998 meeting minutes.

C-1 Steller Sea Lions

The AP recommends the council initiate an analysis with the following options:

GOA - Emergency Rule

1. Extend all provisions in the current emergency rule pertaining to the GOA except for
 - a. reduce tender trip limit to 136 mt
 - b. Since the pollock opening dates are not synchronous between the GOA and BSAI, the AP recommends including an option for exclusive registration between the western/central GOA and BSAI in order that catcher vessels are restricted from fishing in both BSAI and western/central GOA during the equivalent seasons.

GOA - Permanent Rulemaking

1. Tender trip limit of 136 mt.
2. Seasonal exclusive registration between western, central GOA and BSAI (see b. above).
3. Analysis of the current regulatory changes.

4. Re-examine Shelikof Strait critical foraging area based on data supplied by public testimony.
5. Discussion of extending the harvester co-op provisions of AFA to the GOA.
6. Discussion of safety issues and needs of sea lions before implementing additional haul-out closure areas.

The AP further requests a peer review of the current program. Motion carried unanimously (22/0).

BSAI SPATIAL

- A. Include current Emergency Rule as an alternative.
- B. Distribution between
 - Option 1: CH and non-CH
 - Option 2: CH and non-CH with non-CH split east/west of 170°
 - Option 3: CH and non-CH with non-CH split north/south of 57°
 - Option 4: CH and non-CH, with:
 - a. 10-mile buffer around CH
 - b. 20-mile buffer around CH

Sub-option: Range value on each side of particular line plus or minus 20%.

- C. Consider repeal of Pribilof Trawl Closure except for rookery area, for mid-water pollock fisheries only and require vessels document that their nets are off bottom. (Motion requiring vessel to document net position carried 11/10/1.)
- D. Review decision and justification for expansion of CH to include all CVOA.

BSAI TEMPORAL

- A. A/B season split within the ranges(s):
 1. 40-60
 2. 50-50
- B. A1/A2 split within the range(s):
 1. 25-15
 2. 30-10 applies to 40-60
 3. 30-20
 4. 25-25 applies to 50-50

(A motion to increase stand-down period to one month between A1 and A2 failed 9/10/1.)

- C. B Season start date
 1. June 1
 - a. with differential application by sector keyed to co-op.
 2. Combine B/C season with early start date, and with cap on monthly catch. No month to exceed 20-30% of annual harvest.
- D. Aleutians
 1. Re-open with CH circles as listed in RPAs
 2. Re-open with area TAC splits between 541, 542, 543.

E. Rollovers.

1. Repeal restriction that doesn't allow harvest of uncaught CH fish.

Further, the AP requests:

1. Review time series of bottom trawl surveys for inter-annual variation.
2. Review time series of acoustic surveys for inter-annual variation
3. Correlate findings of acoustic and bottom trawl surveys in years when both surveys were conducted to evaluate consistency on distribution.
4. Review foreign, JV and DAP harvest patterns by month with reference to CPUE and total catch compared to survey distribution.
5. Review portion of commercial catch taken outside survey area.
6. Review areas in CVOA/CH that are not currently being surveyed.

Additionally, the AP requests the Council form a committee of fishing and environmental industry representatives, and NMFS to develop a new survey specifically aimed at distribution. Motion carried 17/5.

The AP would like the Council to continue to evaluate the hypothesis that Steller sea lions are food-limited by the lack of pollock. The AP would like to highlight particular attention to the alternative hypothesis on the role killer whales have played in their decline as received in public testimony, and the AP encourages the use of local knowledge of indigenous people, communities and fishermen. Motion carried 18/0/3.

C-2 American Fisheries Act (AFA)

C-2(a) 1999 Co-op Agreements

The AP recommends the Council request that NMFS prepare a preliminary report on the 1999 co-ops for the October 1999 Council meeting and a final report for the February 2000 meeting. The report should specifically assess:

1. The effectiveness of pollock co-ops in reducing bycatch (all species).
2. The effectiveness of management measures to protect other fisheries from adverse impacts caused by the AFA or pollock co-ops.
3. A discussion of how transfers within co-ops may affect issues 1 and 2 above.
4. Utilization and recovery rates by species and product categories.
5. Method of monitoring and enforcement.

The report should include the most specific catch and bycatch information available on an individual vessel level to help the co-op and the Council realize the public disclosure requirements for such information envisioned in section 210(a)(1)(A) of the AFA. Motion carried unanimously (17/0).

(Note: the following recommendations follow the format from Section 7, pages 2 and 3.)

C-2(d) 2000 Amendment Package (alternatives and options)

The AP recommends the Council amend the analysis as follows:

Section 6

1. Include a review of vessel specific PSC rates in addition to average PSC bycatch ratio for the 20 +9 AFA catcher/processors relative to non-AFA vessels
2. Add to Table 6.9 a fourth column which illustrates a retrospective analysis of PSC needs of the 20 + 9 AFA catcher/processors using a performance-based pelagic definition. Motion carried 21/0.

Section 7

A. Crab Sideboards

1. Add participation definition as follows: "participation in a co-op is defined as any use of a vessel's catch history by a co-op, whether by direct harvest, lease, sale or stacking of quota." Motion carried 21/0.
2. Amend Alternative 5 to read:

Measures which would restrict pollock co-op vessels to their:

- Option a. Aggregate traditional harvest including a restriction to the percentage of crab harvest in all species between 1995, 96, and 97.
- Option b. Average catch history 1995, 96, and 97 on a species-by-species and vessel-by-vessel basis.

This alternative would apply to either 208 eligible vessels, or only vessels in a co-op (as with Alternatives 1-4).

3. Add sub-option to all five options: Prohibit any vessel participating in an AFA co-op from a lease, transfer, or sale of any license limitation program (LLP) permit. Motion carried 15/2/4.
4. Add sub-option to 1 and 2 to allow crossovers for vessels with crab landings in each of the last three years (1995, 96, 97). Motion carried 20/1.

B. Add new section, Scallop Sideboards, with the following options:

1. Participation in a co-op is defined as any use of a vessel's catch history by a co-op, whether by direct harvest, lease, sale, or stacking of quota.
2. Measures which would restrict pollock co-op vessels to their aggregate traditional harvest in the scallop fishery in the years 1995, 96, and 97.

Sub-option: a. Based on percentage of GHL
b. Based on percentage of catch
 1. Statewide
 2. By management area
c. Based on percentage of PSC cap.

Motion carried unanimously (21/0).

C. Groundfish Sideboards (BSAI)

1. Add new section: Assigning PSC Caps for Co-op Catcher Vessels in Non-Pollock Fisheries. Rates based on catch history ratios (1995, 1996) rather than VIP rates.
 - a. A review of vessel specific PSC rates for eligible vessels, compared to non-eligible vessels.
 - b. Average bycatch rates of eligible vessels, compared to non-eligible vessels.
 - c. A retrospective analysis of PSC needs for eligible vessels using a performance-based pelagic pollock definition. Motion carried unanimously (21/0).
2. Include discussion paper establishing chinook PSC sideboard for co-op pools in pollock based on final Council action on chinook bycatch caps.
3. Add option under When the CV Restrictions Should Apply:

AFA qualified pollock catcher vessels, that during pollock A season historically had a majority of their catch in pollock, would be limited prior to March 1 of each year to the collective share of the cod fishery that these same vessels collectively harvested historically (1995, 96, 97) prior to March 1.

 1. Apply and monitor by vessel class and sector
 2. Apply and monitor by individual co-op.

(This would effectively subdivide the P. cod cap between AFA vessels that harvested mostly pollock during the A season and those that did not). Motion carried unanimously (22/0).
4. To Whom Restrictions Apply: delete “to all Section 208 eligible vessels” (i.e., would apply only when in co-op). Motion carried unanimously(17/0).
5. Add new section: Compensation.

As provided by Section 213(c)(3) of AFA, the AP recommends the following change to Section 210(b)(1)(B) to allow a catcher vessel with catch history based on deliveries to catcher processors that is otherwise lost under AFA to bring that catch history to the inshore sector cooperative while sharing the burden among all members of the inshore sector.

“ . . . the Secretary shall allow only such catcher vessels (and catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) to harvest the aggregate percentage of the directed fishing allowance under Section 206(b)(1) in the year in which the fishery cooperative will be in effect that is equivalent to the aggregate total amount of pollock harvested by such catcher vessels (and by such catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) in the directed pollock fishery for processing by the inshore component, together with the amount harvested by such vessels for processing by catcher/processors in the offshore component during 1995, 1996 and 1997, relative to the aggregate total amount of pollock harvested in the directed pollock fishery for processing by the inshore component together with the aggregate total amount harvested by all catcher vessels (excluding those eligible under 208(b)) for processing by catcher/processors in the offshore component during such years and shall prevent such catcher vessels (and catcher vessels whose owners voluntarily participate pursuant to paragraph (2)) from harvesting in the aggregate in excess of such percentage of such directed fishing allowance.”

The analysis should breakout the 37 vessels by:

- a. deliveries of 250 tons
- b. deliveries of 500 tons
- c. deliveries of over 1,000 tons

(Vessels that do not meet these harvest requirements may not be eligible for compensation in the inshore sector.) Motion carried unanimously (22/0)

Determination of "Traditional Harvest Level"

6. Delete sub-option to: Utilize "best 2 of 3 years"
7. Add: Pollock - initiate qualitative discussion on ability for Secretary to use the best 2 out of 3 years to determine overall denominator for total pollock pool and numerator for each co-op/ Motion carried unanimously (20/0).

D. Add new section: Additional Gulf of Alaska Sideboards

1. Apply the following sideboards only to AFA eligible catcher vessels participating in a co-op.
2. Any non-pollock catch limitations for AFA co-op vessels are caps not quotas or allocations.
3. Co-op catch history consists of the years 1995, 96 and 97. Fishery is released seasonally by quarter proportionally to when caught during qualifying years.
4. Gulf of Alaska flatfish sideboards to be halibut bycatch driven. Historic target catch should be multiplied by the average halibut bycatch rate and current mortality rate to determine the halibut mortality available to AFA vessels. These amounts should be separated between deepwater and shallow water complexes.
5. Non flatfish Gulf of Alaska target fishery
Target catch of each non-flatfish species available to AFA pollock co-op vessels should be limited to the average catch, by target species, based on the average catch history.

Motion carried unanimously (22/0).

Section 8

In order to further the analysis mandated by the AFA, the AP recommends the following:

1. Analysis should evaluate impacts at both the facility and corporate level throughout the BSAI and GOA.
2. Processing efforts information should aggregate the mothership, offshore and inshore sectors.
3. Crab sideboard limits should include all Council alternatives.
4. Excessive share caps should
 - a. Use the 10% ownership rule
 - b. Provide grandfather options for existing processors in excess of the 17.5% share
 - c. Be applied by species groups (cod, flatfish, mackerel, rockfish, crab, sablefish, halibut) and FMP areas (BSAI and GOA).

The AP recommends, given the continued difficulty with confidentiality, that until resolved, excessive share caps for all species except pollock be dealt with on a separate track. Motion carried 20/1/1.

Confidential Catch & Bycatch

As described in NMFS' January 28, 1999, discussion paper, the AP recommends the Council request NMFS to begin to develop the regulatory infrastructure to provide disclosure of:

1. Vessel identification
2. Harvest amounts by species including prohibited species and harvest rates of species.

Further, the AP recommends the Council initiate analysis to consider use of a dual form of fish tickets to be used by NMFS and ADF&G that would not fall under the State of Alaska's confidentiality regulations. Motion carried unanimously (22/0).

The AP recommends the Council request ADF&G initiate efforts to change AS 16.05.815 to allow for the release of confidential data as provided by Section 210(a)(1)(B) and Section 211(d) of the AFA. Motion carried unanimously (22/0).

The AP recommends the Council urge NMFS to make testing of its new system to capture catch delivery information from shoreline operation a top priority for implementation this summer. The AP further recommends the Council write a letter to Senator Stevens highlighting NMFS's need to budget additional staff and resources to improve our catch and bycatch reporting systems in order to aid the Council's ability to comply with the bycatch reduction mandates the Senator authored in the Magnuson-Stevens Act. Motion carried unanimously (22/0).

General

The AP recommends the Council request staff to initiate a discussion paper examining alternatives to specific sideboards that would allow vessels in any federal fishery, applicable to both BSAI and GOA, to form co-ops with a:

1. Threshold percentage of participants.
2. Threshold percentage of catch history (1995, 96, 97).

Motion carried unanimously (22/0).

C-3 Seabird Protection

The AP recommends the Council release for public review the EA/RIR on seabird avoidance measures with the addition of:

1. A more detailed description of the type of devices which would meet the "towed buoy bag" requirement.
2. Expand Section 1.4.1 to include more detailed description of the size of the vessels, gear types and setting techniques including those used in each of the listed fisheries.
3. Add a sub-option to all alternatives to apply the measure to specific gear types and vessel size.
4. Include information on the IPHC bird avoidance study, information on seabird interaction during IPHC charters and survey data from IPHC longline surveys.

Motion carried unanimously (23/0).

C-5 Halibut Charter GHL

The AP requests the Council move forward with the Halibut Charter GHL analysis with the following revised list of alternatives and options:

AP REVISED LIST OF GHL ALTERNATIVES FOR ANALYSIS

Alternative 1: Status quo. Do not develop regulations to implement a halibut Guideline Harvest Level.

Alternative 2: Convert the GHL to an allocation.

The guided sport halibut fishery would be allocated 12.76% of the combined commercial and guided sport halibut quota in area 2C, and 15.61% in Area 3A. The commercial fishery would be allocated 87.24% and 84.39% of the combined quota in Areas 2A and 3C, respectively. Under a GHL as an allocation, the guided sport fishery would close when that sector reached its allocation.

Option A: Area-wide moratorium

Sub-option: Prohibit new charter licenses upon attainment of the GHL

Option B: Local moratorium

Alternative 3. Convert the GHL to an allocation range. (ADF&G proposal)

The allocation range will have an upper and lower limit and would be a fixed amount expressed in numbers of halibut. The allocation range would be set by IPHC Areas 2C and 3A. Some or all of the management measures listed below would be implemented up to 2 years after attainment of the GHL (1 year if data is available), but prior to January 1 for industry stability. If the guided sport halibut harvest exceeds the upper limit of the range in a year, the guided sport fishery would be restricted to reduce the harvest back within the allocation range using management actions listed below. If the guided sport halibut harvest is restricted and the harvest is reduced below the lower limit of the range guided sport fishery management measures would be liberalized to increase the harvest back within the allocation range.

- line limits
- annual angler limit
- vessel trip limit
- super-exclusive registration
- sport catcher vessel only area
- sportfish reserve

Option A: The upper limit of the allocation range would be set at 125% of the 1995 guided sport halibut harvest. The lower limit of the allocation range would be set at 100% of the 1995 guided sport halibut harvest.

Sub-option 1: Reduce the guided sport halibut allocation to a target range of 75-100% of base year amount during times of significant stock decline. This reduction would be IPHC area specific and would occur in any year that the guided sport allocation exceeds a specified percentage of the combined commercial and guided sport TAC. Percentages to be analyzed should include:

- a. 15%
- b. 20%
- c. 25%

Option B: The upper limit of the allocation range would be set at 125% of the 1998 guided sport halibut harvest. The lower limit of the allocation range would be set at 100% of the 1998 guided sport halibut harvest.

Sub-option 1: Reduce the guided sport halibut allocation to a target range of 75-100% of base year amount during times of significant stock decline. This reduction would be IPHC area specific and would occur in any year that the guided sport allocation exceeds a specified percentage of the combined commercial and guided sport TAC. Percentages to be analyzed should include:

- a. 15%
- b. 20%
- c. 25%

Option C: Moratorium (applies to all of the above)

- a. area-wide
- b. local

Motion carried 20/3.

Alternative 4. Under a GHL, apply a range of management measures listed below to curtail catch rates of guided anglers once GHL is attained.

The GHL functions as a cap. Apply management measures up to 2 years after attainment of GHL (1 year if data is available, but prior to January 1 for industry stability).

- line limits
- boat limit
- annual angler limit
- vessel trip limit
- super-exclusive registration
- sport catcher vessel only area
- sportfish reserve
- rod permit

Option A: Area-wide moratorium

Sub-option: Prohibit new charter licenses upon attainment of the GHL

Option B: Local moratorium

Alternative 5. Moratorium (2C and 3A).

Moratorium only:

Option A: area-wide

Option B: local

Motion carried 22/1.

The criteria for an area-wide halibut charter moratorium under Alternatives 2, 4, and 5 are:

Years of participation

- 1995, 1996, and 1997 IPHC licenses and 1998 logbook
- 2 of 3 years (1995-97) plus 1998 logbook
- 1 of 3 (1995-97) plus 1998 logbook
- license or logbook in any one year (1995-98)

Owner vs Vessel

- owner/operator or lessee (the individual who has the license and fills out logbook) of the charter vessel/business that fished during the eligibility period (based on an individual's participation and not the vessel's activity)
- vessel

Evidence of participation

- mandatory:
 - IPHC license (for all years)
 - CFEC number (for all years)
 - 1998 logbook

- supplementary:
 - Alaska state business license
 - sportfish business registration
 - insurance for passenger for hire
 - ADF&G guide registration
 - enrollment in drug testing program (CFR 46)

vessel upgrade

- license designation limited to 6-pack, if currently a 6-pack, and inspected vessel owner limited to current inspected certification (held at # of people, not vessel size)
- allow upgrades in Southeast Alaska (certified license can be transferred to similar sized vessel)

transfers

- yes

duration for review

- tied to the duration of the GHF
- 3 years
- 5 years (3 years, with option to renew for 2 years)

The AP recommends the analysis include discussion of the feasibility and mechanism available to allow rollover of uncaught IFQ to the guided sport halibut harvest. The analysis should also include a list of the communities in 2C and 3A developing tourism related charter industry businesses, communities with LAMPs in process, and a discussion of the impacts of the five listed alternatives on those communities. Motion carried 22/1.

The AP further recognizes the need to facilitate and move LAMPs forward as quickly as possible and requests the Council respectfully request the Board of Fisheries facilitate and expedite this process. Motion carried unanimously 23/0.

D-1(c) Chinook Salmon Bycatch

The AP recommends the Council require, as part of this action, a sampling regime with an accurate level of estimates as illustrated in the June 1997 report by Jack Turnock and William Karp titled, "Estimation of Salmon Bycatch in the 1995 Pollock Fishery in the BSAI - a comparison of methods based on observer sampling and counts of salmon retained by fishing vessel and processing plant personnel." Motion carried unanimously (20/0).

The AP recommends the Council reduce the chinook salmon bycatch cap incrementally from 41,000 to 29,000 over four years beginning in the year 2000. Accounting for the cap would begin January 1 and continue year-round. Non-pollock fisheries would be exempt from the closure and those fisheries' chinook PSC bycatch would not be counted toward the cap.

Additionally, the AP recommends the Council initiate an analysis, for time certain implementation in 2001, to apportion the chinook salmon PSC by:

1. sector
2. individual co-op
3. individual vessel

(The incremental reduction is contingent upon this action to provide the tools necessary for individual accountability.) Motion carried 19/2.

(The motion above was a substitute for a motion for a cap of 36,000. A motion using a trigger of 40,000 failed 11/10.)

Further, the AP recommends the Council delete the two Pribilof blocks from the closure area. The AP also recommends adding block 226 to the closure area (motion carried 13/8). In the event the cap is triggered in the A season, the chinook savings area would close immediately. The closure would be removed at the beginning of the B season, but would be reinitiated September 1 (motion carried 11/10). (The September 1 date replaced the original proposed date of October 1.) The main motion carried 17/4.

MINORITY REPORT D-1(c) Chinook Salmon Bycatch

The undersigned members of the AP opposed the main motion regarding chinook salmon bycatch because it recommends a radical step from current management measures for salmon bycatch. The AP recommendation changes an A season only closure area and cap to a year-round closure with cap reductions.

We opposed the September 1 date because instituting the closure imposes huge costs to the fleet that are not well quantified in the analysis. Bycatch of chinook salmon clearly occurs in a temporal pattern. Closures in place during low bycatch rates is punitive and not productive. The overlapping effect of regulations protecting Steller sea lions already provides for a large portion of pollock catch to be taken outside the CVOA. A portion of the Chinook Savings Area closure (blocks 226, 227, 228) are already closed August 1 - September under the Chum Salmon Savings Area regulations. We feel an October date would be more appropriate to reinstate the Chinook Closure are because historically that is a period of acceleration of the bycatch rate.

Finally, we would like to underscore our understanding that further reductions to the 41,000 cap is conditional upon implementation of tools to reduce bycatch as outlined in the AP motion. It is our understanding the unanimous vote on estimation recommendations which prefaced all other motions, is required as part of the actions.

Signed: Stephanie Madsen Dave Benson
 Craig Cross Dave Fraser (minority vote on the amendment)

D-2 Scallop License Limitation Program (LLP)

The AP recommends the Council adopt:

Alternative 5, Holders of either Federal or State moratorium permits that used their moratorium permits to make legal landings of scallops in any one year 1996, 1997, or 1998 (through 10/9/98) would receive a license. The federal or state moratorium qualification period would serve as the historic qualifying period and the years 1996, 1997 and 1998 would serve as the recent qualifying period. Under this alternative, a total of 11 licenses would be issued; one for each vessel. (The above alternative replaced the original motion for Alternative 6 and carried 12/8).

Option 1C(2) with language revisions as follows: *No area endorsements. All licenses statewide, but vessel licenses are endorsed for maximum legal gear if that gear was used during the recent or historic qualifying period. Other vessels would be restricted to the maximum legal gear approved for use in the Cook Inlet area.* Motion carried 15/5.

Option 2C *Maximum vessel length would be restricted to 120% of the LOA of the vessel on which the permit was used in 1996 or 1997 on or before December 31, 1997. If a permit was used on more than one vessel in 1996 or 1997, maximum LOA would be calculated using the longest vessel. Motion carried 15/6.*

Excessive Shares

The AP further recommends that excessive shares (as defined under the LLP) for the scallop fishery be established as a maximum of 2 scallop licenses that can be held by a person, corporation or other entity. Those persons who exceed this limit in the initial allocation will be allowed to hold the number of licenses for which they initially qualify under a grandfather provision. Ownership will be defined by the 10% rule as defined under the American Fisheries Act (*if any entity owns or controls 10 percent of another entity, they are considered one entity*). Motion carried unanimously (19/0).

Main motion carried unanimously (20/0).