

North Pacific Fishery Management Council

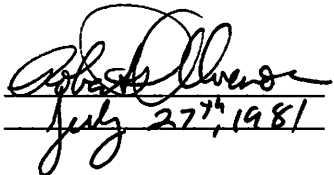
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NORTH PACIFIC FISHERY MANAGEMENT COUNCIL
ADVISORY PANEL MINUTES
Captain Cook Hotel
Anchorage, Alaska
May 27, 1981

The Advisory Panel met on Wednesday, May 27, 1981, at the Captain Cook Hotel from 9:00 a.m. to 6:00 p.m. The following panel members were present: Bud Boddy, Alvin Burch, Truman Emberg, Jesse Foster, Richard Goldsmith, Joseph Kurtz, Richard Lauber, Raymond Lewis, Daniel O'Hara, Kenneth Olsen, Don Rawlinson, Lewis Schnaper, Jeffrey Stephan, Konrad Uri, and Chairman Robert Alverson.

A. CALL TO ORDER and APPROVAL OF AGENDA

The meeting was called to order by Chairman Robert Alverson. The agenda was approved by all Advisory Panel members.

B. SPECIAL REPORTS

B-1 Executive Director's Report. This was presented by Clarence Pautzke. In brief, he reported on the Marine Mammal Protection Act; EEC's attempt to reduce U.S. salmon imports; State/Federal Fisheries Funds and the lengthened review process of fishery regulations.

- (a) The Advisory Panel passed the following motion with respect to the EEC attempt to reduce the importation of Pacific salmon products into Europe.

The AP requests the Council to send a letter to Ted Kronmiller of the Department of State, similar to that sent by the Pacific Fishery Management Council protesting the EEC actions.

- (b) With respect to the Council's paper on potential changes to the FCMA, the Advisory Panel wishes to be on record as opposing any change in Section 304(d) of the MFCMA that would allow the federal government to collect increased fees on domestic fishing activity.

B-2 ADF&G Report on Domestic Fisheries. This report was given by Mark Miller. He indicated that domestic groundfish catches were far above harvest levels of last year. Of the domestic harvest, 92% came from U.S. joint venture activity.

He also reported difficulties putting U.S. observers on the domestic cod fish vessels. Mr. Miller indicated that the information they had received was very limited and could not be used for management decisions.

Though the AP did not take any specific action on this, several members suggested that the owners of the remaining vessels participating in the salt cod fishery be notified of the urgency for obtaining information in this area and seek their cooperation. The AP would like a follow-up report on this issue.

B-3& NMFS Report on Foreign Fisheries and U.S. Coast Guard Report on Enforce-
B-4 ment and Surveillance. These reports were presented by Ron Naab. Mr. Naab reported that two Japanese vessels had been seized for under-logging by as much as 30% in certain species categories. It was of concern to the AP that the vessels associated with this practice were again from the Hokutan Trawlers Association.

B-5 Update on Joint-Venture Operations. The representative who was to give this report was not available. The Advisory Panel requests the Council staff to find out if any residents from St. George Tanaq are still at sea as trainees in this joint-venture program.

B-6 AP and SSC Reports on Non-Agenda Items. No action was taken under this agenda item.

C. OLD BUSINESS

C-1 Report on the Economics of Halibut Limited Entry. Clarence Pautzke indicated that the report on this meeting would be available at the July meeting in Homer. The AP had no further comments on this subject at this time.

C-2 Confirmation of SSC Recommendations for Plan Maintenance Teams. The AP took no action on this subject at this time.

C-3 Other Old Business as Appropriate. No action was taken by the Advisory Panel.

D. NEW BUSINESS

D-1 Polish Joint Venture Permits. The Advisory Panel did not make a decision on approval of the joint venture permits by Poland. The AP dicussed with the representative from Mrs. Paul's Kitchen the following concerns.

Given that the Polish have obtained over 90% of their allocation in the Gulf of Alaska and over 60% in the Bering Sea and Aleutian Islands, it may benefit U.S. processors of frozen

fillets if the additional product produced by joint venture activity were denied to the Polish assuming the processed pollock from joint venture activity was going to Mrs. Paul's Kitchen in the U.S. The assumption being, Mrs. Paul's Kitchen would buy from U.S. processors.

Various AP members did not want to unduly deprive the two U.S. catcher vessels from the Polish market but were concerned about products in general, produced in joint venture activity having their primary marketing destination as the U.S.

D-2 Other Business as Appropriate. The issue of considering federal control inside state internal waters was discussed. The concern has developed due to the recent court decision which allowed foreign processors into state internal waters. Truman Emberg's letter to the Council was requested to be made part of the Advisory Panel report and should be considered as such. The AP did not take any specific action on this issue.

E. FISHERY MANAGEMENT PLANS

E-1 Salmon FMP. The AP adopted the following motion: The Advisory Panel does not endorse limited entry for the troll salmon fishery, as the harvest is regulated by means of a quota and the elimination of fishing units will not result in a reduction in the total harvest.

E-2 Herring FMP. No action was required.

E-3 King Crab FMP.

1. Final action on Joint Statement of Principles between North Pacific Fishery Management Council and Alaska Board of Fisheries and King Crab Management Framework.

The Advisory Panel voted 11 to 3 to adopt the Joint Statement of Principles between the North Pacific Fishery Management Council and the Alaska Board of Fisheries and the King Crab Management Framework that accompanies it.

It was considered that (1) the State of Alaska has done an adequate job of managing the resource; (2) both vessel owners and processors were sharing in a \$186,000,000 (ex-vessel price approximately) industry reasonably well; and (3) the cumbersome federal bureaucracy would encumber future management of the resource.

To highlight the major concerns against the Joint Statement of Principles, those against the motion argued the following:

- (a) The Joint Statement of Principles is illegal.
- (b) Whether there would be a conflict of interest by the Board of Fisheries because state statutes indicate management in behalf of the State and its residences, whereas the FMP process would provide the safeguards of the MFCMA national standards.

- (c) The Joint Statement of Principles does not define who will determine consistency between regulations and the Act.
- (d) The Board does not have outside representation.
- (e) The Board of Fisheries closure in Norton Sound extended into the FCZ.

Those opposed to the Framework argued the following:

- (a) The Framework does not provide for subsistence fishing, nor is there any justification given for its consideration.
- (b) Exclusive fishery management zones do not conform to the FCMA.
- (c) Other objections can be found in the statements made by the North Pacific Fishing Vessel Owner's Association in Agenda Item E-3 and should be considered part of the minority report.

2. Review Board decisions regarding king crab management.

The Advisory Panel suggests that the Council request the Board of Fisheries to reconsider the opening date for king crab in the Bering Sea areas.

This request is supported by a vote of 12 to 2. It was recognized that in most instances after regulatory agencies make a decision that those decisions are final. The AP considers this opening date to be no minor issue. The question of the market quality of king crab is a serious issue.

This request is supported by the Dutch Harbor Advisory Panel, a petition signed by over 100 Bering Sea fishermen, a significant portion of Bering Sea processors, and a fishermen's marketing association.

Those opposed felt that a change in the date may have adverse impacts on fishermen in other districts outside of Bering Sea, and that there had been ample time to explain positions during the hearing process of the Board of Fisheries.

Norton Sound. The AP was at an impasse with respect to action taken by the Board of Fisheries on the Norton Sound closure. The AP voted 6/6 on acceptance of the closure.

Those in favor felt that the subsistence issue and the lack of crab within the proposed closure were sufficient to warrant the closure.

Those opposed felt:

- (a) There was inadequate justification for the closure.
- (b) The action of the Board did not comply with the Joint Statement of Principles.
- (c) The extension of a closure out to 15 miles was improper for a state agency to make.
- (d) There were inadequate data to indicate that a lack of crab inshore resulted from efforts of the rest of the fishing fleet.

3. Determine whether management and conservation are sufficient under MFCMA.

The Advisory Panel voted 8 to 4 that the Joint Statement of Principles and Management Framework complied with the MFCMA, and that the regulations for 1981 were sufficient for the management and conservation required under the MFCMA for the king crab fishery.

E-4 Tanner Crab FMP. The AP finds it imperative that the pot storage areas between state and federal regulations be brought into conformity. The current area recently adopted by the Board of Fisheries is in the middle of the foreign yellowfin sole fishery. This is also confirmed by NMFS 1980 trawl surveys indicating where the highest abundances of yellowfin sole are located.

The AP requests the Council to transmit the coordinates of the new Board of Fisheries area to all foreign nations immediately, as there are numerous reports of crab pots being lost to foreign trawl activity.

The AP further requests the Ad Hoc Crab Pot Storage Committee be convened and invite appropriate State of Alaska and NMFS enforcement personnel to discuss a new pot storage area.

The AP requests the Council to allow the opilio Tanner crab fishery to remain open until the quota is taken or until (5) days before the king crab season, but then to re-open upon the opening of the king crab opening date until the opilio quota is taken or until it is determined, due to conservation reasons, the opilio season should be closed.

E-5 Gulf of Alaska Groundfish FMP. No action was taken by the AP.

E-6 Bering Sea/Aleutian Islands Groundfish FMP. The Advisory Panel voted 10 to 4 to adopt the following with respect to Amendment #3.

Be it moved that the Advisory Panel adopt the two guidelines proposed in Amendment #3 and with respect to the proposed procedures the AP prefers the following.

FOREIGN FISHERIES

- *1. Immediate AIC's based on levels submitted by PDT in Amendment #3 for all prohibited species; with respect to halibut, it may be appropriate to use an average including 1980 data which are now available.
2. Time and area closures.
3. Gear restrictions as new technology becomes available through gear experimentation.
- **4. Specific incidence rates as a cut-off rate.

DOMESTIC FISHERIES

The AP believes that at this time only the following procedures should be potentially applied to the domestic fisheries:

1. Time area closures.
2. Gear restrictions as gear experimentation progresses.
- **3. Specific incidence rates used as a cut-off rate.

The above regulations should only be applied to domestic fishermen when an appropriate data base for the domestic fisheries becomes established.

Be it further moved that the prohibition on retaining prohibited species be continued.

*AIC's to foreign nations will be pro-rated based on a percentage of the total OY allocated to those nations.

**Currently the NPFMC has a regulation on domestic fishermen in Area A in the Bering Sea with a specific incidence rate as a cut-off rate.

Those favoring the motion did not want AIC's to affect the domestic fleet at this time. It was also pointed out that the AP is not favoring any specific time/area closure on domestic fishermen or gear regulations at this time, but that these management tools should be available to the resource managers when their use is determined appropriate by the Council.

Those opposing the motion felt it was too early to subject the domestic fleet to being potentially regulated by any method at this time, and that the potential of being regulated would encumber the development of the domestic fleet.

The action taken by the Advisory Panel should not be construed to mean that current regulations on foreign fishermen should be removed or that the agreement in Area A, with respect to the cut-off rate on domestic fishermen, should be changed.