

North Pacific Fishery Management Council

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9.27.89

ADVISORY PANEL MINUTES

June 19-22, 1989
Anchorage, Alaska

The Advisory Panel of the North Pacific Fishery Management Council met June 19-22, 1989 at the Anchorage Sheraton Hotel. The following members were present:

Arne Aadland	Ed Fuglvog	Harold Sparck
Al Burch	John Gilbert	Dave Woodruff
Phil Chitwood	Ron Hegge	John Woodruff
Paul Clampitt	Pete Isleib	Lyle Yeck
Lamar Cotten	Rick Lauber	Fred Zharoff
Dave Fraser	Nancy Munro, Chair	

Dan O'Hara and Ron Peterson were not present. AP member Steve Smith resigned effective June 13, 1989.

Minutes of the April 10-12, 1989 meeting were approved as presented.

C-7 Inshore-Offshore Preference

The AP recommends that the Council staff, with whatever industry representation seems appropriate, flesh out all the alternatives and send them out for public comment over the summer. At the September meeting the Council would select a list of preferred alternatives which would be analyzed in an EA/RIR, and sent out for public comment for possible final decision in December. *The motion carried 7 to 3 with 1 abstention.*

Minority Report: We feel that discussion of shorebased preference belongs in the context of the entire discussion of limited access, in the ongoing process of the Fishery Planning Committee, and not on a fast-track basis. Signed by: Paul Clampitt, Dave Fraser, and Phil Chitwood.

D-1(a) Gulf of Alaska and Bering Sea/Aleutian Islands Groundfish FMPs Amendments 18/13

2.0 Allocate Sablefish TAC in the BSAI

The AP recommends the Council adopt the status quo, Alternative 1. *The motion carried 9 to 4.*

The AP assumes that the single species rule would supercede any allocation formula. This means that if the RD determines that the TAC of any target species is needed for bycatch, then directed fishing for that species is closed.

Prior to this motion passing, three motions failed:

- (1) The AP moved to adopt Alternative 3 allocating sablefish TAC as follows: in the Eastern Bering Sea - 70% to fixed gear/30% to trawl gear, and in the Aleutian Islands - 90% to fixed gear/10% to trawl gear. The motion tied 7 to 7.
- (2) The AP moved to adopt Alternative 2. The motion failed 3 to 11. The AP's concern with Alternative 2 is how the "true" bycatch rate would be determined. It also appears that the RD has more flexibility for inseason management.
- (3) The AP moved to adopt Alternative 3 allocating sablefish TAC 90% to fixed gear/10% to trawl gear in the Aleutian Islands only. The motion failed 4 to 10.

A minority report is included as Attachment 1.

3.0 Establish Procedure to Set Fishing Seasons in the GOA and BSAI

The AP recommends the Council adopt Alternative 3, which would annually set fishing seasons using a regulatory amendment. *The motion carried 11 to 4.*

The AP supports the idea of having a tool other than a plan amendment to set fishing seasons. According to NMFS testimony Alternative 3 would take 6-7 months as opposed to a plan amendment of 12 months or longer. The framework procedure (Alternative 2) appeared unfavorable because of the analysis required for approvable windows.

4.0 Establish Shelikof District in the GOA

The AP recommends the Council establish a Shelikof district, Alternative 2. *The motion carried unanimously.*

The AP cautions, however, that if the purpose of this amendment is to protect pollock spawning stocks that this won't do it. The AP would encourage the Council to consider splitting TACs between the Central and Western Gulf if they wish to protect spawning pollock.

5.0 Establish Groundfish Fishing Closures to Protect Walrus in the BSAI

The AP recommends the Council adopt Alternative 1b, which develops a cooperative program involving all concerned parties to minimize disturbance. *The motion carried 11 to 5.*

The AP's consensus can be summarized by the following question: "Who put this piece of walrus pooh-poo in our pocket." Testimony suggested that U.S. Fish and Wildlife Service has the authority to protect walrus. If they have adequate proof, they should do so.

A minority report is included as Attachment 2.

6.0 Implement Bycatch Management Measure in the GOA

6.1 Time/Area Closure to Protect Crab Around Kodiak

The AP recommends the Council adopt Alternative 3, a modified time/area closure scheme for three years. *The motion carried unanimously.*

6.2 Halibut PSC Framework

The AP recommends the Council more fully implement the existing halibut PSC framework:

- (1) The AP supports Alternative 2a, to prohibit pot gear which does not minimize halibut bycatch. *The motion carried unanimously.*
- (2) The AP supports Alternative 2b1, to annually set halibut PSC limits by gear group using a framework procedure. *The motion carried unanimously.*
- (3) The AP supports Alternative 2c, to apportion the PSC limit of each gear group among specific target fisheries. *The motion carried 15 to 2.*

The AP understands that NMFS will develop a list of target fisheries which will come before the Council for approval in September.

Although the AP supports this concept we are concerned about the complexity of micro management involved, and whether NMFS will really be able to track the data in a timely manner.

- (4) The AP supports the general concept of Alternative 2d -- to reward vessels which carry observers and have low bycatch rates. The AP expects the trawl fisheries in the GOA to hit or exceed the 2,000 mt halibut bycatch cap in 1989. Depending on the caps set next year, the same could be true for both the trawl and longline fisheries in 1990.

Although the AP supports the general concepts behind Alternatives 2d3 (green light - yellow light - red light) and 2d4 (the savings plan), we could not figure out a practical way to implement either alternative. Alternative 2d3 may require large numbers of observers

suddenly when the PSC trigger is hit. Alternative 2d4 would require an elaborate accounting system which we were not convinced NMFS could, or would, implement.

- (5) The AP opposes Alternative 2e, which would allow limited retention of halibut in the longline fisheries.

7.0 Expand the Pacific Cod Trawl Exemption Zone in the BSAI

The AP recommends the Council adopt Alternative 1, the status quo. *The motion carried 10 to 6.*

A motion to adopt Alternative 4b failed 7 to 9.

A motion to adopt Alternative 3 failed 6 to 9.

A motion to adopt an amended Alternative 3 tied 8 to 8. The amended Alternative 3 opened the area from 160° to 162° out to 30 fathoms for Pacific cod fishing with observers and closed the area from 162° to 163° (beach to 58° north) from March 15 through June 15.

8.0 Implement a System of Data Gathering [Agenda item D-1(b)]

8.1 Recordkeeping System

The AP recommends that the Council return the data gathering and reporting package to the plan team, NMFS, and ADFG to develop (as soon as possible) a comprehensive reporting program which does not require duplication. *The motion carried 14 to 1.*

The AP recognizes the need for the data in these packages. After hearing testimony from ADFG and NMFS it became clear, however, that the agencies and plan team have not resolved the very fundamental question of working together. Because of this, the industry is being asked to fill out the same information in different formats for different agencies. The AP strongly urges the Council to encourage these agencies to work together to standardize their reporting forms, resolve the confidentiality concerns, and work together to develop a single, comprehensive recordkeeping system.

8.2 Observer Program

The AP recommends the Council implement a mandatory observer program that is frameworked to allow up to 100% coverage (Alternative 3). *The motion carried 14 to 1.*

The AP discussed two options for the framework in 1990:

- Option 1: A \$10 million program, funded by industry, with an observer deployment scheme designed by NMFS under a statistically valid formula.
- Option 2: A program consisting of 100% observer coverage for vessels over 125 feet and 30% coverage for vessels 50-125 feet, to be funded by industry.

The AP assumes that vessels which do not sort at sea would be covered by observers at a plant or on a mothership.

If the Council chooses to send options for the 1990 framework out for public comment over the summer, the AP recommends sending out both of these options. If the Council wants to choose a preferred alternative, the AP favors Option 1 over Option 2. *The motion carried 11 to 5.*

Program Administration

The AP believes that the observer program will be more successful if it is broadly funded by industry. This means that the program should be funded by vessels which are chosen to carry an observer and those which are not. We would encourage the Council to provide its auspices to help organize an industry pool for funding observers in 1990 and beyond. *The motion carried unanimously.*

The AP would encourage the Council to explore the sale of PSC species to help defray the costs of research or observer programs. *The motion carried 8 to 7.*

The AP requests that the Council appoint a technical team to flesh out the administrative aspects of the observer program. The AP believes the technical team should include individuals with hands-on experience in developing observer programs from NMFS, ADFG, and Sea Grant, representatives from industry, and an experienced observer. *The motion carried unanimously.*

9.0 Clarify Secretary's Authority to Split or Combine Species Groups in Target Species Category in the GOA and BSAI

The AP recommends that the Council clarify the Secretary's authority by a framework procedure (Alternative 2). *The motion carried unanimously.*

D-1(c) Pollock Utilization Amendment

The AP recommends that an amended version of the pollock roe-stripping amendment be sent out for public review.

The AP recommends that the alternatives include the option of a late season opening and an option of splitting the pollock TAC between the Western and Central Gulf of Alaska. *The motion carried unanimously.*

D-2 Gulf of Alaska Groundfish

Pollock TAC

The AP recommends that the Council increase the TAC for W/C Gulf pollock by 35,000-40,000 mt to be released September 1, 1990. *The motion carried 9 to 3.*

The AP heard testimony from the Plan Team and industry and makes this recommendation based on the revised biomass estimate and social and economic considerations.

The majority noted that this is an extraordinary vital emergency to the Kodiak community and that they do not wish to establish a precedent to fall back on in the future. They also felt that there was enough slack in the data base that they may not be doing significant harm to the resource. However, they are aware that they could be using fish from next year's TAC.

Minority Report: We believe that raising a TAC above ABC is a very serious policy error and sets a dangerous precedent. Developing a new model out of data which would have been used for the September RAD and the concept of borrowing from next year's TAC is a bad policy.

We believe there is little biological justification for substantially increasing the TAC. The pollock resource has been in decline for several years and there is little reason to expect the exploitable biomass to increase significantly in the near future. Even with the new TAC of 72,000 mt, with 65,000 mt taken to date, raising the TAC by 35,000-40,000 mt appears reckless.

Signed by: Dave Fraser, Ed Fuglvog, and Nancy Munro.

Single Species Rule

The AP recommends that the Council move forward with emergency action to implement the single species rule in the Gulf of Alaska. *The motion carried unanimously.*

Reallocation of Pacific Cod TAC

The AP recommends that the Council not reapportion Pacific cod from the Central to the Western Gulf of Alaska. *The motion carried 9 to 2.*

The AP recommends that the Council request the Plan Team to address the issue of distribution of Pacific cod between the Western and Central areas as precisely as possible (using longline survey information) in the RAD for the 1990 fishing year. *The motion carried unanimously.*

ALLOCATE SABLEFISH TAC IN THE BS/AI

ADVISORY PANEL MINORITY REPORT

After an extensive and lengthy debate, the AP considered three motions and one amendment before moving on to the next item on the agenda.

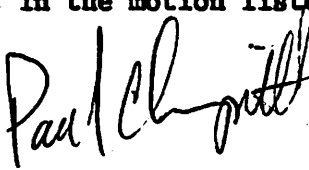




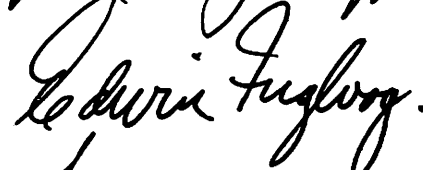


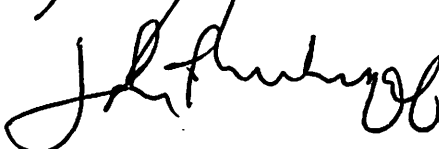

The first motion which was made is as follows:

The AP moved and seconded to recommend the Council adopt Alternative 3, which is to allocate TAC to fixed and trawl gear with the split being Eastern Bering Sea - 70% fixed gear/10% trawl gear and the Aleutian Islands - 90% fixed gear/10% trawl gear. This motion tied with a 7-7 vote.

Due to some of the AP members being called away to another meeting, there was not a complete AP present.

We believe that all three alternatives presented for review are allocative. The first two alternatives will provide the trawl gear group with the majority of the TAC.

In order to make this allocative decision an equitable one, we believe that the only option is to regulate the fishery with gear allocations as outlined in the motion listed above.

MINORITY REPORT ON 5.0 GROUND FISH CLOSURE TO PROTECT WALRUS

I am filing a minority report with the Council on the AP's decision to ~~maintain the status quo (Alternative 1a)~~ to conserve the haul out grounds for walrus on Round Island in northern Bristol Bay. → adopt Alternative 1b

I believe the following:

- A. A component of the eco-system complex under Council jurisdiction is habitat. Habitat vital to the bull walrus that summer in Bristol Bay from the Pacific Walrus herd is at risk from the current intense gear effort near Round Island. A concern by Eskimo users of this resource north of Cape Newenham is the unusual number of bulls they are seeing in marginal feed areas for the past two (87-88) years. These bulls do not go north with the cows, sub-adults, and calves. In addition, sighting of rogue males with stained tusks, an indication of seal consumption, are more common. These two events relate to displacement of bull walrus from preferred habitat, and population stress. Eskimo users believe that the Round Island haul out is critical habitat, and will not be easily replaced. If that haul out area is dedicated to another user group, commercial fisheries, when the walrus population fails, necessary habitat to promote recovery will have been lost, delaying recovery and herd rebuilding. The Council should make the hard decision to protect critical habitat, displacing new user groups.
- B. The United States Department of Interior has attempted to work through the Council process to seek immediate solution. Failure of the fishing community to solve this issue will require another Federal agency, using non-fishing authorities (Refuge Administration Act, Marine Mammal Protection Act, Alaska National Interest Lands Conservation Act) to promote its own regulations to conserve critical walrus habitat at Round Island. Under this scenario, the fishing community will only be one of many user groups before the FWS decision making process. I suggest it is better to have the fishing community police itself than to invite regulatory authorities outside the fishing community to impose a solution that may be more puntative than one created by the fishing community. to correct this problem.
- C. The failure of the Council to exercise its habitat stewardship will discredit the Council with Federal conservation agencies, and lead to closer involvement by these natural resource agencies on Council perogatives.

For the above reasons; I respectfully submit to the Council that it put in place Alternative 3.

in peace,

harold sparck

harold sparck, member of the AP

