

North Pacific Fishery Management Council

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MINUTES ADVISORY PANEL February 4-7, 1985 Sitka, Alaska

The Advisory Panel of the North Pacific Fishery Management Council met in the Sitka Centennial Building on February 4-7, 1985. Members present were:

Robert Alverson, Chairman
Bud Boddy, Vice Chairman
Pat Barker
Robert Blake
Al Burch
Eric Jordan
Joe Kurtz

Rick Lauber
Don Rawlinson
Harvey Samuelson
Walt Smith
Tom Stewart
Tony Vaska

B-1 Executive Director's Report. Jim Branson presented the Executive Director's report during the joint meeting of the Council and Advisory Panel. There was no action taken.

B-6 IPHC Recap. Dick Myers of the IPHC gave an indepth review of the Commission's decisions for the 1985 halibut season. No action was taken.

C-2 Net Discard Regulations. The proposed draft for "Disposal of Fishing Gear and Other Articles," (item C-2, Attachment A) has several areas of concern to the Advisory Panel.

1. Section (a) states "...no fishing vessel may intentionally place into the FCZ any article, including abandoned gear..." This would prohibit placing fishing gear in the FCZ at any time.
2. It is questionable if section (b) is enforceable.
3. Section (c) requires fishermen to "...tend as frequently as necessary..." active fishing gear. It is questioned what additional utility this gives, assuming fishing gear is being properly attended, and that is why it would be considered active.

The AP supports the idea of a regional restriction on discarded fishing gear but feels the wording should incorporate the following:

1. The regulation should address intentionally discarded fishing gear rather than all articles or actively fished gear.
2. If a fisherman comes across derelict gear the fisherman should report it as soon as possible. If the fisherman has brought on board derelict gear, such as a pot in a trawl net, he should be

allowed to return it to the sea if rendered unfishable to the extent possible, and report it, with loran position, as soon as possible to the Coast Guard.

3. Intentionally abandoned gear should be illegal.

The AP unanimously approved a motion to adopt the SSC's draft recommendation on disposal of fishing gear and other articles (see Attachment 1).

The AP is still concerned about salmon interceptions, seabird destruction, marine mammal destruction, and the hundreds of miles of lost gear associated with the pelagic drift gillnet fisheries for salmon and squid conducted by foreign nations in the North Pacific. We remind the Council that we requested a letter from them be sent to the INPFC on this matter in December 1984. We request the Council to support any efforts to document and study the problems associated with these fisheries as part of an effort to minimize the problems.

C-3 MFCMA Reauthorization

With respect to the MFCMA Amendment Proposals (agenda item C-3, Attachment A), the AP has the following comments:

#4. Changes the fees to be greater than administrative costs. The AP feels this is more a self-serving bureaucratic proposal to maintain funding in a time of national budget cuts. Currently a foreign operation must pay certain fees to finance such operations as observer programs. When a U.S. company displaces a foreign operation the U.S. company will pay corporate taxes, processing and landing fees, and state property taxes, of which a portion should be put back through the congressional processing to fund certain management programs. The idea of the Council or Department of Commerce assessing fees to limit access or fund programs would be inappropriate. U.S. fishermen already pay enough taxes. Any profit by U.S. fishermen is taxed whereas foreign fishermen's profit is not. U.S. fishermen shouldn't have to make up the difference of what the federal government will lose on foreign fees when foreigners are no longer fishing in U.S. waters. Based on this belief, the AP unanimously passed a motion to request the Council to remove #4 from consideration.

#8. Provide Council staff access to confidential fishery data. The AP would like to point out that the more individuals or agencies that are able to access confidential information increase the chance of a breach of confidentiality and the perception that the data may not be confidential from a fishermen's standpoint. This change in the MFCMA would still not enable the staff to access State of Alaska data.

Regarding Part B, proposals suggested by other Councils. #8. Grant sole enforcement authority over domestic fishing vessels to NMFS. The AP was concerned that this would eliminate Coast Guard search and rescue. Would the Coast Guard not be part of enforcement? Would ADF&G, Alaska Public Safety, or the Halibut Commission personnel be precluded from enforcement operations? The AP is not supportive of this proposal as it is written.

Regarding Part C, proposals which haven't been discussed with NPFMC or any other Councils. #1. Expand §204(b)(7)(E) to make clear that joint venture

allocations can be made by operation and specific amounts can be specified in the permit conditions. The AP would point out that until the Council can agree on a rating system of joint ventures, this would be of little use. It would be important to consider if the quota belonged to the fishermen, joint venture company or foreign market.

D-1 Salmon

The AP recommends that any actions taken by the Council on salmon management be consistent with the U.S./Canada Salmon Treaty. The AP also recommends in light of the intense public input procedure of the Alaska Board of Fisheries on matters of seasons, closures, and gear that the Council follow the lead of the ABOF as long as proposals meet with the national standards.

The AP recommends to the Council that they consider an agreement with the Board of Fisheries that allows the State to take the lead on full salmon management with the Council making sure their decisions conform with the National Standards.

The AP also advises that there be no expansion of areas open to trolling in the FCZ or state waters.

D-2 Gulf of Alaska Groundfish

D-2(d) Proposals for Plan Amendment

The AP recommends the follow as priority items from the criteria page attachment prepared by the Plan Team.

Highest Priority:

Shelf Rockfish Management - Immediate conservation problems.

Rockfish proposal from the State of Alaska. The AP recommends adoption with the following change: "Establish an area within the Southeast area with a northern boundary of 57'30"N. and a southern boundary of 56'00". A quota of 600 mt should be allowed in this area and 880 mt in the other areas within the Southeast Alaska area. This will help avoid localized depletion and allow development outside this area.

Sablefish. The AP recommends a full range of options be developed for the Council as proposed in the Plan Team report for purposes of management, allocation, and sizes. Sablefish took second high ranking over the PSC package due to the immediate industry problem testified about during this meeting.

The AP is concerned that sablefish could develop into a halibut style fishery where the quota is taken in a short period of time, creating cold storage and marketing problems. The Council would be negligent to allow this scenario to develop. Additionally, the AP requests the Council to add to the sablefish fishery the concept of 10 day openings over six months.

PSC Package

New 1985 OY Values. This is mandatory and should not require much manpower and time.

Weekly Catch Reports

OY Framework

Single Species OY Closures

D-3 Bering Sea/Aleutian Islands Groundfish

D-3(a) Industry to Industry Meeting

The AP recommendation to the Council is that it reexamine its actions taken at the December meeting in regards to the Gulf of Alaska and Bering Sea management plans in consideration of concessions made by the Japanese at the U.S./Japan industry meeting.

There was some objection that the industry to industry meeting failed to address some of the salmon interception problems. The AP also felt that there were considerable gains for shoreside and joint venture operations.

Longline only East of 147°. The AP considered the following recommendations for the Council with a split decision and no definitive direction.

The Council:

1. Allow 800 mt of sablefish to be used by the joint venture activities from the non-assessed portion of the OY.
2. Recommend that a percentage of sablefish be allocated from OY to each user group: longliners, trawlers, and pot fishermen.
3. Different grounds be established in the Gulf for each longline and pot fishery.

D-3(b) Industry Agreement on FDZ Closure

Jay Hasting reported that the voluntary no fishing in the triangle area of the Bering Sea was reviewed and reapproved. Only the Poles were unable to be contacted to see if they would comply.

D-3(c) Amendment Proposals

#1 - Raise upper end of OY range to 2.5 mmt. The AP gives the OY range a top priority.

#2 and 3. These were withdrawn by Japan Fisheries Association.

#4 - Decrease reserve from 15% to 10%. The AP suggests that this be developed further by the Plan Team.

#5, 6, 7. The AP does not give these proposals priority for development of an amendment by the Plan Team.

#8 - Reduce incidental catch of salmon in joint ventures. The AP recommends this proposal be developed by the Team for public review for the next amendment cycle.

#9 - Merge management areas. Based on the Plan Team's report, the AP does not support this proposal to be drafted by the Team for public review.

#10 - Require catcher/processors to submit weekly catch reports. The AP supports further development and requests sending a weekly report to the fisheries departments. Confidentiality must be secured. A code system should be developed as is used in U.S. salmon operations.

#11 - Close foreign fishing from Dec. 15 - Jan. 31. The AP opposes further development of such a regulation change on the basis of holiday problems in December and New Years in Washington, D.C.

#12 - Close area within 20 miles of Aleutians to all foreign fishing. The AP felt such a proposal with monetary impacts should be developed for 1986. Further development at this time is unnecessary. There was a question of its current utility to the U.S. industry with the exclusive foreign trawl closures currently in the Aleutians.

#13 - Establish different/smaller quota areas for POP and sablefish. The AP gave this proposal a second class priority for future development.

#14 - Control incidental catch of halibut and crabs in domestic trawl fisheries. The AP believes the industry agreement should be further developed into an amendment that is frameworked so annual changes to incidental catches can be made without annual plan amendment.

#15 - Implement NMFS Habitat Policy. Mandated.

#16 - Allocation of JVP to individual operation. This proposal was given a low priority from the AP. Until the Council can quantify an acceptable ranking file for joint ventures this would be meaningless.

King Crab Public Hearing. The AP agreed with Mick Stevens that any time in March would be good for a hearing in Seattle.

DISPOSAL OF FISHING GEAR AND OTHER ARTICLES

- (A) No fishing vessel shall intentionally discard or abandon fishing gear, net fragments, or other articles which may interfere with fishing activities or cause damage to fishery resources and other marine animals. Exception to this rule will be permitted in case of an emergency involving the safety of the ship and/or crew or when officially authorized to do so.

- (B) If abandoned or discarded fishing gear, net fragments, or other articles are encountered, or in the event of accidental or emergency placing of such article into the fishery conservation zone, the operator of the vessel shall make a reasonable attempt to recover the article or immediately report the incident to the appropriate official giving:
 - 1. the name of the reporting person and his vessel;
 - 2. the nature of the article;
 - 3. the location of the article; and
 - 4. the time and date of the incident.