

# North Pacific Fishery Management Council

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## ADVISORY PANEL MINUTES Sitka, Alaska September 20-22, 1982

The Advisory Panel met on Monday, September 20, 1982, in the Centennial Building from 3 p.m. to 5 p.m. They reconvened on Tuesday, September 21, from 8:30 a.m. to 5 p.m. and again on Wednesday, September 22, from 8:30 a.m. to 11:30 a.m. The following members were present: Greg Baker, Bud Boddy, Al Burch, Larry Cotter, Jesse Foster, Richard Goldsmith, Eric Jordan, Joe Kurtz, Rick Lauber, Ray Lewis, Kristy Long, James O'Connell, Al Otness, Jack Phillips, Don Rawlinson, Walter Smith, Tony Vaska, Ed Wojeck and Chairman Robert Alverson.

### A. CALL TO ORDER AND APPROVAL OF AGENDA AND MINUTES OF THE PREVIOUS MEETING

The meeting was called to order by Chairman Robert Alverson. The agenda was approved by all members. There were no comments on the minutes of the July 20, 1982 meeting.

### B. SPECIAL REPORTS

B-1 Executive Director's Report. The Executive Director's report was presented by Clarence Pautzke. Rick Lauber also made a presentation on the observer program on the high seas squid fishery conducted by Japan.

It was suggested by various members of the AP that the timing when the observer is placed on the Japanese squid fleet could be better coordinated to coincide with migrating salmon so a representative incidental catch of salmon is observed.

With respect to Law of the Sea, any of the following individuals would be pleased to represent the Advisory Panel in the event the Council develops a task group to develop a recommendation and language for a Council position on L.O.S.

B-2 Domestic Fisheries Report by ADF&G. Al Didier presented the ADF&G report to the AP. During the review of the sablefish fishery in Southeast Alaska, it became apparent that catches may not have been accurately recorded due to differences in State and Federal fishing districts and the definitions of boundaries.

The AP requests that the Council establish a working group that could identify the differences in State and Federal reporting areas to minimize future problems in other fisheries that were encountered in reporting sablefish catches. The AP suggest that appropriate NMFS, State and Council representatives report on these discrepancies for the December meeting with the Board of Fisheries.

- B-3 Foreign Fisheries Report by NMFS. This was presented by Phil Chitwood but the AP took no actions.
- B-4 Enforcement and Surveillance Report by USCG. No action was taken.
- B-5 Joint Venture Operations. No action was taken.
- B-6 NMFS Report on Status of Yellowfin Sole Stocks. No action was taken.

C. NEW OR CONTINUING BUSINESS

- C-1 Election of Council Officers. No action was taken.
- C-2 Call for Nominations for AP Membership. The members of the AP were instructed to fill out the forms for reappointment and turn them in to the staff.
- C-3 Review of AP Operations. The AP recommends that the Council agenda for the AP be modified so that oral reports are not unnecessarily duplicated and industry and consumer issues are highlighted with questions and analysis as per the examples the staff presented. The AP further requests the AP or its appropriate subcommittee meeting be scheduled whenever possible or as necessary to optimize input from the SSC and other groups while optimizing timing of recommendations to the Council.

Some specific issues that the AP discussed were:

- (1) The AP consensus was that separate panels for each fishery would not be preferred to the current AP make up, because:
  - (a) many of the AP members represent constituents that have multi-species interest; and
  - (b) the cost of having additional panels and the inability for those with specific interest in more than one fishery to adequately participate in debates if meetings were held simultaneously.
- (2) The AP needs to be apprised on a timely fashion of the SSC opinion concerning OY levels. The AP is not looking for an analysis of what a cohort analysis is or the methodology of specific derivations of ABC. We must, however, have SSC reports on various PMT/PDT positions.
- (3) The AP must also have the PMT/PDT reports presented so the PMT/PDT report is not absolutely new to the AP members when they come to a meeting. More involvement of the PMT/PDT and AP members needs to be

coordinated prior to Council meetings. Requiring an open PMT/PDT meeting, following PMT/PDT individual decision making was one suggestion.

- (4) The AP can designate subcommittees to attend a day earlier at Council meetings to sit with the SSC or its subcommittee when the SSC receives the PMT/PDT reports. The AP has not had a good flow of information concerning the SSC decisions.
- (5) The AP is best suited for expressing socioeconomic impacts on the industry and consumers but cannot report to the Council without knowing the SSC's position concerning stock analysis or the SSC's review of PMT/PDT positions.
- (6) The AP considers the arguments of pro and con to be the most important to relate to the Council and requests the staff to aid the AP on appropriate controversial issues to elaborate the pro and con arguments.
- (7) The AP serves at the pleasure of the Council and the AP members have been somewhat confused as to what degree the Council wants the AP informed by the PMT/PDT or SSC. The AP cannot adequately function without some interface with both groups prior to the AP decision and prior to the time the Council takes action. The Council has taken action on management plans without AP input when meeting schedules overlap.
- (8) If the AP develops subcommittees, these subcommittees would report to the AP. The AP consensus is that the entire AP would make any final recommendations to the Council as some members may not be able to attend all subcommittees and most of the AP members represent multi-species interests and can provide different insight into problem areas.

C-4 Review of Joint Venture Permit Application from Taiyo Gyogyo. Since the Council already took action on this the AP had no official comment.

C-5 Update on Halibut Moratorium. The AP strongly recommends that the Council conduct hearings on the methodology and advisability of the proposed halibut moratorium and to schedule hearing or hearings such as they do not jeopardize the moratorium becoming effective for the 1983 season.

C-6 Other Business.

#### D. FISHERY MANAGEMENT PLANS

D-1 Salmon FMP. Jim Glock presented the AP with a salmon update and coast-wide catch statistics. Due to a discrepancy in the report and numbers from the Pacific Council, the AP requests that the coast-wide catch figures be checked and reported to the AP in December.

- D-2 Herring FMP. The AP recommendation is that the Plan not be acted upon and sent for Secretarial review until December when comments and reports from the State and NMFS biologists are available.
- D-3 King Crab FMP. Bob Otto gave one hell of a good report, sad but good.
- D-4 Tanner Crab FMP. The following actions on Tanner crab amendments were made.

There was some discussion of the appropriateness of the amendment package as in several areas of the package the rationale given was "social, economic and other relevant factors" and specific social economic and relevant factors were not listed.

- A. Pot Limits. Adopt the State regulations except in the FCZ waters off Southeast Alaska. This will bring pot limits into conformity with State regulations.  
Two were opposed to this action on the basis of using pot limits to restrict a fishery.
- B. Gear Placement. Eliminate the 72-hour provision for on-the-ground pot storage prior to the season opening in all areas except the Bering Sea.  
One opposed.

The AP felt that the Bering Sea due to the difference in geographic location, different abundances of crab resources, the lack of new port facilities, it would be physically impossible to get the gear off dry storage areas or from at sea storage areas in a fair manner.

The 72-hour period coupled with the tank inspection was implemented to stop cheating in the Bering Sea. The proposed regulation would enact an undue burden on the Bering Sea fleet.

The AP requests the Council to discuss this with the Board in December and adopt the AP recommendation.

- C. Size Limit. The AP recommended the establishment of the 3.1 inch minimum size limit for male opilio.
- D. Gear Restrictions. The AP recommends to prohibit the use of side-loading Tanner pots in the Yakutat District within the Southeast Management Area.  
Two opposed. Some of the opposing arguments were:
- (1) Is there a high incidental catch of halibut in the Yakutat area? This is currently unknown.
  - (2) What is the financial cost to the fishermen?
  - (3) What is the precedent for other areas that this might set?
  - (4) What is an acceptable level of incidental catch by side-entry pots?
- E. ABC/OY. The AP recommends the Council take no action on this part of the amendment package and send the other comments in for

Secretarial review. The AP request the staff or plan team to prepare an amendment such that ABC and OY can reflect the latest surveys without necessitating constant amendment of the FMP.

- F. Fishing Seasons. The AP recommends 14 to 4 that the Council adopt the State opening and closing dates.

The AP in view of most of the opposition also recommends that the plan team develop language such that the FMP can be sufficiently flexible to accommodate such date changes whenever appropriate on a regional decision basis. This would allow the Council to better adjust to changes in season opening dates either proposed from within the Council or from the Board of Fisheries.

- D-6 Bering Sea/Aleutian Islands Groundfish FMP. Motion was adopted 17 to 1 to adopt the proposed Fishery Development Zones with coordinates proposed.

Domestic Opposing Arguments:

- (1) There was insufficient economic data impact to justify the establishment of the proposed FDZ.
- (2) There has been a substantial increase in the domestic fleet in the Southeast area of Bering Sea already and there is no need for the proposed FDZ.
- (3) Fear that domestic trawlers may be prohibited from the area in the future.
- (4) The cod OY may drop in 1984 or 1985 as per NMFS analysis and if this is the case there will be no directed foreign fishing anyway so there would be little need for the FDZ.

Foreign Opposing Arguments:

These were made by the Japanese Longline Association. Their concern was that 800 mt of their production come from the FDZ and their ability to catch their allocation would be in jeopardy. The foreign longliners operate in this area during the winter to avoid the foreign trawling effort and hence elimination from this area would affect their ability to harvest their portion of the Japanese TALFF.

Arguments For:

- (1) The area represents a high concentration of Pacific cod and will allow U.S. fishermen an advantage of higher production unencumbered by foreign fleets.
- (2) Shore-side facilities located near the FDZ have domestic vessels that intend to deliver cod this winter and next spring and the FDZ logistically is near enough shore-based processors to deliver fish if the catch per vessel is high enough and the proposed FDZ will keep catch levels high for U.S. operators.
- (3) The purpose of the MFCMA was to benefit U.S. processors operations and employment in the U.S. processing sector. The proposed FDZ is a significant step towards helping U.S. processors and future U.S. processing employment.

- (4) It was felt the foreign longliners could adequately obtain their catches elsewhere in the Bering Sea/Aleutian Islands and that their production of 800 mt would not be totally lost if not allowed to fish in the FDZ.

#### Proposed Amendment

A motion to allocate 80% of the resource in the FDZ to domestic operations and second to joint ventures and to put 20% of the OY in the FDZ in reserve to be allocated to joint ventures if warranted was defeated 9 to 8.

- (1) The purpose of this was to provide additional incentive for U.S. processors and future employment in U.S. processors.
- (2) To give U.S. processors the protection that is granted in the processor preference amendment.

There was a motion to allow the foreign longliners landward of 500 meters in the Halibut Savings Area provided the proposed recommendation that they would have to retreat to 500 meters if they exceeded 75% of their historical catch of halibut.

- (1) Those opposed felt it was generally inconsistent to relax a restriction on foreign fishing when we were establishing a FDZ.
- (2) It would cause a gear conflict with the domestic trawler.

Those in favor felt the halibut catch by the foreign longliners was not sufficient to eliminate them from the entire Halibut Savings Area when they may be eliminated from the FDZ.

#### E. CONTRACTS, PROPOSALS AND FINANCIAL REPORTS

##### E-1 Status of Contracts and RFPs. (d) Phase II of Halibut Study

The AP recommends that the Council proceed with Phase II of the socio-economic study but finds Phase I as not being accurate in several historical assumptions as well as not reflecting the feeling of the fishermen in Southeast Alaska or Seattle. The AP recommends that the Council issue a statement that the report "The Cultural and Social Framework Relevant to the Pacific Halibut Fishery, Phase I" that was made available at the September 1982 Council meeting is a draft and that the Council finds it to be incomplete and in some respects inaccurate and that the report be correct and complete prior to its final distribution.