

North Pacific Fishery Management Council

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DRAFT
ADVISORY PANEL MINUTES
JANUARY 13-15, 1992
PORTLAND, OREGON

The Advisory Panel for the North Pacific Fishery Management Council met on January 13-14, 1992, at the Downtown Portland Hilton Hotel. Members in attendance were:

John Bruce
Al Burch
Gary Cadd
Phil Chitwood
Dan Falvey
Dave Fraser, Vice Chair
Kevin Kaldestad

David Little
Pete Maloney
Dean Paddock
Penny Pagels
Bryon Pfundt
Perfenia Pletnikoff
John Roos

John Sevier
Harold Sparck
Michael Stevens
Beth Stewart
John Woodruff, Chairman
Robert Wurm

Minutes for the December, 1991 meeting were approved.

C-1 MARINE MAMMALS

The AP heard a status report from Council staff and NMFS on marine mammal issues; status reports on Amendments 17/22 and 20/25 as well as the MMPA amendment. After some discussion, some AP members raised concerns about the creation of a 20-mile closed to trawling zone around several rookeries without any industry notice. AP members felt these closures could have significant impact in terms of redistribution of fishing effort during the pollock season and they hope in the future, there will be a better opportunity to comment on such closures.

The AP recommends that the Council encourage NMFS to have a more thorough development and discussion of marine mammal issues in the future especially as they impact fisheries issues.

(This motion passed 18-1)

The AP feels internal communication between NMFS fisheries and marine mammals staffs will be vital in future fisheries management. Further, the AP clearly understands that marine mammal issues must receive high priority status both within the Council family and NMFS. It recommends that NMFS marine mammals scientists begin to attend the full Council meetings.

As a second recommendation, after hearing a status report relative to Amendment 17 to the Bering Sea/Aleutian Islands and specifically the Walrus Islands 12-mile closure, and realizing that the public comment period for the amendment ended on this same day, the AP commented and reaffirmed to the Secretary of Commerce's representative its June, 1991 recommendation. This recommendation was for

a 12-mile closure to fishing around the Walrus Islands except for the area 3 miles seaward of right hand point (this allowed for a transit zone).

(This motion passed 16-3)

The AP members think the Walrus Islands are unique as far as haulout sites and should be protected. Furthermore, several members thought that walrus populations and haulouts could continue to decline for other reasons and wanted to distance themselves from these sites.

C-2 SEABIRDS

The AP would like the Council family to take a more active role in tracking, analyzing, and commenting on marine mammal, seabirds, and related issues. Fishery interactions with other marine life are not well understood by the industry or the fisheries bureaucracy. Yet these interactions can drastically alter the industry's ability to function. We would like to stay abreast of these issues, contribute to developing solutions, and developing data. We would like closer coordination between agencies like NMFS and USFWS. We believe these issues are vital.

(This motion passed unanimously)

C-3 NORTH PACIFIC RESEARCH PLAN

The AP passed a package of 5 motions:

1. AP confirms support of objectives including vessel incentive program and its requirements of increased levels of coverage. (unanimous vote)
2. The AP requests the Council appoint a preliminary oversight committee at this time to review budget concerns and development of implementation program. This group should include a representative of observer contractors, an observer trainer, and an observer. (19-1 vote)
3. The AP supports a change in determination of value of fisheries from ex-vessel to an upward adjusted ex-value not to exceed first wholesale value. (12-6 vote)
4. The AP suggests the fee be assessed based on an estimated average price which would be determined pre-season on a species by species basis and charged per pound. (12-6 vote)
5. The AP would recommend start-up funds be covered by Congress and believes the industry, Council, and environmental community should undertake a coordinated lobbying effort to achieve this goal. (12-7 vote)

Prior to adopting the above package, the AP had voted (10-9) to reaffirm their December action which was to keep a 1% cap on ex-vessel value and any further costs would be borne by the federal government. The level of observer program shall be scaled to available funds. In December, this was a unanimous vote. Further discussion led to approval of the above 5 points.

C-4 INTERNATIONAL FISHERIES

The AP recommend Council reaffirm support for total closure of Donut Hole to fishing by vessels of any nation.

(This motion passed unanimously)

C-5 MORATORIUM

The AP heard a staff report and limited public testimony on the moratorium issue. It then considered each of the items on C-5(a) as follows in terms of what should be analyzed for the moratorium decision documents: (Caveat - These recommendations are only made in the context of developing draft documents for the moratorium decision process and are not necessarily reflective of how the AP feels about the moratorium in general or on each item specifically.)

Qualifying Period: The AP recommends the Council analyze alternative 3. (This motion passed 11-4) The AP thinks the 1980 date is too arbitrary, and starting the qualifying period with the enactment of the Magnuson Act makes more sense. Furthermore, the AP believes the difference in terms of the increase in numbers of boats this will allow, and which would actually resume participation in the fishery, is not unreasonable and probably relatively small.

Length of Moratorium: The AP recommends the Council analyze a 3 year moratorium that could be extended for 2 years if a rationalization plan is imminent. (This motion passed unanimously)

The AP thinks there needs to be pressure to develop a rationalization plan as quickly as possible because overcapitalization problems are here now and need to be addressed. Further, programs such as the moratorium are rarely shortened and tend to be lengthened. Its clearly the AP's intent that rationalization plans be brought to the Council for decisions as soon as possible once the moratorium is in effect.

Crossovers: The AP recommends the Council analyze alternative 2 and notes that crossovers subject to restriction should be from plan-to-plan if allowed by regulatory amendments, and that crossover restrictions not be species specific. (i.e., no restriction between bardii and opillio, but a restriction between crab and groundfish)

The AP recognizes that allowing crossovers could have dramatic impacts on some fisheries and wants to get a good airing of this issue from the public so as many impacts as possible is foreseen. At the same time, the AP clearly believe that vessels should be able to cross individual species groups within their gear group.

(This motion passed 14-4)

Replacement or Reconstruction of Vessels During The Moratorium: The AP recommends the Council analyze alternative 2 with the following additional measures to limit growth in capacity:

1. no increase in overall length is permitted,
2. no increase in registered net tons is permitted,
3. and changes in width should be limited to a reasonable % for safety and stability.

(This motion passed 18-2)

Relative to capacity increases during the moratorium, the AP also recommends the Council recognize that a great part of incentive to increase capacity as well as to engage in crossovers into new fisheries is a desire to earn credit for future allocation. The AP, therefore, recommends the Council include for analysis the option of making explicit within the adoption of a moratorium that the cut-off date may be the termination of accrual of catch history.

(This motion passed 15-5)

In making the first recommendation, alternative 2, the AP wants to limit as much as possible any increase in capacity during the moratorium period. However, it recognizes that some measures of capacity are too

difficult to analyze, measure and/or enforce. The measures suggested we believe are the best to limit capacity effectively.

In making the second recommendation, the AP suggest there should be a way to take away much of the incentive to increase capacity during the moratorium period, although there was an understanding that this is just a recommendation to analyze this issue. Clearly, however, some AP members are not in favor of the approach, while others felt the more absolute the commitment to cutting off credit history now, the more effective the deterrent to speculative entry it would be.

Replacement of Vessels Lost or Destroyed After Moratorium: The AP recommends the Council analyze alternative 2 for the same reasons as stated before.

(This motion passed 15-0)

Replacement of Vessels Lost or Destroyed Before Moratorium: The AP recommends the Council analyze alternative 3. The AP heard of at least a couple vessels that would be affected by this and thought such vessels should be included in the moratorium.

(This motion passed unanimously)

Small Vessel Exemption: The AP recommends the Council analyze alternative 2.

(This motion passed 17-1)

The AP thinks vessels under 60' could be very effective in many fisheries covered under the moratorium and an exemption for them might render it much less effective. While it doesn't see the same problem with under 40' vessels, the AP clearly thinks there will be enough vessels included in the moratorium to harvest the resource and that no provision should be allowed that leaves the field generally open.

Disadvantaged Communities: The AP sees that disadvantaged communities have a CDQ program and potential quotas if either the IFQ or Inshore/Offshore programs are approved by the Secretary of Commerce but with a moratorium, may not have the ability to get the vessels they want or need. They should, at least for analysis purposes, be exempted.

(This motion passed unanimously)

Further to this issue, the AP recommends the Council direct staff to analyze as follows:

1. If CDQ's for Inshore/Offshore or IFQ's are in effect, there would be no restrictions on vessels for purposes of fishing any CDQ's (et. al., they're exempted from moratorium).
2. If CDQ's are not in effect, a CDQ tonnage be granted and administered as per the IFQ and Inshore/Offshore program.

(This motion passed 16-2)

Minimum Poundage: The AP had no recommendation to the Council. It felt that to require a minimum delivery would encumber the analysis too much since it would require looking through ADF&G fish tickets date and lots of number crunching. Furthermore, we think not allowing some vessels on under the moratorium would create more problems than it would be worth.

Applicable Sectors: The AP recommends the Council analyze the harvesting sector only (including catcher processors).

(This motion passed 15-4)

The AP thinks there is definitely plenty of catching capacity in the fishery but a definite need for processing capacity especially if value added products are processed. The purpose of the moratorium should be to freeze catching capacity, not processing capacity.

Appeals: The AP has no recommendation.

Further to the C-5(a) chart, the AP has the following recommendations to the Council regarding the moratorium;

1. A subcommittee of AP members that spans the industry be appointed to keep abreast of the moratorium development and provide impact to staff.
(This motion was passed unanimously)
2. Having a CCF fund and the intent to use those funds for building a vessel, in itself does not constitute a valid contract and should not qualify as "in the pipeline."
(This motion passed 12-8)

MORATORIUM ELEMENTS AND ALTERNATIVES

ELEMENTS	ALTERNATIVE
1. Qualifying Period	Must have made landing at least once between Jan. 1, 1976 and the control date
2. Length of Moratorium	Until Council rescinds or replaces; not to exceed 3 years, but Council may extend for 2 years if limited access program is imminent
3. Crossovers During Moratorium	Council may use regulatory amendment to limit participation in plans to those with history of participation prior to moratorium
4. Replacement or Reconstruction of Vessels During the Moratorium	Can replace with vessel of similar capacity but replaced vessel must leave the fishery. Reconstruction allowed to upgrade safety, stability, or processing equipment, but not to increase fishing capacity. Capacity, no change in LOA, no change in net tons. Only changes in width for stability purposes.
5. Replacement of Vessels Lost or Destroyed During the Moratorium	Can be replaced with vessels of similar capacity. Replaced vessels can not be salvaged and come back into fishery.
6. Replacement of Vessels Lost or Destroyed Before the Moratorium	Vessels lost since June 15, 1989 can be replaced with vessels of similar capacity.
7. Small Vessel Exemption	No exemptions
8. Disadvantaged Communities	Exempt, as defined by Council in CDQs and analyze CDQs even if no CDQs are in effect by Secretary of Commerce. No restrictions.
9. Minimum Qualifying Poundage	No minimum qualifying poundage, just a legal landing in any qualifying year
10. Applicable Sectors of the Industry	Moratorium will be applied equally to all harvesting and catcher vessels and catcher/processor vessels.
11. Appeals	The appeals procedure will consist of an adjudication board of government persons and non-voting industry representatives.

D-2 GROUND FISH MANAGEMENT

On the pollock B season, the AP recommend the Council go forward with a development of a regulatory amendment to be enacted for the 1993 season and beyond that would change the pollock B season opening date to sometime between July 1st and September 1st. The analysis include;

1. Impacts on bycatch of salmon and herring. (The AP wants to segment 1991 data a minimum).
2. Impacts on other groundfish fisheries and (i.e., yellowfin sole) taking appropriate measures to synchronis such openings.

Furthermore, the AP recommends the Council should also analyze a plan amendment to adopt exclusive registration for the Gulf of Alaska and Bering Sea/Aleutian Islands pollock fisheries.

(This motion passed unanimously)

The AP thinks the B season opening date should be moved because of a variety of reasons;

1. Better fish quality
2. Higher recovery rates
3. Potentially lower bycatch rates
4. Better utilization of floating and shoreside capacity

However, any shift in this season will have significant ripple effects such as vessels moving to other areas and these need to be analyzed as thoroughly as possible so the Council can understand the impact of the final decision.

The AP **unanimously** recommends Council direct NMFS to use an emergency rule for 1992 to move the Gulf of Alaska second quarter pollock release to June. This opens concurrently with the pollock B season in Bering Sea/Aleutian Islands.

The AP **unanimously** recommends begin a plan amendment process for adoption of a trawl test area as described in Attachment A.

The AP recommends that salmon bycatch be presented by species rather than just chinooks and "other salmon." The AP would like to know the breakdown of other various species to have a better feel of the impacts of the bycatch.

The AP recommends that the Council, beginning January 1st, 1993, require all trawl pollock catch to be weighed as raw fish (or some other means of equivalent accuracy) and that NMFS require such weighing for all species and all gear types including discards by 1994.

(This motion passed unanimously)

Many AP members ²think the use of PRRs is just not an adequate way of determining catch and they think it won't change until the Council requires it. Now is the time.

The AP recommends the Council direct NMFS to use an emergency rule to reduce the pollock roe recovery rate from 10% to 6%.

(This motion passed 15-2)

TRAWL TEST AREA

Problem: Under federal law "fishing" includes putting gear in the water. This means trawlers in Alaska cannot test their gear strength out doors, lings, wires - prior to the opening of the trawl fisheries.

Vessels in Washington state can use an area in Puget Sound designated for trawl testing.

The following motion is intended to create similar test areas in the Kodiak, Sand Point and Dutch Harbor areas.

All areas in the Gulf of Alaska so that only one management plan will have to be amended.

Motion: In Alaska, trawl gear may be tested when the Gulf or Bering Sea is closed to trawling if;

1. The cod end is left open so that the gear does not retain fish and
2. Testing occurs only in the following areas - All are rectangles
 - a) Kodiak - Rectangle encompassing the area outside state waters within the rectangle bounded by a line between Cape Chiniak and the northeast tip of Uzak Island, and extending eastward 23 miles.
 - b) Sand Point - 54°35' to 54°50'
160°30' to 161°00'
 - c) Dutch Harbor 53°00' to 54°00'
166°00' to 165°30'

It is our intent that these areas meet the following criteria:

1. Have the depth and bottom type suitable for testing both midwater and bottom trawls
2. Be outside state waters
3. Be in areas not usually fished by trawlers
4. Be in areas not normally closed to trawlers
5. Be adequately distanced from sea lion rookeries

D-3(b) STRATEGIC BYCATCH PLAN

The AP recommends that the Council approve the team's report and continue their process. In making this recommendation we understand that all items under B on page 6 will continue to be worked on outside the bycatch amendment package. The AP also recommend item B4 be put on its own priority track.

(This motion passed unanimously)

The AP did not review the working document on IBQs and so makes no comment on that portion of the report.