

North Pacific Fishery Management Council

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ADVISORY PANEL MINUTES September 24-27, 1989 Anchorage, Alaska

The Advisory Panel of the North Pacific Fishery Management Council met September 24-27, 1989 at the Anchorage Sheraton Hotel. The following members were present:

Arne Aadland	Dave Fraser	Dan O'Hara
Al Burch	Ed Fuglvog	Ron Peterson
Phil Chitwood	John Gilbert	Harold Sparck
Paul Clampitt	Vic Horgan, Jr.	Dave Woodruff
Lamar Cotten	Rick Lauber	Lyle Yeck
Joe Donohue	Nancy Munro, Chairman	Fred Zharoff

Pete Isleib and John Woodruff were not present. Vic Horgan, Jr. and Joe Donohue were introduced to the AP as the new members replacing Steve Smith and Ron Hegge.

Minutes of the June 19-22, 1989 meeting were approved as presented.

C-1 THE CAPITAL CONSTRUCTION FUND AND LOAN GUARANTEE

The AP heard reports from the staff about Congressman Studd's request for advice regarding the rider to MFCMA regarding the capital construction fund and Federal Fisheries loan guarantees.

The AP recommends that this issue be removed from the MFCMA and discussed separately. The AP recommends that a proviso be added which would allow fishermen who had money in the fund in fisheries that became conditional an avenue for withdrawal without penalty. The motion passed unanimously.

The AP also noted that this issue is already being looked at by the IRS, and may be resolved that way.

C-5 DOMESTIC OBSERVER PROGRAM

The AP heard testimony from Dr. Bill Aron and Russ Nelson of the Alaska Fishery Science Center (AFSC) regarding NMFS planning for the 1990 domestic observer program.

Ron Dearborn, University of Alaska Sea Grant program testified about the University of Alaska's interest in training observers. Mr. Dearborn stated that the idea of responding to an RFP from NMFS for training services would be quite restrictive and not the most efficient way to reach an agreement.

C-6 COST RECOVERY PROGRAMS

The AP heard a report from Council staff on possible cost recovery programs which could be pursued by the Council should the Magnuson Act be amended. A discussion paper outlining several concepts designed to recover funds from the industry to support data gathering programs was presented.

Several members pointed out that various sectors of the industry have different operating costs (taxes, permit fees, etc.) and that these other "industry costs" should be taken into account when designing a cost recovery system for industry.

It was also suggested that the foreign fee system be pursued and that a draft fee table be prepared that would generate the target \$10 million goal. Harold Sparck noted that collecting \$10 million in fees from 4.2 billion pounds of fish would not result in a high poundage fee. Such a table would be less likely to scare off the industry from this type of cost recovery program.

Council staff stated they would include these suggestions in any future development of these concepts.

C-7 FUTURE MANAGEMENT PLANNING

The AP received a staff overview of the draft sablefish management plan and a report on recent Fishery Planning Committee activities.

The following motions were made but failed.

- It was moved and seconded that the Council stay on the published limited entry schedules. (Rationale for the motion: Changes in opinion within the industry warrant continuing with the limited access effort. Panel members commented that halibut limited entry may serve to address the halibut longline bycatch issue.) The intent of the motion included sending out the draft sablefish analysis for public review and that the public review package include the new Individual Choice alternative and all other 1989 data. This motion failed 5 to 6.
- It was moved and seconded that if the Council goes ahead with its planned schedule, that sablefish include the individual choice alternative. The motion failed 3 to 8.
- It was moved and seconded to have the individual choice concept added to the groundfish proposal list for the 1990 amendment cycle. The motion failed 5 to 6.

In conclusion, the Advisory Panel reiterates their April 1989 motion and recommends that the Council maintain the open access system and stop talking about limited access currently within the Council jurisdiction, except for salmon. The motion carried 7 to 4.

Minority Report: Future of Sablefish Management

The AP voted to eliminate all future consideration of limited access, including Dr. Norris's Individual Choice System.

We believe the AP is not only burying its head in the sand by this motion but also overlooking a promising new management scheme that isn't limited entry but a similar form of management that maybe acceptable to the fishing public.

Dr. Norris's plan deserves consideration.

S/ Phil Chitwood
Paul Clampitt
Dave Fraser

(Original with signatures at Council Office)

C-8 INSHORE-OFFSHORE

The AP heard testimony from NOAA legal counsel regarding the legal basis for inshore-offshore allocations. The AP also heard extensive public testimony. The AP received the problem statement and alternatives drafted by the Fishery Planning Committee on September 25, 1989.

After much debate the AP voted to add one alternative, 3-D, by a vote of 17-1. A motion was made to include the Individual Choice alternative from the sablefish and halibut management alternatives as a method of making allocation as number 5. This motion failed 7-11. The problem statement and alternatives with the addition of 3-D were approved by the AP on a vote of 13-5.

Minority Report: Shoreside Preference

The undersigned members of the Advisory Panel oppose proceeding with analysis of the Shoreside Preference proposals at this time for the following reason:

- (1) There has been no clear description of the "problem" which the proposed solutions are supposed to address. Without a clear and precise description and understanding of the problem, it is premature to begin an analysis of any proposed solutions. Other, more appropriate solutions might have been suggested had there been a definition of the problem at the outset. The Council should not begin a long and costly analysis process without a better understanding of the issue at hand and the options which might be available to deal with it.
- (2) The Alternatives which have been proposed as solutions are in essence allocation schemes and should be dealt with in the context of a comprehensive review of fishery management alternatives. Such solutions should be referred to the Fishery Planning Committee for further review and analysis.

S/ Phil Chitwood
Nancy Munro
Dave Fraser
Paul Clampitt

(Original with signatures at Council Office)

C-9 FULL UTILIZATION OF FISHERY RESOURCES

The AP heard a report from Council staff and made the following comments:

- We need data on all of the "losses" that are occurring during the seafood production process.
- We should continue to move ahead in addressing this issue, but we must obtain a better understanding of the magnitude of discards first.
- Before attempting to develop and analyze alternatives we need to address the philosophical issues. For example, What is waste? An accepted definition is needed.

Staff suggested that adoption of a policy on discards, similar to the Gulf of Alaska objective statement, might be a good start toward development of a solution to this problem.

It was moved and seconded to add to the Bering Sea FMP similar objective wording as in the Gulf of Alaska FMP that addresses discard waste. The motion passed unanimously.

C-10 HALIBUT MANAGEMENT

The AP heard a report from Council staff reviewing the Halibut Management Team and Halibut Regulatory Amendment Advisory Group reports on proposals.

After hearing public testimony on the proposals the AP made the following recommendations.

Area 4 Allocations

- (1) The AP recommends the Council support Proposal #5 (extending the 10,000 lb. trip limit in Area 4C to 100% of the quota) for further development and analysis. The motion carried 10 to 7.
- (2) The AP recommends the Council support Proposal #6 (to implement a local test fishery in the vicinity of Dillingham/Togiak in the closed area) for further development and analysis. The motion carried 15 to 2.

Halibut Management Cycle

The AP recommends the Council adopt a two-year cycle. The AP's intent is to provide additional time for analysis and public review. Decision points should be scheduled at times when the affected persons have the greatest opportunity to review, comment, and participate in the process. The motion carried unanimously.

Specific Halibut Proposals

The following motions were made but failed on specific halibut management proposals provided under item C-10(b)(3):

- It was moved and seconded to include Proposal #1 to go forward for further analysis and review. The maker of the motion noted that his intent is not to support the idea of using halibut as crab bait but rather to find ways to make halibut bycatch retainable in fisheries. He also noted that he believes Proposals #1 and #16 are proposals that could be used to address the bycatch problem. The motion failed 3 to 13.
- It was moved and seconded to include Proposal #16 to go forward for further analysis and review. It was noted that this proposal could take the form of an open access measure. The motion failed 6 to 8.

D-1 SALMON FMP

The Advisory Panel recommends the Council approve Amendment 3 to the Salmon FMP to bring the plan into conformity with the Pacific Salmon Treaty, with the following alternatives:

Management Regime

The AP recommends adoption of Alternative 1 to defer regulations to the State of Alaska. This motion passed 10 to 1.

Extend Jurisdiction West of 175° East Longitude

A motion was made to adopt a fourth alternative which would call for the Council to extend its authority over anadromous fish of U.S. origin throughout their migratory range. After discussion of this motion with Council and NMFS staff and NOAA General Counsel, the AP rejected the motion 9 to 7. The AP heard testimony that this motion recites the Magnuson Act and, essentially, duplicates Alternative 1, status quo.

The AP recommends adoption of Alternative 3 to provide for automatic extension of jurisdiction west of 175° East longitude if INPFC is dissolved. The AP incorporated into this motion the statement (which would apply to all 3 alternatives) that, "The North Pacific Fishery Management Council reaffirms the authority of the United States over anadromous fish of U.S. origin that occur within the area of the Council's jurisdiction as defined by the Magnuson Act." The motion passed unanimously.

D-2 CRAB FMP

(This agenda item was an informational item only.)

Council staff presented the AP with a status report on the Crab FMP and the efforts to date in forming a Pacific Northwest Crab Industry Advisory Committee. The AP also received a report on results from the 1989 Bering Sea/Aleutian Islands crab survey by Alaska Fisheries Science Center staff.

D-3(a) AMENDMENT 14/19, POLLOCK ROE-STRIPPING

There was considerable discussion of this issue by the AP. While there was almost total agreement that roe-stripping practices are wasteful and should cease, there was some concern over the EA/RIR analysis which does not indicate that any of the alternatives are superior to the status quo.

The AP recommends that the Council approve for Secretarial review an amended Alternative #5 which prohibits pollock roe-stripping in the Gulf of Alaska and Bering Sea/Aleutian Islands and establishes no more than a quarterly apportionment schedule for pollock TAC in the Gulf or portions thereof. This motion passed 16-1. The AP understood that unused TAC in one quarter would automatically roll over to the next quarter until the end of the year.

D-3(a) Pollock Roe-Stripping Amendment

A group voting in the majority of the AP's decision on D-3(a) Pollock roe-stripping, voted to support a prohibition of roe-stripping subject to the following condition.

That the use of the flesh of the pollock stripped for roe and all males be used for edible product for human consumption.

S/ Harold Sparck
Joe Donohue
Edwin Fuglvog
David Woodruff
Fred Zharoff
Ronald Peterson

(Original with signatures at Council Office)

D-4 GULF OF ALASKA GROUND FISH

- (1) The AP heard reports from the Plan Team and the SSC about the status of the stocks and preliminary ABC for the Gulf of Alaska.

The AP recognizes the significant difference in the ABCs recommended by the Plan Team and the SSC. The AP believes this full range of numbers for ABC should be sent out to the public for comment.

For the purposes of setting TAC, the AP assumed the number recommended by the SSC for ABC and recommends that TAC for 1990 be set at ABC.

The AP's initial 1990 TACs are shown in the attached table.

- (2) The AP recommends that the Council use the 1989 rates for halibut bycatch. The AP recommends that the Council direct staff to clarify in the SAFE document the changes in bycatch rates between 1989 and 1990. The AP believes the assumptions behind the rates, the sample sizes, standard derivation, and confidence intervals should be clearly displayed for each rate.

(3) Pot Gear

The AP recommends that the Council encourage the Regional Director to proceed with preparation of an Advance Notice of Proposed Rulemaking with three goals to be considered:

- (a) That State and Federal regulations be uniform.
- (b) That modifications to pots be temporary and not full reconfigurations.
- (c) That regulations be designed so that fishermen would not be forced to have separate pots for crab and bottomfish.

(4) Halibut Bycatch Incentives

The AP debated the issue of bycatch incentives extensively. The AP considered a motion to:

- (a) Request withdrawal of the portion of Amendment 18 regarding halibut bycatch.
- (b) Send out with the SAFE document a halibut cap of 2,750 mt for halibut for 1990.
- (c) Direct the Region to begin preparing a Regulatory Amendment to split the caps between gear types.

2,000 mt trawl
750 mt longline

The intent of the motion was to meet NMFS Region's preconditions for developing an incentive program that could be in place in 1990. The motion failed 1-9.

The AP agrees with the concept of an incentive program to minimize halibut bycatch, however, the AP is concerned about:

- (1) Changing the numbers and split outlined in Amendment 18.
- (2) Whether a new regulatory amendment could really be in place by January 1, 1990.

The AP recommends that the Region, in cooperation with the Council, try to implement an incentive program for 1990 if they can do it without disturbing the 2,000 mt trawl and 750 mt longline halibut bycatch split of Amendment 18. If that is not possible, the AP recommends that Amendment 18 control halibut bycatch in the Gulf for 1990.

D-5 BERING SEA/ALEUTIAN ISLANDS GROUND FISH

The AP received a review of the draft 1989 SAFE document by members of the plan team. A summary table was presented with the teams initial ABC estimates.

With respect to the need to specify initial 1990 TACs for public review, the AP moved to set initial TACs equal to the 1990 ABCs or 1989 TACs, whichever is less. This motion carried unanimously. As a result of this action, a new summary table was prepared (Attachment 1). The AP notes that the sum of the initial 1990 TACs equals 1.76 million, but recognizes that following public input as to where adjustments should be made, the AP intends to recommend final 1990 TACs equalling 2 million mt in December.

For initial 1990 apportionments to DAP and JVP, the AP unanimously approved setting the initial pollock DAP equal to the TAC, less reserves, and that all other initial apportionments be made based on current 1989 distribution. These recommendations are also provided in Attachment 1.

The AP also recommends that NOAA Fisheries manage the halibut and crab PSC caps to provide bycatch amounts to fisheries who receive reserve releases late in the year.

Table D-4(a)(1). GULF OF ALASKA GROUND FISH: 1990 ABC, TAC, DAP, and JVP and 1990 Plan Team ABC recommendations (in metric tons).

Species	Area	1989				1990 SSC ABC	1990 Recommendations			
		ABC	TAC	DAP	JVP		TAC	DAP	JVP	
Pollock	W/C	72,000	65,750	65,750	0	58,000	58000	58000	0	
	Shelikof 1/	n/a	6,250	6,250	0	(6,250)	-6250	-6250	0	
	E	3,375	200	200	0	3,400	3400	3400	0	
	Total	75,375	72,200	72,200	0	61,400	61400	61400	0	
Pacific cod	W	13,500	13,500	13,500	0	22,800	22800	22800	0	
	C	52,000	52,000	52,000	0	87,600	87600	87600	0	
	E	5,700	5,700	5,700	0	9,600	9600	9600	0	
	Total	71,200	71,200	71,200	0	120,000	120000	120000	0	
Flatfish 3/ (deep water)	W	111,500	3,200	3,200	0					
	C	384,300	31,800	21,800	10,000					
	E	58,900	1,000	1,000	0					
	Total	554,700	36,000	26,000	10,000	129,200	129200	129200	0	
Flatfish 4/ (shallow water)	W									
	C									
	E									
	Total					84,500	84500	84500	0	
Arrowtooth flounder	W									
	C									
	E									
	Total					194,600	194600	194600	0	
Sablefish	W	4,900	3,770	3,770	0	3,600-5,300	3,600-5,300	3,600-5,300	0	
	C	13,900	11,700	11,700	0	11,200-16,300	11,200-16,300	11,200-16,300	0	
	W. Yakutat	5,300	4,550	4,550	0	4,400-6,400	4,400-6,400	4,400-6,400	0	
	E. Yak./S.E. Out.	6,800	5,980	5,980	0	5,800-8,300	5,800-8,300	5,800-8,300	0	
	Total	30,900	26,000	26,000	0	25,000-36,300	25,000-36,300	25,000-36,300	0	
Rockfish (Slope)	W	5,774	5,774	5,774	0					
	C	8,452	8,452	8,452	0					
	E	5,774	5,774	5,774	0					
	Total	20,000	20,000	20,000	0	23,600	23600	23600	0	
Rockfish (Pelagic Shelf)	W	1,000	500	500	0					
	C	4,800	2,400	2,400	0					
	E	800	400	400	0					
	Total	6,600	3,300	3,300	0	6,600	6600	6600	0	
Rockfish (Demersal Shelf)	S.E. Out.	n/a	420	420	0	470	470	470	0	
Thornyhead	GW	3,800	3,800	3,800	0	3,800	3800	3800	0	
Other Species	GW	n/a	11,646	11,046	0	n/a	33024	33024	0	
GULF OF ALASKA TOTAL		762,575	244,566	233,966	10,000	660,470 5/	693494	693494	0	

1/ Shelikof Strait pollock is included within the W/C ABC range.

2/ Pollock TAC recommendation for an experimental fishery between 151 degrees 30' and 147 degrees.

3/ "Deep water flatfish" means flathead sole, rex sole, and Dover sole.

4/ "Shallow water flatfish" means rock sole, yellowfin sole, butter sole, starry flounder, and other flatfish not specifically defined.

5/ Summed, using high-end values in the ranges.

22-Sep-89

GOA90.D-4(a)(1)

Table D-5(c). BERING SEA / ALEUTIAN ISLANDS GROUND FISH: Current 1989 ABC, TAC, DAP, and JVP and 1990 Plan Team ABC recommendations (In metric tons) 1/

Species	Area	1989				1990 Plan Team ABC	1990 Recommendations			
		ABC	TAC	DAP	JVP		TAC	DAP	JVP	
Pollock	BS	1,340,000	1,313,000	1,045,585	267,415	1,142,000 *	1142000	1142000	0	
	AI	117,900	11,432	11,432	0	149,400	11432	11432	0	
Pacific cod		370,600	226,079	158,613	67,466	209,200 *	209200	146771	62429	
Yellowfin sole		241,000	193,952	21,274	172,678	278,900	193952	21274	172678	
Greenland turbot		20,300	6,800	6,600	200	7,000 *	6800	6600	200	
Arrowtooth flounder		163,700	5,800	5,100	700	134,500 *	5800	5100	700	
Rock sole		171,000	77,148	42,543	34,605	222,500	77148	42543	34605	
Other flatfish		155,900	63,906	8,906	55,000	184,000	63906	8906	55000	
Sablefish	BS	2,800	2,380	2,380	0	2,400 *	2380	2380	0	
	AI	3,400	2,890	2,890	0	6,600	2890	2890	0	
Pacific ocean perch	BS	6,000	4,250	4,250	0	6,300	4250	4250	0	
	AI	16,600	5,100	5,100	0	16,600	5100	5100	0	
Other rockfish	BS	400	340	340	0	500	340	340	0	
	AI	1,100	935	935	0	1,100	935	935	0	
Atka mackerel		21,000	20,285	20,285	0	24,000	20285	20285	0	
Squid		10,000	875	850	25	10,000	875	850	25	
Other species		59,000	15,274	11,274	4,000	59,000	15274	11274	4000	
BS/AI TOTAL		2,700,700	1,950,446	1,348,357	602,089	2,454,000	1762567	1432830	328637	

1/ Figures as of September 15, 1989. TAC sum is less than 2,000,000 mt due to 49,554 mt remaining nonspecific reserves.
 * 1990 Plan Team ABC recommendation less than 1989 ABC.

22-Sep-89

BSA90.D-5(c)