

North Pacific Fishery Management Council

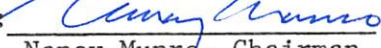
James O. Campbell, Chairman
Jim H. Branson, Executive Director

411 West 4th Avenue
Anchorage, Alaska 99510



Mailing Address: P.O. Box 103136
Anchorage, Alaska 99510

Telephone: (907) 274-4563
FTS 271-4064

Certified: 
Nancy Munro, Chairman
Date: 9.22.87

ADVISORY PANEL MINUTES May 18-20, 1987 Anchorage, Alaska

The Advisory Panel for the North Pacific Fishery Management Council met in the Westward Hilton Hotel on May 18-20, 1987. The following members were present:

Nancy Munro, Chairman	Barry Fisher	Ron Peterson
Robert Alverson, Vice Chairman	Ron Hegge	Thorn Smith
Rupe Andrews	Oliver Holm	Rich White
Terry Baker	Cameron Jensen	Dave Woodruff
Al Burch	Rick Lauber	John Woodruff
Lamar Cotten	Dan O'Hara	

Minutes of the March 16-18, 1987 Advisory Panel meeting were approved as read.

Council Meeting Schedule

The AP discussed whether a Council meeting should be held out of Anchorage. No vote was taken, but members considered this a trade-off between budgetary constraints and staying in touch with coastal communities.

The AP heard mixed testimony on changing the meeting dates. Some members were concerned over the January meeting being moved to later in the month because of potential conflict with the pollock and crab fisheries. Other members were concerned that an April meeting would conflict with the sablefish and halibut fisheries.

NOAA Penalty Schedules

The AP reviewed the NOAA penalties and suggested several changes.

Halibut Rumors

The AP expressed their concern over the vessel which was caught with 85,000 pounds of halibut on board two days before the opening. The AP urges the Council to encourage stern penalties including confiscation of the vessel and prosecution of the owners to the fullest extent of the law.

Sablefish Rumors

The AP heard industry testimony that for the second year in a row there have been two prices for sablefish in Japan: the normal price and the black market price (fish caught illegally).

The AP questions the adequacy of observer coverage--whether NMFS has enough enforcement observers and enough trained people in the pipeline.

West Yakutat Sablefish Catch

The AP expressed concern over reporting for the West Yakutat sablefish fishery which ended April 15. Five weeks after the fishery closed the fish tickets had not been tabulated and NMFS had not issued a catch report. The AP feels this is an unacceptable situation.

Sablefish Management

The AP requests the Council to seek long-term sablefish management options from the public through July 30. The plan team would develop the limited entry option already received (attached) and any additional options received by the public for review by the Council at the September meeting. At that time the Council would decide whether or not to send the developed options out for public review. The motion carried unanimously.

D-3 GULF OF ALASKA GROUND FISH

Amendment 16

Revise Prohibited Species Definition

The AP recommends the Council adopt Alternative 2, which would revise the definition of prohibited species. The motion carried unanimously.

Catch Recording Requirements

The AP recommends the following:

- (1) To adopt the transfer log program without the specification of accuracy to 20 lbs.
- (2) To appoint a workgroup of industry, enforcement, and NOAA General Counsel to further refine the daily catch production log (DCPL) and provide the AP and Council with a written report by the September meeting.

The motion carried 16 to 1.

Points of debate:

- (1) There was confusion over the purpose of the DCPL. It appeared the the DCPL's primary purpose was to provide a paper trail with a daily total which could be used by boarding agents to check inventory on board. If that was the case, the AP questioned why that same purpose could not be accomplished by adding weekly catch reports, subtracting transfer log notations, and adding daily production records for those boats boarded.
- (2) At the March meeting the AP recommended that NMFS define what would be considered a violation, and what penalties would be established. The AP still feels this needs to be done.
- (3) The AP was concerned over the accuracy of reporting required and the liability involved in under- or over-reporting. AP members and industry testimony suggested that few factory trawlers or motherships could accurately estimate their inventory within 20 lbs. Some suggested that a percentage figure might be appropriate.

Framework Procedure for Setting Seasons

The AP recommends adoption of a framework procedure for setting seasons for the sablefish longline fishery only.

There is conflict and confusion between the PT, NMFS, and NOAA General Counsel about whether the existing amendment material adequately addresses the potential allocative impacts of this overall measure.

The motion carried unanimously.

Expand PSC Framework to include Salmon and Crab

The AP recommends this issue be referred to the Bycatch Committee and requests a written recommendation (which would include the Gulf of Alaska and Bering Sea/Aleutian Islands areas) in time for the 1988 amendment cycle. The AP also requests that a salmon representative be added to the Bycatch Committee.

Points of debate:

- (1) The AP questioned the usefulness of this measure without observers on domestic boats.
- (2) The AP felt that NMFS emergency authority could handle any problems until the Bycatch Committee completes its work.

The motion carried 13 to 4.

Minority report. The minority vote was collectively concerned that the lack of a cap on PSC limits contributes to unacceptable wastage rates of PSC species such as halibut and salmon. Although discussion on the proposal favored that the "Bycatch Committee of the AP" take up this proposed

resolution during the committee's regular meetings, it was perceived by the minority vote as not realistic in terms of a timely resolution of the problem. A serious conservation problem is present and needs to be addressed as soon as possible.

Staff testimony supports the minority vote concern with estimated catch ranges of Pacific salmon from 20,000 to 80,000 fish per annum that are taken and discarded. Establishing a PSC cap would bring this loss under control and within acceptable limits. The Bycatch Committee needs the above proposed to direct and speed up their own deliberations.

Signed by: Dave Woodruff, Rupe Andrews, Lamar Cotten, Ron Hegge, Oliver Holm.

Update the Gulf of Alaska FMP

The AP recommends that the revised Gulf of Alaska Groundfish FMP be sent to the Council, SSC, and AP and be available for public comment between now and the September Council meeting. At that time a final vote would be taken and, if approved, the material sent to the Secretary of Commerce.

Gulf Pollock TQ and Reapportionment

The AP recommends that the final TQ for Gulf pollock be specified at the low end of the plan team recommended ABC range of 70,000 mt, down from the 84,000 mt recommended in December.

The AP is concerned about the health of the Gulf pollock stocks, particularly in light of much testimony regarding the small size of fish, the percentage of sexually immature fish, and concern over the status of the stock on the east side of Kodiak.

The AP recommends that no fish be reallocated from DAP to JVP until November 1 to provide the domestic industry every opportunity to meet their harvesting and processing objectives. Testimony indicated that although DAP is off to a slow start, new shoreside processing capacity and the possibility of floating processors moving into the pollock fishery may lead to larger DAP harvests later in the year. The AP heard conflicting testimony about the availability of catcher vessels later this year and the ability of domestic processors to contract with boats.

The motion carried unanimously.

As an aside the AP recommends to NMFS that they look at the correlation between stock status and feed availability in their pollock sampling program.

The AP also questioned NMFS about the adequacy of its port sampling program, and the appropriateness of mesh size requirements.

D-4 BERING SEA/ALEUTIAN ISLANDS GROUND FISH

Amendment 11

Revise Prohibited Species Definition

See Gulf of Alaska Amendment 16 section of minutes (page 3).

Catch Recording Requirements

See Gulf of Alaska Amendment 16 section of minutes (page 3).

DAP Priority Access and Pollock Roe-Stripping

The AP recommends the Council adopt the compromise of the industry committee which is as follows:

Establish an experimental program for the 1988 and 1989 joint venture pollock fishery in the Bering Sea. The program will consist of two seasons.

1st season: January 15 - April 15 (net 40% allocation)
2nd season: April 16 - December 31 (net 60% allocation)

- Any unused portion of the JVP from the first season will be added to the second JVP season.
- Bycatch requirements for first season would come out of JVP for first season.
- There would be no seasonal restrictions on DAP.
- DAP has first priority for reserve releases.
- Any reallocation of DAP to JVP would take place only in second season.

The AP wishes to underscore the need for the Council to develop a comprehensive pollock management system in the Bering Sea during the two-year period this experimental program would be used.

<u>Example</u>	1,000,000 mt	TAC
	- 150,000	Reserve 15%
	<u>850,000</u>	
	- 350,000	DAP
	<u>500,000</u>	JVP
	+ 150,000	Reserve
	<u>650,000</u>	JVP
	(x 40% of 650,000 less bycatch)	

The motion assumes the status quo on the DAP 100-mile priority zone and on prohibiting pollock roe-stripping issues.

The motion carried 12 to 3.

Minority report. The decision by the AP does not adequately address the issue of over impacting the pressure on spawning stocks. Further, it does not consider the effort by the foreign fleets in the Donut Hole on spawning pollock in the months of November and December, just prior to the January, February, and March effort by our domestic fleet. Although the agreement is an improvement over the results experienced in 1987, it does not go far enough in the interest of conserving spawning stocks, and returning to a safe and traditional percentage and ratio of spawning pollock to the total resource harvest.

The agreement further incorporated the issue of stripping the roe from the female pollock and discarding the carcass along with the complete male fish. We find it incomprehensible and ethically unacceptable to purposely discard a resource that has monetary and social value in the interest of retaining only the high value roe. Signed by Rich White, Dave Woodruff, and Ron Peterson.

Definition of ABC

The AP recommends the Council adopt Alternative 2 to revise the definition of ABC. The motion carried 12 to 1.

Raising Upper Limit OY Range

The AP recommends the Council adopt Alternative 1, the status quo. The motion carried 11 to 4.

The majority was concerned over the unknown amounts of fish caught in the Donut Hole and the amount of fish which may be wasted in the fishery and not counted. The AP was also concerned with setting limits based on ABCs, since ABCs are based on annual data as opposed to longer term data used in setting an OY range.

Minority report. The RIR analysis of this issue observes that the sum of EYs/ABCs is expected to exceed 2.0 million metric tons (the current upper limit on OY) in future years, as a result of conservation and management measures made possible under the Magnuson Act. The Council should have the flexibility to augment the overall benefit to the nation derived from our fisheries by allowing the full utilization of surplus production. Alternative 2, "Increase the upper end of the OY range to 2.4 million mt" provides this needed flexibility.

The Council is not obliged to establish OY at the top of the range and can set lower TACs to account for any uncertainties, such as uncounted discards or pollock harvest in the Donut Hole area. It should also have the flexibility to take advantage of stocks improved through effective management.

Signed by Thorn Smith, R. Barry Fisher, Cameron Jensen, and Al Burch.

Reapportionments of DAP and JVP in the Bering Sea

The AP recommends a release of the remaining 75,000 mt of pollock from the Bering Sea reserves, recognizing that a bycatch amount will not be released. The motion carried 12 to 3.

AP Minutes
May 18-20, 1987

The AP recommends that no fish be reapportioned from DAP to JVP at this time with understanding that this will be reconsidered at the September meeting if necessary. The motion carried unanimously.

The AP heard testimony that shorebased and at-sea capacity scheduled to come on-line during the third and fourth quarters may total 50% of the total DAP capacity. The AP is concerned about reapportioning fish at this time since they are not convinced there will be surplus DAP.

The AP recommends that NMFS make it a policy to advise companies when they make adjustments to their DAP survey.

The AP had no motion on Pacific cod, but heard testimony that TALFF cod caught in the Bering Sea was affecting cod prices in Japan.

With the pollock JVP ending so early this year the AP anticipates additional requests for cod JVPs and DAP.

(FIXED GEAR BLACKCOD)

A FISHERIES PRIVATE PROPERTY ACCESS SYSTEM

BY VESSEL PERMITS

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1. The initial private property permit will go to the ownership of certain existing vessels and/or certain qualifying masters of vessels in the blackcod, longline and pot fleet. (Gulf of Alaska, Aleutians and Bering Sea) If the vessel is owned by a partnership or corporation, only one permit will be granted per vessel. After issuance of such a permit, it may be sold. The permit does not have to stay with the vessel it was based on upon issuance. Note: The industry is not yet prepared to take a position on what entity the permit should go to. The industry requests that in preparing this permit option that the Council research the number of possible permits that might be granted if just vessel ownership is considered vs. vessel ownership and certain qualifying interim use permit holders; i.e., "masters".

The Council should request public input on this issue and seek industry consensus when a final decision must be made.

1.a Those entities from the fixed gear blackcod fishery that entered in 1987 would be granted a 2 year non-transferable permit. This would provide a operational time for new entrants to ammortize their entry costs or to obtain a transferable permit.

2. The initial property right would be granted to the ownership of those who own vessels and/or certain masters of vessels that have landed a minimum of x pounds during either of the last two seasons. (1986, 1985)
 3. Those entities that qualify will be given the following permit based on the gross tonnage of the vessel as documented:
 - A. Less than 20 gross tons.
 - B. 20 tons, but less than 35 gross tons.
 - C. 35 tons, but less than 70 gross tons.
 - D. Greater than 70 gross tons.
 4. A permit holder may use two 'A' permits to use a vessel in the 'B' tonnage range, two 'B' permits could be used to qualify a vessel 'C' license and two 'C' licenses can qualify a vessel to operate in the 'D' category. Licenses can be reduced similarly.
 5. NMFS/Council will set up a grievance board to assess those claims for a property right permit that are in question.
 6. Those permit requests that are questionable or do not qualify for a permit, but have mitigating circumstances, may be granted by the grievance board, a two year conditional permit to offset expenses incurred.
 7. Those vessels which fished blackcod with pots and would have qualified had they been using longline gear, would qualify for a longline permit for the Gulf of Alaska. The intent of Amendment 14 would not be changed for the Gulf of Alaska. Longline vessels and pot vessels would be treated as current regulations provide in the Bering Sea and Aleutians Groundfish Plan. In the Bering Sea and Aleutians pot and longline vessels would be limited to basically those vessels that meet the above qualifications.
- (A) Ownership could be determined from Coast Guard records' effective dates set by the Council. All vessels over 5 net tons are required to be documented.
- B. The reason gross tonnage is used for license categories is that gross tons cannot be altered like net tonnages. Gross tonnage is also believed to help absorb more vessels during upgrading than would vessel length.