

# North Pacific Fishery Management Council

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Certified by Stephani Madsen

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## ADVISORY PANEL MINUTES FEBRUARY 2-5, 1998 ANCHORAGE, ALASKA

### Advisory Panel members in attendance:

Alstrom, Ragnar	Henderschedt, John
Benson, Dave	Jones, Spike
Blott, Tim	Lewis, John
Bruce, John (Chair)	Madsen, Stephanie (Vice-Chair)
Burch, Alvin	Nelson, Hazel
Cross, Craig	Paddock, Dean
Falvey, Dan	Stephan, Jeff
Fanning, Kris	Turk, Teresa
Fraser, Dave	Ward, Robert
Fuglvog, Arne	Yeck, Lyle
Ganey, Steve	Yutrzenka, Grant
Gundersen, Justine	

The Advisory Panel (AP) unanimously approved the minutes from their December 1997 meeting.

### C-1 Observer Program

The AP recommends the Council adopt Alternative 2 and further recommends the development of a modified Research Plan which incorporates the items highlighted in italics below from our December minutes:

#### *Alternative 4: Modified Research Plan*

- *option on obtaining from Congress start-up funds*
- *identification of the best sampling plan using available resources*
- *advance notice requirements for getting an observer*
- *resolve questions on ADF&G request of priority use of fees for crab program*
- *examination of potential cost recovery plan*
- *define baseline coverage and sideboards on supplemental programs*

*The document should include a side by side comparison of the modified research plan and JPA. The AP recommends the Council direct NMFS to initiate a rollover of the existing observer plan. Motion carries 14/1.*

*Because of significantly increased costs for the observer program and the economic condition of the industry, the AP recommends the Council request additional funds from NMFS to augment those provided by industry. Motion carries 15/1.*

The AP further requests the analysis answer the questions identified through public testimony (i.e., David Fraser's letter) to the extent possible in order to make an informed choice. Motion carries 19/2/1.

## **C-2 Halibut Management**

### *(a) Sitka Sound Local Area Plan*

The AP recommends the Council adopt Alternative 2 with the following changes:

- 1) change 1,000 lbs trip limit to 2,000 lbs, and
- 2) delete suboption "for Sitka residents only."

The AP notes these changes are consistent with the task force's most recent recommendations.

We further request NMFS/RAM assist in notifying affected commercial fishermen of this change. Motion carries unanimously (22/0).

### *(b) Protocol for Local Halibut Management Areas*

The AP recommends the Council have staff continue to develop a Board/Council protocol on local area management plans for halibut. We note that the affected public and ADF&G advisory panels cannot meet during the summer and that the current 3-year cycle used by the Board may not be an appropriate time frame. Motion carries unanimously (22/0).

## **C-3 Inshore/Offshore 3**

The AP has reviewed the staff's proposed Inshore/Offshore 3 analysis and offers the following comments to be addressed to the extent possible:

1. Always use the label "True Mothership" when referring to the offshore motherships that never harvested their own fish.
2. Break out the catcher processor categories by when they harvest their own fish and when they take deliveries over the side, whenever possible.
3. CVOA
  - a. Correct and 'simplify' Tables and Figures.
  - b. Examine other approaches for estimating non-CVOA fishing patterns for the offshore sector (1991 patterns may not be representative).

- c. Breakout and identify "True Motherships."
  - d. Provide additional information, if possible, on how utilization rates may change if more fish over 40 cm and fish of a more uniform size were harvested and processed. This would also be appropriate in the utilization rate section of the document.
  - e. Provide information on the number of hauls that were used to calculate CPUE by area and sector.
  - f. Provide catch information from areas that have been closed in recent years, but are not critical habitat areas.
4. Provide a list of ownership, like Appendix A from the Coast Guard, for shore plants, true motherships, and catcher vessels.
  5. Expand the utilization rate discussion on how the total catch estimates differ between sectors. If possible, include information on the amount of catch in the blend data from Weekly Production Reports and Observer data.
  6. Estimate continued regulatory discards of pollock and cod. These would only occur when the pollock and cod fisheries are closed.
  7. Alter the five tables in the "Summary of 1997 Fishing Activities" section to include the actual catch quantity when possible. Also, add a set of tables that report the number of vessels (plants) in each cell instead of catch.
  8. Research and correct the fish tax table on page 67.
  9. Note that there could be more than 3 true motherships in the future.
  10. To the extent possible, provide information on different product grades (surimi/roe for example).
  11. Annual operator's report to estimate inshore first wholesale prices.
  12. On page 66 of Tax section, true motherships need to be broken out from the offshore component.
  13. Regarding PSC bycatch tables, rates are more important than total lbs and this information should be consolidated to the relevant perspective.
  14. Regarding industry information (particularly employment and price data) the AP recognizes that the analysts may be utilizing this information using the guidelines cited in the discussion paper.
  15. In a general sense, the Impact Assessment, Inc., study should examine the linkages between industry sectors and shoreside communities, aside from specific CDQ partnership linkages.
  16. For harvest vessels, the AP would like a finer breakdown of catch (histogram) by delivery mode (i.e., how many vessels at various catch levels) and by size.
  17. Qualitative discussions of product mix and market implications of shifting pollock allocations should be included to the extent possible.

Motion carries unanimously (22/0).

#### **C-4 Essential Fish Habitat**

The AP recommends the Council have NMFS include equivalent information in a comparable format on habitat for halibut, herring and GOA crab stocks in future documents. We further request studies of non-trawl gear impacts be included where available and provide a more detailed description of the size and type of gear used when discussing commercial fishery related impacts on EFH. Motion carries unanimously (21/0).

#### **C-5 Scallop Management**

The AP recommends the following be incorporated into the analysis for a limited entry program for scallops:

- (1) clarify Alternative 4 to include federal or state moratorium participation
- (2) adding a sub-option to Alternative 4 that would award the licenses to moratorium permit holders rather than vessels
- (3) add an alternative to create a combined Cook Inlet and state-wide license
- (4) add an option in which vessel length is based on the vessel length which qualified in 1996 or 1997
- (5) add an option that would restrict horsepower to vessel capability during the qualifying period.

Motion carries unanimously (22/0).

#### **C-6 License Limitation (LLP)/CDQs**

The AP recommends the Council initiate an amendment to extend the moratorium until superseded by further CRP measures. Motion carries unanimously (23/0).

Further, the AP recommends the Council initiate a regulatory amendment to adopt a moratorium application closure date as today's date or the soonest possible date that can be legally implemented. Motion carries unanimously (23/0).

The AP recommends the Council initiate an amendment to the LLP that prevents transfer of permits from vessels that never held a federal fishery permit during the LLP qualifying period and that transfers of fishing histories and subsequent licenses will not be allowed as of February 3, 1998. This would apply to all vessels. Motion carries 22/1.

The AP recommends initiating a plan amendment not allowing licenses and fishing histories earned by vessels employing non-trawl gear to be used on vessels employing trawl gear. We further recommend issuing grandfather rights only to those persons who can demonstrate significant financial commitment to apply a non-trawl license or fishing history to a trawl operation as of February 3, 1998, with the following sup-options:

- (1) has made a landing with trawl gear by February 3, 1998
- (2) has made a significant investment in conversion of a vessel to deploy trawl gear by February 3, 1998

Motion carries unanimously (23/0).

The AP recommends the Council rescind the CDQ vessel exemption portion of the LLP. Further, we recommend grandfathering rights to any vessels currently built or operating in an existing CDQ under this provision. Motion carries unanimously (23/0).

The AP recommends the Council initiate an amendment to the LLP crab and groundfish program to include a recent participation clause with the following:

Crab LLP:

- (a) general umbrella only

Crab and groundfish landing in:

- (a) 1995
- (b) 1996
- (c) 1997
- (d) any combination of above
- (e) any one of four years through February 3, 1998

Motion carries 18/5.

The AP recommends the Council initiate an amendment to clarify that catch history transfers would be recognized, except those occurring after June 17, 1995, and where the owner of the vessel at that time was unable to document a vessel under Chapter 121, Title 46, U.S. Code. Motion carries 22/0/1.

A motion to exempt the Norton Sound red king crab fishery from the Crab LLP failed 8/12/3.

### **C-7 Catch and Bycatch Measurements**

The AP recognizes that the current system of observer coverage and industry reporting provides a good foundation for determining total catch measurement. We note that the SSC and NMFS staff have identified measures through this review which will improve the current system and bring us closer to Magnuson-Stevens Act compliance. The AP requests the Council refine and implement these measures including research proposals which:

- recommend an analysis be performed on the offshore pollock and yellowfin sole target fisheries in at least two years other than 1994 to examine the stability of the statistical catch estimators over time,
- analysis of new random sampling table suited to flatfish fisheries,
- for any new analysis, it would be useful to focus on the precision of catch estimation at the individual vessel level rather than the fleet-wide level since management by IBQs and multi-species CDQ programs will require very high precision for individual vessels, and
- an expanded study of density values and product recovery rates in relation to total catch estimation and that federal funding be provided.

Motion carries 15/3/5.

The AP further requests the Council recommend that NMFS review and report on compliance with observer coverage requirements in the hook and line rockfish fisheries. Motion carries 19/2/2.

## *Salmon Bycatch Retention Regulations*

The AP further recommends the Council take no action of the NMFS request to rescind the current salmon retention regulations. We recommend the Council request NMFS continue development of onboard protocols and research priorities to increase the accuracy of these numbers. Motion carries unanimously (23/0).

### **D-1 Groundfish Amendments with Action Required**

#### *(a) GOA Trimester Pollock Allocations*

The AP recommends the Council adopt Alternative 2. Motion carries unanimously (23/0). There was a motion made to adopt both Alternatives 2 and 3, but failed 10/11/1.

#### *(b) GOA Stand-down and Preregistration*

The AP recommends the Council adopt Alternative 2 which establishes a vessel registration program for "at risk" fisheries which meet certain criteria, and Alternative 3 which establishes a stand-down requirement for vessels transiting between the BSAI and GOA with the following options:

##### Vessel and gear options:

Option 3 - Stand down requirement would apply to all trawl catcher vessels only, including an exemption for trawl catcher vessels delivering to at-sea processors in the GOA Pacific cod offshore fishery.

Fishery options: Option 1- Stand down requirement would apply to all target fisheries.

##### Length of stand-down period:

New Option 4: 96 hours between BS and GOA  
48 hours between GOA and BS

##### Beginning and ending of stand-down period:

Option 2 - Stand down period begins on the date of delivery and fishing may resume in the new area at 12 noon, Alaska local time, 2, 3, or 4 days after the date of delivery.

Motion carried 14/5.

### **MINORITY REPORT**

#### **D-1(b) WGOA Stand-down and Preregistration**

The EA/RIR for Amendment 52/52 contained two distinct measures. Alternative 2 (preregistration) dealt with the measures necessary for NMFS to manage fisheries with relatively small TACs and relatively large effort without exceeding the TAC. The minority recognizes the need for preregistration in fisheries like the 610 pollock fishery.

However, the larger problem in the WGOA pollock fishery involves issues of preemption and stability and large boat/small boat allocation. The 96/48 hour stand-down goes beyond the NMFS management needs and amounts to defacto exclusive area registration during the 1st and 3rd trimesters, but provides no protection in the June openings.

Allocation measures such as direct or indirect exclusive area registration deserve a more extensive analysis with respect to the economic and social impacts than was provided in the EA/RIR.

Signed: Dave Fraser  
Dave Benson  
Craig Cross  
Stephanie Madsen  
Grant Yutzenka

A motion to adopt Option 1 (48 hours) for length of stand-down period passed 10/7/4 but was subsequently replaced with a substitute motion (96/48 hours) with a 10/8/2 vote on this issue and 19/0/1 vote for fishery options - Option 1.

*D-1(c) Amendment 53 (set gear allocations for shortraker/rougheye)*

The AP recommends the Council adopt Alternative 2 (shortraker/rougheye rockfish TAC would be allocated between vessels using trawl and non-trawl gear), Option 1 (30% to non-trawl gear/70% to trawl gear). Motion carries unanimously (21/0).

*D-1(d) Amendment 48/48 - Revise the Annual Specification Process in the BSAI and GOA*

The AP recommends the Council send Amendment 48/48 out for public review. Motion carries unanimously (19/0).

**D-2 Bycatch Management**

*(b) VBA Committee*

The AP reiterates their September 1997 recommendation that *"the Council have the committee continue its efforts. Further, the AP requests the Council have NOAA GC address the legal issues including enforceability, and have the committee examine the effects of the VBA program on the current observer program."* Motion carries unanimously.

*(c) Bycatch Amendments*

The AP recommends the Council appoint a committee to further develop the Halibut Mortality Avoidance Program (HMAP) and Individual Vessel Checklist Program (IVCP) with membership consisting of the appropriate industry representation. Motion carries 11/9.

The above motion substituted the original motion recommending a committee for only the HMAP program.

The AP recommends the Council begin an analysis on a proposal to review chinook bycatch management regime:

- (a) sampling methodology/estimation procedures
- (b) fishery specific area closures and triggers
- (c) discreet hot spot closure

Motion carries unanimously (22/0).