

# North Pacific Fishery Management Council

Richard B. Lauber, Chairman  
Clarence G. Pautzke, Executive Director



605 West 4th Avenue, Suite 306  
Anchorage, AK 99501-2252

Telephone: (907) 271-2809

Fax: (907) 271-2817

Certified by John Bruce  
Date 10/9/98

## ADVISORY PANEL MINUTES JUNE 8-11, 1998 DUTCH HARBOR, ALASKA

### Advisory Panel members in attendance:

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

Advisory Panel (AP) members absent were Ragnar Alstrom, Teresa Turk and Robert Ward. The AP unanimously approved the minutes from the April 1998 Advisory Panel meeting.

### Council Approved Guidelines

The AP recognizes and unanimously approves the Council Approved Guidelines. Further discussion lead to the understanding that item 1 (limit of 2 questions each during agency and staff reports) would not apply because of the necessity of the AP to clearly understand the complexity of issues in order to make its recommendation. The AP further agreed and adhered to item 2 (limit of 2 questions each during public testimony) as a time-saving measure. The AP also recognized that item 3 (halibut and sablefish IFQ issues will be placed at the end of the Council agenda) was a Council decision.

### C-1 Inshore/Offshore 3

#### Bering Sea and Aleutian Islands

The AP recommends the Council adopt Alternative 3 with the following:

Inshore sector	40%
True motherships	10%
Offshore sector	50%

Additionally, the AP recommends:

1. 5% of the TAC allocated to the inshore sector quota would be set aside for catcher vessels less than 125 feet. This set aside would be harvested immediately following the "A" season.
2. The A/B season will be: A season 40%; B season 60%.
3. True motherships would have to declare for the duration of the allocation.
4. No change to the CVOA and any future change in the CVOA would be sector neutral.
5. Duration of allocation would be for 5 years.

Main motion carries 11/7.

#### Gulf of Alaska

The AP recommends the Council adopt Alternative 2 (rollover GOA pollock at 100% inshore; Pacific cod 90% inshore). Motion carries unanimously (18/0).

#### MINORITY REPORT C-1 Inshore Offshore 3

This minority report is submitted on behalf of the undersigned members of the Advisory Panel. We recommend that the Council adopt the status quo BSAI allocation percentages, but with a separate allocation for true motherships. The allocation percentages should be as follows:

Catcher-Processor Sector	55%
Inshore Sector	35%
True Mothership Sector	10%

In addition, we recommend:

1. that the inshore/offshore III allocations should remain in effect for five years, or until a comprehensive rationalization program for the BSAI pollock fishery is implemented; and
2. that access to the CVOA fishery and the current 0.45-0.55 A-B season split remain unchanged, and that future changes to the CVOA fishery or the A-B season split be kept processing sector neutral (i.e., any future changes in access to the CVOA fishery or the A-B season split should apply equally to each processing sector).

The minority believes that the Council has not identified a problem associated with the BSAI pollock fishery that warrants taking quota from the catcher-processor sector. In addition, we note that the statements made in 1995 by members of industry, the Knowles administration, and Senator Stevens concerning the overriding importance of stability within the industry continue to apply today. Further, we believe there are many reasons why no pollock quota should be taken from the catcher-processor sector, including but not limited to:

1. adverse effects on the market for pollock products because of the further concentration in surimi production, the consequent undue reliance on the Asian market, and the decrease in fillet production for the domestic market (as noted by LONG JOHN SILVERS, LD SEAFOODS, and GORTON's);
2. adverse effects on the overall competitiveness of the Alaska seafood processing industry (as noted by NORQUEST and others);
3. adverse effects on the incomes and employment opportunities for western Alaskans (as noted in the McDowell Report); and
4. additionally, the AP motion takes fish from catcher vessels with markets in the offshore sector and would make that fish available only in the shoreside market. This is a restriction of market opportunity and reduces competition and the price paid to catcher vessels.

Finally, nothing in the National Standards of the MSFCMA warrants a shift in the amount of pollock allocated among the processing sectors of the BSAI pollock fishery.

Signed: Craig Cross  
Dave Fraser  
Dave Benson  
John Bruce

## **C-2 Essential Fish Habitat (EFH)**

### *(a) EFH Amendments*

The AP recommends the Council adopt Alternative 2 and direct NMFS habitat personnel to begin work on phase II of this process. Further, identification of HAPC and evaluation of possible habitat protection needs. Motion carries unanimously (18/0).

### *(b) Cape Edgecumbe Pinnacle Closure*

The AP believes closing the Mt. Edgecumbe pinnacle area is not an appropriate action under EFH. Stocks of ling cod are currently healthy in the Eastern Gulf and the need to close this small, 4-square mile area to maintain the continued health of these stocks has not been established. Criteria for determining closures as appropriate actions to maintain areas of particular concern have also not been developed.

The pinnacle area, however, clearly has high concentrations of ling cod and rock fish. The AP recommends the Council adopt Alternative 2, Option 2 with the addition of halibut and a prohibition on possession of ling cod and rockfish by vessels fishing in the area as an action outside of EFH to assist the Board of Fisheries efforts to control ling cod harvest and bycatch in this area.

We further note the community-based development and support for Option 2, and the desirability of mitigating the impact of management actions on tangential fisheries as rationale for recommending this option. Motion carries unanimously (15/0).

### C-3 Moratorium Extension

The AP recommends the Council adopt Alternative 2 (extend the vessel moratorium until December 31, 1999, a one-year extension), Option A (extend only the fishing period under the vessel moratorium until December 31, 1999). Motion carries unanimously (18/0).

### C-4 License Limitation Program (LLP)

The AP recommends the Council release for public review the EA/RIR on the LLP amendments with the following additions:

1. Proposed Action 1: add an option which would allow transfer of the license with the vessel upon which it was earned, or with vessels which have existing transfers of the permits that were grandfathered.
2. Proposed Action 5:
  - a. Add an alternative requiring participation in at least one year between 1995 - 1998.
  - b. Provide an exception to the additional umbrella landing requirement for:
    - i. any vessel that made landings in the Bering Sea crab fishery in 1998 prior to February 7 and for which the owner acquires license limitation program rights related to a vessel that meets the General Qualifying Period (GQP) and Endorsement Qualifying Period (EQP) landing requirements, or
    - ii. a vessel that is under construction for the Bering Sea crab fishery and whose owner has acquired a crab moratorium qualification for the vessel prior to February 7, 1998.
  - c. Add a suboption to each alternative which exempts vessels under 60 feet from recent participation requirements which otherwise qualify under the original crab LLP.
  - d. Delete:
    - Alternatives 4, 6, and 7,
    - All alternatives requiring participation in more than two years, and
    - Any alternative requiring a landing in 1998 to receive a license.

The remaining alternatives are the only ones to be analyzed:

Alternative 1 - Status Quo

Alternative 2 - 1995 and 1996

Alternative 3 - 1996 and 1997

Alternative 8 - Once in any year between 1996 - 1998

Alternative 9 - Twice in any year between 1995 - 1998

Alternative 10 - (new) Once in any year between 1995 - 1998

3. Proposed Action 6: The AP notes that guidelines 3, 4, and 5 used to identify candidate vessels for limited processing upgrade are not valid assumptions.

The original main motion included a proposed Action 7 which would restrict a catcher processor from becoming a catcher vessel. The motion deleting this action passed 13/6.

Additionally, the AP recommends the Council initiate a regulatory amendment to designate a vessel on the license and establish procedures for verifying new ownership upon transfer or change in ownership of the vessel. This should include options for:

- a. frequency of transfers, and
- b. waiting period between transfers.

Motion carries unanimously (18/0).

#### **C-5 Community Development Quotas (CDQs)**

The AP recommends the Council adopt Alternative 2 to permanently extend the BSAI pollock CDQ program at 7.5% of the total allowable catch (TAC). Motion carries unanimously (18/0).

#### **C-6 Observer Program**

The Advisory Panel began with a motion to recommend the Council adopt Alternative 1 (status quo, no action). This motion was in response to a high level of frustration felt by most members over the cost of the current program and the delay in developing meaningful changes. After much debate, the motion was amended to recommend the Council adopt Alternative 2 with a suboption to sunset December 31, 1999. The motion carried 18/1.

Further, the AP recommends in the strongest possible terms that the Council direct the necessary personnel and resources be dedicated to re-evaluating the intent of the observer program, the duties of the observer and development of statistically based catch estimation and coverage levels for current and future programs which require adequate data for use in administering programs at the individual vessel level. This information should be brought back for development of alternatives at the October meeting. Motion carries unanimously (18/0).

The AP would like to convey to the Council that we recognize the observer program is vital to managing our fisheries and to address the bycatch reduction mandates in the Magnuson-Stevens Act.

#### **D-1(a) Prohibit Bottom Trawl Gear for BSAI Pollock**

*Plan Amendment:* The AP recommends the Council adopt Alternative 1 (No Action).

*Regulatory Amendment:* The AP recommends the Council adopt Alternative 1 (Status Quo).

Motion carries 9/8/1.

The AP arrived at this recommendation after a series of other motions as described below:

- Motion to adopt Alternative 2, Option 3 failed 8/9/1.
- Motion to adopt Alternative 2, Option 2 failed 8/9/1.
- Motion to amend main motion (final recommendation) to include Option 2 passed 9/8/1, but the amended motion: *Plan Amendment*-Alternative 1, Option 2; and *Regulatory Amendment* - Alternative 1, failed 7/9/1.

MINORITY REPORT  
D-1(a) Bycatch Reduction Amendment

The undersigned members of the AP recommend the Council adopt a plan amendment of Alternative 2, Option 3, as revised by Council staff, and Alternative 1 (Status Quo) under the regulatory amendment. The best scientific information available overwhelmingly supports this recommendation. The EA/RIR clearly demonstrates that this is a win-win situation where the Council can reduce bycatch with minimal impact on the BSAI pollock fishery. The analysis indicates that the full BSAI pollock TAC can be successfully harvested without having to waste bycatch of 100 mt of mostly juvenile halibut, 3,000 red king crab, 50,000 bairdi, 150,000 opilio and approximately 1,581 mt of other groundfish. The analysis offers no reason to justify continuing this waste that is clearly not needed to prosecute the BSAI pollock fishery. Finally, this recommendation will help the Council meet the Magnuson-Stevens Act mandate to minimize total amounts of all types of bycatch from existing levels, and this amendment can be submitted before the October 1998 deadline required by law.

Signed by: Steve Ganey                      Kris Fanning                      John Lewis                      Dean Paddock  
                    Dan Falvey                      Arne Fuglvog                      Hazel Nelson

**D-1(b) Seasonal/Area Apportionment of Atka Mackerel**

The AP recommends that the Council adopt Alternative 3, Option 2. The AP further recommends that any restrictions in the percentage of subarea 542 and 543 TACs for 1999 to reduce catch inside critical habitat to be limited to a two-fold increase in the percentage of the specific subarea TAC currently taken outside critical habitat:

<u>Area</u>	<u>Recent Avg</u>	<u>1999</u>
542	5%	10%
543	15%	30%

Additionally, the AP recommends that this action be limited to one year. The Council should reconsider this action for the 2000 fishery. As per the SSC's recommendations, any multi-year action should be implemented incrementally. Further, the AP recommends that the Sequam rookery remain a 20-mile closure for the Atka mackerel fishery throughout 1999. Motion carries 13/6.

A motion for Alternative 3, Option 2 with incremental shifts of 10% per year until reaching the target split of 40% inside and 60% outside failed 8/9.

The AP recommends that the Atka mackerel fishermen be represented on a committee to review fishery data as proposed by the SSC. Motion carries unanimously (19/0).

MINORITY REPORT  
D-1(b) Seasonal/Area Apportionment of Atka Mackerel

The undersigned members of the AP recommend the Council adopt Alternative 3, Option 2 with incremental shifts of 10% per year until the target split of 40% inside critical habitat and 60% outside is reached. The preponderance of the best scientific information available clearly demonstrates the need for this precautionary action. We oppose the idea of limiting conservation measures to address this problem to one year. We also

oppose limiting effort shifts outside critical habitat until new scientific information is gathered to justify such shifts. As stated previously, the best available scientific information provides sufficient evidence to warrant effort shifts outside critical habitat to the target level of 60%.

Moreover, it is extremely unlikely that we will have sufficient new evidence to definitively assess any significant effect of shifts outside critical habitat after one year. Allowing incremental annual shifts toward that goal will provide industry time to adjust while at the same time committing to the appropriate conservation measures needed to address the effects arising from Atka mackerel removals within Steller sea lion critical habitat.

Signed by: Steve Ganey  
John Lewis  
Spike Jones  
Dan Falvey  
Arne Fuglvog

#### **D-1(c) Groundfish Overfishing Definitions**

The AP recommends the Council adopt Alternative 2 (MSY is consistently treated as a limit rather than a target) for Amendment 56/56. Motion carries 16/0/1.

The AP recommends the Council takes its lead from the SSC and Plan Teams regarding further development of any of the features in Alternatives 2 and 3 from the original EA/RIR on groundfish overfishing definitions. Motion carries 11/4/1.

#### **D-1(d) Halibut Discard Mortality Rates**

The AP recommends the Council adopt a discard mortality rate of 11% for the BSAI Pacific cod fishery retroactive to January 1, 1998. Motion carries unanimously (19/0).

#### **D-1(e) Experimental Fishing Permit (EFP)**

The AP recommends to the Council that the EFP for the testing of a halibut excluder device be approved for the period of August 1, 1998 through May 31, 1999. Motion carries unanimously (18/0).

#### **D-3 Scallop FMP Overfishing Definition**

The AP recommends the Council adopt Alternative 2 (redefine overfishing, optimum yield (OY), and maximum sustainable yield (MSY), and update the FMP with additional information on bycatch data collection, et al.) to comply with the Magnuson-Stevens Act mandates. Motion carries unanimously (9/0).

#### **D-4 BSAI Crab Overfishing Definition and FMP Updates**

The AP recommends the Council adopt Alternative 2 (to redefine overfishing, optimum yield (OY) and maximum sustainable yield (MSY) and update the FMP; updates to the FMP include general housekeeping as well as language on license limitation implementation schedule). Motion carries 15/1/1.

#### **D-5 Salmon FMP Overfishing Definition**

The AP recommends the Council adopt Alternative 2 (update the FMP with new Magnuson-Stevens Act language and State management policies regarding overfishing, optimum yield(OY), and maximum sustainable yield (MSY). Motion carries unanimously (9/0).

#### **OTHER ISSUES - Relative Fishing Prowess**

The AP has reviewed the SSC's minutes and would recommend the Council direct staff to:

1. Increase the sampling size of the exercise.
2. Review with IPHC and NMFS enforcement, the relationship between the contractor and onboard observer.
3. Confirm the legality of chumming.

The AP further recommends another sampling exercise be conducted in June 2001 and that Dave Hansen (PSMFC) be present to verify the results. Motion overwhelmingly passes unanimously.