

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

Visit our website: www.fakr.noaa.gov/npfmc

ADVISORY PANEL MINTUES October 11-14, 1999 Doubletree Hotel, SEA-TAC

Approved

John Bruce

Date:

02 08 00

Advisory Panel members in attendance:

Acuna, Erika
Alstrom, Ragnar
Benson, Dave
Blott, Tim
Bruce, John (Chair)
Burch, Alvin
Cross, Craig
Falvey, Dan
Fanning, Kris
Fuglvog, Arne
Fraser, Dave
Ganey, Steve

Gundersen, Justine
Jones, Spike
Jordan, Melody
Kandianis, Teresa
Madsen, Stephanie (Vice-Chair)
Nelson, Hazel
Ogden, Doug
Stephan, Jeff
Ward, Robert
Yeck, Lyle
Yutzenka, Grant

C-1 BSAI Pacific Cod Fixed Gear Allocation

The AP recommends the Council adopt the following:

1. BSAI fixed gear cod be distributed as follows:
 - 80% freezer longliners
 - 0.3% catcher longliners
 - 1.4% pot or longline vessels under 60'
 - 18.3% pot vessels over 60'
2. Any unfished portion of the catcher vessel longline and the under 60' vessel quota that is unused shall be rolled over to the freezer longliner fleet in September.
3. Any jig or trawl rollovers would be apportioned between the freezer longline and pot sectors according

to the actual harvest of rollovers for 1996- 1998; and

4. NMFS be requested to implement this cod split by emergency rule as early in 2000 as possible; and

5. Bycatch of Pacific cod in other fixed gear fisheries would be subtracted from the overall fixed gear allocation before allocations for the directed fisheries are set. *Motion passed 14/9.*

(The following substitute motion failed 9/13:

1. *BSAI fixed gear cod be distributed as follows:*

a. *0.3% of the fixed gear TAC to the longline catcher vessels*

b. *Bycatch of Pacific cod in other fixed gear fisheries would be subtracted from the overall fixed gear allocations for the directed fisheries are set.*

c. *After deducting a and b from the fixed gear TAC, the remaining fixed gear TAC is apportioned*

1. *80% freezer longline vessel*

2. *20% pot vessel*

2. *All computations are made excluding rollover catch*

3. *Further rollovers of jig or trawl or longline catcher vessel apportionments would be allocated by the same formula used to divide the fixed gear Pacific cod TAC between freezer longliners and pot vessels. [80/20]*

Additionally, an amendment to the main motion that would take "off the top" the 0.3% catcher longliners and the 1.4% pot or longline under 60' before the remaining allocations, failed 11/11/1.

C-2 (a) Performance Report on 1999 Cooperatives

The AP recommends that cooperatives annually must prepare a report containing the information listed below for the Council. A preliminary report covering activities through November 1 by December 1, with a final report by January 30th.

1. Allowed catch and bycatch in pollock and all sideboards by whatever method is used to determine those allocations.

2. Actual catch and bycatch in pollock by vessel and sideboarded fisheries by whatever method is used to determine those sideboards.

3. Method used to monitor fisheries in which cooperative vessels participated

4. Actions taken by cooperatives to enforce vessel or aggregate catches that exceed allowed catch and bycatch in pollock and all sideboarded fisheries. *Motion passed unanimously 23-0.*

C-2 (b) Proposed Rule making for AFA Actions

The AP recommends the Council amend:

Catcher Vessel Sideboards: GOA Groundfish Sideboards

7. Shall be applied throughout the year and the total sideboard cap will be subdivided between vessels with less than 1700 mt of annual pollock landed catch history and vessels with 1700mt or greater and administered as two separate caps.

6. Shall apply at the AFA eligible catcher vessel sector level in 2000. However, NMFS shall publish the proportion of the cap represented by the aggregate catch history of the vessels *under and over 1700 mt* in each co-op, and encourage the formation of an inter-cooperative agreement to monitor the sub-division of the caps at the cooperative level. NMFS shall require each co-op agreement to contain provisions that would

limit its participants to their collective 1995-97 harvest in other fisheries.

Additionally, modify 5 and 6 to use “AFA permitted” to describe vessels. *Motion passed 15/8*

C-2 (c) Processor Sideboards

A single motion covering both crab and groundfish sideboards was bifurcated into two separate actions. *Motion to bifurcate passed 10/9.*

Crab Sideboards

1. The AP recommends the Council adopt a single aggregate processing cap that would apply to all processing facilities owned by inshore or mothership sector AFA entities.

(A motion to adopt a single aggregate cap that would include processing histories of inshore and mothership AFA companies failed 10/10.)

- a. NMFS will determine which processing facilities are owned by inshore or mothership AFA entities using the “limited 10% rule”
- b. Owners of inshore or mothership AFA pollock facilities that process crab under the Council’s jurisdiction would be required to identify to NMFS as part of their processing permit requirements any processing facilities in which the owner has more than a 10% interest using the limited 10% rule.

2. A processing facility is any plant or US documented vessel that processes crab under the jurisdiction of the North Pacific Fishery Management Council.

3. Only the limited 10% rule will be used in determining AFA entities for purposes of the historic processing cap.

4. AFA catcher processors would not be subject to additional processing sideboards.

5. The historic processing cap would be determined annually based on the average of the 1995-1997 processing history of US documented processing vessels and processing plants owned by inshore and mothership AFA entities at the start of the fishing year.

- A. If an inshore or mothership AFA entity sells a crab processing facility to a non-AFA entity, or if a processing vessel is no longer US documented, the 1995-1997 average processing history of that plant or vessel is removed from the historic processing cap. Likewise, if an inshore or mothership AFA entity buys a non-AFA processing plant or US documented vessel, then the 1995-1997 average processing history of that plant or vessel is added to the historic processing cap.
- B. The historic processing cap would be determined based on the percentage of the GHL processed inshore or mothership AFA entities.
- C. There would be no cap for undeveloped species or species without a current GHL.
- D. The cap would apply year around.

Motion passed 17-4

Groundfish sideboards

1. The AP recommends the Council adopt a single aggregate processing cap that would apply to all processing facilities owned by inshore or mothership sector AFA entities.

A. NMFS will determine which processing facilities are owned by inshore or mothership AFA entities using the "limited 10% rule"

B. Owners of inshore or mothership AFA pollock facilities that process fish under the Council's jurisdiction would be required to identify to NMFS as part of their processing permit requirements any inshore or mothership AFA eligible processing facilities in which the owner has more than 10% interest using the limited 10% rule.

2. A processing facility is any plant or US documented vessel that processes fish under the jurisdiction of the North Pacific Fishery Management Council.

3. The limited 10% rule will be used in determining AFA entities for purposes of the historic processing cap

4. AFA catcher processors would not be subject to additional processing sideboards.

5. The historic processing cap would be determined annually based on the average of the 1995-1997 processing history of US documented processing vessels and processing plants owned by inshore and mothership AFA entity at the start of the fishing year.

A. If an inshore or mothership AFA entity sells a non-pollock processing facility to a non-AFA entity, or if a processing vessel is no longer US documented, the 1995-1997 average processing history of that plant or vessel is removed from the historic processing cap. Likewise, if an inshore or mothership AFA entity buys a non-AFA processing plant or US documented vessel, then the 1995-1997 average processing history of that plant or vessel is added to the historic processing cap.

B. For fully utilized species, the historic processing cap would be determined based on the percentage of the TAC processed by inshore or mothership AFA entities.

C. Flatfish in the Bering sea would be exempt from any processing caps.

Motion passed 16/3/1

D. The processing cap would apply to all facilities of AFA entities regardless of whether or not the AFA entity receive pollock from a cooperative.

(A motion to amend D which would have only applied caps if facilities of an AFA entity received pollock from any cooperative failed 9/9)

E. The cap would apply year around

F. NMFS would establish a phased-in cap to allow AFA entities to process bycatch after the directed fishing cap is reached. This phased approach should not allow the AFA entities to exceed the aggregate cap.

(A motion to recommend to the Council that they consider these points as a preferred alternative but delay final action until the December meeting failed 6/13.)

Main motion passed 10/7/3.

Additionally, the AP recommends the Council exempt CDQ organizations and their non-pollock and crab investments from the AFA entity rule where the only ownership link is the CDQ organization between an AFA facility or company and other investments by the CDQ organization. *Motion passed unanimously 23-0.*

C-2 (d) Excessive Share Caps

Given the action the AP has recommended for processor sideboards for non-pollock, the need for excessive share caps is unclear and the AP recommends the Council review the need at a later date. But with respect to pollock, the AP recommends the Council move forward with an analysis with the following options and suboptions:

- A. Excessive share caps of between 10-20%
 - SUBOPTIONS
 - 1. Include grandfather provisions.
 - 2. Exclude CDQ pollock
 - 3. Apply "limited 10% rule"
 - 4. Apply at the Company level

Motion passed 18/4.

C-2 (e) Inshore Pollock Cooperative Structure

The AP recommends the Council amend the AFA to allow onshore catcher vessels to change processors without going through an open access year. *Motion passed 21/1/1.*

AP also recommends 80% or more of the qualified catcher vessels participating in any inshore cooperative be limited to the first calendar year in which the cooperative will receive its allocation pursuant to the AFA. *Motion passed unanimously 23-0.*

Furthermore, the AP recommends:

- 1. Changing the definition of which vessels may be eligible to join a cooperative to "legally entitled under the 1934 law governing the cooperatives." *Motion passed 18/0/5.*
- 2. Removing the requirement of a qualified vessel to make a delivery every year in order to be qualified the following year. *Motion passed 20/1.*

Additionally, the AP recommends section 210 (b) relating to catcher vessel inshore cooperatives be amended to add the following new subsections:

- 1. Cooperative Accepted Catcher Vessels. In addition to the rights of those catcher vessels defined as Qualified Catcher Vessels all 208 (a) onshore catcher vessels whether such vessels harvested pollock in the directed pollock fishery or not, shall be eligible to join any existing AFA onshore cooperative provided:
 - a. The owner of the catcher vessel is accepted for membership in the AFA cooperative based on criteria provided by the individual cooperative on a case by case basis; and
 - b. Prior to the calendar year in which the vessel participates in the cooperative, which shall not be before the year 2001, the owner of the catcher vessel becomes a party to the contract which implemented the fishery cooperative under the same terms and conditions as were accepted by the

owners of “qualified catcher vessels.” *Motion passed 22-0.*

C-3 Pacific Cod Species / Gear Endorsements

The AP recommends the Council move forward with an EA/RIR/RFA for BSAI Fixed Gear Pacific Cod Species/Gear Endorsements with the following changes to the discussion paper:

1. Catcher longline vessels
 - a. Add 1995
 - b. Add sub-option allowing catcher vessels less than 60' to use their jig landings as part of their catch history to apply towards a minimum landing requirement.

Motion passed 19-0

2. Pot Gear Vessels
 - Qualification years*
 - a. Add option 6 - Any one year 96, 97, 98
 - Qualification landings*
 - b. Add Option 5 - A landing only, no minimum poundage required

Motion passed 21/1.

3. Add an alternative for analysis a “grandfather” provision that would exempt from the cod species/gear participation and landing requirements catcher/processor vessels that (i) met the original License Limitation Program general qualifying period and area endorsement period requirements for BSAI groundfish non-trawl endorsement; (ii) were purchased prior to December 1998 with the express purchaser intent of being employed in the fixed gear cod fishery, and evidenced by documented processing equipment and/or vessel modification or improvement investments that are specific to groundfish, and (iii) were employed in the fixed gear cod fishery during 1999.

Owners of grandfathered vessels would have a one-time election to choose either a longline or pot endorsement, but not both.

Motion passed 13/9.

Additionally, the AP requests the Council have staff develop a discussion paper for GOA Pacific cod fisheries species/Gear Endorsements similar to options in BSAI with the addition of trawl gear.

Motion carried 20-2.

C-6 Stellar Sea Lions

In the event the Council does not adopt the AP recommendation relative to our actions on the 1700mt exemption, the AP recommends to the Council that the exemption to the seasonal exclusive area requirement for catcher vessels fishing between the BSAI and GOA, for vessels less than 125' in areas 620 (east of 157°) and 630 be removed. *Motion passed 13/7.*

D-1 (a) Non-Pelagic Trawl Gear in Cook Inlet

The AP recommends the Council release the Analysis for public review with the following change:
A. Delete Alternative 8: "Establish Cook Inlet as a Marine Reserve." *Motion passed 20-0.*

D-1 (b) Management of Sharks and Skates in the BSAI/GOA

The AP recommends the Council release the EA/RIR after clarifying that the enacting Federal requirements mirror the State of Alaska Board of Fish regulations and to ban finning for sharks only. *Motion passed 18-0.*

D-2 Groundfish specifications for 2000

The AP recommends the Council release the BSAI and GOA 2000 SAFE documents. *Motion passed unanimously 23-0.*

The AP also recommends the Council approve the interim BSAI and GOA groundfish specifications in tables 1-5 from the Council Action Memo and GOA Halibut PSC (page 2 of Action Memo) with the following changes:

Tables 3 and 4 and the table for GOA trawl gear: remove seasonal Halibut PSC apportionments with the exception of rockfish. *Motion passed 22-0.*

D-3 Crab Management

The AP recommends the Council adopt the Crab Plan Team recommendations for the Bairdi rebuilding plan:
Harvest strategy - option 2
Bycatch controls - option 1 and Option 3
Habitat - option 2
Motion passed 16-0.

The AP also recommends that the Habitat analysis suggested in Alternative 2C, option 3 be conducted for opilio crab in the rebuilding plan need for that stock. *Motion passed 18/0.*

Finally, the AP urges the Council to form an industry work group to identify issues and actions needed to establish cooperatives for crab. *Motion passed 22-0.*

D-4 Staff Tasking

The AP endorses ranking of the proposals by the Plan Team with the following changes:

The AP recommends the Council initiate analysis of Proposal 8: GOA management split Pacific cod by gear type "mobile/fixed" based on 1994-1998 average and any combination in between. *Motion passed 18-0.*

In addition, the AP requests the Council have staff develop a discussion paper for GOA Pacific cod fisheries species/gear endorsements similar to options in BSAI with the addition of trawl gear. *Motion passed 18-0-1.*

The AP also requests the Council form an industry workgroup to address proposals 9, and 10. *Motion passed 19-0.*

The AP recommends the Council initiate analysis of proposal 7 incorporating the mean change recommended by the Crab Plan Team focusing on halibut. *Motion passed 19-0.*