

North Pacific Fishery Management Council

Richard B. Lauber, Chairman
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Approved John Bruce

Date 06 08 00

ADVISORY PANEL MINUTES April 10-14, 2000 Hilton Hotel, Anchorage, Alaska

Advisory Panel members in attendance:

Alstrom, Ragnar	Jones, Spike
Benson, Dave	Jordan, Melody
Boisseau, Dave	Kandianis, Teresa
Bruce, John (Chair)	Madsen, Stephanie (Vice-Chair)
Burch, Alvin	Nelson, Hazel
Cross, Craig	Ridgway, Michelle
Falvey, Dan	Steele, Jeff
Fanning, Kris	Stephan, Jeff
Fuglvog, Arne	Ward, Robert
Fraser, Dave	Yeck, Lyle
Gundersen, Justine	

Election of Officers

The AP, by unanimous consent, re-elected John Bruce as Chairman of the Advisory Panel and Stephanie Madsen as Vice-Chair.

C-1 Halibut Charter IFQ

The preamble of the Charter IFQ committee report was replaced as follows:

The AP recommends the following elements and options be incorporated into an EA/RIR for a guided sport halibut IFQ program. Further, the AP requests the analysis address these options as broad ranges in order to provide the maximum flexibility during final action.

(The AP changes to the Charter IFQ committee elements and options paper are noted in italics.)

Issue 1. Qualification Criteria

Initial allocations will be based on an individual's participation and not the vessel's activity. Anyone not meeting the qualification criteria would have to purchase QS or transfer (lease) IFQs to participate in the halibut charter fishery.

- Option 1. Halibut charter operators who carried clients in 1998 and 1999 and who submitted ADF&G logbooks (as received by ADF&G by February 12, 2000)
- Option 2. Halibut charter operators who carried clients in 1998 or 1999 and who submitted ADF&G logbooks (as received by ADF&G by February 12, 2000)
- Option 3. Halibut charter operators who carried clients prior to June 24, 1998 and who submitted at least one ADF&G logbook (as received by ADF&G by February 12, 2000)
- Option 4. Four out of five years between 1995-1999 as evidenced by IPHC and CFEC licenses for 1995-99 and submitted logbooks for 1998 and 1999
- Option 5. Four out of five years between 1995-1999 as evidenced by IPHC and CFEC licenses for 1995-99 and submitted logbooks for either 1998 or 1999

Issue 2. Initial allocation of IFQs would be issued to U.S. citizens or to U.S. companies on the following basis:

Suboption A: Definition of US citizen or US company as:

- 1. 51% US owned
- 2. 75% US owned

- Option 1. Charter vessel owner/operator - individual who owns and operates (captains) the charterboat and charterboat business
- Option 2. Bare vessel lessee - person that leases a vessel and controls its use as a charterboat for this fishery. May operate the vessel or may hire a captain/skipper. Lessee determines when the vessel sails and by whom captained
- Option 3. Owners of charterboats that hired licensed captains/skippers - persons that owned the vessel that they controlled as a charterboat but hired a captain/skipper to operate the vessel
- Option 4. Hired skipper - individual without financial interest in the vessel, hired for the labor only of operating a charterboat and paid a wage or commission as compensation
- Option 5. Fishery dependant coastal communities - coastal communities with populations less than 2500 in areas 2C and 3A which are not on a road system.*

Issue 3. To receive halibut IFQ by transfer:

- Option 1. Must be an individual initial charter issue
- Option 2. *A. Must be a qualified individual charter operator as defined by State of Alaska requirement**
**this would require a change in the commercial regulations to allow transfer of commercial QS/IFQ to charter operator*
B. Must be a qualified individual charter operator as defined by State of Alaska requirement AND hold a USCG license.
- Option 3. Must have transfer eligibility certificate

Issue 4. Transferability of QS (permanent) and IFQs (on annual basis [leasing])

- Option 1. Within a sector
- Option 2. Within an area
- Option 3. Two-way (between commercial and charter sectors).
 - suboption A. 3-yr one way transfer from commercial to charter
 - suboption B. *Develop different transfer provisions of classes of charter QS, i.e. fully leasable, leasable only with boat ownership, non-leasable.*

Option 4. Caps

- suboption 1. no caps - free transferability
- suboption 2. on percentage of annual IFQ transfers (de facto leasing) between sectors not to exceed 25% of total IFQ and 5% of annual IFQ transfers from charter to commercial; not to exceed the amount needed to meet the area GHL (1.4 M lb in Area 2C and 3.91 M lb in Area 3A) from commercial to charter
- suboption 3. on percentage of annual QS transfers between sectors not to exceed 25% of total QS and 5% of annual QS transfers from charter to commercial; not to exceed the amount needed to meet the area GHL (1.4 M lb in Area 2C and 3.91 M lb in Area 3A) from commercial to charter
- suboption 4. A. allow splitting of commercial blocks for transfers to charter sector
B. allow splitting of commercial blocks once transferred to charter sector
- suboption 5. from commercial B, C, and D only vessel category sizes to charter
- suboption 6. from charter to commercial 1) D category only; 2) B, C, and D category
- suboption 7. initial transfer from undesignated charter to a particular commercial vessel category locks in at that commercial category
- suboption 8. one transfer of QS/IFQ each year between sectors for each QS holder
- suboption 9. minimum size of transfer is range of 20-72 fish

Issue 5. Initial IFQs may be based on:

Option 1a. 3.91 Mlb in Area 3A and 1.4 Mlb in Area 2C

Option 1b. 125 percent of above (4.89 Mlb in Area 3A and 1.75 Mlb in Area 2C)

Option 1c. 100 percent of 98 and 99 log book landings

Option 1d. 75 percent of 98 and 99 log book landings

Option 2. 70% of 125% of 1998 and 1999 logbook average with an additional 10% (of the 125%) added for each year of operation 1995-97. The balance could then be re-issued to the whole group of participants (some individuals vessel's total could be over 125% of the 1998 and 1999 logbook average, new entrants may receive only 70% of their 1998 and 1999 logbook average), or this balance could be set aside for initial issue hardships (longevity reward) or *charter development in fishery dependent coastal communities*.

Option 3. client-days of bottomfish effort fished in 1998 and 1999

Option 4. Modified Kodiak proposal: 5-30% for A, 33% for B, 37-62% for C (see attachment)

Part A: each individual gets an equal percentage of the qualified pool as identified by the Council's final action

Part B: each individual's average 98/99 logbook harvest as percentage of overall harvest is multiplied by 33% of the average 1995-99 GHL.

Part C: one point for each year of participation during 1995-99

Part D: 5-15% for charter development in fishery dependent coastal communities

~~Option 5. Initial issuance would be fixed at Option 1a or 1b in perpetuity; transferred QS would be subject to TAC.~~

Motion to strike option 5 passed 18-2.

Option 6. 50% of an individual's QS initial issuance would be fixed and the remaining 50% would float with abundance.

Issue 6. IFQs associated with the charter quota shares may be issued in:

Option 1. Pounds

Option 2. Numbers of fish (based on average weight determined by ADF&G)

Issue 7. Reporting:

- Option 1. Require operator to report landings at conclusion of trip
- Option 2. ADF&G logbook

Issue 8. Other aspects of charter QS

- Option 1. ownership cap of ¼, ½, and 1% of combined QS units in Area 2C and ¼, ½, and 1% of combined QS units in Area 3A and grandfather initial issues at their initial allocation
- Option 2. maximum line limit of 12 in Area 3A (remains at 6 lines for Area 2C), grandfather initial issues
- Option 3. 10% rollover provision of total QS
- Option 4. 10% overage provision of total QS to be deducted from next year's QS
- Option 5. appeals process
 - suboption a. Appeals of fact*
 - suboption b. Appeals of hardship circumstances similar to the LLP program*
- Option 6. recovery of program costs

Issue 9. Charter IFQ program for Areas 2C and 3A only

Issue 10. Duration of charter IFQ would have no specific ending date (similar to commercial IFQs)

Issue 11. Charter IFQ program replaces the recently approved Guideline Harvest Level (GHL) program upon implementation

The motion passed 17-0.

The AP wishes to note the urgency expressed in public comment regarding developing LAMPs to address local depletion problems. Because of this, the AP requests the Council send a letter to the Board of Fish requesting the expedition of LAMP development in areas 2C and 3A.

Motion passed 18-0.

C-2 Observer Coverage

The AP recommends the EA/RIR on changes to Observer Coverage Requirements be sent out for Public review with the following changes:

1. Under proposed action 1: Add a new Alternative D which would allow processors, 3 days after any federal fishery closure, to adjust their observer coverage for the remainder of the month provided they do not exceed a range of 125-250 MT/week.
2. Under proposed action 4, alternative B: Add a suboption which would base observer coverage on a range of 10-30% of pot lifts occurring on a calendar quarter.
3. Under proposed action 4, alternative C: Include a range of 12-123 pot retrievals per fishing day and include a new suboption which would reduce required coverage levels to 10%.
4. Under proposed action 4: Add a new alternative E which would base the coverage trigger on 10% of catch (as opposed to days fished.)

The analysis should discuss how these actions compare with trawl and other fisheries, and the affect of these action on data quality.

Motion passes 17-0.

C-4 Pacific Cod License Limitation Endorsements

The AP recommends the Council Adopt Alternative 2 - Limit entry to the BSAI P. Cod fixed gear fisheries based on historical participation.

Freezer longline vessels

Qualification years:

Option 2: Any one year 1996, 1997, 1998, 1999

Minimum poundage requirement during any qualifying year:

Option 3: 300 mt

Motion passed 19-0.

Catcher longline vessels

Qualification years:

Option 2: Any one year 1995, 1996, 1997, 1998 or 1999

Minimum poundage requirement during any qualifying year:

Option 2: 7.5 mt

Suboption 2: Allow catcher vessels of any length to use their jig landings as part of their catch history to apply toward minimum landing requirements.

Motion passed 10-9.

MINORITY REPORT

We the undersigned members of the AP believe the recent participation criteria for longline catcher vessels under 60' is overly restrictive. The AP recommendation will result in only 24 longline vessels under 60' being allowed to prosecute the P. cod fishery in federal waters. This is too few vessels to successfully develop the 1.4% set-aside for small boats. It will also virtually eliminate the ability of 30-40' vessels to step up to slightly larger and safer vessels without incurring the high costs of purchasing an over 60' license.

Arne Fuglvog

Dan Falvey

Melody Jordan

Hazel Nelson

Pot gear vessels - Catcher vessels

Qualification years:

Option 3: Any two years of 1995, 1996, 1997, 1998

Qualification landings:

Minimum pounds required for delivery during each qualifying year

Option 4: 100,001 lbs - 300,000 lbs.

Motion passed 13-5.

(a motion to adopt Option 4 under qualification years - any two years of 1995, 1996, 1997, 1998, 1999 failed 7-1)

Pot gear vessels - Catcher Processor

Qualification years:

Option 3: Any two years of 1995, 1996, 1997, 1998

Qualification landings:

A. Minimum pounds required for delivery during each qualifying year

Option 5: Greater than 300,000 lbs.

Motion passed 13-5.

MINORITY REPORT

Concerning the motion to use Option 3 (two years between 1995 and 1998) for pot cod endorsements rather than 7A (two years between 1996 and 1997.)

- *The difference between these options is that the prevailing motion used 1995 rather than 1999 as a qualifying year.*
- *The main reason the Council routinely stated that it may not use 1999 for recent participation requirements was the concern that not doing so might lead to speculative landings and increase in the number of licences. Otherwise recent participation is preferred.*
- *Using 1999 rather than 1995 doesn't change the number of boats in this instance - 40 in either case.*
- *Pot cod participation has actually decreased over time. The number of vessels using 1995 as qualifying year is 21, while only 13 depend on 1999.*
- *1995 was not included in the years determining the allocation between fixed gear sectors (1996-1998)*

For these reasons we feel that Option 7a is the better choice.

Hazel Nelson Justine Gundersen Al Burch Michelle Ridgway

Combining catch histories of different vessels

The AP recommends the Council prohibit transfer or stacking of licenses or catch history except as outlined in Grandfather Provision #1 as amended:

1. Vessels that sank after January 1, 1995 which were LLP qualified with respect to P. cod landings prior to that sinking.
2. A sunken vessel is replaced with a qualified replacement vessel within the normal time allowed by the IRS.
3. Owner of the replacement vessel, after combining catch histories, must meet the qualifying criteria appropriate for that sector.

Motion passed 19-0.

Grandfather Provision #2

Upon reconsideration, the motion below failed 8/8/1.

The AP recommends the Council adopt Grandfather Provision #2.

Motion (initially) passed 9/7.

Vessels participating in the bait fishery

The AP recommends the Council not discriminate against properly documented bait landings. In the future, status quo should be maintained for "personal use" bait without a P. cod endorsement. This would allow the sale of "personal use" bait without a P. cod endorsement.

Motion passed 18-0.

CDQ Vessels

The AP recommends the Council give CDQ groups the latitude to contract with any LLP qualified vessel to engage in the P. cod fishery.

Motion passed 16-0.

Finally, the AP requests the Council to initiate an analysis to establish P. cod species and area endorsements in the GOA that mirror the BS elements and options.

Motion passed 16-0.

C-5 American Fisheries Act

The AP recommends the Council initiate a supplemental analysis on the following criteria for P.cod sideboards be developed and brought back for Council consideration at the June meeting.

- a. NMFS shall calculate the amount of BS P. cod harvested by the vessels in each of the years 1995, 1996, and 1997 (each year being a “base year” and each base year harvest being a denominator.)
- b. NMFS shall calculate the sum of all vessels’ two highest annual percentages.
- c. NMFS shall then divide the sum of each vessel’s two highest annual percentages by the total. The amount so calculated for each vessel shall be its percentage of the aggregate cod sideboard.

Motion passed 18-0.

Additionally, the AP recommends the Council initiate an analysis for Council action in June comparing the current method used to distribute inshore co-op quotas to a formula that uses a denominator that is the aggregate inshore deliveries of AFA qualified vessels only.

Motion passed 18-0.

C-6 Halibut Subsistence

The AP recommends the Council release the EA/RIR/IRFA for Creating and Defining a Halibut Subsistence Fishery Category for public review with the following amendments:

1. Clarify that all references to “permanent rural resident” requires a minimum of one year residency.
2. Include discussion of the potential impact on State of Alaska revenues generated by the sale of sportfish licenses.
3. Add to option 3:
 - A. Define legal gear and
 - B. add the following alternatives under suboption D:
 1. Statewide
 2. 4C,D and E only
 3. Require subsistence fishermen to designate a particular trip as a subsistence trip outside of areas 4C, D and E

4. Amend Option 3, suboption A to define hand held gear as:
 1. Rod and reel gear
 2. Spear
 3. Hand troll gear
5. Include appropriate State of Alaska regulations
6. Expand discussion in Option 6 to incorporate examples of current cooperative agreements
7. Amend Option 2: Define eligibility for halibut subsistence, suboption A: Members of Alaska Native Federally recognized tribes with customary and traditional use of halibut and other permanent rural residents in "*communities with customary and traditional uses of halibut.*"
8. Amend Option 2: Define eligibility for halibut subsistence to include under suboption c "Tribal..." Alternatives to define what entity determines "legitimate subsistence needs"
 1. State of Alaska
 2. Tribes
 3. Co-management authority

Motion passes 20-0.

C-7 Habitat Areas of Particular Concern

The AP recommends the Council adopt Alternative 3 with a modified Option 3 as follows:

Option 3: Prohibit the sale, barter, trade or processing of corals and sponges. Kelp, (including rockweed), and mussels would not be subject to additional management regulations at this time.

Additionally, the AP requests the Council review other FMP's needing modification to reflect this action (i.e. halibut and crab). Further, the AP recommends the Council respectfully request the Board of Fisheries consider adopting similar regulations for State of Alaska waters.

Motion passed 17-1.

D-1 Groundfish Management

SEIS Scoping Document

The AP recommends the Council request expanding Alternative 6 in the SEIS scoping document to include a broader discussion of rights-based management programs, the incorporation of performance elements and mechanisms for changing use provisions of such systems.

Motion passed 17-0.

Experimental Fishing Permit (EFP) for Halibut Excluders

The AP recommends the Council endorse the Halibut Excluder EFP.

Motion passed by unanimous consent.

D-2 Crab Management

Opilio Rebuilding Plan

The AP recommends the Council release the EA/RIR/IRFA “A Rebuilding Plan for the Bering Sea C. Opilio Stock” for public review with the following additions:

1. Include a discussion and examine CDQ crab fishery data to determine the effect of longer soak times on bycatch reduction.
2. Include data prepared in 1996 for snow crab with particular attention to the time series with width frequency distribution of bycatch in trawl fisheries.
3. Expand discussion on page 26 to include written descriptions of the gains in rebuilding time of each alternative as illustrated by figures 36 and 37 on pages 120 and 121.
4. Expand discussion of Alternative 2B Option 2 to include the effects on trawl fisheries of a recruitment event that follows a year of low abundance.
5. Expand discussion (page 43) to provide additional detail on habitat requirements for Opilio crab and the effects of fishing gear on these habitats.
6. Provide maps on same scale for easier comparison for bycatch areas and crab distribution.
7. Include the annual crab bycatch in target trawl fisheries by seasons.

The AP also requests the Council commit to the development of a rationalization plan for the crab fisheries as soon as possible.

Finally, the AP requests the Council request the crab plan team re-evaluate the application of the current overfishing definition for crab stocks.

Motion passed 17-3.

Minority Report

The Sustainable Fisheries Act required the development of “overfishing” and “overfished” definitions. We believe that the definitions developed were not in line with the biology and ecology of crab species. There has been a rush to implement a new management strategy based on incorrect definitions, and lack of knowledge of the reproductive capacity of these crab populations.

Therefore, we the undersigned, request that the Council delay adoption of the Rebuilding Plan for the Snow Crab fishery until such time as appropriate scientists have had time to perform adequate research, and a thorough RFA analysis has been completed, or at least until the October 2000 Council meeting by which time the ADF&G and the Council will have the additional benefit of the summer crab surveys.

Michael Jones

Al Burch

Teressa Kandianis

St. Matthew Blue King Crab Rebuilding Plan

The AP recommends the Council release the EA/RIR/IRFA “A Rebuilding Plan for the St. Matthew Blue King Crab Stock” for public review.

The AP also requests the Council commit to development of a rationalization plan for the crab fisheries as soon as possible.

Further, the AP recommends the Council request the crab plan team re-evaluate the application of current overfishing definition for crab stocks.

Motion passed 16-3.

Crab Co-ops and Permit Buyback Program

The AP recommends that the Council send a letter to the congressional delegations from Alaska, Washington and Oregon stating that:

1. The Bering Sea crab fisheries are at critically low levels and that they can no longer support the current fleet size and effort.
2. The Council needs congressional assistance in reducing the crab fleet through a federally supported effort reduction program utilizing congressional appropriations, federal loans, and restructuring the Capital Construction Funds currently deposited by crab fishermen. The Council also requests congressional authorization for the Council to proceed with development of a catch history based rationalization plan.
3. The Council is committed to rationalize the remaining effort to prevent similar problems from re-occurring in the Bering Sea crab fisheries.

Motion passed 19-0.

A motion recommending that any effort reduction plan for the crab fisheries include protections against future increases in efforts in other fisheries by those vessels failed 9/10.

Approval of Minutes

The AP, by unanimous consent, approved the minutes of their February 2000 Council meeting.