

# North Pacific Fishery Management Council

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

605 West 4th Avenue  
Anchorage, AK 99501



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

Telephone: (907) 271-2809  
Fax: (907) 271-2817

Certified

John Bowe

Date

6/8/94

## ADVISORY PANEL MINUTES APRIL 18-21, 1994 ANCHORAGE, ALASKA

Members in attendance were:

Dave Benson  
John Bruce, Chair  
Al Burch  
Mick Stevens  
Dan Falvey  
Penny Pagels  
Dean Paddock  
John Sevier

Bryon Pfundt  
Dave Little  
Stephanie Madsen  
Pete Maloney  
Doug Ogden  
Bruce Cotton  
Hazel Nelson

John Roos  
Harold Sparck  
Spike Jones  
Beth Stewart, Vice Chair  
Robert Wurm  
Steve Drage  
Kevin Kaldestad

John Sevier was not in attendance until Tuesday afternoon.

AP elections. Re-elected John Bruce Chair, Beth Stewart Vice Chair.

### C-1 Sablefish/Halibut IFQ's

#### Freezing non-IFQ species:

The AP recommends that a change be made to allow catcher vessel halibut & sablefish IFQ's to be used on a freezer vessel, but you cannot use freezer halibut & catcher vessel halibut (or sablefish) on the same trip, but you can have fresh halibut and frozen sablefish on the same trip. Motion passes 17/2. In favor: enforcement issues; under logging. Opposed: penalize people who want to freeze P.cod or other species.

### Underage Program

The AP recommends that the Council take steps to incorporate IPHC's suggested underage program for halibut into the regulatory cycle. Motion passed - no opposition.

### Hail Weights Vessel Leaving Alaska

The AP recommends that the Council establish a hail weight system to assist IPHC for first year and be subject to adjustment if necessary. Motion passes - no opposition.

The AP also recommends that the Council ask the staff to develop a range of options to deal with hail weights for vessels leaving the state and establish accuracy parameters. Motion passed - no opposition.

### Other Issues

1. The AP recommends that the Council add IPHC biologists to the list of persons eligible to collect data. Motion passed - no opposition.
2. The AP recommends the Council request NMFS to draft regulations requiring all IFQ species be weighed at landing and entered by total weight and weight sold be entered on the fish ticket. Motion passed - no opposition.
3. The AP requests that NMFS prepare a discussion paper on methods to control fishing for sablefish (and other species) beyond the government's jurisdiction (200 mile). The report should evaluate the use of transponders, mandatory observers, check in - check out, GPS logs, and legal aspects of regulating the U.S. vessels in international waters. Motion passed 20/1
4. The AP requests the Council direct NMFS to develop a comprehensive registry to record titles and liens against Quota Shares. Motion passed - no opposition.
5. The AP recommends that the Council clarify that the entity that existed in 1991 be used for the purposes of determining the nature of the business entity receiving an initial allocation of QS (i.e., individual, partnership, or corporation) in Area 2C or the Southeast Outside. Motion passed 10/9

### Halibut IFQ Implementation Group

The AP recommends that the Council ask the Halibut IFQ Implementation Group & IPHC to draft proposed amendments addressing:

- 1) hailing in requirements,
- 2) hailing out requirements,
- 3) including registration area and vessel identification on card, and
- 3) restricting IFQ holders to fish one regulatory area per trip with possible provisions for small amount of crossover.

Motion passed - no opposition.

### Halibut Longline PSC Cap Suspension:

The AP recommends that the Council ask for an analysis of the proposed suspension of the hook & line halibut PSC cap in the GOA upon implementation of the halibut IFQ program. Motion passed - no objection.

### Block Proposal

The AP requests that after the analysis and proposed rule (for the Modified Block Proposal) are made available for public comment, this issue be scheduled for Council discussion and possible comment to the Secretary at the June meeting. Motion passed - no opposition.

### C-3 Scallops

#### FMP

The AP recommends that the Council adopt Alternative 3, Option 2. Regarding Table 1 on page 4 of the Action Memo for all species which outlines the management measures in each category, the AP recommends that Bycatch be placed in Category 1 and closed waters be placed in both Category 1 and 2.

The AP understands the Section 303 guidelines at (8) require that FMP's . . . "assess and specify the nature and extent of scientific data which is needed for effective implementation . . ." Motion passed - no opposition.

### Scallop Moratorium

The AP recommends that the Council adopt Alternative 2 with the ending date changed from July 31, 1993 to December 31, 1993. In order to fully recognize the long-term investment some participants have in the fishery, and to comply with National Standard 4, we further recommend that the moratorium license be issued to the owner of the vessel at the time the vessel qualified. The intent is that if two owners qualify for a single vessel, the most recent owner qualifies. Each vessel generates only one moratorium license. Motion passed 15/6. Minority Report attached.

The AP recommends that the moratorium include only Weathervane scallops.

Motion passed 11/7.

The AP recommends that the length of the moratorium will be 3 years. Motion passed - no opposition.

The AP recommends that no crossover be allowed. It is not the AP's intent to provide additional opportunities for new entry into other moratorium fisheries or to allow growth in the scallop fishery by allowing crab and groundfish moratorium vessels to participate in the scallop fishery. Motion passed - no opposition

The AP recommends that the Council include the Replacement language on page 5 of the action memo. Motion passed 20-1

The AP recommends that the Council include the Exceptions language on page 5 of the action memo. Motion passes 18/3.

The AP recommends that the Council adopt the Appeals language on page 5 of the action memo.

The AP is concerned about the lack of biological information that is available on the scallop fishery in Alaska. We recommend that NMFS and the Alaska Department of Fish & Game improve the data needed for a stock assessment of the scallop fisheries. We recommend that these agencies collaborate their efforts to collect the following information:

The current observer program funded by the scallop industry be expanded and the data collection to include:

- a) Total catch data including size, weight and age information.
- b) Bycatch information on other species caught in the fishery.
- c) Depth of fishing and water temperature.

Other information needed for the conservation and management of the scallop resources includes:

- information on the habitat alteration over time
- the impact of the scallop fishery on other fisheries

NOTE: the state and NMFS will have the authority to implement area closures in the event of PSC limits being reached or habitat destruction being evident.

Additionally, we request that a scientific biological survey be conducted on the scallop populations throughout the duration of the moratorium. These surveys will involve the federal or state stock assessment scientists and will require a scientist on board during the survey. These surveys will provide needed scientific information including range of species, species abundance and life history information. We encourage industry cooperation and participation in these surveys.

**ADVISORY PANEL  
MINORITY REPORT  
SCALLOP MANAGEMENT**

We are offering this minority report to express views different than those of majority voters on the Advisory Panel in regard to scallop management.

We don't feel the AP adequately addressed the crab bycatch issue - particularly in regard to their opinion that the scallop resource is not fully exploited and that closed areas may provide additional and productive fishing grounds. We believe there is no evidence or indication that the fishery can expand in terms of total annual harvest levels. We believe the opening of closed areas is highly unlikely in the near term and that opening these closed areas any time will be completely dependent on a tightly controlled small fleet. We believe that the testimony showed that the scallop resource is inconsistent from year to year and exhibits great fluctuations over time and that to manage the fishery based on a slice of time in which stocks are relatively abundant in some areas is poor conservation. We believe the exploitation of currently healthy and abundant scallop beds is countered by areas where the resource is well below historical average abundance. We believe expansion of the fishery in some areas is unwise due to bycatch and habitat concerns. The AP did not have the benefit of the SSC's recommendation that the OY for scallops be reduced to the level of maximum annual harvest.

Therefore, we support alternative (a) limiting the vessels during the moratorium period to ten.

Rob Wurm  
Spike Jones  
Steve Drage  
Kevin Kaldestad  
Al Burch

The AP also includes the following research recommendation:

Research Recommendations. Research topics identified in this FMP include: (1) new gear designs to increase efficiency, reduce bycatch, and minimize adverse effects on bottom habitat; (2) estimation of comparative mortality associated with regulation for minimum dredge ring size or minimum shell height; (3) estimation of population abundance and size/age structure; (4) scallop biology, life history, and stock production parameters; (5) analyses of reproductive potential, population thresholds, and recruitment overfishing; (6) investigations into exploitation rates and alternative management strategies; (7) genetic stock structure; (8) economic studies on industry characteristics and performance; (9) social studies; and others.

The AP urges the Council to urge NMFS to forward the moratorium as soon as possible to the Secretary.

Motion passed - unanimous

**C-2 Comprehensive Rationalization Program**

The AP recommends that the Council move forward with analysis of:

1. License limitation including the current Council staff analysis which includes crab and the State of Alaska's proposal to produce one overall license limitation option.
2. IFQ's including the results of the AP's review of the IFQ proposal which was before us in January and the proposal submitted by UCB, IFQ3, and AFTA to produce one overall IFQ option.
3. The proposal from skippers for Equitable Access in the analysis (10/9).
4. The Harvest Priority as a stand alone option with a discussion of its applicability to all fisheries under FMP's and how it relates to other rationalization proposals being analyzed. (14/8).

The main motion was amended to delete language that would have placed all analyses on a parallel track, and to add language which recommends that the Council staff analysis of license limitation be sent out for public review. That motion passed 13/7. A subsequent motion to delete the recommendation to send out the Council staff analysis failed 11/11.

Final vote on Amended Motion: 17/5

**ADVISORY PANEL  
MINORITY REPORT  
C-2 CRP**

The undersigned believe that the final motion as amended does not retain the main intent of the original motion and therefore, we could not support it. The original intent was to move both License Limitation and ITQ's forward on a parallel track for analysis. It was also to analyze incorporation of the state of Alaska's GLS/harvest priority proposal into the AP's January license limitation options as well as incorporation of the UCB/AFTA/IFQ3's proposal into the AP's January ITQ options.

It was felt that with parallel analysis of two streamlined CRP options, the AP could then make an informed decision on which plan best addresses the 14 problems identified in the problem statement.

To proceed on a priority track with license limitation as an interim step to an ITQ system will only delay the ultimate solution to the main problem of overcapitalization, and may exacerbate some of the current problems such as safety, economic instability and bycatch.

David Benson  
Bruce Cotton  
Harold Sparch  
Hazel Nelson  
Mick Stevens

**Sablefish/Halibut CDQ Compensation**

The AP recommends that the Council use the qualifying years of 1988 through 1994 for the sablefish/halibut CDQ compensation rate for area 4E displaced fishermen. Motion passes - no opposition.

### D-3(a) Pribilof Island Trawl Closure

The AP recommends that the Council adopt Alternative 8 closure to bottom trawling.

The motion was amended to include all trawling. Amended motion passes 16/4/2.

Motion passes 16/4.

### D-3(k) Mesh Restrictions

The AP recommends that the Council adopt for draft regulation, the following minimum mesh sizes for the top quarter panel: cod - 6½" single mesh, and pollock - 3 1/4" knot less or 4" square knotted. The AP understands that a phase-in period may be necessary. Motion passes - no opposition.

### D3(h) Salmon Bycatch

#### D-3(h)(1)

The AP recommends that Alternative 3 be adopted as an emergency rule in time for the 1994 season. Motion passes - no opposition.

The AP notes that the source or sources of the Western Alaska chum run failure in 1993 have not been identified and we urge the state and NMFS to initiate research in this regard as well as by the Salmon Foundation. Motion passes 12/3

#### D-3(h)(2)

There was a motion that the Council adopt a PSC hot spot threshold based on the 3-year running domestic mean average of 30,300 chums in the CVOA Area 517 be established, and once achieved, act as a trigger to initiate hot spot authority Option 4. Motion fails 3/10/1

### D-3(c) Total Weight

The AP recommends that the Council instruct NMFS to add the SSC's recommended addition of Option II (a & b) and when that is completed, send the EA/RIR out for public review. This recommendation was developed in a series of motions as follows:

1. The AP recommends that the Council move to send the EA/RIR out for public review.
2. Amendment to include the SSC's recommendations to include an analysis of option II (a) (b) in the SSC's draft minutes on D-3(c) which reads as follows:
  - II. All catch must be weighed on a scale,
    - a. if weighed at sea, all catch must be taken with an observer on board the vessels,
    - b. otherwise, all vessels must retain all catch, including usual discards except for prohibited species, for subsequent weighing at an observed processor,

Amendment passes 7/6/1

3. The AP recommends that the EA/RIR go out for public review.

Motion passes 12/2

Main motion passes 13/1