

North Pacific Fishery Management Council

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Certified by John Bruce
Date 2/5/98

ADVISORY PANEL MINUTES DECEMBER 8-11, 1997 ANCHORAGE, ALASKA

Advisory Panel members in attendance:

Alstrom, Ragnar	Gundersen, Justine
Bruce, John (Chair)	Jones, Spike
Benson, Dave	Madsen, Stephanie (Vice-Chair)
Burch, Alvin	Nelson, Hazel
Cotton, Bruce	Paddock, Dean
Cross, Craig	Roos, John
Falvey, Dan	Stephan, Jeff
Fanning, Kris	Turk, Teresa
Fraser, Dave	Ward, Robert
Fuglvog, Arne	Wurm, Rob
Ganey, Steve	Yutzenka, Grant

Advisory Panel members John Lewis and Lyle Yeck were absent. The Advisory Panel (AP) unanimously approved the minutes from their September 1997 meeting.

C-1 Observer Program

The AP recommends the Council postpone release of the EA/RIR until the additional alternative and information requested below can be incorporated and note industry's willingness to perfect the details of this alternative.

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 recommends the Council request the Secretary of Commerce and the NLRB to clarify and initiate appropriate policy and regulatory action to permit and authorize vessel and plant owners to fully and equally participate in three-party negotiations between the observer's union, vessel/plant owners and observer contractors that addresses observer activities in processing plants and on fishing vessels. Motion carries 10/2/4.

C-2(a) Groundfish/Crab License Limitation Program

The AP recommends the Council initiate an EA/RIR to recognize transfers of vessel history under the License Limitation Program (LLP) except those that occurred after June 17, 1995 and where the owner on June 17, 1995 was unable to document a vessel under Chapter 121, Title 46, U.S. Code. Motion carries 19/0/1.

The AP was noticed that the LLP program may not be in place by 1999. Given that information, the knowledge that there is always the chance of a legal challenge and the fact that the moratorium expires at the end of 1998, the AP urges the Council to move ahead with a rollover of the moratorium. Motion carries unanimously (21/0).

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 (21/0).

The AP recommends the Council initiate an EA/RIR to designate licenses transferred from vessels who used fixed gear to qualify under the LLP as fixed gear only:

- (a) upon issuance, or
- (b) only after transfer.

Motion carries unanimously (21/0).

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

- (a) general umbrella, and
- (b) species endorsement license

for:

- (a) 1995
- (b) 1996
- (c) 1997
- (d) any combination of a, b and c.

Motion carries unanimously (21/0)

The AP requests the Council direct NMFS to include a field in the electronic reporting program for catcher processors to include the name of the skipper. Motion carries unanimously (21/0).

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. Motion carries unanimously (21/0)

Finally, the AP recommends the Council amend the LLP to make qualifying landing requirements for the Western Gulf of Alaska and BS/AI equal to one landing in each of two of the qualifying years (rather than one). Motion carries 15/5/1.

C-3 (b) Review IFQ Proposals

The AP recommends the Council initiate an EA/RIR on the following proposals as recommended by the IFQ Implementation Team:

- Proposal #3: Change use caps from lbs to QS units
- Proposal #5: Redefine regulatory language on “a change in the corporation or partnership.”
- Proposal #17: 10% aggregate leasing

Motion carries unanimously (20/0).

The AP requests the Council, at this meeting, act on the AP recommendation on Indirect Ownership, as excerpted below from the September 1997 AP Minutes:

The AP requests the Council direct staff to develop an EA/RIR on direct and indirect ownership consideration for initial review in December 1997. The AP further recommends the Council request NMFS to continue to use the same interpretation on this issue until final action. Motion carries unanimously.

Motion carries unanimously (20/0).

D-1(a, b) BSAI SAFE & Specifications

The AP recommends the Council approve the 1998 BSAI SAFE document. Motion carries 18/0.

The AP recommends the Council adopt the SSC’s ABCs. Motion carries unanimously.

The AP recommends the Council adopt the TACs provided by industry as shown in Attachment 1. Motion carries 18/3.

Two other motions were made, but failed by close votes. One attempted to change the A/B season split to 35% - 65% respectively (failed 12/8) and the other attempted to set the pollock TAC at 10% less than ABC (failed 11/10).

The AP recommends the Council adopt the Trawl Industry Recommended 1998 BSAI Trawl Fisheries PSC Apportionments and Seasonal Allowances as shown in the table below. Motion carries 18/0.

Fishery Group	Halibut Mortality Cap (mt)		Herring	Red King Crab (animals)	C. bairdi	
					Zone 1	Zone 2
Yellowfin sole	1,005		268	10,000	276,316	1,071,000
Jan 20 - Mar 31		285				
Apr 1 - May 10		210				
May 11- Aug 14		100				
Aug 15 - Dec 31		410				
Rocksole/other flatfish	795		22	75,000*	296,052	357,000
Jan 20 - Mar 29		485				
Mar 30 - June 30		130				
July 1 - Dec 31		180				
Turbot/sablefish/arrowtooth						
Rockfish	75		8			7,000
July 1 - Dec 31						
Pacific cod	1,550		22	7,500	148,224	195,000
Pollock/mackerel/o.species	350		155	7,500	29,408	470,000
Jan 20 - Apr 15		300				
Apr 16 - Dec 31		50				
Pelagic Trawl Pollock			1,239			
TOTAL		3,775	1,714	100,000	750,000	2,100,000

Unused PSC allowances may be rolled into the following seasonal apportionment.

*Red king crab PSC for the rock sole fishery is apportioned 26,250 inside the 56-56° 10' slice, and 48,750 outside. The apportionment of 26,250 RKC for the 10' slice is available on February 1, 1998.

Industry recommends that the opilio cap not be apportioned between fisheries until fishery specific bycatch data from the opilio savings area are available.

The AP further recommends the Council adopt the Non-trawl Industry Recommended 1998 BSAI PSC Bycatch Allowances and fixed gear Pacific cod seasonal apportionments as shown in the table below. Motion carries unanimously.

Fishery Group	Halibut Mortality (mt)	Seasonal Apportionment of Pacific cod (mt)		
		ITAC	Reserve	Total
Pacific cod	840			
Jan 1 - April 30	495	65,000	5,735	70,735
May 1 - Sept 14	40	13,792	1,208	15,000
Sept 15 - Dec 31	305	12,243	1,089	13,332
Other Non-Trawl*	60			
Groundfish pot	Exempt			
Total	900 mt			99,068 mt

Note: Unused PSC halibut from first trimester will be rolled into the third trimester. Any unused cod TAC from first trimester will go into third trimester.

Any halibut PSC removed from CDQ fisheries will be replaced from PSC apportioned from the third trimester.

*Included hook & line fisheries for rockfish and Greenland turbot. Sablefish hook & line fisheries will be exempted from the halibut mortality cap. Jig gear will also be exempted from the halibut mortality cap.

The AP recommends the Council allocate 100% of the pollock TAC to pelagic gear. Motion carries 11/7. This motion was later reconsidered and rescinded. Motion carries 10/6/1.

MINORITY REPORT
D-1 (b) BSAI Specifications - Pollock TAC

We, the undersigned, support a pollock TAC in 1998 of 990,000 metric tons. While we recognize the work of NMFS and the Plan Team in setting an ABC, it is the job of the Council (and the AP as its advisors) to use our own caution, instincts and experience to set catch limits. A more conservative catch level may be warranted given that the status of the EBS pollock stock is, at best, only slightly improved from previous assessments, and the prognosis for the near term future is extremely uncertain at best. Specifically, a more conservative catch limit may be warranted to take into account potential increasing Russian harvest of EBS juvenile pollock in the Navarin Basin (reported and unreported), the poor age structure of EBS pollock stock and the fisheries continued reliance on a single year class, poor recruitment information which appears to rely heavily on a moderately strong 1996 year class which may actually be only average even if this class survives to maturity to sustain the stock, and the increased temporal and spatial concentration of pollock catch in the EBS.

Signed: Steve Ganey
 Dean Paddock
 Dan Falvey
 Arne Fuglvog
 Teresa Turk
 David Fraser

D-1 (c-e) GOA SAFE & Specifications

The AP recommends the Council accept the GOA 1998 final SAFE document. Motion carries unanimously (20/0).

The AP recommends the Council adopt the 1998 ABCs which is reflected in Attachment 2. Motion carries 20/0.

The AP recommends the Council adopt the TACs for 1998 as listed in Attachment 2. Motion carries 19/3.

The AP recommends the Council adopt the trawl gear and hook and line PSC halibut limits as shown below Motion carries 21/0.

Trawl gear			Hook and Line		
1st quarter	600 mt	(30%)	1st trimester	250 mt	(86%)
2nd quarter	400 mt	(20%)	2nd trimester	15 mt	(5%)
3rd quarter	600 mt	(30%)	3rd trimester	25 mt	(9%)
4th quarter	400 mt	(20%)	DSR	10 mt	
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2,000 mt			300 mt		

Quarter	Shallow water	Deep water	Total
	Complex	Complex	
1	500 mt	100 mt	600 mt
2	100 mt	300 mt	400 mt
3	200 mt	400 mt	600 mt
4	No apportionment		400 mt

The AP recommends the Council adopt the IPHC recommendations for preseason assumed DMRs for monitoring halibut bycatch mortality in 1998 (Attachment 3). Further, the AP recommends the Council request the IPHC to prepare a report to explain changes in halibut mortality estimates. The report should discuss factors contributing to the increase by haul size, processing mode, seasons, and other factors relevant to differences between vessels and fisheries. Also, that the study currently being done by the IPHC on halibut mortality be reported to the Council, SSC and AP for review next meeting. Motion carries unanimously.

MINORITY REPORT
D-1 (d) GOA Specifications - Pollock TAC

We, the undersigned, oppose setting the GOA pollock TAC equal to ABC in 1998. With roughly a 60% increase in the 1998 ABC,, establishing a conservative buffer between the ABC and TAC would account for conservation concerns presented in the SAFE document while still providing an increase in the TAC available to industry. A conservative buffer between the ABC and TAC may be warranted to take into account the following conservation concerns:

1. The relatively low level of pollock total biomass;
2. The dramatic increase in Central Gulf ABC while the Stellar sea lion population continues to decline in the area;
3. The effect of below average recruitment of pollock in future years which could result in a rapid decline in the pollock stock. Projected below average recruitment of pollock in the 1996-1999 year classes suggests the female spawner biomass will fall below B40% by 2000 and total biomass will be reduced by 50% by 2001;
4. Current female spawner biomass levels and the spawning potential ratio are at the lowest estimated levels since 1973, and;
5. Current information indicates that fishing rates may now be higher than at the peak of the fishery.

Signed: Teresa Turk Steve Ganey Dean Paddock

D-2 Scallop Management

The AP recommends the Council adopt Alternative 2. Motion carries 19/1/1.

D-3 Groundfish Amendments

(a) Western/Central GOA stand-down/preregistration.

The AP recommends the Council send out for public review, the EA/RIR on Amendment 52/52 (vessel preregistration and 48-hour stand-down), with the addition of:

1. A range of stand-down alternatives from 48 to 96 hours.
2. Options for calculating the stand-down period:
 - (a) gear up or not fishing
 - (b) delivery or check-in at port
3. Stand-down applicable to
 - (a) all trawl vessels
 - (b) only trawl catcher vessels

The AP further recommends Alternative 3 apply only to pollock and Pacific cod trawl fisheries. Motion carries unanimously (21/0)

(c) Shortraker/Rougheye - allocation to fixed gear.

The AP recommends the Council send out for public review, Amendment 53 (allocate shortraker/rougheye rockfish in the Aleutian Islands subarea between vessels using trawl and non-trawl gear). Motion carries 18/0.

D-4 Groundfish Issues

(a) Limited Processing for Catcher Vessels (BSAI/GOA)

The AP recommends the Council initiate an EA/RIR allowing limited processing for catcher vessels in the BSAI/GOA with the following options:

- Option 1: Allow processing of bycatch amounts of any groundfish species up to the directed fishing standards.
- Option 2: Allow processing of an species, excluding pollock as a target species,
 - a. up to 5 mt round weight per day
 - b. up to 18 mt round weight per day for vessels greater than 60 ft

Motion carries 20/1.

(f) Pollock "B" Season

The AP recommends the Council leave the pollock "B" season opening on September 1. Motion carries 19/3.