

North Pacific Fishery Management Council

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Certified J. Bruce

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ADVISORY PANEL MINUTES JUNE 5-8, 1994 ANCHORAGE, ALASKA

Advisory Panel members in attendance:

Bruce, John (Chair)
Benson, Dave
Burch, Alvin
Cotton, Bruce
Jones, Spike
Madsen, Stephanie
Maloney, Pete
Nelson, Hazel

Paddock, Dean
Roos, John
Sevier, John
Stevens, Mick
Sparck, Harold
Stewart, Beth (Vice Chair)
Wurm, Robert

Absent were Steve Drage, Dan Falvey, Kevin Kaldestad, David Little, Doug Ogden, Penny Pagels and Bryon Pfundt.

C-1 Research Plan

The AP recommends that the Research Plan be tabled until such time as we have an opportunity to see what Congress does with User Fees in connection with the MFCMA reauthorization.

The AP further identified the following concerns that need to be addressed before implementation of the Observer Plan.

1. That during the Reauthorization of the Magnuson Act, the North Pacific Fisheries Research Plan be renamed the North Pacific Fisheries Observer Plan.
2. The AP opposes the proposed rebate plan and instead strongly recommends that a company or vessel owner simply deduct observer payments from Research Plan fees dues on a bimonthly basis.
3. The AP recommends that there should be a single integrated observer program and training program for all crab and groundfish programs. The AP asks that NMFS prepare a budget that demonstrates all efficiencies such a program would provide.
4. The AP recommends that an annual independent (non-governmental) audit of the program be required.

5. The AP recommends that fisheries subject to new user fees like those proposed in Commerce's Magnuson Act Amendments, be exempted from the Observer Program fees.
6. The AP also recommends:
 - * Looking at the use of differential prices by various sectors, at least for some species. The following specific recommendations were made: (1) for pollock and rock sole in the BSAI, different prices for shorebased, mothership, and catcher/processors, (2) differential prices for GOA pollock and BSAI pollock, (3) seasonal differences for pollock and rock sole, (4) differential prices for Pacific cod by gear type, and (5) differential prices for red king crab by area.
 - * In setting standardized prices, some of the seasonal variations would be more accurately captured by using six month standards (as with the VIP program) instead of annual standards.
 - * Meal plant fish should be treated as non-retained catch and considered exempt from assessment at this time.
 - * The methodologies employed in making the fish price projections should be reviewed by the SSC.
7. The AP recommends that the industry members of the *Observer Oversight Committee* also be members of the *agency work group*.
8. The AP recommends that industry members be part of the budget committee.
9. The AP finally recommends that a technical committee be set up to address the issue of insurance for observers.

Motion passes 13/0/1.

The AP requests that the Council draft a letter to the Secretary of Commerce that directs the Secretary to consider Magnuson Reauthorization language that guarantees that the Observer Plan (aka The Research Plan) fees are deducted up front from any future user fee assessments under section 305d(2) for observer coverage, industry capital buybacks, management fees, etc., considered during any reauthorization process.

C-2 Sablefish/Halibut IFQs

The AP recommends that the Council adopt the suggestions contained in the Draft Minutes of the IFQ Industry Implementation Team dated May 11-12, 1994, with the following exceptions:

The AP supports the creation of a central registry either within NMFS or through the private sector. Passes - no opposition.

The AP reserves comment on the deletion of the longline PSC cap in the GOA until the September Council meeting when the analysis is available. Passed 11/2.

The AP recommends that a WAFDA representative be appointed to the IFQ Industry Implementation Team. Passed 8/5.

The AP recommends that the Council advise the Secretary that after analysis it is clear that the block proposal is unworkable and particularly detrimental to the small boat fishery. Therefore, this amendment to the IFQ regulations should not pass. Passes 12/2.

The whole package carried 11/3.

There was a motion to delete the request by CBSFA to have a discussion paper drafted in relation to changing the nature of the CDQ program. This motion failed 8/5.

The following minority report is in response to that vote.

**ADVISORY PANEL
MINORITY REPORT
C-2 Sablefish/Halibut IFQs**

1. The IFQ Industry Implementation Team accepted a CB SFA initiative as a representation of all CDQ interests.
2. The position advanced in the discussion paper is not the position of the CDQ groups.
3. The discussion paper would include points that are not considered valid by the other five CDQ groups and could prove detrimental to the CDQ program as it now exists.
4. The Minority requests that the Council reject the Implementation Team recommendation that a discussion paper be developed regarding changes in the CDQ program.

Signed by:

Hazel Nelson Dave Benson
Harold Sparck Mick Stevens
Dean Paddock

C-3 Comprehensive Rationalization Planning (CRP)

The AP recommends that the staff continue to work on the analysis as is, and has no changes to recommend. Passes - no opposition.

D-2(a) Directed Fishing Standards

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

1. include part C of alternative 2 with the exception of rockfish which would remain in the aggregate,
2. include part D of alternative 2,
3. include Option 1 of alternative 2 with the exception of rockfish which would remain in the aggregate,
4. alternative 3, part A - change the DFS for sablefish to 15%,
5. alternative 3, part B - include deepwater flat fish, flathead sole and rexsole and change the DFS for Greenland turbot to 20%.
6. alternative 3, part D - include turbot.

Finally, the AP recommends that the Council direct its Executive Director to send a letter to the Plan Team concerning breaking flathead sole out from the "Other Flats" category in the BSAI and give it a separate TAC. Motion passes - no objection.

Supplemental explanation of AP motion above:

1. Rockfish was exempted from this provision because of overfishing concerns. A DFS for each species rather than in the aggregate could encourage "topping off" and potentially allow greater retention of rockfish species on bycatch status than is currently allowed.
2. Refer to EA/RIR, page 2 of the Executive Summary.
3. Refer to EA/RIR, page 2 of the Executive Summary. The rockfish exemption from this provision was done for the same reasons as stated above in item #1.
4. The original proposal in Alternative 3 set the DFS for sablefish at 10% which is 5% less than is currently allowed for trawlers in the Gulf of Alaska. Historically, trawlers have not taken their TAC for sablefish and it seemed unnecessary to reduce their allowable bycatch for a species which is bycatch only in the Gulf of Alaska and primarily bycatch in the Bering Sea and Aleutian Islands. The hook and line DFS for sablefish in the GOA is currently 4%. When this regulatory amendment goes into effect in 1995, hook and line sablefish will be under the quota system.
5. . . . "include deepwater flatfish, flathead sole and rexsole. . . ." This provision is to provide trawlers fishing deepwater species with additional targets to retain turbot against. The original proposal listed sablefish and rockfish only as targets and since these species are primarily on bycatch status for trawlers, it would have provided a defacto allocation of turbot to the hook and line fleet. Due to the small TAC on turbot in the BSAI, it was felt that future management of this species would be to possibly treat it as a bycatch species.

The change from 35% in the original proposal to 20% was done as a friendly amendment which was made by a longline representative on the AP. The reasoning was that 35% was too high, particularly for the trawl fleet, and since the proposal is intended to simplify current DFS it would make trawl and hook and line DFS the same.

6. Including turbot in this provision was done to make it coincide with all the other deepwater species listed (deepwater flatfish, rex sole, flathead sole, sablefish and rockfish). A 15% DFS of rockfish against turbot is closer to a true bycatch amount than the 5% provided in the original proposal.

D-2(b) Pollock "A" Season

The AP recommends that the Council change the start date of the offshore pollock A season to January 26 and include a 10-day waiting period for vessels fishing in BSAI or GOA trawl fisheries or in BSAI crab fisheries prior to January 26 so that any such vessels could not enter the A season offshore pollock fishery until after February 5th. CDQ vessels fishing before the start of new A season date would not be subject to this regulation. Motion passes - no opposition.

D-2(c) Total Weight Measurement

The AP recommends that the SSC's recommendation (III) in its April minutes be included in the analysis. Weight may be determined within a specified range of accuracy by any approved procedure, e.g. volumetric, as long as such methods were verified by weight. Motion passes 12/2.

D-2(d) Salmon Bycatch/Food Banks

The AP recommends that the Council send the EA/RIR for Amendments 26 & 29 out for public review. (Retention & processing of salmon taken as trawl bycatch). Motion passes - no opposition.

D-2(e) IPHC Report on Grid Sorting Experiment

The AP recommends that the Council proceed with an analysis of the proposal submitted by IPHC. Passes - no opposition.

D-2(f) Opilio Bycatch

The AP recommends that the Council seek further analysis of this issue including information on: (1) historical bycatch by fishery, (2) breeding habitat, (3) bycatch mortality, (4) percentage of total biomass, (5) percentage of TAC, (6) information on age composition and adult equivalents (distribution by age), (7) bycatch avoidance potential like the Sea State Program, and (8) observer methodology and identification. Motion passes - no opposition.

D-2(g) Electronic Reporting & Record Keeping

The AP recommends that the Council refer this subject to a committee to develop additional alternatives before proceeding further. The AP would like to see alternatives that examine such things as report pools. Motion passes - no opposition.

D-2(h) Trawl Mesh Restrictions

The AP recommends that the Council direct the Regional Director to prepare a regulatory amendment to establish:

1. A single layer, single mesh, 6" minimum mesh size on the top quarter panel of the cod ends used in the BSAI rock sole fishery;
2. A single layer, single mesh 4" (or comparable) minimum mesh size on the top quarter panel of the cod ends used in the GOA & BSAI pollock fisheries;
3. A single layer, single mesh 8" minimum mesh size on the top quarter panel of the cod ends used in the BSAI cod fisheries; and
4. A single layer, single mesh 6" minimum mesh size on the top quarter panel of the cod ends used in the GOA cod fisheries.

In addition, the AP recommends that the industry committee meet as soon as possible to review VIP rates and that this package move forward at this meeting. The AP established a committee consisting of:

Spike Jones (Chair)
Dave Benson
Chris Blackburn
Al Burch

John Henderschedt
Steve Hughes
Dave Olney
John Roos

The AP also recommends that the Council direct the Regional Director to prepare a regulatory amendment to separate rock sole from the O. flat category in order to provide greater flexibility during the semi-annual setting of guidelines under the VIP program.

The AP feels very strongly that this regulation should move quickly. It begins to respond to national bycatch and waste reduction concerns. Passes - no opposition.

D-2(i) GOA Seamount Restrictions

The AP recommends that the Council task a work group to develop regulations as quickly as possible that regulate U.S. vessels fishing in international waters using such means as observers, permits, transponders, etc. The AP also recommends that the Council instruct NMFS to address management issues surrounding the development of fisheries in international waters. Motion passes 13/1.

Substitute motion: The AP recommends that the Council prohibit activities beyond EEZ until the NMFS produces a research program to collect biological data to determine if U.S. Nationals could prosecute a high seas fishery. Motion fails 2/12.

Marine Mammal Team

The AP nominates John Roos and Harold Sparck to the regional scientific review groups being formed under the MMPA.