

# North Pacific Fishery Management Council

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Certified by John Bruce

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## ADVISORY PANEL MINUTES SEPTEMBER 22-26, 1997 SEATTLE, WASHINGTON

Advisory Panel members in attendance:

Alstrom, Ragnar	Jones, Spike
Bruce, John (Chair)	Lewis, John
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	Yeck, Lyle
Gundersen, Justine	Yutzenka, Grant

The Advisory Panel unanimously approved their June 1997 meeting minutes.

### C-1 Inshore/Offshore

The AP recommends the Council adopt the problem statement from June 1997 minutes (page 1). Motion carries 18/2/2.

The AP recommends the Council adopt the following problem statement for the Gulf of Alaska:

Allowing the current Gulf of Alaska Inshore/Offshore allocative regime to expire December 31, 1998, would allow the same preemption of resident fleets by factory trawlers in the pollock and Pacific cod fisheries which occurred in 1989. It was this dramatic preemption which triggered the original proposal for an inshore/offshore allocation. In 1989, there was still pollock available in the Bering Sea when the preemption occurred when vessels moved into the Gulf to take advantage of fish with high roe content.

A rollover of the current Gulf of Alaska inshore/offshore program which allocates 100% of the pollock and 90% of the Pacific cod to shore-based operations is a proactive action to prevent the reoccurrence of the original problem.

Motion carries unanimously.

The AP recommends the Council analyze the following alternatives:

Alternative 1: No Action. Allocations would expire at the end of 1998

Alternative 2: Rollover existing Inshore/Offshore Program including:

\*GOA Pollock and Pacific cod allocations

\*65/35 BSAI Pollock Allocation

Suboption a: 1 yr

Suboption b: 3 yrs

Option: Reserve set aside for catcher vessels less than 125 feet

Range of between 40-65% of the inshore quota

Alternative 3: Allocation range to catcher vessels delivering to:

Inshore sector	25	30	40	45
True Motherships	05	10	10	15
Factory Trawlers & Factory Trawlers	70	60	50	40

Option: Reserve set aside for catcher vessels less than 125 feet

A range of between 40-65% of the inshore and mothership sector quotas

Allocation would be analyzed such that the True motherships would be looked at as a sub-component of either the inshore or offshore component or as a separate component.

Use definitions provided by staff for inshore, offshore, and true motherships.

Also included:

1. Catcher Vessel Operational Area (CVOA) be included both as applying during A & B season with an examination of motherships in CVOA exclusively as well as excluded from CVOA.
2. No CVOA
3. a. No Sunset date, but is intended to serve as an interim measure until the CRP has been completed.  
b. 3 year sunset.

Additionally, the Council would undertake an extensive study of the problems in the BSAI pollock fishery, including but not limited to those addressed by the existing inshore/offshore program and including Alternative 3 options. Motion passes 14/6.

The AP recommends the I/O analysis identify and examine potential conservation impacts on fish stocks, marine mammals and other marine resources that may result from status quo, or any changes in the structure of the fishery as well as other recommendations made by the SSC in their June 1997 minutes. Motion carries 18/0/1.

The AP recommends the current CDQ allocation be separated from the inshore offshore 3 amendment and proceed on its own course to be combined with the Multi-species CDQ program as a permanent allocation. Motion carries 18/1/2.

MINORITY REPORT  
C-1 Inshore/Offshore

We the undersigned Advisory Panel members believe that the options should be limited to Alternative 1 and 2. The range of allocations in Alternative 3 require a full cost and benefit analysis, and scope of study and analyses which cannot be accomplished adequately by June of 1998. The Council should treat inshore/offshore as an interim measure and devote the time and staff for accomplishing CRP.

Signed: Craig Cross  
Dave Fraser  
Kris Fanning  
Hazel Nelson  
John Bruce  
Dave Benson  
Rob Wurm

**C-3 Halibut and Sablefish IFQs**

*(a) Ownership Requirements for Hiring a Skipper*

The AP moved to table this agenda item until the December 1997 meeting with directions to staff to reanalyze the Odegard proposal (Alternative 2) with the correct interpretation of the proposal's intent. Motion carries 13/7.

*(b) Weighmaster Program*

The AP does not believe, at this time, an industry funded weighmaster program is necessary. The AP further recommends supporting efforts to replace lost personnel at NMFS enforcement. The AP notes this motion is not to be interpreted to deter NMFS from pursuing a federally funded program. Motion carries 18/4.

*(c) Sablefish Rolling Closure*

The AP recommends the Council send out the rolling closure EA/RIR for public review and schedule final action in September 1998. Additionally, at the September 1998 meeting the AP would like to receive a report from NMFS on the success of an additional year of voluntary compliance with the reordered sablefish longline survey in 1998. Motion carries unanimously.

*Indirect Ownership*

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.

## **C-4 Halibut Charter and Other Halibut Issues**

### *(a) Halibut Charterboat Management*

The AP recommends the Council adopt Alternative 2 (to implement recordkeeping and reporting requirements) including the following:

1. catch figures (retained and released)
2. location of catch
3. number of clients
4. resident or non-resident
5. ownership of vessel and identity of operator

The AP endorses ADF&G's willingness to gather and monitor data collected and further recommends the Council:

1. Utilize the Council/Board of Fisheries partnership to facilitate the development of local area management plans for the marine fisheries that occur in the vicinity of the coastal communities of Alaska including other recreation fisheries.
2. Refer other sport halibut issues and the issues relating to the halibut fisheries that occur in the immediate vicinity of the coastal communities, including a moratorium on new entrants in the fishery, to the joint Council/Board of Fisheries committee as outlined in the draft ADF&G/BOF committee report.

The AP recognizes the Council and Secretarial approval is required for all measures. The AP requests Council review the protocols used by the Board of Fisheries to develop local planning and receive an annual update on issues.

Motion carries 18/0/1.

The AP recommends the Council establish a guideline harvest level (GHL) for the charter sport industry including charterboats, lodges and outfitters, in IPHC areas 2C and 3A. The guideline harvest level shall be:

1. Set at 125% of the 1995 guided harvest level by IPHC area for 2C and 3A (as indicated in Table 1.2 of the Halibut Charterboat EA/RIR - Attachment 1);
2. Be expressed as a percent of the area TAC;
3. Managed to maintain a stable charter season of historic length, using state-wide and zone specific measures. These measures will be developed in cooperation with the BOF and the regional charter industry representatives and submitted to the Council for review and approval. When end-of-season catch data indicates that the guided sport industry may reach or exceed the GHL in the following season, NMFS shall implement the preapproved measures to slow down guided sport harvest (i.e., ensure that the GHL is not exceeded).

Motion carries 11/6/1

MINORITY REPORT  
C-4(a) Halibut Charterboat Management

We, the undersigned Advisory Panel members believe that the motion to establish a Guideline Harvest Level on the charterboat guided recreational harvest is unnecessary for the following reasons:

1. 125% of the 1995 harvest level is based on incomplete estimations and does not reflect the growth of demand that has occurred or increase in TAC that has also occurred.
2. There is no biological reason to warrant establishing a GHL for public access.
3. Unnecessarily restricts the charter businesses the ability to provide reasonable assurances of public access for the upcoming season.
4. The meaningful harvest level can only be provided based on data to be collected by a Council approved process. The present data is incomplete and suspect.
5. The consumer that will be impacted by any adjustments in management of their access have not been provided opportunity to affect this motion.
6. If the GHL is necessary, we feel it should apply to both guided and non-guided recreational fishers. This has the potential of affecting over 400,000 people in the country including subsistence fishers.
7. This action places increased and disproportionate burdens on the charter industry without cause. This seems especially inappropriate given the Council recently expended tremendous expense and effort to remove burdens from the longline industry.
8. By voting in favor of the charterboat cap you are limiting the ability of the industry to develop in Alaska. There is no economic or biological data to warrant a restriction on charterboats that also affects the entire tourist industry in Alaska. Do not buy into this concept thinking it would optimize maximal benefit of the halibut resource.

Signed:     John Lewis  
              Robert Ward  
              Teresa Turk

*(c) Sitka Sound Management Plan*

A motion recommending Council adopt Alternative 2 including suboption for Sitka residents only was on the table when a motion to delete the suboption failed 5/7/1, but reconsideration to delete suboption passed 8/5 and motion to delete suboption passed 8/5.

A motion to table to allow the Sitka Task Force to further refine suboption an delay action until action is taken on Halibut Subsistence passed 14/1/1.

## **C-5 Magnuson-Stevens Act Revisions**

### *(b) North Pacific Loan Program*

The AP recommends the Council adopt the North Pacific Loan Program with the following conditions:

1. The fees for the loan program be based only on the IFQ fishery.
2. The division between “small boat” and “entry level” be 50/50. This level should be considered a target and adjusted as demand indicates to fully disperse the funds available.
3. Poundage limits be considered as an aggregate of total sablefish and halibut holdings.
4. The AP concurs with the amendment as drafted creating no functional difference between entry level and small boat. To limit second generation entrants to loans for 8,000 pounds while allowing current participants loans for 50,000 pounds is inconsistent with the intent of the program. To drop the 150-day requirement is inconsistent with Council intent for experienced, professional second generation buyers of QS.

Motion carries unanimously.

### *(c) Proposals for Bycatch Reduction Measures*

To satisfy the Magnuson-Stevens Act, the AP recommends the Council direct staff to begin analysis of three FMP amendments to meet the bycatch reduction statutory deadline of October 11, 1998.

1. Proposal #12 amended to include a review of chinook bycatch management regime:
  - (a) sampling methodology/estimation procedures
  - (b) fishery specific area closures and triggers
  - (c) discreet hot spot closure
2. Individual analysis of proposal #2.
3. An amendment proposal combining proposals #5 and #13.
4. Proposal #3

The AP recognizes that proposals #5 and #13 as stand-alone proposals are insufficient because they only address mortality rather than avoidance. The AP recommends including proposal #3 or some other avoidance measure to the FMP analysis of proposals #5 and #13.

Motion carries 15/6.

## **C-9 Vessel Bycatch Accountability (VBA)**

The AP recommends the Council have the committee continue its efforts. Further, the AP requests the Council:

1. have NOAA GC address the legal issues including enforceability, and
2. have the committee examine the effects of the VBA program on the current observer program.

Motion carries unanimously.

## **D-2 BSAI Groundfish Issues**

### *(a) Shortraker/Rougheye Rockfish*

The AP reiterates its recommendation (June 1997 minutes) that the Council direct NMFS to set aside 30% of the TAC for Aleutian Islands shortraker/rougheye at the beginning of each fishing season for the longline fisheries for bycatch only. On, or about, November 1 of each year any excess shortraker/rougheye in the longline quota may be rolled over to the trawl fisheries. The AP again requests the Council take the necessary action (i.e., emergency rule or fast-track) to get this in place by 1998.

The AP further recommends the Alternative 2 option of 7% maximum retainable bycatch (MRB) relative to the deepwater complex and 2% MRB relative to the shallow water complex.

Additionally, the AP recommends separating out shortraker/rougheye from the rockfish complex for purposes of the MRB.

Motion carries 16/0.

## **D-3(a-c) BSAI Specifications and SAFE**

### *(a) BSAI SAFE*

The AP recommends the Council release the 1998 BSAI SAFE document for public review. Motion carries unanimously.

### *(b) 1998 Groundfish and Bycatch Specifications*

The AP recommends the Council adopt the preliminary BSAI groundfish specifications for 1998 as listed in the plan team minutes (1998 ABCs and 1997 TACs), except Bogoslof pollock ABC which would be 8,400 mt. The AP recommends the following be rolled over:

- Pollock A and B seasons rollover the same percentage (45/65%) as in 1997
- Pelagic/non-pelagic pollock (no allocation)
- Seasonal apportionment for fixed gear Pacific cod would be the same as 1997
- Bycatch allowances be moved as annual amounts except for rockfish which would be 0 in the first quarter with the remainder apportioned throughout the rest of the year, including the apportioned red king crab inside the 10" strip.

Motion carries unanimously.

### *(c) VIP Rates*

The AP recommends the Council rollover the VIP rates from 1997. Motion carries unanimously.

### **D-3(d-e) GOA Specifications and SAFE**

#### *(d) GOA SAFE*

The AP recommends the Council release for public review the 1998 GOA preliminary SAFE documents. Motion carries unanimously.

#### *(e) GOA Specifications and Halibut Discard Mortality Rates*

The AP recommends the Council adopt the preliminary GOA groundfish specifications as listed in the document (1998 ABCs and 1997 TACs) with the exemption of pollock where the 1998 ABC be used as the 1998 TAC. The AP further recommends the Council adopt PSC limits for halibut the same as 1997 without the seasonal apportionments for both trawl and hook and line. Motion carries unanimously.

### **D-4 Scallop Plan**

The AP recommends the Council release Amendment 3 for public review with Alternative 2 noted as the preferred alternative. The AP requests Council have staff highlight the Council's inability to modify the State permit or modify the Federal permit at time of final action on this issue. Motion carries 16/0/1.