

# North Pacific Fishery Management Council

James O. Campbell, Chairman  
Jim H. Branson, Executive Director

411 West 4th Avenue  
Anchorage, Alaska 99510



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

Telephone: (907) 274-4563  
FTS 271-4064

Certified by: Tommy Branson

Date: 9.24.86

## ADVISORY PANEL MINUTES June 23-24, 1986 Kodiak, Alaska

The Advisory Panel for the North Pacific Fishery Management Council met at the Kodiak Community College on June 23-24, 1986. The following members were present:

Larry Cotter, Chairman  
Robert Alverson  
Rupe Andrews  
Terry Baker  
Alvin Burch  
Barry Fisher

Ron Hegge  
Oliver Holm  
Richard Lauber  
Nancy Munro  
Julie Settle  
Thorn Smith

Walt Smith  
Tom Stewart  
Richard White  
Dave Woodruff  
John Woodruff

Minutes of the March 17-19, 1986 Advisory Panel meeting were approved as read.

The AP discussed the Chairman's letter recommending rules concerning minority reports. Some members felt that the recommendation of five people being required to file a minority report was too excessive.

Moved and seconded: It shall be the AP's policy that all minority reports will be individually signed by members who are submitting the report, that more than one signature is required in order for it to be presented to the Council, and that it will be no longer than one type written page.

The motion carried 11 to 5.

### B-1 Executive Director's Report

Jim Branson requested the AP to review two draft letters concerning PICES and high seas salmon research funding. Both letters were endorsed unanimously by the AP.

Japanese Fishery Allocation. The AP discussed the APSIC letter and Japan's recent request for additional early releases of TALFF allocations from Reserve. There was discussion among the AP regarding compliance and non-compliance by Japan with the Industry to Industry agreement.

Moved and seconded: The AP recommends that future releases of TALFF to Japan from Reserves be linked to signed purchase agreements and that the amount released be equal to a one-to-one ratio of reserves to signed purchase agreement, with the caveat that in no event will Pacific cod be released except as a bycatch.

It was the sense of the AP that none of the tonnage set aside for DAH be transferred to TALFF at this time.

The motion carried 9 to 7.

C-1 Legislative Update

Federal Marine Recreational Fishing Fees. The AP recommends the Council respond in the strongest possible terms in opposition to any recreational licensing fee scheme. The motion carried unanimously.

Americanization Committee. Ron Miller reviewed the results of the Americanization Committee's efforts. The AP reached a consensus in which it would not take action on any of the Americanization Committee's recommendations, proposals, or consensus points and deferred the entire subject to the Council.

C-2 Domestic Observer Program

Ron Miller reported on the results of the Domestic Observer Committee meeting.

Barry Fisher explained a concept in which fishermen would voluntarily participate to partially fund a foundation which would in turn provide observers. Barry noted that the workgroup would continue to study this further.

C-4 Commercial Research Charters

Pat Travers presented NOAA General Counsel's position on commercial research charters. The AP took no formal action but expressed considerable chagrin and exasperation over what should be a very simple problem that has been made complicated because of perceived legal problems. It was the sense of the AP that these legal problems be resolved as soon as possible so that commercial research charters can replace the dwindling foreign effort. The AP complimented Pat on his efforts to bring common sense to the process.

D-1 Salmon FMP

The AP reviewed the various options available for future Council involvement in salmon management. The Chairman read a letter presenting the position of the Alaska Trollers Association.

Moved and seconded: The AP requests the Council to explore ways to allow the State to continue its role in salmon management with Council involvement as necessary through adoption of a Joint Statement of Principles. The motion carried unanimously.

It was the feeling of the AP that options 1 and 5 were unacceptable because 1 would allow new entrants and 5 would close the FCZ to all salmon fishing.

It was the sense of the AB that none of the concepts set aside for DAB be transferred to TABP at this time.

The motion carried 9 to 0.

6-1 Legislative Update

Federal Marine Recreational Fishing Base. The AB recommends the Council support the strongest possible terms in legislation for any recreational fishing base. The motion carried unanimously.

Administration Committee. Ron Miller reviewed the results of the Administration Committee's efforts. The AB reached a consensus in which it would not take action on any of the Administration Committee's recommendations, proposals, or consensus points and referred the entire subject to the Council.

6-2 Domestic Observer Program

Ron Miller reported on the results of the Domestic Observer Committee meeting. Harry Fisher explained a concept in which fishermen would voluntarily participate to partially fund a foundation which would in turn provide observers. Harry noted that the working would continue to study this further.

6-3 Commercial Research Observers

Pat Travers presented NOAA General Counsel's position on commercial research observers. The AB took no formal action but expressed considerable concern and expectation over what should be a very simple program that has been made complicated because of unneeded legal programs. It was the sense of the AB that these legal programs be resolved as soon as possible so that commercial research observers can replace the dwindling foreign effort. The AB complimented Pat on his efforts to bring common sense to the process.

6-4 Salmon PSC

The AB reviewed the various options available for future Council involvement in salmon management. The Chairman read a letter presenting the position of the Alaska Trout and Salmon Association.

Moved and seconded: The AB requests the Council to explore ways to allow the State to continue its role in salmon management with Council involvement as necessary through adoption of a Joint Statement of Principles. The motion carried unanimously.

It was the feeling of the AB that options 1 and 2 were unacceptable because they would allow new permits and 2 would close the RCB to all salmon fishing.

D-2 Tanner Crab FMP

Moved and seconded: The AP recommends the Council send out the entire package of alternatives for public review. The AP also recommends that NMFS be prepared at the September Council meeting to show how they could correct procedural problems with the plan should the Council eventually accept Alternative 3. The motion carried unanimously.

D-3 King Crab FMP

Moved and seconded: The AP expressed its satisfaction with State management of king crab and requests the Council to further explore options with the State which would result in the continuation of State management. The motion carried 12 to 3.

D-4 Gulf of Alaska Groundfish FMP

The AP recieved a staff report as to the revised composition of the Amendment 15 package scheduled for public review. Due to comments recieved from NMFS and the industry pertaining to frameworked management measures, and the apparent likelihood that some of the frameworks in their present form are too general and would not be approved, the staff made the decision to include in the amendment package only those measures that are critical for management of Gulf groundfish in 1987. The five components were: (1) new management goals and objectives, (2) an administrative framework for setting annual quotas, (3) a redefinition of catcher/processor and mothership/processor for purposes of compliance to reporting requirements, (4) a time/area closure scheme to protect Kodiak king crab from bottom trawls, and (5) a revised field order authority for management inseason. The other elements that were originally included in Amendment 15, will be developed further and will be brought to the Council next spring as Amendment 16.

The AP discussed the proposed objectives and identified areas of confusion. The comments were passed along to the Council's Goals Workgroup.

The panel then focused its discussion on the remaining four issues of the amendment package and their respective alternatives.

Ron Dearborn presented the report of the Industry Trawl/King Crab Bycatch Workgroup to the AP. The AP then discussed the issue of king crab bycatch in the Kodiak bottom trawl groundfish fisheries (problem 3 in the Amendment 15 package). Some members felt the area around Marmot Flats was too small.

Moved and seconded: The AP recommends that an additional alternative be added to Amendment 15 which would use the area suggested by the Council for the emergency closure as a Type I area (closed all year). The motion carried 11 to 6.

The majority felt the above motion would assist the public comment process and does not intend the motion to reflect dissatisfaction with the workgroup's efforts.

B-1. General Fund

Moved and seconded: The AF recommend the Council accept the entire package of proposals for public review. The AF also recommend that WATS be prepared at the Legislative Council meeting to show how they could correct procedural problems which the staff should be Council eventually carry out. Alternative 3. The motion carried unanimously.

G-2. State Management

Moved and seconded: The AF expressed its satisfaction with state management of the State and request the Council to further explore actions with the State which would result in the continuation of state management. The motion carried 10 to 0.

H-4. Staff of Alaska Board of Education

The AF received a staff report as to the revised composition of the Board of Education scheduled for public review. One of the concerns received from WATS and the industry pertaining to restructured management courses, and the apparent likelihood that some of the recommendations in their present form would not be approved, the staff made the decision to include in the amendment package only those measures that are critical for management of the Board established in 1987. The five amendments were: (1) new management data and objectives, (2) administrative framework for setting annual goals, (3) a redefinition of roles and responsibilities/procedures for purposes of compliance to reporting requirements, (4) a five-year closure scheme to protect Alaska King from future funding and (5) a revised field office authority for management functions. The other elements that were originally included in Amendment H, will be developed further and will be brought to the Council next spring as Amendment I.

The AF discussed the proposed objectives and identified areas of confusion. The committee were passed along to the Council's Goals Working Group.

The panel then focused the discussion on the remaining four issues of the amendment package and their respective alternatives.

Ron Peterson presented the report of the Industry Training and Education Working Group to the AF. The AF then discussed the issue of long term funding in the local portion from the Alaska Board of Education (Problem 3 in the Amendment H package). Some members felt the area should remain that way (small).

Moved and seconded: The AF recommends that an additional alternative be added to Amendment H which would use the area suggested for the Council for the emergency closure as a 3-5 year (closed all year). The motion carried 11 to 0.

The majority felt the above motion would assist the public come on process and does not intend the motion to reflect dissatisfaction with the working group.

Moved and seconded: The AP recommends that the Council send Amendment 15 as amended above out for public review. The motion carried unanimously.

D-5 Bering Sea/Aleutian Islands Groundfish FMP

Chairman, Larry Cotter presented the Advisory Panel Tanner Crab Bycatch Subcommittee Report of June 22 (copy attached).

The AP received the plan team's report on the revised Amendment 10 package. After review of the more detailed options available, the AP made the following recommendations for the document to be sent out for public review.

Moved and seconded: The AP recommends the Council send out Options 2 and 4, except that the recommendations contained in the last two paragraphs of #1 of the Advisory Panel Tanner Crab Bycatch Subcommittee Report (copy attached) be included as additional alternatives.

The motion for Option 2 carried 11 to 3 and the motion for Option 4 carried 12 to 2.

Moved and seconded: The AP recommends the Council send out Option 3 for public review. The motion carried 11 to 3.

Moved and seconded: The AP recommends the Council sever Proposal 4 (DAP priority through the use of time/area closures) from Amendment 10 and prepare it as a new Amendment 11. Government and industry people should be used to collect the necessary data and prepare a draft EA/RIR for review at the September meeting, and to be sent out for public review with final decisions scheduled for December. The motion carried 12 to 2.

Moved and seconded: The AP recommends the Council include new catcher/processor reporting requirements to fix the loophole. The motion carried 10 to 3.

Sablefish Emergency Rule. Some AP members felt that none of the three options stated in the action memorandum were acceptable and feel they are subject to lawsuit. Therefore, they should come up with some creative legal solution.

Moved and seconded: The AP recommends that the Council send Amendment 12 as amended above out for public review. The motion carried unanimously.

12-3. Finding 3: Regulatory Burden on Small Firms

Chairman, Anne Corcoran presented the Advisory Panel Tanager Club Speech Subcommittee Report of June 21 (copy attached).

The AP received the plan revised report on the revised Amendment 10 package. After review of the more detailed options available, the AP made the following recommendations for the document to be sent out for public review.

Moved and seconded: The AP recommends the Council send out Options 1 and 2, except that the recommendations contained in the last two paragraphs of #1 of the Advisory Panel Tanager Club Speech Subcommittee Report (copy attached) be included as additional alternatives.

The motion for Option 1 carried 11 to 3 and the motion for Option 2 carried 12 to 2.

Moved and seconded: The AP recommends the Council send out Option 3 for public review. The motion carried 11 to 7.

Moved and seconded: The AP recommends the Council send Proposal 4 (DIP) out for public review through the use of the letter classes from Amendment 10 and propose it as a new amendment. Government and industry people should be notified of the necessary data and prepare a draft EARR for review at the September meeting, and to be sent out for public review with final decisions scheduled for December. The motion carried 12 to 2.

Moved and seconded: The AP recommends the Council include new regulatory program reporting requirements in the legislation. The motion carried 10 to 3.

Sub-Panel Emergency Rule: Some AP members felt that some of the three options stated in the action memorandum were acceptable and that they are subject to lawsuit. Therefore, they should come up with some creative legal solution.