

North Pacific Fishery Management Council

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ADVISORY PANEL MINUTES January 13-16, 1986 Sitka, Alaska

The Advisory Panel for the North Pacific Fishery Management Council met in the Sitka Centennial Building on January 13-16, 1986. The following members were present:

Larry Cotter, Chairman	Ronald Hegge	Julie Settle
Robert Alverson, Vice Chairman	Pete Isleib	Thorn Smith
Rupe Andrews	Eric Jordan	Walter Smith
Terry Baker	Richard Lauber	Thomas Stewart
Alvin Burch	Nancy Munro	Richard White
Joseph Chimegalrea	Alvin Osterback	John Woodruff
Gregory Favretto	Don Rawlinson	

Minutes of the December 9-10, 1985 Advisory Panel meeting were approved as read.

Rupe Andrews was introduced as the new AP member to take the place of Bob Hunter, who held the sports fishing position on the Advisory Panel. Mr. Andrews is retired from the Alaska Department of Fish and Game, where he worked in the Sports Fish Division for 23 years.

B-1 Executive Director's Report

Paul Peyton, Acting Director of the State of Alaska, Office of Commercial Fisheries Development, gave a presentation to the AP on the State's minced pink salmon project.

C-3 Crab/Halibut Interceptions

The Advisory Panel heard reports from Jerry Reeves and Joe Terry (NWAFC), Bob Otto (NMFS, Kodiak) and public testimony on the problems of crab and halibut interceptions in the Bering Sea. After lengthy discussion by the AP on this issue they recommended the following motion on a vote of 11 to 3.

- (1) In the area defined as 163°30' north to 58°15' east to the shore there shall be no fishing allowed during calendar year 1986 except provided for as follows:
 - (a) Domestic (DAH) trawling shall be allowed in waters of 25 fathoms or less providing domestic observers are on all fishing and processing vessels engaged in the fishery subject to the proviso that a

mechanism exists to close fishing in the event of any perceived damage to king crab and the costs of the observer program are shared on a 50/50 basis between the fishing vessels involved and NMFS. Further, NMFS shall develop the procedures necessary to implement the above observer program for presentation at the March Council meeting.

- (b) Subject to the results of the Summer Crab/Groundfish Survey, a fall 1986 trawl and/or directed crab fishery may be allowed, subject to Council approval, in the event survey results establish the crab resource can sustain a fishery without further damage.
 - (c) A mid-water pollock trawl fishery shall be allowed west of 163°.
- (2) In the area defined as that portion of the Pot Sanctuary west of 163°30', there shall be a PSC limit of 25,000 halibut. This PSC limit shall not apply to mid-water trawl operations. The AP requests the Council to develop a PSC limit on crab within this area.

Minority Reports

Al Burch: I think that more consideration should have been given to the consolidated trawl proposal. The Council requested industry to reach a consensus position to present to the Council. The trawl groups did try to reach agreement with the crab group, but at no time did the crabbers vary from their first proposal. The AP did not give enough consideration to the trawlers' proposal; I hope the Council will.

Terry Baker: The closed area east of 160°W longitude based on NMFS data on female red king crab distribution is overbroad and unnecessary. This area has provided substantial quantities of Pacific cod and yellowfin sole for U.S. fishermen. Proposals before the Council have consistently shown that the eastern boundary should be 160°W as it protects the vast majority of female king crab. In addition, the PSC limit of 25,000 halibut has not been reviewed or substantiated by the NMFS staff.

Ron Hegge: I have voted in opposition to this motion for the following reasons. The action requested on this issue was a conservation act to protect the red king crab and halibut stock. The vessels that would participate in the fishery inside of 25 fathoms have been identified as the factory trawler fleet using hard onbottom trawls. There is the potential of up to 15 such vessels, though probably 8 would participate. The vessel size and fishing gear would be comparable to a foreign fleet. This magnitude of effort and the potential for continued damage to the king crab and halibut stocks are too high to tolerate. To allow trawling inside of 25 fathoms will jeopardize both species.

C-5 Policy on Confidential Statistics

The AP discussed the need for Council staff to have access to confidential information currently unavailable to it as a means of improving the staff's ability to deal with management issues. The AP feels it is critical that any information provided to the staff be good information and that, in order for information to be good, the provider of the information must have confidence in the integrity of the system. In the absence of that confidence the quality of the information deteriorates and the decision and management process is thereby lacking.

The AP voted 18 to 1 to approve the draft policy with the following change:

At the bottom of page 2, change the paragraph under Disclosure under the Policy section to read as follows:

"Confidential data will not be disclosed except to authorized users in accordance with NMFS, Council, and/or State applicable procedures and policies."

The AP stresses the importance of ensuring that confidential information will be kept confidential, and thus, protect the integrity of the Council system.

C-7 Domestic Observer Program

The AP unanimously approved a motion to support Bob McVey's proposal to establish a pilot domestic observer program in Alaska as soon as possible.

The AP believes that alternative sources of funding should be reviewed and a long-term solution to both fund and implement an observer program needs to be developed.

D-1 Salmon FMP

Japanese Interception of High Seas Salmon. A representative of the Japanese salmon industry, Mr. Enomoto, addressed the AP on the Japanese perception of the status of the U.S./Japan talks. Mr. Enomoto stated he was extremely concerned with the U.S. position.

Review Action by Alaska Board of Fisheries. The AP unanimously recommends the Council concur with the Alaska Board of Fisheries actions.

Establish Schedule for FMP Rewrite. The AP recommends that the four alternative approaches to the Salmon FMP rewrite be sent out for public review.

D-2 King and Tanner Crab FMPs

Due to a lack of public participation in recent crab public hearings and the high costs of holding a hearing in Seattle, the AP recommends that no crab public hearing be scheduled during 1986. It was the opinion of the AP that there was sufficient Council representation in Seattle to receive public comment.

D-3 Gulf of Alaska FMP

Management of Gear Shares of Sablefish. The AP reviewed agenda items D-3(a) and C-8 in combination. The AP received an indepth report on the continuing problem posed by the Gulf of Alaska FMP which requires that all groundfish fishing activity cease once the OY of a groundfish species is taken, and the potential for this problem to be exacerbated by targeting on sablefish by the trawl fleet. In regards to all species in the Gulf of Alaska other than sablefish, the AP is supportive of providing the NMFS Regional Director with the authority to manage those fisheries in excess of their OY as a prohibited species. On sablefish the AP expressed strong concern with granting the Regional Director the authority to allow the sablefish OY to be exceeded by any gear group; however, the AP determined that in the best interest of the fishery this may, in emergency situations, be necessary.

The AP unanimously approved the following motion:

In order to establish greater flexibility in both the Gulf of Alaska and the Bering Sea, the Regional Director shall develop regulatory amendment authority as outlined in Bob McVey's letter of December 10, 1985.

In the Gulf of Alaska, the AP recommends that 50 CFR Section 672.24(b)(2) be amended by adding the following:

When the Regional Director determines that the share of the sablefish OY assigned to any type of gear for any year and any area or district under this paragraph may be taken before the end of that year, the Regional Director, in order to provide adequate bycatch amounts to ensure continued groundfish fishing activity by that gear group, shall by rule-related notice, prohibit directed fishing for sablefish by persons using that type of gear for any period of that year. It is the intent of the regulation to minimize any PSC (waste) over the OY allocation.

The AP recognizes that management of directed and bycatch portions of a gear group's sablefish OY may pose enforcement problems and did not make a specific recommendation on what type of procedure should be utilized to ensure that a bycatch is indeed a bycatch and not the result of targeting.

State of Alaska's Request for Emergency Action to Protect King Crab. The AP reviewed the problem of king crab in the Kodiak area. The AP felt the emergency closure request as outlined in option 2 [on page 2 of agenda item D-3(b)(1)] could not be justified in whole; however, the AP received public testimony from both trawl and crab representatives supporting an emergency closure in some areas around Kodiak Island, except the Inner Marmot Bay area in which the industry representatives felt there was no need for an emergency closure.

The AP passed the following motion 17 to 1.

- (1) The AP recommends to the Council that an emergency closure be applied to the Alitak, Tower, Marmot Flats, Chirikof, and Barnabus Gully areas with the exception of Inner Marmot Bay (see attachment).
- (2) The AP strongly recommends that the industry participants work with the Kodiak Advisory Committee, ADF&G, and federal fisheries staff to develop a long-term approach to solving this problem and to present that approach to the Council at the March meeting.
- (3) The AP recognizes that this is one area in which there is a critical need for onboard domestic observers.

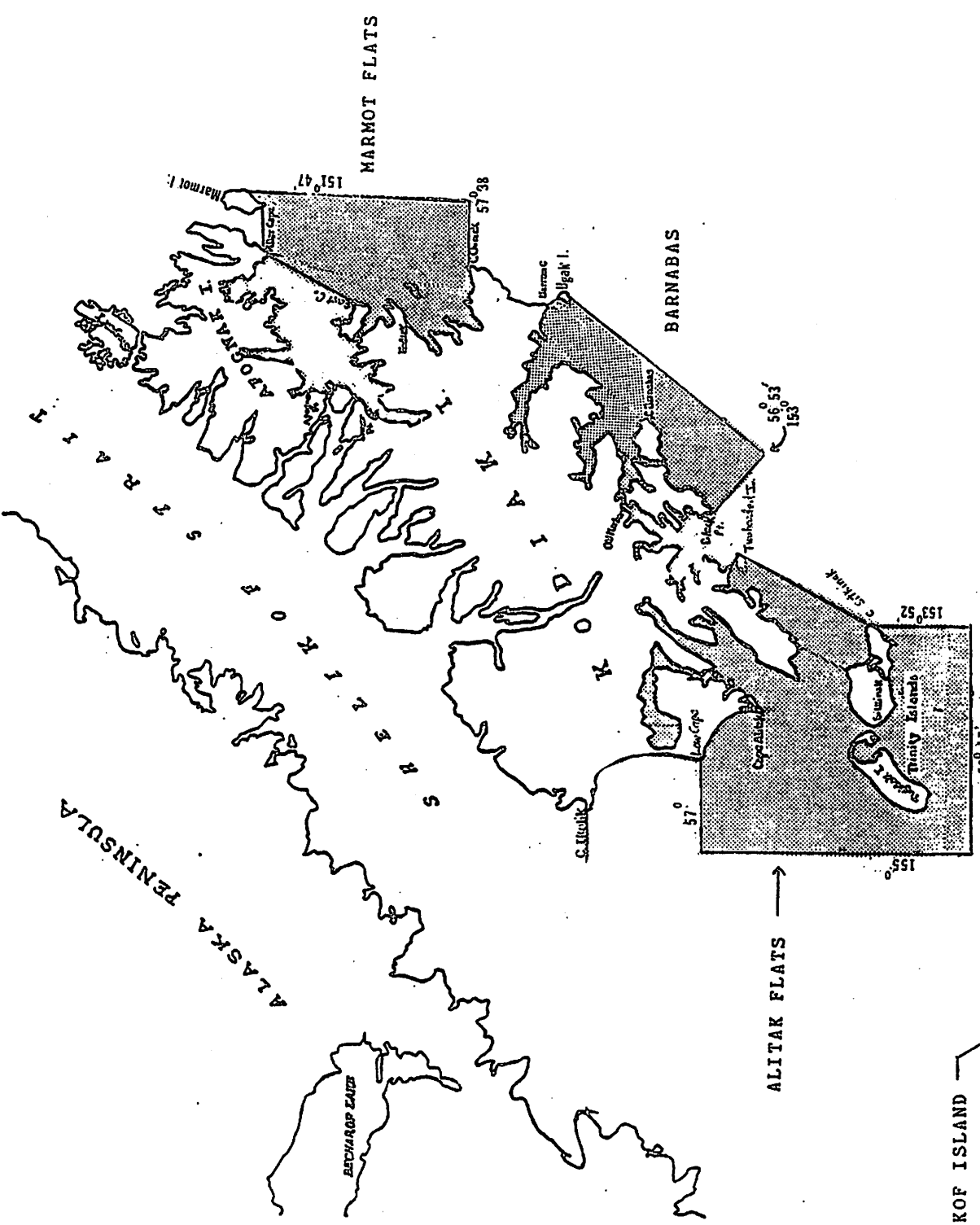
D-4 Bering Sea FMP

The AP moved to send out for public review proposals 4, 5 and 6, 7, and 10. An amendment was made and seconded to send proposal 7 out only in the event it is determined that existing PSC limits will not be extended under the current FMP.

The amendment was adopted on a vote of 14 to 3. The motion as amended passed unanimously.

Minority Report to amendment: The AP disagreed (14 to 3) on proposal 7 which addressed extending the foreign PSC limits for salmon, crabs, and halibut established by Amendment 3. We are presently dealing with PSC problems by domestic harvesters. Sending out this proposal for public review would allow the Council the flexibility to establish a consistent PSC policy for all harvesters. Additionally, it may be awkward to set PSC limits for domestic harvesters at levels lower than those officially required of foreign fleets.

The minority felt it was important to send this proposal out for public review so the AP would have the opportunity to review these PSC limits at the March meeting.



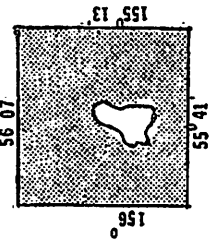
NPFMC ADVISORY PANEL

PROPOSED EMERGENCY RULE CLOSURES FOR 1986

February 15 - June 15, 1986

ALITAK FLATS

CHIRIKOF ISLAND



TOWERS

MINUTES

PERMIT REVIEW COMMITTEE

January 14, 1986

The Council's Permit Review Committee met on January 14, 1986 in Sitka to determine which fully-DAP and PSC species bycatch limits should be placed in joint venture permits and how to go about it. In attendance were Admiral Lucas (Chairman), John Winther, Henry Mitchell, Bob Mace, Oscar Dyson, and Rudy Petersen. Non-voting members representing the Advisory Panel included Rick Lauber and Al Burch.

The Committee heard a staff presentation concluding that company bycatch limits were needed only for POP and Other rockfish in the Gulf of Alaska in 1986. These two species will be fully-DAP utilized and NMFS will publish specific joint venture PSC's which will be outside OY.

Bob McVey said that NMFS would be willing to make a trial run with those two species this year but did not contemplate shutting down any company because its limit of bycatch was reached. Because of the many legal ramifications of using permits for controlling bycatch, and because the mechanics have yet to be worked out, NMFS recommends that the limits serve only as guidelines this year, not absolute cutoff points. Guidelines would be established for each company. The companies would be monitored and sent warning messages throughout the season but none would be shut down.

There was also considerable discussion about the need for limits on salmon bycatch. The Gulf plan team estimates that about 64 mt would be taken by joint ventures in 1986. This estimate is based on salmon intercept rates from 1985 and target tonnages in the joint venture requests for 1986.

The Committee unanimously recommends that bycatch guidelines be established for each company for voluntary compliance, that would maintain the overall bycatches within the JVP-PSCs for POP of 200 mt and 35 mt in the Western and Central GOA respectively, and 50 mt Other rockfish and 64 mt salmon in the Western and Central Gulf combined.

The Committee requests that NMFS report at each Council meeting progress on monitoring these guideline bycatches. The Committee also recommends that the joint venture policy undergo a major review entailing a reconsideration of company by company limits on both bycatch and target species. (Though the Committee requested this review start in March, it may be better to start at the June meeting after there is more experience with the 1986 fishery.)