

North Pacific Fishery Management Council

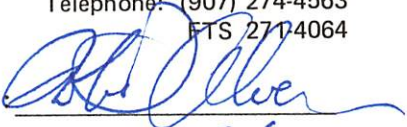
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Advisory Panel Minutes Juneau, Alaska January 30-31, 1984

The Advisory Panel met on Monday and Tuesday, January 30-31, 1984. The following members were present:

Bob Alverson	Pat Barker	Bud Boddy
Al Burch	Barry Collier	Larry Cotter
Eric Jordan	Joe Kurtz	Ray Lewis
Jim O'Connell	Jack Phillips	Don Rawlinson
Harvey Samuelson	Walt Smith	Tom Stewart
Tony Vaska	Ed Wojeck	

B-1 Executive Director's Report

The Executive Director's report was given by Clarence Pautzke. It was recommended that herring issues be removed from the agenda until the March meeting, and due to actions by the IPHC, halibut issues were also recommended to be removed from the agenda. The AP concurred with this suggestion.

C-2 Halibut Management

Ron Miller provided a report from the Council staff who attended the IPHC meeting held in Anchorage. The following motion was adopted 6 to 5 with one abstention: The AP recommends that the Council form a committee to study the impact of retention of incidentally caught halibut.

C-3 Foreign Permits

The Advisory Panel recommends the Council approve the directed fishing permit for TAISEI MARU NO. 58. The vessel's previous violation involving a \$3,000 fine for failure to provide a cease fishing message was discussed and we were unable to determine if the violation was significant. Tony Vaska opposed the approval.

The AP requests the Coast Guard to provide an opinion to the AP if cease fishing violations are common and if so, what is the cause and standard operational procedure for handling the violation.

The following motion was adopted unanimously regarding the Permit Review Committee:

"We move that the Permit Review Committee initiate procedures to Washington D.C. to standardize Council recommendations regarding foreign fishing vessels with violations and penalties, such policy to be applicable to all foreign fishing vessels, foreign companies engaged in foreign fishing, and foreign countries engaged in foreign fishing within the North Pacific FCZ."

In order to expedite the Council process, the AP, acting on the suggestion of the Chairman of the Council, suggests that the following AP members be added to the Permit Review Committee: Barry Collier, Al Burch, Barry Fisher, Larry Cotter and Eric Jordan. This may eliminate duplicating effort between the two bodies.

D-3 Tanner and King Crab FMPs

- (1) Seattle Public Hearing. The AP recommended approval of the March 9 public hearing date in Seattle.
- (2) Council/Board Procedures. The AP recommends that a subgroup from the Council participate in the deliberations with the Alaska Board of Fisheries when Tanner crab regulations are being considered. This would allow the Board of Fisheries and the Council to develop regulations that are not at variance with each other.
- (3) Federal vs. State Regulations. The AP requests the State of Alaska to make public their intent regarding enforcement in the Tanner crab fishery in the South Peninsula area, due to differences between state and federal regulations. Also, if the state is going to enforce the exclusive registration concept, the AP requests the state to explain how a vessel owner/operator complies with the state regulations.

D-4 Gulf of Alaska Groundfish FMP

These issues were presented by Council staff member, Jeff Povolny.

- (1) Sablefish by-catch in trawl operations.

The AP voted 11 to 2 against a motion to increase the percentage of sablefish that the joint venture processors could retain in their operations from 1.5% to 5%.

Those opposing the increase produced the following arguments:

- (a) The Gulf-wide foreign fishery averages .5% incidental catch and the foreign fleet maintains a 1% by-catch in the Kodiak region. It was felt that the joint venture vessels should not be allowed to exceed their current allocations of 1.5% due to the abilities of the foreign fleets to avoid sablefish.
- (b) The AP feels that there is a conservation issue involved. The testimony of Dave Harville that the sablefish were small such that they were unmarketable in Kodiak concerns various AP members in that a 5% incidental catch could lead to 1,521 metric tons of juvenile sablefish harvested in the Central and Western Gulf. This may have

"We note that the Permit Review Committee initiated procedures to Washington D.C. to standardize Council recommendations regarding foreign fishing vessels with violations and penalties, such as being engaged in foreign fishing, and foreign countries engaged in foreign fishing within the North Pacific ECA."

In order to expedite the Council process, the W, acting on the suggestion of the Chairman of the Council, suggested that the following AB members be added to the Permit Review Committee: Barry Collier, Al Ewart, Larry Fisher, Larry Geyer and Eric Johnson. This may eliminate duplicating efforts between the two bodies.

B-3 Tanner and King Crab Vessels

(1) Seattle Public Hearing. The AB recommended approval of the March 9 public hearing date in Seattle.

(2) Council/Board Procedures. The AB recommends that a subgroup from the Council participate in the negotiations with the Alaska Board of Fisheries when Tanner crab regulations are being considered. This would allow the Board of Fisheries and the Council to develop regulations that are not at variance with each other.

(3) Federal vs. State Regulations. The AB requests the State of Alaska to make explicit that intent regarding enforcement in the Tanner crab fishery in the South Peninsula area, due to differences between state and federal regulations. Also, it is going to enforce the exclusive registration concept, and AB requests the state to explain how a vessel owner/operator complies with the state regulations.

B-4 Salt of Alaska Groundfish Fish

These issues were presented by Council staff member, Jeff Longley.

(1) Salinity by-catch in trawl operations.

The AB voted 11 to 2 against a motion to increase the percentage of salinity that the joint venture processors could retain in their operations from 1.5% to 2%.

Those opposing the increase produced the following arguments:

(a) The salt-wide foreign fishery averages 2% incidental catch and the foreign fleet maintains a 1% by-catch in the Kodiak region. It was felt that the joint venture vessels should not be allowed to exceed their current allocation of 1.5% due to the likelihood of the foreign fleet to avoid salinity.

(b) The AB feels that there is a conservation issue involved. The testimony of Dave Hattlie that the salinity was small and that they were unmarketable in Kodiak concerns various members of the Council. A 2% incidental catch could lead to 1,500 tons of potential saltfish harvested in the Central and Western Gulf. This may not

detrimental effects on the resource causing a conservation problem by reducing the reproductive capacity of the stock. Also, the juvenile fish may be more valuable if they can grow up and enter the market through the directed sablefish fishery.

- (c) Beginning a targeting fishery on juvenile sablefish with 3,000,000 pounds going to the Asian market could depress the current market as well as foreclose future harvest of larger fish.
- (d) TALFF will not be harvested in the Central Gulf until October 7 (if at all), and to allow foreign ships to now come in prior to October 7 and fill their market needs in Asian markets with smaller sablefish could have a negative result on what the Council was trying to achieve at the December meeting by providing market opportunities for the shoreside processor and U.S. fishermen working in this area.
- (e) The NMFS report by Loh-Lee Low clearly shows the maximum return from the sablefish resource comes from selected gear that targets on larger fish and saves the juveniles.
- (f) The Pacific Council established a size limit for pot and longline vessels and a trip limit on undersized sablefish for trawlers off Washington, Oregon and California to ensure the reproductive development of the sablefish resource and maximizing the resource's value.

The Advisory Panel requests the Council to develop an amendment to the FMP or a permit restriction, which ever is quicker, to limit the foreign trawl by-catch of sablefish to 1%, which is the top level of the historical by-catch which is largely done through voluntary means. This passed 9 to 5.

The AP further requests the Council to have the staff or PMT study the benefits and costs for the domestic industry through implementation of a size limit on the foreign and domestic harvest of sablefish. This passed without objection.

(2) Pelagic gear restriction.

The AP recommends on a vote of 8 to 7 that the option 1 be endorsed by the Council (Those in favor were: Barry Collier, Don Rawlinson, Bob Alverson, Tom Stewart, James O'Connell, Al Bruch, Pat Baker and Joe Kurtz; those opposed were: Harvey Samuelsen, Tonly Vaska, Eric Jordan, Larry Cotter, A.W. Bud Boddy, Walter Smith and Ray Lewis). The 7 in opposition were of the feeling that the option would not satisfactorily minimize the take of prohibited species. The minority report is as follows:

Figures provided by the Japanese indicate an incidental harvest of salmon in excess of 5,000 fish out of a pollock harvest of 45,000 mt in the Gulf. An extrapolation of that incidental salmon harvest rate to a pollock harvest of 100,000 mt results in over 10,000 salmon incidentally harvested. At a pollock harvest rate of 165,000 mt, the incidental harvest of salmon would be in excess of 17,000 fish.

...the main effect on the resource is a conservation problem in reducing the reproductive capacity of the stock. Also, the juvenile fish may be more valuable if they can grow up and enter the market through the direct supply channel.

(2) Regarding a category of juvenile fish, the Council has been asked to consider the possibility of a quota system for the Asian market and to express the Council's views as well as recommendations on the harvest of juvenile fish.

(3) The Council will not be requested to consider the Council's views on the possibility of a quota system for the Asian market and to express the Council's views as well as recommendations on the harvest of juvenile fish. The Council will not be requested to consider the Council's views on the possibility of a quota system for the Asian market and to express the Council's views as well as recommendations on the harvest of juvenile fish.

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Japanese gear restriction

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Council staff reports 85% of incidentally harvested salmon in the Gulf are chinooks, and the majority of these fish are from South Central Alaska.

These incidental rates are unacceptable from an economic and conservation standpoint. A limit on the incidental harvest of salmon in the Gulf is critical. (Report by Larry Cotter)

Eric Jordan gave the following statement on why he did not support the pelagic gear restriction, or any other option under this agenda item:

The incidental catch figures and incidence of immaturity of prohibited species incidentally harvested by the foreign fleets in the Gulf of Alaska in the pollock fishery should be considered as a cost to the United States and its citizens for allowing the fishery to continue. The fee the foreign vessels pay for each metric ton should cover the value loss from the incidentally caught and destroyed prohibited species plus costs for enforcement, administration and the best deal to compensate us for the pollock. The present fee of \$28 per metric ton of pollock does not even cover the value of the incidentally destroyed halibut, let alone chinook salmon and crab.

There are three solutions the Council should consider because we cannot support the continued subsidy for the foreign fishermen while an increasing percentage of our fleet faces bankruptcy.

1. Raise the fees to cover all the costs to the U.S. of permitting the foreign harvest. Example: \$1.00/lb of halibut (including potential growth) lost, \$1.00/lb of salmon (including potential growth) lost, and other fees for shellfish destroyed.
2. Set the limit of incidentally permitted by-catch for salmon and halibut at much lower levels. Close the pollock fishery when those levels are achieved.
3. Close the directed foreign fishery on pollock in the Gulf of Alaska for conservation and economic reasons to protect the interests of U.S. citizens.

Furthermore, the Council should make known to the public the difference between the U.S. cost in terms of resource value lost, administration and enforcement, and the foreign fee paid by foreigners to harvest the pollock.

The Advisory Panel requests that in the future the staff present incidental amounts of prohibited species in numbers of fish and in pounds.

3. Frederick Sound

The Advisory Panel makes two requests. The first to satisfy a short term problem, and the second to satisfy the long term problem.

1. Given the likelihood of localized overharvesting of sablefish in certain FCZ areas within Southeast Alaska, the potential for significant misreporting of sablefish by harvest areas thereby increasing the biological likelihood of localized overharvest, the potential of a closure of state waters during the sablefish season in Southeast Alaska next September for conservation and biological reasons as a result of the ongoing FCZ sablefish fishery in Southeast, and the significant adverse potential economic impact on the U.S. fishing industry due to the anticipated closure for biological and conservation reasons by the state this September, the AP urges NMFS to enact an emergency closure of the ongoing FCZ sablefish fishery in Southeast Alaska for biological, conservation and economic reasons.
2. Develop a FMP amendment to provide a framework season for the district of Chatham Straits that is distributed between federal enforcement and state enforcement.

D-5 Bering Sea/Aleutian Islands Grounfish FMP

The Advisory Panel recommends action #2, resubmission of Amendment 6 after review of the Environmental Assessment and Regulatory Impact Review. This passed with one objection.

The Washington D.C. reviewing mechanisms have now identified that we must take into consideration the economic impact on foreign participants when developing regulations such as the FDZ. The Advisory Panel requests the Council to have NMFS identify fully the intent of such analysis. Does this mean when DAP = OY there is a potential for continuing foreign participation?

D-1 Salmon FMP

The AP heard NMFS, WDF and ADF reports regarding the status of stocks.

The AP recommends that the Council and Board of Fisheries adopt the status quo with regard to harvesting quotas subject to Canada's intentions for the 1984 season.

1. Given the likelihood of localized overfishing of salmon in certain FCS areas within coastal Alaska, the potential for significant deterioration of habitat by harvest areas thereby increasing the biological likelihood of localized overfishing, the potential of a closure of areas during the essential season in Southern Alaska to permit recovery of conservation and biological resources as a result of the ongoing FCS habitat fishery in Northern, and the significant adverse potential economic impact on the U.S. fishing industry due to the anticipated closure for biological and conservation reasons by the state this September, the AF-1000 WMS, to ensure an emergency closure of the ongoing FCS habitat fishery in Southern Alaska for biological, conservation and economic reasons.

2. Develop a WMS amendment to provide a framework season for the district of Chukotka State that is distributed between federal, territorial and state environments.

W-2 Review Biological Inland Production WMS

The Advisory Panel recommends action W-2, resolution of Amendment 6 after review of the Environmental Assessment and Regulatory Impact Review. This passed with one objection.

The Washington W.C. reviewing mechanism have now identified that we must take into consideration the economic impact on foreign participants when developing regulations such as the FCS. The Advisory Panel requests the Council to have WMS identify fully the intent of such analysis. Does this mean that WMS-07 there is a potential for continuing foreign participation?

W-1 Salmon WMS

The AF-1000 WMS, WMS and WMS reports regarding the status of stocks. The AF-1000 WMS and Board of Fisheries about the status quo with regard to harvesting quotas subject to Canada's intention for the 1984 season.