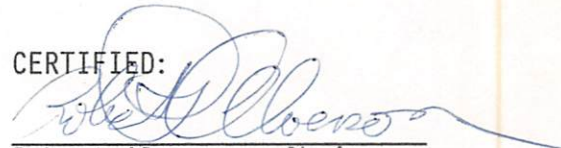


CERTIFIED:


Robert Alverson, Chairman

ADVISORY PANEL MINUTES

APRIL 23, 1980

The Advisory Panel convened Wednesday, April 23, 1980, at the Kenai/Aleutian Room of the Anchorage Westward Hilton Hotel at 9:40 a.m. and adjourned at 5:03 p.m. The Panel reconvened Thursday, April 24, 1980, at the Anchorage/Kenai Room of the Holiday Hotel at 8:20 a.m. and adjourned at 11:30 a.m. The following Panel members were present: Bob Blake, Bud Boddy, Robin Chlupach, Truman Emberg, Sig Jaeger, Charles Jensen, Joe Kurtz, Rick Lauber, Ray Lewis, Sharon Macklin, Dan O'Hara, Ken Olsen, Don Rawlinson, Jeff Stephan, Tony Vaska and Chairman Robert Alverson.

A. CALL TO ORDER

The meeting was called to order on April 23, 1980, at 9:40 a.m. by Chairman Robert Alverson.

B. APPROVAL OF ADVISORY PANEL AGENDA

The agenda was approved by all Advisory Panel Members.

C. APPROVAL OF MARCH AP MINUTES

The minutes from the March meeting were approved by all Advisory Panel members.

G-1. Troll Salmon FMP - Proposed joint venture amendment plus an update.

ADVISORY PANEL ACTION

The AP discussed the request by the State of Alaska to amend the Salmon Plan for the entire afternoon, from 1:00 until 6:00 on Wednesday. In addition to AP comments, public comment was received from fishermen, a representative of a labor union, and processors. Fishermen who testified presented a range of argument from the definition of the true Joint Venture to difficulties that some fishermen have in obtaining markets. A longshore and processing worker's representative found the JV concept unacceptable, but stated that if a Joint Venture is to exist, it should be based on pounds rather than amount of fish.

The Advisory Panel also heard from ADF&G biologist Charles Meacham, Jr., who explained the biological background that went into the estimation of the run forecast. Mr. Charles Meacham, Sr., who appeared in his capacity as a member of the audience, explained how the concept of the Joint Venture was

arrived at and the amount of involvement by the state. Members of the AP questioned the people who offered public comment, with Mr. Jaeger asking how the peak of the run would be determined so that a possible surplus could be forecast. The answer from Mr. Meacham was that a peak period in the run can be predicted with some meaningful degree. Mr. Blake also asked what an optimum escapement figure was, and Mr. Meacham replied for this year is 17.5 million fish. On the subject of the run peak, Mr. Middleton explained that the Board of Fisheries has taken some measures to alleviate the problem of the run peaking and overloading small areas with huge concentrations of salmon. The Board has done this by extending fishing districts so that the front end of the run is intercepted. This will prevent a buildup of fish in a confined area.

Other comments from the Panel questioned why processors were allegedly employing fewer fishermen in a peak run period. It was explained by AP member Don Rawlinson that when the huge concentration of salmon is present, it takes fewer boats to catch more salmon. This argument was countered in part by one of the fishermen who testified that there are more processors now but they are processing less fish.

In questioning where the markets would be for the excess salmon and how they were developed, Mr. Meacham Sr. explained that the Governor's Trade Mission had explored market possibilities throughout Europe and, at this moment, had commitments from West Germany and Spain to take approximately 3 million fish between them. The question raised at that point was whether or not the 3 million fish was a guarantee.

The point was made that no domestic fishermen had ever received such a guarantee. Mr. Meacham also indicated there was interest in excess salmon from Korea, Poland, Taiwan and Russia. He said that GIFAs (governing international fisheries agreements) have all been set and are expected to be signed by the end of April for West Germany and Spain.

Arguments against the Governors amendment to allow foreign processing of salmon between 3 and 200 miles were:

1. Improper notice given on such a controversial subject. Some members of the panel had not been given prior notice of the amendment and questioned the legality of considering such a controversial subject without proper notice to the public.
2. The surplus established by ADF&G was based on a mid-point harvest level taken from a range of harvests, hence there is a possibility of no surplus.
3. The surplus was calculated using an average of 5.5 lbs., not based on the average weight of fish during other peak years. The average weight during other peak years has been less than 5 lbs.
4. According to the appendix, a Joint Venture of 3,200,000 fish would be established with the provision that the Joint Venture allocation could be adjusted upward during the season. There is no provision for a downward revision if the run turns out to be less than forecasted. In effect, JV's would be guaranteed a minimum of

3,200,000 fish regardless of the run size. No domestic processor has ever had a guarantee.

5. The fish sold to foreign processors would find their way back to the markets established by the domestic processors, hence under cutting domestic markets.

Additional arguments for the Governors proposed amendment were:

1. Need to find markets for 200 to 400 markets for fishermen in Bristol Bay.
2. ADF&G established a 3,200,000 fish surplus which will be wasted if not harvested.
3. Allowing foreign processors will help establish new markets.

Following further discussion, the AP made the following recommendation:

The AP recommends that foreign tenders be allowed to enter Alaska state waters to receive U.S. caught fish for transport to U.S. processors at other U.S. locations or in Canada.

The vote on the AP recommendation was 8 in favor and 6 opposed.

G-2. Tanner Crab FMP - Proposed Amendments.

AP ACTION

The Advisory Panel considered all the amendments previously approved by the Board of Fisheries and moved to adopt amendments No. 1 - 7 on the recommendation of Sig Jaeger and Jeff Stephan.

Discussion on amendment #8 was led by Mr. Sig Jaeger and Mr. Jeff Stephan to the effect that the amendment as proposed did not distinguish between floating processors and catcher processors for reporting purposes. It was felt that if the reporting requirement applied to floating "catcher processors" it would discriminate in favor of tank boats which do not have to report. A motion was made by Mr. Jaeger to amend the proposed amendment to include the parenthetical insertion of "not catcher/processors." The amended proposal would read:

"To require floating processors (not catcher/processors) to report their intended processing location to the local biologists within the area of intended operation as follows...."

G-3. Herring Draft FMP - Consider and approve major options in plan.

ACTION REQUIRED: A presentation is scheduled on the plan and significant issues. Then a decision on the options presented in the Herring Fishery Management Plan is scheduled.

AP ACTION

The Advisory Panel met at 8:30 a.m., Thursday morning, to consider the Herring Draft FMP. A presentation of options, and an overview of the SSC Herring decisions were given by Vidar Weststad (NW & AFC) and Ron Regnart (ADF&G), both on the herring PDT.

#2 - Incidental Catch

After extended discussions, the Advisory Panel chose Option No. 2a as it relates to the Allowable Incidental catch.

#3 - Allocations

The AP chose Option No. 1 as it relates to the allocation of surplus OY to the offshore food and bait fishery. The motion was passed on a vote of 9 to 4.

TALFF

The AP considered the question of TALFF options and Don Rawlinson made a motion to to adopt Option No. 2, with the understanding that the OY will be reassessed after the inshore fishery is conducted. That motion was unanimously passed.

Inshore Roe Fishery

On the matter of the inshore roe fishery (April 1 - July 1) the offshore domestic food & bait and fishery, the Panel chose option No. 1, to close the FCZ to the food and bait fishery. The motion passed unanimously.

Item 12

If any part of the initial offshore "food and bait" allocation remains after September 31st, the panel chose Option No. 1 as a solution. Option No. 1 is that the fishery continue unrestricted. The motion was passed unanimously.

Herring Savings Area

On the matter of implementation of Herring Savings area, the Panel endorsed the concept of establishing a herring savings area to protect herring when stock condition is poor. However, there appears to be no problem for the 1980 - 1981 fishing year and a closing area regulation is unnecessary. We suggest the discussion of closing areas remain in the plan but that no regulations be promulgated at present. The vote was 6 to 5. Those in opposition to the motion would like to see a mechanism whereby an area closure could be implemented (A-B-C-D) but not limited to those areas.

Also, the AP requests that the SSC review the PDT recommendations for research and prioritize or make additions for consideration by the AP at the May meeting.

G-4. Gulf of Alaska Groundfish FMP; Review proposed 1981 amendments and consider release of reserves.

AP ACTION

The Advisory Panel reviewed the proposed amendments as prepared for the public hearing. An addition to the list of amendments was added: #10 will be the proposed joint venture policy statement to be added to the language of the plan. The language approved by the AP is:

"The Council finds that one method of implementing provisions of the Processor Preference Amendment (P.L. 95-354) requires that ocean areas in the vicinity of U.S. processing facilities be designated as closed areas to joint venture processing operations.

The Fishery Management Plan therefore provides that the Regional Director, NMFS, Alaska Region, may, upon the recommendation of the Council, designate such areas within which foreign fishing vessels may not receive U.S. harvested fish."

KODIAK GEAR AREAS

The Advisory Panel also, on a motion by Jeff Stephans, passed an amplified proposed amendment #5 which calls for the specific closure of the Kodiak gear areas during specific times when foreign trawling is not permitted. (See attachment #1).

PUBLIC HEARING DATE

On the matter of the date for a public hearing, the AP passed a motion to allow the staff to choose a date in May which will give them adequate time to hold a public hearing, prepare the comments and amendments as they might change in relation to the comments received and present the material to the Council for approval.

RELEASE OF RESERVES

Mr. Ron Berg, NMFS, Juneau, gave the AP a current overview of the reserve amounts and told of the latest reserve release by the Regional Director. The Reserve release for March was made in mid-April and consisted of 25% of all reserves except for sablefish Gulfwide and Rockfish in the Western and Central regulatory areas.

On a motion by Mr. Lewis, the AP recommended that the May 2 reserve release be held until July 2 to allow the Korea Marine Industrial Development Corp. (KMIDC) to show a performance scenario. Mr. Ed Naughton spoke to the efforts of KMIDC and was supported by Mr. Greg Ockus, attorney for KMIDC. Mr. Ockus said that the political situation in Korea and the availability of fish for joint venture operations will determine which and how many processing vessels will be sent to Alaskan waters in support of the joint venture.

Mr. Ockus said further that the cost per ton of fish in directed fisheries is \$150 less delivered to Pusan than American caught tonnage in the joint

venture. If more reserves are released, there would be no incentive for other Korean boats to fish with the joint venture. A large release of reserves would mean the death of the joint venture.

G-5. Bering Sea/Aleutian Islands Groundfish FMP

ACTION REQUIRED:

1. Reschedule public hearing date for public comment on the 1981 amendment package. Action needed.
2. Review 1981 amendment package as prepared for public comment. Information only.
3. Consider a proposal to increase the OY-ABC for Pacific cod for 1980. Action needed.

AP ACTION

The Advisory Panel considered the matter of the date for a public hearing and passed a motion to allow the staff to choose a date in May which would give them adequate time to hold a public hearing, prepare the comments and amendments as they might change in relation to the comments and present the material to the Council for approval. Action was taken on the assumption that the Council has chosen option 2, a separate schedule for the public hearings to be conducted on the two Groundfish FMP's.

REVIEW AMENDMENT PACKAGE

The Advisory Panel reviewed the proposed amendments as prepared for the public hearing. An addition to the proposed amendments was approved, satisfying the Council's intent to propose a joint venture policy. The amendment is:

14.3.2.3 (D) Joint Venture

The Council finds that one method of implementing provisions of the Processor Preference Amendment (P.L. 95-354) requires that ocean areas in the vicinity of U.S. processing facilities be designated as closed areas to joint venture processing operations.

The Fishery Management Plan therefore provides that the Regional Director, NMFS, Alaska Region, may, upon the recommendation of the Council, designate such areas within which foreign fishing vessels may not receive U.S. harvested fish.

INCREASED PACIFIC COD OY/ABC

The Advisory Panel considered the possibility of increasing the OY/ABC for Pacific cod for 1980. On a motion by Jeff Stephan, the Advisory Panel voted not to increase the OY/ABC for 1980.

In the discussions which preceded the vote, the Advisory Panel considered the status of foreign allotments. It was learned from NMFS that Japan still had 80% of its Pacific cod allotment left for this year. The Advisory Panel

also took into consideration that portion of the SSC report which warned against a large allocation of Pacific cod and the affects that would have on the market.

The AP's decision not to increase the cod ADC of OY to 111,000 mt was based on the following:

1. Supporting data provided showed that the all nation historical catch during the past 15 years had never been larger than 70,377 mt.
2. Last 5 years catches averaged 50,000 mt. (1974 - 1978 inclusive).
3. The 1977 and 1978 trawl surveys did not show any trend analysis of increasing stocks that would warrent an 80% increase in OY for 1980.

RELEASE OF RESERVES

The Advisory Panel, anticipating a scheduled June 2 Release of Reserves, and possible postponement of its next meeting until after that date, recommends that the release of reserves scheduled for June 2 be made at the discretion of the Regional Director, NMFS.

H-1. Consideration of a Policy on the Management Plan Development Process.

The Advisory Panel considered the appointment of members of the Advisory Panel to a working group to draft a policy statement with direction from the Council.

The Advisory Panel appointed Sig Jaeger to be part of a working group to draft a policy statement with direction from the Council. A second Panel Member is to be appointed at a later date.

H-2. Review of the Environmental Defense Fund (EDF) Petition.

The Advisory Panel reviewed the EDF Petition and the recommendations provided in the SSC report on the matter.

Don Rawlinson urged all Advisory Panel members to endorse the SSC report on the Review of the EDF Petition on National Standard Guidelines. No motion was introduced.

Considerable comment by Advisory Panel members indicated that the Advisory Panel and fisheries managers in general should be on the alert for petitions of this type from environmentally oriented groups. The consensus was that the recommendations of the Environmental Defense Fund, in this particular instance, would wreak considerable havoc with the established fishery management plan format and the Fishery Management Act as we know it.

H-3. Proposed modified policy for routine approval of foreign permit applications with minor violations.

The Advisory Panel considered the proposed modifications for routine approval of foreign permit applications with minor violations. After a brief discussion among Panel member, Mr. Lewis made the following motion:

"That vessels with a record of "non-significant, non-catch related" violations be deleted from the list requiring review by the Council's Permit Review Committee."

Advisory Panel member Tony Vaska requested that a report be made to the Council of the vessels which have non-significant, non-catch related violations and which receive permits.

The motion was unanimously passed.

I-1. Review proposals and award contract for A Study of the Offshore Chinook and Coho Salmon Fishery off Alaska. (RFP 80-2)

I-2. Review proposals and award contract for the Halibut Limited Entry Study off Alaska.

I-3. Proposal to conduct a study of Herring stocks and populations in the Eastern Bering Sea.

North Pacific Fishery Management Council

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April 22, 1980

ADVISORY PANEL AGENDA

NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

The Advisory Panel will convene on April 23, 1980 at the Kenai/Aleutian Room of the Anchorage Westward Hilton Hotel at 9:30 a.m. and adjourn at 5:00 p.m. The meetings in general may be lengthened or shortened depending on the progress on the agenda. The meetings are open to the public.

- A. CALL TO ORDER
- B. APPROVAL OF AGENDA
- C. APPROVAL OF MARCH MINUTES
- D. EXECUTIVE DIRECTOR'S REPORT
- G. FISHERY MANAGEMENT PLANS
 - G-1. Troll Salmon FMP - Proposed joint venture amendment plus an update.
 - G-2. Tanner Crab FMP - Proposed amendments.
 - G-3. Herring Draft FMP - Consider and approve major options in plan.
 - G-4. Gulf of Alaska Groundfish FMP; Review proposed 1981 amendments and consider release of reserves.
 - G-5. Bering Sea/Aleutian Islands Groundfish FMP; review proposed 1981 amendments, take action on a proposal to increase the cod OY for 1980 and other business as appropriate.

H. NEW BUSINESS

H-1. Consideration of a Policy on the Management Plan Development Process.

H-3. Proposed modified policy for routine approval of foreign permit applications with minor violations.

I. REPORT, CONTRACTS, PROPOSALS

I-1. Review proposals and award contract for A Study of the Offshore Chinook and Coho Salmon Fishery off Alaska. (RFP 80-2)

I-2. Review proposals and award contract for the Halibut Limited Entry Study off Alaska.

I-3. Proposal to conduct a study of Herring stocks and populations in the Eastern Bering Sea.