

North Pacific Fishery Management Council

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CERTIFIED

A. W. "Bud" Boddy
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10-22-79
Date

ADVISORY PANEL REPORT October 2, 1979

The Advisory Panel to the North Pacific Fishery Management Council convened its meeting at 9:30 a.m., Monday, October 1, in the Centennial Building, Harbor Drive, Sitka, Alaska. Vice Chairman, A.W. "Bud" Boddy presided in the absence of Keith Specking, chairman.

The following members were present:

Robin Chlupach
Bob Alverson
Don Rawlinson
Al Otness
Bob Blake
Oral Burch
Ed Linkous
Ray Lewis
Joe Kurtz
Sig Jaeger
Chuck Jensen
Rick Lauber
Jack Phillips
Truman Emberg
Keith Specking

NON-AGENDA ITEMS

1. In addition to the scheduled agenda items, the Advisory Panel considered the question of the high seas salmon fishery and the upcoming INPFC talks in Tokyo. The AP wishes to bring to the attention of the Council a need to readdress the Council's old high seas salmon plan for the fishery east of 175° E. longitude.

The AP therefore recommends that the plan be reexamined as an alternative for the high seas salmon fishery.

2. AP member and chairman Keith Specking unexpectedly announced his resignation from the Panel. Mr. Specking told the Panel his business schedule precluded further participation in AP activities. No action was taken by the Panel.

AGENDA ITEMS

AGENDA ITEM D

D-3 Support ships for joint venture operations:

The Panel considered the Executive Director's report and the request for comment concerning procedures for approving joint venture permit applications for joint venture support vessels.

The Panel unanimously approved the foreign application review procedure whereby the Executive Director routinely approved non-controversial applications and in this case for vessels in support of joint venture operations where the joint venture has already been approved by the Council.

D-5 Advisory Panel nominations:

The Advisory Panel wishes to review the list of nominees for the Advisory Panel vacancies.

AGENDA ITEM F

F-1 FCMA Oversight Hearings:

The Advisory Panel reviewed the testimony prepared for the FCMA oversight hearings scheduled for October 11-12 in Washington, D.C. The issues addressed by the Panel were those raised by Congressmen Breaux and Forsythe in a recent letter to the Council.

The Panel had no additional comments on the responses to Questions #1
#2
#3
#4
#5
#7
#8
#9
#10
#12
#13
#14
#15
#18
#19

Concerning #6 (logbooks), the Panel raised the issues of (a) the confidentiality of logbook data, (b) mandatory vs. voluntary aspects of logbooks and fishermen/processor differences.

Agreement was reached on the proposed comment language with one change. The change is to insert "and voluntary" in the first sentence to read:

"A well designed and practical AND VOLUNTARY (for the fishermen) logbook with adequate guarantees of confidentiality supported by interviews by fishermen is valuable in some fisheries."

Concerning #11 (EO 12044), the Panel enthusiastically agreed with the recommendation of the working group that EO 12044 was not necessary for fishery management plans.

Concerning #16 (observer coverage), the Panel discussed extensively observer coverage needed off Alaska. A motion was passed to strike "adequate" concerning the 20% coverage mentioned in the comment. The sentence would then read: "Twenty percent coverage is considered minimal." The Panel noted that it must be difficult to determine the precise percentage of coverage which would be necessary to manage the fishery but feel that a minimum of 20% coverage is needed for all fisheries in all areas at all times of the year.

Concerning #17 (foreign fishing penalties and violations), the Panel agreed with the recommendation in the report but believed it was further necessary to question the Japanese Fishery Agency as to their role in

assessing penalties against violators of U.S. law including incidences which may come to the attention of the agency after the ship has left U.S. waters.

The Advisory Panel wishes to add two comments to the list of responses:

OTHER BUSINESS

21 With the existing and anticipated increase in fishing activity in the Bering Sea, it is increasingly evident that the Coast Guard's interfacing mandates of surveillance, enforcement and Search and Rescue has fallen in its commitment in the Bering Sea.

The use of long range helicopters for surveillance and med-evac response is now based out of Kodiak. We strongly endorse that a helicopter be based at Cold Bay, which is immediate to the most active fishing grounds.

The shortfall in Coast Guard response has been most evident in med-evac cases. Requests for assistance in injury cases have a delay response of 6-20 hours and in some cases injuries have had a graver crippling effect because of this delay.

Vessels active in the Bering Sea exceed 200 in number through May (in crabbing principally) with growth anticipated in the bottomfish industry.

Other domestic traffic involves gillnetters in the Bristol Bay area and tugboats transiting the area.

Vessel density is growing, risk factors in winter are high, and the area is remote. There are clearly a number of negative reports on Coast Guard response time and these will grow as the fishery increases.

The top priority for Coast Guard response is the saving of life at sea, Search and Rescue, surveillance and enforcement, in that order.

The surveillance and enforcement has been budgeted for by the Congress, but the saving of life at seas has been neglected and is a concomitant need neglected to date.

22 When the Panel considered the herring FMP agenda item and learned of the problems with the EIS, they discussed the nature of the problem and that of the internal NMFS review procedures. The Panel felt strongly that the issue of review procedures has been inconsistent, untimely and does not assist the Council in its work of preparing fishery management plans and their amendments. They requested that this general subject be somehow addressed in Washington during the oversight hearings.

F-2 St. George Basin lease sale

The Advisory Panel reviewed the report prepared on the St. George Basin oil lease sale. They agreed with all aspects of the report and especially the indefinite postponement of the sale.

Citing incomplete research results, the desirability of permanent deletion of four areas from the proposed sale tracts (St. Paul, St. George, Pribilof Canyon and Davidson Bank) and a concern for the possibility of oil spills in an area of great economic and biologic importance, the Panel believed it would be wise to postpone the sale indefinitely.

Regarding option #2 proposed in the memorandum (an alternative option), the Panel believed it was unwise to express this point of view as a fall-back position because of the possibility of that position assuming a position of acceptance in the minds of the reviewers.

F-3 Scheduling sub-committee report

The Advisory Panel reviewed the scheduling sub-committee report and had the following recommendations:

1. That the clam FMP development schedule be approved.

The Advisory Panel believed that the proposed date of implementation of 1981 was appropriate because no fishery is planned for 1980. One remaining problem was identified concerning PSP requirements which the Panel believed should be seriously addressed before the draft enters the Council review process.

2. King Crab

The Advisory Panel learned that a fourth schedule had been proposed for the development of the king crab plan. That schedule called for the SSC and Council review in March 1980 with plan implementation scheduled September 1, 1981 and was approved by the Panel. According to that schedule, the Panel felt that public hearings scheduled in the early summer would be timely and might even include the possibility of a king crab public hearing around the May Council meeting in Kodiak.

3. Herring FMP

The Panel deferred comment on the herring FMP and addressed the schedule for the development of the plan under Agenda Item #6-5.

The Advisory Panel also considered and approved the recommendation in the report to change the fishing year for both the BS/A and GoA groundfish FMPs to September 1 - August 31.

G-1 Troll Salmon FMP

The Panel considered the proposed amendment to the FMP and learned that an expanded public hearing schedule would most likely be necessary. Panel member Ed Linkous told the group that the problems of the FMP could not be solved without additional hearings at which the trollers could explain why the proposals, as listed, might not be appropriate for the fishery. The Advisory Panel believes that public hearings should be held in Ketchikan, Sitka, Pelican, Petersburg, and Juneau before decisions are made on the FMP amendments.

G-2 Tanner Crab FMP

The Advisory Panel met in joint session with the Scientific and Statistical Committee at 8:30 a.m., Wednesday, October 3, 1979 to consider the report of Dr. Jerry Reeves, NMFS, concerning the 1979 Tanner crab survey. Dr. Reeves reported that survey results indicated a 30% decline in both legal and pre-recruits of C. bairdi continuing a decline noted from last year.

As a result of the survey Dr. Reeves told the group that:

- a. C. bairdi ABC = 27 million lbs., with ABC expressed as a range of 22-23 million.
- b. C. opilio stocks were estimated to be roughly the same as in 1978 (perhaps with fewer pre-recruits).

ABC calculated as 126 million lbs., expressed as a range of 103-153 million lbs.

The opilio estimate is based on a 104 mm sizelimit and an exploitation rate of .58. Additionally, the survey took into account the removal by commercial fishing of crabs during 1979 and an estimate that 50% of the pre-recruits would enter the fishery in 1980.

The ABC estimate is divided with 122 million lbs. south of 58° N. latitude and 4 million lbs. north of 58°. Dr. Reeves, however, explained that the estimates north of 58° do not coincide with the experiences of the Japanese fleet fishing that area.

The Advisory Panel then convened separately to discuss the Tanner crab issues. Actions resulting from that meeting are as follows:

1. The AP approved the following motion concerning C. opilio OY:
"That the OY in the Bering Sea be 27 million lbs. for C. bairdi and 126 million lbs. for C. opilio."
2. The AP approved the following motion concerning DAH for C. opilio:
"That the DAH for C. opilio in the Bering Sea be set at 129,630,000 lbs." The Panel felt the report presented by Sig Jaeger was the best indicator of drastic changes in markets or an unexpected distribution of the resource.
3. The AP approved the following motion concerning TALFF:
"Since DAH exceeds OY, there can be no TALFF for Tanner crab in the Bering Sea."

G-2 (continued)

4. Concerning the implementation of the provisions of the Processor Preference Amendment to the Tanner crab FMP, a motion to accept (as written) the Processor Preference Amendment material was passed unanimously.

G-3 Gulf of Alaska Groundfish FMP

The Advisory Panel reviewed amendment material associated with the sablefish OY. Foremost, the Panel would like to invite a representative of the plan development team to the next AP meeting to explain in detail the status of the sablefish resource and the findings of the management plan drafting team.

The Panel listened to Jake Phillips and Scott Stafne who reiterated a point of view that serious localized depletion might be occurring in some Southeastern Alaska sablefish areas.

They felt that the Southeast Alaska OY should be significantly reduced and that additional time/area closures and/or gear restrictions concerning foreign fishing might be appropriate.

Because of the serious nature of this resource problem, the AP would like the Council to consider in December an amendment reducing the blackcod OY.

Additionally, the Panel wishes to reiterate that it has been asking for a reduction in the blackcod OY for two years based on industry data. They wish to remind the Council that the drafting team's proposal of a 10,500 mt OY closely approximates their earlier request.

G-4 Halibut FMP

1. The Advisory Panel reviewed proposed enabling legislation for the new Halibut Convention allowing the SOC to implement limited entry in the halibut fishery. In the course of this discussion they learned from Harold Lokken that Congressional ratification of the treaty has been postponed due to other pressing international foreign affairs but is still expected to be signed.

In considering a proposed addition to Sec. 5 of State Department Draft Halibut Convention Implementing Legislation the AP felt strongly that:

1. Only limited entry regulations should be promulgated.
2. Any limited entry initiative should originate with the Council.
3. That the Council's recommendations should be for its area of jurisdiction only.

The Panel believes that the following language change achieves those objectives:

(c) The Secretary may promulgate limited entry regulations applicable to nationals or vessels of the U.S., or both, which are more restrictive than regulations adopted by the commission. Such regulations shall not discriminate between residents of different states. If it becomes necessary to allocate or assign halibut fishing privileges among various U.S. fishermen, such allocation shall be (1) approved by the North Pacific Fishery Management Council (2) fair and equitable to all such fishermen (3) reasonably calculated to promote conservation and (4) carried out in such a manner that no particular individual corporation or other entity acquires an excessive share of the halibut fishing privileges.

2. The Advisory Panel unanimously recommends reactivating the halibut DFMP to keep it up to date if problems develop with the IPHC in 1981 or later.

G-5 Herring FMP

The Advisory Panel listened to the problems associated with the NMFS rejection of the EIS and that impact on the public hearing schedule, as well as the overall development of the plan. The Panel was dubious of any potential for any public hearings in January. They felt that the public hearing schedule previously thought to occur in November would have been more appropriate and timely in the Council's attempted coordination with the Board of Fisheries. No additional comments were made on locations for public hearings beyond those places listed on the FMP memorandum.

H-3 Proposed joint NPFMC - BOF meeting

The Advisory Panel concurred with the proposed joint meeting of the Board of Fisheries and the Council in early December, and also felt that the Tanner crab amendments, troll salmon amendments and the Bering Sea herring FMP were appropriate agenda items. The first week of December was felt to be most appropriate.

I Proposals, Reports, Contracts

- I-1 Contract 79-4 (An Analysis of Southeastern Alaska Troll Fishery Data, ADF&G)

After reviewing the issues of the contract, the Panel indicated that they wished to have Ed Linkous work with the contract monitoring committee throughout the progress of this contract.

- I-2 (A proposal for funding from the CFEC to keypunch and re-edit 1975-78 halibut ticket data)

The Advisory Panel endorsed the proposal for funding and agreed the information would be valuable to the Council.

- I-3 (A proposal for funding to assess the distribution and abundance of certain marine mammal populations in Birstol Bay by Dr. Faye)

The Advisory Panel reviewed the proposal from Dr. Faye and agreed it may have a significant bearing on some of the unanswered marine mammal issues surrounding our Bering Sea FMP especially clams. The Panel, however, was concerned that this one-year study might be used to make inferences about the distribution and abundance of marine mammals for which the data was collected in an atypical year. The Panel has expressed these concerns to the SSC and has asked for their expert advice on the research design and proposed analysis of the results.

- I-4 (A request for a proposal to provide for information which will indicate whether access to the halibut fishery in Alaska should be limited.)

After reviewing the draft RFP, the Panel agreed with the language in the request for proposal and believes it should be released and that the study should be conducted. They wished to include members Alverson and Otness on any Council subcommittee reviewing the proposals and monitoring the contract.

G-6 Bering Sea/Aleutian Island Groundfish FMP

The Advisory Panel listened to a summary of the status of the FMP. No action was required.