

North Pacific Fishery Management Council

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Date: *January 11, 1985*

ADVISORY PANEL MINUTES September 24-26, 1984

The Advisory Panel met Monday through Wednesday, September 24-26, 1984 in the Old Federal Building. The following members were present:

Bob Alverson, Chairman
Pat Barker
Bud Boddy
Al Burch
Barry Collier
Larry Cotter
Barry Fisher
Eric Jordan
Joe Kurtz

Rick Lauber
John Lecture
James O'Connell
Dan O'Hara
Don Rawlinson
Harvey Samuelson
Walt Smith
Tom Stewart
Tony Vaska

B-4 Enforcement and Surveillance by U.S. Coast Guard

Japanese and Observer Countermeasures.

The Advisory Panel has reviewed the report issued by NMFS regarding concerted activities by various segments of the Japanese fishing industry to evade, impede and obstruct United States fishery regulations in the FCZ.

The AP believes these activities must be met with the strongest possible reaction by the Council and the State Department.

In the event the Council decides to impose sanctions upon the Japanese immediately, the AP makes the following recommendations:

- (1) Effective January 1, 1985, the amount of direct allocation to Japanese be decreased by an amount equal to:

The average annual (for the years 1979-1984) amount of known harvest by the Japanese Longline and Gillnet Association and the Hokuten Trawl Fleet in the FCZ plus the cumulative projected maximum amount of overharvest and underlogged harvest for calendar years 1979 through 1984 by the Japanese Longliners and Hokuten Trawlers plus a penalty in an amount equal to 100% of the sum of the above.

- (2) This decrease in the Japanese direct allocation shall apply for calendar years 1985 and 1986.
- (3) Fishery permits for all FCZ fishing activities (including directed fishery activity and joint venture activity) for the Japanese Longliners and Hokuten Trawlers be revoked.

In the event the Council decides to delay on imposing sanctions until the December Council meeting, the AP recommends a workgroup of Council and AP members be appointed to prepare a recommendation on discipline which may include items 1 through 3 above.

In any case, the AP feels very strongly these disreputable acts be met with appropriate severity.

C-6 AP Operations

The Advisory Panel to the Council currently represents the best knowledge and information base of the industry. It is with this mix of harvesting, processing, labor, gear types, consumer, financial and geographical interests that the current Advisory Panel can best respond to requests from the Council. The AP has some of the following comments regarding their operations.

1. Structure.

We believe a broad based Advisory Panel provides a better forum for response to requests from the Council. We basically think a group similar to the existing AP is the best alternative.

It is felt the core group concept would tend to polarize decisions within a small AP as each core group representative would be perceived by his/her satellite participants as solely responsible for their position and any compromise from that position. This is not to say you can omit this problem, but a broad based AP, putting many individuals together with overlapping experience within the industry, is a better forum for bringing together consensus and educating each inner group.

2. Participants on AP.

(a) It is important that the AP represent the major geographical areas involved in the North Pacific Fishery Management Council, the gear types, harvest sectors, shoreside and at sea, financing and consumer affairs, all of which the AP currently has in it. Sand Point is currently not represented.

(b) The concept of media representation was discussed. It was felt by some, that media personalities once taking a position on management would find themselves in a possible conflict with objective representation in the media. The media are welcomed participants at Council functions but for purposes of disseminating information and objective reporting.

(2) The Advisory Panel in the future should apply for separate
status under 1985 and 1986.

(3) Advisory committee for all the training activities (including education
activity) and other activities (for the Advisory Panel) should be
and Advisory Panel should be involved.

In the event the Council decides to delay or postpone sending until the
Advisory Panel meets, the 1985 process of working of Council and AP
should be applied to prepare a recommendation on details which may
include items through above.

In any case, the AP should work at early stage through the 1985 with
appropriate arrangements.

The Advisory Panel in the Council currently represents the best knowledge and
information base of the industry. It is with this mix of background,
experience, labor, cost types, economic, financial and geographical interests
that the current Advisory Panel can best respond to Council and the Council.
The AP has some of the following concerns regarding their operations.

1. Structure.

It is believed a broad based Advisory Panel provides a better forum for
response to Council than the Council. It is believed that a group
similar to the existing AP is the best alternative.

It is felt the core group concept would tend to isolate decisions with
a small AP as an end group representative would be perceived by
Advisory Panel participants as being representative for their position and
not representative for the industry. This is not to say you can only
problem, but a broad based AP, putting many individuals together with
overlapping experience within the industry, is a better forum for
making better decisions and involving each member group.

2. Membership of AP.

(a) It is important that the AP represent the major geographical areas
involved in the North Pacific Railway Transportation Council. The past years,
between Council, Alaska and at sea, shipping and consumer interests,
all of which the AP currently has in its. Some points are currently not
represented.

(b) The concept of media representation was discussed. It was felt by
some, that media participation was taking a position on management would
find themselves in a position with little or no representation in
the media. The media are a major participant in Council decisions and
for purposes of disseminating information and objective reporting.

The suggestion for oil and gas representation fails to recognize the existing oil fishery group representing all the major participants in the fishing industry, some from the AP and Council, and over 15 major oil companies. It was felt this group is better able to discuss the problems of oil and fish than perhaps the Commerce Department or the Council system.

(c) The AP members have no problem with the concept of staggered terms with different expiration dates. Even three-year terms might be considered to maintain continuity, similar to the way the Council is structured.

(d) Each individual on the AP should recognize that they serve at the pleasure of the Council and in the event that an individual should change professions or fail to participate, mid-term removal should be considered appropriate. This should be handled on a case-by-case basis as many members of the AP must participate in fishing activities and may be absent at times.

(e) The AP recommends against decreasing the number of panel members.

(f) The AP suggests that on certain issues of conflict, the Council have the AP form a selected task force to address them. The AP intends in the future with expanding agendas to use task groups on certain contentious issues.

(g) At one time AP members were members of the PMT and PDT. Later on AP members were basically encouraged not to participate in the Plan Team process and now participate as close observers. It may be beneficial to have one AP member assigned to participate during the PDT process, not necessarily the same person, to help disseminate information back to the AP.

(h) The AP should be looking at long-term goals and problems for the Council rather than solely being put into the position of reacting to the Council agenda.

(i) The Council should look at the next two years and determine the biggest issues the Council will have to address and design their AP accordingly. The AP generally believes its two biggest issues will be gear conflicts and allocation issues, both joint venture vs. joint venture and domestic vs. domestic.

(j) The AP considered the possibility that some of its members might be able to absorb part of their travel expenses if they stay past the AP meeting days. Many members currently do this, however, it should be reminded that many AP members forego fishing opportunity, sales opportunity and other income related business to participate on the AP. The Council may wish to change its original direction given to the AP in 1976 urging those who participated to stay through the Council meetings. If business has been completed for many they should be dismissed.

The AP felt the forum of joint hearings for testimony was good for the time the two bodies were able to share time.

The suggestion for all gas concentration units to receive the...
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C-1 Halibut Management

The AP recommends the Council take an active role in management of the halibut fishery. (vote 16 to 1)

It was felt that there are problems within the industry which the IPHC may not be able to solely address themselves to. This decision by the AP should not be construed as a vote endorsing limited entry.

A variety of issues were discussed, including quality and whether it was a short-term problem of education or long-term problem if landings continued to be heavy. Shoreside employment issues were also discussed.

C-2 Draft Comprehensive Fishery Management Goals

It was pointed out that in light of the FCMA reauthorization hearings that the current goals of the MFCMA might be just as easy to go by until Congress reauthorizes the MFCMA.

The Advisory Panel makes the following recommendations to the Draft Statement of Goals:

Goal 1

Under (1) management practices, add a new item "f. utilizing ecosystem management practices wherever practical."

Goal 2

first paragraph, line 8, 2nd word, change fishing to seafood, it will read "the seafood industry. . ."

Under Issues and concerns -

#1 should read "production of high quality fish products over the maximum season for the maximum economic return to the industry, consumer and nation."

#3, replace the last word on the first line from "fishing" to "seafood."

#5, delete entirely. (add text)

Goal 3

2nd paragraph beginning "Economic conditions. . ." change "can" to "may".

#1 under economic conditions, delete last sentence

#2 should read "increasing the opportunities for steady and diversified fishery-related economic activity;

#3 add the word "providing" to the beginning of the sentence

#4 change the last word in the 4th line from "will" to "may"

Many of the goals draw conclusions by using words such as shall and will; those should be changed to may. Goals should not draw conclusions.

The Commission's role as a policy-making body in the management of the fishing industry. (Section 10)

It was felt that there are problems within the industry which the Commission should not be able to solve. The Commission should be able to provide a more effective management of the industry.

A variety of issues were discussed including quality and whether it was a short-term problem of education or long-term problem if fishing continued to be heavy. Short-term employment issues were also discussed.

0-2 Basic Descriptive Industry Management Goals

The Commission's role in the management of the industry should be to provide a more effective management of the industry. The Commission should be able to provide a more effective management of the industry.

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Goal 1

Under (1) management objectives, add a new item "E. Utilizing processing management practices wherever practical."

Goal 2

In paragraph, line 8, 2nd row, change "change" to "assist". It will read "the fishing industry."

Under issues and concerns -

It should read "production of high quality fish products over the maximum season for the maximum economic return to the industry, consumer and nation."

It should read "the last word on the first line from 'fishery' to 'assess'."

Goal 3

In paragraph beginning "Economic conditions..." change "and" to "and".

It should read "Economic conditions, stable fishery management."

It should read "increasing the opportunities for growth and development in the fishing industry."

It should read "providing" to the beginning of the sentence.

It should read "the last word in the title from 'will' to 'and'."

It should read "the last word in the title from 'will' to 'and'". Many of the goals draw conclusions by using words such as "will" and "should" which are not action-oriented. Goals should be stated in action-oriented terms.

Goal 4

under Issues and concerns add a new item, "12. the application of OY as it means to enhance marketing and developing opportunities."

Goal 5

The goal should read as follows: "Minimize the catch, mortality, and waste of target and non-target species, and reduce the adverse impacts of one fishery on another."

Delete starting with 2nd sentence, "This could include . . ." up to "Management should strive . . ."

Goal 7

Delete the entire goal. Maximizing profit is not within the ability of the Council in a country where every one has the right to go broke.

Goal 8

Under Issues and concerns, add to the end of #4, "and to coordinate the basic collection dissemination exchange of fishery data."

Goal 10

Monitor efforts by the U.S. industry to artificially enhance existing fishery habitats and stocks and introduce non-native species, with full consideration for possible impacts on existing fisheries and interactions with other elements of the ecosystem.

This goal recognizes the potential importance of developing technologies for fisheries enhancement and the possibility of introducing or developing new species with, however, full recognition of potential conflicts with existing fisheries and ecosystems.

Issues and concerns to be addressed under this goal:

- (1) the management and development of new fisheries;
- (2) the preservation of native species and ecosystems;
- (3) the development and introduction of various aquaculture technologies;
- (4) problems and possibilities presented by introduction of non-native species; and
- (5) Possibilities for artificial habitat enhancement and construction.

C-4 Joint Venture and Foreign Allocations Policy

The AP suggested that categories A and B be dropped as they basically represent a domestic operation. Also that categories D and C be treated equally due to problems of verification and varying degrees of involvement in marketing that may be only a subfigure. The Council should not have categories it cannot monitor. Perhaps there should be a stand for degree of marketing contribution, again this may be subjective.

The AP adopted the attached Draft Proposed Policy on Joint Ventures and Allocations (see Attachment A). It represents most of the proposed policy with addition from Larry Cotter's and Barry Collier's recommendations.

C-8 Joint Venture Permit Restrictions

The AP recommends approval of option IIB prepared by NMFS in agenda item C-8. The AP wishes to thank Janet Smoker for her help on this issue.

The AP recommends that all aspects of the processor preference amendment be enforced regarding sablefish as it is totally used by the domestic industry.

The AP recommends that NMFS prepare for the December meeting an appropriate bycatch amount for purposes of joint venture and foreign catches in other fisheries. The AP would like to point out that if a 1.5% incidental catch is allowed with a current joint venture potential of 200,000-400,000 mt, .80% of the current OY could be taken. Obviously some fisheries such as the joint venture pollock roe fishery are not going to be a problem.

C-9 Review of Portugues Permits

Until such time the Portuguese live up to their agreements, no permits should be provided. Absolutely no bottom gillnet operation should be allowed to get started due to indiscriminate harvest of other species besides cod, internal rules of road would allow for gear such as the gillnets of the Portuguese grounds preemption from U.S. trawlers and the problems of lost gear on the grounds.

The AP advises against the use of sunken gillnets for both domestic purposes as well as foreign and recommends the Council adopt an amendment that would establish legal gear off Alaska such as the Pacific Council has, such that new gear types must be tested for impacts before being accepted.

D-3/4 Groundfish

- (a) The AP recommends adoption of the working groups recommendations on halibut bycatch issues.
- (b) The AP recommends in favor of the sablefish culs-de-sac regulation.
- (c) Stock Assessments and Preliminary DAH GOA/BSAI. The AP recommends the numbers go out for public review.
- (d) DAH BSAI. The AP questions if the reporting to NMFS is accurate that fishing for sablefish will actually take place to the degree indicated in the Bering Sea. It was felt the participants would be dominated along the chain beginning at Unimak Island. All sablefish should be put into a reserve category or DAH category in the BSAI area. There should be no TALFF. The AP is concerned that NMFS, Council, and SSC decisions last year would have left the U.S. sablefish fishery short of fish in the Gulf of Alaska. The survey process greatly understated the interest in sablefish and in light of that the AP recommends against TALFF from any district in 1985.

The AF adopted the revised draft proposed by the AF (see Attachment A). The AF also adopted the proposed draft with 240-100 from Larry Cotton and Harry... recommendations.

0-2 Joint Venture Health Initiatives

The AF recommends approval of action 100-100 by NHTF in agenda 100-100. The AF wishes to thank Larry Cotton for his help in this regard.

The AF recommends that all aspects of the research program be administered and enforced regarding compliance as it is totally used by the domestic industry.

The AF recommends that NHTF prepare for the research program in accordance with the research program. The AF wishes to thank Larry Cotton for his help in this regard. The AF wishes to thank Larry Cotton for his help in this regard. The AF wishes to thank Larry Cotton for his help in this regard.

0-3 Review of Language Words

Until such time as the language live up to their agreement, no parties should be provided. Additionally no further action should be allowed to get started due to the extensive nature of other special bodies and the nature of the language. The AF wishes to thank Larry Cotton for his help in this regard. The AF wishes to thank Larry Cotton for his help in this regard.

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0-4A Groundwater

(a) The AF recommends adoption of the working group recommendations on public health issues.

(b) The AF recommends in favor of the additional regulatory...

(c) Small Assessment and Feasibility Study. The AF recommends the number go out for public review.

(d) Small Assessment and Feasibility Study. The AF recommends that the AF wishes to thank Larry Cotton for his help in this regard. The AF wishes to thank Larry Cotton for his help in this regard. The AF wishes to thank Larry Cotton for his help in this regard. The AF wishes to thank Larry Cotton for his help in this regard.

- (e) Sablefish pot ban. The AP recommends that there is adequate rationale for this regulation. The Council should prepare a social economic, gear conflict analysis, and price analysis.

Currently off Southeast where this amendment is proposed the resource is totally harvested by longliners. There is no gear conflicts and the resource receives the highest price paid for sablefish. The grounds available only represent a very narrow area (very often less than 1/2 mile in width) and pot gear can take away fishable ground even when the vessel is not fishing if the gear is lost. Longline gear allows several fishermen to share a good piece of ground with minimal loss to each person's gear, where as pot gear can be used like a fence preempting ground both from longline fishermen and trawl gear. The high prices (based on quality) paid to the Southeast community would not be realized with a pot operation off Southeast Alaska adversely affecting the local fishing communities.

- (f) Sunken gillnets. The AP does not like sunken gillnets and advises against their use.

ADVISORY PANEL'S RECOMMENDATION FOR
DRAFT PROPOSED POLICY ON
JOINT VENTURES AND ALLOCATIONS

General Policy. The North Pacific Fishery Management Council is responsible by law for assuring the conservation of fishery stocks off Alaska and fostering the development of the United States fishery for those stocks currently underutilized by this country, though they may be fully exploited by other nations. The Magnuson Fishery Conservation and Management Act allows the Council to equitably allocate harvest privileges, and the Council intends to use these allocations to increase American participation in underutilized fisheries consistent with the Act.

The Council believes it is in the greatest national interest for the resource to be both harvested, processed and marketed by U.S. industry. However, until the domestic industry can harvest, process and market the available groundfish resource, the Council will encourage joint ventures between Americans and foreigners that will increase U.S. participation in the utilization of these resources, and that will foster total U.S. development of these resources by all segments of the domestic industry. The Council recognizes that joint ventures are to be temporary in nature and are to be used as a tool through which 100% U.S. utilization will be achieved.

Joint ventures are considered to be operations in which a U.S. partner and a foreign partner join together to jointly harvest, process, market, and/or finance fishery activities within the FCZ. U.S. fishermen may deliver raw fish to foreign processors at sea. Ownership of the finished product may be foreign or U.S. Other forms of joint ventures are possible.

The Council intends that any country to whom a direct allocation is given must also be engaged in "over the side" joint ventures. Nothing less is acceptable. A relationship of a one to one ratio for joint venture fishing to foreign directed fishing at the earliest possible date is most desirable at this time. After this ratio is achieved put TALFF on a sliding scale toward total elimination of foreign fishing as American Industry (harvesting/processing) comes on line.

The Council believes that in order for joint ventures to be successful as a tool by which 100% U.S. utilization is achieved, development opportunities for all segments of the U.S. industry must be enhanced. Thus, the extent to which "over the side" joint venture allocations will be considered by the Council will be determined on the extent to which the foreign partner offers to positively assist the development of all segments of the U.S. industry.

In no event will a direct "over the side" joint venture be approved in the absence of verifiable evidence that the foreign partner is positively assisting in the development of other segments of the U.S. industry. And, in no event will a direct allocation be approved in the absence of a joint venture.

The Council will continue to give highest priority to operations that are 100% American, and joint ventures will only be considered for groundfish species not harvested and processed totally by U.S. industry.