

North Pacific Fishery Management Council

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ADVISORY PANEL MINUTES Anchorage, Alaska January 18-19, 1988

The Advisory Panel for the North Pacific Fishery Management Council met in the Sheraton Hotel on January 18-19, 1988. The following members were present:

Robert Alverson, Vice Chairman	Richard Lauber
Arne Aadland	Daniel O'Hara
Alvin Burch	Ron Peterson
Lamar Cotten	Jon Rowley
Mark Earnest	Richard White
Pete Granger	John Woodruff
Pete Isleib	Fred Zharoff

The minutes of the December 7-9, 1987 Advisory Panel meeting were approved as read.

AP Orientation

Chairman Campbell welcomed the new Advisory Panel members to Anchorage outlining the key issues confronting the Council in 1988. The six important issues being:

1. Zero TALFF (i.e., will it hold; will the U.S. industry be able to live up to DAP and JVP projections made in December).
2. Addressing the OY cap in the Bering Sea/Aleutian Islands area.
3. The effects of "donut hole" fishing and actions to be taken.
4. Illegal fishing in the Bering Sea.
5. How to work with the joint venture fleet as it phases out.
6. The future of groundfish management.

Clarence Pautzke gave a briefing of the Council family makeup and function, process and federal charge to the Council.

B-1 Executive Director's Report

Jim Branson presented his 80th and final ED report. Mr. Branson was given a standing ovation from the AP for his dedication to the Council since its inception.

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B-4 S-K Bycatch Video

The AP heard a presentation by Dr. Bill Aron, Director of the Northwest and Alaska Fisheries Center, and watched a video on the crab bycatch experiment in the yellowfin sole fishery. No action was taken.

C-1 AP Officers

The AP re-elected Nancy Munro as Chairman and Bob Alverson as Vice Chairman of the Advisory Panel for 1988.

C-2 Legislative Update

The AP heard a report from Ron Miller. No action was taken.

C-4 Bering Sea Fishermen's Association Petition

The AP recommends the Council send a letter to the Secretary of Commerce supporting the Bering Sea Fishermen's Association petition except that concern should be expressed about how joint ventures would be penalized under Section 612.8. The motion carried unanimously.

C-5 Domestic Observer Program

The AP heard a report from Ron Dearborn, Director of Alaska Sea Grant. No action was taken.

C-6 Sablefish Management

The AP heard a report from Ron Miller. The AP recommends the Council approve the schedule for sablefish management workshops. The motion passed 4 to 2.

C-7 Foreign Vessel Permit Conditions

The AP voted down a motion to request that joint venture permits be conditioned to prevent targeting on roe-bearing rock sole until April 1. The motion failed 8 to 1.

Members of the public testified that the roe-bearing rock sole fishery is an important fishery to a sector of the domestic fleet. They felt there would be a dramatic impact if there was a large joint venture effort on this fishery. They don't want the issue thrown out because of uncertainty of whether it can be done in time or not.

Discussion on the AP, however, noted the drastic potential impact such a measure would have on existing and future joint ventures for yellowfin sole and other flatfish.

C-8 Halibut Management

The AP reviewed the IPHC staff proposals for trip limits in 1988. Members of the public commented that IPHC can stay within the quota by using a trip limit at the end of the season. They feel proposed trip limits are discriminatory to boats who know how to fish halibut--they are a form of share quota.

The AP voted 8 to 3 in favor of the following motion: It appears to the AP that the trip limits proposed by IPHC staff for 1988 seem to be primarily allocative in nature. The trip limits used at the end of the 1987 season, such as in Areas 2C, 3A, and 3B, were addressing primarily conservation issues. There might be exceptions to this where small quotas exist such as in Area 4E.

D-1 Gulf of Alaska Groundfish FMP

- (a) Emergency action to delay sablefish season to coincide with the halibut fishery in 1988.

The AP heard testimony from Mark Hutton, sponsor of this proposal. Mr. Hutton reviewed the arguments to change the date. The primary argument was halibut bycatch in the sablefish fishery and a conservation urgency. This urgency is amplified by new participants having high bycatch rates of halibut, increased mortality due to circle hooks, and poor weather conditions in April.

The AP also heard from Eric Olsen, John McHenry, Gary Embre, John Coyne, and John Bruce, boat owners and crewmen, who refuted the high bycatch rates reported by Mark Hutton.

The AP recommends that no emergency action for the 1988 fishing season be taken at this time. The majority had the following comments:

1. The scientific and industry supplied data base is conflicting and should be presented and reviewed by the plan team and SSC.
2. They were unsure whether a change in the opening date to later in the year would create more gear conflicts and result in more vessels fishing shallower waters, thereby, creating a larger bycatch problem. The reaction of industry to any change in the opening date should be analyzed.
3. It was testified that fishermen and processors had made financial commitments based on an April 1 date and a delay would result in economic losses.
4. Yield and quality issues should be researched and presented to the Council family for review (i.e., which time of the year should it be harvested for best recovery).

The motion carried 7 to 6.

The AP had wanted a briefing by the IPHC but a representative was not available.

(b) Gulf of Alaska Groundfish Amendment Proposals

The AP reviewed groundfish amendment proposals submitted for the Gulf of Alaska FMP, and the recommendations of the plan team and Plan Amendment Advisory Group (PAAG). The AP makes the following recommendations on proposals submitted for the 1988 amendment cycle. With regard to proposals not recommended for either the current or extended cycle, the AP endorses the recommendations of the PAAG.

Proposals unique to the GOA

<u>Proposal Number</u>	<u>Title</u>	<u>Priority</u>	<u>Cycle</u>	<u>Other</u>	<u>AP Vote</u>
1	Sablefish season	high	current	Add two alternatives	unanimous
2	Trawl trip limits	low			unanimous
4,5,6	Rockfish management	high	extended	Add 4th alternative	unanimous
7	Cod allocation to longline gear	low			unanimous
10	Incorporate non-species specific reserve system into FMP	low			unanimous

Proposals submitted to both the GOA and BS/AI FMPs

<u>Proposal Number</u>	<u>Title</u>	<u>Priority</u>	<u>Cycle</u>	<u>Other</u>	<u>AP Vote</u>
<u>GOA (BSAI)</u>					
3	(8) Pollock mesh size	high		S-K Project	unanimous
8	(10) Reporting system			Appoint workgroup	unanimous
9	(12) DAP advisory group			No amendment necessary	unanimous
11	(11) Permit/reporting loophole	high	current		unanimous
12	(15) RAD deadline	high	current	<u>Not necessary in GOA</u>	no action
13	(16) Allow non-retainable PSC	low		<u>Not necessary in GOA</u>	no action
14	(17) Directed fishing def.	high	extended		unanimous
15	(18) DAP to JVP roll-over	high			unanimous
16	(23) Support industry pref.	high	current	Permit condition	<u>1/</u>
17	(25) Multispecies longline FMP	high		Bycatch Committee/FOG	unanimous

1/ Proposal #16 (23) - The AP unanimously approved a motion to request a legal opinion from NOAA-GC by the April meeting on whether this is legal within the confines of the MFCMA, if not, then suggest alternative approaches. Subsequently, during discussion of Bering Sea/Aleutian Islands proposals the AP approved a motion by a vote of 12 to 2 to make this proposal a high priority and to put it in the current amendment cycle.

(c) Limitations on bycatch of sablefish prior to the opening of the directed longline season.

Jon Pollard (NOAA-GC) and Ron Berg (NMFS) presented two options in addressing this particular problem. The first option was to make changes to the plan and regulations so that sablefish bycatch in the Pacific cod longline fishery prior to the April 1 sablefish season be treated as prohibited species. This option could be implemented initially with an emergency rule and followed by a plan amendment. The second option would change the groundfish regulations by lowering the percentage in the directed fishing definition from 20% to a more appropriate number (approximately 1% to 5% based on limited observer analysis) for the longline and pot fishery only. This option could be implemented initially with an emergency rule followed by a regulatory amendment prepared by NMFS.

The AP recommends adoption of the second option with the appropriate bycatch percentage to be in the range of 1% to 5%. The motion carried unanimously.

The AP's primary rationale in support of an emergency rule is the enforcement problem with the current regulation. An argument can be made that NMFS cannot enforce a 20% bycatch limitation without onboard observers. A lower percentage more applicable for the longline fishery will reduce the incentive to target on sablefish prior to the directed season.

Jon Pollard's suggested regulatory language for option 2 is as follows:

"Directed fishing for sablefish with hook and line gear or pot gear' means fishing that is intended or can reasonably be expected to result in the catching, taking, or harvesting of quantities of such fish that amount to (1% to 5%) or more of the catch, take, or harvest or to (1% to 5%) or more of the total amount of fish or fish products on board at any time. It will be a rebuttable presumption that, when sablefish caught, taken, or harvested with hook and line or pot gear comprises (1% to 5%) or more of the catch, take, or harvest, or (1% to 5%) or more of the total amount of fish or fish products on board at any time, such fishing was directed to fishing for such fish.

- (1) Reads virtually the same as the current 'directed fishing' definition, except for percentage and gear type designation.
- (2) The appropriate percentage will be selected after reviewing the best available catch data--the percentage will be the minimum amount reasonably necessary to provide bycatch sablefish amounts for full harvest of other species by these gear groups.
- (3) Enforcement - the 'directed fishing' definition may be applied over any period of time (tow-by-tow) or for the total amount of fish or product on board at any time."

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D-2 Bering Sea/Aleutian Islands Groundfish FMP

(a) Raising the OY range.

The AP heard a report from Denby Lloyd on the scheduling and preparation of analyses documents necessary for this proposal. No action was necessary.

(b) Bering Sea/Aleutian Islands Groundfish Amendment Proposals

The AP makes the following recommendations on proposals submitted for the 1988 amendment cycle.

Proposals unique to the BS/AI

<u>Proposal Number</u>	<u>Title</u>	<u>Priority</u>	<u>Cycle</u>	<u>Other</u>	<u>AP Vote</u>
1	Bycatch Committee	high	current		unanimous
2,3,4,5	Bycatch (misc.)	high		Bycatch Committee	unanimous
* 6,7	JVP pollock dates	low			unanimous
* 9	Aleutian sub-mgmt. areas	high	current		11-2
13	Weekly reporting	low			9-1
* 14,16	NMFS PSC framework	low			unanimous
* 19,18	DAH to TALFF roll-over	high			unanimous
20	JVP "olympic" system			No action	unanimous
21,22	OY range	high	current		unanimous
24	Sablefish/killer whale closure	low			unanimous
26	Roe rock sole/JVP proh.	high	current		12-2

* Note: The AP had specific comments for these proposals.

#6,7 The AP notes that any additional date changes in harvesting pollock should require a bycatch analysis of crabs and halibut.

#9 The AP heard testimony from the sponsor of this proposal. The AP feels because of the growing concentrated efforts in this area that it be given a high priority and be placed in the current amendment cycle.

#14,16 These proposals were considered together.

#19,18 These proposals were considered together.