

North Pacific Fishery Management Council

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ADVISORY PANEL MINUTES JANUARY 14-15, 1990 ANCHORAGE, AK

The Advisory Panel for the North Pacific Fishery Management Council met on January 14-15, 1990, at the Westward Hilton Hotel, Anchorage, Alaska. Members in attendance were:

George Anderson
John Bruce
Al Burch
Phil Chitwood
Dave Fraser
Ed Fuglvog
Kevin Kaldestad

David Little
Loretta Lure
Pete Maloney
Jack Miller
Dan O'Hara
Perfenia Pletnikoff
John Roos

Jay Skordahl
Harold Sparck
Beth Stewart
Dave Woodruff
John Woodruff
Robert Wurm
Lyle Yeck

Minutes of the December 1-4, 1990 meeting were approved as presented.

C-1 ELECTION OF OFFICERS

The AP moved to elect John Woodruff as Chair and Dave Fraser as Vice-Chair for 1991. The motion passed unanimously.

C-2 HALIBUT MANAGEMENT

The AP reviewed a status report on the Council's regulatory amendment approved in December. The regulatory amendment will soon undergo a 30-day public review. The AP had no further comment on this issue.

C-3 MARINE MAMMAL

NMFS-Alaska Region staff presented a status report on Stellar sea lions and NMFS-proposed amendments to the Marine Mammal Protection Act. The AP took no action on this item.

C-4 INTERNATIONAL FISHERIES

The AP heard a brief Coast Guard, NOAA Counsel and staff report on fisheries in the Donut Hole.

The AP moved to reiterate its September 1990 action of opposing the entrance of all fishing vessels to the Donut Hole area. Further to this, the AP recommends the Council adopt an amendment proposal that would address a prohibition of fishing in the Donut Hole, that permit sanctions within the U.S. EEZ be listed and that companies with multiple vessels be sanctioned if any of their vessels fishes in the Donut Hole.

The rationale for this motion is that --- fishing in the Donut Hole (a) conflicts with U.S. and Council policy, (b) conflicts with the Council's conservation policy (c) significantly impacts king salmon and herring stocks of North American origin.

In discussing this motion, there was sentiment among many AP members that an emergency rule regulations should be adopted as soon as possible to address this issue. However, uncertainty about legal authority kept this from passing on the AP.

C-5 INSHORE-OFFSHORE

AP received a status report from Council staff. The AP requests that copies of the draft analysis be available for Council family prior to the April meeting to allow time to study.

C-6 POLICY ON USE OF PRIVATE FUNDS

The AP believes that the policy that currently exists is adequate. The public has three avenues for supplying additional funds for analysis;

1. Homework proceeding submission of amendment proposals - no need for adopting Council policy on this, it already exists.
2. Public testimony submitted at the decision point - no need for adopting policy on this.
3. Research can be done independently and submitted to plan teams and Council family and evaluated on its own merits (concurrently with EA/RIR)/.

There is no need for any third party, arm's length channel.

The AP would prefer that any additional funds for research and analysis be appropriated by Congress, but if not, then generated by an equitable user fee and the AP recognizes that this requires an amendment to the Magnuson Act. We request the Council support such an amendment.

Furthermore, the Council should stop hiding behind requests for endless further analysis and make some decisions.

This motion passed 13-7.

Those voting in favor were concerned that a funding method for analysis would have the impact of allowing industry segments with money to fund the projects they wanted and this would put other industry participants at a disadvantage. They also felt the public had plenty of opportunity to fund

independent analysis that the Council family could accept if warranted. Further, there was concern that the Council family could insure objectivity of analyses that were in effect paid for by a simple industry segment.

Those voting against were either concerned about endorsing another user fee "carte blanche" or felt that the Council should have a policy for accepting funds for analysis.

C-7 FUTURE MANAGEMENT PLANNING

The AP reviewed a report on the Fishery Planning Committee meeting and their recommendations. The AP had no comment to make at this time.

C-8 RESEARCH PRIORITIES

The AP reviewed the research priority recommendations of the plan teams and SSC. The AP recommends that the following topics be given highest priority for research in 1991-1992.

1. Maintain the continuity of stock assessment surveys. If possible, the AP would like to see annual surveys in the Gulf of Alaska, compared to the current triennial program. More frequent surveys are also needed in the Aleutian Islands areas, as well as expanded assessment efforts on crab stocks.
2. Develop the Alaska Fishery Monitoring System as outlined in the SSC report (#A). This system is essential to process stock assessment dates, observer data, and other fishery information in a timely manner.
3. Expand research to enhance analysis of resource allocation issues, this research would include biological, economic, and social analytical requirements.

The AP also recommends the Council seek all means possible to achieve better information for real time management of fisheries and resources. These recommendations passed unanimously.

C-9 FOREIGN OWNERSHIP

The AP received a report on the GAO review of the Anti-flagging Act and on recent changes in U.S. marine financing laws. The AP had no comment on this issue at this time.

C-10 NORTH PACIFIC FISHERIES RESEARCH PLAN

The AP reviewed a staff discussion paper on a proposed user fee system to pay specific observer program costs. The AP also heard testimony on several ways to apply poundage fees. The AP recommends that: (1) the Council begin development of a program to be in effect by 1992; (2) supports an industry delegation to seek congressional seed money to pay observer program costs in the first year (this money is above and beyond the amount requested for NMFS/Council research); (3) the Council request NMFS to develop costs of the observer and user-fee programs, so that industry can learn how the money will be spent and what benefits will be gained; and (4) the AP approved the proposed work schedule and alternatives listed (although we may want to add more at a later date). This motion passed unanimously.

D-1 GENERAL GROUND FISH

The AP received reports from NMFS, AFSC and Council Staff as well as public testimony on this agenda item.

By a vote of 12-8, the AP recommends the Council drop and not analyze the proposed plan amendment regarding changing the fishing year. However, the AP recognizes there are some species whose reasons may need some seasonal adjustment and these should be handled on an individual basis.

Those in favor of this motion felt that the Councils agenda was already too full with higher priorities, that this proposed amendment would require a great deal of time for analyses since it covers all species and has allocative impacts and that the beginning of the year problem that NMFS faces is really the result of too many emergency rules being initiated at the December Council meeting.

Those opposed to this motion felt the real issue was available staff time and that the change of year idea made sense at least to look at.

By a 17-3 vote, the AP recommends the Council adopt the projects and staff tasking list as shown in D(1) (second table). The incompleted projects should have priority for staff time over all new projects. Snail management and change in fishing year should be deleted from the new projects list.

Those voting in favor of this motion felt the Councils plate was already full of high priority projects and those already started should be finished. They don't think the Council should begin to address anything new until these unfinished priority projects are complete, unless additional funding of staff time is available.

The AP ^{urges} wages the NPFMC and Alaska Board of Fisheries at their earliest possible convenience to issue a joint statement on reducing bycatch of salmon in the U.S. EEZ. Furthermore, the AP ^{urges} wages that action be taken in 1991 to reduce salmon bycatch.

The passed unanimously.

The AP expressed concern over salmon bycatch in the U.S. EEZ as well as in the Donut Hole.

We recognize that the costs of managing the resources of the North Pacific exceed the Council and NMFS budget and that additional funding is necessary.

We would prefer that such funds be generated by a equitable user fee and recognize that requires amendment to the Magnuson Act. We request the Council to support such an amendment.

In the interim there is an ongoing need for additional research and analysis to be funded.

There are 3 areas where industry can spend money on analysis.

1. Homework proceeding submission of amendment proposals - no need for Council policy.
2. Public testimony submitted at the decision point - no need for Council policy - testimony judged on its merit.
3. Research which will be incorporated in an EA/RIR for an amendment proposal which has already been ranked as a priority independently of whether there are outside funding sources.

Council policy should not set criteria for subcontracted work which is independently funded, including requirement for peer review before such work is folded into the Council analysis document.

Furthermore the Council should stop hiding behind requests for endless further analysis and make some decisions. The AP is willing to conduct a Time/Management seminar for the Council.