

North Pacific Fishery Management Council

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ADVISORY PANEL MINUTES

June 25-27, 1990
Anchorage, Alaska

The Advisory Panel for the North Pacific Fishery Management Council met on June 25-27, 1990 at the Anchorage Hilton. Members in attendance were:

George Anderson	Dave Fraser	Harold Sparck
Al Burch	Ed Fuglvog	Dave Woodruff
Phil Chitwood	Vic Horgan, Jr.	John Woodruff, Vice Chairman
Paul Clampitt	Pete Maloney	Robert Wurm
Lamar Cotten	Jay Skordahl	

Members absent were: Pete Isleib, Kevin Kaldestad, David Little, Nancy Munro, Dan O'Hara, and Lyle Yeck.

Advisory Panel Operations

Members of the Council's Performance Review Committee met with the Advisory Panel to discuss changes that the Council is making to its operating procedures to improve overall efficiency and timeliness of Council meetings. Several guidelines were recommended for the AP and these were discussed and endorsed by the panel (see attachment). Council staff was asked to prepare a discussion paper which outlines these guidelines in detail and prepare an operations manual for AP review at its next meeting.

C-2 Observer Program

The AP heard a detailed NMFS report on the observer program. After some discussion, the AP voted 10 to 3 to recommend to the Council that vessels 56' and over be required to comply with the 30% observer coverage requirement.

Those voting in favor of this motion cited the sablefish fishery where a significant portion of the catch is taken by vessels in the 56' to 60' size class. They also thought these vessels should suffer the same economic pains the 60'+ vessels have to in terms of paying for the observers.

Those voting against the motion thought that the vessel minimum size requirement was fine.

There was some sentiment among AP members that a crab observer program should be brought to the Council's attention. However, there wasn't consensus on this and no motion was passed.

C-4 Sablefish Fixed-Gear Management

The AP heard a staff review of the sablefish amendment package and public testimony.

The AP examined both management alternatives: status quo (or continued open access) and the IFQ system as described in the documents. No consensus could be reached on either alternative. Motions to approve both alternatives failed. Some members support the IFQ system in concept but believe that certain caveats should be included, although there is not universal agreement on each of these caveats. Other members support continued open access management with the Council pursuing traditional management tools to address the fishery problems.

Those supporting the IFQ concept voiced several major issues which they felt should be resolved prior to an IFQ system being adopted. Some members may have adopted the IFQ system with one or more of the following issues addressed:

- Owners of IFQs should be required to be on the vessel.
- Owners receiving IFQs must have fished during 1985-1989.
- IFQs should not be leasable.
- Individuals cannot hold more than 1% of the area IFQs.
- These vessel size classes should be considered: 0-50', 51-75', 76'+ (in order to preserve the current structure of the fishery, especially with regard to the 51-75' size class).
- IFQs should only be allocated to those whose name is on the fish ticket.
- Those vessels that historically landed their sablefish to inshore processors, should be required to continue to deliver to inshore processors. Those fish processed offshore must continue to be processed offshore. This issue addresses the concern for coastal communities.
- IFQs should have no monetary value.
- Transferability of IFQs should be limited to family members who actually fish the vessels, or to crewmen who have participated in the fishery.

Those opposed to the IFQ system stated that there are too many deficiencies with the system as described in the analysis. Also, a sablefish IFQ system should not be implemented until a holistic, or comprehensive management plan is developed for all fisheries under the Council's jurisdiction. A moratorium is viewed by some members as a necessary first step toward implementing a comprehensive sablefish fishery management plan.

C-5 Future Management Planning

The AP heard a staff report on the Moratorium Notice. After discussion the AP voted unanimously to recommend to the Council that they proceed with the moratorium in its present form with two changes [to the Draft Notice, agenda item C-5(a)(2)]:

1. Page 4, paragraph 3, item (A), amend the minimum vessel length to 43'.
2. Page 4, paragraph 4, item (B), the second sentence should read, ". . . capacity or length or width by no more than 20% during the length of the moratorium."

The AP continues its support for a moratorium and would like to see the "pipeline" closed as soon as practically possible. There was considerable discussion about how this could be done with no results.

D-1 Salmon FMP

The AP after discussion, voted unanimously to recommend the Council approve the amendment cycle schedule outlined for the salmon plan [found in agenda item D-1(a)].

D-3 Groundfish FMPs

D-3(a) Amendment 16/21 to the GOA and BSAI Groundfish FMPs

The AP heard staff presentations and public testimony on the amendment proposals to the BSAI and GOA groundfish FMPs. The AP then discussed the current amendments and made the following recommendations:

Chapter 2: Revise Crab and Halibut Bycatch Management Measures for the BSAI

By a 8-5 vote, the AP recommends the Council adopt Alternative 3 with these specifics:

- (a) A penalty box procedure be established similar to that described by our AP-Industry workgroup (see attachment).
- (b) The caps in Amendment 12a will sunset after 1991 and shall be reviewed and adjusted based on changes in biomass populations of PSC and target groundfish species.

Those in favor of this motion think this continues to protect valuable PSC stocks and amends the system so it will work effectively. They also support the idea of an industry driven penalty box system. The majority of the AP consider the penalty box provision and the bycatch caps as being inseparable and one should not be approved without the other (i.e., the AP doesn't want 1991 to begin with a penalty box system in place without a PSC limit in effect).

Those opposed to the motion were concerned that the amendment only addresses a single gear group's bycatch, that the PSC caps should be adjusted in 1991, and that there are too many spiders in the woodwork (that is, they can't figure out exactly how this will work).

Chapter 3: Overfishing Definition for the GOA & BSAI

By a 9-3 vote, the AP recommends the Council adopt Alternative 4 as written.

Those in favor of this motion think that Alternative 4 is the most conservative definition of overfishing without a threshold. There was concern in adopting a definition with a threshold, since for many target species, well defined thresholds don't exist and even biomass estimates aren't confidence inducing. Further, because of other protections in place (Endangered Species Act, Council/NMFS oversight, etc.), the stock wouldn't need to be regulated by a threshold.

Those voting against this motion favor a more conservative approach with a threshold. The idea of a threshold gives them positive assurance that the stock will be protected.

Chapter 4: Establish Procedures for Interim TAC Specifications for the GOA & BSAI

By a 7-6 vote, the AP recommends the Council adopt Alternative 3.

The AP recognizes the need to have TAC's in effect at the beginning of the year. Alternatives 2 and 3 would allow fisheries to begin until final TAC specifications are in place. Alternative 3 differs from Alternative 2 by limiting the interim TAC at the beginning of the year to 25% of the total TAC. This measure offers protection against a situation where a significant portion of the TAC could be taken early in the year. The AP generally supports the concept of the TAC being spread out over the year. AP members opposed to Alternative 3 were in favor of Alternative 2. These members were concerned that with the pressure being taken off NMFS to have the final TAC specification notice in place, final specifications may not get published until later in the year and that some fisheries could be closed if only 25% of the TAC were available.

Chapter 5: Modify Authorization Language for Demersal Shelf Rockfish Management for the GOA

By a vote of 7-5, the AP recommends the Council adopt Alternative 2.

Those in favor see the State doing an effective job of managing this resource and believe they are capable of reacting more quickly to the needs of the fishery. They felt comfortable with the provisions for Federal/Council oversight in the State's decision making process.

Those opposed to the motion were concerned about potential impacts on the offshore fleet, created by the deferral of management authority to the State. Other concerns included the fear that access to the State regulation process isn't as balanced as the Federal process, that this action sets a bad precedent, and that there could be a limited entry scheme lurking down the road.

There was some discussion that the State-Industry workgroup currently in existence might include some of the offshore components and that ADF&G regulatory notices relative to the fishery would go to all parties concerned.

Chapter 6: Change Fishing Gear Restrictions for the GOA & BSAI

By a unanimous vote, the AP recommends the Council adopt Alternative 2 (including the three measures specified) with the following language to be added to the proposed pelagic trawl definition (measure C):

Pelagic trawl means a trawl which has stretch mesh size openings of at least 1 meter, or parallel lines with spaces of at least 1 meter, starting at the fishing line and extending aft for a distance of at least 10 meshes and going around the entire circumference of the trawl, and which is tied to the fishing line with no less than 0.3 meter (12 inches) between knots around the circumference of the net, and which does not have plastic disc, bobbins, rollers, or other chafe-protection gear attached to the foot rope or a trawl of any other configuration that has an observed bycatch rate no greater than the observed bycatch rate of a pelagic trawl as defined above.

Chapter 7: Expand Halibut Bycatch Management Measures for the GOA

By a unanimous vote, the AP recommends the Council adopt Alternative 2 with these explicit additions:

- (a) Pot gear should have a separate PSC cap.
- (b) A PSC penalty box system should be established in the short term with the ultimate goal to get a better (more positive) bycatch incentive system in place.
- (c) Seasonal apportionments of the PSC limit.

The AP clearly recognizes the problems associated with fixed caps and sees the expanded framework as the most desirable system for PSC management.

D-3(b) Regulatory Amendments to Delay the Yellowfin sole/Other flatfish Fishery

The AP considered a regulatory amendment for the 1991 yellowfin sole/other flatfish fishery. After a staff presentation, some discussion and a brief industry meeting, the AP voted 12 to 1 to recommend to the Council that there be an April 1 opening of the yellowfin sole/other flatfish fishery in 1991 and that it be accomplished by seasonal apportionment of PSC caps rather than with a regulatory amendment.

There was a lot of discussion about data capable of supporting a change to a specific time and what effects this change would have on how the fleet would act relative to other fishing opportunities. There was no strong support for any single date, but a consensus was reached by the AP for an April 1 opening. There were concerns expressed by some AP members that herring bycatch (particularly in Area 514) could be a problem with an April 1 opening and that in Area 514, the opening should be delayed until the third quarter. However, there was no consensus and no motion was passed.

D-3(c) Extension of Bycatch Measures in the BSAI (Amendment 16a)

The AP reviewed the draft Amendment 16a package which proposes expansion of bycatch management measures in the Bering Sea/Aleutian Islands area. The AP unanimously approved a recommendation to send this amendment out for public review. The AP also unanimously supports adding to both Alternatives 2 and 3 the option of individual bycatch accounts described below:

Proposal for Individual Bycatch Account (IBA) Alternative

- A. **Initial distribution:** to all vessels equally with a history of participation in the prior year above a threshold (between 500-100 tons) in the GOA. Distribution done annually on a one-year basis.
- B. **Reserve:** set aside a percentage of the cap (15%?) as an open access pool for vessels without a threshold level history of participation. This sub cap would be administered on a status quo "olympic" basis.
- C. **Transferability:** fully transferable (but note the one-year duration).

- D. Observer coverage/monitoring: based on current coverage requirements.
- Above 125' -- base on observed rates.
 - Less than 60' -- multiply catch by high end of an assumed rate range, or use observed rate if voluntary coverage is used.
 - 60' to 125'
 - Option A: extrapolate observed rate to 100% of catch.
 - Option B: use observed rate for observed catch and high end of assumed rate range for unobserved catch.

D-3(d) Emergency Action Requests

1. Bering Sea Herring

The AP heard an ADF&G report on the status of Bering Sea herring stocks as well as a Bering Sea subsistence fishery report. After considerable discussion, the AP voted 10 to 3 to recommend to the Council that it request the Regional Director of NMFS to limit bycatch of herring to no more than 1,000 mt from the winter savings area (see attached Figure 3-2, Chart B, referenced on page 3-26 of the Amendment 16a RIR) in 1990 where Nelson and Nunivak Island herring stocks are known to exist. Further, the AP expresses concern that the Nelson and Nunivak Island stocks are below threshold and we see the need for research, especially related the status and identification of stocks in the winter savings area.

As clarification, the AP anticipates the winter savings area would only be closed when the 1,000 mt bycatch cap is reached.

Those voting in favor of this motion are concerned about these important commercial and subsistence herring stocks. They also see the need for research to identify the origin of the herring bycatch as well as the origin of the herring in the winter savings area. It was felt that something needs to be done to prevent large herring bycatches especially given that some stock components are below threshold.

Those voting against the motion think 1,000 mt is too low, especially since the total Bering Sea herring stocks seems to have rebounded.

2. Exemption of Pot and Other Gear Types from GOA Halibut PSC Limit

The AP recommends that the Council take emergency action to exempt pot gear (equipped with halibut exclusion devices) and gear other than hook and longline from the 1990 halibut PSC limit. Preliminary domestic observer data indicate that pot gear used in the Pacific cod fishery experiences very low halibut bycatch if equipped with halibut exclusion devices. The AP heard considerable testimony that the halibut bycatch rate for the Pacific cod pot fishery was extremely low and that what bycatch there was had very low mortality rates. Public testimony also suggested that jigging machines and rod and reel effort on rockfish also experience low halibut bycatch. The AP isn't convinced that there is a good data set to prove these low rates but is satisfied that no appreciable damage to the halibut stocks will occur for the balance of 1990.

The AP unanimously voted to exempt these gear types for the remainder of 1990 as long as there was some observer coverage of the pot and jigging operations so a bycatch data base can be established.

3. Exemption of Southeast Demersal Shelf Rockfish Fishery

The AP reviewed the request from ADF&G Commissioner Collinsworth requesting emergency action to exempt the Southeast Demersal Shelf rockfish fishery from the 1990 GOA halibut PSC limit. It was noted that bycatch requirements for this fishery were not included in the development of the 750 mt fixed-gear cap. ADF&G staff and public testimony reported that halibut bycatch in this fishery is extremely low. The AP discussed the economic and social importance of this winter time fishery to coastal communities.

The AP unanimously recommends approval of this request so that the rule can be implemented by the October 1 opening of the fishery.

The Council has just concluded a review of its operating procedures, and those of the Advisory Panel, the SSC, and staff, and are in the process of developing new guidelines for an improved, and more time efficient management process.

With reference to the AP, we reviewed the recommendations of the Performance Review Committee and have developed the following guidelines:

- . The AP needs to adopt a strict time-management approach to its work. The Council will determine the AP's agenda, which will focus on those issues which are scheduled for final Council action. Deadlines for AP recommendations will be set.
- . The Council is more interested in major points of view on the AP than a vote. Strict time-management of the AP's agenda may not provide sufficient time for the AP to come to a vote on a issue. That's acceptable to the Council. If a vote can be taken, fine. If not, a report to the Council that presents the major points of the AP's discussion will be extremely valuable. When votes are taken, a roll call vote would give the Council insight as to how various industry representatives view an issue.
- . If votes are taken, the Council wants a balanced presentation on both the majority and minority views. The number of members voting for or against a motion isn't as important as a presentation of the reasoning behind the vote.
- . The AP should consider using sub-groups to study and develop recommendations prior to the AP meeting. These sub-groups could save time and help lead the discussion of the full AP.
- . If possible, the Council would like to receive the AP's written report on a particular agenda item before that topic comes before the Council.

Advisory Panel-Industry
Workgroup Report on Agenda D-3(a)
Chapter 2.0 of Amendment 16/21
June 26, 1990

1. The penalty box program would not sunset until replaced by an improved program.
2. A vessel's one-month moving average would be compared to the fleet's one-month moving average for the same period in a target fishery (as defined on page 2-11 of the EA/RIR). Check points would occur weekly. (During the first month, the initial average of the fleet and the individual vessel would be calculated based on its first week's bycatch performance. Each subsequent weeks bycatch performance would be added and averaged until a four-week rolling average is achieved).
3. "Excessive" bycatch rate is defined as a multiple of the fleet average, frameworked between two to four times the average or expressed in terms of standard deviations from the mean. (The group wished to see actual impacts of particular multiples on actual fishery data.)
4. Duration of penalty would begin as three days for the first offense and increase to one week for the second offense and two weeks for successive offenses within a moving 12-month period. Additionally it was suggested that if an "excessive" rate were two times the fleet average (to be defined under item #3 above) and a vessel's rate exceeded that average, the vessel's penalty would be increased proportionally. For example, if the fleet average was "x" and a vessel's average was "2x" then it would receive a 3-day penalty for the first offense. If the vessel's average was "4x" the penalty would be doubled to 6-days for the first offense.

Determination of multiple offenses would be monitored by PSC species category (e.g. if the first bycatch offense were for halibut, the next halibut offense would be treated as a second offense but a subsequent bairdi offense would be treated as a first offense in a separate category).
5. Penalty would be a total prohibition on all fishing under Council jurisdiction for duration of penalty period.
6. The program would apply to all vessels with observed catch in a covered fishery on the basis of their sampled (observed) catch only. A minimum amount of sampled catch or number of days fished before a vessel would be subject to testing was discussed but there was no consensus on specific numbers.
7. No vessel should be penalized if their rate was below a rate based on 1986-89 joint venture observer data as long as that rate is a relatively conservative rate (as these joint venture rates are generally acknowledged to be relative to DAP 1990 experience). This offers a vessel entering a fishery with a small number of participants a "safety net" target.

8. The group also supported application of the program to the Gulf of Alaska for halibut for the following list of target fisheries:

- Shallow water flatfish
- Deep water flatfish
- Arrowtooth flounder
- Pacific cod
- Pollock (bottom trawl)
- Other rockfish (thornyheads et al.)
- Other Species (including shelf rockfish, Atka mackerel, etc.)

A set of target fishery identification rules, as on page 2-11 of the EA/RIR, need to be developed with NMFS staff.

Foreign Fishery

(... ..)

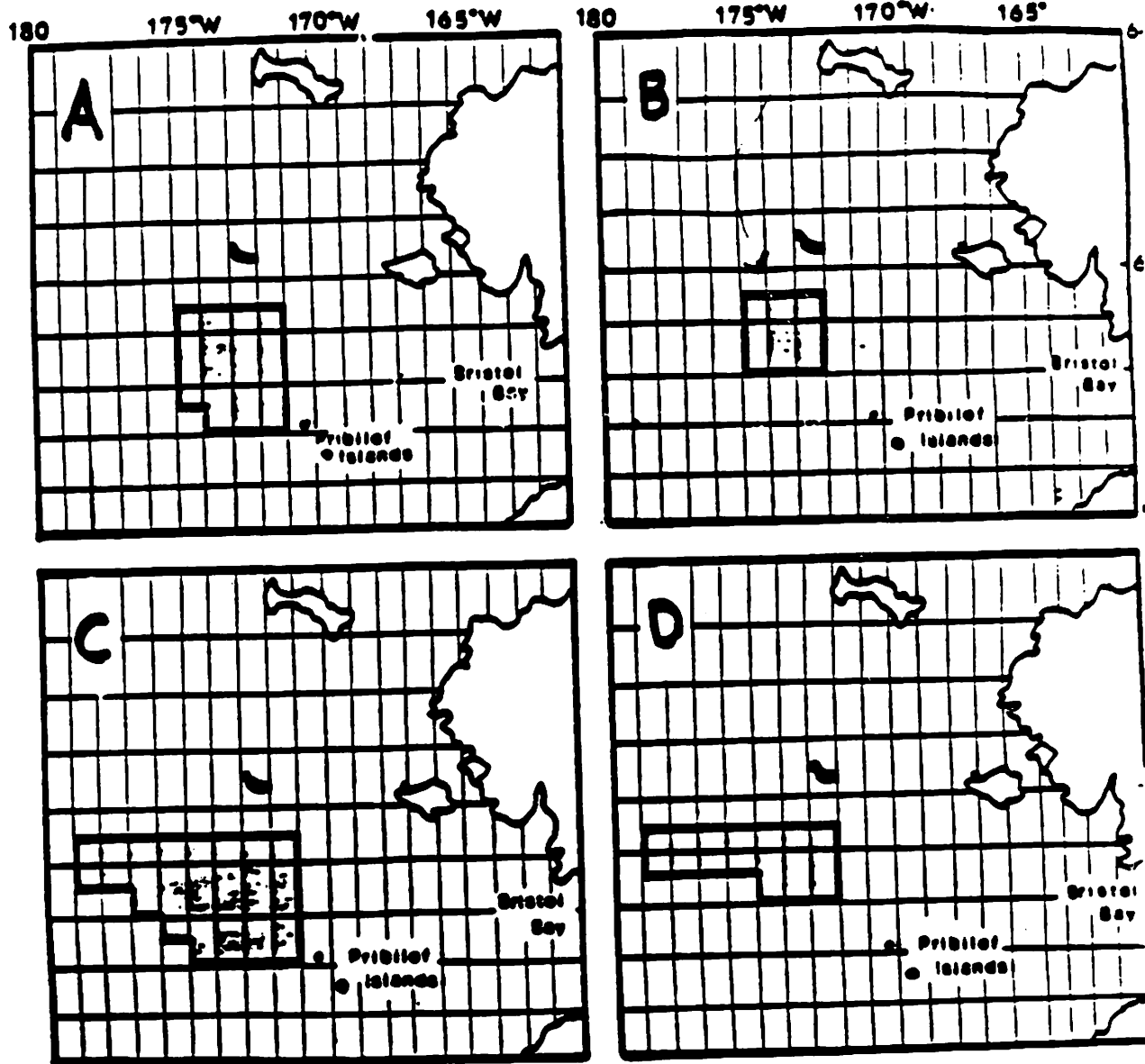


Figure 3-2 Options considered for the Herring Savings Area. Area C provides the maximum protection to the wintering herring populations. (From 1983 Draft Herring FMP)