

# North Pacific Fishery Management Council

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Certified by John Bruce  
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## ADVISORY PANEL MINUTES NOVEMBER 8-9, 1998 ANCHORAGE, ALASKA

Advisory Panel members in attendance:

Alstrom, Ragnar	Henderschedt, John
Benson, Dave	Jones, Spike
Blott, Tim	Lewis, John
Bruce, John (Chair)	Madsen, Stephanie (Vice-Chair)
Burch, Alvin	Nelson, Hazel
Cross, Craig	Paddock, Dean
Falvey, Dan	Stephan, Jeff
Fanning, Kris	Ward, Robert
Fraser, Dave	Yeck, Lyle
Ganey, Steve	Yutrzenka, Grant
Gundersen, Justine	

Advisory Panel (AP) member Arne Fuglvog was absent.

### C-1 SB1221 — American Fisheries Act (AFA)

The AP recognizes that some aspects of the IO3 regulation have been superseded by the American Fisheries Act (AFA). The AP recommends the Council request the Secretary to revise the following IO3 regulations to be compatible with the various elements of the AFA:

1. the allocation and duration as is written in the AFA
2. the 2.5% set aside for catcher vessels delivering shoreside is no longer necessary.
3. the exclusion of offshore catcher vessels from fishing in the CVOA during "B" season is no longer necessary.

Motion carries unanimously 19/0.

The AP reiterates its October 1998 recommendation on development of fee systems:

“The AP recommends the Council direct NMFS to work cooperatively with ADF&G, processors and fishermen to develop a standardized fee collecting mechanism which will provide consistency between current fee collection programs, the IFQ fee, CDQ program, and potential future fee programs.

“With respect to the proposed IFQ fee program, the AP recommends it not go forward until a mechanism be included which allows fishermen to submit evidence demonstrating discrepancies between standard prices charged by NMFS and actual prices received by the individual fishermen. Motion carries unanimously (19/0).”

The AP recommends the Council initiate a discussion paper examining the following conditions for cooperative agreements:

1. limiting coop agreements to a range of 1-6 years.
2. prohibiting linkage of membership in coops to delivery of non-pollock species.
3. require disclosure of information on catch and bycatch by coop participants.

The AP further requests NOAA GC clarify councils ability to supersede provisions in Section 210(b). Motion carries unanimously (21/0).

The AP recommends the Council further address in a discussion paper, options for compensation to inshore catcher vessels with catch history delivering to catcher processors that is no longer available to them under AFA. Motion carries unanimously (19/0). Additionally, examine inserting a clause replacing language in §210(b)(1) to add an option for determining catch history for catcher vessels on the basis of the best two of three years in 1995, 96, 97. Motion carries unanimously (21/0).

The AP recommends the Council add to staff tasking the framework proposal submitted by Alaska Groundfish Databank for pollock coops in the Gulf of Alaska. Motion carries 20/0/1.

(A motion to request the Council add to staff tasking proposal #21 restrictions on processing of trawl caught groundfish in the GOA including exempting vessels less than 60 ft looking at trip limits, and addressing tax concerns for deliveries outside catch area, failed 7/11/1.)

The AP recommends the Council initiate analysis for the following management actions for the pollock fishery in the Gulf of Alaska

1. Trip limits of 75,000 - 400,000 maximum within a 24 hour period
2. Vessel length restriction of 125 ft.
3. Superexclusive areas
4. Limit the second trimester to 15% TAC allocation.

Motion carries 16/4

SB 1221 catcher vessel restrictions require the Council to develop conservation and management measures to prevent pollock-eligible catcher vessels (CVs) from exceeding their aggregate traditional harvest levels in other fisheries as a result of fishery cooperatives in the directed pollock fishery. The clear intent of Congress is to limit the impact of these restrictions or protective measures to catcher vessels actually participating in a co-op because there would be no reason, or need, to add restrictions on CVs that elect to fish pollock open access in the traditional manner. The CV open access pollock fishery would not have any unfair advantage to adversely impact other fisheries and may in fact depend on those other fisheries for a majority of their income.

Therefore, the AP recommends the Council's interpretation of CV protective measures, i.e., that the CV protective measures be limited to protecting against adverse results of fishery co-ops on other fisheries, and therefore, would not be applied to those pollock CV's not participating in co-ops. Also, that this be sector specific. Motion carries unanimously (19/0).

The AP recommends the Council initiate analysis of the following options to mitigate impact of possible spillover effects of 1221 on other fisheries:

1. No crossover allowed into any crab fisheries for vessels with membership in a pollock co-op.
2. No crossover allowed in the Tanner crab fishery only (opilio and bairdi).

Sub-option: vessels which qualified based on bycatch of bairdi in red king crab would be restricted to bycatch of bairdi in the red king crab fishery.

Duration sub-options:

- a. Permanent based on participation in co-op
  - b. Only for year vessel is involved in co-op.
3. Measure which would restrict pollock co-op vessels to their aggregate traditional harvest including:
    - a. Restriction to the percentage of crab harvest in all species between 1995, 96, and 97.

Motion carries 17/0/2.

The AP recommends that any conservation or management measures that are recommended to the Secretary in protecting processors not eligible to participate in the directed pollock fishery from adverse effects as a result of the Act or as a result of fishery cooperatives in the directed pollock fishery:

1. list the adverse effects that the measures are aimed at protecting,
2. quantify how the measures will protect the non-eligible processor from the adverse effects, and
3. document that the adverse effects have a high probability of occurring as opposed to being just perceived as a possibility of occurrence,

before any protective measures are implemented. Motion carries 6/2/6.

The AP recommends a discussion paper be initiated examining options to mitigate potential adverse impacts from AFA on non-pollock processors including:

1. The ability to allow processors not listed in Section 208 to process limited amounts of inshore pollock allocation, including requirement to participate in buyout provisions.
2. Excessive share caps on processors of 10%, 12%, 15% and 17.5%. A sub-option should also be examined which allows differential caps between pollock and non-pollock processors.
3. Restricting vessels used for processing in the inshore sector to a single geographic location.
4. Measures to restrict pollock processor activity in non-pollock fisheries to no more than historic levels including options using years 1995, 96 and 97.

The AP further requests the Council initiate a data gathering program to identify the benefits and impacts of AFA. Information tracked should examine state and federal fisheries and include:

ownership patterns	ex-vessel price
processor activity	employment changes
product forms	market share

Motion carries 18/1.

The AP recommends that the Council move forward with an FMP amendment to prevent excessive harvest/processing shares for all crab and groundfish (and excessive processing shares for pollock). The analysis should examine shares of fisheries as defined in the following options:

1. individual crab and groundfish species
2. Pollock, non-pollock groundfish, crab.

Motion carries unanimously 19/0.

The AP recommends the Council ask staff to examine the following and report back to the Council:

1. Definitions used in AFA and Magnuson-Stevens for consistency.
2. The ability of pollock processors to expand their operations to other geographic locations, and
3. The ability of pollock processors to transfer their processing privileges.

Motion carries unanimously 19/0.

The AP recommends the Council direct NMFS to prohibit 1221 listed vessels from exceeding the "inside critical habitat" harvest percentage of the Atka mackerel caps as spelled out in §211 paragraph (b)(2)(c). Motion carries 18/1.

The AP recommends the Council request NMFS to use the following guidelines for managing non-pollock target fisheries under AFA:

***Groundfish:***

1. Non-pollock groundfish caps for listed vessels will be established on the basis of the percent of groundfish harvests in the pollock and non-pollock fisheries in 1995, 96, 97 (for Pacific cod, 1997 only).
2. NMFS will determine the bycatch needs for pollock and non-pollock fisheries and allow for directed fishing for non-pollock target species such that the total catch of those species should not exceed the caps as established in #1.

***PSC Caps:***

1. Total PSC cap for listed vessels will be established on the basis of percentage of PSC removals in the non-pollock groundfish fisheries in 1995, 96, 97.
2. NMFS will allow for directed fishing of non-pollock species such that the total PSC removals do not exceed the PSC cap as established in #1
3. The listed vessels' PSC caps will not be apportioned and will be managed under open access season apportionment closures.

Motion carries 15/6.

The AP recommends the Council adopt NMFSs recommendation to exempt squid from the CDQ program under emergency rule-making. The AP further recommends the Council direct CDQ groups to develop bycatch avoidance programs for other potential limiting species. Motion carries 19/1.

The AP recommends the Council initiate a regulatory amendment for examining start dates for the pollock fisheries (both A and B seasons). Motion carries unanimously 21/0.

The AP further recommends the Council initiate consideration of the removal of the stand-down provisions for inshore/offshore catcher vessels in pollock fishery (A & B season). Motion carries unanimously 21/0.

### ***Crab License Limitation Program***

The AP believes that action on #11 of C-1(b) dealing with elimination of latent capacity in the crab fisheries was adequately dealt with by Council action in October 1998, and that further catcher vessel restrictions for vessels fishing in co-ops shall also restrict their catch from exceeding the aggregate of their traditional catch as far as SB 1221 is concerned. Motion carries 10/8/2.

### **C-2 Marine Mammal Measures**

It is the feeling of the AP that the best scientific evidence presented to us suggests that the decline of Steller sea lions is the result of a regime shift in the Bering Sea and North Pacific in the 1970s. This regime shift has resulted in a change in the species mix of fish and other prey, and as those fish stocks have declined, pollock has become more prevalent in the diet of Steller sea lions. There appears to be little, if any, evidence that the North Pacific pollock fishery contributed to the decline originally. In addition, there is no evidence that the pollock fishery is currently limiting the availability of pollock to Steller sea lions. Nevertheless, the nutritional value of pollock is suspect as compared to the more fatty fishes that comprised a larger portion of Steller sea lion diet historically.

The evidence suggests that the commercial fishery targets larger pollock than eaten by Steller sea lions and taken at depths deeper than the Steller sea lions routinely forage. We are concerned that remedial measures designed to reduce or eliminate the pollock fishery in critical habitat areas may actually do more harm than good by increasing cannibalism and shifting fishing effort into areas where smaller fish are encountered. Such remedial measures would also have serious economic impacts on the industry.

Therefore, the AP recommends that if the agency makes a finding of jeopardy, the Council adopt management measures for implementation by NMFS as emergency measures for the 1999 BSAI/GOA pollock fishery related to Steller sea lion conservation. In adopting such measures, the AP recommends that the Council consider the following points:

1. Since the full implementation of the American Fisheries Act will occur in the year 2000 and will result in substantial changes in the prosecution of the fishery, management measures adopted this year should sunset in 1999.
2. Since the scientific research results appear not to establish a clear causal link between the Steller sea lion decline and the fishery, management measures should be moderate in scope.
3. The Council, in recommending fishery management measures, should take into account whether they are economically feasible for the industry, including analysis of the potential for serious gear conflicts with the crab and hook-and-line cod fishery.
4. Since certain measures may well have adverse effects on Steller sea lions, management measures should not be approved unless it is demonstrated that the effects will not be negative.
5. The AP concurs with the SSC's recommendations and specifically on monitoring programs for any RPA put into place and that the RPAs are designed and implemented in such a way that their efficacy can be determined.

Further, the AP recommends the Council adopt management measures to prevent illegal shooting of Steller sea lions, such as public education and enforcement of reported shootings, and to increase research, some of which

was identified by the SSC, with industry assistance. Improved research could include "A" season surveys, sea lion nutritional studies, examination of killer whale/sea lion interaction, and experimental areas to test sea lion/fishery interactions.

The AP recommends that NMFS limit fishery management actions included in proposed RPAs to the specific target fishery considered to be the source of jeopardy and/or adverse modification. Motion carries 16/0.

The AP recommends the Council ask NMFS to establish an industry/environmentalist work group set up to develop a systematic and deliberative process for developing and modifying RPAs. We would also like to see the Recovery Team more intimately involved in developing RPAs. It is disappointing to note that the Recovery Team will not have the time to evaluate the measures currently proposed. Since Steller sea lions will probably recover slowly, this problem will be with all of us for a long time. We don't want any more "emergency" proposals. There is no emergency when everyone is aware of the problem and the problem has a long history.

Motion carries 12/4/1.

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke  
Executive Director

DATE: December 3, 1998

SUBJECT: Crab LLP Eligibility

ESTIMATED TIME 8 HOURS
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**ACTION REQUIRED**

Consider revising October action

**BACKGROUND**

The crab License Limitation Program (LLP) was revised by the Council in October. At that time a third qualification criteria was added which required one legal BS/AI crab landing at any time from January 1, 1996 through February 7, 1998 to keep a crab license package earned under the original program valid. This action reduced the number of crab licenses that are expected to be issued in the year 2000 by over 20 percent (excluding Norton Sound summer red and blue king crab). The number of licenses and endorsements that are expected to be issued under the Council's revised program are provided in Table 1 under Item C-3(a). Other tables under this tab item include the number of licenses and endorsements that would have likely been issued within the original program, and a summary table of the alternatives the Council selected from in October.

The Council discussed crab LLP in the context of S1221 and State management concerns in November, but postponed action until December. At this meeting the Council is scheduled to consider revising their October action. No action at this meeting will reaffirm the Council's intent to adopt Alternative 9. If the Council does wish to amend the October action they may select an alternative from the August 1998 LLP package, or direct staff to develop additional alternatives for a final decision at a future meeting. Delaying a final decision on the LLP package will likely impact NMFS ability to have the program in place by January 1, 2000. As discussed in October, interim licenses could be issued in the year 2000.

The AP took action on this issue in November. They requested that the Council take no further action on this issue, under the LLP heading. Their minutes state:

*"The AP believes that ... elimination of latent capacity in the crab fisheries was adequately dealt with by Council action in October 1998, and that further catcher vessel restrictions for vessels fishing in co-ops shall also restrict their catch from exceeding the aggregate of their traditional catch as far as SB 1221 is concerned. Motion carries 10/8/2."*

The AP then went on to request that the Council direct staff to develop an amendment package looking at measures to mitigate the impacts of S1221 on the crab fisheries. The AP's motion was:

*“The AP recommends the Council initiate analysis of the following options to mitigate impact of possible spillover effects of 1221 on other fisheries:*

- 1. No crossover allowed into any crab fisheries for vessels with membership in a pollock co-op.*
- 2. No crossover allowed in the Tanner crab fishery only (opilio and bairdi).*

*Sub-option: vessels which qualified based on bycatch of bairdi in red king crab would be restricted to bycatch of bairdi in the red king crab fishery.*

*Duration sub-options:*

- a. Permanent based on participation in co-op*
  - b. Only for year vessel is involved in co-op.*
- 3. Measures which would restrict pollock co-op vessels to their aggregate traditional harvest including:*
    - a. Restriction to the percentage of crab harvest in all species between 1995, 96, and 97.*

*Motion carries 17/0/2.”*

Alternative 3, as directed by the Act, would limit the pollock co-op vessels from exceeding their traditional harvest in crab fisheries. Alternative 1, and to some extent alternative 2, would (if adopted) have the same effect as a more restrictive LLP eligibility, for those catcher vessels participating in a pollock co-op; i.e., it would extinguish their crab license, permanently under sub-option a. Council direction under Agenda C-2 should clarify the inclusion of these alternatives, and the extent to which they interact with the LLP agenda item.

Item C-3(b) contains the correspondence received on this issue since the October Council meeting, including information distributed in the November briefing book.