

North Pacific Fishery Management Council

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Date: _____

ADVISORY PANEL MINUTES December 4-8th 2000 Anchorage Hilton Hotel, Alaska

Advisory Panel members in attendance:

Alstrom, Ragnar	Jordan, Melody
Benson, Dave	Kandianis, Teressa
Boisseau, Dave	Madsen, Stephanie (Vice-Chair)
Bruce, John (Chair)	Nelson, Hazel
Burch, Alvin	Ogden, Doug
Cross, Craig	Ridgway, Michelle
Falvey, Dan	Steele, Jeff
Fanning, Kris	Stephan, Jeff
Fuglvog, Arne	Ward, Robert
Fraser, Dave	Yeck, Lyle
Jones, Spike	

C-1 Halibut Subsistence

The AP reaffirms its recommendation from the October meeting relative to the inclusion of Adak as a rural community eligible for halibut subsistence. Further, we ask that the Council request clarification from the Board of Fisheries on the process used for determining a customary and traditional (C&T) finding.

Motion passed 19-0.

C-2 Crab Rationalization

The AP concurs with the process outlined by the Council in October to move forward with crab rationalization and appointment of the committee. The AP further requests that the appointments be made which represent a broad cross section of stakeholders and that they be made as soon as possible.

Motion passed 16-1-1.

C-4 Halibut Charter IFQ

The AP does not believe the corrected charter halibut catch data represent a significant enough change to warrant reconsideration of the GHIL basis. We do, however, recommend the Council submit comments to NMFS recommending the use of the corrected numbers in the GHIL package. The AP further recommends the halibut charter IFQ analysis be based only on the corrected data.

Motion passed 16-0.

The AP recommends the Council proceed with refinements of the halibut charter IFQ community set-aside program in the halibut charter IFQ analysis. We offer the following draft problem statement and other points of clarification:

1. The AP agrees with the Coalition concept of the set aside.
 - A. Individuals within communities would have limited, annual rights to use set aside quota.
 - B. Individuals within qualifying communities granted quota share could not lease or transfer quota share among communities or individuals as the ownership of the quota shares is retained by the government in trust for residents of eligible communities.
 - C. Any set aside quota not obligated by a certain date would “roll back” into the general commercial/charter quota pool for the upcoming season.
2. The AP recommends staff consideration of a phase-in of the set aside in addition to considering a pre-season roll over as described in the Coalition proposal.
3. The AP generally agrees with the Coalition’s stated purpose and need for a set aside.
 - A. An important purpose for the set aside is to “remove an economic barrier for residents of underdeveloped communities to participate in the halibut charter industry.” Other goals include: provide for sustained participation in the charter industry; increase geographical diversity of charter operations; and reduce the potential for localized depletion.
 - B. Economic development is another important purpose for the set-aside.
4. The AP concurs with the Council’s direction to have staff analyze a range of 1% - 2.5% of the combined commercial/charter halibut TAC.
5. The AP believes that the list of eligible communities attached to the staff discussion paper be revised to exclude Akhiok and Saxman and to include Tyonek and Halibut Cove.
6. The AP requests an inclusion in the analysis of 2 options for a sunset: 1) 5 years and 2) 10 years.
7. Additionally, the AP requests the analysis evaluate the ability of alternative mechanisms, such as existing loan programs, to meet stated goals.

Draft problem statement

National Standard 8 of the Magnuson-Stevens Act directs that “conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of over fishing and rebuilding of over fished stocks), take into account the importance of fishery resources to fishing communities in order to (a) provide for the sustained participation of such communities, and (b) to the extent practicable, minimize adverse economic impacts in such communities.” Although the halibut IFQ program was developed under the Halibut Act which does not require consistency with all of the Magnuson-Stevens’ national standards, the Council believes Congress clearly intended that Council consider the impacts of all its management measures, including halibut management regulations, on fisheries-dependent communities. The current halibut

and sablefish IFQ management structure, despite its many benefits, was not designed to provide transferrable quota shares to halibut charter fishermen to provide community development opportunities. As the Council considers modifying the current IFQ management structure to include quota share allocations to halibut charter fisheries, adverse economic impacts on fisheries-dependent coastal communities in the Gulf of Alaska may occur in communities when receiving insufficient initial quota share, and may further limit economic development opportunities in halibut charter businesses for residents of these communities.

Motion passed 13-6.

The AP further recommends the economic analysis include a discussion of the administrative costs of the program in contrast to an analysis of the breakeven point of a halibut charter business relative to the amount of allocation that may be made available.

Motion passed 19-0.

C-5 Steller Sea Lion Issues

The AP finds the following:

1. that the National Marine Fisheries Service has prepared a biological opinion relating to Steller sea lions that could radically alter the management of virtually every fishery in the federal and state waters off Alaska, and in particular, the management of the federal Bering Sea/Aleutian Island and Gulf of Alaska groundfish fisheries;
2. that the NMFS biological opinion appears to violate many of the requirements of the Magnuson-Stevens Fishery Conservation and Management Act, including requirements that fishery management measures:
 - be based on the best scientific information available (section 301(a)(2));
 - be “reasonable calculated to promote conservation” if intended to allocate fishing privileges (section 301(a)(4));
 - “take into account the importance of fishery resources to fishing communities” (section 301(a)(8));
 - “minimize bycatch” (sections 301(a)(9) and 303(a)(11));
 - “promote the safety of life at sea” (section 301(a)(10)); and
 - “include a fishery impact statement...describ[ing] the likely effects...on...participants in the fisheries and fishing communities” (section 303(a)(9));
3. That the NMFS Biological Opinion may, in addition, violate the ESA and *not* protect Steller sea lions;
4. that the biological opinion was prepared for almost a year behind closed doors, without any input from the North Pacific Council, Advisory Panel, Science and Statistical Committee, tribal entities (section 10) or public;
5. that the biological opinion is approximately 500 pages long, and that the SSC, AP and Council have only had a few days to review it, at the same time that a full Council meeting is underway to set catch levels for the 2001 fisheries; and
6. that the biological opinion does not contain any mechanism to test the basic premise that the fisheries are even harming Steller sea lions or to test whether the substantial new fishery restrictions and measures contained in the BiOp RPAs will actually help the Steller sea lion.

The AP therefore recommends to the Council:

(1) that the biological opinion and RPAs be subject to a full and proper review by the Science and Statistical Committee, the Advisory Panel and the Council, revised as appropriate, and be implemented as an amendment or amendments to BSAI and GOA fishery management plans through the administrative process set up under the Magnuson-Stevens Act to allow for a full scientific review and public comment;

(2) that the Council recommend to the Secretary that the 2001 Bering Sea/Aleutian Island and Gulf of Alaska groundfish fisheries be managed in accordance with the regulations promulgated for the 2000 fisheries prior to the August court injunction and prior to this biological opinion, until such time as the new RPAs have been approved as FMP amendments; and

(3) that the Council recommend total allowable catch levels for the 2001 BSAI and GOA groundfish fisheries consistent with TAC-setting principles used in 2000, as refined by the Council over the past two decades to conserve the fishery resources and protect the North Pacific marine ecosystem.

Motion passed 20-0.

C-6 American Fisheries Act

The AP received the presentations on the preliminary co-op performance reports and co-op agreements. The AP applauds the timely and detailed nature of these reports. These reports will not only allow the Council and public to monitor co-op performance but will also be invaluable in analyzing and assessment of other issues relating to the pollock fishery and sideboard fisheries. In essence, it appears these reports will become a valued data source to the Council and public.

D-1 (a) BSAI Groundfish Specifications for 2001

The AP recommends the Council approve the 2001 BSAI EA and final SAFE.

Motion passed 17-1.

The AP recommends the Council adopt the SSC's ABCs. Additionally, the AP recommends the Council adopt the 2001 ABCs as 2001 TACs except for: (see chart for recommended changes)

Pollock
Yellow fin sole
Arrowtooth
Rocksole
Flathead sole
Other flatfish
Other species

Relative to the recommended EBS pollock TAC, the AP recommends the Council take no action in 2001 to allow additional pollock processors.

Motion passed 19-0.

The AP also recommends the Council request NMFS manage the three species of rockfish on a bycatch only status and that additional information be brought back during the next cycle on bycatch occurrence and retention of these species during the 2001 fisheries.

Motion passed 16-3.

Minority Report

The undersigned minority members feel that placing BSAI red rockfish on bycatch status and requesting more information are inadequate steps to conserving northern rockfish, roughey rockfish, and shortraker rockfish. The minority concurs with the Plan Teams comments: "For 2001, the Plan Team recommends that the (Other red rockfish) complex be broken out to separate species and managed accordingly..." This is a conservation issue, because when managed as a species complex, there is a risk that one stock would be fished disproportional to its abundance resulting in overfishing of that stock. (BSAI SAFE, p.22) In consideration of the ecology and life history of these species, and in light of the observation that best estimates indicate at least one of these species (northern rockfish) has been taken at twice its OFL in recent years, the minority feels that splitting these species out between BS and AI at the TAC level is warranted. In addition to the information this will provide, we urge NMFS to aggressively expand field research on the status of these species and refine conservation-based management measures accordingly.

Michelle Ridgway

Bob Ward

Melody Jordan

The AP recommends the Council adopt the BSAI trawl and non-trawl PSC allowances in the attached charts.
Motion passed 19-0.

Further, the AP notes that it received testimony regarding the proposed August 1 opening date for the BSAI cod longline "C-D" season. We are convinced that the longliners have the technical ability to avoid seabirds. In the absence of improved seabird avoidance regulations based on current research, we recommend that the Council prepare a letter to the North Pacific Longline Association expressing its determination that all freezer-longliners should install double tori lines with tori line davits before August 1, 2001.

Motion passed without opposition.

D-1 (b) GOA Groundfish specifications for 2001

The AP recommends the Council approve the 2001 GOA EA and final SAFE.

Motion passed 17-1.

The AP recommends the Council adopt the SSCs ABCs. Additionally, the AP recommends the Council adopt the 2001 ABCs as 2001 TACs except for: (see chart for recommended changes)

Pacific cod

Shallow water flatfish

Flathead sole

Arrowtooth flounder

Motion passed 19-0.

A motion recommending the Council support the suggestions by the Plan Team supported by the SSC, to set TACs by apportionments on page 14 of the SSC minutes for other species category failed 6-13.

Prohibited Species Catch Limits

The AP recommends the Council adopt the trawl and non-trawl PSCs and trawl apportionments as listed in the chart below:

TRAWL GEAR		HOOK AND LINE	
1 st quarter	600 mt (30%)	1 st trimester	250 mt (86%)
2 nd quarter	400 mt (20%)	2 nd trimester	15 mt (5%)
3 rd quarter	600 mt (30%)	3 rd trimester	25 mt (9%)
4 th quarter	400 mt (20%)	DSR	10 mt
	2000mt		300mt

TRAWL APPORTIONMENTS			
	Shallow Water	Deep Water	
<u>Quarter Complex</u>	<u>Complex</u>	<u>Total</u>	
1	500 mt	100 mt	600 mt
2	100 mt	300 mt	400 mt
3	200 mt	400 mt	600 mt
4	no apportionment		400 mt

Motion passed 15-0

The AP commends the assessment authors for improvements to the sablefish assessment, particularly with regards to the use of fishery catch rates. We are, however, concerned with the level of interactions with the survey vessel. We recommend the Council request NMFS analyze satellite telemetry data to detect survey interactions.

Motion passed 15-0.

Halibut Discard Mortality Rates

The AP recommends the Council adopt the halibut discard mortality rates in tables 9 and 10.

Motion passed 18-0.

D-1 (c) BSAI pot gear sub allocations

The AP recommends the Council adopt the revised problem statement as follows and continue development of the analysis.

Problem Statement for Amendment 64

The catcher processors and catcher vessel pot fisheries for Pacific cod in the Bering Sea/Aleutian Islands are fully utilized. Competition for this resource has increased for a variety of reasons, including increased market value of cod products and a declining ABC/TAC.

Pot fishermen who have made significant long-term investments, have long catch histories, and are significantly dependent on the BSAI cod fisheries need protection from others who have little or limited history and wish to increase their participation in the fishery.

This requires prompt action to promote stability in the BSAI pot cod fishery until comprehensive rationalization is completed.

Motion passed 12-3-2.

D-2 Staff Tasking

The AP requests the Council direct NMFS to move forward with approval of Amendment 67, in addition to other actions approved but not yet implemented.

Motion passed 15-2.

Finally, the AP also unanimously approved the minutes from the October 2000 meeting.