

**North Pacific Fishery Management Council
Advisory Panel Minutes
April 4-8, 2005, Anchorage Hilton Hotel**

The following members were present for all or part of the meeting:

John Bruce	Bob Jacobson
Al Burch	Kent Leslie
Joe Childers	Matt Moir
Cora Crome	John Moller
Craig Cross	Jeb Morrow
Tom Enlow	Eric Olson
Duncan Fields	Ed Poulsen
Dave Fraser	Jim Preston
John Henderschedt	Michelle Ridgway
Jan Jacobs	Jeff Stephan

C-1 CDQ

The AP recommends the Council request the State of Alaska submit final CDQ allocation recommendations so that the AP can fulfill its duties to advise the Council and NMFS on the Governor's recommendations. *Motion passed 14/5.*

Minority Report

A minority of the AP had serious concerns that requiring the State of Alaska's final CDQ Allocations to come back to the Council again for approval could delay the implementation of the 2006-2008 CDQ Allocations and would almost surely preclude all CDQ groups from receiving the two new (in 2005) crab allocations in the Aleutians.

The council does not currently have adequate information to make a policy call at this time on whether the State's draft allocations are incorrect or deficient in any manner. In addition the AP heard comments from staff that the role of the Federal agencies involved in this process is to ensure that the State's allocation process has been followed and not to second guess whether the State came to the correct conclusion.

If the Council adopts the AP Motion it would be a major departure from the council's past role of consultation. The Council should specify what additional information if any from the State or CDQ groups it would like to review when the allocations come back and what its role should be in future allocation cycles.

Signed: Joe Childers, Duncan Fields, Jan Jacobs, Eric Olson, Jeb Morrow

C-2 Gulf of Alaska Groundfish Rationalization

Community Issues

The AP recommends the Council adopt the Gulf Rationalization Community Committee recommendations as outlined in the staff report from the March 30 2005 committee meeting. The recommended additions are indicated by the bold language and the recommended deletions are indicated by the strikeouts in Attachment 1 of the report.

In addition, the AP recommends the following substitution (*page 2 of GOA Community Committee Recommendations*):

CL.2 Option 3: The makeup of the administrative entity board of directors shall reflect population, local participants' harvest history and geography.

Additionally, the AP recommends the continued work of the Gulf Rationalization Community Committee. *Motion passed 19/0*

Other Issues

The AP recommends the Council remove 3.4.7.2 Transfer Provisions. *Motion passed 19/0*

C-3 Gulf of Alaska Rockfish Pilot Program

Issue 1. 3.3.1.3 Prohibited Species (halibut) Allocations: The AP recommends the Council adopt method 2A (as described on page 2, Table 2 in the discussion paper) for Halibut PSC Quota Allocation *Motion passed 18/0*

Issue 2. 3.3.1.2 Secondary species allocation for SR/RE

The AP endorses the Council's language (italicized paragraph at the top of page 4 of the discussion paper) and the following additional option for consideration of the secondary species SRRE allocation to the CV fleet: The shortraker/rougheye allocation for the CV sector will be based on the total catch of the sector during the target rockfish fishery over total catch of all sectors which yields the highest annual percentage during the qualifying years.

The Shortraker/Rougheye hard cap for the CV target rockfish fishery should be managed as an aggregate cap. Any disproportionate amount of shortraker taken by the CV sector should come out of the open access shortraker quota. This language should modify the existing alternative in 3.3.1.2 in the draft Alternatives, Elements, and Options (Item C-3(a)).

Staff should provide a discussion at the next meeting of other fisheries which take shortraker and rougheye incidentally and what the impacts to those fisheries might be of allocating an amount of SR/RE to the trawl fisheries that may not leave enough TAC to accommodate historical harvest in other fisheries. (i.e., it appears that historical catch in other fisheries exceeds what the 2005 amount available would be after trawl rockfish allocations are subtracted from the TAC). *Motion passed 19/1*

Issue 3. 5.4 Processor Eligibility Suboption

In Alternative 2 as described on page 6 of the discussion paper, insert the language "depreciated capital assets of " after the "of" but before the "(a)".

Motion passed 15/5

Rockfish Fishery Opening and Closing Dates

The AP recommends a start date of March 1 and a closing date of November 15. *Motion passed 17/0/2*

9.2 CP Specific Sideboards

The AP recommends that for establishing participation in a fishery (9.2 CP Specific Sideboard Provisions in the Alternatives, Elements, and Options), NMFS examine the date of the rockfish fishery opening to the first week ending date following the opening from 1996 to 2002 with the exception of 1999 and 2000 where the 2nd week ending date following the opening should be used. *Motion passed 18/0*

"Opting-Out" Review

The language in Section 9.2 (CP Specific Sideboards) regarding the annual review of the program should be moved to the review provisions section (8. Program Review).

Motion passed 19/0

Applies to Alternative 2 and 3:

5.4 CV Sector

Harvesters may elect not to join a coop, and continue to fish in an LLP Open Access fishery. ~~Those LLPs that opt out of the cooperative portion of the pilot program will be penalized 0-20% of their historical share (annual allocation). The penalty share will be left with the LLPs associated cooperative.~~ The LLPs **remaining** share will be fished in a competitive fishery open to rockfish qualified vessels who are not members of a cooperative and must be delivered to one of the qualified processors. *Motion passed 18/0*

3.3.1.2 Secondary Species

Add an alternative to 3.3.1.2 that SR/RE will be allocated to the CP sector based on 75-100% of their history *Motion passed 20/0*

The AP recommends the document, with the requested changes, be released for Final Action in June 05. *Motion passed 20/0*

C-4 BSAI Pacific Cod Allocations

The AP recommends the Council adopt the following clarifications, recommendations and changes, noted **in bold**:

Clarify Component 1 Option 1 to read:

A non-AFA trawl catcher vessel must have made 100 mt of cod landings **in each of the years 1995–1997**. *Motion passed 17/0*

Modify Option 1 to read:

Option 1. The holder of a license that arose from a vessel/history that made a minimum of 100 mt of cod landings during the years 1995–1997. *Motion passed 17/0*

5.2 Allocations to Sectors: Allocations to sectors are to be based on catch history (Component 4) as well as other considerations

The allocations (whether combined or separate) to the <60' fixed gear CVs and jig CVs (i.e. the 'small boat sectors') shall collectively not exceed:

5.2.1 Actual catch history percentage for jig and <60' fixed gear CVs collectively (from the set of years selected for all sectors in Component 4).

5.2.2 2.71% (*represents current 2% jig allocation plus .71% of non CDQ TAC* ~~1.4% of 51% fixed gear~~)

5.2.3 3% (**2% jig allocation, plus 1% of non CDQ TAC**)

5.2.4 4% (**2% jig allocation, plus 2% of non CDQ TAC**)

Motion passes 17/0

A motion to strike the second part of 5.2, the clause regarding combined or separate allocations, and to strike 5.2.1 failed 6/13.

Minority Report

The Minority supports the continued development of the jig and <60' fixed gear Pcod fisheries in the BSAI. We recognize that significant infrastructure improvements and other investments demonstrated coastal communities' commitment to these fleets. In order to allow for modest growth in these sectors in the future, the Minority recommends that the Council promote options for allocating sufficient TAC apportionments to the jig and <60' fixed gear fleets rather than limiting them to catch history alone. This approach for these sectors is consistent with the Draft Problem Statement which states that "the basis for determining sector allocations will be catch history as well as consideration of socio-economic factors."

Signed: John Moller, Michelle Ridgway, Jeb Morrow, Jeff Stephan, Tom Enlow

A motion to create Alternative 5.3 – Seasonal allocations to sectors– failed 7/10

Trawl and fixed gear allocations from January 1 through June 10 be set at their current proportion of the ITAC. For example:

Aggregate trawl "A" season (January 20 – April 1) 60% of 47% of ITAC

Aggregate trawl "B" season (April 1 – June 10) 20% of 47% of ITAC

Aggregate fixed gear "A" season (January 1 – June 10) 60% of 51% of ITAC

C season allocations would then be calculated by subtracting the A/B season allocations for each sector from their annual allocations.

Rollover hierarchy for unused sector allocations (current regulations adapted to sector splits)

- 6.2 Reallocation of TAC from the trawl sectors to fixed gear sectors will be 0.9% to pot CP 4.1% to pot CV $\geq 60'$, and 95% to hook-and-line CP.

The AP recommends the Council add a suboption that allocates rollover from trawl to fixed gear proportional to new fixed gear allocations.

Motion passed 13/4

- 6.3 Projected unused allocation in the jig sector should rollover to the <60' fixed gear CV sector on a seasonal basis.

The third trimester rollover should be available to the <60' fixed gear CV sector on September 1st. *Motion passed 17/0*

The AP requests the Council bookmark the issue of allocating Pcod to coop and non-coop non-AFA trawl CP sectors in Amendment 80. *Motion passed 17/0.*

Further, the AP requests NOAA Fisheries review alternative management measures that can be applied to hard and soft caps in order to avoid closing fisheries in which cod may occur as incidental bycatch and to avoid pre-emption of other fisheries and avoid OFL. This motion would help in developing management measures other than hard caps. *Motion passed 17/0.*

C-5 BSAI Salmon Bycatch

The AP recommends the following changes and additions (noted in bold) to the current problem statement and alternatives:

Problem Statement for Amendment Package A:

In the mid-1990's, the Council and NMFS implemented regulations to control the bycatch of chum salmon and Chinook salmon taken in BSAI trawl fisheries. These regulations established closure areas in areas and at times when salmon bycatch had been highest based on historical observer data. ~~Unfortunately, these regulations did not appear to have been effective in 2003 and 2004, when record amounts of salmon bycatch were taken.~~ Information from the fishing fleet indicates that bycatch ~~was~~ **may have been** exacerbated by the **current regulatory closure** regulations, as much higher salmon bycatch rates were **reportedly** encountered outside of the closure areas. Some of these bycaught salmon include Chinook and chum stocks of concern in western Alaska. Further, the closure areas impose increased costs on the pollock fleet. To address this immediate problem, the Council will examine and consider other means to control salmon bycatch **that have the potential to be more flexible and adaptive.** *Motion passed 19/0*

Amendment Package A

Alternative 2: **Suspend** ~~eliminate~~ the regulatory salmon savings area closures. *Motion passes 19/0*

Alternative 3: Suspend the regulatory salmon savings area closures ~~on a year-by-year basis~~ so long as the pollock cooperatives **and CDQ groups** have in place an effective salmon bycatch **voluntary rolling** "hot spot" (VRHS) closure system **to avoid salmon bycatch. The Council will require that the VRHS agreement have a term sufficient for analysis and implementation of the alternatives in Package B.** *Motion passed 19/0*

Suboption: The ICA managers will report to the Council immediately if there is non-participation or non-compliance without effective enforcement action under the VRHS system. In that event, the Council may recommend re-imposition of the regulatory salmon savings area closures on an expected basis. If the regulatory closure are system is reinstated, it is the Council's intent that the closure areas be based on the most recent information available and if the analysis of Package B alternative 1 supports the approach, with regular adjustments. *Motion passes 19/0*

The AP recommends the development of amendment package A with high prioritization for initial review in June and Final Action in October. *Motion passes 19/0*

Problem Statement for Amendment Package B:

The Council and NMFS have initiated analysis of a promising voluntary rolling hotspot (VRHS) alternative to regulatory salmon savings area closures. Concurrent with that analysis and possible implementation, development will continue on the alternatives that could be implemented if the VRHS approach does not achieve the desired bycatch reduction.

Two possible scenarios under which the VRHS system could produce unsatisfactory results are (1) breach of the inter-cooperative agreement (i.e. one or more vessels fail to participate in the VRHS system, or there are substantial violations of VRHS closures that are not effectively halted through penalties or other measures); or (2) compliance what the VRHS system is good, but the VRHS system fails to achieve the Council's desired level of salmon bycatch reduction.

In the first scenario, the Council may ask NMFS to reinstate on an expedited basis the regulatory salmon savings area closure system that is based on the best information available. In the second scenario, the Council intends to consider implementation of an alternative regulatory system from Package B, or consider and evaluate NMFS hot spot management authority as an option for salmon bycatch management.

Alternative 1: Establish new regulatory salmon savings area closures ~~based on~~ **taking into account the ~~current~~ most recent** available salmon bycatch data. **This analysis should be completed first and be updated regularly so that it can be implemented on an expedited basis if necessary.**

Suboption A: Adjust the Chinook and non-Chinook regulatory closure areas annually based on the most current bycatch data available, such as the 2-3 year rolling average of bycatch rates by species and area.

Suboption B: Adjust the Chinook and non-Chinook regulatory closure areas once in-season based on the best bycatch information available

Alternative 2: Insert “managed” at the start of each suboption

Motion passed 18/0

(From the February 2005 Council motion, page 1)

The Council moved to require an annual report on the results of the salmon bycatch by the cooperatives should the closures be suspended. The industry is requested to **provide** ~~include in their bycatch cooperative agreement a list of considerations by which the~~ **an** annual review of performance **that** will be evaluated **by the Council**. The industry **report** ~~agreement which is to be drafted (or revised from its current state)~~ should include the following in their bycatch reduction criteria:

Motion passed 19/0

Additionally, the AP requests the analysis cover bycatch of salmon in non-pollock BSAI trawl fisheries whose other salmon bycatch is included in the cap. *Motion passed 19/0*

Further, the AP supports the initiation of a research plan in cooperation with the Pollock fleet, western Alaskan entities, NMFS and ADF&G to facilitate salmon bycatch reduction, including:

- Developing methods for reducing salmon bycatch in the pollock fishery through excluder devices, fishing behavior modification, net design and the like;
- Developing methods to gauge salmon abundance pre-season or in season so that trigger rates can be set appropriately based on the best scientific information; and
- Identifying the rivers of origin of salmon bycatch, and the timing and location of bycatch of the various stocks, paying particular attention to stocks of concern and developing methods to avoid these.

Motion passed 18/0

C-6 Bering Sea *C. bairdi* Crab Split

The AP recommends the Council adopt the following problem statement:

Under the Fishery Management Plan for Bering Sea and Aleutian Islands king and Tanner crabs (FMP), the State of Alaska, Department of Fish and Game (ADF&G) has management authority for certain aspects of the Bering Sea/Aleutian Islands crab fisheries. Under the FMP, the State of Alaska is authorized to make changes in management subject to criteria defined in the FMP (category II measures), including adjustment of district and subdistrict boundaries for the purposes of managing reasonably distinct stocks of crab. As a part of their management of Bering Sea District *C. bairdi*, ADF&G has determined that two geographically separate *C. bairdi* stocks inhabit the Bering Sea grounds that have historically supported the Bering Sea *C. bairdi* fishery. ADF&G has determined that these two stocks, one east of 166° W longitude and the other west of 166° W longitude should be managed separately. The

Alaska Board of Fisheries has approved a management plan that directs ADF&G to manage the Bering Sea District *C. bairdi* as two separate stocks, east and west. The Council action to rationalize *C. bairdi* in the Bering Sea did not distinguish the management of these separate stocks. This action is to consider alternatives for the allocation of QS, PQS, IFQ, and IPQ for these separate fisheries. The Council intends to develop an allocation that is fair and equitable ~~and is based on the harvest and processing histories of the harvesters, processors, and captains in the *C. bairdi* fishery.~~ *Motion passed 16/0.*

Additionally, the AP recommends the Council request NOAA Fisheries withhold allocations of QS and PQS for *C. bairdi* until regulations are amended to establish allocations of QS and PQS for the separate *C. bairdi* stocks. Management complications and potential distributional effects of retracting allocations for a single fishery and reissuing allocations for two separate fisheries will be avoided. *Motion passed 16/0.*

Further, the AP recommends the Council replace the current alternatives 1 and 2 with the new alternatives 1 and 2 on page 5 of the discussion paper to be consistent with the 2002 Council motion. *Motion passed 16/0.*

D-1 (a) Non-Target Species Committee

The AP recommends the Council continue to support the development of the rockfish management discussion paper addressing the elements in Alternative 4B as well as the 3 items listed in the SSC minutes: 1. Detailed analysis of spatial and temporal distribution by species (or species groups), 2. a summary of current rockfish management, 3. a case study in which Alternative 4 in the committee report is applied to all rockfish species. *Motion passed 16/0*

The AP recommends the Council initiate the joint plan amendment and accept the general problem statement and alternatives as proposed by the Council, Non-Target Species Committee, and BSAI Groundfish Plan Team with the addition of modified Alternative 3

Alternative 3(a) Set aggregate “other species” OFL and ABC for the GOA

Alternative 3(b) Eliminate “other species” assemblage and manage squids, skates, sculpins, sharks, and octopi as separate assemblages under specification process
Option: Add grenadiers and other non-specified species that are caught in the fishery.

Alternative 3(c) Break out BSAI skates from the other species category

Alternative 3(d) Break out BSAI skates and BSAI and GOA sculpins from the other species category

Motion passed 16/0

D-1 (a) GOA Other Species Calculation

The AP recommends the Council release for public review the EA/RIR/IRFA to change the TAC calculation for the other species complex in the GOA Groundfish FMP. *Motion passed 18/0*

D-1 (c) Seabird EFP

The AP recommends the Council approve NPLA request for an exempted fishing permit to test integrated weight groundline as a seabird avoidance measure. *Motion passed 18/0*

D-1 (d) Exempted Fishing Permit for testing salmon excluder gear

The AP recommends to the Council that it approve the EFP request. *Motion passed 16/0*

D-2 Scallop

The AP recommends the Council approve the Scallop Fishery Management Plan and Stock assessment and Fishery Evaluation report. *Motion passed 18/1*

D-3 Staff Tasking

The AP recommends the Council appoint the Halibut Charter IFQ implementation committee in anticipation of the publication of the Halibut Charter IFQ proposed rule. *Motion passed 18/0/1.*

The AP notes for the Council the concern regarding increased catches in the halibut charter fleet and would request that staff provide recent catch data and trend data for the Council to review in June as part of its discussion regarding the implementation of the Halibut charter IFQ program. *Motion passed 18/0.*

The AP recommends the Council task the SSLMC to work with the BOF's proposal RC98 and the Aleut Enterprise Corporation's proposal, and other pertinent information previously submitted to the committee to draft a safe and economically feasible opportunity for the harvest of the AI pollock allocation while avoiding jeopardy and adverse modification. *Motion passed 17/0*

The AP recommends that the Council request staff develop a strawman problem statement and conceptual alternative for Bering Sea Essential Fish Habitat mitigation measures for presentation at the June 2005 meeting. The problem statement and conceptual alternatives should tier off the original EFH EIS , incorporating points raised in the February meeting unless further Council direction is provided. *Motion passed 14/2*

The AP recommends the Council staff work with the Board of Fish to develop an overall overage/underage policy for crab rationalization. *Motion passed 14/0*