

# North Pacific Fishery Management Council

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## FINAL

### ADVISORY PANEL MINUTES North Pacific Fishery Management Council June 2-7, 2008 Kodiak Elk's Lodge, Kodiak, Alaska

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

Joe Childers  
Mark Cooper  
Craig Cross  
John Crowley  
Julianne Curry  
Tom Enlow  
Tim Evers

Bob Gunderson  
John Henderschedt  
Jan Jacobs  
Bob Jacobson  
Simon Kinneen  
Chuck McCallum  
Mike Martin

Matt Moir  
John Moller  
Rex Murphy  
Ed Poulsen  
Michelle Ridgway  
Beth Stewart  
Lori Swanson

*The AP unanimously approved the minutes of the April 2008 meeting.*

#### **C-1 Halibut Subsistence**

The AP recommends the Council adopt Alternative 2 (as written) with the following amendments for final action:

A person would be considered a rural resident for purposes of subsistence halibut fishing if he or she ~~resided~~ is domiciled in a community with a customary and traditional use of halibut or in one of the following rural areas of Alaska:

- Southeast Alaska east of 141 degrees west longitude, except for the non-rural areas of Juneau and Ketchikan;
- The Alaska Peninsula, Aleutian Islands, Kodiak Island Archipelago, south of the Bristol Bay Borough and south of 58 degrees 39.2 minutes north latitude;
- Nunivak and St. Lawrence Islands; and
- All other areas of Alaska within 10 statute miles of the marine coastline of the Bering Sea and Pacific Ocean, as measured from mean high water and that are not specified as non-rural areas. (Cape Prince of Wales)

The AP further recommends that the Council direct NMFS to include subsistence area maps in future SHARC card mailings for clarity.

*Motion passed 20/0.*

## C-2 BSAI Salmon Bycatch

The AP recommends Council adopt the following:

### Case Study “Bookend” Alternatives

	<u>Alternative 1</u>	<u>Alternative 2</u>
Hard Cap	87,500	47,600
A-B Season Split	70/30	50/50
Rollovers A/B	Allowed	Prohibited
Sector Split	Historic 3-year	Proportional to Pollock Allocation
Transfers	Allowed at 90 percent	Allowed at 50 percent
Triggered Closure	68,100	None
Triggered closures with ICA management		

1. Clarify that transferring applies to transfers to and from other sectors when inshore is allocated at the coop level
2. Analysis should examine rollover of unused salmon along with transferability
3. Analysis should examine post-harvest transfer to mitigate overages

*Motion passed 15/6.*

Additionally, the AP recommends the Council release the document for public review with the following additions:

Clarification from staff on a discussion of the problems with precisely estimating the distribution of “saved” Chinook salmon.

Amplify the discussion (as available data permits) on the AEQ impacts to smaller stocks, such as the North Peninsula, and to graphically portray the AEQ impacts through time to the specific salmon fisheries.

*Motion passed 21/0*

### *Minority Report*

*The minority supports identifying a preliminary preferred alternative for BSAI Chinook bycatch reduction, which establishes a hard cap at 47,600 fish (Alternative 2, Component 1, Option 1, Suboption iv, rounded). All other components and options under Alternative 2 will remain available for selection as means to manage fleets in order to stay below the cap, as needed by industry. **This approach signals a clear direction with regard setting a hard bycatch cap while allowing fishers maximum flexibility to minimize Chinook salmon bycatch.***

*We oppose the prevailing motion because it identifies two strawmen proposals as “bookends” for future analyses that are overly detailed relative to our progress in the NEPA process, and they do not clearly indicate to the public a likely direction to be taken by the council. Higher cap alternatives should be generally associated with more restrictive remaining components, with the inverse for the lower cap options. Moreover, inclusion of a hard cap of 87,500 chinook is inappropriate in a bookend analysis without including the corresponding low end of the spectrum of 29,323.*

*It is our intent that indicating a preferred alternative to set the bycatch cap at 47,500 will inspire the development of innovative approaches to modify fishing behavior such that target fisheries may be fully prosecuted while fulfilling our responsibilities to reduce Chinook bycatch.*

*Signed: Michelle Ridgway, Simon Kinneen, John Moller, Tim Evers, Chuck McCallum, Rex Murphy*

### **C-3 (a) Crab Cost Recovery Fee Program**

The AP recommends the Council select Alternative 3. *Motion passed 21/0.*

Additionally, the AP recommends the Council request a yearly update on the buyback program and the progress the fleet is making on paying off the bill.

### **C-3 (b) Crab Rationalization issues**

The AP recommends that Council make no changes to the current elements and options regarding the BSAI Crab rationalization program. Further, the AP recommends the Council direct the Crab Advisory Committee to report to the Council at the December 2008 meeting with their final recommendations on the issue of emergency relief from regionalization. *Motion passed 20/1.*

### **C-4 (a) GOA Fixed Gear Recency**

The AP recommends the Council make the following revisions and send out the analysis for public review and final action in October. *Motion passed 21/0.*

Alternative 2 Component 1 – Clarify that different options may be applied to each area (western GOA, central GOA) *Motion passed 21/0*

Alternative 2 Component 2 – Include sector definitions for pot CV and H&L CVs as follows:

- Option: Vessels < 50'
- ≥ 50' but < 55'
- ≥ 55' but < 60'
- ≥ 60'

*Motion passed 20/0*

Alternative 2 Component 2

Add suboption to exempt jig vessels with fewer than 6 jigging machines. *Motion passed 21/0.*

Alternative 2 Component 3

Add qualifying years 2002-June 4, 2008. *Motion passed 21/0*

Additionally, the AP recommends that Staff expand the analysis of Alaskan ownership in the H&L CP (freezer longline) sector to include percent ownership and gross revenues by Alaskan community. *Motion passed 21/0*

*A motion to extinguish area endorsements that do not meet the recency criteria upon transfer of the LLP to which they are attached failed 5/15/1.*

#### *Minority Report*

*The current construct of alternatives under GOA Pcod LLP recency allow for qualification of all LLPs or for extinguishing about 80% of LLPs. The latter outcome will dramatically reduce access to GOA cod resources by coastal communities. We support inclusion of an option which renders non-qualifying LLPs as non-transferrable, rather than extinguishing them. Signed: John Moller, Rex Murphy, Chuck McCallum, Michelle Ridgway, Simon Kinneen.*

### **C-4 (b) GOA P. cod sector split**

The AP recommends the following additions and modifications to the components and alternatives. Due to these potential changes, the AP recommends the Council review the document again in October before sending out for public review and final decision in December. *Motion passed 21/0.*

### **Component 1:**

The Western and Central Gulf of Alaska Pacific cod TACs will be allocated among the various gear and operation types, as defined in Component 2. (*Western Gulf and Central Gulf could be treated differently within this component*) *Motion passed 19/0.*

### **Component 2: Sector definitions**

The Western and Central GOA Pacific cod TACs will be allocated among the following sectors:

- Trawl catcher processors  
Option: ~~Trawl catcher processors <125 ft~~  
~~Trawl catcher processors ≥125 ft~~

*Motion passed 19/0*

- Trawl catcher vessels
- Hook-and-line catcher processors

Option: Hook-and-line catcher processors <125 ft  
Hook-and-line catcher processors ≥125 ft

- Hook-and-line catcher vessels  
Option: Hook-and-line catcher vessels <60 ft  
Hook-and-line catcher vessels ≥ 60 ft

*Option: Vessels < 50'*  
*≥ 50' but < 55'*  
*≥ 55' but < 60'*  
*≥ 60'*

- Pot catcher processors
- Pot catcher vessels  
Option: Pot catcher vessels <60 ft  
Pot catcher vessels ≥60 ft

*Option: Vessels < 50'*  
*≥ 50' but < 55'*  
*≥ 55' but < 60'*  
*≥ 60'*

*Motion passed 19/0*

- Jig vessels

~~Additional option: Combined allocation to the pot and hook-and-line catcher vessel sectors.~~ *Motion passed 20/0*

*For the Western Gulf only, create a separate sector for combination trawl and pot vessels less than 60'.*  
*Motion passed 20/0*

### **Component 3: Definition of qualifying catch**

Option 1 All retained legal catch of Pacific cod in the federal and parallel waters fisheries in the Western and Central Gulf of Alaska.

Option 2 All retained Pacific cod harvested during the directed Pacific cod fisheries in the federal and parallel waters in the Western and Central Gulf.

Provisions applicable to both options

- Catch will be calculated using Fish Tickets for catcher vessels and Catch Accounting/Blend data for catcher processors.
- Under all options, incidental catch allocated to trawl catcher vessels for the Central Gulf Rockfish program (currently, 2.09 percent of the Central Gulf Pacific cod TAC) will be deducted from the Central Gulf trawl catcher vessel **“B” season** allocation. (*motion passed 21/0*)
- All sector allocations will be managed to support incidental and directed catch needs.

#### **Component 4: Years included for purposes of determining catch history**

Option 1 Qualifying years 1995-2005: average of best 5 years

Option 2 Qualifying years 1995-2005: average of best 7 years

Option 3 Qualifying years 2000-2006: average of best 3 years

Option 4 Qualifying years 2000-2006: average of best 5 years

***Add an Option5 : 2002-2007 average best of 3***

***Add an Option 6: 2002-2007 average best of 5***

*Motion passed 19/2.*

***Use one set of years to determine the overall sector’s percentage where vessel size subsectors are a part of the allocation. Motion passed 21/0.***

***Request a data table(s) that identifies catches by sector in A season and B season in the Western Gulf during each qualifying year. Motion passed 20/0.***

#### **Component 5: Allocation of Pacific cod to jig sector**

Options include setting aside 1%, 3%, 5%, or 7% of the Western and Central GOA Pacific cod TACs for the jig vessel sector, with a staircase provision to increase the jig sector allocation **by 1% if 90% of the combined State waters GHL** and federal jig allocation in an area is harvested in any given year. *Motion passed 20/0.*

Subsequent to the jig allocation increasing, if the harvest threshold criterion described above is not met during three consecutive years, the jig allocation will be stepped down by 1% in the following year, but shall not drop below the level initially allocated.

The jig allocation could be set aside from the A season TAC, the B season TAC, or divided between the A and B season TACs.

The Council requested that staff work with the State of Alaska and NMFS to explore possible options for the jig fishery management structure (both federal and State) that create a workable fishery and minimize the amount of stranded quota.

Possible solutions that could be explored are:

1. Separate State and federal allocations- manage accounting by seasonal structure.
2. State managed jig Pacific cod fishery- federal management authority goes to the state of Alaska to manage a state gear specific fishery.

***For the jig state management option – rollback the unharvested amount contributed from the federal allocation to federal fishery participants (to each sector on a pro-rata basis). Motion passed 21/0.***

#### **Component 6: Management of unharvested sector allocations**

Any portion of a CV, CP, or jig allocation determined by NMFS to remain unharvested during the remainder of the fishing year will become available as soon as practicable to either:

- Option 1 Other respective CV or CP sectors first, and then to all sectors as necessary to harvest available TAC, or
- Option 2 All sectors

**Component 7: Apportionment of hook-and-line halibut PSC (other than DSR) between catcher processors and catcher vessels**

- Option 1 No change in current apportionments of GOA halibut PSC
- Option 2 Apportion the GOA hook-and-line halibut PSC to the CP and CV sectors in proportion to the total Western Gulf and Central Gulf Pacific cod allocations to each sector. No later than November 1, any remaining halibut PSC not projected by NMFS to be used by one of the hook-and-line sectors during the remainder of the year would be made available to the other sector.
- Option 3 Other apportionment (select amount for each sector). No later than November 1, any remaining halibut PSC not projected by NMFS to be used by one of the hook-and-line sectors during the remainder of the year would be made available to the other sector.

Suboption (can be applied to Options 1, 2, or 3): Change seasonal apportionment by sector.

***New Component: Retention of Community Protections***

***This component would protect the community participation in the P. cod processing and community delivery patterns established in the inshore / offshore regulations.***

- 1. For catcher/processors the allocation in the sector split will be based on the catch history and processing history.***
- 2. Under sector allocations, any P. cod harvested or processed or received by catcher-processor would count against the CP allocation***
- 3. No more than 0, 5% or 10% of CP allocation by sector can be harvested by CVs and delivered to catcher/processors in the respective sectors***
- 4. P. cod harvested from the CV sector allocation must be delivered to a processor that meets the current definition of an inshore processor.***

***Suboption: Applies only to Central Gulf.***

*Motion passed 20/1.*

The AP requests that the Council have staff expand the analysis on Alaskan ownership in the freezer-longline (H&L CP) sector to include percent ownership and gross revenues by Alaskan community.

*Motion passed 21/0.*

**C-5 VMS Exemption for Dinglebar Gear**

The AP recommends the Council take final action and adopt Alternative 2 as its preferred alternative.

*Motion passed 16/3/2.*

**C-6 Research Priorities**

The AP recommends the Council adopt the research priorities with the following changes as noted in the SSC minutes, with the following additional items for research:

1. Improved surveys are needed to better assess GOA POP stocks. Encourage hydro-acoustic surveys to better quantify these pelagic species that are largely missed in bottom trawl surveys.
2. Examine and characterize GOA slope HAPCs, with the 3 GOA rockfish areas (east of Shumagin islands, south of Sanak island, and south of Unalaska island) as highest priorities. Research should include a) multi-beam mapping, 2) fish surveys, 3) benthic habitat ground-truthing.

*Motion passed 16/0.*

### **C-7 Seabirds**

The AP recommends the Council take final action and adopt alternative 3 option 1 as its preferred alternative. *Motion passed 21/0.*

### **D-2 (a) GOA Sideboards for BSAI Crab Vessels**

The AP reiterates its April 2008 recommendation. *Motion passed 19/0.*

### **D-2 (b) GOA Sideboards in GOA Rockfish Fishery**

The AP recommends the Council adopt the draft problem statement as written and that the document be released for public review and final action in October. *Motion passed 19/0.*

### **D-2 (c) GOA Sideboards for AFA CVs**

The AP recommends the Council take no further action on the RIR/IRFA on GOA sideboard limits for the AFA CV fleet and further recommends the Council initiate a discussion paper addressing the following topics:

- 1 The background of seasonal sideboard amounts
- 2 TAC and sideboard management and catch monitoring in the GOA
- 3 Discrepancies between NMFS and co-op sideboard harvest data
- 4 Background harvest data tables for 2000 - A/B season 2008
- 5 Impact of trawl recency action

*Motion passed 20/0.*

### **D-3(a) Other Species Management**

The AP recommends that the Council adopt the analysis priorities put forth by the Other Species Committee and direct staff to initiate an analysis for Skates. *Motion passed 19/0.*

### **D-3 (c) Gear Modification**

The AP recommends the Council move forward with the analysis required for regulatory implementation of the flatfish gear modifications including an option for reconsideration of disk spacing requirements after 2-3 years. *Motion passed 16/1.*

### **D-3 (d) Amendment 80 Sector Cooperative Criteria**

The AP recommends that the Council request an expanded discussion paper examining the following alternatives:

1. Status quo
2. Reduce the number of owners required to form a cooperative from three to two or one unique owner

3. Reduce the number of QS permits required to form a cooperative from the existing 9 permits to some lower range (e.g., three permits to the existing 9 permits)
4. Reduce both the number of owners and the number of QS permits required to form a cooperative (combination of 2 and 3 above).
5. Allow a cooperative to form with a single or collective group of entities that represent 20, 25 or 30% of the sector QS.
6. Allow the GRS to be applied in aggregate to all cooperatives if this calculation meets or exceeds the GRS requirement.

Expand the analysis to include:

- How changing the threshold formation level might affect the current cooperative structure.
- How changing the threshold formation level might impact smaller vessels and single-vessel companies, particularly with respect to meeting the GRS.
- How a revised threshold formation level might lead to ‘gaming’ the system to exclude smaller or single-vessel companies from cooperatives.
- A review of the Council analysis and discussion that resulted in the existing 3 company/9 vessel standard.

*Motion passed 19/0.*

#### **D-3 (e) Halibut Excluder EFP**

The AP applauds the efforts behind this project and the AP recommends that the Council consider this type of research to be of the highest priority. *Motion passed 19/0.*

#### **D-4 GOA Rockfish Pilot Program**

The AP recommends the Council include the following:

A person who acquired an LLP license with CQP and EQP qualifications to remain in the GOS rockfish fisheries may obtain catch history for purposes of participating in a RPP cooperative based on the history of either (a) the vessel on which the replacement LLP is based prior to its transfer and any landings made on the vessel for which it was acquired subsequent to its transfer to that vessel, or (b) the vessel for which the LLP was acquired, NOT both. License transfers for purposes of this provision must have occurred by December 31, 2003. *Motion passed 17/0.*

The AP recommends to the Council to remove delivery restrictions across the board for fixed gear entry level fishery. *Motion passed 17/0.*

Additionally, the AP recommends the Council review:

- The establishment of a harvester-only coop for the entry level trawl fishery
- Other possible measures to control the amount and timing of entry level harvests
- An exemption from the May halibut cap (actual halibut bycatch to be counted against the July halibut apportionment). *Motion passed 17/0.*

The AP recommends the Council consider changing the management of shorttraker rockfish in the CP sector from an allocation to an MRA. *Motion passed 14/3.*