

**ADVISORY PANEL
MINUTES
JUNE 5-9, 2006
Kodiak, Alaska**

B-7 Protected Species

The AP supports the SSC's intent to thoroughly review and comment on the draft SSL Recovery Plan and recommends the Council request that NMFS extend the comment period to facilitate their efforts. *Motion carried 16/0*

The AP recommends that existing seabird avoidance requirements be maintained in all outside waters. *Motion carried 14/0*

C1 – IRIU

Amendment 80

AP recommends moving forward with the Preliminary Preferred Alternative (starting on page 7 of the Action Memo) with the following amendments:

Component 3 and 13– Change the allocation of yellowfin sole to the non-AFA trawl CP sector to 95% of the ITAC and in Component 13, adopt the following table for threshold levels and sector allocations of ITAC above the threshold:

Threshold Level of ITAC	Allocation to Non-AFA Trawl CPs	Limited Access
87,500	87.5%	12.5%
95,000	82%	18%
102,500	76.5%	23.5%
110,000	71%	29%
117,500	65.5%	34.5%
125,000+	60%	40%

Motion carried 10/6

Component 6

For halibut, the AP recommends 6.1.4 with a possible increase to the floor and ceiling for non-AFA trawl CP fleet to account for the impacts of Amendment 85 allocations and with consideration of taxing rollovers of halibut PSC from limited access fishery. *Motion carried 10/6*

Minority Report

The undersigned minority opposes the halibut PSC allocation formula under Option 6.1.4. The formula under-funds the non-AFA trawl CP sector's needs while over-funding the limited access fishery. The non-AFA trawl CP sector may be unable to harvest its allocations of Amendment 80 target species with this limited amount of halibut PSC, and will have no assurance of rollovers from the limited access fishery. This is contrary to the problem statement to "...provide the opportunity for participants in this sector to mitigate the cost, to some degree, associated with bycatch reduction." Signed: Lisa Butzner, Lori Swanson and John Moller

For crab, the AP recommends that an amount equal to the sum of the AFA CV and CP crab sideboards would be available to the limited access fishery. The remainder of the crab caps would be allocated to the non-AFA trawl CP sector. *Motion carried 16/0*

Component 11

Vessel use caps – No vessel shall harvest more than 30% of the non-AFA trawl CP allocation in the aggregate. *Motion carried 15/1*

Component 13

See Component 3

The AP recommends that the data necessary for monitoring and enforcement be collected under Amendment 80. Data collection necessary to evaluate the impacts of Amendment 80 should be developed as a trailing amendment. *Motion carried 16/0*

C-1(c) MRA

The AP recommends that the final send out the EA/RIR/IRFA for public review with modifications as described below and for final action in October.

Components and options for changing MRA accounting

The following components are proposed to address this MRA regulatory amendment:

Component 1: Define Species- Increase the enforcement interval for all groundfish species (excluding pollock, sablefish, Alaska plaice, “other species,” and squid). This includes the following species: cod, yellowfin sole, rock sole, flathead sole, Atka mackerel, BSAI Pacific ocean perch, “Other flatfish”, and arrowtooth flounder, ~~greenland turbot and rockfish.~~

Option 1: Applies to cod, yellowfin sole, rock sole, flathead sole, “Other flatfish” and arrowtooth flounder.

Option 2: Applies to Amendment 80 species (yellowfin sole, rock sole, flathead sole, Atka mackerel, Aleutian Islands Pacific ocean perch) as well as cod, “Other flatfish,” and arrowtooth flounder.

Component 2: Define Sector- Any increase in the current enforcement MRA interval applies only to the non-AFA trawl C/P sector (under the Department of Commerce and Related Agencies Appropriations Act, 2005, Public Law No. 108-447)

Component 3: Define Time Period- The MRA enforcement period for species defined in Component 1 would be increased from any time during a fishing trip to:

Option 1: the end of a fishing trip or (if a suboption is selected whichever option or suboption comes first), or

Option 2: at the time of offload (changed from “point of offload”).

Alternatives for MRA enforcement of selected species

Alternative 1. No action, and no change in MRA enforcement period.

Alternative 2. In the BSAI, allow the calculation of the MRA of cod, yellowfin sole, rock sole, flathead sole, “other flatfish”, and arrowtooth flounder to occur at the end of a fishing trip, for the non-AFA trawl C/P sector.

Option: Include Aleutian Islands Pacific ocean perch and Atka mackerel.

Alternative 3. In the BSAI, calculate the period of enforcement for MRA of cod, yellowfin sole, rock sole, flathead sole, “other flatfish”, and arrowtooth flounder, ~~Atka mackerel and AI pacific ocean perch~~ at the time of offload, (previously read: “at the point of an offload”) for the non-AFA trawl C/P sector.

Option: Include Aleutian Islands Pacific ocean perch and Atka mackerel. ~~Greenland turbot and rockfish species~~

Due to the interaction of Amendment 80 and changes to BSAI MRAs, the AP recommends that the Council request staff to expand the cumulative effects section to address relevant elements under the Council’s most current Amendment 80 package. *Motion carried 17/0*

Corrected C-3 CV Trawl Eligibility

The AP recommends the Council adopt the following problem statement:

The trawl catcher vessel groundfish fisheries in the BSAI and trawl vessel groundfish fisheries in the GOA are fully utilized. In addition, the existence of latent licenses may exacerbate the disadvantages to GOA dependant CVs resulting from a lack of comprehensive rationalization in the GOA. Competition for these resources is likely to increase as a result of a number of factors, including Council actions to rationalize other fisheries, favorable current market prices and a potential for TAC changes in future years. Trawl ~~catcher~~ vessel owners who have made significant ~~long-term~~ investments, have long catch histories, and are significantly dependent upon BSAI and GOA groundfish resources need protection from others who have little or no recent ~~limited~~ history and with the ability to increase their participation in the fisheries. This requires prompt action to promote stability in the trawl catcher vessel sector in the BSAI and trawl vessel sector in the GOA until comprehensive rationalization is completed.

Motion passed 15/0

The AP requests the Council adopt the staff language to clarify that Council intent is to use a license basis for action. *Motion passed 14/0*

Additionally, the AP requests the following components and options be included:

Component 1 – Area / subarea endorsements

Option 1: Catch thresholds will be applied at the management area level in the BSAI/GOA. Failure to meet the management area threshold will result in the removal of all subarea endorsements in the management area.

Option 2: Catch thresholds will be applied at the endorsement subarea level in the BSAI/GOA. Failure to meet the threshold for an endorsement subarea will result in the removal of that subarea endorsement.

Motion carries 13/0/1

Component 2 In addition to the threshold information already provided in the analysis, the AP recommends inclusion of the following additional landing requirements:

Option 1. Trawl LLPS (BSAI CV and GOA CV and CP) – trawl landing requirement (except sablefish)

1. No action
2. at least one landing of groundfish from 2000-2005
 Suboption: at least one landing of groundfish from 1995-2005
3. at least two landings of groundfish from 2000-2005
 Suboption: at least two landings of groundfish from 1995-2005

Option 2: Trawl LLPS (BSAI CV and GOA CV and CP) –groundfish landing requirement (except sablefish)

1. No action
2. at least one landing of groundfish from 2000-2005
 Suboption: at least one landing of groundfish from 1995-2005
3. at least two landings of groundfish from 2000-2005
 Suboption: at least two landings of groundfish from 1995-2005

Motion carries 14/0

Catch history of a vessel accumulated while licenses are stacked on the vessel will be fully credited to all stacked licenses (with qualifying endorsements and designations). *Motion carries 14/0*

The AP requests the Council have staff provide the number of stacked licenses with identical endorsements within the trawl sector and to provide the number of <60 ft licenses that would be eliminated under component 1 and 2. *Motion passed 15/0*

The AP requests staff provide information describing the parallel fishery pcod harvest in the AI by CV trawlers who hold valid trawl llps but do not have AI area endorsements. *Motion passed 15/0*

C-4 Halibut Charter Program

The AP recommends that the Council fast-track analysis of a halibut charter boat permanent solution instead of the moratorium. The analysis should incorporate the elements and options recommended by the stakeholder committee and staff's recommendations concerning community provisions (Attachment 5 on page 4 of the May 23, 2006 discussion paper excluding the last paragraph on that page).

The AP further recommends that the staff (including State of Alaska) work with KACO to further develop their proposal.

In the Stakeholder Committee report:

Issue 1. Allocation.

- i. ~~Total Constant Exploitation Yield and~~
- ii. ~~Combined commercial/charter Fishery Constant Exploitation Yield.~~

Motion carried 15/1

The AP has heard the community of Kodiak charter halibut fleet in their desire to allocate the GHs between sub-areas and the development of local area and sub-area management plans and recommends inclusion of these concepts in the analysis. Area registration should be considered as part of the local area management plans.

Motion carried 16/0

Should the Council decide to go ahead with an interim moratorium, the AP recommends the following modifications to the Council's April 2006 moratorium alternative.

Issue 1. Areas

Option 1. ~~2C&3A~~

Option 2. For Areas 2C and 3A communities previously identified under Amendment 66.

Suboption a. ~~Exclude the following communities from the moratorium~~

Suboption b. ~~Provide community eligibility through CQE to purchase moratorium licenses between 3-25 per community.~~

Qualify community CQE's as eligible to purchase moratorium permits.

Area 2C- 5 permit limit

Area 3A - 10 permit limit

Suboption c. ~~Provide the qualifying CQE an option to request, on behalf of community residents, additional charter halibut moratorium permits from NMFS for use by residents in the community.~~

~~Between 5-25 permits per community~~

~~Permits requested would have limited duration for any one individual from 5-15 years.~~

The CQE in CQE qualified Communities that have less than 10 active charter business (with 20 or more charter trips per year) with their primary place of business in the community can request, on behalf of a community resident (as defined in amendment 66), a limited entry permit.

1. Area 2C - up to 3 permits per qualified community

2. Area 3-A - up to 5 permits per qualified community option

Issue 6:

Eliminate option 1 *Motion carried 14/1*

The AP further recommends the Council work with the State of Alaska to establish authority for the State to support management of halibut charter harvests within established allocation and conservation guidelines.

Motion carried 14/0/1

C-5 Observer Program

The AP recommends the Council adopt Alternative 2. *Motion carried 15/0*

Video Monitoring

The AP appreciates the efforts of the agency to date and looks forward to updates on the use of video monitoring in the rockfish pilot program. The AP recommends that the Council encourage the agency to continue development of video monitoring. *Motion carried 15/0*

C-6 IFQ Omnibus V proposed amendments

The AP recommends the following preferred alternatives:

Action 1. Use of catcher vessel QS

Alternative 2. Allow processing of non-IFQ species on a vessel that is otherwise authorized to process non-IFQ species when any amount of IFQ halibut resulting from quota share assigned to vessel categories B, C, or D are held by fishermen on board a vessel in the Gulf of Alaska, Bering Sea, and Aleutian Islands. *Motion passed 15/0*

Action 2. Sablefish pots

Alternative 2 Allow use of longline pot gear in the Bering Sea IFQ and CDQ sablefish fisheries during June *Motion passed 15/0*

Action 3. Inactive IFQ permits

Alternative 1. No action *Motion passed 12/3*

Minority Report

We, the undersigned, support Alternative 3, QS lottery program, which provides a means for redistributing unused halibut quota shares to qualified recipients. Signed, Julianne Curry, Michelle Ridgway, and John Moller

Action 4. Military exemption for mobilized reservists and guardsmen

Alternative 2. Allow mobilized reservists and guardsmen to temporarily transfer IFQs for the duration of their deployment. *Motion passed 15/0*

The AP discussed that future gear conflicts may occur under Action#2, and notes for the Council the possibility of future requests to address such conflicts should they occur.

Motion passed 14/1

D-1 Groundfish Management

The AP recommends the Council Issue an Exempted Fishing Permit to Test a Trawl Gear Modification to Reduce Bycatch Rates for Pacific Halibut in the Central Gulf of Alaska Pacific Cod Trawl Fishery. *Motion passed 16/0.*

D-2 EFH BSAI habitat conservation

The AP recommends the Council accept the following alternatives and options for analysis:

Alternative 1, status quo

Alternative 2, Open area approach utilizing fishing data through 2005 to define area

Option 1: Include the areas north of Bogoslof, south of Nunivak Island in the open area, and the 10 minute strip in the Red King Crab Savings Area.

Alternative 3, Require gear modifications on all bottom flatfish trawl gear to reduce seafloor contact and/or increase clearance between the gear and substrate.

Alternative 4. Open area approach utilizing fishing data through 2005 to define area, plus require gear modifications on all bottom flatfish trawl gear to reduce seafloor contact and/or increase clearance between the gear and substrate.

Option 1: include the areas north of Bogoslof and south of Nunivak Island in the open area, and the 10

minute strip in the Red King Crab Savings Area.

Motion passed 10/5/1

The minority of the AP objects to the very narrow range of alternative for addressing BS EFH in the motion. These alternatives do not sufficiently address crab EFH protection, do not incorporate research areas, or address other EFH priorities identified by the SSC. Signed: Michelle Ridgway, Duncan Fields, Bob Jacobson.

There was a motion to strike “bottom trawl gear” and replace with “trawl gear fished on bottom”. *Motion failed 12/3/1*

Minority Report: The AP minority notes that NMFS letter on pelagic trawl definition, dated May 2006, public comment on the EFH EIS, and analysis in the EFH EIS mention that through labeled “pelagic” pelagic trawl nets are frequently fished in contact with seafloor habitat. For this reason, the AP minority feels that pelagic trawls fishing on the bottom should be evaluated for possible modifications under the current analysis. Signed Michelle Ridgway, Jeb Morrow, and Duncan Fields.

D-4 AI Ecosystem Plan

The AP recommends that the Council endorse the Ecosystem Committee’s recommendations regarding initiating development of an Aleutian Islands Fisheries Ecosystem Plan and forming an AI ecosystem team.

Motion passed 15/0/1

D-5 Staff Tasking

The AP recommends that seabird avoidance requirements be eliminated for longline vessels fishing in the inside waters of Prince William Sound (NMFS Area 649), Southeast Alaska (NMFS Area 659), and state waters of Cook Inlet. Avoidance requirements in southern Chatham Straight and Dixon Entrance of the SEAK region should remain in place due to increased risk to seabirds in those areas. *Motion carried 14/0*

The AP strongly supports efforts to institutionalize the collection and management of seabird observation data from fish stock assessment surveys from NMFS and IPHC. We also strongly support making the data available through the North Pacific Palegic Seabird Databse. *Motion carried 14/0*

The AP requests the Council encourage further research regarding seabird avoidance measures for small vessels which do not have poles, mast and rigging (PMR). *Motion passed 16/0*

The data collection plan for the BSAI crab rationalization program and the anticipated data collection plan for the Amendment 80 groundfish fishery provide important information for program evaluation and review. The AP notes that parallel data collection protocols are not in place of the AFA and IFQ rationalization programs. Therefore, the AP recommends the Council direct staff to develop data collection programs that are appropriate for and applicable to the AFA and IFQ rationalization programs and will provide programmatic evaluation information that is parallel to the information obtained through the BSAI crab and Amendment 80 programs. *Motion passed 16/0*

The AP recommends that the Council request staff to develop a discussion paper addressing the following SSC recommendations on Bering Sea Essential Fish Habitat:

2. expansion of closed areas surrounding St. Matthew Island beyond the 3 nm closure in state waters to protect blue king crab and their habitat,
3. additional closures of shelf break waters to conserve habitat in canyons (Middle, Zemchug, and Pribilof Canyons) and known skate nurseries;
4. additional closures corresponding to special areas that may emerge from the analysis of crab life history stages;
5. consideration of closures specifically for research to assess the importance of benthic habitat for fish production.

Motion passed 15/1