ADVISORY PANEL MINUTES
Doubletee Hotel, Seattle
October 1-5, 2001

Advisory Panel members in attendance:

Alstrom, Ragnar
Benson, Dave
Boisseau, Dave
Burch, Al
Cross, Craig
Ellis, Ben
Enlow, Tom
Falvey,Dan
Farr, Lance
Fields, Duncan
Fraser, David
Fuglvog, Arne
Kandianis, Teressa
Jones, Spike
Mayhew, Tracey
Nelson, Hazel
Norosz, Kris
Ridgway, Michelle
Steele, Jeff
Stephan, Jeff
Ward, Bob
Yeck, Lyle

The AP unanimously approved the minutes from the September 2001 meeting.

C-2 Steller Sea Lions

The AP believes that the recommendations of the RPA committee provide the best available basis for addressing the twin mandates of the ESA and MSFCMA. As outlined in the staff presentation on "Alt. 4 Measures" Development, Issues, and Rationale," these recommendations are a precautionary response to concerns about SSL that make use of the best available scientific and commercial data, particularly in the new analysis of scat, telemetry and count data. These recommendations minimized potential interaction of fisheries near rookeries and haulouts based on the telemetry data and provide additional protection in areas declining at higher rates. The recommendations incorporate a global control rule, spatial and temporal dispersion, and an experimental design. We believe that Alt. 4 is equal to or better than Alt. 3 measures in avoiding jeopardy and adverse modification ESA mandates, while Alt. 4 is clearly superior in meeting MSFCMA mandates dealing with safety, bycatch, impacts to fishing communities, harvesters and processors, and the attainment of optimum yield. *Motion passed 16/4.*

Minority Report:
The minority of the AP appreciates the hard work of the RPA committee, but does not concur that the "recommendations of the RPA committee provide the best available basis for addressing the twin mandates of the Endangered Species Act and the Magnuson-Stevens Fishery Conservation Management Act."
Signed, Michelle Ridgway, Duncan Fields, Hazel Nelson, and Bob Ward

Therefore the AP recommends that the Council adopt Alt. 4 as described in the action memo "Revised Description of Alternative 4, based on September 2001 Council action" (pages 2-26 through page 2-36) and attached table 2.3-1 with the following clarifications:

P.cod rollovers in the BSAI

- Unharvested cod can be rolled over from one season to the next, consistent with bycatch considerations and the objective of optimizing catch by gear groups and sectors.

P.cod trawl fishery closures during the Atka mackerel CH fishery

- P. cod trawling should be closed from 0-20 of rookeries and haulouts in the AI west of 178 west longitude during the Atka mackerel CH fishery.

P. cod fishery in the GOA B season accounting

- The start date for the GOA cod B season would be 6/10, but directed fishing would be prohibited for all gear until 9/1.

AI CDQ mackerel seasons

- CDQ mackerel fishing should be governed by a single season as per 2001 provisions

Additionally, the AP recommends the following package of exemptions from area closures other modifications to Alternative 4 be analyzed in a trailing amendment for potential implementation for the 2003 season or sooner.

1 – Area 8 – The "Constitution" exemption
2 – Area 4 – The "Chignik" exemption
3 – Area 9 – The "Dutch Harbor exemption" - fishing for P. cod by fixed gear catcher vessels <60' would be allowed anywhere in area 9, outside 10 miles from rookeries and haulouts, capped in a range from 50 tons to 250 tons
4 - The stand down provisions between A/B and C/D for pollock in the GOA
5 - All Areas – "Clem's" universal 60' exemption.
*Motion passed 17/3***.**

A motion to have options 2 and 3 included in Alternative 4 for Council final action failed 3/17.

Minority Report
The minority of the AP believes that, in the final Council action on the proposed regulatory changes regarding Stellar Sea Lion protective measures, the Council should adopt exemptions for small boat fishermen in Area 4 and Area 9.

The exemption in Area 9 would be for catcher vessels 60 ft. and under fishing fixed gear to fish in all of area 9 except within 10 miles of identified haulouts and rookeries with a catch limit of 500,000 pounds.

The exemption in Area 4 would be for catcher vessels 60 ft. and under fishing fixed gear.

These exemptions should be included for the following reasons:

(a) The Chignik fishery will be completely eliminated. These fishermen can't relocate within area 4 --- there simply isn't room with the proposed Sea Lion related closures. Thus far, this is the only fishery that will be effectively closed because of Sea Lion related regulations.

(b) Fishermen participating in the closed area adjacent to Unalaska will be substantially displaced. It is probable that many of these fishermen, because of weather exposure, species availability and competition will no longer be able to participate in the fishery.

(c) These two fisheries are prosecuted by small boats with fishermen from two adjacent local communities. Consequently, they have a relatively small catch (compared to the overall fishery) and a relatively large importance to these two remote communities.

(d) These exceptions were discussed by the Council and included as options for staff and agency review — these aren't "new" options that should require additional administrative process.

(e) Although the inclusion of these areas may slightly raise the threshold for finding "jeopardy", it is improbable that their inclusion will tip the jeopardy scale.

(f) If the Council expects the Board of Fish to enact parallel Sea Lion related regulatory measures in State waters, it needs to demonstrate sensitivity to the economic needs of small boat fishermen living in rural Alaskan communities.

Signed, Duncan Fields, Michelle Ridgway, Hazel Nelson

Finally, the AP recommends that the Council encourage NMFS to develop standards and protocols for integrating a software-based backup system which uses existing vessel electronics into the vessel monitoring and data reporting program for groundfish fisheries. The AP also requests that the Council ask NMFS to explore federal funding options for these measures. *Motion passed 20-0.*

C-3 Seabird Avoidance

The AP recommends releasing the EA/RIR on seabird avoidance measures for public review with final action in December. We further recommend the following additional information and options be included prior to release:

1. Add a section discussing monitoring and enforcement issues with particular reference to performance standards, the role of observers, and ability to modify confidentiality restrictions to allow for industry use of peer pressure,
2. Expand the description of vessels to include gear type, crew size and setting speed by vessel size,
3. Expand the economic discussion to include the cost of rigging small vessels to deploy 2 streamer lines,
4. Add the following options to Alternative 4:
   a. Allow single streamer lines on vessels based on gear type or vessel size with specific reference to 35, 50 or 60 feet,
   b. Allow for modification of the performance standard based on gear type and/or vessel size,
5. Add option under Alternative 3 which would establish the performance standards as guidelines. The performance standards would be required when a triggering event, such as a threshold number of proxy species, is taken during a 2 year cycle. The analysis should discuss applying the trigger on and individual basis or on a collective basis. *(Motion passed 16/4).*

Motion passed 19/0.

Minority Report

A minority of the AP voted to include an option in the recommended analysis for final action in December that would consider possible exemptions from some seabird avoidance regulations based on the amount of quota share held by the IFQ holder with a range of 20,000 - 40,000# as a threshold for the exemption. Those in the minority supported the motion, which failed 4/16, for one or more of the following reasons:

(a) The justification for moving final action to December was to take more input from industry. This was an industry generated idea.

(b) Fishing fewer pounds of IFQ generates less income from the fishery for the individual IFQ holder. Consequently, the costs of bird avoidance regulations creates a disproportionate economic burden on IFQ holders with small amounts of quota share.

(c) Fishing fewer pounds of IFQ results in less hooks and bait in the water, less line in the water, less time at sea, therefore, less overall risk of exposure and take. Many of these small quota share holders are not involved in the fishery to an extent that warrants additional regulations.

Signed: Duncan Fields, Jeff Stephan, Teressa Kandianis, Craig Cross

C-4 AFA

IRIU

The AP recommends staff begin analysis immediately of a potential amendment to IR/IU regulations for flatfish that would:

a. Examine a range of retention rates for those fisheries.

The suggested range: 100% retention
85% retention
50% retention
No retention requirement

b. Analyze the halibut mortality avoidance program (HMAP) implementation including the probability and range of likely halibut mortality savings and deducting those savings from the appropriate halibut bycatch cap.

Motion passed 19/0

LLP RECENCY

The AP recommends the Council develop a discussion paper on non-AFA CP and CV BSAI trawl LLP recency requirement. Further, we request the paper contain a matrix showing participation based on a catch threshold of 50, 150, 250 mt/year of trawl groundfish deliveries.

Motion passed 19/0

ADDITIONAL AFA MEASURES

The AP recommends the Council develop analysis for:

A. Proposed additional sideboard protection measures for non AFA Pacific cod fishermen with the following provisions:

1. Limiting access to the directed trawl fishery for Pacific cod to the cod-exempt AFA vessels and to open access vessels which have a history of economic dependency upon the winter Bering Sea Pacific cod fisheries, as demonstrated by average January, February deliveries of at least 500,000 lbs for 4 out of the 5 pre-AFA years of 1995-1999 (or such other measure of dependency as the Council deems fit), and
2. Allocating a minimum of 1) 5,000,000 lbs (with no cap) or 2) historical catch of TAC of Pacific cod to non-AFA vessels which meet the criteria set forth in paragraph A above.
3. Require co-ops to use such measures as limiting the number of AFA vessels on the cod grounds at any given time to ensure that non-AFA and exempt vessels do not get pre-empted and insure their historical participation.

B. The conversion of AFA eligible c/p non-pollock target species sideboard caps into allocations in order to allow the use of such target species to be maximized through possible rationalization. The analysis should consider the potential to rollover any unused cod by AFA-eligible c/ps to the other trawl sectors.

C. A proposal to change the single geographic location (SGL) restriction as submitted by Icicle Seafoods.

(It is noted that these measures would not apply to CDQ operations)

Motion passed 18/0

C-5 Groundfish SEIS

The AP recommends the following:

- The Council should give guidance into development of policy decisions currently under consideration by NOAA GC and HQ
- The Council reaffirm that the PSEIS is meant to serve as a planning document that provides a foundation for future management decisions
- The Council recommend to NMFS that the Council be consulted prior to the agency adopting any new alternatives
- The Council should be briefed on substantive comments and provide guidance to the agency as to what an appropriate response might be.

Motion passed 19/0

C-6 EFH

The AP recommends that the Council further clarify the role of the EFH Committee. We recommend that the Council consider refinements to the EFH committee mission statement to reflect expectations regarding work products.
Motion passed 17/0

C-7 CDQ Program

The AP recommends the Council send out the Area 4D/4E regulatory analysis for public review. *Motion passed unanimously.*

D-1 VIP Catch Rates

The AP endorses using the NMFS recommend red king crab rates for the 2002 season but recommends using the 2001 halibut VIP rates for the 2002 season. Further, we encourage the Council to move forward with other bycatch reduction measures such as HMAP that encourage individual responsibility as a replacement for the VIP.
Motion passed 15/2

D-3 Staff Tasking

The AP recommends the Council convey the following comments regarding tasking issues for Council staff consideration:

1. Request that ADF&G provide the Council with a report on implementation of the DSR retention program in state waters.
2. Delay action on BSAI pot cod split until February or until amendment 67 is resolved.

Motion passed 17-0