

**Advisory Panel Minutes
June 10-14, 2003
Kodiak, Alaska**

Advisory Panel members in attendance:

Benson, Dave	Kandianis, Teresa
Boisseau, Dave	Kilborn, Mitch
Burch, Al	Leslie, Kent
Cross, Craig	Mayhew, Tracey
Enlow, Tom	Moller, Sandra
Falvey, Dan	Norosz, Kris
Fields, Duncan	Olson, Eric
Fraser, Dave	Preston, Jim
Fuglvog, Arne	Ridgway, Michelle
Jacobson, Bill	Steele, Jeff
	Stephan, Jeff

Election of Officers:

The AP unanimously voted to have John Bruce to remain as Chairman, and Dan Falvey Vice-Chairman, with Jim Preston as Alternate Vice-Chairman.

C-1 Gulf of Alaska Groundfish Rationalization

(a) Purpose and need statement

The AP recommends the Council adopt the staff's recommendations on the action, purpose and need statement with the following clarifications:

The Council is proposing a new management regime that rationalizes groundfish fisheries in the Gulf of Alaska west of 140^N degrees longitude and rockfish bycatch east of 140^N longitude (Motion passed 16/0). A rationalization program includes policies and management measures that may increase the economic efficiency of GOA groundfish fisheries by providing economic incentives to reduce excessive capital investment. These management measures would apply to those species, or groups of species identified by the Council as benefitting from additional economic incentives that may be provided by rationalization. This rationalization program would not modify the hook-and-line sablefish fishery, except for the management of rockfish bycatch, currently prosecuted under the IFQ Program. Motion passed 16/0. Rationalization also may provide economic incentives to reduce excess capital through the establishment of transferable harvesting privileges or other share-based systems for allocating access to the fishery resources.

(b) Entry level rockfish program

The AP recommends the Council eliminate the entry level rockfish program. Motion passed 9/7.

We, the undersigned members of the AP support an entry level rockfish fishery restricted to jig gear and the PSR complex. Limiting the fishery to jig gear resolves many of the bycatch issues noted in the discussion paper. Table 2 of the discussion paper further notes that, on average, less than 60-90% of the PSR TAC has been harvested in any area during the qualifying years. This will result in initial issues receiving 110% - 140% of their catch history. The minority believe that a portion of this windfall should be set aside for an entry level jig fishery. We further note that the sport halibut fishery's accounting method under the IFQ program provides a model which, if followed, would allow this entry level PSR fishery to develop with no reduction in OY due to uncaught TAC. Finally, the minority notes that the \$.05 value for PSR used in the discussion paper does not reflect the \$.25 - \$.40 price often paid to the hook and line fishery.
Signed, Dan Falvey, Michelle Ridgway, Eric Olson, Tracey Mayhew, Jeff Stephan, Jim Preston

(c) Communities

The AP recommends the Council use the four proposed community options (regionalization, CFQ, community purchase program, CIFTs) in conjunction with each other, except CIFTs and CFQ's may not be used together. *Motion passed 11/5.*

Motion passed 15/0/1

The AP wishes to reaffirm that BSAI communities, CDQ or otherwise, and communities adjacent to the Eastern GOA regulatory area and the SEO district, except Yakutat, are not included in any Gulf rationalization community protections, *Motion passed 16/0.*

Additionally, the AP recommends the Council clarify that the regionalization options may be used under any alternatives, (i.e. 1 pie, closed class, 2 pie). *Motion passed 16/0.* We further recommend accepting staff's rewording and reorganization throughout options 1-4 with the following changes:

- CFQ Issue 2 Option 2: Clarify that Nautical miles are being replaced with statute miles. *Motion passed 16/0.*
- Add a new CFQ Issue 5 Option 4: No offshore leases to CPs. *Motion passed 13/3.*
- Reword CFQ Issue 3 Option 2 as follows: Option 2 is limited to cod caught with fixed gear only. *Motion passed 9/5/1.*
- Add a new CFQ issue #7: Allocation Basis
 - Option 1. Competitive (as per BSAI CDQ criteria)
 - Option 2. Equally amongst qualifying entities
 - Option 3. Pro rata to population

Motion passed 16/0.

A motion to allow community development of an entry level jig harvest of pelagic shelf rockfish failed 6/9.

We, the undersigned, believe that an entry level rockfish program can be sued as a community protection measure. 1) it meets the MSA requirements to protect entry level fisheries. 2) Public testimony specifically requested an entry level rockfish program. 3) A community program would allow for fishery development without creating a derby fishery. Signed: Michelle Ridgway, Tracy Mayhew, Jeff Stephan, Dan Falvey, Jim Preston, Eric Olson

A motion to delete the CIFT program as an option failed 7/9.

Further the AP recommends establishing a western regionalization boundary from 157 degrees to 170 degrees. *Motion passed 16/0*

Main motion passed 16/0.

(d) Qualifying Periods

The AP recommends the following qualifying years for further analysis:

- 95-01 drop 1
- 95-02 drop 1
- 95-02 drop 2
- 98-02 drop 1

We further recommend removing the suboption excluding 2000 for pot gear Pacific cod. *Motion passed 19/2.*

A motion to allow qualifying years for P.cod to be different than other rationalized species failed 9/12

The minority believes that the uniqueness of the GOA codfish fishery justifies the Council's consideration of different qualifying years for the fishery. The GOA codfish fishery has, by far, the most vessels participating, the most diverse fleet, both by gear type and vessel size, the most problems associated with participants in the state parallel fishery, and the most economic dependence by Alaska fishermen from Alaska's coastal communities. In addition, the codfish fishery has significant bycatch issues associated with the 2001 and 2002 seasons. Perhaps, the Council will ultimately decide that qualifying years for all species will be the same. However, an option to select different qualifying years for codfish should remain part of the analysis. Signed: Eric Olsen, Duncan Fields, Jeff Stephan, Jeff Steele, Jim Preston, Tracey Mayhew, Michelle Ridgway, Dan Falvey

Main motion passed 18/0.

(e) Alternatives, Elements, and Options

The AP recommends the following alternatives for further analysis:
(See attached sheet)

Minority Report on a vote to eliminate the existing Alternative 5, TWO PIE model

The Council has recognized that a two pie process, granting both harvester and processor quota shares, is a legitimate program by which fisheries may be rationalized.

We, the undersigned, believe that because a two pie process is a legitimate rationalization program, it should be included as an alternative for analysis in determining the rationalization program for the GOA fisheries. Signed: David Boisseau, Tom Enlow, Kris Norosz, Al Burch, Dave Benson, Jeff Steele, Teressa Kandianis, Mitch Kilborn, Jim Preston

Provisions: The AP recommends the Council adopt the staff's recommendations with the following changes/additions: (complete motion with AP's additions is attached)

C-2 Programmatic Groundfish SEIS

The AP recommends the Council adopt the following policy statement as a preferred preliminary alternative:

Preliminary Preferred Alternative 3

Management Approach

The productivity of the North Pacific ecosystem is acknowledged to be among the highest in the world. Recognizing that potential changes in productivity may be caused by fluctuations in natural oceanographic conditions, fisheries, and other, non-fishing activities, the Council intends to do what it can to insure the continued sustainability of the managed species. It will carry out this objective by considering reasonable, adaptive management measures as described in the **Magnuson Stevens Act** and in conformance with the National Standards, the Endangered Species Act, the National Environmental Policy Act and other applicable law. This management approach takes into account the National Academy of Science's recommendations on Sustainable Fisheries Policy.

As part of its policy, the Council intends to consider measures that accelerate precautionary adaptive management measures through community or rights-based management, ecosystem-based management principles that protect managed species from overfishing, and where appropriate and practicable, increase habitat protection and bycatch constraints. Under this management strategy, fishery impacts to the environment

will be mitigated, to the extent practicable, as scientific evidence indicates that the fishery is adversely impacting the productivity of the marine resource. All management measures will be based on the best scientific information

This management approach policy recognizes the need to balance many competing uses of marine resources and different social and economic goals for sustainable fishery management including protection of the long-term health of the resource and the optimization of yield. This policy will utilize and improve upon existing processes to insure an open and transparent public process in decision-making.

The Council will retain its discretion to modify, eliminate or add issues as appropriate to best carry out the goals and objectives of this management policy. Objectives identified in this policy statement will be reviewed annually by the Council. At the time it will be determined whether the objectives remain relevant, timely and appropriately framed for Council consideration and subject to funding limitations.

To meet the goals of this overall management approach, the Council and NMFS will use the PSEIS as a planning document. To help focus its consideration of potential management measures, it will use the following objectives as guideposts to be re-evaluated as amendments to the FMP are considered over the life of the PSEIS.

Promote Sustainable Fisheries and Communities:

1. Promote conservation while providing for optimum yield in terms of providing the greatest overall benefit to the nation with particular reference to food production, and sustainable opportunities for recreational, subsistence and commercial fishing participants and fishing communities
2. Promote management measures that, when practicable, increase efficiencies.
3. Promote management measures that are designed to avoid significant disruption of existing social and economic structures.
4. Promote fair and equitable allocation of identified available resources in a manner such that no particular sector, group or entity acquires an excessive share of the privileges.
5. Promote increased safety at sea.

Prevent Overfishing:

1. Adopt conservative harvest levels for single species fisheries and specify OY.
2. Continue to use existing OY cap for BSAI and GOA groundfish fisheries.
3. Provide for adaptive management by continuing to specify OY as a range
4. Initiate a scientific review of the adequacy of F_{40} and consider improvements accordingly.

Preserve Food Web:

1. Develop indices of ecosystem health as targets for management.
2. Improve the procedure to adjust ABCs as necessary to account for uncertainty and ecosystem factors.
3. Continue to protect the integrity of the food web through limits on harvest of forage species.

Reduce and Avoid Bycatch:

1. Continue and improve current incidental catch and bycatch management program.
2. Developing incentive programs for incidental catch and bycatch reduction including the development of mechanisms to facilitate the formation of bycatch pools, VBAs, or other bycatch incentive systems.
3. Encourage research programs to evaluate current population estimates for non-target species with a view to setting appropriate bycatch limits as information becomes available.

4. Continue program to reduce discards by developing management measures that encourage the use of gear and fishing techniques that reduce discards.
5. Continue to manage incidental catch and bycatch through seasonal distribution of TAC and geographical gear restrictions.
6. Continue to account for bycatch mortality in monitoring annual TACs.
7. Control the bycatch of prohibited species through PSC limits.

Avoid Impacts to Seabirds and Marine Mammals:

1. Continue to cooperate with USFWS to protect ESA-listed species.
2. Maintain or adjust current protection measures as appropriate to avoid jeopardy to ESA-listed Steller sea lions.
3. Encourage programs to review status of endangered or threatened marine mammal stocks and fishing interactions and develop fishery management measures as appropriate.

Reduce and Avoid Impacts to Habitat:

- 1. Review and evaluate efficacy of existing habitat closures insofar as managed species are concerned.**
2. Encourage development of a research program to identify regional baseline habitat information and mapping, subject to funding and staff availability. (*alt 3*)
3. Identify and designate EFH and HAPC.
4. Develop an MPA policy in coordination with national and state policies.

Allocation Issues:

1. Provide economic and community stability to harvesting and processing sectors through fair allocation of fishery resources.
2. Continue to reduce fishing capacity, overcapitalization and other adverse effects of the race for fish (e.g., continue AFA pollock coops, IFQ for halibut and sablefish and continue to move GOA, crab, BSAI non-pollock species rationalization through the pipeline).

Increase Alaska Native Consultation:

1. Continue to incorporate traditional knowledge in fishery management.
2. Consider ways to enhance collection of traditional knowledge from communities, and incorporate such knowledge in fishery management where appropriate.
3. Increase Alaska Native participation and consultation in fishery management.

Data Quality, Monitoring and Enforcement:

1. Increase the utility of groundfish fishery observer data for the conservation and management of living marine resources.
2. Improve groundfish Observer Program, and consider ways to address the disproportionate costs associated with the current funding mechanism.
3. Improve community and regional economic impact assessments through increased data reporting requirements.
4. Increase the quality of monitoring data through improved technological means.
5. Encourage a coordinated, long-term ecosystem monitoring program to collect baseline information and compile existing information from a variety of ongoing research initiatives, subject to funding and staff availability.
6. Cooperate with research institutions such as the North Pacific Research Board in identifying research priorities to address pressing fishery issues.

Motion passed 22/0

SEIS Bookends

The AP recommends the Council adopt the attached table as Preliminary Preferred Alternative bookends.
Motion passed 20/1.

Additionally, the AP recommends modifications to the Habitat Evaluation Criteria:

The AP notes that the qualitative judgements used to determine the significance of effects of the four alternatives on habitat used the following information:

1. Bycatch of living habitat derived from the multi-species projection model
2. The results of a habitat impacts model for estimates of the equilibrium levels of living habitat in fishable and currently fished areas
3. Estimates of the amount of area by habitat type and geographic zone closed year round to bottom trawling for all species
4. Evaluation of the spatial distribution of bottom trawl closures relative to fishing intensity and habitat type.

Only the Rose/Fujioka model has been reviewed by public and SSC. It was the model used to craft the EFH mitigation alternatives and was based on the habitat effect cumulatively and by each fishery on habitat features as a whole. None of the other three evaluation approaches have been reviewed by the public or the SSC or used to develop EHF mitigation measures. Adding these unreviewed evaluation criteria at this point will make the PSEIS and EFH EIS inconsistent. The new approaches taken in the PSEIS also does not include any attempt to assess the impact of habitat change on the productivity of the managed species.

Motion passed 16/1/2

To correct these inconsistencies we recommend the following:

1. Eliminate the new and unreviewed evaluation approaches, specifically items 1,3, and 4 described above unless or until they are reviewed

Motion passed 14/5/1

Further, the AP recommends replacing question #5 in the habitat section of the table 4.11-2 with the following question:

“What is the impact on productivity of managed species caused by changes to habitat as a result of fishing?”

Motion passed 18/1

C-4 BSAI Amendment 77 Fixed Gear Pacific Cod Allocation

The AP recommends the Council adopt Alternative 2 (Status quo), to continue the current fixed gear allocations in the BSAI Pacific cod fishery as follows:

- 80% to hook-and-line catcher processors
- 0.3% to hook-and-line catcher vessels
- 18.3% to pot vessels
- 1.4% to <60' hook-and-line and pot vessels

Additionally, the AP recommends Option 1 and Option 2 under rollover provisions.

- Option 1: (Status quo) Any unharvested portion of the hook-and-line catcher vessel and the <60' pot and hook-and-line vessel quota that is projected to remain unused by a specified date shall be reallocated to the hook-and-line catcher processor fleet.

Option 2: (Status quo) Any quota reallocated from the jig or trawl sectors shall be apportioned 95% to the hook-and-line catcher processor sector and 5% to the pot sectors.

Under the sunset provisions, the AP recommends Option 1 (no sunset date).

Motion passes 11-7.

The AP further recommends that the Council adopt Alternative 4, Option 1 to split the pot share of the fixed gear BSAI Pacific cod allocation between pot catcher processors and pot catcher vessels based on 1995 - 1999 catch histories. The AP also recommends (suboption a) that any portion of the unused BSAI Pacific cod quota from either pot sector will be reallocated to the other pot sector before it is reallocated to the other fixed gear sectors.

Motion passes 13-4-1.

Minority report

Alternative 2, Option 3, suboption (d) should be the preferred action. Rollovers from the 2% jig allocation should first be made available to the small boat < 60' pot and longline vessels who are currently allocated only 1.4% of the fixed gear p.cod TAC. This rollover represents only 3-4% of the total factory longline harvest. The original intent of the 2% jig allocation was for the use and development of the small boat fleet in support of coastal communities. Amendment 77 is expected to be implemented on 1/1/04, therefore relief for the small boat fleet could be in place during the spring of 2004. It is almost certain other rationalization efforts will not meet this schedule. Amendment 64 was submitted precisely to address these kinds of circumstances that were unanticipated in 1999. Signed: Jeff Stephan, Dave Boisseau, Michelle Ridgway, Sandra Moller.

C-5 IRIU

Amendment C

The AP recommends that the enforcement period for pollock MRA for non-AFA trawl CP be changed to offload to offload from the current instantaneous enforcement policy. The basis species would be calculated by the BS or AI. The instantaneous requirement for retention of pollock remains in effect.

The AP recommends that work on Alternative C be continued particularly with reference to the following issues:

1. An enforcement representative should be added to the IRIU Technical Committee
2. Examination of product recovery rates and their efficacy in enforcement of groundfish retention standards should be completed.
3. MRA changes for pollock retention
4. MRA changes for flatfish retention
5. In season adjustments of MRAs
6. Add to Amendment C the option for under 125' to opt out of the exempt group
7. Examine an alternative for an observer coverage plan of vessels required to have 200% observer coverage. This plan would mirror what is currently done in the CDQ program through the filing and approval by the

observer program of a fishing plan that ensures 100% of hauls are observed. Include a discussion of potential conflicts with the current CDQ program.

8. Add to analysis

-3.1.2 Effects on PSC -add language explaining potential benefits of using PSC in the calculation of denominator of GRS.

-3.1.4 Add discussion on potential benefits of alternatives on habitat

-3.1.5 Expand discussion on positive and negative ecosystem impacts.

Motion passed 13/1

The AP recommends the Council explicitly state that Amendment D is moot on BSAI fisheries based on the indefinite delay of amendment 75. *Motion passed 13/0.*

AP COMMENTS

Finally, the AP continues to encourage NMFS to request full federal funding for the Alaska observer program prior to implementing changes to the program. The AP appreciates staff's work on identifying and discussing observer issues and encourages Council to move forward with the review and outline of potential analysis.

Motion passed unanimously.