

ADVISORY PANEL MINUTES
North Pacific Fishery Management Council
December 3-8, 2007, Hilton Hotel, Anchorage, Alaska

Approved _____

Date _____

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

Lisa Butzner	Bob Jacobson	John Moller
Joe Childers	Simon Kinneen	Jeb Morrow
Craig Cross	Kent Leslie	Ed Poulsen
Julianne Curry	Chuck McCallum	Michelle Ridgway
Tom Enlow	Tina McNamee	Lori Swanson
John Henderschedt	Mike Martin	<i>Bob Gunderson was absent</i>
Jan Jacobs	Matt Moir	

The AP unanimously approved the minutes of their October 2007 meeting.

C-1 Charter Halibut Management

The AP recommends the Council adopt the Stakeholder Committee's recommended revisions to the staff revisions to the Council's October motion on allocation and interim solution, with the following additional changes:

1. In Alternative 2, Element 1 (on page 1 Stakeholder version):
 - A. revise the percentages so they are round number percentages
 - B. revise the 50% fixed / 50% floating allocation option (Option 3) so that it reads as follows:
Option 3. 50% fixed/50% floating allocation of the combined charter and commercial catch limit.

Area 2C

- a. **50% of 13% and 50% of 1.43Mlb**
- b. **50% of 16% and 50% of 1.69Mlb**
- c. **50% of 17% and 50% of 1.90Mlb**

Area 3A

- a. **50% of 14% and 50% of 3.65Mlb**
- b. **50% of 15% and 50% of 4.01Mlb**
- c. **50% of 15% and 50% of 4.15Mlb**

2. In Alternative 2, Element 5 (on pages 3 and 4 of the Stakeholder version)
 - A. change "GSM" (which stood for Guided Sport Moratorium) and "moratorium" to "LEP" (for Limited Entry Permit) *so that the terms are used consistently throughout Element 5 because the Stakeholder Committee opted to use LEP rather than GSM but the document as posted by the Council does not reflect that; and*
 - B. incorporate as new item "I" in Element 5 the restriction that "Commercial and charter fishing may not be conducted from the same vessel on the same day."

Additionally, the AP recommends inclusion of the following:

- Reinstatement Alternative 2, Element 5 Number 3 Option 1 back into the analysis –
Option 1. May convert all or a portion of their commercial QS to GAF on a yearly basis if they own and fish it on their own GSM permit vessel(s)
- Add to Element 5 (leasing of commercial QS) A suboption that allows commercial QS holders that hold less than 500 lbs to 1000 lbs to lease up to 50 to 100% of their IFQs to the charter sector
- As part of data collection, require the collection of length measurements when supplemental IFQs are leased for use and compare to the annual average length to make sure that accurate removable poundage is accounted for and to allow length measurement information gathered to be used in the formulation of the average weight used in the conversion of IFQs to GAF.

Motion passed 19/0

Main motion passed 19/0.

C-2 (a) BSAI Crab 'C' share active participation

The AP recommends the Council make the following changes to the document prior to initial review in February:

Options for revision of active participation requirements for C share holders:

Option 1: To receive an annual allocation of IFQ, a C share holder must have participated in

Option A: at least one delivery in a fishery subject to the crab rationalization program in the ~~365 days~~ **3 years** preceding the application for IFQ and/or

Option B: 30 days of Alaska State or Federal fishing in the **3 years** preceding the application for IFQ

Suboption: Establish a mechanism for the annual allocation of C share IFQ to ensure that 3 percent of the TAC is available to active C share holders

Option 2: If a C share holder has not demonstrated active participation in a rationalized crab fishery for a period of 3 consecutive seasons, that C share holder will be required to divest of all C share holdings. This provision will not require individuals to divest of Quota Share until a) 5 b) 7 years after implementation of the crab program.

Options to address current transition:

For a period of ~~3~~, 5, or 7 years from the implementation of the program, C shares can also be acquired by an individual who:

- 1) is a U.S. citizen,
- 2) has at least 150 days of sea time as part of a harvesting crew in any U.S. commercial fishery (historic participation), and

Option 1: received an initial allocation of C shares

Option 2: demonstrates participation in a rationalized crab fishery during

- a. 3 of the 5 seasons or
- b. 2 of the 3 seasons immediately preceding implementation of the crab rationalization program

Motion passed 19/0.

C-2 (b) BSAI Crab: C share 90/10 exemption

The AP recommends Alternative 2 be selected as the preferred alternative for final action. *Motion passed 19/0.*

C-2 (c) BSAI Crab: Custom processing

The AP recommends the Council select the following alternatives and options as its preferred alternative:

Custom Processing Cap Exemption

Fisheries and Regions:

Custom processing will be exempt from use caps in the following regions and fisheries:

The North region of the Bering Sea *C. opilio* fishery (analyzed here for regulation change from MSA reauthorization – not optional)

- Option 1) the Western Aleutian Islands golden king crab fishery,
Suboption 2: West designated or Undesignated shares processed in the West region
- Option 2) the Western Aleutian Islands red king crab fishery
- Option 3) the Eastern Aleutian Islands golden king crab fishery
- Option 4) the St. Matthew Island blue king crab fishery
- Option 5) the Pribilof Islands red and blue king crab fishery

Definition of custom processing exemption:

Option 1) Physical processing of crab at a facility owned by an entity does not count toward the cap of the entity (only processor share holdings count toward an entity's cap).

Locations qualified for the exemption:

Custom processing will qualify for the exemption provided that processing is undertaken in the applicable fishery and region at:

Option 2) a shore plant, or a floating processor that is moored at a dock or docking facilities (e.g. dolphins, permanent mooring buoy) in a harbor in a community that is a first or second class city or home rule city.

Facility cap

Outside of the West region, no facility may process more than 60% of

- a) EAI golden king crab
- b) WAI red king crab

Provisions to protect interests of the community of origin

Option 2) In the event that processing shares currently or formerly subject to a right of first refusal are transferred from the initial recipient, custom processing of shares in the community of origin will not be counted toward cap of the processing plant (the shares would only count toward the cap of the share holder).

Motion passed 19/0

C-2 (d) BSAI crab post-delivery transfers

The AP recommends the Council select Alternative 2 as its preferred alternative.

Alternative 2 – Unlimited post-delivery transfers (Preferred alternative in bold text)

Purpose of post-delivery transfers

Post-delivery transfers would be allowed exclusively to cover overages.

Shares used for post-delivery transfers

Post-delivery transfers of the following shares are permitted:

- B share IFQ
- A share IFQ (provided a processor simultaneously commits matching IPQ)
- C share IFQ
- Catcher processor IFQ
- IPQ

Limits on the magnitude of a post-delivery transfer

None

Limits on the number of post-delivery transfers

None

No person shall be permitted to begin a fishing trip, unless the person holds unused IFQ.

Limits on the time to undertake a post-delivery transfer

Suboption: All post-delivery transfers must be completed by the end of the crab fishing year (June 30th).

Eligibility for post-delivery transfers:

1. All harvesters

Motion passed 19/0

C-2 (e) BSAI Crab Rationalization 3 year review

The AP recommends the Council encourage the industry to work with staff in developing the 8 datasets outlined in the letter from the North Pacific Crab Association in support of developing the 36 month review.
Motion passed 19/0

Further, the AP recommends the Council work with staff to develop a 3 year review as outlined in the workplan on the projected schedule. Additionally the AP recommends that staff thoroughly examine issues regarding CDQ and crew participation in the BSAI crab fisheries.
Motion passed 19/0

C-3 (a) GOA Pacific cod split

The AP recommends the Council move forward in developing an EA/RIR/IRFA regarding Pacific cod sector splits with the following changes:

In Component 2:

1. Delete all CP less than 125 and all CP greater or equal to 125ft.
2. Establish pot catcher vessels less than 60' and pot catcher greater than or equal to 60' as an option under pot catcher vessels

In Component 5:

Delete current language and replace with October AP motion with an addition as follows:

Component 5: Allocation of Pacific cod to jig sector

The AP recommends Component 5 read as follows:

Options include 1%, 3%, 5%, or 7% of the Western and Central GOA Pacific cod allocations for the jig catcher vessel sector, with a stairstep provision to increase the allocations by:

- 1%
- 2%
- 3%

If 100% of the Federal jig allocation and 90% of one of the Central Gulf state waters district GHLS or the Western Gulf state waters GHLS is harvested. Subsequent to the jig allocation increasing by a stairstep up, if the harvest threshold criteria described above are met, the jig allocation will be stepped down by 1% in the following year, **but shall not drop below 1%**. *Motion passed 17/1*

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.

Main motion passed 18/0.

Additionally:

The AP recommends Council task the State of Alaska, NOAA GC and council staff to explore possible solutions for the jig fishery management structure (both federal and State) that creates a workable fishery that will minimize the amount of stranded cod quota.

Possible solutions that could be explored are as follows:

1. Separate State and federal allocations – manage accounting by seasonal structure
2. No State managed jig fishery – State allows federal management for both the state jig GHLS and federal quota as one federal quota fishery.
3. State managed jig Pcod fishery – federal management authority goes to the state of Alaska to manage a state gear specific fishery.

Motion passed 18/0.

C-3 (b) GOA sideboards

The AP wishes to reiterate its motion from the October 2007 minutes:

The AP recommends that the Council initiate an analysis for a regulatory amendment to exempt CP trawl vessels that participate in the CGOA Rockfish pilot program cooperative or limited access sectors and also belong to a cooperative in the BSAI fisheries under Amendment 80 from the July stand-down period.

The AP recommends that the Council initiate an analysis for a regulatory amendment to add an amount of halibut PSC to the Amendment 80 3rd quarter deep-water halibut PSC sideboard proportionate to the halibut available to the rockfish catcher-processor limited access and opt-out fisheries.

The AP recommends the Council initiate an analysis for a regulatory amendment to address crab rationalization sideboards with the following revisions to the options provided in the discussion paper:

Option 2 – Replace “allocation” with “catch history”

Amend Option 3: Exempt non-AFA crab vessels from GOA Pcod sideboards if the vessel’s BS opilio catch history is less than 500,000 lbs and the vessel landed more than 2,500 mt of GOA Pcod from 1996-2000 **OR if a vessel has less than 500,000 lbs of BS Opilio catch history and 20 GOA Pollock trawl landings and 1,500,000 mlbs of GOA pcod landings during the years 1996-2000.**

The AP wishes to re-affirm that this exemption would apply only those non-AFA crab vessels/licenses that are eligible to participate in the GOA Pacific cod fishery.

The AP recommends that Council task staff with further developing the discussion addressing the Council’s policy that requires vessels to fish their BSAI pollock allocation to maintain their exempted status.

Motion passed 18/0

C-3 (c) Gulf of Alaska Pollock Trip Limit

The AP recommends the Council adopt Alternative 2 as its preferred alternative.

Motion passed 18/0

C-3 (d) Gulf of Alaska Rockfish Post Delivery Transfers

The AP recommends the Council select the following as its preferred alternative.

Alternative 2 – Unlimited post-delivery transfers

Purpose of post-delivery transfers

Post-delivery transfers would be allowed exclusively to cover an overages.

Shares used for post-delivery transfers

Post-delivery transfers of the following shares are permitted:

catcher vessel CQ

catcher processor CQ

Limits on the magnitude of a post-delivery transfer

None

Limits on the number of post-delivery transfers

None

Limits on the time to undertake a post-delivery transfer

Suboption: All post-delivery transfers must be completed by December 31st.

Motion passed 18/0.

C-4 BSAI and GOA Trawl LLP recency

The AP recommends the Council release the GOA and BSAI Trawl recency analysis document for final action with the following clarifications and revisions:

1. On page 7, paragraph 2, revise language to read ... “exemption and inclusion statements that the Council will include in their preferred action.”
2. Replace AFA CP with AFA CV using an LLP with a CP endorsement
3. Clarify in the analysis that non-Amendment 80, Non-AFA CP - Licenses are likely to enter the fishery placed on a CV
4. Delete component 4, Option C *Motion passed 14/5*
5. For component 1, Option 3, refine the Option to extend the qualification period to include landings made in 2006 in the BSAI only.

Motion passed 19/0

The minority believes option C of component 4 should be retained. Keeping it in the analysis provides contrast and highlights concerns over non-severability of area endorsements exacerbating the tendency of access privileges to migrate away from small communities. Contrary to the majority opinion, there is precedent for tying access privileges to communities in BSAI CDQ and GOA CQE programs. The AP heard public comment that a number in the low end of the range (the option uses the words “up to”) would be adequate to guarantee a minimum level of community access in combination with a 4B option. Signed: John Moller, Chuck McCallum, Michelle Ridgway, Craig Cross, Simon Kinneen, Lori Swanson

C-5 Amendment 80

The AP recommends the Council release the analysis for public review and final action in February. The AP further recommends the Council adopt the following as its preliminary preferred alternative:

Post Delivery Transfers: Alternative 2

Rollovers: Alternative 2

No 5% deduction at time of rollover

Motion passed 14/0/1

C-6 Observer Program

The AP recommends the Council direct staff to release the EA/RIR/IRFA for public review with the following changes:

In issue 4: Delete existing alternative 3 and replace the following:

Revise the definition of “fishing day” in Federal regulations as follows:

Fishing day means (for purposes of subpart E) a 24-hour period from 1200 ALT through 1200 hours ALT, in which fishing gear is retrieved and groundfish are retained. An observer must be on board for all gear retrievals during the 24 hour period in order to count as a day of observer coverage. Days during which a vessel only delivers unsorted codends to a processor are not fishing days.

In issue 4, add a suboption under alternatives 2 and 3: Exempt CPs from fishing days definition.

Strike Issue 6

Motion passed 17/0/2

D-1 (a) Salmon Bycatch

The AP recommends the Council adopt the problem statement and move forward the analysis and alternatives proposed by the Salmon Bycatch Workgroup in their May and August 2007 meetings and as described on pages 1 and 2 of D-1 (a)(1) and pages 3 and 4 of D-1 (a) (3) with the following changes:

Option B) Cap formulation based on:

1. Establish cap based on:

- 1- Average historical bycatch;
 - i. 3 years (2004-2006)
 - ii. 5 years (2002-2006)
 - iii. 10 years (1997-2006)

~~Option: Drop 2000~~

Suboption: drop lowest year

Suboption: drop highest year

2- Percentage increase of :

- i. Historical average
 1. 10%
 2. 20%
 3. 30%
 - ii. Highest year
 1. 10%
 2. 20%
 3. 30%
2. Set cap relative to salmon returns:
Recommend that analysts prepare draft language to better characterize on-going investigations by analysts here for presentation to the Council in October
3. Incidental Take Permit amount
4. International treaty considerations
- 1- Average historical bycatch pre-2002
 - i. 3 years (1999-2001)
 - ii. 5 years (1997-2001)
 - iii. 10 years (1992-2001)
 - 2- Percentage decrease of historical averages:
 - i. 10% decrease
 1. 3 years (1999-2001)
 2. 5 years (1997-2001)
 3. 10 years (1992-2001)
 - ii. 20% decrease
 1. 3 years (1999-2001)
 2. 5 years (1997-2001)
 3. 10 years (1992-2001)
 - iii. 30% decrease
 1. 3 years (1999-2001)
 2. 5 years (1997-2001)
 3. 10 years (1992-2001)

The AP also recommends adding an option to the alternatives for new closures that would allow for an exemption such as the one currently implemented under amendment 84 for the fleet to these new closures.

Delete Element 4 from the elements and options.

Additionally, the AP recommends adding an option to divide the final cap by sectors (50% shore based CV fleet; 10% for the mothership fleet and 40% for the offshore CP fleet). The sector allocations of Chinook salmon bycatch will be divided up by Pollock coops within each sector based upon the percent of total sector Pollock catch their coop allocation represents. When the Chinook salmon coop cap is reached, the coop must stop fishing for pollock and may lease their remaining Pollock to another coop (inter-cooperative transfer) within their sector for that year (or similar method to allow Pollock harvest with individual coop accountability.) *Motion passed 10/8*

The analysis will consider equal treatment by the CDQ program under each alternative. The intent is that any alternative under consideration would be no more restrictive than the other options to CDQ.

Motion carries 13/6.

The minority feels that the alternatives contained within the Council's October motion provides better direction and is more responsive to both the alarming increase in Chinook bycatch and the testimony provided in person and by letter. The range of alternatives in the Council's motion more than adequately provides for industry's Chinook bycatch needs from a historical perspective with the appropriate exception of 2007. The October motion demonstrates to the public the Council's responsiveness to their concerns by moving more expeditiously towards a cap on bycatch. It also more directly addresses our responsibility to reduce bycatch under the MSA as well as meet our obligations under the U.S.-Canada Pacific salmon treaty. We understand that Yukon River treaty issues have sparked the State Department to initiate an investigation that will largely focus on the outcome of this particular amendment. We feel the range of alternatives recommended by the majority of the AP is too broad and contains salmon bycatch levels that have no merit for inclusion.

Signed, Simon Kinneen, Michelle Ridgway, Tina McNamee, Julianne Curry, Jeb Morrow, John Moller

D-1 (b) VMS requirement for dinglebar gear

The AP recommends the Council direct staff to develop the current dinglebar discussion paper into an EA focused on providing an exemption to VMS requirements for this fleet. *Motion passed 17/0.*

D-1 (d) BSAI Groundfish Specifications

The AP recommends the Council approve the SAFE and adopt final specifications for 2008-2009 OFLs ABCs and TACs as shown in the attached table.

Additionally, the AP recommends rolling over the 2008 TACs for 2009, and in cases where the 2008 TAC exceeds the 2009 ABC, TAC shall be set at ABC.

Motion passed 16/1.

The AP recommends the Council adopt the:

- 2008-2009 apportionment of PSC allowances to non-trawl gear, CDQ, AM 80 and the BSAI trawl limited access sectors
- 2008-2009 herring and red king crab sub-area PSC allowances for all trawl sectors
- 2008-2009 PSC allowances for the BSAI trawl limited access sector and non-trawl fisheries,
- 2008-2009 PSC allowances for the BSAI AM 80 limited access sector

As noted in the attached tables. *Motion passed 16/0.*

D-1 (e) GOA Groundfish Specifications

The AP recommends the Council adopt the GOA SAFE report and final GOA specs for 2008-2009 OFLs, ABCs and TACs as shown in the attached tables.

Summary:

Set the 2008 and 2009 GOA proposed specifications where TAC is equal to ABC for all stocks with the following exceptions:

The Pacific cod TAC is reduced according to the table in the action memo to account for the apportionment to the State waters fishery in 2008 and 2009.

Rollover the 2007 TAC for 2008 and 2009 for:

- a. Shallow water flatfish and flathead sole in the Central and Western GOA
- b. Arrowtooth flounder for all areas
- c. Other slope rockfish in the EYAK/SEO
- d. GOA Atka mackerel
- e. GOA other species

Motion passed 18/1

Additionally, the AP recommends the Council adopt the GOA halibut PSC apportionments annually and seasonally, as indicated in D-1 (e) for 2008-2009.

Motion passed 19/0

D-1 (g) GOA Salmon and Crab bycatch

The AP feels that the available data in the GOA does not provide adequate reliability to support developing bycatch limitation programs. Therefore, the AP recommends the Council delay further action on this agenda item and focus on development of more reliable observer coverage and a feasible electronic monitoring program. We further recommend that the bycatch document should be updated annually so the Council maintains awareness of bycatch issues in the GOA.

Motion passed 12/2

Minority Report on Failed Substitute Motion

The minority believes that analysis of a GOA bycatch analytical package should be advanced at this time, and recommends the following refinements to the draft alternatives in the 2007 discussion paper (pg 14).

1. Strike Alternative 4 under all sections 2. Apply analysis to all sectors (all trawl and jig for salmon, all trawl and pot for crab) 3. add to tanner and king crab sections: consider areas of scientifically documented biological importance for analyzing triggered or year around closures 4. analyze applying VMS requirements for any sector to which management measures may be applied. Michelle Ridgway, Ed Poulson, Chuck McCallum, John Moller

D-2 Crab overfishing definitions

The AP recommends the council select Alternative 2, Option 2, Option A as its preferred alternative. *Motion passed 18/0.*

D-4 Staff Tasking

The AP recommends the Council request initiate a discussion paper that examines the utilization of PSC in the non-amendment 80 BSAI YFS threshold fishery. *Motion passed 16/0.*