

**ADVISORY PANEL MINUTES
North Pacific Fishery Management Council
February 5-10, 2007, Portland, OR**

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

Lisa Butzner	John Henderschedt	Matt Moir
Joe Childers	Jan Jacobs	John Moller
Craig Cross	Bob Jacobson	Jeb Morrow
Julianne Curry	Simon Kinneen	Ed Poulsen
Tom Enlow	Kent Leslie	Michelle Ridgway
Duncan Fields	Tina McNamee	Lori Swanson
Bob Gunderson	Mike Martin	

The AP voted to retain for 2007 the 2006 officers: Tom Enlow, Chairman; Jon Henderschedt and Joe Childers, vice-chairmen.

Additionally, the AP voted to approve the minutes

C-4 Halibut Charter Management

The AP recommends the Council approve initial review of the moratorium analysis for final action in March 2007 with the following additions:

Issue 5: Include a sub-option for disallowing transfers of issued permits for individual vessels that qualified at trip levels less than 10, 15, or 20 trips as reported in the ADF&G logbook.

Issue 7: Include a sub-option on the maximum number of clients a vessel is endorsed to carry. Area 2C: 6, 10, or 15. Area 3A: 10, 15, 20, or 25.

Issue 10: Include a sub-option of 15 for minimum trips to qualify a vessel.

Issue 12: Include an option requiring use of the requested CQE permit in the community represented by the CQE. Use shall be defined as beginning and/or ending of the permit trip in the represented community.

Motion passed 19/0.

The AP recognizes that the CQE provision is not addressed in the problem statement and may appear to contradict the goals of the moratorium. The AP recommends adding language to the problem statement clarifying the Council's intent for inclusion of the CQE provision in the moratorium program. *Motion passed 19/0.*

The AP recommends the following change in Issue 2: ***Permit would be designated for either Area 2C and/or Area 3A. If a business owner qualified for a permit in both areas, he would be issued a permit endorsed for only one area of his choosing. both areas.*** *Motion passed 19/0.*

C-3 Seabird Avoidance Measures

The AP recommends the Council take final action on the Seabird Avoidance measures with the following changes in Alternative 3:

Alternative 3. Revise seabird avoidance measure requirements as follows:

A. As in Alternative 2, eliminate seabird avoidance gear requirements, except in the following areas of Southeast Alaska, where hook and line vessels fishing in these areas would be subject to the same seabird avoidance gear requirements and standards as when fishing in the EEZ (see charts in Figure 2):

- ~~1. Area around Chatham Strait defined as ADF&G groundfish statistical areas 345603 and 345534, or
Sub option: Area around Chatham Strait south of a straight line at 56°17'25" N latitude between Point Harris and Port Armstrong, or other suitable line.~~
2. Area around Dixon Entrance defined as ADF&G groundfish statistical areas 325431 and 325401.
- ~~3. Area around Cross Sound, defined as ADF&G groundfish statistical area 365804, or
Sub option: Area around Cross Sound from a longitude line west of Inian Islands at 136°21'17" E longitude, or other suitable line from the line extending from Pt. Wimbledon South through Inian Islands to Pt. Lavinia.~~

B. Require standards of all hook-and-line vessels fishing in the EEZ as in Alternative 2.

Option 1: Eliminate Seabird Avoidance Plan (SAP) requirement.

Option 2: Weather Safety Standard: Use of seabird avoidance devices would be discretionary for vessels >26 and ≤55 ft LOA when winds exceed 30 knots.

~~Option 3: Require that a buoy bag be used on vessels >26 and ≤32 ft LOA fishing in the EEZ waters of Area 4E.
Sub option: All vessels >26 and ≤ 32 ft LOA fishing with hook and line gear in the EEZ waters of IPHC Area 4E would be exempt from seabird avoidance regulations.~~

Motion passed 19/0

Additionally, the AP recommends the Council identify the removal of seabird avoidance measures in 4E and potential subareas within as a trailing amendment to be reviewed upon staff's spatial analysis (i.e. kriging of satellite telemetry data and incorporation of other pertinent data) for its consideration for use of mitigation measures within 4E to both protect endangered seabirds and reduce restrictions imposed on fishermen where they may not be applicable.

Motion passed 19/0

C-5 Trawl LLP recency

The AP recommends the analysis move forward for public review with the following changes/additions:

Component 3 will exclude LLPs originally issued to vessels qualified under the AFA and LLPs assigned to an AFA vessel between January 1, 2002 and February 6, 2007, provided the exclusion only applies when the LLP is assigned to an AFA vessel.

Option 1. Exclude LLPs from qualifications in the BSAI and GOA

Option 2. Exclude LLPs from qualifications in the BSAI only

Motion passed 20/0

In Component 5, under each option, the following suboptions should be used:

- a. 250 mt
- b. 500 mt
- c. 1000 mt

Motion passed 19/1

Component 4.5

Option 1. Exempts LLPs from the landing requirement to retain their CGOA endorsements, and WGOA endorsement only for the purpose of harvesting sideboard species, if the LLP qualifies for the CGOA and rockfish pilot program. *Motion passed 18/0/1.*

C-6 BS and AI Split for Pacific Cod

The AP recognizes that until BSAI and GOA Pcod LLP issues are further developed and the universe of participants are identified, further analysis of the BSAI split scenarios is highly theoretical.

Additionally the effects of restructuring fisheries under AM80, AM85, cod stock biological data, and the impacts of further information through the SSL consultation process, have not yet been realized. The AP recommends Council direct staff to address points raised in public comment in the next release of the document.

Specifically, the AP requests the Council direct staff to:

1. Incorporate observer data for sectors where it is considered the best available information. *Motion passed 20/0.*
2. Address the effects of AM85 sector allocations. For example, the resulting loss of access to Pcod on the AM80 sectors' ability to prosecute BS and AI fisheries under various BSAI split options.

Motion passed 20/0

C-7 GOA Sector Split for Pcod

The AP recommends the Council place the GOA LLP license limitation program in a separate amendment package.

PURPOSE AND NEED GOA LLP license limitation program

The proposed amendment would apply threshold landings criteria to fixed gear fisheries in the WGOA and CGOA. The intent of the proposed amendment is to prevent latent fixed gear groundfish fishing capacity that has not been utilized in recent years, from future entry or re-entry into fisheries that are fully utilized.

The rationale for this action is concern over the impacts that possible future entry of latent effort would have on LLP holders that have exhibited participation in, and dependence on, the fixed gear groundfish fisheries. Fixed gear vessel owners who have made significant investments, have long catch histories, and are dependant on WGOA and CGOA groundfish resources need protection from those who have little or no recent history and who have the ability to increase their participation in the fisheries.

This requires prompt action to promote stability in the fixed gear sectors of the GOA groundfish fisheries until comprehensive rationalization can be completed.

It is extremely important that this proposed action is implemented concurrently with the GOA Pcod sector splits which are currently under consideration. *Motion passed 18/0.*

PURPOSE AND NEED GOA Sector Split for Pacific Cod

The Gulf of Alaska (GOA) Pacific cod resource is fully utilized. All gear sectors – jig, longline, pot, trawl, catcher vessels and catcher processors, are fully subscribed. The North Pacific Fisheries Management Council

has been unable to complete a comprehensive rationalization management plan for the Central and Western GOA. The GOA Pacific cod fisheries have the largest number of participants of any Alaska groundfish fisheries.

The GOA Pacific cod TAC is not subdivided by gear type or between catcher vessels or catcher processor vessels. The result is that there is an intense race for fish between sectors and between harvesters within sectors.

Since the TAC is not divided by gear type, each sector is unable to develop an appropriate management regime for their sector. Also, when all sectors fish at the same time gear conflicts occur.

Competition for the GOA Pacific cod resource has increased for a variety of reasons, including increased market value of cod products, rationalization of other fisheries in the BSAI and GOA, increased participation by fishermen displaced from other fisheries, a reduced federal TAC due to the state waters cod fishery, and Stellar Sea Lion mitigation measures including the A/B seasonal split of the GOA Pacific cod TAC.

The purposes of the proposed action include elimination of the race for fish between sectors and provision of economic stability for the participants in the GOA Pacific cod fishery who have significant fishery investments and long-term dependence on the resource. Sector allocations will be based on historic dependence, catch history and other socio-economic factors. Allocating Pacific cod amongst sectors will give the sectors additional flexibility to address management needs. Prompt action is needed to promote stability within the GOA cod fishery until comprehensive rationalization or other appropriate management measures can be put in place.

Motion passed 16/4

The minority opposes the inclusion of language referencing the NPFMC's inability to complete a comprehensive rationalization plan in the sector split purpose and need statement. We contend that retaining this reference suggests that the sector split is a default measure, whereas, in fact, rationale for pursuing a GOA cod sector split to address inter-sector competition is fully justified. Signed: John Moller, Lisa Butzner, Tina McNamee, and Michelle Ridgway

GOA Sector Split for Pacific Cod Components and Options

Component 1 – Area

Pacific cod sector split in CGOA & WGOA

Component 2 – Identify and define sectors

Trawl CP

Trawl CV

H&L CP

H&L CV

Pot CP

Pot CV

Jig

Optional vessel length subdivision for sectors:

- a) Pot CV sector: <60 ft and >=60 ft
- b) All CP sectors: <125 ft and >=125 ft

Component 3 – Qualifying catch

Option 1) For purposes of determining catch history, “catch” means retained legal catch. A sector’s catch history includes all retained legal catch from both the Federal fishery and parallel fishery in the CGOA and WGOA. This includes retained legal catch from both LLP and non-LLP vessels.

Option 2) For purposes of determining catch history, “catch” means retained legal catch excluding fish meal. A sector’s catch history includes all retained legal catch excluding fish meal from both the Federal fishery and parallel fishery in the CGOA and WGOA. This includes retained legal catch excluding fish meal from both LLP and non-LLP vessels.

Option 3) For purposes of determining catch history, “catch” means Pcod catch retained when the Pcod fishery is open for directed catch. A sector’s catch history includes all Pcod catch retained when the Pcod fishery is open for directed catch from both the Federal fishery and parallel fishery in the CGOA and WGOA. This includes retained legal catch when the Pcod fishery is open for directed catch from both LLP and non LLP vessels.

The analysis will also provide each sector’s catch history based on total catch (retained and discarded) where practicable.

Component 4 – Sector catch histories

The AP recommends the Council adopt the following option for determining catch histories:

Each sector is allowed to choose their best 5 or 7 years (as a percentage of TAC) from the years 1995-2005 to obtain an average % of TAC for that sector. The sector split would then be based on the relative comparison of these averages.

Example

1. Trawl fleet has a 7 year average % of TAC of 65%
2. Pot fleet has a 7 year average % of TAC of 50%
3. Longline fleet has a 7 year average % of TAC of 25%
4. Jig fleet has a 7 year average % of TAC of 15%

Total % of TAC is 155%

Trawl sector split is 65/155 of annual TAC
Pot sector split is 50/155 of annual TAC
Longline sector split is 25/155 of annual TAC
Jig sector split is 15/155 of annual TAC

**Decrease the trawl allocation by the allocation to the CGOA rockfish pilot program (during the tenure of that program).

Component 5 – Allocation to Sectors: Allocations to sectors are to be based on catch history (Component 4) except for the jig sector.

Component 6—Allowing harvest of an allocation by other sectors

Trawl sector – when the trawl sectors reach their final allocation of halibut PSC for the year

1. CV trawl sector allocation available to other CV sectors
2. a. CP trawl sector allocation available to other CP sectors
b. CP trawl sector allocation available to both CP and CV sectors (CV sector catch accounts to other CV sector allocations first before accounting to the CP sectors allocation)

Longline sector – when the longline sectors reach their final allocation of halibut PSC for the year

1. CV longline sector allocation available to other CV sectors
2. a. CP longline sector allocation available to other CP sectors

- b. CP longline sector allocation available to both CP and CV sectors (CV sector catch accounts to other CV sector allocations first before accounting to the CP sectors allocation)

Motion passed 20/0

C-8 VMS

Referencing the SSC minutes, public testimony, written comments and AP discussions, there is widespread concern regarding the disconnect between the problem statement and the comprehensive VMS coverage alternatives listed in the EA.

Therefore, the AP recommends that the Council suspend further action on VMS pending the NMFS developing a clear draft problem statement for the Council's consideration. The AP has struggled to match the current problem statement with the proposed alternatives.

The AP further recommends that if a clear and compelling problem statement is adopted by the Council, the amendment package be revised as follows:

1. An additional alternative be identified that would address data acquisition needs through non VMS methodology.
 1. Check in/check out requirements
 2. Expanded fish ticket and landing reports
 3. Revised logbook requirements

The AP further recommends that the analysis look at how issues identified in the problem statement apply to specific fisheries that this program is needed to cover, such as:

- A. Vessels participating in the Norton Sound red king crab fishery.
- B. Vessels fishing CDQ halibut delivering solely in Area 4E and sub-areas.

The AP recommends that expanded VMS programs be Federally funded.

Additionally, the AP would note that the current VMS standards requiring an active VMS for non-fishing activities -- like obtaining fuel, going hunting or moving the vessel in a boat yard -- impose an onerous burden on the fishing fleet and do not further the goals of the VMS program.

Motion passed 15/0/2.

D-1 Groundfish Management

Dark Rockfish

The AP recommends the Council request staff incorporate the comments and recommendations of the SSC, and prepare the document for Public Review. *Motion passed 18/0.*

Arrowtooth MRA

The AP recommends the Council add to the analysis an option for a higher Pcod MRA (20%). An MRA higher than 5% would not be implemented until the Pcod sector splits are in place. *Motion passed 12/0/1.*

The AP recommends the Council move forward an analysis of arrowtooth flounder MRA adjustments for Initial Review. *Motion passed 13/0.*

D-2 (a) BSAI Crab Overfishing

The AP recommends that the EA does not go out for Public review at this time. Additionally, the AP agrees with the SSC's comments on BSAI crab overfishing definitions. *Motion passed 18/0.*

D-2 (b-d) BSAI Crab

The AP recommends the discussion paper on crab vessel use caps be updated and reviewed again for the 3 year review. *Motion passed 15/0.*

The AP recommends the current discussion paper regarding the exemption of custom processing from crab processing caps be expanded to include the Eastern golden king crab, St. Matthew blue crab, and Pribilof Islands blue king crab. Any such discussion should address the sustained participation in the fishery by fishing dependent coastal communities and the mitigation of economic harm to the communities.
Motion passed 15/0.

The Minority of the AP would support a recommendation to the Council that at some point in the review process for Crab Rationalization, that Staff include a discussion about the unintended consequences on the processing sector relative to tender costs and availability. Motion failed 7/10 Signed: Duncan Fields, Craig Cross, Lori Swanson, Julianne Curry, Simon Kinneen

The AP recommends the following change to the 18 month review:

“The analysis is to examine the landings patterns of **B and** C shares to determine whether the distribution of landings among processors and communities of **B and** C shares differs from the distribution of landings of the general harvest share pool.”

Motion passed 17/0

The AP suggests the Council consider revision to the language in the Crab Rationalization Plan that requires “active participation” for eligibility to purchase “C” shares. *Motion passed 17/0.*

D-3 Salmon Bycatch

The AP recommends the Council move the Amendment package forward for analysis including all of the components on page 12 of the discussion paper, and the exemption for participants in the VRHS system (as approved under amendment 84). *Motion passed 16/0.*

D-4 (a) Aleutian Islands Habitat Conservation Area

The AP recommends the Council approve the Initial Review of the AI Habitat Conservation Area analysis, and proceed with the next draft . *Motion passed 18/0.*

D-4 (b) Bering Sea Habitat Conservation Area

The AP recommends the Council ask staff to develop the Habitat Conservation EA/RIR/IRFA for review at the next Council meeting. Additionally, the AP recommends the Council continue to encourage meeting between residents of western Alaska communities, and the flatfish industry to address particular concerns regarding areas in proximity of the communities and traditional subsistence areas.

Motion passed 19/0.

The AP requests the following changes to Alternative 3:

Alternative 3: Gear modifications. This alternative would require gear modifications for all non-pelagic trawl gear used in flatfish target fisheries. Specifically, this alternative would require discs on non-pelagic trawl sweeps to reduce seafloor contact and/or increase clearance between the sweep and substrate. A performance standard of at least 2.5 inches elevation of the sweep from the bottom would be required.

Option 1: Close the area south and west of St. Matthew island to bottom trawling to conserve blue king crab habitat.

Ask staff to present an option for closure to north and east to conserve blue king crab habitat

Option 2: Close an area in the vicinity of Etolin Strait, within the parameters defined at the December 2006 Council meeting (between 163° 30'W and 165°W, bounded by option 1 and option 1 suboption 1).

Option 3: ~~*Gear modifications and a Northern Bering Sea Research Area.*~~ The Northern Bering Sea Research Area would be established as the area north of St. Matthew Island to the St. Lawrence Islands. The area would be closed to fishing with bottom trawl gear. Future access to this area using bottom trawls could occur through an exempted fishing permit or research fishing. ~~Included in this research closure area is a St. Matthew Island crab habitat protection area using the boundaries around that island as defined by the Alternative 2 open area.~~

Motion passed 19/0.

The AP recommends the Council request staff to provide options for a Northern Boundary around Etolin Strait.

Motion passed 19/0.

The AP recommends the Council request staff to amplify the discussion on future effect of distribution of fish outside the open area.

Motion passed 18/0

The following motion failed 6/14, and is reported by the minority:

The protected resources section of the BSHC analysis should be updated to include recent satellite tracking data on short-tailed albatross distribution and aggregation areas in the EEZ. Incorporation of this information is important to meet NEPA requirements and will allow the data to be objectively presented in the context of the EA. Signed: Michelle Ridgway, Simon Kinneen, and Mike Martin

D-5 Staff Tasking

The AP recommends the Council look to resolving the issue of rural residents outside municipal boundaries not being able to obtain subsistence halibut permits.

Motion passed 16/0