

# DRAFT AP MINUTES

## ADVISORY PANEL MINUTES June 7-10, 2000 The Doubletree Downtown, Portland, Oregon

Advisory Panel members in attendance:

Alstrom, Ragnar	Jordan, Melody
Benson, Dave	Kandianis, Teressa
Boisseau, Dave	Madsen, Stephanie (Vice-Chair)
Bruce, John (Chair)	Nelson, Hazel
Burch, Alvin	Ridgway, Michelle
Cross, Craig	Steele, Jeff
Falvey, Dan	Stephan, Jeff
Fuglvog, Arne	Ward, Robert
Fraser, Dave	Yeck, Lyle
Jones, Spike	

### **C-1 Halibut Management**

#### **(a) Review Gulf Coastal Communities Coalition (GOACCC) Halibut IFQ discussion papers:**

The AP recommends the elements and options included in the GOACCC paper and the revised elements and options below to be distributed for additional public comment. Comments would be reviewed at the Council's October meeting in Sitka. We further request the GOACCC discussion paper be made available as an attachment. Recommended additions follow:

Community IFQ Purchase - elements and options:

Element 2. Ownership Entity - Clarify that there can only be one entity/community and include GOA communities only.

Element 4. Purchase, sale and use restrictions:

- a. Add a definition for residency requiring a physical presence in the community of
  1. 180 days/year
  2. 270 days/year

Element 7. Add an option creating a drop through system with use privileges subject to voluntary change in year 5 and mandated change in year 10

Suboption: Accompany mandated change in year 10 with

1. 10% loss of QS
2. 15% loss of QS
3. 20% loss of QS

*Motion passed 18-0-1.*

The AP recommends the Council include the elements and options identified in the Community 'set aside' of halibut charter IFQ GOACCC discussion paper with the addition of a new alternative that would allow qualified communities to buy charter QS.

## DRAFT AP MINUTES

Further, the AP is aware of Council staff time constraints and understands it may be necessary to complete work through a contract.

*The above motion failed 9-9 but passed 10-8 upon reconsideration.*

### **C-1 (b) Halibut Donation Program**

The AP recommends the Council adopt Alternative 2 with the understanding the Council, in consultation with IPHC and NMFS, commit to a periodic review every three years.

*Motion passed 17-0.*

### **C-2 Observer Program**

The AP recommends the Council adopt the following:

Proposed Action 1 - Alternative D with the modification allowing an increase in observer coverage when processor wishes to exceed the 250 mt capacity/week.

Proposed Action 2 - Alternative A

Proposed Action 3 - Alternative A

Proposed Action 4 - Alternative A - status quo

Proposed Action 5 - Alternative B excluding observer evaluations and deployment ratings.

*Motion passed 19-0.*

### ***Minority Report***

*The following motion failed 14-3.*

*We, the undersigned members of the AP, believe that Proposed Action 4, Alternative B, Option 1 more adequately meets the mandated fishing effort coverage objective than does the current practice of observing 30% of "days fished." This Action may also provide the following benefits:*

- increase accuracy, precision and overall confidence of data obtained by observers*
- improve efficiency of observer time on vessels (which may yield cost savings to vessel owners)*
- provide a more realistic basis for analyzing what level of observer coverage is actually required to obtain statistically significant data on stock, recruitment, CPUE, and bycatch.*

*Hazel Nelson*

*Michelle Ridgway*

*Dan Falvey*

## DRAFT AP MINUTES

### **C-3 American Fisheries Act**

*(Motion to bifurcate the following motion failed 15-3).*

Pursuant to Section 213 of the AFA, the AP recommends that regulations implementing Section 210b of the AFA be modified to allow inshore catcher vessels to change cooperatives without going through an open access year based on the following language:

1. Accepted catcher vessel: In addition to the rights of those catcher vessels defined as Qualified Catcher Vessels, all 208(a) inshore catcher vessels, (whether such vessels harvested pollock in the directed pollock fishery in the previous year or not, and if the vessel did harvest pollock in the previous year, regardless of to whom it delivered) shall be eligible to join any existing AFA onshore cooperative provided:

- a. The processor purchasing pollock from the inshore cooperative which the vessel wishes to join has agreed to purchase the pollock caught by the vessel; and
- b. Prior to the calendar year in which the vessel participates in the inshore cooperative, which shall not be before the year 2001, the owner of the vessel becomes a party to the contract which implemented the inshore cooperative under the same terms and conditions as were accepted by the owners of “qualified catcher vessels which are members of that inshore cooperative.”

2. 80% rule: In the case of inshore cooperatives which have a term of more than one year, the requirement that the contract implementing the cooperative be signed by the owners of 80% or more of the qualified catcher vessels that delivered pollock for processing by a shoreside processor in the directed pollock fishing in the year prior to the year in which the fishing cooperative will be in effect will only apply in the first calendar year of the term and in the first calendar year of any renewal term.

3. Inactive Vessel Issue: A qualified vessel shall not be required to make a delivery in each calendar year so as to continue to be qualified in the following year. While on inactive status, that vessel cannot fish more than 2 seasons annually in the GOA directed pollock fishery.

4. LLP Issue: Prohibit any transfers of LLP licenses from inactive AFA vessels to non-AFA catcher vessels except to designated replacement vessels. (Under this option, all transfers of LLP licenses from AFA vessels would be prohibited unless the transfer was to a replacement vessel designated under subsection 208 (g) of the AFA. This would effectively prevent vessels from retiring AFA vessels and then transferring the LLP license to a new vessel for re-entry into Alaska fisheries free of sideboard restrictions and would affect all sectors of the AFA fleet.)

*Motion passed 14-3-1.*

The AP recommends the Council revise the BSAI pollock quota issued to each inshore co-op and the open access fishery to be equal to the aggregate official catch history<sup>1</sup> of the member vessels in each co-op or open access sector divided by the aggregate official catch histories of all inshore-qualified AFA catcher vessels.  
*Motion passed 19-0.*

---

<sup>1</sup>1995 -1997 best 2 out 3 years plus offshore compensation for vessels with more than 500 mt of offshore landings.

## DRAFT AP MINUTES

### ***Minority Report - AFA Inshore Co-op Structure***

*The undersigned oppose the inshore co-op structure as proposed by the modified Dooley-Hall plan. The AFA's purpose was to rationalize the inshore pollock fishery in a way that equally benefitted investors in both harvesting and processing capacity.*

*The AFA limits the Council's authority to modify the inshore co-op structure only when adverse effects on owners of fewer than three vessels caused by the AFA itself or fishery cooperatives can be demonstrated. We believe the proponents of the modified Dooley-Hall proposal have failed to demonstrate any adverse effect.*

*No vessel owner presented testimony supporting elimination of the inshore co-op structure and return to open access. Testimony given reported that fishermen received the highest ex-vessel price ever this 2000 A/B pollock season.*

*Additionally, public testimony received alerted the AP to the concern that, in fact, the modified Dooley-Hall proposal represents a grave danger to non-vertically integrated processors and may accelerate the purchase of ICV's by processors. Preventing the loss of ICV's is a stated core motive of the modified Dooley-Hall proposal.*

*Finally, the AFA requires that any modification of the co-op structure be "imposed fairly and equitably to the extent practicable among and within the sectors in the directed pollock fishery." Allocating all of the rights to the fish exclusively to vessel owners and excluding inshore pollock processors, is not equitable within the inshore sector. It will also cause the inshore processing sector to be greatly destabilized in relationship to the factory trawler, the offshore catcher vessel and the mothership sectors.*

*We believe the fundamental co-op structure should be maintained and if changes are necessary in the future, a proposal which equally benefits investors in both harvesting and processing capacity should be developed. We do, however, support the AP's actions:*

- Changing the definition of "qualified catcher vessel" to allow vessels to retire from the fishery*
- Applying the 80% rule to only the first year a co-op is formed*
- Prohibiting the transfer of LLP licenses from inactive AFA vessels to non-AFA vessels except to designated replacement vessels*
- Recalculation of the open access/inshore co-op pollock allocations*

*Dave Benson  
Stephanie Madsen  
David Boisseau*

### **C-3 (b) Pollock excessive share caps and groundfish processing sideboards**

The AP recommends the Council bifurcate the document and release the Excessive Share Portion for public review. Motion passed 19-0.

*The following motion failed 9/10 and no further action was taken on this issue.*

## DRAFT AP MINUTES

The AP recommends to send the groundfish processing sideboard portion of the document out for public review with the following changes:

1. Attempt to balance the analysis by ground-truthing existing hypothetical scenarios - replace those that are not found to be true or likely with hypothetical scenarios that are reality-based.
2. Add a bycatch section that looks at processing of bycatch when sideboards for that species are reached. In that section, the analysis should look at the potential of processing caps that might result in the discards of bycatch. It should also identify an option that would allow AFA processors to accept bycatch above their processing caps.
3. The IR/IU section of the analysis should examine the potential role of processor sideboards in mitigating additional operating advantages to AFA processors (such as fishing cooperatives and additional investment capital) in competing with non-AFA processors under IR/IU.
4. Ask staff to include in the analysis an evaluation of the option of allowing the Council to pick different sets of processing sideboard limits for the GOA and BSAI fisheries.
5. Ask staff to include in the analysis a discussion of the consequences or impacts that would result from setting catcher processor processing sideboards lower than the harvesting sideboards that apply to the catcher processor sector and its catcher vessel fleet.

### **C-3 (c) Crab processing caps**

The AP recommends that the Council exercise its authority under Section 213 of the AFA to lift the crab processing caps contained in Section 211 of the AFA. The AP understands this would be by emergency action in order to be in place for the Bristol Bay Red King Crab season.

*Motion passed unanimously 19-0.*

### **C-3 (d) Methods for calculating P.cod sideboards**

The AP recommends the Council encourage the inter co-op group work with the affected P.cod catcher vessels to develop appropriate alternatives/solutions and report back to the Council at the September meeting. Additionally, due to the success of the inter-co-op efforts with the P.cod sideboard sub-allocations, the AP recommends no further Council action is necessary.

*Motion passed unanimously 19-0.*

### **Crab harvest vessel exemption**

The AP recommends the Council exempt AFA crossover vessels from crab sideboards that can demonstrate participation in all opilio, bairdi, and BBRKC fisheries during 1991 through 1997 and that have AFA qualifying pollock catch histories of less than 5000mt (as calculated on the 1995-1997 best of 2 year average.)

*Motion passed 17-1-1.*

## DRAFT AP MINUTES

### C-4 Steller Sea Lion Protection

The AP recommends that the council make the following comments on The Discussion Paper on Cod and Sea Lions:

The discussion paper needs to be enhanced with the following information necessary to better evaluate the question of competition between the fishery and the sea lions. Because any necessary restrictions ultimately apply at the level of the resolution of the data, more specific the area resolution will provide the public a better opportunity make the most appropriate recommendations. Therefore the AP recommends the following:

#### **Prey Competition**

1. Use fishery management area definitions where ever possible to avoid confusion (especially regarding the conflicting definitions of Aleutian area definitions.)
2. Enhance Figure 11 to provide length and weight frequency distributions (showing N) for the commercial fishery by:
  - a) 3 digit stat area resolution (at a minimum)
  - b) quarter (at a minimum - monthly if possible for the BSAI, and weekly for the GOA)
  - c) by gearThe graphs should provide cumulative catch by both numbers and weight by size interval.
3. Provide length and weight frequency distributions (showing N) for the trawl survey by 3 digit stat area resolution.
4. Sub-divide the 35-60 cm bin of length and weight frequency distributions (showing N) from the seal lion scat analysis (Tables 2 & 3, Figure 7).
5. Use consistent definitions of “seasons” (quarters rather than trimesters – Figure 10, 15, etc.)
6. Provide better area resolution of the percentages of the directed commercial harvests within each 3 digit stat area (i.e.: enhance Table 6) by gear and season with the sub-percentages taken in:
  - a) rookeries
  - b) haulouts
  - c) balance of critical habitat
7. Enhance Figure 12 & 16 to provide parts C & D, showing harvest within critical habitat over both total survey biomass and exploitable biomass.
8. Enhance Figure 8 to provide total GOA and BSAI catch over both total survey biomass and exploitable biomass.

#### **Localized Depletion**

The other part of the evaluation is the question of localized depletion. An analysis of CPUE will likely show an increase from the beginning of the season up to a peak and then a decline over the course of the traditional cod trawl season from Feb-May. in the GOA, Unimak Pass, and the AI.

However:

1. The summer trawl survey distribution for cod is no more relevant to the winter spawning distribution, than the summer trawl survey distribution for herring is to the spring spawning distribution.

## DRAFT AP MINUTES

2. A localized depletion analysis based on CPUE changes through the spawning season, is no more relevant for cod than it would be for herring. Request NMFS scientists review the appropriateness of CPUE/depletion models for evaluating potential localized depletion in light of the findings of academic peer reviews of the models developed during the Atka mackerel plan amendment.

3. Include a description of the rationale for using East of 170° and West of 170° when describing harvest rates and distribution, and evaluate other means or areas of distribution and harvest.

The AP supports the conclusion on page 55 that lack of information about cod stock distribution through the years is a significant impediment to understand and resolve potential interaction and “strongly argues for more seasonal stock assessment surveys.” As such we encourage the Council and NMFS to seek funding for such surveys.

4. The AP would like a description of the formula used for back casting biomass distribution and harvest as much of the paper uses back casting to develop the tables and figures.

5. Include discussion of the interaction of collection of data on rookeries and haulouts in BSAI and GOA.

Additional ly, the AP recommends that the paper include information on the history of cod fisheries in both the BSAI and GOA from the 1800’s to present, along with cod and sea lion population data to the extent that such information is available. Understanding that this data will not be strictly comparable with current data, the AP believes that the historical relationship between these species may provide insights that will be useful.

*Motion passed 17-0.*

### **C-5 Staff Tasking (b) Next steps on GOA P.cod rationalization**

The AP recommends that the Council begin an initiative to implement further LLP endorsements for GOA P.cod and BSAI trawl P.cod. If an initiative for further LLP endorsements in the BSAI P.cod trawl fisheries is supported by the AP, it is with the clear intent that the GOA is a clear priority and in great need of immediate attention. It is noted that the endorsements may be different for the different areas of the GOA (WGOA, CGOA, etc.)

#### **Freezer Longline Vessels:**

Qualification Years:

Option 1: Any two years 1995, 1996, 1997, 1998

Option 2: Any two years 1995, 1996, 1997, 1998, 1999

Option 3: Any two years 1995, 1997, 1998, 1999

Option 4: Any three years of 1995, 1996, 1997, 1998

Option 5: Any three years of 1995, 1996, 1997, 1998, 1999

Minimum poundage requirement during each qualifying year:

Option 1: 100,001 lbs. - 200,000 lbs.

Option 2: 200,001 lbs. - 300,000 lbs.

Option 3: > 300,000 lbs.

## DRAFT AP MINUTES

### **Catcher Longline Vessels:**

Qualification Years:

Option 1: Any two years 1996, 1997, 1998

Option 2: Any two years 1996, 1997, 1998, 1999

Option 3: Any three years of 1995, 1996, 1997, 1998

Option 4: Any three years of 1995, 1996, 1997, 1998, 1999

Qualification landings (minimum landing requirements):

Minimum poundage requirement during each qualifying year:

Option 1: 25,000 lbs. - 50,000 lbs.

Option 2: 50,001 lbs. - 100,000 lbs.

Option 3: 100,001 lbs. - 300,000 lbs.

Option 4: > 300,000 lbs.

Suboption 1 : Allow catcher vessels less than 60' LOA to use their jig landing as part of their catch history to apply towards a minimum landing requirement.

Suboption 2 : Allow all catcher vessels to use their jig landing as part of their catch history to apply towards a minimum landing requirement.

### **Pot Gear Catcher Vessels:**

Qualification Years:

Option 1: Any two years of 1995, 1996, 1997, 1998

Option 2: Any two years of 1995, 1996, 1997, 1998, 1999

Option 3: Any three years of 1995, 1996, 1997, 1998

Option 4: Any three years of 1995, 1996, 1997, 1998, 1999

Option 5: Any four years of 1995, 1996, 1997, 1998,

Option 6: Any four years of 1995, 1996, 1997, 1998, 1999

AND

Qualification landings (minimum landing requirements):

Minimum pounds required for delivery during each qualifying year:

Option 1: 25,000 lbs. - 50,000 lbs.

Option 2: 50,001 lbs. - 100,000 lbs.

Option 3: 100,001 lbs. - 300,000 lbs.

Option 4: > 300,000 lbs.

### **Pot Gear Catcher Processor Vessels:**

Qualification Years:

Option 1: Any two years of 1995, 1996, 1997, 1998

Option 2: Any two years of 1995, 1996, 1997, 1998, 1999

Option 3: Any three years of 1995, 1996, 1997, 1998

Option 4: Any three years of 1995, 1996, 1997, 1998, 1999

Option 5: Any four years of 1995, 1996, 1997, 1998,

Option 6: Any four years of 1995, 1996, 1997, 1998, 1999



## DRAFT AP MINUTES

AND

Qualification landings (minimum landing requirements):

Minimum pounds required for delivery during each qualifying year:

Option 1: 25,000 lbs. - 50,000 lbs.

Option 2: 50,001 lbs. - 100,000 lbs.

Option 3: 100,001 lbs. - 300,000 lbs.

Option 4: > 300,000 lbs.

### **Trawl Catcher Vessels:**

Qualification Years:

Option 1: Any two years of 1995, 1996, 1997, 1998

Option 2: Any two years of 1995, 1996, 1997, 1998, 1999

Option 3: Any two years of 1996, 1997, 1998, 1999

Option 4: Any three years of 1995, 1996, 1997, 1998

Option 5: Any three years of 1995, 1996, 1997, 1998, 1999

Option 6: Any four years of 1995, 1996, 1997, 1998

Option 7: Any four years of 1995, 1996, 1997, 1998, 1999

Option 8: Any five years of 1995, 1996, 1997, 1998, 1999

AND

Qualification landings (minimum landing requirements):

Minimum pounds required for delivery during each qualifying year:

Option 1: 50,001 lbs. - 100,000 lbs.

Option 2: 100,001 lbs. - 300,000 lbs.

Option 3: > 300,000 lbs.

### **Trawl Catcher Processors:**

Qualification Years:

Option 1: Any two years of 1995, 1996, 1997, 1998

Option 2: Any two years of 1995, 1996, 1997, 1998, 1999

Option 3: Any two years of 1995, 1996, 1997

Option 4: Any two years of 1996, 1997, 1998

Option 5: Any two years of 1996, 1997, 1998, 1999

Option 6: Any three years of 1995, 1996, 1997, 1998

Option 7: Any three years of 1995, 1996, 1997, 1998, 1999

AND

Qualification landings (minimum landing requirements):

Minimum pounds required for delivery during each qualifying year:

Option 1: 100,001 lbs. - 300,000 lbs.

Option 2: > 300,000 lbs.

### **Jig Gear Vessels:**

Qualification Years:

Option 1: Anyone year of 1995, 1996, 1997, 1998

Option 2: Any one year of 1995, 1996, 1997, 1998, 1999

Option 3: Any two years of 1995, 1996, 1997, 1998

## DRAFT AP MINUTES

- Option 4: Any two years of 1995, 1996, 1997, 1998, 1999
- Option 5: Any three years of 1995, 1996, 1997, 1998
- Option 6: Any three years of 1995, 1996, 1997, 1998, 1999

AND

- Qualification landings (minimum landing requirements):  
Minimum pounds required for delivery during each qualifying year:
- Option 1: A landing only (no minimum poundage required)
  - Option 2: 25,000 lbs. - 50,000 lbs.
  - Option 3: 50,001 lbs. - 100,000 lbs.
  - Option 4: over 100,001 lbs.

### **Exemptions**

Analyze options that exempt the following vessel sizes from the gear and area endorsements:

1. 58'
2. 50'
3. 48'

The AP also requests the following:

1. Information on catch history by sector using the years 1995-April 16, 2000
2. Information on points of delivery

*Motion passed unanimously 17-0.*

### **C-5 (d) EFH Stakeholder process**

The AP recommends that the Council endorse and begin the stakeholder process frameworked in the discussion paper. The AP further recommends the Council initiate formation of the working group described in Option 4 to guide in refinement of the process, identify stakeholders and examine the most efficient means of working with stakeholders.

The working group will be charged with developing a prototype stakeholder meeting format that will include going to at least 3 communities in the fall of 2000. These meetings would discuss the stakeholder process in addition to information gathering on Gorgonian corals.

*Motion passed 15-0.*

### **D-1 Groundfish Management**

The AP recommends the Council release for public review the EA/RIR/IRFA, "Amending the process by which TAC specifications are established for Alaska Groundfish Fisheries."

*Motion passed 12-0.*

**D-2 Crab Management**

**Opilio Rebuilding Plan**

The AP recommends the Council adopt the Crab Plan Teams recommendations:

Alternative 2. Establish a comprehensive rebuilding plan for BS snow crab.

**A. Harvest Strategy**

Option 2: Adopt a new harvest strategy for Bering Sea snow crab. The strategy, as detailed in Section 1.6.1 includes lower harvest rates at low biomass levels, and incorporates a threshold biomass.

**B. Bycatch Controls**

Option 1. Status quo - no action. Maintain existing snow crab bycatch control measures in the BSAI groundfish fisheries. The snow crab PSC limit would be set at 0.1133% of total survey abundance (minus 150,000 crabs) with a maximum of 2.85 million crabs, and a minimum of 4,350,000 crabs.

Option 3. Request the Board of Fisheries and the Alaska Department of Fish and Game to consider additional measures (such as gear modifications and area closures) to reduce bycatch of snow crab in crab fisheries.

**C. Habitat Protection**

Option 2: Expand the EFH definition for snow crabs to include all habitats used by opilio crab, based on both historic and current data. The importance of show crab EFH in maintaining stock productivity would be noted in consultations. To the extent feasible and practicable, this area should be protected from adverse impacts due to non-fishing activities.

*Motion passed 14-2.*

*The following substitute motion failed 4/10.*

*The AP recommends the Council delay final action on the Opilio rebuilding plan harvest strategy until the September meeting.*

***Minority Report - Opilio Rebuilding Plan***

*We recommend the Council delay the approval of the Opilio rebuilding plan - harvest strategy, until the September or October meeting. We feel that we would benefit from the information from the committee to be convened by NMFS to review the overfishing definition. Additionally, we would potentially have the summer crab surveys.*

*It is our understanding that a delay in approval would not delay implementation of the harvest strategy because the Board of Fisheries has already adopted the Alaska Department of Fish and Game's recommended harvest strategy.*

*Spike Jones*

*Dave Benson*

*Stephanie Madesen*

## DRAFT AP MINUTES

### St. Matthew Blue King Crab Rebuilding Plan

The AP recommends the Council adopt the Crab Plan Team's recommendation:

Alternative 2: Establish a rebuilding plan for St. Matthew Blue King Crab

A. Harvest Strategy

Option 2: Adopt the Alaska Board of Fisheries new harvest strategy for St. Matthew blue king crab. The strategy, as detailed in Section 5.1 includes lower harvest rates at low biomass levels, and incorporates a threshold biomass.

B. Bycatch Controls

Option 2: Adopt the Board of Fisheries gear modifications measures and area closure to reduce bycatch of blue king crabs in crab fisheries.

C. Habitat Protection

Option 2: For agency consultation purposes, highlight the importance of blue king crab EFH in maintaining stock productivity. To the extent feasible and practicable, this area should be protected from adverse impacts due to non-fishing activities.

Option 3: Adopt the Alaska Board of Fisheries State Waters Habitat Protection Areas for egg bearing female blue king crab around St. Matthew Island, Hall Island, and Pinnacles Island.

*Motion passed 17-0.*

The AP, by unanimous consent, approved the minutes of their April 2000 Council meeting,