

REPORT OF THE NINTH ANNUAL CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE CONSERVATION AND MANAGEMENT OF POLLOCK RESOURCES IN THE CENTRAL BERING SEA

September 7-10, 2004
Kushiro, Japan

1. Opening of the Conference

The provisional Chair, Dr. Nagahisa Uki, Director of Hokkaido National Fisheries Research Institute, welcomed the delegations of the Parties to the Convention on The Conservation and Management of the Pollock Resources in the Central Bering Sea to the Ninth Annual Conference. The provisional Chair invited the representatives of the Republic of Korea (Korea), Japan, the Russian Federation (Russia), Poland, and the United States of America (US) to present opening statements. China was the only party not present.

2. Welcome Address and Statements of the Delegates

Opening statements provided by the Parties are included in Appendix 1. A list of the participants is presented in Appendix 2.

3. Election

3.1. Chair

Dr. Nagahisa Uki (Japan) was elected as Chair of the Ninth Annual Conference.

3.2. Vice-Chair

Mr. Chang Kyun Kim (Korea) was elected as Vice-Chair.

3.3. Chair of Scientific and Technical Committee

Dr. Richard Marasco (US) was elected the Chair of the Scientific and Technical Committee.

3.4. Rapporteur

Mr. Stetson Tinkham (US), and Lieutenant Diane Greentree (US) were appointed as rapporteurs.

4. Adoption of the Agenda

The Agenda was adopted (Appendix 3).

5. Report of the Scientific and Technical Committee

The Chair of the Scientific and Technical (S&T) Committee reported on the results of the S&T Committee meeting of September 7-8, 2004 in Kushiro, Japan. The resulting report was distributed to the Parties (Appendix 4). The Chair summarized the S&T Committee discussions as follows:

5.1. Update catch and effort statistics

- 5.1.1. Tables of historical catch and effort statistics on pollock catch in the Bering Sea were updated and included in the final S&T report (appendix 4).

5.2. Review results of trial fishing

- 5.2.1. Russia reported results of trial fishing on the vessel PIONER NIKOLAEVA from 15-27 November, 2003. During the survey echo sign was not observed, and only one fish was caught. Russia noted that all historic pollock catch were on the eastern side of the Donut Hole (1998-2001).
- 5.2.2. Three Korean fishing vessels conducted trial fishing in 2003. Two surveys were reported at the Portland, Oregon meeting. The third trial fishing results from the vessel ORYONG 503 were reported at this meeting. No pollock were caught.
- 5.2.3. The US Coast Guard reported on monitoring and surveillance of trial fishing (attachment 7 to the S&T Report).

5.3. Review results of research cruises

- 5.3.1. The US reviewed results of the 2003 Bogoslof survey, described plans for the 2005 Bogoslof survey, and reported preliminary results of research conducted in 2004.
- 5.3.2. Russia reported on the results of research cruises completed by the vessels TINRO, PIONER NIKOLAYEVA, and BAGRATION.
- 5.3.3. Japan reported results of the salmon gillnet survey in June-July 2004 by R/V WAKATAKE MARU. There was no incidental catch of pollock during the survey. Japan noted that there was significant incidental catch of pollock during salmon surveys in the early 1980s, and said that the absence of incidental pollock catch in recent years is a good indicator of the decreased amount of pollock in the Convention Area.

5.4. Review the status of Aleutian Basin pollock stocks

- 5.4.1. The US stated recent studies indicate that the pollock stock in the central Bering Sea is low. It was further noted that there was no comprehensive survey that could be used to determine the status of the Aleutian Basin stock.

5.5. Factors affecting recovery of the stocks

- 5.5.1. The US noted that two previous workshops held in July 2000 and May 2003, dealt with this subject, and that no additional information has been developed.
- 5.5.2. A lengthy discussion on this topic ensued. It was acknowledged that numerous factors ranging from climate change to predation could affect pollock abundance. However, no

one factor was identified as being solely responsible for the lack of recovery of pollock in the Convention Area.

5.6. The effects of the moratorium and its continuation

- 5.6.1. The US noted there has been continued improvement of the pollock stocks on the eastern Bering Sea shelf. However, this improvement does not seem to be related to the Aleutian Basin pollock recovery, despite many years of the moratorium. The US recommended continuation of the moratorium.
- 5.6.2. Japan noted that the moratorium has been in place for more than 10 years with no sign of recovery of pollock stocks in the Convention Area, and reminded the Parties that the objectives of the convention are the conservation, management and utilization of pollock. Japan requested that additional methods be considered to fulfill the objectives of the Convention and stated that even if there is no fishing, an AHL should be decided upon.

5.7. Methodologies to determine Allowable Biological Catch (ABC) and Allowable Harvest Level (AHL) and Recommendation on AHL

- 5.7.1. Japan submitted a proposal for an ABC in 2005 for the Aleutian Basin. Since survey information was lacking, it was necessary to develop a forecast procedure for the biomass for 2005. Japan suggested four possible scenarios to overcome this limitation. The results of the calculations of ABC for the basin stock ranged from 1,026 t to 3,349 t. It was noted there was no good basis to determine which scenario was best. Therefore, it was agreed to use an ABC range. This approach was supported by three delegations. The remaining two delegations supported using a point estimate. Korea indicated they would support scenario 1. Japan indicated support for either 1 or 2.

In the AHL discussions, Japan noted that Article IX, Paragraph 4 of the Convention states "...the S&T shall make recommendations, including AHL, for succeeding years...." Japan commented that they support procedures based on Article VII, Paragraph 1. AHL should be based upon ABC.

It was noted by the US that the biomass levels were substantially lower than that supported by the Convention. They further noted that since there were no significant changes in the stock biomass, that the US could not support any changes to Article VII, Paragraph 2, at this time. Poland proposed setting AHL, based on Article VII.

- 5.7.2. Consensus was not reached on how to set an AHL. Some delegations supported setting AHL based on an ABC range. Others supported AHL based on the condition of the stock.

5.8. Other matters and recommendations of the S&T Committee

- 5.8.1. The US has developed a website for the Convention which contains records and information on the Convention and annual meetings and is temporarily located at:

http://www.afsc.noaa.gov/refm/cbs/convention_conferences.htm.

- 5.8.2. The US suggested deferring an agenda item about comprehensive surveys for the Bering Sea and asked that the issue be addressed at the next meeting.

6. Action Items

6.1. The review of scientific data and conservation measures of the Coastal States related to pollock fishing in the Bering Sea

- 6.1.1. Russia provided a table of echo-integration and bottom trawl surveys of pollock from 1996-2003, including estimates of biomass (in attachment 5 to the S&T Report). This table may illustrate how the conservation measures have affected the status of the pollock stock. In view of the drastic reduction of the Navarin pollock biomass since 1997-1998, conservation measures for this stock were revised. For example, in 1999, the minimum allowable mesh size was increased from 60 mm to 110 mm. A minimal size limit for commercial fishing of pollock was introduced. Fishing was banned during spawning cycles. The total allowable catch was reduced three times. The results of those conservation measures are reflected by that data in the table: from 1999-2003 there was an annual increase of Navarin pollock biomass. The same period was marked by the emergence of one of the strongest year classes, year class 2000. Due to ongoing conservation measures and environmental factors, the 2000 year class has continued to be strong. In the dynamics of the Navarin pollock abundance, Russia noted a similar seven-year cycle like the pollock stock in the central Bering Sea. Detailed descriptions of these conservation measures were forwarded to all Convention Parties in 2003. These measures continue in 2004.
- 6.1.2. The US noted that in 2005, there will likely be a small pollock fishery in the Aleutian Island region near Adak (170E – 170W, south of 55N). There was a historic fishery in this region up until 1998. The reopening of the fishery in 2005 is only for the Aleut Corporation on Adak Island, and will be approximately 20,000 metric tons. That amount will fall within the two million metric ton cap for the US fishery in the eastern Bering Sea. Japan asked for the US to clarify that the US will not take any fish from the basin, thus violating the terms of the moratorium established under the Convention. The US responded that the Adak fishery is limited in scope and that no fish will be taken from the Bogoslof area or waters of the Convention Area.

6.2. The establishment of a plan of work for the Scientific and Technical Committee

- 6.2.1. The genetic standards working group will continue its program. Russia said work on DNA and genetic samples research should continue through email between the two countries involved in these studies. Russia said preliminary processing of collected samples from widely distributed remote locations will be completed in 2004. This should provide a better understanding of pollock in the Bering Sea. The S&T Committee recommended Dr. Glubokov and Dr. Low co-chair this working group.

- 6.2.2. The US noted that the S&T Committee was unable to agree on how to derive AHL from ABC. The US stated that a science-based solution for setting AHL, once ABC has been determined, is needed. The US recommended a workshop to propose the factors to be considered when defining AHL, and stated they would host such a workshop.
- 6.2.3. The Parties agreed to convene a workshop to identify scientific factors that should be considered to derive AHL after the ABC is determined by the Scientific and Technical Committee. The factors may include, but are not limited too, such items as:
1. health, status and trends of the Aleutian Basin pollock stock;
 2. present biomass level of the stock;
 3. safe exploitation rates on the stock;
 4. anticipated exploitation rate of different AHL on the stock;
 5. biological reference biomass levels for the stock; such as minimum biomass, B40, Bmsy and optimum biomass;
 6. desirable rebuilding schedule of the stock;
 7. effects of different levels of AHL on the rebuilding schedule of the stock;
 8. biological relationships between the Aleutian Basin pollock stock and those in the adjacent waters;
 9. effects of fishing outside the central Bering Sea Convention Area on the status, biomass, and trend of the Aleutian Basin stock; and
 10. other scientific factors that are considered relevant.

The workshop should develop clearly definable scientific criteria of deriving AHL from ABC; and propose scientific procedures to determine what effects different AHL would have on the status and trends on the stock.

The Parties named the following individuals to develop the agenda and organize the workshop: Loh-Lee Low (US), Dimitri Vasiliev (Russia), Ichiro Kanto (Japan), Hyun-su Jo (Korea), and Jerzy Janusz (Poland). The Parties asked the United States to contact the representative of China to name a member to this organizing committee.

The United States Party offered to host this workshop in May-June 2005 at the NOAA Regional Center in Seattle, Washington.

6.3. The establishment of the terms and conditions for trial fishing in 2005

- 6.3.1. The Chair asked the Chair of the S&T Committee to describe the S&T Committee recommendations. The S&T Committee recommended that the same terms and conditions as were applied in 2004 should be applied in 2005.
- 6.3.2. Korea expressed its interest in conducting trial fishing, since research cruises are expensive, but scientific data are needed. Korea requested permission to use more than five vessels for trial fishing. Korea agreed to submit a detailed trial fishing plan and the rationale for using additional vessels in advance of the next Annual Conference. The United States agreed that the Annual Conference would review the recommendations of

the S&T Committee concerning the Korean trial fishing plan. Russia asked if Korea could consider using no more than two vessels fishing at one time within the Convention Area as it developed its proposal.

- 6.3.3. The US noted that the discussion of the Korean trial fishing plan would take place at next year's Annual Conference and that the Parties should adopt the same terms and conditions for 2005 as were in place in 2004. The Parties agreed to this approach.

6.4. The establishment of the Allowable Harvest Level

- 6.4.1. The S&T Committee Chair reviewed his summary of the discussion of AHL in the S&T Committee meeting. He reported that there was no consensus on the methodology for establishing an AHL.
- 6.4.2. Japan reiterated its position that, from a scientific point of view, ABC could be established. Therefore, it should be possible to derive an AHL from ABC. The discussion of fishing rules for the regime is a separate discussion. Article VII Paragraph 1 provides a consensus mechanism that can be used to set AHL – any AHL. Japan suggested that it was unrealistic to wait until the biomass reached two million metric tons to set an AHL.
- 6.4.3. The US responded that the ABC range of 1,026 to 3,349 t should be recognized as our best available scientific estimate of ABC and that it was very difficult to move to the next step – setting AHL. This is especially true because we do not have a current (2004) stock survey biomass estimate. The Parties have heard results of trial fishing, which caught only one pollock, and Japan's presentation on the pollock bycatch information from the salmon research in the Central Bering Sea. They both support the conclusion that the Central Bering Sea pollock stock has not increased. Japan stated correctly and carefully that the intent of the Convention is to use Article VII, Paragraph 1, to set a consensus AHL and that only when that process fails do we use the default provisions of the Convention. It is reasonable to use the consensus approach, but we need the results of the workshop to give us the scientific basis to go from ABC to AHL. The US proposed that AHL be set at zero this year.
- 6.4.4. Japan argued that the Parties should establish AHL if there is a scientific basis for establishing AHL. Japan emphasized that setting an AHL does not mean starting a fishery in the Convention Area. The US cautioned the Parties that arbitrarily setting an AHL would be a mistake. Russia added that the Parties have not established that there is an abundant supply of pollock in the Convention Area. If there were, Japan's suggestion would be logical. However, there are only projections of populations. Current management practices suggest using the best scientific information available to establish AHL. The proposed workshop may provide that basis.
- 6.4.5. The Chair suggested that the Parties agree to use the proposed workshop to deal with the matter of setting AHL. Japan pointed out that if the Parties decide to use the table provided in the Annex to the Convention to set AHL, then biomass estimation is required.

Without a biomass estimate AHL cannot be set at zero level. In fact, it cannot be set at any level. Consequently, pending decision on AHL would be the best and only solution. Korea agreed, and suggested that Article VII, Paragraph 1 should be applied before Paragraph 2. Poland supported Japan's suggestion. Japan then suggested that determination of AHL be considered pending. Japan indicated that this suggestion was based on provisions of the Convention. The US argued that leaving the AHL determination pending was not the correct approach, and that since consensus could not be reached, the AHL should be set at zero, as specified in Part 1 of the Annex to the Convention.

- 6.4.6. All the Parties to the Convention did not reach consensus as defined in Article VII, Paragraph 1. As a consequence, AHL was set according to Article VII, Paragraph 2. To apply this provision, however, biomass estimation is required. All the Convention Parties, taking into consideration 330,000 t level of biomass estimated on the basis of the 2003 survey, assumed that at present the biomass level of 1.67 million t indicated in the Annex was not reached. In these circumstances, there was no way left but to follow the provisions of Annex 1 Part 1 (c) to the Convention which requires an AHL of zero.

6.5. The establishment of the Individual National Quotas

- 6.5.1. The Chair stated that since AHL could not be established, no individual national quotas could be established.

6.6. The adoption of appropriate conservation and management measures based upon the advice of the Scientific and Technical Committee

- 6.6.1. No new advice from the S&T Committee was provided to the Parties and no recommendations for new conservation and management measures were made by the Parties.

6.7. Trial fishing plans

- 6.7.1. No Parties present at the meeting indicated plans for trial fishing in 2005.
- 6.7.2. Japan indicated possible plans for trial fishing in the remaining months of 2004, and stated that if plans are decided upon the Parties to the convention will be notified.

6.8. Reception of reports relating to measures taken to investigate and penalize violations of the Convention

- 6.8.1. The Russian Border Guard reported on patrol efforts of the pollock fishery in the northwestern Bering Sea. Five state marine inspections have been engaged for the enforcement in the northwest Bering Sea. In 2004, 3,700 vessels have been checked, 24 vessels were detained on infringements of state law, 333 tons of illegal product have been confiscated, and fines amounted to over 67 million rubles. There were 16 flights between August 2003 and August 2004. The results of aerial surveillance were sent to the

respective coast guards and border guards of the Pacific Rim nations. In 2004, Russia did not observe any violations of fisheries in the central Bering Sea. Using vessel monitoring system, Russia traced the activities of fishing vessels in the central Bering Sea and adjacent waters, including F/V PIONER NIKOLAEVA, R/V MILLER FREEMAN, and others.

- 6.8.2. Japan asked what Russia's thoughts were on Honduras- and Belize-flagged vessels in Russian waters. Russia responded they have no laws against the use of flag of convenience. Japan noted that flag of convenience vessels are an issue that the Parties to the Convention may want to consider.

6.9. The consideration of matters related to the conservation and management of living marine resources other than pollock in the Convention Area

- 6.9.1. The US thanked the Parties for providing the information requested in 2003 on species composition of all catches taken during trial fishing operations.
- 6.9.2. The Parties agreed that information on species composition of all catch taken during trial fishing should routinely be provided to all members of the Convention.
- 6.9.3. Korea asked about the status of US marine mammal conservation measures. The US said the information on marine mammals was not available at this meeting, but is available on a website and would be provided to Korea.

6.10. Meeting Observers

- 6.10.1. The Parties agreed to the same observer rules for 2005 that have been in use since 1998 (recorded in the Report of the Second Annual Conference, 1997, Part 6.J.10).

7. Tenth Annual Conference

7.1. Time and Location

- 7.1.1. The Republic of Korea offered to host the Tenth Annual Conference in Korea, from 6-9 September 2005.

7.2. Election of Chair and Vice-Chair

- 7.2.1 Mr. Ki Hiok Barng (Korea), Director General for International Cooperation Office, Ministry of Maritime Affairs and Fisheries, was nominated as chair.
- 7.2.2 The US will contact China and request China to nominate a vice-chair.

8. Other Business

8.1. Frequency of the Conference

- 8.1.1. In 2003, Japan requested consideration be given to changing the frequency of the annual meeting to coincide with the biennial Bogoslof survey of the R/V MILLER FREEMAN in odd years. Japan said the meeting should be conducted in a different manner for the years that the Bogoslof research data is not available.
- 8.1.2. Russia stated support for annual meetings, including the use of “virtual” meetings to hold an annual meeting and reiterated the need for annual meetings in order to react to any changes in the status of stocks.
- 8.1.3. Korea said the AHL should be set each year, and supports an Annual Conference.
- 8.1.4. Poland stated no clear opinion on the matter.
- 8.1.5. The US offered to draft rules of procedure to show how the Annual Conference might be convened without a face-to-face meeting. The draft would describe the purpose for holding a virtual meeting, processes to share information, and meeting procedures for holding a virtual meeting. The draft will be prepared prior to the next Annual Conference and added as a point of discussion to the agenda.

9. Closing Statements

The closing statements of the Parties are provided in Appendix 5.

Appendices:

1. Opening Statements
2. Delegation List
3. Plenary Agenda
4. Report of the Scientific and Technical Committee
5. Closing Statements