

ADVISORY PANEL
Motions and Rationale
February 7-10, 2023 - Seattle, WA

E Staff Tasking

Motion 1

The AP recommends the Council rescind their February 2022 motion to revise the halibut catch sharing plan sector allocations.

Motion passed 14/0

Rationale in Favor of Motion:

- Preceding the AP's motion, several notable actions have occurred:
 - The Council's February 2022 Motion on the 2C/3A halibut Catch Sharing Plan adopted a purpose and need statement and set of alternatives for initial review. Within the purpose and need it is stated "The preferred mechanism for dealing with allocations in this Catch Sharing Plan is compensated reallocation via the Recreational Quota Entity. Without an operational, RQE funding mechanism the Council intends to review the catch sharing plan allocations as a possible way to alleviate this problem, while balancing impacts to the commercial sector and dependent communities. Should the RQE fee funding mechanism become law and the Council take final action on the RQE funding mechanism, the Council intends to table or refine this action".
 - At the following Council meeting in April 2022, the Council took Final Action on an RQE funding mechanism recommending a "Charter Halibut stamp". This Action was predicated on Congress granting NMFS fee collection authority.
 - In January of this year, Congress authorized and the President later signed into law the ability to write regulations to collect fees in pages 802-803 of H.R 2617 referred to as the Omnibus Spending Bill.
 - Since the thresholds indicated in each of the preceding related Council actions have been met, as well as the required Congressional Action, the AP motion was made to recommend the Council to rescind the February 2022 Catch Sharing Plan motion, consistent with the intent in that motion.
- The AP motion is responsive to the E1 Staff Tasking Action Memo as well as public comment from multiple stakeholder groups.

Motion 2

The Advisory Panel recommends that the Council direct the FMAC to provide a report to Council on the current and future ability to deploy observers and meet observer data quality standards in the full and partial coverage fleets, given the rapidly changing monitoring landscape across the fishing industry. The report shall be provided following the FMAC's next scheduled committee meeting.

The report should consider, but not necessarily be limited to, addressing the following:

1. Comparison of current and future deployment needs with availability of trained observers for both partial and full coverage sectors.
 - Consider how many observers are needed simultaneously across fishing seasons, more similarly to how an on observer provider needs to deploy observers.
 - Compare the total number of distinct, qualified observers and newly qualified observers (ex: Table 4-1 in the RIR to Revise Monitoring Requirements for Pot CPs Participating in BSAI Groundfish) that has traditionally been used with the above number of observers needed seasonally at each experience level.
 - Describe the challenges observer providers have encountered in providing observer coverage.
 - Consider how recent Council actions and their forthcoming regulatory changes (ex: Pollock Trawl EM, BS Trawl Cod LAPP, BSAI Pot CP) will affect the availability of entry level observer positions for different gear types in the full coverage and partial coverage sectors.
2. Present a summary of observer data quality issues by each observed fishery and sector, with trends of those issues over an appropriate time period including:
 - Number and percentage of observer trip level species composition data deletions
 - Potential impacts of these data deletions for fishery management, conservation, and assessment of needed training change.

Motion passed 15/0

Rationale in Favor of Motion:

- As mentioned in the AP's rationale for C5 BSAI Pot CP Monitoring, concerns about future ability to deploy observers came up in discussion and public testimony.
- Data on observer availability can be skewed because observers stay certified and in the system for 18 months, regardless of intentions to observe again. Although this has always been a known caveat, the apparent increase in "one and done" contracts, as well as a larger number of long term observers who left for new opportunities during the Covid-19 pandemic, has potentially exacerbated observer supply issues.

- Council actions over time have continued to change the regulatory environment, creating discrete changes one fishery or sector at a time. This has also inadvertently made the business environment increasingly challenging for observer providers and observer provider business plans are visibly shifting; the North Pacific has recently lost one of the four recent certified full-coverage observer providers and the AP motion is intended to better understand possible causes.
- Examining data deletions across sectors, even when they don't have a clear impact on management, is important because it can be indicative of additional observer training needs. A possible outcome would be to improve observer experiences and thereby improve retention and data quality.
- Although work load is a concern, the feasibility and importance of the request was discussed with NMFS staff, and the AP motion is intended to be a higher level starting point since observer data is critical to the Council process. The FMAC is an appropriate venue for initial review of these issues and for providing possible solutions.

Motion 3

Approve the minutes from the December 2022 meeting.

Motion passed 15/0