



## Advisory Panel MINUTES

October 1-5, 2019 – Homer, AK

The Advisory Panel met Tuesday, October 1, through Saturday, October 5, 2019, at the Best Western in Homer, Alaska. The following members were present for all or part of the meetings (absent members are ~~stricken~~):

Christiansen, Ruth	Kauffman, Jeff	<del>Stevens, Ben</del>
Cochran, Kurt	Kwachka, Alexis	Upton, Matt (Co-Vice Chair)
Donich, Daniel	Lowenberg, Craig	Vanderhoeven, Anne
Drobnic, Angel (Co-VC)	Victoria O'Connell	Velsko, Erik
Gruver, John	O'Connor, Jamie	Weinstein, Samantha
Gudmundsson, Gretar	O'Donnell, Paddy	Weiss, Ernie (Chair)
Hayden, Natasha	<del>Peterson, Joel</del>	Wilt, Sinclair
Johnson, Jim	Scoblic, John	

The AP approved the minutes from the June 2019 meeting

## C1 BSAI Crab Specs

### AP Motion 1

New introduction:

The AP recommends that the Council make the following changes to the ABM motion, and direct staff to make the following additions and revisions to the ABM operating model. The resulting draft EIS should come back to the Council for another initial review.

The proposed additions and revisions are in underline and deletions are in strikethrough.

### Apportionment:

The analysis should clearly demonstrate the effects of the alternatives on the resulting allocations to the Amendment 80, BSAI trawl limited access, non-trawl, and CDQ sectors. Allow the CDQ PSC cap to vary with abundance in the same manner as the trawl and non-trawl sectors and apportioned based on the CDQ sector's historical PSC use between the two gear groups.

### Indices:

Base the indices on the timeframe 1998 – 2018 and standardize the primary index to the most recent year.

**Option 1:** standardize secondary index to the most recent year.

**Option 2:** do not standardize the primary index and use the average index value of the previous two years.

### Alternatives:

**Alternative 1:** No action

**Alternative 2:** Single index used to set trawl and/or non-trawl halibut PSC limit.

**Option 1:** NMFS EBS bottom trawl survey index.

**Option 2:** IPHC Area 4 setline survey index.

**Alternative 3:** Primary and secondary indices are used to set trawl and/or non-trawl PSC limit.

**Option 1:** Primary index is EBS trawl survey, secondary index is Area 4 setline survey.

**Option 2:** Primary index is Area 4 setline survey, secondary index is EBS trawl survey.

The secondary index modifies the PSC limit after the primary index is applied when the secondary index is in a “high state” or a “low state” (as defined by Element 4 breakpoint options). The extent to which the secondary index influences the PSC limit above or below these breakpoints is determined by selection of options under Element 5.

The following elements and options ~~are exclusive~~ apply to Alternatives 2 and 3

**Element 1 – Starting point for PSC limit (must be selected)**

Option 1. 2016 PSC limit (3,515 mt)

Option 2. 2016 use (2,354 mt)

Option 3. 2017 use (1,958 mt)

**Element 2 – Maximum PSC limit (ceiling) (must be selected)**

Option 1. 2016 PSC limit (3,515 mt)

Option 2. 2015 PSC limit (4,426 mt)

**Element 3 – Minimum PSC limit (floor) (must be selected)**

Option 1. 2016 use (2,354 mt)

Option 2. ½ of 2016 PSC limit (1,758 mt)

Option 3. ½ of 2016 PSC use (1,177 mt)

Option 4. 1,000 mt

**Element 4 – Breakpoint for secondary index (Alternative 3 only)**

Option 1. Index is 25% below or above average

Option 2. Index is above or below average

**Element 5 – Magnitude of the response for the primary or secondary index (Alternative 3 only optional)** Up to 2 options may be chosen

Option 1. Up faster than 1:1

Option 2. Up slower than 1:1

Option 3. Down faster than 1:1

Option 4. Down slower than 1:1

Option 5. 1:1

**Element 6: PSC limit responsiveness to abundance changes. (optional)**

This option would limit the annual rate of change of PSC limits. This element could be applied to limit the amount of change of the PSC limit on an annual basis.

Option 1: PSC limit varies no more than 5% per year

Option 2: PSC limit varies no more than 15% per year

Option 3: PSC limit varies no more than 25% per year

Suboption: This element could be applied to limit the amount of change between the current PSC limits and the implementation of this action.

**Element 7: Breakpoints.**

Specify breakpoints in a lookup table with a maximum of 12 breakpoints defined in each dimension, resulting in a maximum 11X11 lookup table. Each index may be standardized using one of the following options:

Option 1: standardize to the average of 1998-2018

Option 2: standardize to the current year

**Element 8: B30 adjustment (optional)**

When coastwide spawning biomass falls below B30, multiply PSC limit by B/B30

Additional comments:

Council recommends that the SSC review the proposed (staff and stakeholder) scenarios to provide guidance if additional scenarios should be included in the analysis.

Alternatives

Note: the following Table 2-1 is a summary of the Alternatives and Sub-alternatives included in the analysis.

To Alternative 3-3a, add new Element 8 above.

Alternative	Source	Indices used		Elements							
		Primary	Secondary	1 Starting point	2 Ceiling	3 Floor	4 Break points	5 Responsiveness	6 Constraint	7 Type	
1	Status quo	NA	NA	3,515							
2-1	WG	By gear	NA	3,515	4,426	1,758	none	1:1	15% max	Continuous	
2-1.a	WG	By gear	NA	3,515	4,426	1,758	none	1:1	none	Continuous	
2-1.b	SSC	By gear	NA	1,958	4,426	1,758	none	1:1	15% max	Continuous	
2-2	Stakeholder	By gear	NA	3,515	4,426	2,354	specified	Stairsteps	2 yr avg	Continuous	
2-3	Stakeholder	By gear	NA	3,515	4,426	2,354	none	1:1	15% max	Continuous	
2-4	Stakeholder	By gear	NA	2,018	3,515	1,000	Start	1:1 (low) 0.5:1 (high)	15% max	Continuous	
3-1	WG	By gear	Other (mean)	3,515	4,426	1,758	±25%	1:1	15% max	Continuous	
3-1.a	WG	By gear	Other (mean)	3,515	4,426	1,758	±25%	1:1	none	Continuous	
3-1.b	WG	By gear	Other (mean)	3,515	4,426	1,758	±25%	2 <sup>nd</sup> Index 0.5:1 (low), 1.5:1 (high)	15% max	Continuous	
3-1.c	WG	By gear	Other (mean)	3,515	4,426	1,758	±25%	1:1	15% max	Discrete	
3-1.d	SSC	By gear	Other (mean)	1,958	4,426	1,758	±25%	1:1	15% max	Continuous	
3-2.a	Stakeholder	Gear (mean)	Other (mean)	2,941	4,124	1,758	none	Interpolated	15% max	Discrete	
3-2.b	WG	Gear (mean)	Other (mean)	2,941	4,124	1,758	none	1:1	15% max	Discrete	
3-3a	Stakeholder	Setline	Trawl (mean)	1,958	3,515	1,000	S.P	Secondary 0.35:1	20% max	Continuous	
3-3a update	Stakeholder	Setline	Trawl (2018)	1,958	3,515	1,000	S.P	Secondary 0.35:1	20% max	Continuous	
3-3b	WG	Trawl	Setline (mean)	1,958	3,515	1,000	S.P	Secondary 0.35:1	20% max	Continuous	

**Performance Metrics**

Add the following performance metrics:

1. Potential performance metrics for objective “index PSC limits to halibut abundance”

- a) Rate of change of PSC is relative to rate of change of total biomass
- b) Rate of change of PSC is relative to rate of change of spawning biomass

2. Potential performance metrics for objective “provide for a directed fishery in 4CDE”

- a) The average percentage of the TCEY available to the Bering Sea directed fishery
- b) The probability that the percentage of the TCEY available to the Bering Sea directed fishery is greater than 54%

3. Potential performance metrics for objective “halibut spawning stock biomass should be protected, particularly at low levels of abundance”

- a) Rate of Bering Sea PSC limit reduction is equal to rate of SSB decline
- b) Probability of PSC limit exceeding TCEY
- c) Probability of PSC use exceeding TCEY

**Model**

Make the following changes and additions to the model:

- a. add 30:20 control rule
- b. extend the simulation beyond 20 years

- c. model a very low spawning biomass and poor recruitment
- d. adjust to incorporate U26 into TCEY
- e. allow ratio between PSC limit and use to fluctuate
- f. run the model with the assumption that PSC use equals PSC limit

*Motion 1 passed 12-8*

**Rationale:**

- *Attaching PSC limits to the abundance of halibut is consistent with Council, ADFG and IPHC management of all other species, including PSC limits for salmon and crab in the federal fisheries.*
- *The directed fishery currently serves as the only conservation mechanism in times of lower halibut abundance; as the TCEY decreases, the FCEY is lowered to protect the spawning biomass. Abundance based management would allow for a more equitable conservation burden to be shared between the directed and bycatch users.*
- *If the PSC exceeds the TCEY, a conservation issue would be triggered that could not be addressed under the current fixed cap management.*

**Inclusion of CDQ language**

- *Apportioning the CDQ from only the trawl sector PSC allocation under this action disproportionately funds the CDQ out of the trawl sector, slightly exacerbating the impact of any potential PSC reductions under this action on the trawl sector. Funding the CDQ allocation from the fixed and trawl sectors based on historical use (approximately 80% and 20%, respectively) would be more representative of how the cap is currently funded.*
- *If different indices are selected for the fixed gear and trawl sectors and those indices are moving in different directions, as reflected in the action, the commensurate portion of the CDQ PSC cap could either be over or under allocated.*

**Addition of Element 8**

- *This element provides a necessary conservation safeguard for the halibut stock, addressing the conclusion by the analysts that the alternatives, as constructed, do not currently meet the council's objective of "protecting the spawning biomass at low levels of abundance."*
- *This control rule impacts the PSC limit if the coastwide spawning biomass falls below 30% of its unfished state and mirrors the IPHC harvest control rule that would trigger steep declines in the directed fishery to protect the halibut resource. It is important to note that when halibut coastwide stock status is below B30, a floor, if applied, is superseded.*
- *B/B30 is conceptually similar to the ABC adjustment applied by sablefish managers under Tier3b when sablefish spawning biomass drops below B40 (B/B40).*

**Performance metrics**

- *Performance metrics allow the Council to evaluate alternatives relative to meeting the objectives of this action, attaching a definition to what it means to meet various objectives.*
- *A metric that measures the rate of change of PSC relative to the rate of change of total biomass and spawning biomass will allow the Council to appropriately evaluate if the various alternatives will meet the objective of indexing PSC limits to halibut abundance.*
- *Equitable access to the harvestable halibut biomass amongst user groups is an important measure of success in determining whether this action has met the objective of providing for a directed halibut fishery. This should include metrics looking at the average percentage of the TCEY available to the directed fishery in the Bering Sea, and probability that the percentage of the TCEY is greater than its historical share from 2002-2011.*

- *Performance metrics to further define the objective of protecting the halibut stock biomass particularly at low levels of abundance should include, measuring if the rate of the BS PSC reduction under the action is commensurate to rate of SSB decline and the probability of PSC limits and usage exceeding the TCEY.*

#### Changes and additions to the Operating Model

- *It is critically important that the operating model incorporate the IPHC's 30:20 rule. If the 30:20 rule is invoked, the IPHC severely reduces the harvest rate and TCEY, more rapidly reducing fishery allocations. When the halibut stock reaches B20, the directed fishery is shut down. Incorporation of the 30:20 rule will improve the model's output accuracy and be a more realistic portrayal of how the IPHC manages the directed fishery allocations.*
- *Extending model simulations beyond 20 years may allow the OM to exhibit more realistic fluctuations in abundance at higher and lower levels than currently modeled.*
- *Modeling very low levels of spawning biomass is another way to test if the alternatives are meeting the Council's objective relating to conservation and was a recommendation of the SSC. The alternatives as currently constructed, fail to meet this important goal. Inclusion of very low abundance levels may help the model capture the conservation aspect of this action.*
- *As highlighted in the IPHC's recent letter to the Council, the OM does not fully account for U26 mortality in the calculation of TCEY. U26 is a critical component of the halibut stock and clarity is needed in analysis about how it is and is not currently captured in the model.*
- *Allowing the ratio of PSC usage to limit to fluctuate in the OM may produce accurate impacts on both the directed fisheries and PSC users than keeping the proportion static, as is currently the case in the model. PSC users will likely use a higher proportion of the limit when PSC rates are reduced, particularly at lower levels of abundance.*
- *Running the model with PSC usage equal to limits, would be more accurate than the constant ratio of 70% for the trawl industry and 26% in the non-trawl. It will show improvement in the ability to fully utilize groundfish target species with lower limits.*

#### Rationale in Opposition:

- *A performance metric based on an area specific (BS) TCEY to measure the Council's Alternatives against the Council's objective of providing for a directed halibut fishery in Area 4CDE establishes an unreasonable metric outside the council's control. The IPHC establishes a coastwide TCEY based on a coastwide stock assessment and coastwide fishing mortality rate. From there, area specific TCEYs are established by the IPHC based on a management distribution scheme, which is not static from year to year and encompasses a wide variety of biological and economic factors (beyond the stock assessment and fishing mortality rate). As such, it is unclear how measuring the average percentage of the TCEY available to the Bering Sea directed fishery and the probability that the percentage of the TCEY available to the Bering Sea directed fishery is greater than 54% will be conducted in a standardized format, when annual area specific TCEYs have not and are not established in a consistent (non-standardized) manner by the IPHC. The value of the suggested performance metric for evaluating attainment of this specific Council objective is unclear when the suggested performance metric is based on a non-standardized target (annual area specific TCEY).*
- *The five objectives adopted by the Council do not have an established priority. Statements by some stakeholders that the current suite of Alternatives are not capturing the conservation objective of the Council implies that the conservation of halibut is the priority objective for the Council. Analysis of the current suite of Alternatives does show that a conservation benefit (inferred by halibut SSB levels) is not able to be significantly distinguished amongst the differing Alternatives, which is different from the analysis indicating that the conservation objective isn't being met. However, protecting SSB at low levels of abundance is not an identified priority objective and is*

*only one of five competing objectives against which the current suite of Alternatives is being gauged. Establishing priorities amongst objectives entails a different conversation amongst the Council and stakeholders than the current conversation that involves evaluating established Alternatives against non-prioritized objectives for abundance-based management of halibut in the directed groundfish fisheries and it is important to distinguish between the two.*

- *The analysis indicated that the current range of alternatives do not have a conservation purpose because they do not impact the spawning stock biomass of halibut. Instead, the paper indicates that this action is more about allocation. The changes to the elements and alternatives, such as having the floor modified if halibut falls below B30 (which is unlikely to happen), do not change this conclusion, but do weaken some of the structures. The council already considered and rejected including the IPHC's B20/B30 rule as part of this action.*
- *Expectations that some % of TCEY should be available to 4CDE based on historical use needs to take into consideration the time period that the harvest policy was at times up to 1.5x of what it should have been (requiring the IPHC to do a retrospective adjustment). This is highlighted on page 185 and has been referenced repeatedly in past discussions at the AP. It is unreasonable to request to return to harvest levels that the IPHC later determined should never have been occurring.*

## **Motion 2**

The AP requests the next document include the following information.

Discuss possible ways to determine a80 sector's predicted halibut usage under different caps/alts. Specifically look at data from last several years and 2019 in the a80 fisheries to evaluate the assumption that 70% of any cap will be used. Consider using different methods for estimating halibut usage other than that a fixed percent of a cap will be used, for example a higher percentage at lower cap levels or a range.

Consider sensitivity of model's results to assumptions/model results concerning halibut usage by A80 sector. Reexamine the benefits to the directed halibut fishery under other assumptions/model results of bycatch use by a80 sector. Evaluate the impacts of groundfish TACs and variability in halibut bycatch rates on the assumptions related to cap usage.

Examine the effects of excluding U26 fish from model. Consider implications for biomass and directed halibut fishery. Examine sensitivity of results to assumptions concerning migration and natural mortality (including age/size dependent mortality).

Present alternatives in a manner that allows stakeholders to determine the cap levels for any level of the indices under consideration. The cap levels for any level of the applicable indices, should be separated for trawl/non-trawl and by sector – LLCP, A80, trawl limited access, etc.

Provide historical perspective on limits that would have been created by each alternative from 1990(?) forward based on level on the different indices – show separated by trawl/non-trawl and by sector including CDQ.

Create a calculator that can show how much quota is received by different user groups (IFQ vs individual CDQ groups ) as a result of reduction of a single metric of halibut bycatch.

Evaluate the apparent lack of correlation between the trawl survey as an abundance index and annual halibut bycatch rates in Amendment 80 and other trawl fisheries affected by ABM. This evaluation will help the Council and public understand the practicability of ABM alternatives for the trawl fisheries and whether the Council's intent to "provide flexibility to avoid unnecessarily constraining groundfish fisheries, especially when halibut abundance is high" is achieved using the trawl survey or other available indices for ABM. To help ensure this issue is given full consideration, the analysts should include a

performance metric for how well any ABM index predicts bycatch rates in trawl fisheries and addresses the Council's intent to avoid unnecessarily constraining groundfish fisheries by this ABM action.

*Motion 2 passed 12-8*

Rationale:

- *The disconnect between the EBS trawl survey and the trawl fleet's encounters with halibut needs to be evaluated and was identified by the A80 sector as a potential major problem. For example, if the trawl index shows the abundance of halibut is going down, but the A80 encounters are going up, that may be a challenge for meeting the Council's goals, including flexibility to avoid unnecessarily constraining Groundfish. The request to evaluate this further should not be interpreted as an ask to eliminate the trawl index from the alternatives.*
- *The assumption that 70% of the cap will always be used under any level of abundance may not be realistic and could lead to problems with the model's utility; a wider range of assumptions should be considered. For example, if the cap goes down significantly it's very likely that 100% of the cap will be used which would in turn mean that less halibut is available to be transferred to directed users. The model assumption that 30% of the cap will be unused could lead to an expectation by directed halibut stakeholders that more halibut will be available to harvest.*
- *Staff explained that U26 halibut impacts were considered in the model, which contributed to the conclusion that the range of alternatives did not have an impact on spawning stock biomass, but this was a point of confusion for the AP and needs to be explained in more detail.*
- *Understanding how the model would have set historical halibut caps via the different indices would be useful for understanding which ones balance the Council's various objectives.*
- *The calculator concept will help show the tradeoffs between transferring halibut from one set of stakeholders to another, for example, the extent quota will go to BSAI communities vs IFQ holders.*

Rationale in Opposition:

- *Investigating the disconnect between the EBS trawl survey and fisheries data from the trawl fleet's encounters is concerning because it puts into question the survey's utility in an ABM framework, when the trawl and setline surveys were established early on in this action as providing solid indices for halibut abundance and spawning biomass. Surveys are used as a standardized measure for abundance in all groundfish fisheries, while fisheries data reflects efficiencies and effort directed at finding fish.*
- *The proposed motion is narrowly focused, takes us too far afield from the direction that we should be heading and the motion excludes predictive halibut usage for other halibut PSC user groups. The motion only addresses the A80 sector's concerns.*

## **C2 Observer Fee**

### **Substitute Motion 2**

The AP recommends the council move forward Alternative 2, Option 1 as the preferred alternative. Cost containment on the observer program is a high priority for the AP.

*Amendment<sup>1</sup> failed 6-14 (to remove “alternative 2 option 1” in the substitute motion and replace it with “fixed gear at 1.25% and trawl gear at 1.5%”).*

*Substitute motion passed 11-9*

## **AP Motion 1**

~~The AP recommends to the Council that the Council give notice to the Agency that the current Agency managed observer program will cease at the end of the current provider contract and that no additional fees will be collected until a new observer program is established.~~

*Motion Failed 9-11*

### Minority Report:

*The observer program is critically important to fisheries management, but the minority of the AP feels that the time is now to fix the observer program. We have a fiscal cliff on our horizon and we must deal with it now. The program stakeholders bought into is not the one we have. Raising the fee is a stop-gap solution that will not fix the fundamental problems. NMFS needs to get out of the observer contracting business.*

*Minority: Alexis Kwachka, Natasha Hayden, Erik Velsko, Daniel Donich, Jim Johnson and Jeff Kauffman.*

## **Motion 2**

~~The AP moves to adopt Alternative 1: Status quo. The observer fee percentage at 50 CFR 679.55(f) is 1.25 percent.~~

~~The AP moves for no observer fee increase with a recommendation to the Council to first look at cost containment measures in the Partial Coverage Observer Program to support a sustainable, long term and fully funded program that covers all the objectives of the Observer Program.~~

~~The AP also echoes the FMAC recommendations in 2017 explaining the need for cost containment measures to be addressed before a fee increase is warranted and in 2019 highlighting that additional mechanisms to reduce costs will be required in order for the program to be properly funded and meet the Observer Program objectives.~~

### Rationale for Substitute Motion:

- *The observer program is a vital part of fisheries management and without data, uncertainty increases and management becomes very conservative. Failure to increase the fees and maintain minimum coverage rates could result in fisheries being restricted or closed. The fee increase would not be implemented for another couple of years, during which cost containment measures can be further evaluated. The current cost of the program remains a concern and containment efforts are a priority.*
- *Any fee increase should be equitably shared across gear groups. When the program began there was buy-in for equitable participation. The fixed gear has approximately 1200 vessels and the trawl sector has approximately 85 in the program; it makes sense that fixed gear would be contributing to a higher proportion of total program costs. Additionally, the IFQ fishery is fully rationalized and rationalized fisheries typically have 100% coverage.*

### Rationale in Opposition to Substitute Motion:

- *Many of the Council and NMFS monitoring objectives for the Restructured Observer Program have not been met since implementation in 2013. Stakeholders are concerned that increasing the observer fee in the partial coverage observer program will only be a short-term fix for a program*



*that is marginally functioning and barely providing coverage rates of 15%. Figure 11 on page 76 of the analysis clearly identifies that a fee increase will not save the program from eventual economic failure.*

- *Industry was initially sold on the Restructured Observer Program providing blanket coverage for a broad range of gear types in order to get baseline data with the understanding that once this baseline data was collected in low PSC fisheries that observer coverage would increase in high PSC fisheries. Unfortunately, this has not been the case in the partial coverage observer program and a fee increase will not help solve this problem either. Cost containment measures, correction of inefficiencies as well as the savings and benefit of the current EM program need to be addressed and realized by the Council before an increase is warranted.*
- *If the action moves forward differential rates for gear groups are warranted. The Council has prioritized PSC limited fisheries, which are mostly trawl yet the coverage rate for fixed gear boats remains higher; in 2018, trawl fisheries used approx. 1,000 observer days (1/3) and fixed gear used 2,000 observer days (2/3). Fixed gear paid 83% of partial coverage fees in 2018 (\$2.75 million), trawl paid 17% (\$570K). Fixed gear is also paying \$449,000 in IFQ Fees for port sampling.*

### **C3 Observer 2020 ADP**

#### **AP Motion 1**

The AP recommends the Council approve the sampling design for Observer and EM deployment in 2020 as outlined by the NMFS recommendations in the Draft ADP.

The AP endorses the FMAC recommendation to continue evaluating coverage levels achieved on vessels delivering to tenders in the Annual Report.

The AP supports the overall request that the agency consider how to present a more aggregate view of at-sea monitoring which integrates EM and observer coverage in future documents.

The AP notes future ADPs must incorporate cost containment measures in order to expedite program reforms.

*Motion passes 18-1*

#### Rationale:

- *The NMFS sampling design continues the trip selection approach, allocation strategy, zero selection criteria, and the recommended EM expansion criteria, thus providing stability and continuity*
- *Continued expansion of the EM pool was endorsed by the Council in June and is consistent with implementing necessary cost efficiencies. The recommendation by NMFS to include criteria for screening new EM vessels to minimize gaps is reasonable until work under the analytical priorities to more fully explore EM optimization is complete. (i.e re-evaluating the 15% hurdle to integrate EM data, assessment of biological sampling needs, evaluation of zero selection to improve EM cost efficiencies etc.)*
- *Rationale for the removal of the tender strata are outlined in Appendix B and include potential mitigation of tenders concerns through the Trawl EM EFP, the small number of vessels in the remaining tender stratum, and the ability to use post stratification to ensure tender and non-tender trips are appropriately accounted for in catch accounting.*
- *The draft 2020 ADP lists the selection rate for EM vessels as 30% but provides little information on the estimated number of trips or sea days that will result. Likewise, the Trawl EFP is also listed in*

*the ADP with little information on expected trips or sea days that will be covered by the Trawl EM program presented. This should be in final 2020 ADP report.*

## **Motion 2**

The AP recommends the council prioritize 'Partial Coverage Cost Efficiencies' on the Observer Analytical Projects list.

*Motion passes 19-1*

### Rationale:

- *The issue of improving cost efficiencies within the Observer Program partial coverage category is of extreme importance to all fishery stakeholders, as demonstrated by the significant amount of conversation on this topic over multiple agenda items at this meeting. As such, dedicating the necessary time and resources to tackling this issue should be a high priority amongst the other Observer Analytical Projects. The intent of this motion is to signal overall support for placing priority on improving cost efficiencies and not necessarily for assigning priority amongst the various cost efficiency options themselves.*

## **C4 BSAI Crab Specs**

### **AP Motion 1**

The AP recommends the Council adopt the 2019 Crab SAFE Report, as well as, the 2019-20 OFL and ABC as recommended by the CPT and SSC. The AP also recognizes the importance of continued funding for annual surveys including the Northern Bering Sea survey.

*Motion passed 20-0*

- *The AP appreciates the diligence of the Crab Plan Team and SSC in developing models and assessing stock dynamics. The AP looks forward to seeing how the GMACS performs going forward and introducing the model for other crab stocks.*

## **C5 BSAI Groundfish Specs**

### **AP Motion 1**

The AP recommends the Council approve Table 1, the proposed OFLs and ABCs as recommended by the SSC, **including a rollover of the proposed 2020 TACs**, knowing that adjustments in BSAI pacific cod will be made to accommodate the state water cod fisheries.

The AP also recommends the Council approve Tables 7, 8, 9, 10, 11, and 12 from the document.

*Amendment<sup>1</sup> passed 20-0*

*Motion passed 20-0*

### Rationale:

*The AP appreciates the SSC's work on the document.*

INSERT C5 TABLE HERE

## **C6 GOA Groundfish Specs**

### **AP Motion 1**

The AP recommends the Council adopt the proposed 2020 and 2021 Gulf of Alaska groundfish specifications for OFLs and ABCs as recommended by the SSC and set TACs as shown in the handout, with all proposed specifications consisting of rollovers of final specifications from 2020. The TACs for both Gulf of Alaska Pacific cod and Pollock have been adjusted to account for the State water GHF fisheries. The Gulf of Alaska Pacific cod adjustments are shown in the C6 action memo Table 2.

The AP recommends that the Council set the 2020 and 2021 annual and seasonal Pacific halibut PSC limits and apportionments in the Gulf of Alaska as provided in Tables 9, 10, and 11 in the action memo.

Finally, the AP recommends that the Council adopt the proposed 2020 and 2021 halibut discard mortality rates (DMRs) for the Gulf of Alaska as shown in Table 12 of the action memo.

*Motion passed 20-0*

### **Motion 2**

The AP asked the council to send a letter to NOAA requesting full surveys in the Gulf of Alaska.

*Motion passed 20-0*

#### Rationale:

- *The GOA is witnessing increased variability in ocean conditions and fisheries; consistent survey data is needed to ensure sustainable fisheries management. Returning the third boat back to the summer bottom survey and reestablishing a full winter hydroacoustic pollock survey is important.*

*INSERT C6 TABLE HERE*

*INSERT C6 TABLE HERE*

## **C7 Sculpins**

### **AP Motion 1**

AP recommends sculpins be moved to ecosystem component with MRA at 20% for BSAI and GOA.

*Motion passed 20-0*

#### Rationale:

- *Moving sculpins into the ecosystem component is consistent with the best available science and economic information.*
- *Concerns were noted regarding the sale of sculpins being limited to fishmeal, however, final action is not the place to introduce a new issue into the analysis; a follow-up action should be initiated to address the market and sale restrictions of ecosystem component species.*

## **C8 BSAI Parallel Waters**

### **AP Motion 1**

The AP recommends releasing the Limit Access by all Federally Permitted Vessels to the BSAI Pacific Cod Parallel State Waters Fishery paper for public review with Alternative 2 as the preliminary preferred alternative.

*Motion passed 19-0*

#### Rationale:

- *Moving analysis forward is important to address concerns about increased participation in the parallel fishery by vessels without an FFP and/or LLP license having an impact on historical participants in the BSAI Pacific cod fishery.*

## **D1 Trawl EM EFP Committee**

### **AP Motion 1**

The AP recommends the council endorse the trawl EM EFP application.

*Motion passed 20-0*

#### Rationale:

- *The trawl EFP is integral to the successful integration of EM into the observer program for the trawl sector and will hopefully contribute to important future cost containment measures of the program.*

## D2 BSAI Pcod CV

### AP Motion 1

The AP recommends the Council initiate an Initial Review Analysis for a BSAI Pacific cod Limited Access Privilege Program for the Trawl Catcher Vessel Sector with the following updated Purpose and Need Statement and Elements, Alternatives and Options:

*Over the last several years, total allowable catch for Pacific cod in the Bering Sea-Aleutian Island has steadily decreased. ~~At the same time, the number of LLP licenses used by trawl CVs to participate in the BSAI non-CDQ trawl Pacific cod fishery has increased.~~ The pace of the fishery has contributed to an increasingly compressed season, resulting in decreased ability to maximize the value of the fishery and negatively impacting all fishery participants (catcher vessels, motherships, shoreside processors, and communities). This race for fish also discourages fishing practices that can minimize bycatch **and threaten the sustained viability of the fishery.** ~~The potential for continued re-entry of additional entrants could exacerbate these unfavorable conditions and threaten the sustained viability of the fishery.~~ The Council is considering the development of management tools to improve the prosecution of the fishery, including the development of a cooperative-based program, with the intent of promoting safety and increasing the value of the fishery, **and ensuring lasting sustainability and viability of the resource.***

#### A. TRAWL CATCHER VESSELS

##### 1. COOPERATIVE MANAGEMENT SYSTEMS

- a. One Single Cooperative
- b. Two Cooperatives: AFA CV Cooperative and a non-AFA Cooperative
- c. Two Cooperatives: Inshore Cooperative and an Offshore Cooperative
- d. **<sup>2</sup>Annual voluntary CV cooperatives with processor affiliation. No minimum number of LLP licenses is required to form a cooperative. Harvesters may change cooperatives on an annual basis and without penalty.**

##### 2. ALLOCATIONS

- a. Cod would be allocated based on the catch history of LLPs in the directed BSAI P. cod fishery with the following year options for consideration:
  1. 2014 – ~~February 7, 2019<sup>4</sup>~~ **amended A season<sup>5</sup> 2019<sup>4</sup>**
  2. 2009 – ~~February 7, 2019<sup>4</sup>~~ **amended A season<sup>5</sup> 2019<sup>4</sup>**
  3. 2004 – ~~February 7, 2019<sup>4</sup>~~ **amended A season<sup>5</sup> 2019<sup>4</sup>**
  4. Allocations based on a blend of catch history and AFA Sideboard history
  5. **<sup>3</sup>For the AFA non-exempt fleet, utilize the sideboard percentages and management structures as memorialized in the Intercoop and Cod Agreements.**

For the first three options, allow for Sub-options of

- Drop 1 Year
- Drop 2 Years
- b. Catch History is attached to the LLP used at the time of harvest.
- c. For multiple LLPs on one catcher vessel: catch history earned with multiple LLPs shall be:
  1. Assigned to a single LLP in whole at the discretion of the CV owner.
  2. Fully credited to all licenses.



### 3. PSC

PSC will be managed by the cooperative and distributed to an LLPs pro-rata cod history. Cooperative will establish rules for fishing practices to conserve PSC.

### 4. GULF OF ALASKA PROTECTIONS/LIMITATIONS

- a. AFA LLPs or CVs will be sideboarded as to all Gulf of Alaska (GOA) fishing activity, except for the CGOA Rockfish Catch Share program, based on their history during the years selected for cod history.
- b. AFA GOA-exempt CVs will not be permitted to transfer their BSAI cod history on their respective LLP as a condition of continuing to benefit from the GOA exemption.
  1. AFA GOA exempt CVs with LLPs of less than a threshold amount may transfer their BSAI cod history and continue to benefit from GOA exemption.
- c. Non-AFA LLPs would be sideboarded in the GOA, the same as AFA CVs, with exception for those non-AFA CV that receive a certain amount of BSAI cod history below a certain threshold, which would exempt them from the sideboard provision. An additional exception would be for the CGOA Rockfish Catch Share program. CVs can be allowed to opt out as a one-time option.

### 5. PROCESSOR AND COMMUNITY PROTECTIONS

- a. No closed class of processors.
- b. Allocation of harvester shares to processors:
  1. Onshore processors that have history of processing in the BSAI cod fishery will be eligible to receive harvesting shares based on each onshore processor's processing history.
  2. Both onshore and offshore processors that have history of processing in the BSAI cod fishery will be eligible to receive harvesting shares based on each processor's processing history.
- c. To be harvested, the processor's harvest shares would be transferred to a CV Cooperative.
- d. Processor Allocations
  1. Quantity to be allocated to processors:
    - 5%
    - 10%
    - 15%
  - Sub-Option: Processing history years for allocations within Processor Allocation:
    - Same as harvester years
    - Different set of years
- e. **Analyze the applicability of a fishing community allocation, as provided for under section 303A(c)(3) of the MSA<sup>6</sup>**

### 6. TRANSFERABILITY

- a. Harvester shares issued to LLPs  
Options:
  1. Fully Transferable
  2. Transferable subject to ownership/use caps
  3. Non-transferable to processors
- b. Harvester share issued to Processors:  
Options:
  1. Non-transferable
  2. Transferable only to processors subject to ownership/use caps
  3. Fully Transferable

### 7. OWNERSHIP AND USE CAPS

(To be developed)

## 8. OTHER BSAI ITEMS

- a. This LAPP program would apply to all BSAI cod quota and can be delivered in either the Aleutian Islands or Bering Sea areas subject to LLP eligibility of delivering CVs.
- b. Require the Cooperative(s) to reserve a set-aside for delivery to Adak/Atka under conditions similar to Amendment 113. The amount of the set-aside will be ~~in an amount equal to: 1) 10%, 2) 15%, or 3) 25%~~ **in the range of 10% to 25%**<sup>8</sup> of the BSAI CV trawl directed A season harvest amount but not to exceed 5,000 mt **or not less than 5000 mt**<sup>8</sup> **option 2,000 mt**<sup>9</sup>. The set-aside will be reduced by any amount Adak/Atka processors receive as a direct allocation of harvesting shares pursuant to this LAPP Program, regulation or legislation.
- c. All CVs would be eligible to harvest BSAI cod under the LAPP Program within the limitations of their LLPs and subject to the rules of the Cooperative(s).
- d. **<sup>1</sup>The Advisory Panel recommends that the Council request additional analysis on impacts to other sectors due to development of cooperative management programs proposed under this action — including access for the under 60 hook and line/pot sector, the freezer longline sector in the AI, and community-based participants in the BSAI region.**
- e. **<sup>7</sup>Request Council staff examine applicability and use of gear conversion mechanisms. (ability to harvest trawl cod with fixed gear only). Also, request the analysts examine potential benefits to vessels, processors and communities when a gear conversion tool is available. Consider impacts to the trawl sector as well as impacts to other sectors.**

*Amendment<sup>1</sup> passed 20-0*

*Amendment<sup>2</sup> passed 20-0*

*Amendment<sup>3</sup> failed 14-5 (1 abstention)*

*Amendment<sup>5</sup> to strike “amended A season” from amendment 4 passed 20-0*

*Amendment<sup>4</sup> passed 20-0*

*Amendment<sup>6</sup> passed 19-1*

*Amendment<sup>7</sup> passed 12-8*

*Amendment<sup>8</sup> passed 13-4 (1 abstention)*

*Amendment<sup>9</sup> passed 20-0*

*Motion as amended passed 19-1*

### Rationale for amended final motion:

- *Improving the sustained viability of the BSAI trawl CV cod fishery has been an issue of concern to its participants for a long time and the urgency for a solution is only progressing. The problems being faced by the BSAI trawl CV cod fishery are similar in nature to problems previously faced by other North Pacific fisheries that now operate under a LAPP program. The participants in the BSAI cod fishery believe that the development of a cooperative-based program for BSAI Pacific cod is the best solution for promoting safety in the fishery, for protecting harvesters, processors, and communities, and for increasing the value of the resource and ensuring its lasting sustainability.*
- *The analysts did an excellent job meeting the Council’s request of developing a scoping paper that considers methods to rationalize the BSAI cod trawl CV fishery. This included specific discussion on: allocation of quota share to LLP licenses; establishing trawl CV cooperative(s) for cod; recognition of historical AFA cooperative-based cod harvest arrangements; recognition of historical harvest of AFA exempt and non-AFA boats; protections for harvesters, processors, and communities; use caps and transfer requirements; and establishing sideboard limits to protect limited access GOA and BSAI fisheries.*
- *The alternatives and options contained in this motion encompass many of these items and are intended to form the backbone of a BSAI cod LAPP program for trawl CVs. This backbone was*

*developed with input and participation from AFA-exempt, AFA non-exempt, and non-AFA catcher vessels, which collectively represent the majority of the BSAI cod trawl CV sector. While many of the alternatives and options need further development, their inclusion is meant to provide a foundation for moving forward and represent those items that were the initial focus of the BSAI cod trawl CV participants.*

- *Finally, regarding the minor changes to the Purpose and Need Statement, the edits are simply intended to focus on the true necessity for this action, which is ensuring the lasting sustainability and viability of the BSAI cod resource.*
- *Including an option to form Annual voluntary CV cooperatives with processor affiliation is similar to the rockfish program and will facilitate harvest shares going to processors if the council decides includes that option. A single cooperative with multiple processors could cause anti-trust issues, so it's important to include an option for multiple cooperatives.*
- *Analyzing the applicability of a fishing community allocation in the next document could help determine whether that could be a good tool for addressing community protections.. For example, for Adak, a community fishing association may be a more appropriate entity to allocate harvest shares to instead of a plant.*

#### *Rationale for Amendment 7:*

- *A gear conversion mechanism (trawl to fixed only) in a rationalized trawl fishery may provide added benefits to the fishery participants, communities, and processors, including: increasing value of the fishery, minimizing bycatch, providing flexibility in harvest methods and allowing fuller utilization of trawl cod allocations*
- *If PSC limits are approached with a trawl, switching to fixed gear may be a viable option for full utilization of cod allocations*
- *Fixed gear, for purposes of this amendment, is not intended to include longline CPs*

#### *Minority Report in Opposition to Amendment 7 gear conversion:*

*A minority of the AP do not support inclusion of the amendment related to the option for gear conversion as a component of a BSAI P. cod LAPP for the Trawl Catcher Vessel sector. A majority of the BSAI P. cod fishery came together during the formation of the various Elements, Alternatives, and Options that form the backbone of this LAPP proposal. This not only included conversations amongst the large number of P. cod trawl catcher vessels themselves, but also conversations between trawl catcher vessels, shoreside processing representatives, and community representatives. While these representatives may not have ultimately agreed on the various components, the development of this LAPP proposal was a highly collaborative process with everyone recognizing the urgent need to develop a comprehensive solution for the multiple issues facing this fishery. There was zero public comment (including submitted comment letters) provided on the topic of including a gear conversion component. The inclusion of this component takes away from the true focus of this action, which is on providing tools to trawl catcher vessels for the best execution and management of their fishery, including those related to PSC. Its inclusion also raises concerns with inequity issues rising from: 1) fixed gear fisheries having never invested in the trawl CV fishery but now receiving a benefit and 2) transferring an amount of P. cod meant for the CV trawl sector (under Amendment 85) to another user group (outside of rollover and reallocation provisions). Related to these concerns, its inclusion will add an unnecessary level of complexity to the economic analysis (with little benefit to the main purpose of the action) because it will need to include a discussion on the impacts of using LAPP allocation shares in non-LAPP fisheries. Finally, from experience in the west coast groundfish program, allowing the trawl sablefish fishery to convert to fixed gear has resulted in a large amount of stranded fish (e.g., Dover sole) that would have otherwise been taken by trawl vessels. Stranded fish results in a lower amount of fish delivered shoreside,*

which could negatively affect the number of jobs available on trawl vessels, the level of shoreside employment, and community benefits in the form of landing tax.

Signed: Ruth Christiansen, Kurt Cochran, John Gruver, Paddy O'Donnell, Anne Vanderhoeven, Matt Upton and John Scoblic

Rationale for Amendment 8:

- The motion should consider a “floating” set-aside amount in the form of a percentage range tied to the A season CV trawl sector allocation and any “ceiling” should be paired with a “floor”. Including a floor of 5000mt, allows the analysis to incorporate an option that more closely mirrors the original set-aside implemented through AM 113.

Rationale in opposition to Amendment 8:

- Amendment 113 was a controversial requirement that 5,000 of the BSAI CV cod be delivered to essential Adak's shoreplant. Requiring 5,000 mt of the BSAI trawl CV cod be delivered is even more unreasonable because it puts all the burden on the trawl CV sector and gets to be a larger percentage as the cod abundance declines.

## Motion 2

The AP recommends the Council initiate an Initial Review Analysis for a BSAI Pacific cod Limited Access Privilege Program for the Pot Catcher Vessels  $\geq 60$  feet with the following updated Purpose and Need Statement, Elements, Alternatives and Options:

Over the last several years, total allowable catch for Pacific cod in the Bering Sea-Aleutian Island has steadily decreased. The pace of the fishery has contributed to an increasingly compressed season, resulting in decreased ability to maximize the value of the fishery and negatively impacting all fishery participants. This race for fish also discourages fishing practices that can minimize bycatch and threaten the sustained viability of the fishery. The Council is considering the development of management tools to improve the prosecution of the fishery, including the development of a cooperative-based program, with the intent of promoting safety and increasing the value of the fishery, and ensuring lasting sustainability and viability of the resource.

### A. POT CATCHER VESSELS $\geq 60$ FEET

#### 1. COOPERATIVE STYLE SYSTEMS

Alternatives:

- a. One Single Cooperative
- b. Two Cooperatives: Affiliated and Non-Affiliated
- c. **<sup>1</sup>Annual voluntary CV cooperatives with processor affiliation. No minimum number of LLP licenses is required to form a cooperative. Harvesters may change cooperatives on an annual basis and without penalty.**

#### 2. ALLOCATION

- a. Pacific Cod would be allocated based on the catch history of LLPs in the directed BSAI  $\geq 60'$  Pacific Cod Pot Catcher Vessel sector with the following year options for consideration:  
Options:
  1. 2014 through 2019
  2. 2009 through 2019
  3. 2003 through 2019

Sub-options:

- a. Drop 1 year
- b. Drop 2 years
- b. Catch history is attached to the LLP used at the time of harvest.
- c. Multiple LLPs on one Catcher Vessel: Catch history earned with multiple LLPs shall be:
  1. Assigned to a single LLP in whole at the discretion of the catcher vessel owner.
  2. Fully credited to all licenses.

### 3.GULF OF ALASKA PROTECTION/LIMITATION

- a. LLPs or Catcher Vessels will be sideboard limited to their historic participation in the Gulf of Alaska Pacific cod fisheries.

### 4.PROCESSOR AND COMMUNITY PROTECTION

- a. No closed class of processors.
- b. Processors that have a history of processing in the BSAI  $\geq$  60' Pacific Cod Pot Catcher Vessel sector will be eligible to receive harvesting shares based on each processor's processing history.
- c. To be harvested, the processor's harvest shares would be transferred to a catcher vessel.
  1. When assigning processor harvest shares to a catcher vessel for harvest, priority must be given to non-affiliated vessels.
  2. Pro-rata between affiliated and non-affiliated catcher vessels.
- d. Percentage of Harvest Shares Allocated to Processors

Options:

1. 5%
2. 10%
3. 15%

Sub-option: Processing history years for allocation of Processor Harvest Shares:

- a. Same as harvester's years (2. Allocation, a. Options: 1-3)
- b. Different set of years.

### 5.TRANSFERABILITY

- a. Harvest shares issued to LLPs

Options:

  1. Fully transferable.
  2. Transferable subject to ownership/use caps
  3. Non-transferable to processors.
- b. Harvest shares issued to processors:

Options:

  1. Fully transferable.
  2. Transferable only to processors subject to ownership/use caps
  3. Non-transferable.

### 6.OWNERSHIP AND USE CAPS

- a. 2%
- b. 4%
- c. 6%
- d. 10%

*Amendment<sup>1</sup> passed 19-0*

*Motion as amended passed 17-3*

*Rationale:*

- *Improving the sustained viability of the BSAI Pcod Pot  $\geq$  60' CV cod fishery has been an issue of concern to its participants for a long time and the need for a solution grows larger each season.*
- *The problems faced by the BSAI Pcod Pot  $\geq$  60' CV cod fishery are similar to problems previously faced by other North Pacific fisheries that now operate under a LAPP program. (e.g., large increase in participation in recent seasons, severely compressed season length, increased bycatch, the need to slow the pace of the fishery).*
- *Stakeholders in our sector believe that the development of a cooperative-based program for BSAI Pacific cod is the best solution for promoting safety in the fishery, for protecting harvesters, processors, and communities, and for increasing the value of the resource and insuring its lasting sustainability.*
- *The alternatives and options contained in this motion are intended to form a framework for the basis of a BSAI cod LAPP program for Pot  $\geq$  60' CVs.*
- *Some of the alternatives and options need further development, their inclusion is meant to provide a framework for development moving forward.*
- *Based on information found in the document and discussions with Council staff it appears there are required elements of a LAPP program that are not currently included in this draft. These elements are incorporated by reference as required. (e.g., reporting requirements, program review, cost recovery fee, etc.)*
- *Some stakeholders have expressed concern about not being able to participate in this fishery to the extent they would like. This is a result of personal business decisions based on opportunity costs and access to other fisheries. However, one range of years proposed for consideration will capture fishing activity by all permits regardless of recency.*
- *No stakeholders should feel blindsided by this. The Bering Sea Pot Cod Cooperative has been an active advocacy group for the sector for the last 6 years. There have been several meetings open to all stakeholders, not just dues paying members, to discuss this and many other issues related to the sector.*
- *Consolidation should not be a concern for this sector. There is a potential for a reduction of LLP leasing which is not the same as consolidation. Some people point to the crab rationalization program as an example of how drastic or bad consolidation can be. Consolidation of the fleet was a prime objective of the crab rationalization program. It was not an unintended consequence and should not be assumed to be a negative result of all rationalization programs.*
- *It is important to keep the two sectors on as close to a parallel path as possible to prevent a last-man-standing situation. If the Trawl CV sector program moves forward without a program for the Pot  $\geq$  60' CV sector, it would mean that 86.5% of the BSAI Pcod is rationalized, leaving this sector as the last non-entry level BSAI Pcod sector unrationalized.*
- *This draft was developed by the Bering Sea Pot Cod Cooperative, which represents approximately 75% of the Pot  $\geq$  60' CV sector. There is far more support for development of this program than the document and public testimony would suggest. I am not aware of any rationalization programs that had 100% buy-in from all stakeholders at the beginning of its development.*
- *Responsive to public testimony, including support from processors, communities and the majority of stakeholders in the sector.*

Rationale in opposition:

- *Heard some concerns in public testimony that the entire fleet is not aware a LAPP for this sector is under consideration, may be helpful for more discussions within sector before council gets involved.*

**Motion 3**

The advisory panel requests that the Council initiate an independent discussion paper in response to the recent court order concerning Amendment 113 to the National Marine Fisheries Management Service for reconsideration consistent with the court's opinion.

*Motion passed 11-9*

Rationale:

- *The Court recognized that NMFS had the authority to develop and implement 113, but that they did not provide a sufficient record. As a result, the court remanded AM 113 to the agency for reconsideration consistent with the court's opinion. The proposed Discussion Paper is intended to begin that process and is responsive to the court's request. There is a nearly ten-year analytical history related to Amendment 113; including three papers since December 2018 that should be very helpful in directing this action.*
- *The agency, Council and stakeholders have been assessing various legal, regulatory and legislative routes that can be used to address AM113, both in the interim and long term. As it stands going into the 2020 cod season, none of those routes has been implemented and Adak remains in a very vulnerable situation because of a growing cod race in the BSAI that will likely preempt the AI fishery that the community is heavily dependent on. The urgency of this issue was underscored by letters sent from the State to the Congressional delegation and from the Council to the Department of Justice.*
- *While a more comprehensive package may be where an ultimate solution is eventually encompassed, this program is expected to take many years to develop and has an uncertain outcome; Am 113 has already been developed and approved by the Council and its original framework is vital to the economic survival of Adak and the potential development of Atka.*
- *The larger package would have been an acceptable route on its own at this meeting, had some temporary protections been implemented, such as through proposed legislation with sunset provisions or emergency action, but for a number of reasons, these have not been successful.*

Rationale in opposition:

- *The Adak stakeholders have an opportunity to make their national standards' arguments in the appeal, the motion here seems more focused on having council staff help with their record building. NOAA general counsel can make these arguments, this is not an appropriate use of staff time.*
- *The Council has already provided a discussion of the implications of the court's decisions in a few different papers, it's unclear what staff would provide further based on this request.*
- *Adak's stakeholders should focus on working within the BSAI LAPP elements under consideration instead of trying to resurrect Amendment 113 through making more National Standard 4 and 8 arguments while maintaining the same structure.*
- *A discussion paper in response to the most recent Court ruling on Amendment 113 is a legal exercise requiring legal expertise and not an appropriate request for Council staff, who have already provided a similar discussion paper for Council consideration in June 2019. Asking Council staff to develop rationale in response to the inadequate record identified by the Court ruling shouldn't be the job of Council staff (record building is the responsibility of the Council and NMFS at the time of action).*

### D3 BSAI Stranded Cod

The Advisory panel did not take up this Agenda item.

### D4 BSAI Pot Cod CP

#### AP Motion 1

The AP recommends that the Council adopt the following purpose and need statement and alternatives for analysis:

- *Amendment 85 assigned a portion of the Bering Sea/Aleutian Islands Pacific cod TAC to the pot CP sector with the primary goals of aligning Pacific cod allocations with actual dependency and use and providing stability to all sectors.*
- *Three major changes have occurred since the implementation of Amendment 85, which has resulted in less stability for the dependent vessels on which the Amendment 85 allocation was based:*
  1. *low crab TACS and consolidation within the crab fisheries has provided increased flexibility for pot CPs,*
  2. *the total allowable catch for Pacific cod in the BSAI has decreased over the last several years, and*
  3. *the availability of rollovers to the CP pot sector has declined.*
- *The Council is considering action to eliminate latent capacity in the fishery, in order to increase stability for cod dependent pot CPs, maintain consistently low rates of halibut and crab bycatch, and ensure that condensed fishing seasons do not result in safety-at-sea concerns.*

#### Alternatives

Alternative 1: No Action.

Alternative 2: Remove the Pacific cod endorsements on C/P pot LLPs unless the license is credited with a minimum directed landing of 1000 mt in the management area based on the following threshold criteria:

Option 1: 2005-2019

Option 2: 2012-2019

Suboptions:

A: In any three years

B: In any four years

Option 3: (applies to either option 1 or 2): Management area endorsement applicability

Suboptions

A: Bering Sea only

B: Bering Sea and Aleutian Islands

The AP also recommends that the Council establish a control date of October 8, 2019, for any action considering future participation in the Pacific cod catcher processor pot sector.

*Motion passed 19-0*

#### Rationale:

- *This is a fully allocated sector that has harvested its allocation every year since Amendment 85.*
- *This action needs to be considered in the context and goals of the Amendment 85 review, which among other things included, reducing the uncertainty about the availability of yearly harvests*



*within sectors caused by reallocations and providing stability among sectors in the BSAI Pacific cod fishery.*

- *This sector is facing similar issues to other Pacific cod sectors. The season length has dramatically decreased over the last two years. In particular, B season has gone from 122 days to 11 days in 2019 which is the result of declining TACs and the loss of rollovers from other sectors.*
- *It is unlikely those rollovers will come back given the increased effort in over 60' pot CPs and increases in the GHJ allocation.*
- *A new LLP participated in 2018, representing about a 20% increase in effort in the sector; this is the equivalent of ten new vessels participating in the CV trawl sector*
- *This motion asks for an initial review of alternatives that would provide information for decision making.*

## **D5 Cook Inlet Salmon**

The AP took no action on this item.

## **E Staff Tasking**

### **AP Motion 1**

AP recommends the council start a discussion paper to explore changes to the trip limit on the pollock fishery in the central Gulf of Alaska areas 620, 630, & 640. The paper should explore leaving the limits at status quo (300,000lbs.), increasing the trip limit to 350,000 lbs or 375,000 lbs, having no trip limit, and a three or four trip rolling average of a trip limit.

*Motion passed 14-4*

#### *Rationale:*

- *The current trip limit is dated and does not match the fleet or individual boat size*
- *Violations have risen sharply in the past two years, underscoring the challenges the fleet is having meeting the current trip limits. Evaluating the trip limits should include an assessment of the current financial impacts of these violations on the fleet and the burdens on law enforcement*
- *Changing trip limits would likely result in less regulatory discards and wastage*
- *Under the proposed pollock trawl EM EFP, participating vessels in the GOA will be operating as maximized retention fisheries such that they will be exempt from the current GOA pollock 300,000 lbs. trip limit. Information and data gathered from these EFP vessels will naturally help inform an eventual analysis on potentially changing the GOA pollock trip limit so initiating a discussion paper at this time is appropriate*
- *Area 610 was not included in this action in consideration of small boat interests in that area*

#### *Rationale in Opposition:*

- *Increasing trip limits will exacerbate the race for fish and will still be a limit which the fleet will continue to push up against.*

## **Motion 2**

The AP recommends the council starts a discussion paper to change the MRA's in the ~~central~~ Gulf of Alaska area **610, 620, 630, & 640.**

(SKATE status quo 5%) to 7% or 10% on arrowtooth and all sole

COD to 7%,10% or (status quo 20% )on pollock.

(Status quo 5% ) 7% or 10% on arrowtooth

POP, and rockfish (5% status quo) 7%, 10% or 13% on pollock , arrowtooth, all sole

*Amendment passed 18-0*

*Motion as amended passed 17-1*

### Rationale:

- *The current MRAs are not representative of what is actually being caught in the fisheries; some interactions are increasing and others are decreasing. As fisheries change, MRAs should be evaluated to assess the potential to decrease regulatory discards and improve utilization of the resource.*

## **Motion 3**

The AP recommends the Council initiate an analysis to correct the federal rulemaking regulations that restricts the use of ecosystem component species to fishmeal only.

*Motion passed 18-0*

### Rationale:

- *Recent rulemaking prohibited the use, processing, and sale of the incidental harvest of squid for anything but fishmeal, which was not consistent with the Council's preferred alternative. This analysis would apply to other ecosystem component species as well.*

## **Motion 4**

The AP recommends the Council to maintain the current season end date of November 15th for Cod within the Rockfish program.

*Motion passed 18-0*

### Rationale:

- *There are no MRA's in the Rockfish program and changing the end date within the program will lead to discards and waste as there are vessels that fish Rockfish after the closure of pollock and Cod on Nov 1<sup>st</sup>.*

## **Motion 5**

The AP recommends that the council Initiate a discussion paper to look at allowing retention of Rockfish outside of the Rockfish Program and eliminating regulatory discards due to seasonal restrictions which include a 5% MRA. This paper should assess allowing vessels that hold Rockfish quota share to retain incidental catch of Rockfish outside of the Rockfish program if they have available quota either per LLP or within a Co-op.

*Motion passed 18-0*

Rationale:

- *Catcher vessels in the Central gulf are encountering rockfish in areas and fisheries where they have not been encountered before due to changing ocean conditions.*
- *In the pollock fishery, vessels are sorting POP and discarding in one week to stay under the 5% MRA, and the next week when they check into the Rockfish Program, they are targeting the very fish they discarded the prior week.*
- *Evaluating this issue is consistent with the 2019 Groundfish Programmatic Plan which contains General Priority #4- to manage incidental catch and reduce bycatch and waste, Management Objective #14- to improve incidental catch and Management Objective #21- to reduce waste to biologically and socially acceptable levels.*

**Motion 6**

The AP supports initiating a discussion paper in response to community concerns and small boat access challenges identified in the <60 sector. The discussion paper should review management actions that can provide small boat opportunity and distinguish and protect small boat participants currently competing with larger vessels within the <60 LOA vessel class size. The discussion paper should evaluate options including but not limited to a fishing community allocation, and the potential impact of expanding the jig sector allocation to allow additional small boat fishing opportunity.

*Motion passed 18-0*

Rationale:

- *Competition among fixed gear participants in the <60 sector has increased for a variety of reasons in the last decade, including increased participation and non-traditional efficiency improvements for the <60 LOA vessel class. Growing disparity between vessel capacities within the <60 vessel class size has detrimental effects on long-term participants and communities dependent on the fixed gear Pacific cod fisheries.*
- *The growth of the <60 sector in the last 15 years has eroded community-based access. Local vessels are being outcompeted due to vessel capacity disparities within the vessel class. There is a need to preserve small boat access given the changing nature of the <60 sector and the adverse impacts this has on the local small boat fleets of BSAI communities*
- *The changing nature of the <60 sector in the last decade has lead to an increasingly compressed season and adverse impacts to long-term participants and communities. In 2008, the Federal BSAI cod season for the <60 sector lasted more than 100 days. In 2018, the bulk of the sector allocation was harvested in the first 11 days of the season.*
- *There is a need for the Council to consider community and small boat protections to preserve small boat access for communities dependent by recognizing differences in capacity and historic dependence among sector participants.*

**Motion 7**

Move to approve June 2019 Minutes.

*Motion passed 18-0*