

North Pacific Fishery Management Council

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ADVISORY PANEL MINUTES

February 4-7, 2014

Seattle, Washington

The following members were present for all or part of the meetings (absent ~~stricken~~):

Ruth Christiansen	Heath Hilyard	Paddy O'Donnell
Kurt Cochran	Jeff Kauffman	Joel Peterson
John Crowley	Mitch Kilborn	Theresa Peterson
Jerry Downing	Alexus Kwachka	Sinclair Wilt
Jeff Favour	Craig Lowenberg	Lori Swanson, co-vice Chair
Becca Robbins Gisclair, Chair	Brian Lynch	Anne Vanderhoeven
John Gruver	Chuck McCallum	Ernie Weiss, co-vice Chair

Election of Officers

The AP elected Becca Robbins Gisclair as Chair and Lori Swanson and Ernie Weiss as Co-Vice Chair.

Minutes from the December 2013 meeting were approved.

C1 Gulf of Alaska pot cod sector participation

The AP recommends that the Council take no further action on this issue at this time.

Motion carried 21/0.

Rationale:

- Discussion paper presents good baseline data that may be useful as the GOA trawl bycatch management program moves forward, in possible setting of sideboards for pot sector protection.
- Pot gear fishermen are not unified in a request for a control date or a future catch share program.
- It is unclear what purpose taking further action (e.g., setting a control date for history) would serve at this time.

C2 GOA Tendering

The AP recommends the Council request the GOA tendering report be updated and brought back to the Council hopefully at the June 2014 Council meeting. The data in the present February 2014 report should be expanded to include activities for the first half of 2014. In Addition, the report should provide the following:

1. Tendered cod catches by gear type and Area (610/620/630)
2. Tendered trawl Pollock and cod catches by location east and west of 157 degrees West longitude.

In addition, the report shall consider the effects of the following options to potentially reverse the new tendering behaviors:

1. Allow tendering only for trawl cod and Pollock harvest that occur west 157 degrees.
2. Prohibit tendering of CGOA trawl Pollock and cod catches from vessels equal to or greater than 60 ft.
3. Prohibit the use of AFA vessels as tenders for the trawl Pollock and cod catchers in the CGOA.

The effects of these options should be considered in combination as well as independently.

Motion carried 20/0.

Rationale:

- There has been an increase in tendering and transport of fish since implementation of GOA sector split and a continued race for fish.
- Change in GOA groundfish harvesting and processing behaviors undermine Steller sea lion protection measures and community stability.
- It's important to track these changes until new tools are in place for the GOA groundfish fishery that slow the race fish, increase vessel accountability and reduce bycatch.

C3 Charter Halibut Common Pool Proposal

The AP received a report from Mr. Richard Yamada describing how to integrate a recreational fishery into a catch share program (the Catch Accountability Through Compensated Halibut (CATCH) project). We look forward to a more focused proposal in the future to address details including whether RQE fish need to be tracked separately.

C4 Definition of Fishing Guide

The AP recommends the Council select the following for final action:

Alternative 2. Revise and clarify Federal definitions

1. Adopt option 1 to revise the Federal definition of sport fishing guide services AND incorporate text from the state's definition of "assistance," rather than adding a separate definition for assistance (option 3):

Sport fishing guide services, for purposes of §§ 300.65(d) and 300.67, means assistance, for compensation **or with the intent to receive compensation**, to a person who is sport fishing, to take or attempt to take **fish halibut** by ~~being on board a vessel with such person accompanying~~ **or physically directing the sport fisherman in sport fishing activities** during any part of a charter vessel fishing trip. Sport fishing guide services do not include services provided by a crew member.

2. Adopt option 2b to add a definition of compensation similar to the State definition, with a reference to "reasonable" instead of "actual" expenses:

Compensation means direct or indirect payment, remuneration, or other benefits received in return for services, regardless of the source; in this paragraph, "benefits" includes wages or other employment benefits given directly or indirectly to an individual or organization, and any dues, payments, fees, or other remuneration given directly or indirectly to a fishing club, business, organization, or individual who provides sport fishing guide services; and does not include reimbursement for the *reasonable* daily expenses for fuel, food, or bait;

Motion carried 19/1/1.

Rationale:

- The alternative and options align state and federal definitions so that all charter halibut fishery participants are treated fairly and are regulated under consistent state and federal rules.
- Enforcement and fishing participants will benefit from clearly articulated rules regarding fishing behavior and reporting requirements.

C5 Grenadier Management

The AP recommends the Council adopt Alternative 2 (to include grenadiers in the FMP as an Ecosystem Component species, the PPA) for final action with the MRA set at 5% in both areas.

Motion carried 21/0.

Rationale:

- Amending the FMP to include grenadiers as a component in the ecosystem makes sense for conservation and fishery management at this time.
- Setting the MRA at 5% is reasonable, allowing for some incidental catch of grenadiers.

C6 BSAI Crab PSC Limits

The AP recommends the Council request staff modify the Crab PSC Expanded Discussion Paper to include the following:

1. Maps should be provided that overlay the existing closure areas with recent crab stock distribution and distribution of PSC, in order to evaluate what changes may be necessary to match the closure area with stock distribution.
 - Recent crab distribution should include both survey and non-confidential commercial catch location since 2008.
 - Distribution of PSC should include all gear types – with each gear marked differently (or on separate maps).
2. Tables should be similar across stocks and include:
 - a. PSC reported by groundfish fishing year
 - b. Actual PSC limits for trawl gear by area/Zone (including the RKCSS)
 - c. For each gear type: total PSC and total PSC within the closure area(s) (separate Zones 1 and 2 for Tanner and RKCSS).

The AP requests the Council keep the discussion paper on BSAI crab PSC numbers to weight on schedule for the June 2014 (as tentatively scheduled) such that in the future, all regulatory bycatch thresholds are in weight rather than numbers of crab. In addition, the AP requests the Council initiate a new discussion paper on ways to establish limits and linkages between the BSAI Groundfish FMP and BSAI Crab FMP.

Motion carried 21/0.

Rationale:

- Crab bycatch management in BSAI groundfish fisheries is a complicated one that the Council has struggled with since 2010.
- With current crab PSC limits in numbers, it is difficult to gauge the impacts of such limits on annual crab abundance and standardizing crab bycatch to the same metric used in crab stock

assessments will reduce the uncertainty associated with multiple conversions from numbers to weights and back again.

- While questions relating to appropriate crab PSC limits for the groundfish fisheries and appropriate areas for crab PSC management are important ones that definitely need to be addressed, there are also key structural issues regarding crab bycatch management that also need to be resolved.
- In the future, it is envisioned that PSC discussion will include tables that show (assume this would be in pounds) OFL, ABC, total catch, proportion of total catch from directed crab fisheries, and PSC in groundfish fisheries.

C7 BSAI Halibut PSC

The AP recommends the Council move forward with an expanded discussion paper focused on developing an understanding of the BSAI halibut resource issues, the effects of reduced abundance on all user groups, and methods of bycatch reduction, both regulatory and non-regulatory, that promote the conservation and sustainability of the resource shared equitably among all user groups.

The expanded discussion paper should include examination of the IPHC concerns provided in their letter of January 31, 2014.

The expanded discussion paper should include a qualitative discussion on potential impacts of lowering halibut caps on all PSC species.

We believe that while possible regulatory actions are being evaluated, that the groundfish industry can build on its successful reduction of halibut bycatch with additional non-regulatory actions to further reduce bycatch, including:

- 1) groundfish industry incentive plans to more successfully manage halibut PSC;
- 2) consideration of identifying trends in timing and location in order to avoid halibut bycatch;
- 3) annual reports to the Council on progress in reducing bycatch; and
- 4) the use of individual bycatch accountability in the rationalized groundfish fisheries, looking to the success of IBQ programs in British Columbia and the US Pacific coast, and the Gulf Rockfish program in reducing halibut bycatch.

The discussion paper should focus on determining the immediate halibut resource issues, and impacts on directed halibut fisheries in the BSAI, including:

- 1) the status of the declining halibut resource in the BSAI and the directed halibut fisheries;
- 2) the impacts of BSAI halibut bycatch on the halibut resource and the directed halibut fishery; and
- 3) an evaluation of the BSAI halibut PSC allocations to each fishery.

and identifying possible regulatory changes, including:

- 1) incorporating incentive plan agreements similar to those implemented under Amendment 91 to reduce bycatch at all levels of abundance;
- 2) the effects of reducing the BSAI halibut PSC limits equitably among all user groups, including the effects of incorporating abundance-based bycatch limits on the halibut resource, the PSC users, the directed halibut fisheries, and the communities;
- 3) removing regulatory impediments such as time and area closures that may no longer serve their original purposes; and

- 4) allowing the Amendment 80 fleet to deck sort halibut in the BSAI and GOA.

Motion carried 20/1.

Rationale:

- The latest expanded discussion paper lays a good quantitative groundwork for a more qualitative discussion of a number of issues related to BSAI halibut PSC.
- The historic low halibut biomass is impacting all users and efforts to reduce by-catch are warranted, for the immediate and long term.
- Industry groups should be credited for having some success in reducing by-catch through 'best practices' and taking a wholistic approach to PSC reduction.
- Deck sorting has been shown to reduce halibut mortality, and regulatory changes to allow deck sorting could have dramatic positive effect.

C8 CDQ Pacific cod directed fishery

The AP recommends the Council initiate an analysis to facilitate a CDQ village vessel Pacific cod fishery.

The Council should develop a problem statement that identifies regulatory hurdles as identified in the discussion paper that currently preclude small, local boats from fishing CDQ cod allocations.

Alternatives

Alternative 1. No action. Vessels fishing CDQ halibut are allowed to retain Pacific cod up to 20% of their CDQ halibut landings under the existing maximum retainable allowance (MRA).

Alternative 2. Increase the MRA up to 100% of the CDQ halibut landings for hook-and-line catcher vessels <46' length overall that hold Pacific cod CDQ. All Pacific cod caught must be retained and accrues towards the CDQ Pacific cod quotas.

Alternative 3. Create a new CDQ LLP for participating hook-and-line catcher vessels <46' length overall. Vessels with the CDQ LLP can participate in the CDQ directed Pacific cod fishery. Limit the number of LLPs each CDQ group would be provided. These LLP licenses would be non-transferable among CDQ groups. All Pacific cod caught must be retained and accrues towards the CDQ Pacific cod allocations. Vessels would be subject to the full coverage observer category consistent with existing full coverage observer requirements.

- Option 1: Place these vessels in the partial coverage observer category. Incidentally caught halibut would accrue against the CDQ PSQ allocation.
- Option 2: Place these vessels in the partial coverage observer category. Require vessels to retain any incidentally caught halibut. Incidentally caught halibut would accrue against the halibut CDQ allocation.

Alternative 4. Exempt hook-and-line catcher vessels participating in the CDQ Pacific cod fishery with <46' length overall from groundfish LLP requirements. All Pacific cod caught must be retained and accrues towards the CDQ Pacific cod allocations. Vessels would be in the partial coverage observer category.

The analysis should also consider whether there are modifications to VMS that may work better on the smaller boats and whether there are other alternatives to VMS, such as the GPS electronic monitoring

alternative identified on page 8 of the Observer Program Amendments discussion paper for this meeting (C13) to monitor compliance with Steller sea lion protection measures, EFH and HAPC closure areas.

Consideration of exempting small vessels from VMS.

Motions carried 21/0.

Rationale:

- Discussion paper identifies alternatives and concepts that are developed well enough to move in to an analysis
- GPS option may provide a more cost effective and logistically feasible option to address closure area compliance concerns

C9 AI Pacific cod allocation

The AP recommends that the Council delay potential action on the Aleutian Islands Pacific cod allocation agenda item and request industry to work together on achieving the following goals in the AI Pacific cod fisheries:

- Maintaining functional Aleutian Island shore plants west of 170 degree
- Maintaining trawl and fixed gear sector access to AI Pacific cod fisheries
- Minimize pre-emption of the AI CV cod fishery by the BS CV cod fishery

Uncertainty around the impacts of the pending SSL restrictions, abundance of AI Pacific cod, and production requirements of Adak's plant, will be better known in December of 2014 at which time industry should report back to the Council on its progress on these issues.

Motion carried 11/8.

Rationale:

- The AI Pacific cod fishery continues to be in flux. This is the first year of the BS/AI split, the first year of operation for a new plant in Adak, and changes SSL RPAs are under discussion.
- It is premature to take actions that may preclude one or more stakeholders from this fishery.
- Industry discussions are the best forum for immediate action to address concerns about community protection, and have already taken place in this fishery.
- In December 2014 there will be more information about harvest and processing this year, possible resolution to SSL RPAs, and updated stock status information that will inform any future actions.

The following motion, as amended, failed

The AP recognizes the need of Aleutian Island Communities for a stable base in the P. cod fishery and requests that the Council move forward an analysis of community protection measures in the Aleutian Island Pacific cod fishery to mitigate the ~~impact of the re-direction of surplus processing capacity by rationalized sectors into the AI cod fishery~~, and impacts of the BSAI cod split in the context of the SSL protection measures in the AI cod fishery.

The analysis should include an option that would prioritize a portion of the AI P. cod Directed Fishing Allocation (after CDQ and ICA) for delivery to shoreplants in the Aleutian Island management area. [Amendment carried 11/10]

Alternative:

Prior to March [options: 10th, 15th, 21st, 31st] the A season trawl catcher vessel Pacific cod harvest in the Bering Sea shall be limited to an amount equal to the BSAI aggregate trawl CV sector A-season allocation minus the lesser of the AI directed fishing allowance or [options: 2,500 mt; 5,000 mt; 7,500 mt; 10,000 mt]

~~This alternative limits harvesting of the AI Pacific cod directed fishing allowance to CV's delivering to shoreplants west of 170 degrees in the AI prior to March [15th, 21st, 31st].~~

~~Option: If less than 50% of the AI Pacific cod directed fishing allowance has been delivered by March 10, the restriction on delivery to other processors shall be removed. [Amendment carried 11/9/1]~~

Minority Report: A minority of the AP opposed the final motion, having favored the original motion before amendments, which eventually failed. The minority feels that moving forward with an analysis of community protection measures in the AI Pacific cod fishery is warranted at this time. Delaying action will not address the problem, nor provide an incentive for industry to work towards a solution outside of Council action. Signed by: Ernie Weiss, Alexis Kwachka, Jeff Farvour, Theresa Peterson, Becca Robbins Gisclair, Jeff Kauffman, Chuck McCallum and John Crowley.

C11 Observer Program Annual Report

The AP recommends the Council direct the Observer Program staff to incorporate OAC, and SSC comments as they finalize the 2013 Observer Annual Report.

Motion carried 17/0/1.

Rationale:

- The OAC in particular identified a number of important issues and priorities to be addressed in the Annual Report.
- The iterative nature of the Annual Report process allows for feedback to be recurrently incorporated into the document.

C12 Electronic Monitoring

The AP recommends the Council endorse the recommendations of the Observer Advisory Committee regarding electronic monitoring on page 5 of their report.

Motion carried 20/0.

C13 Observer Program Regulatory Amendment's discussion paper

The AP recommends that the Council identify the changes of observer coverage category for BSAI trawl CVs and small CPs, as the two highest priority issues for consideration of amendments to the Observer Program.

These priorities do not supercede the current priorities identified in the discussion paper on page 5.

Amendment:

The AP further recommends that the Council continue to keep the other three proposals alive and prioritize them in the following order after the two identified above.

3. Develop alternatives related to observer coverage or other options to monitor vessels used to fish for IFQ in multiple regulatory areas on the same trip.

4. Develop alternatives to exempt from observer coverage, vessels used to harvest small amounts of IFQ under several scenarios.
5. Change the method of observer fee collection for the IFQ fleet to use standardized current year ex-vessel prices, rather than standard price lagged one year.

Amendment carried 17/2 with 1 abstention.

Amended motion carried 19/0 with 1 abstention.

C14 Observer Advisory Committee Report

The AP recommends that the Council instruct staff to develop a discussion paper on a regulatory amendment that would allow training observers for lead level 2 status on freezer longline vessels to be trained under an alternative method as presented on pages 5 and 6 of the OAC report.

Motion carried 15/5.

D1 Ecosystem Vision

The AP recommends the Council adopt the ecosystem approach as revised by the Ecosystem Committee and attached to their minutes of February 4, 2014.

Motion carried 17/0.

D2 Bering Sea Fishery Ecosystem Plan

The AP recommends the Council should proceed with developing an FEP for the Bering Sea. The AP recommends the scope of the Bering Sea FEP should be the Eastern Bering Sea large marine ecosystem.

Motion carried 16/0 with 1 abstention.

Rationale:

- This action follows the Ecosystem Committee's recommendations on page 2 of their report.
- The SSC recommended moving forward with an FEP for the Bering Sea, with this geographic scope.
- This motion does not address the management focus, goals and objectives for the FEP, and the AP is leaving these components up to the Council at this point.

D3 Chinook Salmon Economic Data Report from AFSC

The AP recommends the Council direct NMFS to continue using the Chinook EDR forms as currently written and request NMFS work with industry to refine the EDR "check the box" element to identify both "on grounds" movement and "trip start" location choices intended to reduce Chinook bycatch.

Motion carried 16/0.

Rationale:

- Keep the same EDR for a few years to allow industry and NMFS to get clarification on questions to meet expectations.
- Get some stability in data.
- Compensated transfers have not occurred thus no reason to change at this time.

E Committees and Staff Tasking

The AP recommends the Council initiate a discussion paper to consider ways to provide relief from vessel cap restrictions for halibut quota share holders and vessel owner in low harvest limit seasons. The paper should consider elements of the proposal presented by Kodiak Vessel Owners Association.

Motion carried 10/9.

Minority Report: A minority of the AP did not support this motion to forward the proposal presented by KVOA that would adjust upward the amount of Halibut IFQ a vessel can harvest when abundance is low. Increasing the vessel caps, even temporarily, does not achieve the original goals and intent of the IFQ program. To the contrary, the proposal may increase consolidation, provide for less opportunity and fewer crew jobs. Halibut quota is being nearly fully harvested in the GOA and mostly harvested in Area 4, therefore the proposal is unnecessary. This change will benefit a few boats at the expense of a many boats.

Signed by: Jeff Farvour, Alexis Kwachka, Ernie Weiss, Theresa Peterson, Chuck McCallum, Becca Robbins Gisclair and Sinclair Wilt

Rationale:

- Responsive to Council request at December 2013 meeting.

The AP recommends that the discussion paper on allowing the use of sablefish pots in the Gulf of Alaska IFQ fishery be focused on longline pots only.

Motion carried 18/0.