



## ADVISORY PANEL Motions and Rationale June 6-8, 2023 - Sitka, AK

### REPORT

June 6-8, 2023 – Sitka, AK

*The Advisory Panel met Tuesday, June 6, through Thursday, June 8, 2023, at the Harrigan Hall, in Sitka, AK. The following members were present for all or part of the meetings (absent members are ~~stricken~~):*

Briggie, Tamara  
Edson, Jesse  
Gudmundsson, Gretar  
Heuker, Tim  
Jackson-Gamble, Shawaan  
Johnson, Jim  
Johnson, Mellisa

Kavanaugh, Julie  
Laitinen, Rick  
Mann, Heather  
Mitchell, Lauren (Co-VC)  
O'Donnell, Paddy  
O'Neil, Megan

Price, Landry  
Radell, Chelsae  
Ritchie, Brian (Chair)  
Upton, Matt  
Wilkins, Paul (Co-VC)  
Zagorski, Suzie

### **C1 BSAI Crab Specs**

#### **Motion 1**

The Advisory Panel reviewed the CPT report and recommends the Council adopt the updated AIGKC, PIGKC, WAIRKC SAFE report, as well as approve the 2023-24 AIGKC, 2023/2026 OFLs and ABCs as recommended by the SSC.

*Motion passed 16/0*

#### *Rationale in Favor of Motion:*

- *The AP appreciates the effort and work-product provided by the CPT and SSC Motion*

## **Motion 2**

The AP recommends the formation of an Unobserved Mortality Workshop in addition to the SSC/Council recommended Working Group to address unobserved mortality with the following objectives:

1. Incorporate unobserved mortality estimates into BSAI crab stock assessments as recommended by the SSC and Council and
2. Assess unobserved mortality estimates based on interaction with all gear types, including ghost fishing pots, to be utilized to inform management decisions.

*Motion passed 19/0*

### *Rationale in Favor of Motion:*

- *It is important to include a workshop as well as a working group in this process to include the public and non-agency users. Preferably a workshop followed by a working group, as a workshop leads to a larger array of input which could be narrowed down in working group discussion. The workshop could begin with clear objectives from the Council.*
- *All gear types should be included when assessing the unobserved mortality of crab. Including the effects of ghost fishing and/or derelict gear.*
- *It would be helpful to assess contact vs. impact for all gear types as they are not always the same.*
- *Concern was expressed around the closed nature of a Working Group vs. a public Workshop*
  - *Inability for fishermen or gear experts to participate and discuss operational realities*
  - *Decreased stakeholder input due to meeting behind closed doors*
  - *This topic is extremely sensitive and more transparency should be encouraged*

**ADVISORY PANEL**  
**Motions and Rationale**  
**June 6-8, 2023 - Sitka, AK**

**C2 Observer Reports**

**Motion**

The Advisory Panel acknowledges the receipt of the Observer Report and appreciates the work of the agency, Council Staff, and the FMAC. The AP makes the following motion:

1. The AP supports the FMAC and NMFS recommendations for the 2024 ADP (see pages 68-69 of the 2022 Observer Annual Report), with the following modifications and discussion points:
  - a. Continue work on the cost efficiency integrated analysis, including evaluation of the 3 stratification options and 4 allocation methods. **(1)Apply example coverage rates to the 12 monitoring designs to be analyzed under low, medium, and high funding scenarios.**
  - b. Include the proposed evaluation metrics listed in the presentation (i.e., number of trips sampled or monitored, variance in expenses, burden share, timeliness, prohibited species catch, etc.)
  - c. Continue evaluation of zero coverage where all vessels over 40 feet continue to register in ODDS, temporarily move the highest cost, low producing vessels into zero coverage on a rotating basis for both EM and Non-EM vessels.
    - i. Look at fixed-gear EM vessels that have not fished for groundfish in multiple years.
  - d. Continue to evaluate two solutions to high cancellation rates in HAL stratum:
    - i. Having the next trip inherit the observer-selected trip or
    - ii. Increase the programmed rates in ODDS in order to actually achieve the target rate.
2. The AP also requests that the Council direct staff to develop a discussion paper, as directed by the FMAC, that includes a comparison of current and future deployment needs with availability of trained observers for both partial and full coverage sectors.
  - a. Consider how many observers of each training endorsement level are needed simultaneously across fishing seasons, more similarly to how an observer provider needs to deploy observers.
  - b. Compare the total number of distinct, qualified observers and newly qualified observers (ex: Table 4-1 in RIR) that has traditionally been used with the above number of observers needed seasonally at each experience level.
  - c. Describe the challenges observer providers have encountered in providing observer coverage.
  - d. Consider how recent Council actions and their forthcoming regulatory changes (ex: Pollock Trawl EM, PCTC Cod, BSAI POT CP) will affect the availability of entry level observer positions for different gear types in the full coverage and partial coverage sectors.

3. The AP also requests that the Council direct the Agency to make a summary presentation on observer data quality issues by each observed fishery and sector, with trends of those issues over an appropriate time period including:
  - a. Number and percentage of observer trip level species composition data deletions.
  - b. Potential impacts of these data deletions for fishery management, conservation, and assessment of needed training change.

*Amendment passed 19/0*

*Main Motion as amended passed 19/0*

*Rationale in favor of Main Motion as Amended:*

- *The AP supported NMFS' recommendations for the 2024 ADP and acknowledges and generally accepts all recommendations made by the FMAC. Specific items to move forward have been highlighted in the motion.*
- *In the FMAC, discussion with stakeholders, and public testimony, the AP heard the need for a more cost effective monitoring program which warrants continued work on the PC cost efficiency analysis.*
- *The AP chose to respond to public testimony and discussion by clarifying direction to the Council to continue evaluation of zero coverage where all vessels over 40 feet continue to register in ODDS, temporarily move the highest cost, low producing vessels to zero coverage on a rotational basis for both EM and non-EM vessels. The AP heard in public testimony that this has been requested by the members of the FMAC numerous times, that the agency has the tools to analyze it, and it could potentially include significant cost savings while prioritizing coverage on higher producing vessels.*
- *In February 2023, the AP voted unanimously to support the discussion paper referenced in part two of the motion. Now that the discussion paper topic has been reviewed and received significant support from the members of the FMAC, including the observer providers, the AP reiterates continued support and strongly recommends that the Council move this discussion paper forward. Observer data is important in the Council process and the ability to deploy observers is essential.*
- *Additional to the items flagged in the motion, there were other issues that came up in both the staff presentations and written observer program report that the AP noted should be considered such as:*
  - *EM Data Quality issues (Observer Program Annual Report pgs 38-40)*
  - *Decreased efficiency in pot vessels, up to 30%, when utilizing EM*
- *The AP noted that in the OLE section of future Observer Program reports should include and clarify the following:*
  - *When reporting data, clarify the difference between reported observer statements that have been unverified and actual proven violations. This is not obvious to the general public unless specified and makes it look as though there may be higher incidences of violations than may be accurate.*
  - *Provide a wider range of years to better see trends rather than current vs prior year comparisons.*
  - *Distinguishing between intimidation and hostile work environment cases that are observer on observer, versus industry on observer.*

- *There are specific tools outlined in the staff presentation (e.g., interspersion) that are expected to provide analysis on increasing the zero selection pool by temporarily adding low producing/high cost vessels.*

*Rationale in favor of Amendment:*

- *During the staff presentation on the FMAC discussion and in public testimony, the AP heard that the 12 designs associated with the 3 stratification options and the 4 allocation methods should have analysis that shows options of the level of coverage under each design. The Council request to find cost efficiencies and improved data collection did not include an overall reduction of coverage.*
- *The addition of applying funding scenarios will clarify if a new design has an effect on the rate of coverage.*

**ADVISORY PANEL  
Motions and Rationale  
June 6-8, 2023 - Sitka, AK**

**C3 Crab C Shares**

**Motion**

The AP recommends the analysis move forward for Final action with the addition of two alternatives:

Alternative 1 – No action

Alternative 2 – Modify the CVC QS and CPC QS recency requirements

Option 1: Restart the recent participation requirement beginning in 2023/24 fishing year. Do not count 2019/20, 2020/21, 2021/22, toward the recent participation requirement.

Option 2: Give the Regional Administrator the authority to suspend the CVC QS and CPC QS recent participation requirement

**(1) Option 3: To maintain C share quota holdings, an individual could demonstrate participation by at least 30 days as crew in a commercial fishery off Alaska (federal or state of Alaska) in the previous 3 years**

Alternative 3

Remove recent participation requirements for issuance of C share IFQ and maintaining c- shares QS. No changes to the 365 day requirement for acquisition and transfer of c- shares.

Alternative 4 (not mutually exclusive with Alt 2 and 3)

Make this regulation retroactive from before this June 15, 2023, application period, and reissue any c-share that may be revoked.

***Amendment 1 - passed 19/0***

*Main Motion as amended - passed 19/0*

Rationale in Favor of Main Motion:

- *The current small TACs for most of the crab fisheries have reduced the number of vessels participating in the fishery. This has resulted in less capacity for crew participation and an inability for C-Share participation/landings to be met.*
- *Alternative 3 maintains the intent of the original motion by keeping the recent participation requirements (have fished crab in the previous 365 days) for any transfer of c-share QS. But the C-share holder would not have to prove active fishing in order to maintain it. This could simplify the rule change and ease the burden on RAM.*
- *Alternative 4 would help alleviate the effect of both Covid and fishery closures which provided little to no access to active fishing participation for many C-share holders.*

Rationale in Favor of Amendment:

- *This amendment allows Crab C share quota holders the same option as those initially allocated quota to demonstrate participation in other fisheries in Alaska. This would give a broader range of possibilities to crew without options during a fishery closure.*
- *Throughout coastal Alaska there has been an uptick in need for experienced hands on vessels and this option could provide a pool of experienced crew in need of positions on fishing vessels.*
- *This amendment's intent is to add a new option and retain the ability to demonstrate participation as currently described. This option is written in the current analysis and would take minimal additional staff time to retain it for final action.*

**ADVISORY PANEL  
Motions and Rationale  
June 6-8, 2023 - Sitka, AK**

**C4 BBRKC Closures**

**Motion 1**

The AP recommends the removal of Section 4 Discussion: Trawl Gear Performance Standard and Pelagic Trawl Gear Definition from the analysis. As requested in the Council's December 2022 motion, an expanded discussion on the trawl gear performance standard and pelagic gear definition was included in the initial review analysis, however, it does not meet the Purpose and Need and should be removed.

**Substitute Motion**

The AP recommends that the Council refine this initial review document prior to moving forward with selecting preferred alternatives. To that end, the AP recommends the Council initiate a second initial review document to revise the purpose and need statement to include an ecosystem based fishery management approach for BBRKC. This would include alternatives that would offer habitat protections and consider regulatory revisions of the definition of "pelagic trawl gear" and that the Council consider a revised gear performance standard and reducing seafloor disturbance.

*Substitute Motion failed 7/10*

**Motion 1 as amended**

~~The AP recommends the removal **separation** of Section 4 Discussion: Trawl Gear Performance Standard and Pelagic Trawl Gear Definition from the analysis. As requested in the Council's December 2022 motion, an expanded discussion on the trawl gear performance standard and pelagic gear definition was included in the initial review analysis, however, it does not meet the Purpose and Need **and should be continued in a separate action** and should be taken up in another agenda item **and that the results could be important to the BBRKC** and the analysis should be removed considered in the BBRKC closure savings area.~~

*Motion 1 as amended withdrawn (**Amendments** to Motion 1 withdrawn)*

**Motion 1**

The AP recommends the removal of Section 4 Discussion: Trawl Gear Performance Standard and Pelagic Trawl Gear Definition from the analysis. As requested in the Council's December 2022 motion, an expanded discussion on the trawl gear performance standard and pelagic gear definition was included in the initial review analysis, however, it does not meet the Purpose and Need and should be removed.

*Motion passed 12/6*



## Motion 2

The AP recommends that the Council initiate a second Initial Review Analysis of the BBRKC Closure Areas. Additional considerations should include but not be limited to the following:

- Evaluate and provide evidence that the RKCSA/SS, as currently defined, is important and beneficial to the BBRKC stock, specifically is the RKCSA/SS the correct area?
- Elaborate on the relative importance of the NMFS Area 512 to the BBRKC stock.
- Enhance the use of best available science on BBRKC stock distribution and habitat.
  - Historical scientific literature
  - Council EFH reviews
  - Annual NMFS EBS bottom trawl surveys
  - Data from 2023 BSFRF winter survey and potential for additional winter surveys in the future
- Enhance the analysis and narrative of tradeoffs to bycatch and fishing operations to the groundfish fisheries that would be affected by the potential actions.
  - Improve the information in appendix 2 and include said information as a primary analytical element of the EA/RIR.
  - Expand PSC data beyond the last 3 years.
  - Include analysis of tradeoffs for halibut bycatch that includes A 80 fisheries historic use of RKCSSA based on years prior to 2020 when cap was reduced to two lower rungs of ladder (99K and 32 K).
  - Include engagement with groundfish fishery participants to gain local knowledge.
- Remove section 4 Discussion: Trawl Gear Performance Standard and Pelagic Trawl Gear Definition.
- Include information from potentially ongoing projects that address gear-seafloor interactions for all gear types and BBRKC distribution.
- Expand on the Council’s recommendation to evaluate the potential tradeoffs and challenges of establishing dynamic closure areas to promote the BBRKC stocks.
- Describe rationale for 50K area-swept trigger for access to RKCSA and RKCSSA, likelihood RKC stock will be above that threshold under prevalent ecosystem conditions in recent years
- Discuss tradeoffs and merits of 50K area swept trigger compared to current trigger for fisheries currently affected by RKC PSC caps (whether there is a directed RKC fishery)
- **(1) Consider the impact of bottom contact by all gear types in the BBRKC savings area on the BBRKC stocks and ecosystem.**

*Amendment passed 17/0*

*Main motion as amended passed 12/4 (one abstaining)*

## Motion 3

The AP recommends that Section 4 from the BBRKC Closure Area analysis, “Discussion: Trawl Gear Performance Standard and Pelagic Trawl Gear Definition” be developed into a discussion paper and treated as its own agenda item.

*Motion failed 9/9*

Rationale in favor of Motion 1:

- *The request from the Council in December of 2022 for an expanded discussion on the trawl gear performance standard and pelagic trawl gear definition was met. This expanded discussion no longer fits within this action item and should be separated.*
- *Section 4 of the analysis that discusses the trawl gear performance standard and pelagic trawl gear definition and the conclusions do not fit under the current purpose and need. This is already a complex issue addressing the BBRKC Stock and keeping section 4 could complicate and bog down the analysis.*
- *While the gear definitions under 679.2 and CFR 600.10 are not consistent or aligned, this Initial Review Analysis is not the appropriate action item for the council to decide whether they want to explore changing them. It will only complicate the process and slow down the focus on BBRKC.*
- *This Initial Review is very specific to not only the Bering Sea but also to the BBRKC Stock area, but any changes to the pelagic trawl definition could affect the pelagic trawl fleet in the GOA. There are trawl vessels that fish both the Bering Sea and the GOA so this could have deeper implications beyond the scope of this Agenda Item. This was a concern expressed in public testimony.*
- *The analysis pointed out that only 29 statements were made with 54 potential occurrences (out of a period that consisted of approximately 192,000 pollock hauls) had potential performance standard violations. One interpretation of these minimal violations is that the performance standard is not working, but the opposite assumption could be made that the few violations indicate the performance standard is working and that bycatch is being minimized, which would place it outside the original purpose and need.*

Rationale against Motion 1:

- *Removing exploration of the pelagic gear definition makes moving forward with the RKCSA analysis less desirable as it seems to discount the potential impact of that gear type on the bottom.*

Rationale Against Substitute Motion for Motion 1:

- *Some members of the AP expressed concern that if the analysis goes through another initial review but language to revise the purpose and need, or for the referenced Alternative 3 is not provided to the Council or analysts prior to that, it will lengthen the process. This has potential to create a third initial review to assess the tradeoffs of the potential new Alternative.*
- *The task of regulatory revisions to the pelagic trawl definition is much broader than the scope of the BBRKC closure area agenda item. This could affect more than just the operations of fisheries in the BBRKC stock area and RKCSA. The effects would include the Bering Sea, Aleutian Islands, and Gulf of Alaska as well as interactions with other species and ecosystems.*
- *The substitute motion does not respond to the requests of the crab industry to take action sooner rather than later. Inclusion of an EBFM approach, potentially new alternatives, regulatory revisions to the pelagic trawl gear definition, and a revised performance standard have the potential to slow down the process of considering closing the RKCSA to a broader set of gear types.*

- *The focus on a revised performance standard does not fit within the current purpose and need nor the alternatives since the alternatives reference gear type, not performance of the gear.*
- *Asserting that Ecosystem Based Fishery Management may benefit the conservation or expedited protection of BBRKC may not be a realistic expectation or one that the council should expect. Recent years have shown volatility in the BSAI's ecosystems and the assumptions we base much of our management on there may no longer hold as true as they once did. The distributions, abundances, and intra/inter-species interactions of species which affect (in any capacity) BBRKC are far from static and are instead increasingly dynamic. Basing management expectations on something as important as BBRKC protections and potential Area closures on a management practice with so much uncertainty may present all affected or potentially displaced fisheries with consequences difficult to predict and may ultimately open these important management decisions to bodies outside of the council process.*

Rationale in favor of Substitute Motion for Motion 1:

- *The substitute motion is responsive to requests in public comment for protections of BBRKC and their habitat.*
- *Retaining Section 4 is consistent with the intent of the Council's original action. Retaining section 4 will help enable the protection of red king crab habitat.*
- *Unintended impacts to crab from fishing gear is of great concern and should continue to be analyzed. This concern is heightened for vulnerable periods of crab life cycles, especially during adult mating and molting. Juvenile crab will molt several different times per year until ~3 years of age, making it more important to protect them year-round.*
- *As shown in several Council documents now, pelagic trawls are often fished on the seafloor. The use of large mesh in the forward part of the trawl should allow most crabs that encounter the footrope, or leading edge of the net, and other trawl components to avoid capture in the codend. Thus, observed bycatch may be very low and likely underrepresents the number of crab that are impacted or killed by the gear on the seafloor.*
- *An exploration into the use of modern technologies for seafloor contact monitoring, or research thereof, and implementation, if enforceable, would allow trawlers to fish close to the seafloor with limited to no bottom contact.*

Rationale in favor of Motion 2:

- *The status of the BBRKC stock is concerning, and sound decision making necessitates an analytical document that provides the best scientific information available, especially given the complexity of this issue and the potential for significant outcomes for multiple Bering Sea fisheries.*
- *A question that has been brought up in comments and public testimony is, is the RKCSA the right area to protect? There are a lot of concerns that the RKCSA is a 30-year-old static closure, that hasn't been reviewed for its efficacy. Recent survey data have caused people to question if the crab are even reliant on the current RKCSA/SS boundaries.*
- *While the importance and benefits of the RKCSA/SS to the BBRKC stock is in question, it's been clear through discussion and testimony how important portions of the RKCSA/SS are to the groundfish fisheries to effectively and efficiently execute their target fishery and minimize to the extent practicable bycatch of various species, such as Chinook, non-chinook salmon, Halibut, and herring. There are also operational decisions made by the captains in which they*

*evaluate on a tow-by-tow or set-by-set basis where to fish considering bycatch avoidance, SCA limits, CVOA limitations, CPUE, fish quality, etc. This analysis attempted but only scratches the surface of the many tradeoffs, both in qualitative and quantitative forms. The analysis should assess the tradeoffs felt by all groundfish fisheries at the fishery, sector, and vessel level. In efforts to do so it has been requested to use recently defined on-ramps to include LKTKS. Local knowledge examples would be to talk to the vessel operators, trade associations, gear manufacturers, those that would hold critical knowledge not necessarily included in peer reviewed documents.*

- *Public testimony highlighted that it is additionally important to include the A80 fishery into this analysis to understand how their operations in just the RKCSS could be affected, specifically by the potential 50K area swept trigger. The review did not have a broad enough or representative range of years analyzed to fully understand the effects to the A80 fishery and operations. The RKCSS is a very important area to the A80 sector to efficiently catch winter flatfish with low halibut and RKC bycatch.*
- *Appendix 2 also did not include the A80's halibut PSC bycatch and displacement tradeoffs. The displacement tradeoffs would benefit from the inclusion of more than just the last 3 years. The tradeoffs assessed in Appendix 2 would better serve the analysis if it were included in the main analysis of the EA/RIR analysis.*
- *The amendment to consider bottom contact by all gear types instead of one specific gear type is responsive to public comment and discussion that the impact of all gear types and how that contact affects the ecosystem in that area.*

*Rationale against Motion 2:*

- *Removing the pelagic trawl gear definition and performance standard components of the initial review document is not desired. Seafloor contact and habitat interactions are intrinsically linked and should not be separated. The pelagic trawl fleet should be held accountable if their gear is in fact not pelagic and making contact with the seafloor, especially inside the portion of the red king crab savings area that is closed to bottom trawl operations.*
- *This motion originally offered no consideration of protections for crab or crab habitat. Every bullet in the motion failed to address any concerns over the issue at hand - conservation of Bristol Bay red king crab and habitat. In December 2022, the Council acknowledged that the BBRKC stock is at a level of conservation concern and meaningful conservation measures need to be taken.*
- *Page 96 of the document states the following recommendation from NMFS to the Council: "NMFS recommends the Council consider regulatory revisions to the definition of "pelagic trawl gear" to clarify if the codend design is intended to be regulated. To effectively limit contact with the seafloor by pelagic trawl gear, NMFS recommends the Council consider a revised gear performance standard that includes modern technology integration.", and this motion is antithetical to that.*
- *This motion is not responsive to public testimony that indicated there should be consideration of how pelagic gear may be affecting RKC habitat and lifestages.*

Rationale in favor of Motion 3:

- *It was expressed by many AP members that the definition of Pelagic Trawl Gear should be separated from the current analysis. There was extensive discussion and public testimony about the need to re-examine this definition. This motion aims to not lose sight of this important topic and continue the conversation and potential action in another arena so the BBRCK action is not delayed further.*
- *There is a general misunderstanding in the public eye that Pelagic Trawl Gear is fully midwater and does not interact with the seafloor. However, available data shows pelagic trawl gear on the bottom 10%-100% of the time and current Fishing Effects Model bottom contact adjustments are 30-60% bottom contact for 100% of tows in the Pelagic Trawl CV sector and 70-90% bottom contact for 100% of tows for the Pelagic Trawl CP sector.*
- *Separating section 4 of the analysis could provide a solid start to a stand alone discussion paper to initiate a new action item for the Council to consider.*

Rationale against Motion 3:

- *Council exploration of the definition of pelagic trawl gear and regulating its ability to remain off of or on the bottom requires significant new research and exploration of technology that according to industry perspective and public comment, may not exist yet. Peer reviewed (SSC) Experimentation and analysis should be carried out to adequately assess said gear modifications before any implementation that could have significant impacts to crew and vessel safety, bycatch, CPUE, or profitability.*
- *FEM Bottom contact adjustments for BSAI Pelagic Trawl CVs and CPs derive from estimates specifically designed to inform the EFH process. The EFH process has determined that habitat disturbance in the BSAI Pelagic Trawl sector does not warrant management action. Further, industry consultation indicates that those initial estimates of bottom contact may need to be reconsidered.*
- *The potential of council management of any fishery's bottom contact or ratio of bottom contact represents a substantial change from the current paradigm of management based on ABC, TAC, OFL, and static area closure. Consideration of this paradigm shift for only one gear type may be seen as inequitable management, especially in any context of potential area closure.*

**ADVISORY PANEL**  
**Motions and Rationale**  
**June 6-8, 2023 - Sitka, AK**

**D1 Small Sablefish Update**

**Motion**

**PURPOSE AND NEED**

Large year classes of sablefish result in significant catches of small sablefish in the IFQ fixed gear fisheries. Small sablefish have low commercial value and current regulations require IFQ holders to retain all sablefish. Available data suggest that survival rates for carefully released sablefish are high. Limited operational flexibility to carefully release sablefish may increase the value of the commercial harvest ~~without compromising~~ and allow small fish to contribute to the overall biomass.

**ALTERNATIVES**

~~Alternatives (Preliminary) Preferred Alternative (to be completed after Council selects a PPA)~~

**Alternative 1, No Action**

Under the No Action alternative, all regulations and FMP language related to a prohibition on discarding sablefish would remain intact. Those regulations include 50 CFR 679.7(d)(4)(ii) and 50 CFR 679.7(f)(11). Additionally, discarding is prohibited in both the BSAI and GOA Groundfish FMPs in the fourth provision under General Provisions section 3.7.1.7, prohibiting discarding of sablefish.

**Alternative 2, Allow Release of Sablefish in the IFQ Fishery**

This alternative would eliminate the regulatory restrictions that prohibit release of sablefish caught by sablefish IFQ vessels as well as the FMP provision prohibiting discarding.

**Option 1:** eliminate the regulatory restrictions that prohibit release of sablefish caught by sablefish IFQ vessels as well as the FMP provision prohibiting discarding.

**Option 2:** Allow release of sablefish under 22 inches (still require retention of sablefish 22 inches or longer)

**Element 1: DMRs**

Apply a DMR to released sablefish of:

1. 5%
2. 12%
3. 16%
4. 20%

**Sub-option:** Select different DMRs for pot gear and hook and line gear

### **Element 2: Catch Accounting**

**Option 1:** Released sablefish mortality will be estimated using observer and EM data with a DMR applied annually as part of the specifications process.

**Option 2:** Released Sablefish mortality will be estimated pre-season based on AFSC longline survey encounter rates of sub-three pound (round weight) sablefish with the DMR applied annually as part of the specifications process.

### **Element 3: Release Mortality Accounting**

Sablefish release mortality associated with the IFQ fishery will be accounted for in the stock assessment. The analysis should describe the potential implications of voluntary discards on the sablefish stock assessment and specifications process in the context of other uncertainties.

### **Element 4: Monitoring and Enforcement**

The analysis should describe potential monitoring and enforcement provisions that could improve estimates of voluntary and regulatory discards

~~**Option 1:** Under alternative 2 option 2: Waive enforcement penalties on retained undersized fish for one to three years~~

### **Element 5: Review Process**

This amendment will be reviewed following implementation

1. 3 years
2. 5 years

*Motion as amended passed 17/1*

Rationale in Favor of Motion:

- *The objective of this motion is to propose a voluntary release program for fixed gear fishermen.*
- *A significant portion (80 to 85%) of the current biomass of sablefish consists of non-spawning fish. This is due to a series of unprecedented successful new year classes. Releasing small sablefish can help protect their reproductive capacity and ensure the long-term sustainability of the species*
- *There was discussion at the AP that the Council could consider specific language to clarify "Careful Release" of sablefish as this term could be arbitrary.*

- *This 2023 fishing season, many vessels are reporting a decrease on average of 40% in ex vessel value. The small sablefish, under 2 lbs are fetching prices of 45-65 cents whereas in previous years and historically they averaged \$1/lb up to \$4. The influx of small fish has created a high amount of economic uncertainty for IFQ sablefish vessels and has started to create a shift in fishing practices to volume. Sablefish has historically been a high value, low volume fishing model, but at current prices, it's not economically viable for most vessels.*
- *Some processors are experiencing a lack of market for the under 2 lb dressed fish (sub 22 inch). The current abundance of small sablefish has negatively impacted the overall market for all sizes of sablefish. By releasing these small individuals, the motion aims to alleviate the market drag caused by the influx of undersized fish and stabilize the value of the resource.*
- *At the end of the three or five-year period, the council should conduct a comprehensive review of the program's effectiveness and assess its impact on sablefish populations. This review could inform future decision-making regarding the continuation, modification, or expansion of the voluntary release program. Allowing a three to five-year period for the voluntary release of small sablefish will enable some of these fish to grow and mature into spawners. This could help facilitate a restructuring of the sablefish resource towards a more balanced and mature set of year classes, contributing to the long-term sustainability of the fishery.*
- *The sablefish IFQ Fishery is a data rich fishery with a long time series. The sablefish resource is surveyed every year in the Gulf of Alaska, and the Bering Sea and Aleutian Islands are surveyed on alternating years. The fleet also provides both mandatory and voluntary logbook data all of which can help to demonstrate potential impacts of small sablefish release.*
- *A careful analysis of the necessary monitoring needs in this action is important. Comments from FMA in regards to necessary levels of monitoring and sampling design, should be considered especially noting that increasing observer workload and maintaining discrete samples on small vessels is very difficult.*
- *The AP noted that although the Small Sablefish Release is specific to the IFQ fishery, uncertainty in the specification process could potentially have impacts on trawl sector allocations overall, and specifically the CGOA Rockfish Program sector sablefish allocation. Although a small piece of the overall Alaska TAC, this sector allocation provides an important supplemental revenue stream for vessels who are also struggling with small sablefish, poor markets, high fuel prices, and stressors in the other fisheries that make up their business plan. It is critical to ensure a comprehensive understanding of the action's effect on all sablefish stakeholders.*

#### Rationale Against Motion:

- *Concerns were expressed that the release of small sablefish will not help to conserve the stock or SSB, rather it will put extra pressure on the spawning stock.*
- *Concerns were raised over how voluntary release may add uncertainty to the stock assessment and that the degree of uncertainty will be inconsistent and market driven.*
- *Shifting effort towards larger fish will have a negative impact on the spawning stock biomass. It is preferred for removals to be along the stock distribution.*
- *Voluntary Sablefish release may represent inconsistency in management principle if full retention is considered in other fisheries in the future. The NPFMC should not be moving away from full retention. This action could stifle gear selectivity innovation and prevent future development of markets for smaller fish. To develop climate resiliency, it's important for harvesters and processors to be able to sell the fish that are being harvested within a fishery.*



Advisory Panel  
D1 Motion  
June 2023

- *Regardless of DMR (currently uncertain) this action will increase bycatch in the sablefish fishery. Under the Magnuson-Stevens Act, the term "bycatch" means fish which are harvested in a fishery, but which are not sold or kept for personal use, and includes economic discards as well as regulatory discards.*

**ADVISORY PANEL**  
**Motions and Rationale**  
**June 6-8, 2023 - Sitka, AK**

**E Staff Tasking**

**Motion 1**

The AP recommends the Council consider a new management program for pot vessels over 60 feet long in the Bering Sea Pacific cod fishery. Options to consider could include rationalization of the fishery based on catch histories or other approaches, opportunities for cooperative fishing strategies, improvements in monitoring and fishery data collection, and establishing incentives to reduce crab bycatch.

*Motion passed 15/2*

*Rationale in Favor of Motion 1*

- *Rationalization and other cooperative fishing strategies have been shown to improve monitoring, reduce bycatch, and make fisheries safer. Given issues with the BBRKC stocks and the interactions between those stocks and the BS Pot CVs >60 sector, it's an especially important time to move the improved management of their fishery forward.*
- *The State of Alaska has recently noted that new management of this sector is a State priority for the remainder of the Governor's term, so it's a timely point to move this motion forward. Although it's disappointing that other rationalization programs were left out of the State Priorities, it's important that this one move ahead.*
- *Although the AP heard public comment that there was a lack of consensus by about 20 LLPs, this is a long, slow process and there is still time to find solutions to problems that could potentially result in unanimous support. A lack of consensus among participants when you have the consensus of the majority of participants should never be a reason to not move forward a management program with overwhelming benefits to monitoring and reducing bycatch.*

*Rationale in Opposition to Motion 1*

- *The motion is not responsive to public comment indicating that a coalition of multiple participants is not interested in a cooperative structure at this time.*
- *A regulatory process to rationalize the fishery should begin only after the fleet has worked out the major issues that currently keep those for and against rationalization apart.*

## **Motion 2 Kodiak Tanner Crab**

The AP recommends the Council initiate a discussion paper on measures to address ongoing concerns about GOA Tanner crab bycatch around Kodiak Island.

The discussion paper should include the following:

- The process for development of 100% Electronic Monitoring protocols and/or 100% observer coverage for trawl vessels to accurately assess Tanner crab interaction, with a emphasis in statistical areas 525702 and 525630 AS WELL AS:
  - The amount of groundfish landed by target and gear type (PTR, NPT, POT) in statistical areas 525702 and 525630 from 2019-2023.
  - The percentage of observer coverage by target and gear type (PTR, NPT, POT) on groundfish landed in statistical areas 525702 and 525630 from 2019-2023.
  - The current tanner crab distribution around Kodiak Island as a whole and specifically in statistical areas 525702 and 525630 as well as the following closure areas as defined in Figure 5 to Part 679 of the CFR:
    - The Marmot Bay Tanner Crab Protection Area
    - The Type I Closure Areas: Marmot Flats Area; Alitak Flats and Towers Areas,
      - The Type II Closure Areas: Barnabas; Chirikof Island Area
- Update and review of the Council’s previous action regarding Tanner crab protections;
- Analyze catch records and develop an economic model regarding the value of the groundfish bottom trawl fisheries and the Tanner pot fishery in the identified statistical areas;
- Review of ADF&G trawl survey data and Tanner crab abundance in identified statistical areas;
- Review of trawl gear and observer coverage currently used in these area;
- Consider time on bottom of pelagic trawls operating in areas closed to bottom trawling, in particular bays associated with high Tanner crab abundance;
- Consider time and area closures and other appropriate measures to protect crab, particularly during vulnerable life stages;
- Assess the following biological information on Tanner crab:
  - Accurate estimates of total fishery mortality in the NPT, PTR, Pot Cod groundfish sectors
  - Improved understanding of preferred habitat at various life stages
  - Improved understanding of critical crab habitat
  - Improved understanding of seasonal movement and habitat use relative to groundfish seasons

*Motion passed 10/5*

Rationale in Favor of Motion 2

- *This motion is responsive to long standing and continued concerns about Tanner crab bycatch in the trawl sector around Kodiak Island. As noted in testimony, this is not a new concern and it is responsible to revisit this issue and develop mitigation measures.*
- *The directed Tanner crab fishery is managed by the State of Alaska and closes for biological reasons on March 31 to protect molting crab. In contrast there are federally managed groundfish fisheries which allow for bottom trawling in the same areas.*
- *The statistical areas referenced, 525702 and 525630, represent known Tanner crab habitat and is supported by annual ADF&G trawl survey data.*
- *This motion is responsive to concerns about crab bycatch and is supported by the Kodiak Crab Alliance Cooperative (KCAC), which represents the majority of Kodiak area Tanner crab permit holders actively participating in the fishery); the Kodiak Archipelago Rural Regional Leadership Forum (a consortium of community, tribal, municipal, and ANCSA Corporation leaders from the coastal communities of Akhiok, Larsen Bay, Old Harbor, Ouzinkie, Port Lions and Kodiak), the Alaska Jig Association, Alaska Marine Conservation Council, and many other individuals and associations.*
- *The Tanner crab fishery around Kodiak Island is now the biggest in the State and of great importance to the crab fleet. The fishery is designed to benefit community-based fishermen and minimize the impact on crab stocks with low pot limits and daylight only fishing which minimizes exposure of the crab to cold winter nights.*
- *The motion language regarding 100% EM and/or observer coverage when trawling in these statistical areas reflects analysis in the prior 2010 Council action that was never implemented. This may be the best place to start, to improve the data necessary to inform subsequent actions like time and area closures.*
- *The request for biological information was taken from crab biologist's recommendations as a data need from the Alaska Bycatch Taskforce.*
- *Public comment noted a comparative look at the value and harvest of groundfish and the value and harvest of Tanner crab in the statistical areas. An economic comparison between Tanner crab and groundfish in these statistical areas is important to consider the management structures we have in place now.*
- *The Commissioner of ADF&G recently released a list of priorities for the State of Alaska relating to Federal fisheries and a plan to move forward with monitoring and data collection to better understand the impacts of trawl fisheries on Tanner crab. This motion is responsive to that priority.*
- *The motion provides a list of items to develop a discussion paper for the Council to consider. The list is not exhaustive and other welcome ideas are welcome.*

Rationale in Opposition to Motion 2

- *The AP heard testimony that stakeholders in the trawl fisheries welcome a discussion paper that:*
  - *Updates knowledge on crab (king and tanner) distribution around Kodiak, including in key statistical areas 525702 and 525630, as well as in existing non-pelagic gear closure areas as described in Figure 5 of Part 679 (Marmot Bay Tanner Crab Protection Area, and Type I and Type II King Crab closure areas).*

- *Updates information on groundfish harvest, observer coverage for groundfish trips by PTR, NPT, and POT gear as well as associated crab removals from those trips should also be analyzed.*
- *Reviews whether the existing non-pelagic gear closure areas as described in Figure 5 of Part 679 are effective.*
- *However, while trawl stakeholders welcome the above discussion paper, a discussion paper is typically only an information gathering stage to assess potential problems and concerns. It is premature in a motion for the discussion paper to automatically determine that 100% monitoring coverage (observer or EM) is the necessary outcome, even for just specific statistical areas.*
- *In the North Pacific, only fully rationalized or cooperatively managed fisheries require 100% observer coverage and there is no precedent of requiring additional coverage for particular statistical areas. Some AP members noted that the trawl sector has been asking for rationalization for 30 years and would welcome 100% monitoring, but they cannot support increased burden without the management tools and benefits of a slower paced fishery.*
- *AP members noted that static area closures do not always seem to work; there are both king and tanner crab protection areas closed to non-pelagic gear currently in effect around Kodiak that have never been reviewed, and local knowledge indicates that both species of crab have not returned to these areas as an improvement or increase in crab stocks. A review of the effectiveness and relevance of these closures should be included in this discussion paper to determine whether they need to remain going forward.*
- *AP members spoke to the economic importance of "high volume, low value" species to keep processors functioning and communities open. The flatfish fishery has traditionally had great economic importance to the City of Kodiak and the absence of it has been difficult. Any economic model regarding the value of the groundfish trawl fisheries and the tanner pot fishery should not be limited to catch records and should also address the value to shorebased processors and Kodiak's support businesses from activity from each fleet.*
- *An AP member noted that:*
  - *An April 2023 Test fishery consisted of four CVs that completed a total of 13 flatfish trips to test the market and a total of just over 3 million pounds was landed; far short of the average of 37 million pounds landed each year from 2013-2020. During this test fishery, which has finished for the year, 54% of trips (seven of the thirteen trips) had observer coverage; this high coverage rate was randomly achieved since observers are deployed based on gear and not target fishery.*
  - *During the Test fishery 1,024 crab were self-reported by operators as at-sea discards on fish tickets across 4 trips. There were 3 individual crabs that were sampled by observers across 2 trips. No crab were delivered to shoreside processors, and only 3 distinct trips had any crab (either observed, discarded at sea, or delivered). Over 80% of the self-reported crab came from one bad tow, which can happen to anyone.*
- *Some AP members were concerned that some of the public testimony included hearsay from events that the testifiers did not personally witness. An AP member was able to provide more direct experience and data from the reported incident. Rather than trying to propose a solution to a problem or collaborate with the affected trawl sector prior to the meeting, some AP members felt the public testimony and the resulting Motion 2 was more closely aligned to a targeted effort against a particular sector instead of a response to a long term problem.*
- *The prior action on tanner crab referenced in public comment led to restructuring the observer program in recognition that data from all fleets is important to really understand*

*what is happening. If action is taken on this agenda item then we should look at all gear types and impacts to the crab stocks both in the federal fisheries by all FFP permitted vessels and all state water fisheries.*

- *An AP member noted the areas covered in the motion (525702 & 525630) are some of the heaviest trawled grounds in Kodiak and remain the most productive for ground fish as well as crab due to the removal of predators.*

### **Motion 3**

Approve the minutes from the April 2023 meeting.

*Motion passed unanimously.*