

**ADVISORY PANEL Draft Minutes  
October 6-9, 2015  
Anchorage, AK**

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

Ruth Christiansen (Chair)	Jeff Kauffman	Joel Peterson
Kurt Cochran	Mitch Kilborn	Theresa Peterson
John Crowley	Alexus Kwachka	Sinclair Wilt
Jerry Downing	Craig Lowenberg	Jeff Stephan
Jeff Farvour	Chuck McCallum	Matt Upton (Co-Vice Chair)
Art Nelson	Dan Donich	Anne Vanderhoeven
<del>John Gruver</del>	Paddy O'Donnell	Ernie Weiss (Co-Vice Chair)

Ernie Weiss and Ruth Christiansen were both nominated for Chair of the AP. On a vote of 11-9, the Advisory Panel elected Ruth Christiansen as Chair for the remainder of 2015. Ernie Weiss and Matt Upton were elected as co-Vice Chair of the AP also for the remainder of this year.

**C1 BSAI Crab Management**

The AP recommends the Council adopt the 2015 Crab SAFE Report and the 2015/2016 OFL and ABC specifications as recommended by both the Crab Plan Team and SSC. *Motion passed 20-0.*

**C2 Proposed Groundfish Harvest Specifications**

The AP recommends that the Council initiate an analysis to move squid into the ecosystem component of both the GOA and BSAI. *Motion passed 20-0.*

Rationale:

- This is an urgent concern for fishers, but not a biological concern.
- Other species (e.g. grenadiers) have been moved into the ecosystem component of the FMP, as such this item does not need a discussion paper and can therefore be moved directly to analysis.

The AP recommends the Council adopt proposed groundfish harvest specifications. *Motion passed 18-2.*

The AP recommends the Council adopt the current DMRs for the 2016/2017 assessment cycle. *Motion passed 20-0.*

**C3 Pribilof Canyon Corals**

The AP recommends the Council take no further action on this agenda item. *Motion passed 19-1.*

Rationale:

- This is a good baseline analysis, indicates no action warranted at this time.
- The AFSC report indicates there is likely minimal damage to corals due to fishing in the areas of concern.
- The standard of “significant concentrations of deep sea corals” was not met because of the lack of coral found according to Rooper et al. – averaging .005 individuals per m<sup>2</sup>.
- A 3- dimensional overlap analysis might be a next step in the future.

#### **C4 AI Pacific cod Allocation**

The AP recommends the Council select Alternative 2 for final action with the following additions underlined and deletions shown as ~~strikeouts~~.

Prior to March 1 ~~March 21~~ the A season trawl CV Pacific cod harvest in the Bering Sea shall be limited to an amount equal to the BSAI aggregate CV trawl sector A season allocation minus the lesser of the AI directed Pacific cod non-CDQ TAC or 5,000 mt. Directed fishing for AI Pacific cod is prohibited for all vessels except CVs delivering to shoreplants west of 170° longitude in the AI prior to March 1 ~~March 15~~.

**Option 1:** Any amount of the AI Pacific cod non-CDQ TAC above the amount set-aside from the trawl CV BSAI allocation may be available to any sector for directed fishing and is not subject to the regional delivery requirement. *Amendment to add Option 1 passed 15-5.*

**Option 3:** If less than 1,000 mt of the AI Pacific cod non-CDQ TAC has been landed at the AI shoreplants by February 28 the restriction on delivery to other processors and the restriction on the trawl CV sector allocation shall be suspended for the remainder of the year.

**Option 4:** If prior to November 1, neither the City of Adak nor the City of Atka have notified NMFS of the intent to process Pacific cod in the upcoming year, the Aleutian Islands shoreplant delivery requirement is suspended for the upcoming year. Cities can voluntarily provide notice prior to the selected date if they do not intend to process.

If for any reason ~~one or~~ both shoreplants in Atka and ~~or~~ Adak are unable to continue processing AI cod and give notice to NMFS, then the delivery requirement shall be suspended for the remainder of the year. *Amendment to add this paragraph passed 20-0. Changes made to amendment (shown in underline/strikeout) passed 16-4.*

**Option 5:** Any processor that has processed cod as a mothership processor in the Aleutian Islands management area in at least 12 years between 2000 and 2014 shall be exempt from these restrictions for processing levels up to the lesser of 2000 mt or the extent to which the AI directed Pacific cod non-CDQ TAC exceeds 4000 mt. *Amendment to add revised Option 5 passed 11-9.*

*Final motion, as amended passed 12-8.*

*Minority Report on Final Motion: A portion of the minority felt the final motion including the amended dates (changed from March 21/March 15 to March 1/March 1) removes the shoreside delivery set-aside after March 1. However, as the analysis pointed out, most cod harvest in the Aleutians typically has not occurred until the first half of March. We feel this removes the community protections before the fishery even gets going. The dates of March 21 and March 15, respectively, are most appropriate. With the inclusion of option 1 in the final recommendation from the AP, there are no other fishery participants being displaced while the set-aside is being fished for.*

*Another portion of the minority felt the action violates the MSA and ignored National Standards relevant when making allocations. NS 8 explicitly prohibits being used as a basis for allocating resources to a specific community. No conservation benefit has been identified, and this is only an economic allocation, with no net benefits. The action rationalizes the AI Pacific cod fishery without going through a LAPP process or considering multiple stakeholders. The inclusion of option 5 results in an allocation to only one processing vessel, and ignores the dependency of other historic sectors. [Signed by: Art Nelson, Jeff Kaufman, Ernie Weiss, Chuck McCallum, Jeff Farvour, Alexis Kwachka, Joel Peterson, and Matt Upton]*

## **C5 EM Workgroup**

The AP recommends the Council approve the 2016 EM Pre-Implementation Plan for EM deployment. Further, the AP recommends the Council ask NMFS to work with industry to utilize all 60 vessels.  
*Motion passed 19-0.*

Rationale: The EM workgroup identified progress is being made and supports working towards expanding deployment.

## **C6 Observer Program 2016 ADP**

The AP recommends the Council support the following recommendations for the draft 2016 Annual Deployment Plan:

- Use the trip-selection method to assign observers to vessels in partial coverage in 2016.
- Deploy observers in the trip-selection pool by gear in 2016, with optimal allocation. Support the following preliminary coverage rates resulting from this stratification:
  - Trawl (29%)
  - Longline (14%)
  - Pot (14%)

The no selection pool would include catcher vessels <40 ft LOA; vessels fishing with jig gear; and fixed gear vessels that participate in the 2016 electronic monitoring (EM) cooperative research.

- No temporary exemptions from observer coverage are allowed due to insufficient life raft capacity, given the option for these vessels to be in the electronic monitoring pool in 2016.
- Continue the policy (programming in ODDS) that prevents a 40 – 57.5' fixed gear vessel from being selected for a third consecutive observed trip.
- Maintain the ability for vessels to log up to three trips in advance in ODDS.
- Modify eLandings to enable the ODDS trip number to be entered voluntarily on groundfish landing reports to facilitate data analysis and provide a better link between ODDS and eLandings.
- Maintain the current Chinook salmon sampling protocols to identify stock of origin.
- Allow BSAI cod trawl CVs to opt-in to full coverage and carry an observer at all times when fishing in the BSAI
- Continue to conduct outreach in fall and winter 2015/2016, with efforts to meet in Kodiak earlier than the proposed April 2016

*Motion passed 19-0.*

Rationale: Action consistent with OAC recommendations.

### LL2 Observer Shortage

The AP recommends the Council task staff to the discussion paper to consider regulatory changes to alleviate the ongoing shortage of LL2 observers available for deployment to the freezer longline fleet in the BSAI. To initiate discussion, the paper should consider the following concepts:

- Require 2 observers and flow scales on all FLC vessels:

- Evaluate the fleet to see whether there is a natural break whereby some vessels should be required to carry 2 observers, and others only 1.
- Allow deployment of a non-fixed gear LL2 observer on FLC vessels if the only alternative is that the vessel must stand down:
  - Deploy any non-LL2 observer
  - Deploy a trawl LL2 observer
- Allow observer experience on fixed gear vessels in other regions to count towards LL2 certification.
- Allow full-coverage providers to deploy observers on pot CVs (in the partial coverage category) to secure fixed gear LL2 certification.
- Institute an at-sea training component to the Federal observer training program, whereby the agency would pay for fixed gear LL2 certification.

as well as the following non-regulatory option:

- Encourage AIS to become a certified observer provider, and supply LL2 observers to FLC vessel.

*Motion passed 19-0.*

Rationale: Action consistent with OAC recommendations.

The AP recommends the Council request NMFS AKR continue to update the OAC on progress at the national level to revise observer insurance requirements. *Motion passed 19-0.*

Rationale: Action consistent with OAC recommendations.

## **C7 Observer Coverage on BSAI Trawl CVs**

The AP recommends the Council schedule the BSAI CV Trawl Observer Coverage issue for final action and select the following Preliminary Preferred Alternative (PPA):

**Alternative 3:** Allow trawl CVs currently assigned to partial observer coverage to voluntarily choose 100% observer coverage for all fishing in the BSAI.

Suboption 1. Vessels must opt-in to full (100%) coverage by: 1) July 1; or 2) October 15 of the previous year.

Additionally, the AP moved to recommend that Alternative 2 be modified as follows:

**Alternative 2:** Require 100% observer coverage for ~~AF~~ trawl CVs for all fishing in the BSAI (i.e., move these vessels into the full coverage category in regulation). *Motion passed 16-2.*

*Final amended motion passed 16-2.*

Rationale:

- This has been an issue of concern and discussion since before implementation of the restructured observer program.
- The management and accounting benefits of the data received from 100% observer coverage are well understood and it is unnecessary for the impacted fleet to continue to pay double in order to achieve these benefits.
- The addition of an October 15 date will allow for analysis of what increased fleet flexibility may have upon agency operation.

- If management is interested in requiring 100% observer coverage, it shouldn't be limited to AFA vessels only. Because non-AFA vessels primarily deliver to motherships with full coverage, the modified language in Alternative 2 is consistent with the benefits that are trying to be achieved for AFA vessels.

## **C8 GOA Trawl Bycatch Management**

Lengthy motion attached separately.

## C9 100% Observer Coverage on GOA Trawl Vessels

The AP recommends that this discussion paper not move forward independently, but rather continue as a component of the GOA trawl bycatch management action. *The motion passed 19-0.*

### Rationale:

- This is the OAC recommendation and is responsive to public comment.
- Without the benefits of the GOA Trawl Bycatch Management Program as a whole, instituting 100% observer coverage is problematic and cost prohibitive for affected vessels.

## C10 GOA Chinook Salmon PSC Reapportionment

The AP recommends that Council adopts the following alternatives for analysis (additions in **bold**, deletions in ~~strike through~~):

If the Council selects Alternative 2 it can modify the main Alternative with one or a combination of the options.

Alternative 1. No action alternative (status quo)

Alternative 2. Allow NMFS to ~~reallocate~~ **reapportion** unused Chinook salmon PSC between the GOA pollock and non-pollock sectors based on criteria established for inseason ~~reallocations~~ **reapportionments** (examples in regulations at §679.20). Existing ~~reallocation~~ **reapportion** procedures from the Rockfish Program catcher vessel to the non-Rockfish Program catcher vessel sector would not be modified.

Option 1. Only allow ~~reallocations~~ **reapportionments** between the GOA pollock and the non-Rockfish Program catcher vessel sectors (no ~~reallocation~~ **reapportionment** to Rockfish Program catcher vessels).

Option 2. Only allow ~~reallocations~~ **reapportionments** that do not exceed (Suboptions: 10%, 20%, or 30%) of any initial ~~allocation~~ **reapportionment** of a Chinook salmon PSC limit during a calendar year.

Option 3. Prohibit the ~~reallocation~~ **reapportionment** of Chinook salmon PSC from catcher vessel sectors to the non-pollock catcher/processor sector.

**Option 4. To increase flexibility and options for NMFS Alaska region to manage the different CV non-pollock Chinook caps, revise the Rockfish Program Chinook reapportionment provision to read as follows:**

**If, on October 1 of each year, the Regional Administrator determines that more than 150 Chinook salmon are available in the Rockfish Program catcher vessel Sector Chinook salmon PSC limit, the Regional Administrator may reapportion Chinook salmon PSC available to the Rockfish Program catcher vessel Sector except for 150 Chinook salmon to the Non-Rockfish Program catcher vessel Sector Chinook salmon PSC limit.**

*Motion passed 19-0.*

Rationale:

- Despite concerns that were raised, this action provides maximum flexibility for the agency to be more responsive to the operating needs of the affected fleet.
- Emergency regulatory action is no longer a viable option for addressing this scenario should it occur in the future.

**C11 WAI Golden King Crab Delivery Exemption (Adak Crab Offload)**

The AP recommends the Council take final action and select Alternative 2 as the preferred alternative. *Motion passed 19-0.*

Rationale:

- Despite concerns that were raised, this action supports both the community of Adak and harvesters by providing the ability to capitalize on a unique market opportunity.
- The action is limited in scope, is not an enforcement concern, and may provide a template for applying this action to other rationalized crab fisheries.

**E1 Staff Tasking**

The AP encourages the Council to task staff to move ahead with the development of a Gulf of Alaska Trawl Bycatch Management program as soon as possible. *Motion passed 19-0.*

Rationale:

- There has been a new alternative introduced at the AP and stakeholders should have an opportunity to receive feedback through an analysis in a timely fashion.
- We have had a lot of discussion at this meeting discussing the challenges of the Gulf trawl fleet and the need to implement a new management program.
- It is important that the AP signal that the Council needs to prioritize this action.

*Minutes of the previous meeting were approved 19-0.*

## **C8 Gulf of Alaska Trawl Bycatch Management**

The AP recommends the Council initiate analysis of the following alternatives and options for Gulf of Alaska trawl bycatch management, with the existing objectives and purpose and need statement. The AP's suggested changes are shown in ***bold/italic/underline*** and ~~***bold/underline***~~.

**ALTERNATIVE 1.** No action. Existing management of the Central and Western Gulf of Alaska trawl fisheries under the License Limitation Program.

**ALTERNATIVE 2.** Gulf of Alaska Trawl Bycatch Management Program for the Western Gulf, Central Gulf and West Yakutat areas. The following elements apply to the program:

### **1. Observer Coverage and Monitoring**

All trawl vessels in the GOA will be in the 100% observer coverage category, whether they participate in the voluntary cooperative structure or the limited access fishery with trawl gear. NMFS will develop monitoring and enforcement provisions necessary to track quota, harvests, and use caps for catcher vessels and catcher processors, including those necessary for gear conversion. ***The Council authorizes NMFS to report weekly vessel-level bycatch information as authorized under MSA Sec 402(b)(2)(A).*** Full retention of allocated target species is required.

***The AP requests that the Council request staff to evaluate the ability/challenges for the fleet to meet the full retention requirement for allocated species if the prohibition for directed fishing for Pollock and cod remains in effect for the time period of Nov 1 to Dec 31.***

### **2. Sector eligibility**

**Inshore sector:** Shoreside processors with an eligible FPP and harvesters with an eligible FPP and LLP endorsed for GOA trawl. Allocations are based on trawl landings during the qualifying years with a CV trawl LLP or a CP trawl LLP that did not process catch onboard. Any CP LLP not used to process catch offshore during the qualifying years will be converted to a CV LLP at the time of implementation.

**Offshore sector:** Am 80 vessels defined in Table 31 CFR Part 679 and their replacement vessels, and their current GOA trawl LLP. Allocations are based on trawl landings during the qualifying years with a CP trawl LLP that processed catch onboard.

### **3. Allocated species (more than one option can be selected)**

#### **Target species:**

- Option 1. Pollock (610/620/630/640) and Pacific cod (WG/CG)
- Option 2. WGOA rockfish (northern, dusky, and Pacific ocean perch) and WY rockfish (dusky and Pacific ocean perch)

#### **Secondary species:**

- Option 1. Sablefish (WG, CG, WY). Allocations of CG sablefish under the CG Rockfish Program are maintained.
- Option 2. Thornyhead rockfish, shortraker rockfish, roughey/blackspotted rockfish, other rockfish (WG, CG). Allocations of CG rockfish under the CG Rockfish Program are maintained.

Suboption: Big skates and longnose skates

- Option 3. (*Mutually exclusive with Options 1 and 2*) Cooperative measures are required to manage secondary species under maximum retainable amounts (MRAs), as opposed to cooperative allocations.

**PSC species:** Halibut and Chinook salmon

#### 4. Sector allocations of target and secondary species

Allocations to the trawl CV sector for WG and CG Pacific cod (Am 83), CGOA rockfish program (Am 88), and GOA pollock (Am 23) are maintained. Allocations to the trawl CP sector for the CGOA rockfish program are maintained. GOA flatfish eligibility for the trawl CP sector under Am 80 is maintained.

##### Pollock and Pacific cod:

Pollock and Pacific cod TACs would be allocated to the inshore sector; the offshore sector would receive an incidental catch allowance (ICA) for Pacific cod and pollock and be managed under maximum retainable amounts.

Option 1. Revise the GOA-wide pollock apportionments to 30% (A); 30% (B); 20% (C); 20% (D)

Option 2. Modify the pollock fishery to two seasons: Jan 20 to June 10 and June 10 to Nov 1. (If selected with Option 1, the seasonal split would be 60%/40%).

**Option 3. Modify the Pollock trip limit from 136 mt (300,000 lbs.) to 159 mt (350,000 lbs.). Suboption: Reclassify the overage violation from a SSL violation to an overage violation (Can be selected without selection of option 3).**

None of the options change the distribution of GOA pollock among Areas 610, 620, or 630 as established through the specifications process.

**Option 4: Modify the trawl Pacific cod fishery to two seasons: Jan 20 to June 10 and June 10 to Nov 1. (The seasonal split for trawl gear would be maintained per Am 83).**

Other target species and secondary species: Sector allocations would be based on each sector's retained catch (**Option: total catch for secondary species**) from:

Option 1. 2008 – 2012

Option 2. 2007 – 2012

Option 3. 2003 – 2012

In addition to the options based on catch history above, options for establishing WG and WY rockfish sector allocations include:

Option 1. Allocate based on Am 80 sideboards

Option 2. Allocate to the CP sector only. The CV sector is prohibited from directed fishing and managed under MRAs.

Option 3. Establish a CV sector allocation of WG rockfish of 2% - 5%. Any unharvested rockfish (by a specified date) is reallocated to the CP cooperatives.

#### 5. Sector allocations of PSC

##### Chinook salmon:

The Chinook salmon PSC limit allocated pro rata based on pollock trawl landings is a CV allocation only of:

Option 1. 25,000 (status quo based on Am 93)

Option 2. 18,750 (25% reduction)

Chinook salmon PSC allocated pro rata based on trawl CV and CP non-pollock landings (excluding CG rockfish program for the CV sector) are based on GOA Amendment 97. Any Chinook salmon PSC caught in WY comes off the cooperative's Chinook salmon PSC limit.

##### Halibut:

The halibut PSC limit allocated pro rata based on CV and CP trawl landings (excluding the CG rockfish program) is:

- Option 1. 1,515 (status quo under Am 95 by 2016, with full 15% reduction in place)
- Option 2. 1,364 (additional 10% reduction relative to 2016, phased in over a two-year period)
- Option 3. 1,288 (additional 15% reduction relative to 2016, phased in over a three-year period)
- Option 4. 1,212 (additional 20% reduction relative to 2016, phased in over a three-year period)**
- Option 5. 1,136 (additional 25% reduction relative to 2016, phased in over a three-year period)**

The motion to add Options 4 and 5 above, passed 11-8.

Rationale:

- An increase in halibut PSC reductions represents a reasonable range to consider as the Council develops a new GOA trawl bycatch management program.
- In the Gulf of Alaska there has been an increase in the proportion of the halibut resource taken as PSC as the exploitable biomass has steadily declined over the last decade.
- PSC reductions are needed to reduce impacts on halibut users and fishing communities.
- The juvenile stock composition of trawl halibut bycatch has impacts on the spawning biomass and the impacts on the long term health of the halibut resource warrant considerations of a larger range of reduction to consider.

*Minority Report on Halibut PSC Options 4 and 5: A minority of the AP felt the addition of options 4 and 5 were unnecessary. Once the cap is reduced there is no ability for the halibut PSC cap to increase when the halibut resource rebounds. The GOA trawl industry has already experienced a 15% halibut cap reduction (Amendment 95) plus the halibut PSC cap reduction in the rockfish program due to the halibut rollover tax of 45%. Large halibut PSC cap reductions are not practical from a trawl fleet operational standpoint. This level of halibut reductions will result in fleet consolidation, little opportunity for new operators to enter the fishery, pulse fisheries where vessels catch the most valuable targets and then pursue other fishing opportunities. They will also negatively impact processors, the processing labor force, and trawl dependent communities. Signed by: Ruth Christiansen, Kurt Cochran, Jerry Downing, Mitch Kilborn, Paddy O'Donnell, Sinclair Wilt, Anne Vanderhoeven, Matt Upton.*

Halibut PSC apportionment between the CP and CV sectors will be based on halibut PSC use during:

- Option 1. 2008 - 2012
- Option 2. 2007 - 2012
- Option 3. 2003 - 2012

Rockfish Program PSC:

Any Rockfish Program PSC that would roll over for use in other fisheries under the current rules (after the set aside for halibut savings) can be transferred to the Gulf program cooperatives through inter-cooperative transfer.

Gear modification. Option: gear modifications for crab protection.

**6. Voluntary inshore cooperative structure**

- a. Annually allocate species to the cooperative, based on aggregate retained catch histories associated with member vessels' LLPs during the qualifying years:
  - Option 1. 2008 – 2012
  - Option 2. 2007 – 2012
  - Option 3. 2003 - 2012

- b. Apportion halibut PSC and Chinook salmon PSC limits to each cooperative on a pro rata basis relative to target fisheries of vessels in the cooperative [such as, pollock Chinook salmon PSC cap divided by area and then based on pollock landings; non-pollock Chinook salmon cap divided by area and then based on non-pollock landings (excluding CG rockfish); halibut PSC apportioned by area and then in proportion to target landings associated with cooperative members' LLPs.] Once in the cooperative, PSC can be used to support any target fisheries within the cooperative at any time (no seasonal ~~or area~~ PSC apportionments).

Option: Each processor controls a portion of the annual PSC within a cooperative [options: 10% - 40%]. Each processor would assign the incremental PSC to vessels in the cooperative under the terms of the cooperative agreement. PSC made available by these agreements cannot be used by vessels owned by the processor (a vessel with more than 10% ownership by a processor using individual and collective rules for determining ownership).

**Suboption: No prohibition on processor-owned vessels using processor-controlled PSC. Processor-owned vessels cannot access an amount of the cooperative's PSC greater than the amount they brought into the cooperative.**

- c. Participants can choose to either join a cooperative or operate in a limited access fishery [sector- level, non-transferable target allocations and PSC]. Harvesters would need to **register their intent** to ~~be in~~ **join a** cooperative with a processor by November 1 of the previous season to access a transferable allocation.
- d. Initial (2 years) cooperative formation (suboption: in the first two years of each harvester's participation in a cooperative) would be based on the majority of each license's historical landings (aggregate trawl groundfish deliveries, excluding Central GOA rockfish harvested under a rockfish cooperative quota allocation) to a processor during:
- Option 1. The qualifying years for determining target species allocations  
Option 2. 2011 – 2012, or the two most recent qualifying years they fished

If a license has qualifying landings in both regions (WG and CG/WY), initial cooperative formation would be based on the majority of the license's historical landings to a processor in each region (the license holder would join a cooperative in each region). After the initial cooperative formation period, a license holder can choose to be in one cooperative per region on an annual basis.

- e. Each cooperative would be required to have an annual cooperative contract filed with NMFS. Formation of the cooperative would require a cooperative contract signed by (options: 33%, 51%, or 80%) of the license holders eligible for the cooperative and the processor (option: and community in which the processor is located). If a license does not have any qualifying landings, it could still join a cooperative but the license holder does not count toward the cooperative formation threshold. Cooperative members shall internally allocate and manage the cooperative's allocation per the cooperative contract. Cooperatives are intended only to conduct and coordinate harvest activities of the members and are not FCMA cooperatives.

**Option: A processor may be in more than one cooperative.**

- f. The annual cooperative contract must include:
- Bylaws and rules for the operation of the cooperative
  - Annual fishing plan
  - Operational plan for monitoring and minimizing PSC, with vessel-level accountability, as part of the annual fishing plan

- Clear provisions for how a harvester and processor may dissolve their contract after the cooling off period of two years. If a harvester wants to leave that cooperative and join another cooperative or the limited access sector, they could do so if they meet the requirements of the contract.
  - Specification that processor affiliated harvesters cannot participate in price-setting negotiations except as permitted by general anti-trust law.
- g. Cooperative members are jointly and severally responsible for cooperative vessels harvesting in the aggregate no more than their cooperative's allocation of target species and PSC allowances, as may be adjusted by annual inter-cooperative transfers.
- h. Cooperatives will submit a written report annually to the Council and NMFS. Specific criteria for reporting shall be developed by the Council and specified by NMFS as part of the program implementing regulations.
- i. Permit post-delivery transfers of annual allocations among cooperatives. All post-delivery transfers must be completed by December 31.

## **7. Voluntary catcher processor cooperative structure**

- a. Annually allocate species to the cooperative. For an eligible CP, the CP history of the vessel in the qualifying years will be assigned to the LLP on the vessel at the time of implementation of the program. Qualifying years:
- Option 1. 2008 – 2012
  - Option 2. 2007 – 2012
  - Option 3. 2003 – 2012
- b. Apportion halibut PSC and Chinook salmon PSC limits to each cooperative on a pro rata basis relative to target fisheries of vessels in the cooperative [such as, non-pollock Chinook salmon cap divided by area and then based on non-pollock landings (excluding CG rockfish); halibut PSC apportioned by area and then in proportion to target groundfish landings associated with cooperative members' LLPs.] Once in the cooperative, PSC can be used to support any target fisheries within the cooperative at any time (no seasonal PSC apportionments).
- c. Participants can choose to either join a cooperative or operate in a limited access fishery [sector-level, non-transferable target allocations and PSC]. No later than November 1 of each year, an application must be filed with NMFS by the cooperative with a membership list for the year. In order to operate as a cooperative, membership must be comprised of:
- Option 1: at least 2 separate entities (using the 10% individual and collective rule) and/or
  - Option 2: at least [2 – 4] eligible LLP licenses. An LLP must have associated catch history to count toward the threshold.
- d. Cooperative members shall internally allocate and manage the cooperative's allocation per the cooperative contract. Cooperatives are intended only to conduct and coordinate harvest activities of the members and are not FCMA cooperatives.
- e. The contract would require signatures of all LLP holders in the cooperative. The annual cooperative contract must include:
- Bylaws and rules for the operation of the cooperative
  - Annual fishing plan
  - Operational plan for monitoring and minimizing PSC, with vessel level accountability, as part of the annual fishing plan

- f. Cooperative members are jointly and severally responsible for cooperative vessels harvesting in the aggregate no more than their cooperative's allocation of target species, secondary species, and PSC, as may be adjusted by annual inter-cooperative transfers.
- g. Cooperatives will submit a written report annually to the Council and NMFS. Specific criteria for reporting shall be developed by the Council and specified by NMFS as part of the program implementing regulations.
- h. Permit post-delivery transfers of annual allocations among cooperatives. All post-delivery transfers must be completed by December 31.
- i. No person may hold or use more than the following percentage of allocated target species CP cooperative quota in each region, using the individual and collective rule:
  - Option 1. 30%
  - Option 2. 40%

**8. Fishery dependent community stability (applies to inshore cooperatives)**

Consolidation limits

Option 1. Harvest use (ownership) caps in each region (WG and CG/WY). Harvesters that exceed these percentages are grandfathered into the program. No person may hold or use more than the following percentage of individual target species CV cooperative quota, using the individual and collective rule:

- Suboption 1. 3%
- Suboption 2. 5%
- Suboption 3. 7%

Option 2. Vessel use caps are also applicable within the cooperatives. A vessel may not be used to harvest more than the following percentages of individual target species cooperative quota issued to the CV sector:

- Suboption 1. 3%
- Suboption 2. 10%
- Suboption 3. 15%

Option 3. Processor use caps (facility-based) in each region (WG and CG/WY). Processors that exceed these percentages during the qualifying years are grandfathered into the program. No processor shall receive or process more than the following percentage of individual target species issued to the CV sector:

- Suboption 1. 10%
- Suboption 2. 20%
- Suboption 3. 30%

Regionalization of target species quota

Target species cooperative quota would be required to be landed in the region in which it is designated (WG or CG/WY designation) based on historical delivery patterns during the following years:

- Option 1. The qualifying years for determining target species allocations
- Option 2. 2011 - 2012
- Option 3. Target species CG quota that has historically been landed in Kodiak would have a port of landing requirement to be delivered to Kodiak; CG quota not historically landed in Kodiak would be regionalized (WG or WY/CG).

Active participation criteria

To be eligible to purchase a GOA trawl CV license or catch history severed from a license, a person must be eligible to document a fishing vessel in the U.S. (status quo) and must:

Option 1. Hold at least (options: 20% - 30%) ownership of a trawl vessel; or provide documentation of participation as a captain or crew in the GOA trawl groundfish fishery for 150 days (verified by a signature on a fish ticket or crew members' affidavit) for at least (options: 1, 2, or 4) fishing trips in the GOA groundfish trawl fishery in the most recent two years previous to purchase.

Option 2. Communities do not need to meet the criteria under Option 1.

Suboption (applies to Option 1 or 2):

To retain catch history, a person must be eligible to purchase catch history.

**9. Transferability**

a. (Annually) Full transferability of cooperative quota, including PSC separately, for annual use within the cooperative. Cooperatives can engage in inter-cooperative transfers of annual allocations to other cooperatives on an annual basis. CP annual cooperative allocations may be transferred to inshore cooperatives; inshore annual cooperative allocations cannot be transferred to CP cooperatives. Inter-cooperative transfers must be processed and approved by NMFS.

b. (Long-term) The LLP is transferable, with the associated history of the target species (which, when entered into a cooperative, brings with it a pro rata share of PSC.)

Allocated species history is severable from a CV trawl license and transferable to another eligible CV trawl license (which, when entered into a cooperative, target species history brings with it a pro rata share of PSC). Transferred history retains the regional delivery designation. PSC cannot be permanently transferred separately from the license.

Option: (Cooling off provision) License transfers (sale) and the severability provisions are prohibited for CV licenses in the first two years of the program.

**10. Gear conversion**

Pacific cod allocations associated with a trawl CV license may be fished with pot gear; a pot endorsement is not necessary but the license must have the appropriate area endorsement. Harvest would continue to be deducted from the vessel's annual trawl quota account and would not affect the pot gear Pacific cod sector allocations. Similar to status quo, PSC taken with pot gear does not accrue to a PSC limit or cooperative PSC allocation.

**11. Limited access trawl fisheries (CV and CP)**

If a license holder chooses not to join a cooperative, it may fish in the limited access fishery with an eligible FFP and LLP endorsed for GOA trawl. Under the limited access fishery, the LLP's historic share of (non-transferable) target species will be fished in a competitive fishery open to all trawl vessels in the sector who are not members of a cooperative. The catcher vessel limited access fishery will be subject to all current regulations and restrictions of the LLP and MRAs.

PSC limits in the limited access fishery will retain status quo apportionments by area, season, and/or fishery. Halibut and Chinook salmon PSC limits are annually apportioned to the limited access fishery on a pro rata basis relative to groundfish catch histories associated with LLPs that are not assigned to a cooperative, as reduced by:

- Option 1. 10%
- Option 2. 20%
- Option 3. 30%

## 12. Sideboards

Sideboards that apply under the Rockfish Program for the CV and CP sectors, GOA non-exempt AFA CV sideboard limits, non-AFA crab vessel groundfish sideboards that apply to GOA trawl, and Amendment 80 groundfish and halibut PSC sideboard limits in the GOA, are removed for species allocated under the GOA trawl bycatch management program.

The Council requests further discussion of sideboards on directed fishing for Pacific cod with pot gear in the WG and CG (harvest that accrues to the Pacific cod pot sector allocations), as well as further information to consider whether CV sideboards are necessary for the BSAI Pacific cod and yellowfin sole fisheries.

## 13. Program review

Per the Magnuson Stevens Act, a program review would be conducted five years after implementation and every seven years thereafter.

## 14. Cost recovery and loan program

Per the Magnuson Stevens Act, a cost recovery program would be implemented to recover the incremental agency costs of the program related to data collection, analysis, and enforcement, up to a maximum of 3% of the ex-vessel value from landings of species allocated under the program. Up to 25% of cost recovery fees may be set aside to support a loan program for purchase of shares by fishermen who fish from small vessels and first-time purchases of shares under the program. Loan qualification criteria would need to be defined.

### **The following Alternative 3 was added as a separate amendment to motion.**

**ALTERNATIVE 3.** Gulf of Alaska Trawl Bycatch Management Program (Alternative 2) with a Community Fisheries Association allocation or Adaptive Management Program. *(Options 1 and 2 are mutually exclusive.)*

#### **Option 1. Community Fisheries Association (CFA).**

Element 1. Allocate 5% - 15% of the fishing quota for all species allocated to CVs under the program to a Community Fishing Association established under §303A(c)(3) of the MSA.

Element 2. Number of CFAs

Option 1. One GOA CFA

Option 2. One CFA for the WG and one for the CG

Element 3. Goals and objectives for a Community Fishing Association:

- Provide for the sustained participation of fishing communities and to the extent practicable minimize adverse economic impacts on such communities
- Assist entry-level and small vessel owner-operators, captains, crew and fishing communities

Element 4. Communities eligible for participation via the CFA

- Located in the WG, CG, WY
- Consist of residents who conduct commercial fishing, processing, or fishery-dependent support businesses within the GOA
- A high potential for economic and social impacts associated with a LAPP program on harvesters, captains, crew, processors, and other businesses substantially dependent upon the fishery
- Have submitted a community sustainability plan through the CFA

Element 5. The CFA must provide a community sustainability plan which includes:

- a. Description of board, governance structure;
- b. Description of quota allocation process;
- c. Goals and objectives for the CFA, and explanation of how the CFA intends to meet those goals and objectives;
- d. Description of how the CFA will meet the goals of sustaining community participation in the fishery, providing for new entry/inter-generational transfer, and encouraging active participation; and
- e. Description of how the plan will address the social and economic development needs of coastal communities

Element 6. Require an annual report to the Council and communities

Element 7. CFA Cooperative Program Integration

- Annual quota allocated to the CFA may not be sold
- The CFA will operate within the cooperative structure of the main program. Quota leased from the CFA must be utilized on a license and accessed through a cooperative.
- CFA quota will be subject to the same set of rules as other quota in the program such as bycatch management, observer coverage and monitoring, sector allocations, cooperative structure, and gear conversion.
- If selected by the Council, regionalization and port of landing requirements will apply to CFA quota (option: do not apply port of landing requirements)
- Quota leased from a CFA counts toward any vessel and ownership use caps.

**Option 2. Adaptive Management Program.** Set-aside 5% - 15% of fishing quota for all species allocated to CVs under the program for adaptive management.

Element 1. Goals and objectives for adaptive management quota

Option 1. Same as those identified in the CFA option; and/or

Option 2. a. Community stability

b. Processor stability

c. Captain and crew entry and advancement

d. Conservation measures

e. To address other unintended outcomes

Element 2. Process for allocating adaptive management quota

- The Council shall develop criteria for eligibility, a process for adaptive management proposals to meet the goals and objectives, and a regulatory mechanism for allocating quota to program participants.
- The Council could allocate any amount up the total adaptive management set-aside to one or more proposals. Unallocated quota will pass through to the annual allocations to cooperatives.

Element 3. Program review and evaluation

- Entities receiving adaptive management quota shall provide annual reports to the Council and NMFS describing outcomes associated with the use of the quota and progress toward objectives described in their proposal.
- The Council shall periodically review its adaptive management goals and objectives.
- The five-year overall program review should evaluate the Council's effectiveness in achieving its goals and objectives through the use of the adaptive management program and identify potential improvements to the program design.

In addition, Section 3.2 of the October 2014 staff paper outlines regulations that could be removed in conjunction with the proposed GOA trawl bycatch management program. The Council generally agrees there

is potential to remove the suggested regulations, and this discussion should continue to be incorporated in the analysis such that the Council can evaluate the impact of removing them under the action alternatives.

The Council directs staff to include a discussion of the effects of the GOA trawl bycatch management program alternatives on the management and implementation of the Central GOA Rockfish Program. At a minimum, this analysis should review the implications on quota allocations, sideboard management, and catch accounting under the Central GOA Rockfish Program.

*Motion to add Alternative 3 passed 18-1.*

Rationale:

- The additions and deletions to Alternative 2 help to refine focus, address issues raised in the discussion paper and the EIS scoping process, and should facilitate a more complete analysis.
- Keeping Alternative 3 moving forward with Alternatives 1 and 2 will ensure a robust and comprehensive analysis.
- Initiation of an analysis at this time is responsive to public comment and will begin the process of developing the most appropriate tools for comprehensive GOA trawl bycatch management.

*The final motion as amended passed 18-1.*

**The following Alternative 4 was added in a separate motion.**

**ALTERNATIVE 4.** Gulf of Alaska Trawl Bycatch Management Program for the Western Gulf, Central Gulf and West Yakutat areas. The following elements apply to the program:

**1. Observer Coverage and Monitoring**

All trawl vessels in the GOA will be in the 100% observer coverage category, whether they participate in the voluntary cooperative structure or the limited access fishery with trawl gear. NMFS will develop monitoring and enforcement provisions necessary to track quota, harvests. Full retention of allocated target species is required.

**2. Allocated species**

An annual allocation by NMFS of the target species, pollock and Pacific Cod, to qualified LLP holders that register prior to November 1 of the preceding year, and participate in the fishery. ~~Mandatory processor affiliations or processor shares are not part of this action that seeks to implement a proposed program for GOA trawl bycatch management.~~

*A motion to remove the sentence (above) added by friendly amendment, passed 17-2.*

**3. Sector allocations of PSC**

Chinook salmon:

Chinook salmon PSC allocated pro rata between vessels.

Halibut:

The halibut PSC limit allocated pro rata between CV and CP trawl excluding the CG rockfish program.

Halibut PSC apportionment between the CP and CV sectors will be based on halibut PSC use during:

Option 1. 2008 - 2012

Option 2. 2007 - 2012

### Option 3. 2003 – 2012

Rockfish Program PSC: Any Rockfish Program PSC that would roll over for use in other fisheries under the current rules (after the set aside for halibut savings) can be transferred to the Gulf program cooperatives through inter-cooperative transfer.

Gear modification. Option: gear modifications for crab protection.

#### **4. Voluntary inshore cooperative structure**

- a. Participants can choose to either join a cooperative or operate in a limited access fishery [sector level, non-transferable target allocations and PSC]. Harvesters would need to be in a cooperative with a processor by November 1 of the previous season to access a transferable allocation.
- b. Allocate annually to the cooperative based on the PSC holdings of the cooperative members.
- c. The annual cooperative contract must include:
  - Bylaws and rules for the operation of the cooperative
  - Annual fishing plan
  - Operational plan for monitoring and minimizing PSC, with vessel-level accountability, as part of the annual fishing plan
- d. Cooperatives will submit a written report annually to the Council and NMFS. Specific criteria for reporting shall be developed by the Council and specified by NMFS as part of the program implementing regulations.
- e. Permit post-delivery transfers of annual allocations among cooperatives. All post-delivery transfers must be completed by December 31.

#### **5. Voluntary catcher processor cooperative structure**

- a. Participants can choose to either join a cooperative or operate in a limited access fishery [sector level, non-transferable target allocations and PSC]. Harvesters would need to be in a cooperative with a processor by November 1 of the previous season to access a transferable allocation.
- b. Allocate annually to the cooperative based on the PSC holdings of the cooperative members.
- c. The annual cooperative contract must include:
  - Bylaws and rules for the operation of the cooperative
  - Annual fishing plan
  - Operational plan for monitoring and minimizing PSC, with vessel-level accountability, as part of the annual fishing plan
- d. Cooperatives will submit a written report annually to the Council and NMFS. Specific criteria for reporting shall be developed by the Council and specified by NMFS as part of the program implementing regulations.

#### **6. Active participation criteria**

To be eligible to purchase a GOA trawl CV license, a person must be eligible to document a fishing vessel in the U.S. (status quo) and must:

- Option 1. Hold at least (options: 20% - 30%) ownership of a trawl vessel; or provide documentation of participation as a captain or crew in the GOA trawl

groundfish fishery for 150 days (verified by a signature on a fish ticket or crew members' affidavit) for at least (options: 1, 2, or 4) fishing trips in the GOA groundfish trawl fishery in the most recent two years previous to purchase.

Option 2. Communities do not need to meet the criteria under Option 1.

### **7. Transferability**

Transfers of target or PSC species limited to  
Options 5%, 10% or 15%, within a cooperative.

### **8. Gear conversion**

PSC taken with pot gear does not accrue to a PSC limit or cooperative PSC allocation.

### **9. Limited access trawl fisheries (CV and CP)**

If a license holder chooses not to join a cooperative, it may fish in the limited access fishery with an eligible FFP and LLP which will be subject to equal share and endorsed for GOA trawl.

LLPs that are not assigned to a cooperative, share reduced by:

- Option 1. 10%
- Option 2. 20%
- Option 3. 30%

### **10. Program review**

Per the Magnuson Stevens Act, a program review would be conducted five years after implementation and every seven years thereafter.

### ***Motion to add Alternative 4 passed 11-8.***

#### Rationale:

- *Alternative 4 is different than the full catch share plan in Alternative 2, providing a full suite of alternatives for GOA bycatch management.*
- *An annual allocation with limited transferability within the coop provides fleet stability and limits consolidation, while providing the fleet needed flexibility.*
- *This alternative provides needed tools for bycatch management and reduction, while protecting impacted fishing communities.*
- *An annual allocation helps maintain competitive landscape between harvesters and processors and provides opportunity for expanded market opportunity.*

*Minority Report on Adding Alternative 4: Alternative 4 as written is not defined enough to be advanced as a viable alternative. It will be difficult to determine how to allocate PSC and target species to LLPs on an annual basis and to understand the effects across participants. It will also be difficult to determine how these allocations might change annually based on undefined reallocation criteria in the future.*

*Signed by: Ruth Christiansen, Kurt Cochran, Jerry Downing, Mitch Kilborn, Paddy O'Donnell, Sinclair Wilt, Anne Vanderhoeven, John Crowley*