



Minutes of the NPFMC Advisory Panel June 5-8, 2018 -- Kodiak, AK

The Advisory Panel met Tuesday, June 5, through Friday, June 8, 2018, in the Elks Hall in Kodiak, Alaska. The following members were present for all or part of the meetings (absent members are ~~stricken~~):

Carroll, Shannon	Johnson, Jim	Scoblic, John
Christiansen, Ruth	Kauffman, Jeff	Stevens, Ben
Cochran, Kurt	Kwachka, Alexis	Upton, Matt (Co-Vice Chair)
Donich, Daniel	Lowenberg, Craig	Vanderhoeven, Anne
Drobnica, Angel (Co-Vice Chair)	Nichols, Carina	Weinstein, Samantha
Gruver, John	O'Donnell, Paddy	Weiss, Ernie (Chair)
Hayden, Natasha	Peterson, Joel	Wilt, Sinclair

The AP approved the minutes from the April 2018 meeting.

B1 Ecosystem Workshop Report

The AP recommends that the Council provide an annual presentation that updates Council stakeholders on goals one and two of the Ecosystem Workshop (page 3 of the summary report):

1. *Provide all participants with a baseline understanding of the potential impacts of climate change on the region's ecosystems and managed fisheries, and efforts at the regional, national, and international levels to understand, anticipate, and respond to these changes.*
2. *Provide updates on key efforts by AFSC to provide the Council with information and tools that can support management under changing environmental conditions, and identify opportunities for the Council community to provide input.*

The AP further recommends the Council continue to develop processes that provide participation opportunities for communities and tribes and incorporation of traditional knowledge (e.g., Ecosystem Committee meetings, FEPs, etc.) This could potentially be included as component of the Council's broader discussion on Community Engagement.

Motion passed 16-0.

Rationale:

- *An annual review will help keep stakeholders informed on medium to long term climate predictions and may help address the 3 to 5 year "blind spot" identified in the workshop summary report. It will also provide an opportunity for stakeholders to provide input/observations through the Council process.*

- *The Council has made significant efforts to develop processes for stakeholder engagement. These efforts are valuable and address needs identified in the workshop summary report.*

C1 2018 Observer Annual Report and OAC Report

The AP recommends the Council adopt the following recommendations:

- NMFS recommendations from section 7.1 (page 102) of the 2017 Annual Report (duplicated in the Executive Summary on pg 11-13).
- The bulleted list of recommendations from page 4 of the OAC May meeting minutes.
- The five numbered recommendations from page 4 of the OAC May meeting minutes.
- The AP recommends an evaluation to detect observer effects present between pelagic and non-pelagic trawl. If detected, the AP recommends the Council consider solutions including but not limited to implementing EM on pelagic trawl. [Amendment to add this bullet passed 9-8).

Amended motion passed 17-0.

Rationale:

- *The OAC did a thorough job in its examination of the observer program. The Committee's recommendations offer a solid balance of data improvements within budgetary constraints.*
- *PSC in non-pelagic trawl fisheries is a significant concern to many stakeholders.*
- *If the observer effect metric recommended by the OAC detects a potential problem between pelagic and non-pelagic trawl, the Council may want to consider multiple solutions. For example, if EM is being developed for pelagic trawl, there may be additional human observer days available for coverage in non-pelagic trawl.*
- *While, non-pelagic trawl is not a trawl EMWG priority at this time, if an observer effect is identified, it is important to maintain flexibility to best address potential problems.*
- *While NMFS has indicated that separate strata for the two trawl gear groups may be problematic, there may be additional information available in analyzing the gear types, which could help highlight any issues and solutions to potential observer effects.*

Minority Report for Failed Motion to Strike First Bullet on page 4 of OAC Minutes:

The newly formed trawl EMWG has only had a single, half-day meeting where preliminary objectives were developed. These objectives were based on the Council's identified priorities (February 2018) for the development and implementation of EM aboard WGOA and BSAI pollock vessels, which did not include an articulation of the way this EM development would potentially improve coverage rates for non-pelagic vessels. As an independent body, it is understood that the trawl EMWG reports to the Council and not to the OAC. However, focused communications between the two groups and the Council may be necessary in the future. It has been recognized by Agency staff and WG members for the development of EM aboard these vessels to occur on a more accelerated timeline than that for fixed gear. An EM Work plan for pelagic trawl fisheries has not yet been developed and the signatories below do not want to see a specific directive focused on non-pelagic trawl gear to derail or override development of a Work plan, and other necessary immediate next steps, during the next trawl EMWG meetings. Further, Council staff noted that the first bullet item was related to the fifth bullet item from the OAC meeting minutes. This fifth bullet will likely produce some type of analytical package and resulting information which would help inform both the OAC and trawl EMWG regarding issues

(including coverage rates) related to the potential separation of pelagic and non-pelagic trawl gear. As such, it is premature to ask the trawl EMWG to comment on this issue by October. It is fully anticipated that the trawl EMWG will address NPT gear in some fashion at a time in the future, but given the multiple moving parts (Work plan development; security of funding) being tackled by the trawl EMWG at the outset, it is difficult to specify any particular timeframe for this conversation to occur.

Signed: Ruth Christiansen, John Gruver, Paddy O'Donnell, John Scoblic, Matt Upton, Anne Vanderhoeven, Sinclair Wilt

Failed or replaced motions:

- *The OAC remains concerned about potential low coverage rates on non-pelagic trawl; the OAC requests the Council direct the trawl EMG to articulate a plan including but not limited to for how EM may improve coverage rates in non-pelagic trawl in time for reporting back at the October meeting. [Amendment to change language in bullet #1 from OAC minutes was withdrawn].*
- *The bulleted list of recommendations, **minus the first**, from page 4 of the OAC May meeting minutes. [Amendment to bullet #2 to add "minus the first" failed 7-9]*
- *Include a strata for each pelagic and non-pelagic trawl with intention that the observer effect metrics would be applied to both in the annual observer report. [Motion to add this bullet to clarify bullet 5 of OAC report was substituted by bullet 4 in AP's motion.]*

C2 EM Workgroup Report

The AP recommends the Council adopt the preliminary monitoring objectives for developing EM on trawl vessels as presented on page 3 of the Trawl EMWG minutes. *Motion passed 17-0.*

The AP recommends the Council adopt the list of tasks (from page 6 of fixed gear EM Workgroup minutes) to integrate into future OAC meetings. *Motion passed 17-0.*

Rationale:

- *These initial objectives were developed from thorough discussion amongst the multiple members of the Trawl EM Workgroup, including members of industry, agency staff, and EM service representatives. They represent a foundational starting point based upon the Council's identified trawl EM priorities.*
- *While the fixed gear workgroup is no longer meeting, following and discussing fixed gear EM by the OAC will still be necessary to track participation and costs and flag potential opportunities for the program.*

C3 ABC/OFL Specifications for Aleutian Islands Golden King Crab

The AP recommends the Council adopt the ABC and OFL for Aleutian Islands golden king crab as recommended by the Crab Plan Team and SSC. *Motion passed 17-0.*

Rationale: *The AP appreciates the effort and work product put forth by the CPT and SSC.*

C4 Fixed Gear CV Rockfish Retention

The AP recommends the Council release the analysis for public review.

The alternatives are shown below with the AP's preliminary preferred alternative in **bold**:

Alternative 1: No Action (status quo)

Alternative 2: Require full retention of rockfish species by all fixed gear CVs (hook-and-line, pot, and jig) in the BSAI and GOA. *[Motion to amend to select Alternative 2 as preliminary preferred alternative, instead of Alternative 3, passed 16-0.]*

Alternative 3: Require full retention of rockfish species by hook-and-line CVs in the GOA.

Option under Alternatives 2 and 3: Require full retention of rockfish even if the species is on prohibited species status but prohibit these retained rockfish from entering commerce.

The AP recommends considering the following for utilization: charitable donation, personal use. Additionally, the analysis should identify an MCA (maximum commerce amount) range that would be appropriate.

Motion passed 17-0.

Rationale:

- *This action recognizes that rockfish have a high mortality rate when discarded and that requiring full retention would minimize the waste of bycatch.*
- *This action would increase sampling access and provide more accurate estimates on the incidental catch of DSR, which could improve data collection and stock assessments, lead to more accurate accounting of mortality and an assessment of whether current MRA's are at appropriate levels.*
- *This action minimizes any financial incentive to target rockfish through an MCA, which would be set at zero if a species is on PSC status.*
- *This action would simplify and streamline rockfish retention regulations by bringing state and federal policies into similar management.*
- *The AP preferred preliminary alternative may evolve through further analysis, enforcement considerations and stakeholder input.*

C5 Halibut Retention in BSAI Pots

The AP recommends releasing the analysis for final review. The alternatives are shown below with the AP's preliminary preferred alternative in **bold**:

Alternative 1: No action (status quo).

Alternative 2: Allow retention of legal-sized halibut in single or longline pot gear used to fish for halibut or sablefish IFQ/CDQ in the BSAI provided the IFQ/CDQ holder holds sufficient halibut IFQ/CDQ for the IFQ regulatory area. The proposed action to allow halibut retention

in pot gear would only be permitted in the BSAI. The AP recommends the Council prohibit all pot fishing in the Pribilof Islands Habitat Conservation Zone.

Element 1: Gear Retrieval

Option 1: No gear tending requirements (status quo)

Option 2: A vessel cannot leave gear on the grounds untended for more than (sub-options) 5-10 days

Option 3: (not exclusive to option 2) Vessels must move gear from the grounds when they deliver, including pots, anchors, buoy line flags, and buoys. [Amendment to add option 3, passed 12-4.]

Element 2: Limit of a 9-inch maximum width of tunnel opening does not apply when vessel has unfished halibut IFQ/CDQ onboard, however, a biodegradable panel must be present within the pot that is at least as large as the tunnel opening size.

Option 1: Require a mesh size large enough to allow crab to escape.

Element 3: All vessels using pot gear to fish IFQ/CDQ are required to use logbooks and VMS.

Element 4: Establish regulations that would allow NMFS to close IFQ fishing for halibut if an OFL is approached for a groundfish or shellfish species.

The AP recommends NMFS include IFQ pot gear effort in its annual inseason management report to the Council. As a result of this, this AP recommends that the Council review the effects of allowing retention of halibut in pot gear three years after implementation. It is the intent that gear specifications would be identified at that time for escapement of non-target species for the development of future regulations (e.g., escapement rings, escapement slots, mesh size, biodegradable panels).

Final amended motion passed 14-1.

Rationale:

- *It is important to recognize that this is a new, emerging fishery with potential issues such as gear conflicts and enforcement limitations that may require further adaptations as it develops.*
- *A definition of sufficient quota should be qualified to prevent gear from being set with de minimis amounts of quota and reduce the potential for overages.*
- *The intention of this motion is to not allow pot storage during the off season, which in addition to tendering requirements, may help minimize gear conflicts.*
- *Biodegradable panels are required by NMFS for any pot fishery and it is logical that a halibut pot will possess a panel that is at least the size of the tunnel opening; the exact design of such such a panel will be further honed in the development of the fishery.*
- *Requiring a specific mesh size to allow for crab to escape may be appropriate due to significant concerns for Blue King crab bycatch.*
- *Prohibiting pot fishing in the Pribilof Islands Habitat Conservation Zone is needed to address conservation concerns with crab stocks.*
- *The 'clean' GOA/BSAI split prevents regulatory inconsistencies and overlap with the GOA sablefish pot fishery already in place.*

- *Delaying the development of regulations on pot specification until the end of the three-year review will benefit fishermen by allowing them time to choose a design that performs best for their specific needs or to use gear they already have available. It would also allow more time to experiment and gain further understanding of the effectiveness of different styles of escapement mechanisms, both in terms of catching the target species, as well as avoiding bycatch.*
- *NMFS should have the ability to undertake necessary action to limit the halibut IFQ fishery, consistent with regulations applicable to groundfish and shellfish fisheries, which would allow a defined regulatory process to limit the halibut IFQ fishery if there was a need to consider management measures in the event an OFL is reached.*
- *A shorter three-year review is preferred to a five-year review, as this is a developing fishery and there may be a need for a responsive approach to potential issues, particularly with gear conflicts.*
- *Element 1 is intended to apply to both sablefish and halibut pot fishing in the BSAI. BSAI is a large and remote area; enforcement considerations exist in managing the number of days a pot may be left in the water and including both fisheries would allow for more consistent management.*
- *Anecdotal reports of gear conflicts in the newly authorized Gulf pot sablefish fishery warrant analysis of more restrictive gear storage limitations.*
- *In trying to reduce the potential for gear conflicts, the motion contains an amendment that requires, when vessels are delivering fish, the removal of all gear associated with pot fishing. This amendment was based on concerns stemming from the GOA sablefish pot fishery, where some vessels take their pots into town, but leave their buoys, lines, and anchors on the grounds, resulting in grounds preemption.*
- *There is strong concern regarding the potential for increased crab bycatch, however, measures in the action, including the three-year review, further refinement of gear specifications and the intent to not store gear on grounds, help minimize and set up a process to address these concerns.*

Rationale in Opposition to Amendment to add Option 3:

- *Having different standards for gear tendering for a directed halibut pot fishery and the BSAI sablefish only fishery could cause compliance and enforcement issues.*

C6 BSAI Pacific Cod Trawl Catcher Vessel Fishery

Motion#1: Discussion Paper

The AP supports the staff assumptions in the discussion paper except when noted below and recommends the following revisions (in ~~strikeout~~ or **bold**) to the action alternatives:

Alternative 2. A catcher processor may take deliveries of Pacific cod from catcher vessels participating in the Bering Sea ~~Aleutian Islands~~ (BSAI) non-CDQ Pacific cod trawl fishery if the catcher-processor acted as a mothership and received Pacific cod deliveries as follows:

Option 1: Amendment 80 catcher processors acting as motherships during 2015-2017.

Sub-option 1.1: in any year

Sub-option 1.2: in any two years

Sub-option 1.3: in any three years

Option 2: Non-Amendment 80 ~~vessels~~ **catcher processors** acting as motherships during 2015-2017.

[A motion to amend by deleting Option 2 under Alternative 2, failed 4-13.]

Alternative 3. The total amount of BSAI non-CDQ Pacific cod ~~catcher vessel trawl sector allocation~~ that can be delivered to ~~Amendment 80 vessels~~ **catcher processors** acting as a mothership is equal to the percentage of trawl catcher vessel sector's BSAI Pacific cod delivered to catcher processors acting as motherships relative to the total BSAI catcher vessels trawl catch between:

Option 1: 2015-2017

Option 2: 2016-2017

Option 3: 2008-2017

Suboption: A catcher processor that received deliveries from the BSAI non-CDQ Pacific cod trawl catcher vessel sector allocation in 7 or more years during 2008-2017 is not subject to the limitations on receiving deliveries under Alternative 3. Any history of vessels that qualify for this suboption will not count toward any limitation created under Alternative 3.

Any limitation created by Alternative 3 will be calculated and applied seasonally (A and B trawl catcher vessel cod seasons.)

The AP recommends the analysis include a discussion of the impact of a Bering Sea only limitation on catcher processors acting as motherships in the Aleutian Islands when there is also an AI Pacific cod shoreside delivery requirement. The analysis should also include tables that show the amount and percentage of the BSAI non-CDQ Pacific cod catcher vessel trawl sector allocation delivered to catcher processors acting as motherships from 2008-2017.

The AP supports the schedules proposed in the staff paper for the two analyses which recommends the revisions to Amendment 113 (AI Pacific cod shoreside delivery requirement) not be combined with this Bering Sea cod action.

Motion passed 17-0.

Rationale in Support of Modifications to Alternative 2 and 3:

- *The potential limitations are now focused only on the Bering Sea (BS) because the Council has already addressed concerns about offshore cod processing in the Aleutian Islands (AI). The next analysis needs to include a discussion of how a combination of potential BS and existing AI restrictions may have implications for catcher processors taking deliveries of cod from catcher vessels as they have done in the past.*
- *The change from non-Amendment 80 "vessels" to non-Amendment 80 "catcher processors" under alternative 2; option 2, means restrictions would not apply to "true" motherships that do not catch fish and are only processing. Limitations should be focused on A80 and AFA catcher*

processors that have fishery allocations and were not taking catcher vessel deliveries until 2016.

- *Sideboards focused on the A + B trawl cod seasons in the target prevent C season activity from being focused earlier in the year. The problems within the cod fishery have been in A+B seasons.*
- *If the sideboard is based on all BSAI deliveries, and then only the BS is open for offshore deliveries in the A season based on what the Council does on the AI, then we have a mis-match that significantly reduces (if not negates) any protections for BS shoreplants and communities.*

Rationale in Support of New Suboption under Alternative 3:

- *The SEAFREEZE ALASKA and KATIE ANN are an A80 and AFA catcher processor, respectively, sister ships historically active and dependent on taking deliveries from catcher vessels in the cod fishery. The Council's purpose and need is focused on the impacts of "recent increases" in the number of catcher processors taking catcher vessel deliveries that started in 2016 and continued in 2017, as well as the potential for "future growth" which could be from additional A80 and AFA CPs entering the fishery. Whenever the Council implements sideboards after a catch share program they try to focus on mitigating any harmful changes in another fishery while trying to preserve the status quo for vessels with prior participation. The SEAFREEZE ALASKA was consistently taking catcher vessel deliveries over to the years prior to A80.*
- *This new suboption to Alternative 3 provide a range of alternatives to consider because if the Council decides, under Alternative 2, to allow the 5-6 catcher processors that entered the fishery in 2016 and 2017 to continue to take cod deliveries and adopts sideboards via Alternative 3, those sideboards could now be focused on only the new entrants based on their participation. Including this suboption permits the Council to analyze allowing the SEAFREEZE and KATIE ANN to continue their past fishing patterns, while place sideboards on new and future entrants*

Motion#2: Purpose and Need Statement

The AP recommends the Council modify the Purpose and Need Statement with the following changes (additions presented in **bold** and deletions shown in ~~striketrough~~):

During development of Amendment 80 to the Bering Sea/Aleutian Islands Fishery Management Plan, and associated rule making, the Council was silent on the ability of catcher processors defined in Amendment 80 to act as motherships in limited access fisheries. Recent increases of Amendment 80 catcher processors acting as motherships has resulted in an increase in the amount of Pacific cod delivered to Amendment 80 catcher processors, an increase in the number of catcher vessels delivering Pacific cod to motherships, and a decrease in the amount of Pacific cod delivered to shoreside processing facilities. The Council is concerned about the impacts of the recent increases and potential for future growth in offshore deliveries of Pacific cod to Amendment 80 vessels or other vessels operating as motherships, and the potential impacts those increases could have on shoreside processors, communities, and participating catcher vessels. The Council intends to address the activity of vessels acting as motherships.

In addition, there are ~~108~~ **both AFA and non-AFA** licenses endorsed to fish in the BSAI trawl cod fishery, including ~~76~~ exempt and non-exempt AFA vessels. Information **indicates there are a** ~~shows a large~~ number of ~~these AFA endorsed~~ vessels **which** are not **actively** participating, but whose catch history contributes to the ~~AFA~~ Pacific cod sideboard in the Bering Sea trawl cod fishery. ~~These AFA endorsed vessels that are not participating also benefit from secure allocation of~~

~~pollock~~. Despite a high level of **some** latency **amongst available licenses**, the pace of the fishery has increased **significantly in recent years**. **This has resulted in a** ~~shortening the season, and a resulting in~~ decreased ability to maximize the value of the fishery ~~and negatively impacting fishery to all participants~~. Additional entrants could exacerbate these issues and threaten the viability **and competitive nature** of the fishery. The Council is considering improving the prosecution of the fishery, with the intent of **promoting safety and** increasing the value of the **Bering Sea-Aleutian Islands Pacific cod** fishery, by considering **options that** ~~limiting~~ entry of vessels, **shift seasonal cod allocations, and/or create seasonal fishery sub-sectors**. ~~that have not participated or have not participated recently.~~

Final motion passed 16-0.

Rationale in Support of Changes to Purpose and Need:

The second paragraph of the P & N statement was modified to reflect that this is not just an AFA-specific issue, nor is it strictly a latent permit issue. The modified language is intended to reflect the current complexities and reality of the Bering Sea Pacific cod fishery, for all participants, that need to be addressed through Council action.

Motion#3: New Alternatives 5 and 6

The AP recommends the Council include the following two new alternatives (5 and 6) for initial analysis:

Alternative 5. Apportion the Bering Sea CV trawl A season into two sub-sectors: AFA (86.09%) and non-AFA (13.91%). This split would apply to the catcher vessel cod trawl A season for only the Bering Sea sub-area fishery in years when the 5,000 mt Aleutian Island set aside is in place. For years without an Aleutian Islands set-aside, the split will apply to the entire BSAI CV trawl A season allocation. B and C season Pacific cod trawl catcher vessel allocations would return to a single sector allocation (AFA and non-AFA combined) to cover incidental cod catch in other fisheries. However, if a significant amount of cod rolled into the B and/or C season results in NMFS' ability to open a catcher vessel cod trawl directed fishery, it would also be managed as a single sector fishery.

- The AFA sub-sector will be managed via an Inter Cooperative Agreement (ICA).
- The non-AFA sub-sector will be managed consistent with Open Access style fisheries
- Halibut and Crab PSC allocations will be divided pro-rata for the AFA non-AFA catcher vessel sub-sectors.

The following motion to amend by adding a final paragraph to the end of Alternative 5 was made (underlined below). Another motion to amend was made to reword the sentence (in **bold**/~~strikeout~~).

Both amendments passed 16-1.

Option: Have the AFA and non-AFA cod split be based on 2016, 2017, 2018 harvests.

The AP **recommends the analysis include a discussion on how** ~~request a discussion paper on how~~ the non-AFA cod fishery may also be able to have a cooperative fishing structure and what changes or tools may be necessary.

Alternative 6. Modify the current BSAI trawl sector's Pacific cod fishery seasonal allocations with the intent of maximizing the catcher vessel A season Pacific cod fishery allocation.

Revised Trawl Sector Seasonal Apportionments	Annual Trawl Sector %'s in Regulation	Modified A Season Sector %'s	Modified B Season Sector %'s	Modified C Season Sector %'s
A80 Trawl Cod TAC	13.40%	48.00%	27.00%	25.00%
CV Trawl Cod TAC	22.10%	90.00%	5.00%	5.00%
AFA C/P Trawl Cod TAC (no change)	2.30%	75.00%	25.00%	0.00%
All Trawl Sector Cod TAC %	37.80%			

[A motion to amend by striking Alternative 6, failed 4-13.]

Final motion, as amended, passed 16-0.

Rationale in General Support of Alternative 5 and 6t:

- *Alternatives 2-4 do not specifically address the current rapid pace and early closure of Bering Sea trawl cod fishery. For example, under Alternative 4, Option 4, it is estimated that a total of 79 LLP licenses (and associated vessels) would remain eligible to participate in the Bering Sea cod fishery. The Council has previously been provided with stakeholder testimony describing the unsafe nature of the cod fishery as it is currently being prosecuted. It is necessary for the Council to take steps that promote a safe and reasonable cod fishery for catcher vessels and expand the action beyond a focus on inshore/offshore delivery restrictions.*
- *The addition of new Alternatives 5 and 6 are included to provide a more holistic approach with potential solutions available for all Bering Sea cod participants: catcher vessels, shoreside processors, catcher processors, and communities.*

Rationale in Support of New Alternative 5:

- *The ICA approach to management has a proven successful record in the North Pacific. Employing the AFA cooperative structure to manage the AFA CV vessels will work to mitigate and alleviate the current rapid pace and compressed time frame of the Bering Sea cod trawl CV fishery for the majority of the fleet and establish a more reasonable fishery. The AFA fleet already has the tools in place to immediately accomplish this benefit. Allowing vessels to operate in a reasonable manner will naturally create a safer fishing environment. To this end, it is anticipated that this Alternative will naturally result in a greater reduction in the number of vessels actively fishing on the grounds than could be achieved under Alternative 4.*
- *This alternative will help to protect traditional markets available to the Bering Sea CV trawl cod fishery. Because there are long-standing relationships between processors and catcher vessels, this alternative will allow both processors and catcher vessels to create more value out of their product. Under the current prosecution of the fishery, processors are over-capitalizing*

operations for an extremely short A season. This alternative will allow for a steadier and more predictable fishery, which will promote more shoreside investment thereby benefiting processors, vessels, and communities.

- *The AFA requires the AFA catcher vessel fleet to have their sideboard limits managed in the aggregate, with the intent of allowing fewer AFA CVs to harvest up to the sideboard limit to the benefit of all the AFA catcher vessels. Consequently, all AFA participate in the BSAI Cod trawl fishery even though all AFA CVs do not actively harvest Pacific cod every season. Removing some of the AFA vessels ability to participate in the directed cod fishery disrupts the ability of the AFA CVs via their Inner Cooperative Agreement to manage their cod fishery.*
- *The percentage amounts noted for each CV sub-sector are based on the NPFMC's action to implement the sideboard provision of the American Fisheries Act.*
- *This alternative provides the tools to make the majority of the BSAI CV trawl P. Cod fishery a safer, and more responsible fishery without establishing a catch share program.*
- *The cooperative structure is an effective tool to control and minimize the use of PSC (Salmon, Halibut and Crab PSC) and has proven its ability to achieve this. The current cooperative agreement requires its members to stop fishing for vessels that have exceeded its pro-rata halibut limit, prohibits fishing at night for Pacific cod, and requires all member vessels to use a halibut excluder. In addition, AFA coop members have elected to use 100% observer coverage to obtain the best bycatch information at the individual vessel level.*

Rationale Supporting final paragraph and recent history option to Alternative 5:

- *The non-AFA cod sector of the fishery does not have a unifying pollock coop structure so it may be more difficult to stop the race for fish. Some of the smaller under 60 non-AFA AI LLPs only started fishing in 2018 and there may be a wide range in participation. The council may need to consider additional measures so the non-AFA cod sector is not stuck in open access and has the same opportunity as the AFA to establish a reasonable fishery.*
- *The AFA sideboards of 86.09% is based on 20-year history at this point and doesn't reflect the current non-AFA fishery participants and dependence. The AFA was based on the three previous years before the action, a similar precedent should be considered here.*
- *Non-AFA CVs in the fishery are generally smaller than AFA vessels and without AFA pollock allocations to rely on, when they fish they miss out on other opportunities and do not benefit from passive involvement in the fishery through leasing cod sideboards.*

Rationale Supporting New Alternative 6:

- *Current Steller Sea lion rules divides Pacific cod allocations between each harvest gear sector, sets allocation percentages for each gear group, and seasonally apportion each user group's allocation. The trawl sector receives 37.8% of annual BSAI cod TAC (Am 80 trawl, CV trawl, and C/P trawl combined). This total percentage amount does not change, nor does the annual sector's percentage, under this alternative.*
- *By optimizing the trawl CV A-Season from 74% to 90% and reducing the B and C seasons to 5% each, the B and C seasons are set at levels to cover incidental catch in other fisheries (e.g., YFS and pollock). Seasonal rollovers would still occur and could result in some directed fishing in B and C season if determined by NMFS.*
- *The Steller Sea Lion seasonal apportionments of P. cod were established prior to implementation of Amendment 80 and do not reflect the current temporal usage of P. cod by*

the entire BSAI trawl fleet (CP and CV combined). The SSL seasonal apportionment of cod to the CV sector resulted in the CV's inability to harvest its total apportionment of P. cod.

- *The proposed trawl CV A season increase requires a re-balancing of the trawl sector splits. With the implementation of Amendment 80 to the BSAI Groundfish FMP, the Amendment 80 sector currently withholds a considerable amount of their A season cod allocation to cover their incidental catch of cod throughout the year, typically catching 25% to 35% in the A season (highest recent year was 2016 at 45%). Because cod is now a constraining species for the Amendment 80 fleet, they hold back A and B season P. cod amounts to support their directed fishing that occurs during the C season. It is anticipated that an A season allocation of 48% for the Amendment 80 sector is appropriate for their fishing needs for both the A season and throughout the remainder of the fishing year.*
- *While Alternatives 2-6 are not mutually exclusive, selection of this alternative alone will likely not be enough to meet the Purpose and Need Statement. Instead, it is intended to enhance the benefits of other alternatives that may be selected.*

Rationale in opposition of Alternative 6:

- *The Council is already scheduled to review BSAI cod allocations in December where concerns about rollovers of cod and stranded cod can be addressed across different sectors. Including a seasonal reapportionment of cod from the A80 sector to the cod trawl CV sector as part of an action focused on processing and harvesting within the trawl cv cod fishery complicate an already multi-layered. analysis. The A80 sector is utilizing their cod allocation, which is a choke species, even if they aren't harvesting 100% of it during the A season it informs their annual fishing plan.*

C7 GOA pollock, cod seasonal allocations

The AP recommends that the Council initiate an analysis of the following alternatives for modification of Gulf of Alaska Pollock and Pacific cod seasonal allocations.

Considerations for a problem statement:

- 1) Increase fishery yield particularly roe quality/quantity for pollock.
- 2) Provide flexibility in prosecuting the fishery under existing constraints, particularly bycatch and variations in the fishery and the environment.
- 3) Need for increased in season management flexibility.
- 4) Minimize reallocation of the Pollock and pacific cod resource across regulatory areas and fishery stakeholders.

Alternative 1. No action

Alternative 2. Modify pollock seasons in Area 610, 620, 630 and 640 and/or reallocation limits

Option 1: Modify the allocation of pollock among existing A, B, C, and D seasons as follows:

Suboption 1: A Season: 30%; B Season: 25%; C Season 25%; D season 20%

Suboption 2: A Season: 30%; B Season: 30%; C Season 20%; D season 20%

Option 12: Combine the A and B seasons into a single season, and combining the C and D seasons into a single season, and allocate pollock between among a combined A/B and C/D seasons as follows:

Suboption 1: A/B Season: 50 %; C/D season 50%

Suboption 2: A/B Season: 55 %; C/D season 45%

[A motion to amend by striking suboption 2, failed 7-9; minority report below.]

Suboption 3: A/B Season: 60 %; C/D season 40%

Option 23: Increase the amount of unharvested pollock that may be reallocated from one season to the following season, or among areas, from 20% to:

Suboption 1: 25%

Suboption 2: 30%

Option 1 and Option 2 are not mutually exclusive. Option 3 would be applied to the existing A, B, C, and D seasonal allocation, or to A/B and C/D allocations described in Options 1 and 2.

Alternative 3. Modify the allocation of Western and Central GOA Pacific cod among the existing A and B seasons for the CV trawl sectors only (approach B in the document) as follows:

Option 1: A Season: 65%; B Season: 35%

Option 2: A Season: 70%; B Season: 30%

Option 3: A Season: 75%; B Season: 25%

Final motion passed 16-0.

Rationale in Support:

- *Option 1 should be withdrawn from consideration for future analysis, in all cases it creates winners and losers. In shifting TAC to the A/B seasons, the allocation for 620 increases and the allocation for 610 and 630 decreases.*
- *Although the discussion paper highlighted that new Option 1 Sub-option 2 (55%/45% split) would have reallocation implications, retaining it for future analysis will help to illustrate inherent problems with moving pollock from the new C/D season to the A/B season, especially for WGOA fishermen who may not be tracking this issue yet.*
- *Combining the A/B and C/D seasons creates fewer boxes, which increases in-season management flexibility and reduces down-time for observers, potentially resulting in reduced observer costs and increased efficiencies for industry.*
- *The option to combine the A/B seasons (50%) and C/D seasons (50%) results in a status quo allocation across regulatory areas.*
- *The pollock fleet is losing roe quantity and quality due to the A/B split. Presently, the B season start date is too late, when roe quality has often degraded and pollock may have spawn before the fishery is complete.*
- *Chinook salmon bycatch is the highest in the pollock D season (October 1 start date). Combining the C/D season would reduce the amount of fishing time necessary to harvest pollock in October.*
- *Increasing the rollover amount to 25% or 30% should be analyzed to determine whether it would effectively reduce the level of unharvested pollock on an annual basis for the C/W GOA.*
- *Approach B (Table 9) leaves all other gear types at status quo and only impacts the trawl CV sector A/B split for Pacific cod.*
- *Increasing the A season cod allocation for the trawl sector reduces halibut bycatch in the fall and improves harvest efficiencies.*

- *The analysis will consider whether additional harvest concentrated around the time that Pacific cod aggregate to spawn will have an impact on the recovery of the stock, which is at very low abundance levels.*

Minority Report on failed Amendment to strike sub-option 2 under option 1, for Alternative 2:

The intent of the failed amendment was to remove all allocative impacts among the Gulf areas.

Signed by: Sinclair Wilt, Shannon Carroll, Anne Vanderhoeven, John Gruver, Angel Drobnica, Ruth Christiansen and John Scoblic.

C8 GOA Tanner Crab Observer/Effort Data

The AP recommends no further action at this time and that time and effort would be better spent dedicated to improvement of the observer program.

Motion passed 15-0.

Rationale:

- *Upon reflecting on the discussion of the observer program, learning that there is adequate observer coverage in the arrowtooth fisheries and reviewing the discussion paper relative to catch and observer coverage in the statistical areas important to Tanner crab, the AP believes that time and effort would be better spent dedicated to improvement of the overall observer program.*
- *Stakeholders remain concerned about bottom trawl impacts on the crab grounds and benthic habitat. The anecdotal evidence from crab fishermen, some of which has been documented with Fish and Game, was the impetus for this review. However, refocusing observer coverage in areas of concern would result in trade-offs of reduced coverage in other areas.*

D1 Social Science Planning Team

The AP received a report from Sarah Marrinan, NPFMC staff, summarizing the SSPT meeting minutes. No action was taken on this agenda item.

D2 Community Engagement Draft Committee Scope and Ideas for RFP

The AP recommends the Council establish a new ad hoc committee dedicated to community and tribal engagement in the Council process, with a focus on two-way engagement. Committee membership should be comprised of tribal representatives and people with expertise in working with communities and tribes. This Committee will be in addition to existing Community outreach efforts.

The AP recommends that the Council adopt the draft charter as presented in the discussion paper:

The North Pacific Fishery Management Council's Community Engagement Committee is established to identify and recommend strategies for the Council and Council staff to enact processes that provide effective community engagement with rural and Alaska Native communities. Community engagement involves two-way communication between the Council and communities at all stages of a project and allows for community concerns and priorities to be shared clearly with the Council, whether part of an active Council action or not.

The AP further recommends the Council continue to develop processes for incorporating traditional knowledge in the Bering Sea FEP and throughout Council documents and decisions.

Motion passed 13-3.

Rationale:

- *There are a large number of under-represented stakeholders in the Council process. The AP has heard concerns that people are having complications either getting to the table or getting representation at the table.*
- *The Council has existing mechanisms for outreach, these are valuable and should be continued. However, this is one-way outreach; the Council's information and sustainable fisheries management will be improved by developing a two-way engagement strategy.*
- *The Committee itself is best suited for scoping ideas, a workshop or an open request for proposals will not be as valuable as allowing the Committee to identify its own objectives and strategies.*
- *A Community Engagement Committee will help identify a two-way communication strategy. The development of a committee is responsive to the requests of multiple community entities and tribes and is intended to help develop a process to increase information flow and understanding.*
- *The need to have formal goals and agendas is an assumption in the Council process and a paradigm that may need to be changed. Sometimes, it is important to be responsive to requests from those who are indicating that there is a problem and requesting a forum, even if the path or process to address that problem is not mutually agreed upon or fully understood.*

Minority Report:

The signatories below are not opposed to the formation of a new Community Engagement Committee, but believe that a critical and necessary first step to the formation of a new CEC is a moderated workshop, as recommended by staff in the discussion paper. Such a workshop would work to formalize answers to the three essential questions outlined in the discussion paper and review the Council's previous outreach, communication, and engagement strategies. It has been stated that there is a common understanding regarding the need for improved communication and engagement with rural and tribal communities. However, we do not completely agree with this assertion. To illustrate this confusion, public comment from tribal organizations indicates that previous outreach efforts have been inadequate and unsuccessful from their perspective, but the specific reasons for this have not been clearly articulated. Bering Sea industry groups (Amendment 80, Bering Sea pollock) have interacted with tribal organizations in a variety of ways over the last several years and it is felt that these have been, and continue to be, successful outreach, communication, and engagement projects for the parties involved. A foundational workshop, open to everyone (not strictly limited to tribal representatives and people with expertise in working with communities and tribes), would actively help to bring these divergent perspectives to a common understanding as to where and why such divergence exists. To this end, a workshop will be able to highlight how the development and use of a targeted communication and engagement program could benefit both the Council and communities. From there, a CEC (as envisioned) can work to develop effective strategies for a two-way engagement process that can be utilized by the North Pacific Fishery Management Council.

Signed by: Anne Vanderhoeven, Ruth Christiansen and John Gruver

D5 BSAI Halibut O26 Performance Standard

The AP recommends that the Council continue to consider an O26 performance concept, as a means to address or evaluate some of the objectives of the broader ABM action. The AP recommends that the Council initiate, when timely, a white paper to consider what, if any, revisions should be made to the BSAI groundfish observer program, to ensure that data gaps for developing a size composition performance metric/standard are identified and potential trade-offs to other objectives of the observer program are understood.

Motion passed 11-6.

Rationale in Support:

- *The concept of using O26 as either as a performance metric or standard has value in evaluating how an ABM policy achieves two objectives of the action (1) not unnecessarily constraining the groundfish fishery and (2) providing for a directed halibut fishery.*
- *The O26 concept was originally introduced because some stakeholders felt that it was aligned with broader AMB program objectives and that such a standard could be designed to be reflective of the different size composition encountered by the A80 fleet, potentially providing the sector with more flexibility, as well as addressing the component of the stock that was important to the directed fishery.*
- *The discussion paper highlighted significant data limitations in past observer data, and public testimony highlighted some operational objectives that would need to be fleshed out prior to trying to construct a size based performance standard. These limitations may ultimately not allow for the development of such a standard.*
- *The motion is not prescriptive as to when the Council should reconsider this action, but it would likely be best considered as part of the broader ABM action.*
- *The white paper is also not prescriptive as to timing, in recognition that there are many factors that will play into the Council's determination as to when the timing is appropriate (e.g., when the Council reconsiders the O26 concept, other priorities on the task list for the observer program).*
- *The potential impacts and tradeoffs of developing a sampling protocol for a size-based performance standard on deck sorting and other A80 cooperative tools need to be better understood.*

Rationale Against:

- *The original idea for a performance standard has now shifted into a performance concept, but a concept in and of itself cannot be used as an analytical tool for the evaluation of broader ABM goals. A performance standard or performance metric (as two potential concepts) can be evaluated against an established goal; however, management goals specific to a performance standard or performance metric have not yet been identified and it is unclear how the broader ABM goals would be applicable to either a standard or metric.*
- *The current observer analytical task list contains 20 items, many of which have not yet begun due to staffing constraints. It is unknown where the request for a white paper would fit in amongst the priorities on this list and how inserting this paper might negatively impact other identified Council priorities. Further, the question of timing for development of a white paper is*

of concern, specifically, it is unclear how this white paper will fit in to the continued development of the halibut ABM package as a whole.

- *As laid out in the Council's April 2018 motion, the purpose of this agenda item was clear: to consider the available data for the potential establishment of a BSAI O26 halibut PSC performance standard. Based on the information and data presented in the discussion paper, as well as the SSC summary bullet points provided (upon request) to the AP, the available data upon which to establish a sector-based performance standard is inadequate for the intended purpose (as identified in public testimony).*
- *Establishing a performance standard based upon O26 halibut raises concerns over the long-term biological effects of potentially concentrating effort on U26 halibut. The potential long-term impacts to halibut stock status from a potential increase in the bycatch of U26 halibut warrants further consideration.*

D6 Research Priorities for 2018

The AP recommends that the Council move the development of the portfolio described in the D6 research priorities supplemental document to a top research priority, in anticipation of the Halibut Catch Sharing Plan allocation review scheduled for 2021.

Motion passed 16-0.

Rationale:

- *The halibut Catch Sharing Plan is up for review in 2021. To write an analysis or participate in the public process, it is important that Council staff and stakeholders have adequate, comparable information for both the commercial and charter fisheries. Without the proper metrics and data, there is a significant risk of misinformation and situations where apples are compared to oranges.*
- *There are only three years between this request and the CSP allocation review in 2021, and it is necessary to gather as much information as possible in anticipation of conducting this review.*
- *Existing socioeconomic data on the charter halibut fleet is largely outdated, or gathered from an sample size insufficient to extrapolate useful information across Areas 3A and 2C.*
- *AFSC staff has conducted annual surveys of CHP holders since 2011. These surveys have received a 20%-30% overall response rate, and declines in recent years indicate participant survey fatigue (SSPT D1 Minutes page 8). These low response rates have resulted in data issues and variables that will make the plan review challenging.*

E1 Staff Tasking (and Ecosystem Committee, IFQ outreach meeting reports)

The AP received staff reports summarizing the Ecosystem Committee and IFQ outreach meeting reports. No action was taken on this agenda item.