



## Advisory Panel MINUTES

November 30 – December 5, via webconference

*The Advisory Panel met Monday, November 30, through Saturday, December 5, 2020, in a virtual teleconference. The following members were present for all or part of the meetings (absent members are *stricken*):*

Christiansen, Ruth (Co-VC)	Johnson, Mellisa	Scoblic, John
Curran, Tory	Kauffman, Jeff	Upton, Matt (Co-Vice Chair)
Donich, Daniel	Kavanaugh, Julie	Vanderhoeven, Anne
Drobnica, Angel (Chair)	Lowenberg, Craig	Velsko, Erik
Gruver, John	Mann, Heather	Weiss, Ernie
Gudmundsson, Gretar	O'Connor, Jamie	Wilt, Sinclair
Hayden, Natasha	O'Donnell, Paddy	
Johnson, Jim	Peterson, Joel	

The AP approved the minutes from the October 2020 meeting.

### **C1 Charter Halibut**

The AP recommends that the Council approve and send on to the International Pacific Halibut Commission (IPHC) the following management measures for IPHC regulatory Area 3A.

All management measures shown below include (unless otherwise specified): a daily bag limit of 2 halibut with one fish of any size and one with a maximum size limit; no annual limit per charter angler; Wednesdays closed to halibut retention all year; 1 trip per halibut charter vessel per day; and 1 trip per charter halibut permit per day.

If the allocation is less than 1.93 Mlb (Status quo FCEY) but greater than or equal to 1.85 Mlb (according to Table 22 on page 45 in ADF&G analysis of proposed harvest regulations for 2021):

- Close all Wednesdays to retention of halibut, with a maximum size limit on the second fish of 32 inches and apply a 25% COVID Impacts Buffer (as described in Appendix A-2,2 on page 59 in the ADF&G analysis) to bring the projected harvest within the Area 3A allocation. Removal projection without the COVID buffer is 2.470 million pounds; removal projection with the buffer is 1.85 million pounds.

If the allocation is less than 1.85 Mlb but greater than 1.78 Mlb (according to Table 24B of the ADF&G Analysis):

- Adjust the size of the second fish, down to a minimum of a maximum size limit of 30 inches to keep the charter harvest within their allocation and apply a 25% COVID Impacts Buffer (as described in Appendix A-2, 2 on page 59). Removal projections with the buffer range from 1.78 to 1.85 million pounds.

The AP also recommends that the Council approve and send on to the International Pacific Halibut Commission (IPHC) the following management measures for IPHC regulatory 2C.

The Charter Halibut Management Committee recommends the following management measures for IPHC Regulatory Area 2C.

1. Apply a 35% reduction in projected removals for 2021 under a reverse slot limit in Table 6, page 26, of the analysis and use this adjusted table for determining reverse slot limit harvest measures.
2. One Fish Daily Bag Limit.
3. If the Area 2C catch limit is at 0.65 million pounds (Reference SPR 43), the reverse slot limit must be  $\leq 44''$  or  $\geq 80''$ .
4. If Area 2C catch limit is from 0.651 million pounds to 0.751 million pounds, maintain the upper reverse slot limit at  $\geq 80''$  and adjust the lower reverse slot limit upward to keep the projected harvest within the allocation.
5. If Area 2C catch limit is higher than 0.751 million pounds, maintain the lower reverse slot limit of  $\leq 50''$  and adjust the upper reverse slot limit downward to keep the projected harvest within the allocation.

35% Buffer		
	0.65	Adjusted
U44080	0.993	0.645
U45080	1.026	0.667
U46080	1.048	0.681
U47080	1.077	0.700
U48080	1.097	0.713
U49080	1.131	0.735
U50080	1.155	0.751
U50078	1.166	0.758
U50076	1.168	0.759
U50074	1.182	0.768
U50072	1.209	0.786

Motion passed 22-0

Rationale

- *The coronavirus pandemic had a dramatic negative impact on 2020 fishery participation and harvest. The best information we have moving forward is that 2021 is more likely to resemble 2020 than a normal fishing season such that negative impacts on bookings and harvest will continue.*
- *For Area 2C, Table A2-1 on page 59 of the Analysis shows projected removals with a 54.4% reduction in 2021 harvest using the status quo U45080 harvest measure, and assuming equivalent impacts from COVID as seen in 2020. To stay within allocation, a 35% effort reduction factor should be applied for 2C allowing for the possibility that business will improve modestly in 2021.*

- *For Area 3A, while charter effort was down nearly 30%, or 30,703 less halibut harvested in 2020 compared to 2019, there were 113,000 pounds of halibut left in the water, which translates to a 6.6% underage. In commercial fisheries getting within 6.6% is good, but for the charter sector getting close to an allocation is not an adequate metric to measure revenue in the fishery.*
- *By the emergency action last year, the Council opened up two additional days and eliminated the annual limit; those actions provided 25% more angler opportunity than 2019. While capacity was increased by nearly 25% in 2020, there was still a 30% reduction from 2019 effort. There was also additional reduction in revenue because of increased competition (local discount), resulting in significantly lower rates for a trip. This reduction in effort combined with a 20% reduction in rates equates to about a 45% loss in revenue. This highlights how leaving 6.6% in the water does not tell the whole story. Many 3A charter operators serving on the halibut committee reported 35 – 65% declines in revenue in 2020. Charter operators do not make money on the number of pounds caught; money is made on how many clients operators are able to take fishing.*
- *Given that 3A effort was down 30% from 2020 despite the emergency order that provided additional opportunity for effort and this 3A effort was 47% below the projected effort for 2020 when projections were adjusted for changes to the regulations, applying a 25% effort reduction factor is recommended for 3A in 2021, which is a conservative reduction allowing for the possibility that business will improve modestly in 2021.*
- *Removal estimates should be adjusted down for the following reasons:*
  - *Many anglers with the discretionary income to take Alaska fishing trips fall into a high-risk category for COVID. COVID counts in the U.S. are at record highs. This group will not book travel until risk of exposure has dropped.*
  - *Vaccines are in approval stages with uncertain timelines for distribution, and undetermined protection against COVID over time. There are no sound projections that vaccines will create herd immunity in time for the 2021 fishing season.*
  - *Many current bookings are rollovers from 2020. Some of those same customers are now beginning to ask to be bumped to 2022, and many more are likely to follow suit with the trajectory of the pandemic.*
  - *Corporations and households are suffering financial impacts from the pandemic and are waiting to take trips until the economy has settled and income improves.*
  - *States are maintaining or increasing restrictions for interstate travelers. Meeting Alaska entry requirements was an obstacle for customers in 2020 and will likely be so for 2021.*
  - *It is unclear whether Canadian borders will be open to non-essential travel.*
  - *Cruise ships have reduced sailings, passenger capacity, and port excursions, which will affect effort.*
  - *Airlines have reduced capacity and scheduled flights making outbound and return travel more difficult and more expensive.*
  - *A segment of charter customers will not take fishing trips until mask, distancing, pre-testing protocols, or potential vaccination requirements are removed, which is highly unlikely for 2021.*

## C2 Cook Inlet Salmon

The AP recommends the Council select Alternative 2, federal management with delegation to the State, for final action on C2 Cook Inlet Salmon. **The AP also recommends no retention of groundfish species.**

*Amendment passed 22-0*

*Motion as amended passed 22-0*

### Rationale:

- *Alternative 2 provides the framework for satisfying both the court ruling and MSA standards. It sets goals and objectives consistent with MSA national standards and it allows the fishery to be managed in a coordinated and proactive manner throughout its range (as opposed to reactively by two entities). Coordinated management under Alt. 2 contains elements identified in the analysis to set pre-season goals and allow for in-season management, which, as stated in the current Salmon FMP, the State of Alaska is best situated for such in-season salmon management with the necessary tools and resources already in place.*
- *Alternative 2 provides equitable harvest opportunity to all user groups, the majority of past and current public comment to both the AP and Council support Alternative 2, and it will result in the least disruption for the Cook Inlet. To this end, selection of Alt. 2 as a final alternative for the EEZ salmon fishery in Cook Inlet will set precedent for the other two traditional net fishing areas in the West Area of the Salmon FMP (South Alaska Peninsula and Prince William Sound).*
- *Analysis of Alternative 3 reveals multiple challenges and creates multiple uncertainties that are likely to result in the closure of the EEZ portion of the Cook Inlet fishery due to the challenges of an EEZ zone under exclusive Federal management. This includes data gathering processes being a condition “highly unlikely” to be met, which results in data replication at an additional cost. TAC apportionment pre-season would be another approach, but is assumptive leading to unnecessary EEZ closures and/or a closure that would be impossible to reverse due to inability of federal managers to be as responsive as the State. The EEZ zone constitutes the majority of the fishing grounds and is historically crucial to the vitality of the Cook Inlet commercial salmon fishery. Such closures would inevitably lead to lost harvest opportunity (negative economic impacts), over escapement, and crowded fishing grounds setting the stage for a disorderly fishery, potential gear conflicts, and enforcement issues.*
- *The new Alternative 4 has had little to no transparent public process. It has overwhelming opposition from industry, communities, and secondary beneficiaries such as processors, suppliers, and support service providers. Regarding Alt. 4 meeting objectives of this action:*
  - *Objective 1, Prevent Overfishing: The analysis assumes that closing the EEZ would prevent overfishing but it does not consider the migration of displaced fishers and how the amplified effort in State waters will affect harvest strategies.*
  - *Objective 2, Management Throughout the Range: The analysis draws a comparison between dual State/federal management for troll/sport fishing in the East Area and a complete delegation to Federal Management (Complete closure) in the West Area. The following statement “prohibiting commercial harvest enables the state to manage salmon fisheries to achieve escapement goals and maximize economic and social benefits from the fishery” is not thoroughly explained and reads more like an arbitrary statement than best available science.*
  - *Objective 4, Maximize Benefits to the Nation Over Time: Alaska salmon is a highly valued commodity bought throughout the nation and overseas. Cook Inlet has had a pivotal role in increasing the value and brand recognition of Alaskan salmon/seafood.*

*The language in Objective four is reminiscent of allocative arguments for redistribution of salmon resources, which Alt. 4 will provide by marginalizing Cook Inlet commercial stakeholders beyond what is reasonable. This objective requires thorough review and revision.*

- *Objectives 3 (Minimize Bycatch and Bycatch Mortality), 5 (Protect Wild stocks/Utilize hatchery production), and 6 (Safety) do not seem to apply or have not been developed.*
- *Alternative 4 has particularly drastic consequences in terms of equity between stakeholders. It creates separate jurisdictional rules for commercial and recreational users. The State will still manage open recreational fishing in the EEZ, but commercial fishing will be managed via a permanent federal closure. In this scenario, one group of stakeholders will still be able to engage in a public process with the State to determine future fishing opportunities in the EEZ while another one is not. This group would be permanently excluded from not only their historic fishing grounds but also from a public process others still have access to.*
- *Alternative 4 does not meet National Standard 8 to provide for the sustained participation of fishing communities and minimize adverse economic impacts on those communities. Alternative 4 essentially eliminates the southern half of the fishery, which would have a substantial impact on Homer in particular by drastically reducing the incentive for any landings, processing, fueling or other marine services to take place there. The Homer-based fleet also does a substantial amount of direct marketing to local residents, which is an important part of the local food system. This alternative would maximize negative economic impacts on Kenai Peninsula fishing communities, particularly the southern ones, and will reduce opportunities for the residents who participate by purchasing salmon from local fishermen.*
- *The Amendment clarifying no retention of groundfish is reflective of stakeholder intent in selecting Alt. 2 and includes the requirements for minimum logbook recording requirements. Occurrence of incidental catch is minimal and such requirements for minimum monitoring, recordkeeping, and reporting will accurately account for all catch in the fishery.*

### **C3 BSAI Specs**

#### **Motion 1**

The AP recommends that the Council approve the final 2021 and 2022 Bering Sea-Aleutian Islands groundfish specifications for OFLs and ABCs as recommended by the SSC, and the TACs as shown in the attached table 1.

Note: the sablefish OFL is statewide

*Amendment: **Adjust the sablefish TAC amounts downward to: 2,140mt in the BS and 2,345mt in the AI.***

*Amendment passed 12-10.*

*Motion as amended passed 21-0*

Table 1. Final Plan Team recommended OFL, ABC, and AP recommended TAC for Groundfish in the Bering Sea/Aleutian Islands (metric tons) for 2021-2022.

Species	Area	2020				Catch as of 11/7/2020	Final 2021			Final 2022		
		OFL	ABC	TAC	OFL		ABC	TAC	OFL	ABC	TAC	
Pollock	EBS	4,085,000	2,043,000	1,425,000	1,364,949	2,594,000	1,626,000	1,375,000	2,366,000	1,484,000	1,400,000	
	AI	66,973	55,120	19,000	2,971	61,856	51,241	19,000	61,308	50,789	19,000	
	Bogoslof	183,080	137,310	75	8	113,479	85,109	250	113,479	85,109	100	
Pacific cod	BS	191,386	155,873	141,799	136,185	147,949	123,805	111,380	128,340	106,852	95,053	
	AI	27,400	20,600	13,796	5,321	27,400	20,600	13,796	27,400	20,600	13,796	
Sablefish	AK	50,481				60,426	29,588	4,485	70,710	36,955	9,924	
	BSAI		n/a	n/a	n/a	n/a	n/a		n/a	n/a		
	BS	n/a	2,174	1,861	5,184	n/a	3,396	2,140	n/a	4,863	4,863	
	AI	n/a	2,952	2,039	1,123	n/a	4,717	2,345	n/a	6,860	5,061	
Yellowfin sole	BSAI	287,307	260,918	150,700	128,320	341,571	313,477	200,000	374,982	344,140	200,000	
Greenland turbot	BSAI	11,319	9,625	5,300	2,312	8,568	7,326	6,025	7,181	6,139	6,025	
	BS	n/a	8,403	5,125	1,639		6,176	5,125		5,175	5,125	
	AI	n/a	1,222	175	673		1,150	900		964	900	
Arrowtooth flounder	BSAI	84,057	71,618	10,000	10,265	90,873	77,349	15,000	94,368	80,323	15,000	
Kamchatka flounder	BSAI	11,495	9,708	6,800	7,279	10,630	8,982	8,982	10,843	9,163	8,982	
Northern rock sole	BSAI	157,300	153,300	47,100	25,762	145,180	140,306	54,500	213,783	206,605	54,500	
Flathead sole	BSAI	82,810	68,134	19,500	9,001	75,863	62,567	25,000	77,763	64,119	25,000	
Alaska plaice	BSAI	37,600	31,600	17,000	19,954	37,924	31,657	24,500	36,928	30,815	22,500	
Other flatfish	BSAI	21,824	16,368	4,000	4,113	22,919	17,189	6,500	22,919	17,189	6,500	
Pacific ocean perch	BSAI	58,956	48,846	42,875	36,303	44,376	37,173	35,899	42,384	35,503	34,758	
	BS	n/a	14,168	14,168	8,895		10,782	10,782		10,298	10,298	
	EAI	n/a	11,063	10,613	9,557		8,419	8,419		8,041	8,041	
	CAI	n/a	8,144	8,094	7,966		6,198	6,198		5,919	5,919	
	WAI	n/a	15,471	10,000	9,885		11,774	10,500		11,245	10,500	
Northern rockfish	BSAI	19,751	16,243	10,000	8,362	18,917	15,557	13,000	18,221	14,984	13,000	
Blackspotted/Rougheye Rockfish	BSAI	861	708	349	458	576	482	482	595	500	326	
	EBS/EAI	n/a	444	85	125	n/a	313	313	n/a	324	150	
	CAI/WAI	n/a	264	264	333	n/a	169	169	n/a	176	176	
Shortraker rockfish	BSAI	722	541	375	214	722	541	500	722	541	225	
Other rockfish	BSAI	1,793	1,344	1,088	996	1,751	1,313	916	1,751	1,313	694	
	BS	n/a	956	700	293		919	522		919	300	
	AI	n/a	388	388	703		394	394		394	394	
Atka mackerel	BSAI	81,200	70,100	59,305	57,506	85,580	73,590	62,257	79,660	68,220	57,717	
	EAI/BS	n/a	24,535	24,535	22,926		25,760	25,760		23,880	23,880	
	CAI	n/a	14,721	14,721	14,588		15,450	15,450		14,330	14,330	
	WAI	n/a	30,844	20,049	19,992		32,380	21,047		30,010	19,507	
Skates	BSAI	49,792	41,543	16,313	17,221	49,297	41,257	18,000	47,372	39,598	16,000	
Sculpins	BSAI	67,817	50,863	5,300	4,805	N/A	N/A		N/A	N/A		
Sharks	BSAI	689	517	150	179	689	517	200	689	517	200	
Octopuses	BSAI	4,769	3,576	275	682	4,769	3,576	700	4,769	3,576	700	
<b>Total</b>	BSAI	<b>5,584,382</b>	<b>3,272,581</b>	<b>2,000,000</b>	<b>1,849,473</b>	<b>3,945,315</b>	<b>2,747,727</b>	<b>1,996,372</b>	<b>3,802,167</b>	<b>2,682,318</b>	<b>2,000,000</b>	

Sources: 2020 OFLs and ABCs are from harvest specifications adopted by the Council in December 2019; 2020 catches through November 7, 2020 from AKR Catch Accounting.

#### Rationale in Favor of Motion as Amended:

- *There was no Bering Sea survey this year and very little commercial CPUE data in order to look at sablefish trends in the BSAI. Last year's ABC increase of 25% was the largest single year increase since 1996 and an increase of 35% over 2 years, which is a very large change for such a slow growing, long lived fish. These concerns were noted in the 2019 SAFE, which stated "The increase of 25% represents the largest increase in ABC from 1996 to present, when both the Alaska-side assessment and IFQs existed. The last recommendation to substantially increase the ABC occurred in 2003, when the stock had appeared to have rebuilt above target levels because of the appearance of several above-average year classes. The stock steadily declined after that large increase in ABC resulting in ABC reductions for much of the next decade."*
- *The sablefish stock assessment model is showing the stock in 2021 to be at B42%, but the model has a strong retrospective bias that reduces SSB by 20% each year. Last year the model predicted the stock would be at B43% for this year, but it is below B40% indicating that the model is overestimating the stock.*
- *The estimated strength of the 2014 and 2016 sablefish year classes have been substantially downgraded by 68% and 30%, respectively.*
- *Much of the catch in the BSAI is immature fish and fish that are only partially mature, which has implications for future stock productivity. These fish should be protected for future productivity and spawning. The PT highlighted the model does not adequately account for the size of the fish in the bycatch further speaking to the need to minimize catch on these juvenile fish until confidence is gained that bycatch/high mortality is not compromising the health of stock.*
- *The condition of age-4 fish and older are in poor condition and it is unknown how this will affect future stock yield. Every time the fishery has harvested an above average year class in anticipation of future productivity, the stock has fallen to levels below previous lows as shown in the figure on slide 24 from the Joint PT presentation (2013 is a recent example).*
- *The Risk Table lists Level 3 (Major Concerns) under the category of Assessment Related Considerations, Population Dynamic Considerations and Fishery Performance Considerations.*
- *If sablefish have been managed as a statewide stock since 1999, regional OFLs were intended to provide stock protections. Without that same level of protection anymore, area ABCs and TACs become that protection unless the choice is made to support a model that is showing inconsistent and flawed outcomes.*
- *Aside from the amended sablefish TAC amount, the TAC sheet reflects collaborative work and consensus achieved from the various groundfish sectors whose goal is to achieve the greatest optimum yield (under the constraint of the 2 million mt cap) for the fisheries they represent.*

#### Rationale against Amendment to Motion:

- *Biological/stock concerns (including all sources of mortality) for sablefish are incorporated into and addressed under a rigorous species stock assessment and therefore reflected in the ABC level established by the SSC for 2020. Recognizing that there are some biological/stock uncertainties that are not incorporated into the stock assessment, as well as uncertainties with model functionality, the SSC established a significant buffer on the maximum permissible ABC as a precaution against those uncertainties. The established 2021 ABC represents the best available biological science and precaution against uncertainty for the sablefish stock. TAC amounts are not established to address biological/stock concerns. TAC amounts are meant to reflect any economic/social considerations of the directed and/or incidental catch fisheries. And while market concerns may exist, there is nothing inherently bad if fish is left in the water especially if it helps avoid unnecessarily constraining other sectors with an allocation.*

- *Establishing an artificially low TAC amount for sablefish is not the appropriate vehicle for addressing concerns stemming from the recent increase in sablefish incidental catch. In the Bering Sea, allocation of sablefish is split 50:50 between the fixed and trawl gear sectors. An artificially low TAC amount will not eliminate sablefish catches by the trawl sector, but it will force an unnecessary increase in discard amounts without a stated conservation concern for the sablefish stock (the stock is not overfished and overfishing is not occurring and the statewide ACL will not be exceeded in 2020).*
- *The amended sablefish TAC equates to 7% of the fishery OFL. A slide from the PT presentation presents a graph with a relative biomass comparison between the 2017 year class (164,500 mt), natural mortality (15,900 mt), and incidental catch (4,800) showing the de minimis impact of incidental catch.*
- *A letter from the Assistant Administrator acknowledges that “The Bering Sea trawl catch has been changing as a result of unprecedented amounts of small sablefish appearing in fisheries like Bering Sea pollock and flatfish. We expect management through the North Pacific Fishery Management Council to continue to be responsive to these changes...”*

**Motion 2**

The AP recommends the tables provided below.

*Motion passed 22-0*

*Rationale in Favor of Motion:*

- *The absence of specific numbers for halibut mortality apportionments for the TLAS sector in Table 10 reflects a tight turnaround time between the SSC and AP meetings for the collaborative groundfish industry group to reach consensus on halibut PSC apportionments that are best reflective of the BSAI harvest specifications TAC sheet.*

TABLE 7A–PROPOSED 2021 ABC SURPLUS, ABC RESERVES, COMMUNITY DEVELOPMENT QUOTA (CDQ) ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE

[Amounts are in metric tons]			
Sector	Flathead sole	Rock sole	Yellowfin sole
ABC	62,567	140,306	313,477
TAC	25,000	54,500	200,000
ABC surplus	37,567	85,806	113,477
ABC reserve	37,567	85,806	113,477
CDQ ABC reserve	4,020	9,181	12,142
Amendment 80 ABC reserve	33,547	76,625	101,335

TABLE 7B–PROPOSED 2022 ABC SURPLUS, ABC RESERVES, COMMUNITY DEVELOPMENT QUOTA (CDQ) ABC RESERVES, AND AMENDMENT 80 ABC RESERVES IN THE BSAI FOR FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE

[Amounts are in metric tons]			
Sector	Flathead sole	Rock sole	Yellowfin sole
ABC	64,419	206,605	344,140
TAC	25,000	54,500	200,000
ABC surplus	39,419	152,105	144,140
ABC reserve	39,419	152,105	144,140
CDQ ABC reserve	4,218	16,275	15,423
Amendment 80 ABC reserve	35,201	135,830	128,717

TABLE 8—PROPOSED 2021 AND 2022 APPORTIONMENT OF PROHIBITED SPECIES CATCH ALLOWANCES TO NON-TRAWL GEAR, THE CDQ PROGRAM, AMENDMENT 80, AND THE BSAI TRAWL LIMITED ACCESS SECTORS

PSC species and area <sup>1</sup>	Total PSC	Non-trawl PSC	CDQ PSQ reserve <sup>2</sup>	Trawl PSC CDQ PSQ	Amendment 80 sector <sup>3</sup>	BSAI trawl limited access sector	BSAI PSC limits not allocated <sup>2</sup>
Halibut mortality (mt) BSAI	3,515	710	315	n/a	1,745	745	n/a
Herring (mt) BSAI	2,723	n/a	n/a	n/a	n/a	n/a	n/a
Red king crab (animals) Zone 1	97,000	n/a	10,379	86,621	43,293	26,489	16,839
<i>C. opilio</i> (animals) COBLZ	7,191,840	n/a	769,527	6,422,313	3,156,567	2,064,131	1,201,615
<i>C. bairdi</i> crab (animals) Zone 1	980,000	n/a	104,860	875,140	368,521	411,228	95,390
<i>C. bairdi</i> crab (animals) Zone 2	2,970,000	n/a	317,790	2,652,210	627,778	1,241,500	782,932

<sup>1</sup> Refer to § 679.2 for definitions of zones.

<sup>2</sup> The PSQ reserve for crab species is 10.7 percent of each crab PSC limit.

<sup>3</sup> The Amendment 80 program reduced apportionment of the trawl PSC limits for crab below the total PSC limit. These reductions are not apportioned to other gear types or sectors.

TABLE 9-PROPOSED 2021 AND 2022 HERRING AND RED KING CRAB SAVINGS SUBAREA PROHIBITED SPECIES CATCH ALLOWANCES FOR ALL TRAWL SECTORS

Fishery categories	Herring (mt) BSAI	Red king crab (animals) Zone 1
Yellowfin sole	118	n/a
Rock sole/flathead sole/Alaska plaice/other flatfish <sup>1</sup>	58	n/a
Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish	8	n/a
Rockfish	8	n/a
Pacific cod	14	n/a
Midwater trawl pollock	2,472	n/a
Pollock/Atka mackerel/other species <sup>2,3</sup>	45	n/a
Red king crab savings subarea non-pelagic trawl gear <sup>4</sup>	n/a	24,250
Total trawl PSC	2,723	97,000

<sup>1</sup>“Other flatfish” for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

<sup>2</sup>Pollock other than midwater trawl pollock, Atka mackerel, and “other species” fishery category.

<sup>3</sup>“Other species” for PSC monitoring includes skates, sharks, and octopuses.

<sup>4</sup>In October 2020, the Council recommended and NMFS approves that the red king crab bycatch limit for non-pelagic trawl fisheries within the RKCSS be limited to 25 percent of the red king crab PSC allowance (see § 679.21(e)(3)(ii)(B)(2)).

Note: Species apportionments may not total precisely due to rounding.

TABLE 10–PROPOSED 2021 AND 2022 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL LIMITED ACCESS SECTOR

BSAI trawl limited access sector fisheries	Prohibited species and area <sup>1</sup>				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1	<i>C. opilio</i> (animals) COBLZ	<i>C. bairdi</i> (animals)	
				Zone 1	Zone 2
Yellowfin sole		23,338	1,945,831	346,228	1,185,500
Rock sole/flathead sole/other flatfish <sup>2</sup>	-	-	-	-	-
Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish	-	-	-	-	-
Rockfish April 15-December 31		-	3,214	-	1,000
Pacific cod		2,954	82,940	60,000	49,999
Pollock/Atka mackerel/other species <sup>3</sup>		197	32,147	5,000	5,000
Total BSAI trawl limited access sector PSC	745	26,489	2,064,131	411,228	1,241,500

<sup>1</sup> Refer to § 679.2 for definitions of areas and zones.

<sup>2</sup> “Other flatfish” for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), Alaska plaice, arrowtooth flounder, flathead sole, Greenland turbot, Kamchatka flounder, rock sole, and yellowfin sole.

<sup>3</sup> “Other species” for PSC monitoring includes skates, sharks, and octopuses.

Note: Species apportionments may not total precisely due to rounding.

TABLE 11–PROPOSED 2021 AND 2022 HALIBUT PROHIBITED SPECIES BYCATCH ALLOWANCES FOR NON-TRAWL FISHERIES

Halibut mortality (mt) BSAI				
Non-trawl fisheries	Seasons	Catcher/processor	Catcher vessel	All Non-Trawl
Pacific cod	Annual Pacific cod	648	13	661
	January 1-June 10	388	9	n/a
	June 10-August 15	162	2	n/a
	August 15-December 31	98	2	n/a
Non-Pacific cod non-trawl-Total	May 1-December 31	n/a	n/a	49
Groundfish pot and jig	n/a	n/a	n/a	Exempt
Sablefish hook-and-line	n/a	n/a	n/a	Exempt
Total for all non-trawl PSC	n/a	n/a	n/a	710

TABLE 12–PROPOSED 2021 AND 2022 PACIFIC HALIBUT DISCARD MORTALITY RATES (DMR) FOR THE BSAI

Gear	Sector	Halibut discard mortality rate (percent)
Pelagic trawl	All	100
Non-pelagic trawl	Mothership and catcher/processor	84
Non-pelagic trawl	Catcher vessel	59
Hook-and-line	Catcher vessel	9
Hook-and-line	Catcher/processor	9
Pot	All	32

### **Motion 3**

The AP recommends, given concerns with sablefish spatial management, that the Council initiate Step 2 of its Spatial Management Policy.

*Motion passed 16-6*

#### Rationale in Favor:

- *Opportunity is needed for additional input that can be considered for any recommendation on Spatial Management for sablefish. The SSC report identified that additional tools beyond stock assessment may be needed and more information is required to determine to what extent. Specifically, Step 2 will bring more staff and others into the discussion (e.g., NMFS staff, economists, and stakeholders) to provide information on the tools and the implications of their application.*

#### Rationale in Opposition:

- *The SSC did not explicitly recommend sablefish for consideration under the Council's Spatial Management Policy; their specific recommendation was focused on Blackspotted/Rougheye rockfish.*
- *Sub-area ABCs for the coastwide sablefish stock are an appropriate management tool that fall under the Council's Spatial Management Policy.*

### **Motion 4**

The AP recommends that the Council approve the 2020 BSAI SAFE report

*Motion passed 22-0*

## **C4 GOA Specs**

### **Motion 1**

The AP recommends that the Council approve the 2020 Gulf of Alaska SAFE report.

The AP recommends that the Council approve the final 2021 and 2022 Gulf of Alaska groundfish specifications for OFLs and ABCs as recommended by the SSC, and the TACs as shown in the attached Table 1.

**Amendment: The AP recommends the Council hold GOA TAC specifications for sablefish to the 2020 TAC levels: 1,942mt for WG; CG: 6,445mt for CG; 2,343 for WY; and: 3,663mt for EY/SEO.**

*Amendment passed 13-9.*

The TACs for both GOA Pacific cod and pollock have been adjusted to account for the State water Guideline Harvest Level fisheries. The GOA Pacific cod adjustments are shown in Table 2.

The AP recommends that the Council set the final 2021 and 2022 Pacific halibut PSC limits, allowances and apportionments in the GOA as shown in Tables 14 – 16 below.

The AP recommends the Council approve the updated halibut discard mortality rates for 2021 and 2022 as shown in Table 17.

*Motion as amended passed 18-4.*

### Rationale in Favor of Motion as Amended:

- *Sablefish is long-lived and is one of the most valuable species harvested in the GOA. Stock assessment authors again had concerns about the performance of the model and the condition of the stock compared to last year with a continued retrospective bias lowering SSB 20%, large reductions in year class strength of the two biggest year classes supporting the fishery, and concerns about the implications of taking too many big fish and too many immature fish. Fish condition continues to degrade and maturity schedules show that although most of the biomass and catches is made up of these above average year classes, less than 50% of these fish are yet mature.*
- *Slide 24 from the [AFSC powerpoint on the sablefish assessment](#) was noted by the AP. The graph on this slide highlights that subsequent population declines have been associated with quotas that increased at rates that outpaced population growth.*
- *Every time management has banked on above average recruitment events the sablefish stock has fallen to levels lower than prior to the recruitment event, with the stock ending up lower than the time before.*
- *The SSC recommended ABCs are higher than those recommended by the stock assessment authors and the Joint Plan Team and represent between 44% and 66% increase over 2020 TACS depending on the subarea. This is on top of the 25% increase that occurred between 2019 and 2020.*
- *Written public comment from longline and pot fishermen largely requested reductions in TAC because fishing has been so poor and markets are weak; there is both an economic and ecological benefit to keeping TACs low until fish mature. Commercial fishery CPUE is the lowest it has been in WY, EY and SEO; the Central Gulf CPUE is in the lowest 3 years; and the CPUE in the WG, although higher than last year is well below the CPUE levels in the EG.*
- *Increasing the TAC an additional amount above the 2020 TAC does not support a stable and predictable fishery. The directed industry benefits from incorporating a measure of stability into annual TACs. Holding 2021 TACs in the GOA to 2020 levels will provide a measure of stability, allow the potential for increased future yield and enhanced value of that yield, and offer a further buffer against existing uncertainties.*
- *Given the statewide OFL and the staff interpretation of the meaning of ABCs, TACs are the only opportunity for industry input concerning conservation and economic factors. Socioeconomic considerations are rightly considered as part of the TAC setting process. The biological and economic value of sablefish increases as the fish get bigger. Lightly exploiting sablefish for another year or more will contribute to the value of future directed harvests.*
- *The IFQ Committee should be given the opportunity to consider and discuss any increase in the Sablefish TAC at their upcoming meeting.*

### Rationale in Opposition to Motion as Amended:

- *The SSC recommended ABC has been set 44% below the maximum permissible, which adds a substantial buffer against uncertainty for the sablefish. Recruitment for this stock has been extremely high resulting in very large year classes for 2014, 2016, 2017, and likely 2019. This is well documented through the rigorous stock assessment and scientific process (including the GOA Fish and Game survey showing high recruits in their near shore survey) and is also well supported with anecdotal information from fishermen of all gear types, especially by the recent increases in incidental catches of sablefish in the trawl fisheries.*
- *The 2014 year class is 50% mature and the 2016 is 20% mature so both will be significantly contributing to the spawning biomass, even with downgrades in the estimates. All of the recent large year classes will add more and more to the spawning biomass as they age.*

- *If the TAC is set artificially low, it will put sablefish on PSC status for trawl gear early in the year requiring sablefish to be discarded at sea instead of allowing retention and sale. Sablefish went on PSC status on August 18 this year in the CGOA for trawl gear. An artificially low TAC amount will not eliminate sablefish catches by the trawl sector, but it will force an unnecessary increase in discard amounts without a stated conservation concern for the sablefish stock (the stock is not overfished and overfishing is not occurring and the statewide ACL will not be exceeded in 2020).*
- *Sablefish TACs in the BSAI were increased by 15% over 2020 amounts. Retaining TACs in the GOA at 2020 levels is contradictory to that action.*

**Table 2. GOA TAC and GHL Considerations for State Waters Pacific Cod**

**Final 2021 Gulf of Alaska Pacific cod ABCs, TACs and State Guideline Harvest Levels (GHLs) in metric tons.**

Specifications	Western	Central	Eastern	Total
ABC	7,986	13,656	1,985	23,627
State GHL	2,396	3,414	496	6,306
(%)	30%	25%	25%	25-30
Federal TAC	5,590	10,242	1,489	17,321

Note: The Federal TAC is only for Federal fisheries. It does not include the State GHL within it.

**Final 2022 Gulf of Alaska Pacific cod ABCs, TACs and State Guideline Harvest Levels (GHLs) in metric tons.**

Specifications	Western	Central	Eastern	Total
ABC	12,892	22,045	3,204	38,141
State GHL	3,868	5,511	801	10,180
(%)	30%	25%	25%	25-30
Federal TAC	9,024	16,534	2,403	27,961

Note: The Federal TAC is only for Federal fisheries. It does not include the State GHL within it.

**Table 14--Final 2021 and 2022 Pacific Halibut PSC Limits, Allowances, and Apportionments (Values are in metric tons)**

Trawl gear			Hook-and-line gear <sup>1</sup>				
			Other than DSR			DSR	
Season	Percent	Amount	Season	Percent	Amount	Season	Amount
January 20 - April 1	30.5	519	January 1 - June 10	86	221	January 1 - December 31	9
April 1 - July 1	20	341	June 10 - September 1	2	5		
July 1 - August 1	27	462	September 1 - December 31	12	31		
August 1 - October 1	7.5	128					
October 1 - December 31	15	256					
<b>Total</b>		<b>1,706</b>			<b>257</b>		<b>9</b>

<sup>1</sup> The Pacific halibut prohibited species catch (PSC) limit for hook-and-line gear is allocated to the demersal shelf rockfish (DSR) fishery and fisheries other than DSR. The Council recommended and NMFS proposes that the hook-and-line sablefish fishery, and the pot and jig gear groundfish fisheries, be exempt from halibut PSC limits

**Table 15--Final 2021 and 2022 Seasonal Apportionments of the Pacific Halibut PSC Limit Apportioned Between the Trawl Gear Shallow-Water and Deep-Water Species Fisheries (Values are in metric tons)**

Season	Shallow-water	Deep-water <sup>1</sup>	Total
January 20 - April 1	384	135	519
April 1 - July 1	85	256	341
July 1 - August 1	121	341	462
August 1 - October 1	53	75	128
Subtotal, January 20 - October 1 <sup>1</sup>	643	807	1,450
October 1 - December 31 <sup>2</sup>			256
<b>Total</b>			<b>1,706</b>

<sup>1</sup> Vessels participating in cooperatives in the Rockfish Program will receive 191 mt of the third season (July 1 through August 1) deep-water species fishery halibut PSC apportionment.

<sup>2</sup> There is no apportionment between trawl shallow-water and deep-water species fisheries during the fifth season (October 1 through December 31).

**Table 16--Final 2021 and 2022 Apportionments of the “Other hook-and-line fisheries” Halibut PSC Allowance Between the Hook-and-Line Gear Catcher Vessel and Catcher/Processor Sectors (Values are in metric tons)**

“Other than DSR” allowance	Hook-and-line sector	Sector annual amount	Season	Seasonal percentage	Sector seasonal amount
257	Catcher Vessel	144	January 1 - June 10	86	124
			June 10 - September 1	2	3
			September 1 - December 31	12	17
	Catcher/Processor	113	January 1 - June 10	86	97
			June 10 - September 1	2	2
			September 1 - December 31	12	14

**Table 17--Final 2021 and 2022 Discard Mortality Rates for Vessels Fishing in the Gulf of Alaska (Values are percent of halibut assumed to be dead)**

Gear	Sector	Groundfish fishery	Halibut discard mortality rate (percent)
Pelagic trawl	Catcher vessel	All	100
	Catcher/processor	All	100
Non-pelagic trawl	Catcher vessel	Rockfish Program	60
	Catcher vessel	All others	69
	Mothership and catcher/processor	All	84
Hook-and-line	Catcher/processor	All	15
	Catcher vessel	All	13
Pot	Catcher vessel and catcher/processor	All	10

Table 1. SSC recommended OFL and ABC and AP recommended TAC for Groundfish in the Gulf of Alaska (metric tons) for 2021 and 2022.

Species	Area	2020			Catch 11/12/2020	2021			2022			
		OFL	ABC	TAC		OFL	ABC	TAC	OFL	ABC	TAC	
Pollock	State GHL	n/a	2,712	-	-	n/a	2,643	-	n/a	2,298	-	
	W (610)	n/a	19,175	19,175	19,005	n/a	18,477	18,477	n/a	16,067	16,067	
	C (620)	n/a	54,456	54,456	55,395	n/a	54,870	54,870	n/a	47,714	47,714	
	C (630)	n/a	26,597	26,597	25,538	n/a	24,320	24,320	n/a	21,149	21,149	
	WYAK	n/a	5,554	5,554	5,180	n/a	5,412	5,412	n/a	4,706	4,706	
	Subtotal	140,674	108,494	105,782	105,118	123,455	105,722	103,079	106,767	91,934	89,636	
	EYAK/SEO	13,531	10,148	10,148	-	13,531	10,148	10,148	13,531	10,148	10,148	
	Total	154,205	118,642	115,930	105,118	136,986	115,870	113,227	120,298	102,082	99,784	
Pacific Cod	W	n/a	4,942	2,076	235	n/a	7,986	5,590	n/a	12,892	9,024	
	C	n/a	8,458	3,806	3,474	n/a	13,656	10,242	n/a	22,045	16,534	
	E	n/a	1,221	549	271	n/a	1,985	1,489	n/a	3,204	2,403	
	Total	17,794	14,621	6,431	3,980	28,977	23,627	17,321	46,587	38,141	27,961	
	W	n/a	2,278	1,942	1,424	n/a	3,224	1,942	n/a	4,165	4,165	
Sablefish	C	n/a	7,560	6,445	5,846	n/a	9,527	6,445	n/a	11,111	11,111	
	WYAK	n/a	2,521	2,343	1,789	n/a	3,451	2,343	n/a	4,009	4,009	
	SEO	n/a	4,524	3,663	3,036	n/a	5,273	3,663	n/a	5,946	5,946	
	Alaska-wide OFL in 2020	50,481	16,883	14,393	12,095	60,426	21,475	14,393	70,710	25,231	25,231	
	W	n/a	23,849	13,250	22	n/a	24,151	13,250	n/a	24,460	13,250	
Shallow-Water Flatfish	C	n/a	27,732	27,732	4,210	n/a	28,082	28,082	n/a	28,442	28,442	
	WYAK	n/a	2,773	2,773	1	n/a	2,808	2,808	n/a	2,844	2,844	
	EYAK/SEO	n/a	1,109	1,109	1	n/a	1,123	1,123	n/a	1,137	1,137	
	Total	68,010	55,463	44,864	4,234	68,841	56,164	45,263	69,691	56,883	45,673	
	W	n/a	226	226	1	n/a	225	225	n/a	225	225	
Deep-Water Flatfish	C	n/a	1,948	1,948	99	n/a	1,914	1,914	n/a	1,914	1,914	
	WYAK	n/a	2,105	2,105	3	n/a	2,068	2,068	n/a	2,068	2,068	
	EYAK/SEO	n/a	1,751	1,751	4	n/a	1,719	1,719	n/a	1,719	1,719	
	Total	7,163	6,030	6,030	107	7,040	5,926	5,926	7,040	5,926	5,926	
	W	n/a	2,901	2,901	36	n/a	3,013	3,013	n/a	3,013	3,013	
Rex Sole	C	n/a	8,579	8,579	1,202	n/a	8,912	8,912	n/a	8,912	8,912	
	WYAK	n/a	1,174	1,174	1	n/a	1,206	1,206	n/a	1,206	1,206	
	EYAK/SEO	n/a	2,224	2,224	-	n/a	2,285	2,285	n/a	2,285	2,285	
	Total	18,127	14,878	14,878	1,239	18,779	15,416	15,416	18,779	15,416	15,416	
	W	n/a	31,455	14,500	288	n/a	32,377	14,500	n/a	31,479	14,500	
Arrowtooth Flounder	C	n/a	68,669	68,669	20,811	n/a	69,072	69,072	n/a	67,154	67,154	
	WYAK	n/a	10,242	6,900	46	n/a	8,380	6,900	n/a	8,147	6,900	
	EYAK/SEO	n/a	17,694	6,900	32	n/a	17,141	6,900	n/a	16,665	6,900	
	Total	153,017	128,060	96,969	21,177	151,723	126,970	97,372	147,515	123,445	95,454	
	W	n/a	13,783	8,650	100	n/a	14,209	8,650	n/a	14,380	8,650	
Flathead Sole	C	n/a	20,201	15,400	1,817	n/a	20,826	15,400	n/a	21,076	15,400	
	WYAK	n/a	2,354	2,354	-	n/a	2,427	2,427	n/a	2,456	2,456	
	EYAK/SEO	n/a	1,858	1,858	-	n/a	1,915	1,915	n/a	1,939	1,939	
	Total	46,572	38,196	28,262	1,917	47,982	39,377	28,392	48,534	39,851	28,445	
	W	n/a	1,437	1,437	1,335	n/a	1,643	1,643	n/a	1,572	1,572	
Pacific ocean perch	C	n/a	23,678	23,678	21,971	n/a	27,429	27,429	n/a	26,234	26,234	
	WYAK	n/a	1,470	1,470	1,466	n/a	1,705	1,705	n/a	1,631	1,631	
	W/C/WYAK	31,567	26,585	26,585	24,772	36,563	30,777	30,777	34,974	29,437	29,437	
	SEO	5,525	4,653	4,653	-	6,414	5,400	5,400	6,136	5,165	5,165	
	Total	37,092	31,238	31,238	24,772	42,977	36,177	36,177	41,110	34,602	34,602	
Northern Rockfish	W	n/a	1,133	1,133	769	n/a	2,023	2,023	n/a	1,926	1,926	
	C	n/a	3,178	3,178	1,616	n/a	3,334	3,334	n/a	3,173	3,173	
	E	n/a	1	-	-	n/a	1	-	n/a	1	-	
	Total	5,143	4,312	4,311	2,385	6,396	5,358	5,357	6,088	5,100	5,099	
	W	n/a	52	52	6	n/a	52	52	n/a	52	52	
Shortraker Rockfish	C	n/a	284	284	186	n/a	284	284	n/a	284	284	
	E	n/a	372	372	301	n/a	372	372	n/a	372	372	
	Total	944	708	708	493	944	708	708	944	708	708	
	W	n/a	776	776	231	n/a	270	270	n/a	265	265	
	C	n/a	2,746	2,746	1,879	n/a	4,548	4,548	n/a	4,469	4,469	
Dusky Rockfish	WYAK	n/a	115	115	83	n/a	468	468	n/a	460	460	
	EYAK/SEO	n/a	39	39	2	n/a	103	103	n/a	101	101	
	Total	4,492	3,676	3,676	2,195	8,655	5,389	5,389	8,423	5,295	5,295	
	W	n/a	168	168	4	n/a	168	168	n/a	170	170	
	C	n/a	455	455	183	n/a	456	456	n/a	459	459	
Rougheye and Blackspotted Rockfish	E	n/a	586	586	190	n/a	588	588	n/a	592	592	
	Total	1,452	1,209	1,209	377	1,456	1,212	1,212	1,467	1,221	1,221	
	Demersal shelf rockfish	Total	375	238	238	104	405	257	257	405	257	257
	Thornyhead Rockfish	W	n/a	326	326	50	n/a	352	352	n/a	352	352
		C	n/a	911	911	208	n/a	910	910	n/a	910	910
E		n/a	779	779	201	n/a	691	691	n/a	691	691	
Total		2,688	2,016	2,016	459	2,604	1,953	1,953	2,604	1,953	1,953	
W/C		n/a	940	940	647	n/a	940	940	n/a	940	940	
Other Rockfish	WYAK	n/a	369	369	101	n/a	369	369	n/a	369	369	
	EYAK/SEO	n/a	2,744	2,744	95	n/a	2,744	300	n/a	2,744	300	
	Total	5,320	4,053	4,053	843	5,320	4,053	1,609	5,320	4,053	1,609	
	Atka mackerel	Total	6,200	4,700	3,000	608	6,200	4,700	3,000	6,200	4,700	3,000
	Big Skate	W	n/a	758	758	32	n/a	758	758	n/a	758	758
C		n/a	1,560	1,560	815	n/a	1,560	1,560	n/a	1,560	1,560	
E		n/a	890	890	188	n/a	890	890	n/a	890	890	
Total		4,278	3,208	3,208	1,035	4,278	3,208	3,208	4,278	3,208	3,208	
W		n/a	158	158	21	n/a	158	158	n/a	158	158	
Longnose Skate	C	n/a	1,875	1,875	360	n/a	1,875	1,875	n/a	1,875	1,875	
	E	n/a	554	554	255	n/a	554	554	n/a	554	554	
	Total	3,449	2,587	2,587	636	3,449	2,587	2,587	3,449	2,587	2,587	
	Other Skates	GOA-wide	1,166	875	875	494	1,166	875	875	1,166	875	875
	Sculpins	GOA-wide	6,932	5,199	5,199	570	-	-	-	-	-	-
Sharks	GOA-wide	10,913	8,184	8,184	1,581	5,006	3,755	3,755	5,006	3,755	3,755	
Octopuses	GOA-wide	1,307	980	980	78	1,307	980	980	1,307	980	980	
TOTAL		607,120	465,956	399,239	186,497	610,917	476,037	404,377	616,921	476,269	409,039	

Sources: 2020 OFLs, ABCs, and TACs are from harvest specifications adopted by the Council in December 2019, 2020 catches through November 12, 2020 from AKR Catch Accounting. Note: State waters GHL for Pacific cod fisheries are not included within the Federal TAC, but they are accounted for, as to not exceed the ABC when added together.

## C5 BSAI Cod CV Trawl LAPP

### Motion 1

The AP recommends the Council revise the purpose and need statement to specifically include reducing bycatch and bycatch mortality as an intended goal of the program. The new language is indicated in bold as follows:

*Over the last several years, total allowable catch for Pacific cod in the Bering Sea-Aleutian Island has steadily decreased. The pace of the fishery has contributed to an increasingly compressed season, resulting in decreased ability to maximize the value of the fishery and negatively impacting all fishery participants (catcher vessels, motherships, shoreside processors, and communities). This race for fish also discourages fishing practices that can minimize bycatch and threatens the sustained viability of the fishery. The Council is considering the development of a cooperative-based program to improve the prosecution of the fishery, with the intent of promoting safety and stability in the harvesting and processing sectors, increasing the value of the fishery, providing for the sustained participation of fishery dependent communities, **reducing bycatch and bycatch mortality to the extent practicable**, and ensuring the sustainability and viability of the resource.*

*Motion passed 12-6*

#### Rationale in Favor:

- *The Purpose and Need statement notes that the race for fish “discourages fishing practices that can minimize bycatch.” However, reducing bycatch to the extent practicable is not specifically listed among the intended goals of the program.*
- *Bycatch reduction is a common, measurable management goal for catch share or LAPP programs. It was included in the BSAI Crab Rationalization Program and was successful for ending TAC overages, increasing pot soak times, improving deck sorting, and reducing handling mortality due to ending the race for fish. The Central GOA Rockfish Program reduced bycatch for halibut by up to 50% and the West Coast Groundfish Trawl Rationalization Program reduced bycatch of many species by over 50% suggesting that trawlers were able to control their catch composition to some extent with the right incentives.*
- *Adding this language to the P&N does not presuppose a range of bycatch reduction, but simply states it is a goal of the program.*
- *This additional language to the Purpose and Need statement encompasses National Standard 9 and is responsive to public testimony.*

#### Rationale in Opposition:

- *The primary goal in developing the BSAI CV trawl cod LAPP, which is adequately and clearly captured in the current Purpose and Need statement, is to improve functionality of the trawl CV cod fishery that is facing multiple increasing operational constraints.*
- *One of the many recognized benefits of implementing a LAPP is a decrease in bycatch amounts due to improved function of a fishery, but this shouldn't be stated as an outright goal for this program. By inserting this goal into the P and N, it puts it on par with each of the other stated goals. Equal consideration of this goal could negatively impact and impair improved functionality of the CV cod fishery for harvesters, processors, and communities at the outset as NEPA requires that all alternatives have a reasonable chance of meeting the Purpose and Need.*

## Motion 2

The AP recommends the Council adopt the following additions (**in bold and underlined**) and deletions (~~in strikethrough~~) to the suite of Elements and Options for a second Initial Review Analysis.

### Element 1. Cooperative Style Systems

~~Option 1.1: One cooperative will be formed for AFA vessels and one cooperative will be formed for non-AFA vessels.~~

~~Each eligible license will be eligible for one cooperative and must join that cooperative to participate in the Pacific cod cooperative fishery.~~

~~Cooperative requires membership of range 60% to 80% of the eligible catch history for that cooperative.~~

~~Vessels and LLP licenses that do not join a cooperative would be eligible to fish in a limited access fishery. Harvest and PSC in the limited access fishery would be limited to the Pacific cod and halibut and crab PSC that would have been issued to cooperatives had the eligible LLP licenses joined a cooperative.~~

~~Suboption 1.1.1: Reduce halibut and crab PSC apportionment to the BSAI trawl CV limited access fishery by 25% to 40%.~~

Option 1.2: Voluntary harvester cooperatives with no minimum number of licenses required.

Holders of qualified LLP licenses must join a cooperative annually in association with a licensed processor (FFP **and FPP**) to harvest allocations of Pacific cod. Harvesters may change cooperatives and cooperative associations may change annually without penalty.

No limitation on the number of LLP licenses holders or eligible catch history needed to form a cooperative.

No limitation on the number of cooperatives that may form.

Suboption 1.2.1: A minimum of three LLP license holders are needed to form a cooperative. **“Unique” LLPs are not required to form a cooperative.**

Suboption (applicable to Options 1.1 and 1.2): inter-cooperative formation is allowed.

*Amendment<sup>1</sup> to strike Option 1.1 passed 22-0*

### Element 2: Allocation to LLP Licenses

2.1. Eligibility – Any LLP license assigned to a vessel that authorized that vessel’s legal landings of targeted trawl catcher vessel BSAI cod during the qualifying years **or an LLP license, as of February 7, 2019 (control date), assigned to an AFA trawl CV that had BSAI Pacific cod in 1997** is eligible to receive harvest shares.

**Suboption: Establish a range of minimum threshold percentages for eligibility to receive harvest shares.**

2.2. Harvester Allocations – Eligible LLP licenses must be assigned to a cooperative to receive annual Pacific cod quota. The sector’s harvest shares will be allocated to eligible LLP licenses, with each LLP license’s allocation based on the Pacific cod catch history (legal landings) of targeted BSAI cod authorized by that LLP license during the following qualifying years:

Option 2.2.1: 2014 - 2019

Option 2.2.2: 2009 –2019

Option 2.2.3: 2004 –2019

Option 2.2.4: Allocations based on a blend of catch history and AFA sideboard history

Suboptions to credit catch history/sideboard at:

Suboption 2.2.1: 50%/50%

Suboption 2.2.2: 80%/20%

Suboption 2.2.3: 20%/80%

Suboptions (applicable to Options 2.2.1 – 2.2.4):

Suboption 2.2.2.1. Drop 1 Year

Suboption 2.2.2.2. Drop 2 Years

**<sup>3</sup>Option 2.2.5: Allow <60' CV trawl vessels with only AI endorsements to drop years where the Adak plant was not in operation during A season.**

2.3. Catch history is attached to the LLP license at the time of harvest. If multiple licenses authorized catch by a vessel, in the absence of agreement of the license holders at the time of application, history will be:

Option 2.3.1: divided equally between those licenses.

Option 2.3.2: assigned to an LLP license by the owner of the vessel that made the catch.

2.4. Annual quota will be issued to each license based on its share of the total qualifying BSAI trawl catcher vessel catch history. Allocations will not be designated for harvest in a management area (i.e., BS or AI) but may be harvested from either area.

2.5. Option to allocate A and B season BSAI trawl CV Pacific cod only:

A and B season TACs (after deduction of the ICAs) will be allocated to cooperatives as annual cooperative quota (and to seasonal limited access fisheries, if applicable). Annual cooperative allocations (and seasonal limited access allocations, if applicable) attributable to each LLP license will be that LLP license's proportional share of the total qualifying Pacific cod history.

*Staff should analyze distributional impacts of this option based on differential catch histories in the A and B season.*

The C season allocation will remain 15 percent and remain a limited access fishery to any vessel with an eligible groundfish LLP license with an applicable area endorsement. The C season limited access fishery will be managed as currently by NMFS, including management of incidental catches of Pacific cod in other directed fisheries. C season TAC (and A and B season ICAs) that NMFS projects to go unused are subject to reallocation to other sectors under current reallocation rules.

**Suboption: Reallocate a range of 1/3 to 2/3 of current C season allocation into A <sup>2</sup>and/or B season allocation.**

2.6 All species not allocated to cooperatives will be managed by maximum retainable amounts (MRAs), as under current management.

*Amendment<sup>2</sup>: include "and/or B" passed 17 - 5*

*Substitute Motion: Strike completely Reallocation of C season to A and/ B season suboption failed 11-11*

*Amendment<sup>3</sup>: Add Option 2.2.5 passed 21-1*

### **Element 3. Prohibited Species Catch Limits**

The annual crab and halibut PSC available to the BSAI trawl catcher vessel Pacific cod sector will be as follows:

Option 3.1: Status quo methodology

Suboption 3.1.1: Establish trawl CV Pacific cod halibut PSC <sup>4</sup>and crab PSC apportionment based on historic use between the trawl CV sector and the AFA C/P sector.

Option 3.2: Reduce halibut and crab PSC apportionment <sup>4</sup>in this program by 10% to ~~25%~~ 40%. Any reduction from this program should not then be available as an increase to PSC for other sectors and should result in an overall PSC reduction.

<sup>5</sup>Suboption 3.2.1: Set halibut PSC apportionment limit to BSAI trawl cv cod sector using a lookup table utilizing IPHC halibut setline survey and NMFS trawl survey measures of halibut abundance. This stair step approach would result in an annual PSC apportionment limit correlated to a high, medium, low and very low abundance of halibut, as determined by the lookup table.

Amendment<sup>4</sup>: passed 14-8

Amendment<sup>5</sup>: add suboption 3.2.1 passed 13-9

## Element 4: Gulf of Alaska Sideboards

Option 4.1: ~~All AFA LLP licenses or~~ **GOA non-exempt (Cod and non-cod qualified)** CVs will be sideboarded as to all Gulf of Alaska (GOA) fishing activity, except for the CGOA Rockfish Program, based on their Gulf catch history during the BSAI Pacific cod qualifying period.

**Suboption 4.1.1: Applies only to AFA LLPs or CVs that receive BSAI Pacific cod QS.**

Option 4.2: AFA GOA-Exempt **and non-AFA** CVs will not be permitted to **lease their BSAI Pacific cod cooperative quota** transfer their BSAI cod history on their respective LLP license as a condition of ~~continuing to benefit~~ from its **a** GOA exemption.

Suboption 4.2.1: AFA GOA Exempt **and non-AFA** CVs with LLP licenses of less than a threshold **200 mt, 400 mt, or 600 mt** amount of qualifying BSAI cod history may **lease** their BSAI cod history and ~~continue to~~ benefit from GOA **sideboard** exemption.

**Suboption: AFA GOA Exempt and non-AFA CVs can only lease their cod to vessels in their own "class" – meaning AFA GOA exempt can only lease to GOA Exempt and non-AFA CV's can only lease cod to non-AFA CVs.**

<sup>6</sup>Option 4.3: Non-AFA LLP licenses would be sideboarded in the GOA (with the exception of the CGOA Rockfish Program) based on their GOA catch history during the qualifying years with the exception that those non-AFA CV with less than a threshold amount of qualifying BSAI cod history, which would be exempt from the sideboard limitation.

**The cooperatives will be required to monitor GOA AFA and non-AFA exempt vessels to ensure they do not lease their BSAI Pacific cod CQ and level penalties for those that do. Cooperatives will be required to report leasing activities and any penalties issued in their annual report.**

Suboption: Sideboards will be license based (applies to any option in element 4)

Suboption: Apply sideboards to AFA LLP licenses only.

Suboption: Any eligible CV LLP license that opts out of the BSAI Pacific cod program at implementation of the program will be exempt from GOA sideboards created by this program (one-time option).

Amendment<sup>6</sup>: Remove ~~strikeout~~ from option 4.3 passed 14-8

## Element 5: Processor and Community Provisions

5.1. No closed class of processors; all processors with an eligible FPP are eligible to process BSAI Pacific cod (subject to eligibility requirements under the April 2019 Council action to limit catcher processors acting as motherships).

5.2. Limit (sideboard) on directed BSAI Pacific cod that can be delivered by trawl CVs to eligible C/Ps acting as motherships. The sideboard would be based on BSAI Pacific cod processing history by eligible C/Ps during qualifying years under Element 2.

### **5.3 Limit number of trawl CVs in directed BSAI Pacific cod that can deliver to eligible C/Ps acting as motherships.**

- 1. An LLP license that is owned (in excess of 75%) directly or indirectly by the owner of a catcher processor LLP eligible for the offshore sector of the target non-CDQ BSAI Pacific cod fishery (as of February 7, 2019) will qualify for the offshore sector.**<sup>7</sup>~~or~~
- 2. Council will develop other eligibility thresholds for independently owned LLPs on catcher vessels to deliver directed BSAI Pacific cod to C/Ps acting as motherships.**

**Only CQ arising from the history of an LLP license qualifying for the offshore sector will be permitted to be delivered offshore.**

**Only vessels that are assigned LLP licenses that qualify for the offshore will be permitted to make offshore deliveries.**

**Vessels using LLP licenses that are permitted to deliver offshore may also deliver any or all of the CQ derived from the LLP license to shore based or floating processors.**

5.4. Allocation of harvest shares to processors (option: only applicable to Bering Sea processors and eligible C/Ps if different AI shoreside protections are selected under element 6):

Onshore and offshore processors (Option: subject to eligibility requirements under the April 2019 Council action to limit catcher processors acting as motherships) that have history of processing in the federal BSAI Pacific cod trawl CV fishery will be eligible to receive a percentage of total harvesting shares based on each onshore processor's and offshore processor's processing history. To be used, the processor's harvest shares would be transferred to the CV cooperative. *Additional restrictions on use of this quota must be developed through further analysis.*

Percent of harvest shares and PSC to be allocated to eligible processors:

Option 5.3.1: 5%

Option 5.3.2: 10%

Option 5.3.3: 15%

Option 5.3.4: 25%

Option 5.3.5: 30%

Suboption: Harvest shares only

Processing history years to receive harvest shares are the same as harvester years in Element 2.

*Amendment<sup>7</sup>: Remove the word "or" in Option 5.3 passed 22-0*

## Element 6: Aleutian Islands Processor Provisions

Option 6.1: Require the cooperative(s) to reserve a set-aside for delivery to a shoreplant in the Aleutian Island management region. The amount of the set-aside will be 10% to 25% of the BSAI CV trawl directed A season harvest amount.

Suboption 6.1.1: The set-aside will be reduced by any amount Adak/Atka processors receive as a direct allocation of harvesting shares pursuant to this LAPP Program, regulation or legislation.

Option 6.2: In any year when the community of Adak or Atka files a notice of intent to process, annual harvest quota shall be issued to the plant operator designated in that notice of intent. In the event, one community issues a notice, the lesser of 5,000 mt or 5.5% of the total BSAI trawl catcher vessel Pacific cod quota (prior to allocations based on harvesting or processing histories) (1,961 mt in 2019) shall be issued to the plant. In the event both communities issue a notice the allocation shall be divided equally between two plants.

Suboption 6.2.1: Allocations are transferrable between qualified entities.

Annual Aleutian Islands community shore plant allocations shall be transferable to any cooperative(s) (and between cooperatives) for harvest by member vessels that are assigned an AI trawl CV LLP license eligible under this program. Quota shall be harvestable exclusively in the AI and any catch must be landed to the shore plant operated by the annual quota recipient (i.e., plant operator).

In the event any Aleutians community shore plant allocation is not fully harvested by March 21, that unharvested allocation will expire and an amount of annual quota equivalent to the unharvested portion will be reissued to cooperatives (holders of LLP licenses with BS and AI harvest history in proportion to their annual allocations).

Suboption 6.2.2: If the community of Adak and Atka files a notice of intent to process, annual harvest quota should be issued to an entity representing the community designated in the notice of intent.

**Sub-option 6.2.3: AI trawl vessels less than 60' LLP will be eligible under the program to receive and harvest <sup>18</sup>any and all of the Annual Aleutian Islands community shore-plant allocation (Option 1: 50%; Option 2: 25% 18Option 3: 10%) of which must be harvested by these vessels. These vessels will be eligible to join a cooperative annually in association with the Adak and/or Atka plant regardless of whether they otherwise qualify for the program.**

<sup>8</sup>Suboption 6.2.4 a performance standard of:

- 50%
- 60%
- 70%

<sup>8</sup>Suboption 6.2.5: **The AP recommends that staff explore a framework similar to the emergency delivery exemption regulations under the BSAI Crab program. that would allow the City of Adak or Atka to withdraw its intent to operate notice during the season in the event of an emergency.**

*Amendment<sup>8</sup>: passed 12-9*

*Amendment<sup>18</sup>: edit language in suboption 6.2.3 passed 22-0*

## **Element 7. Transferability**

7.1. Catch histories are attached to LLP licenses and are non-severable from the LLP. Transfer of an LLP license eligible for this program results in the transfer of any program eligibility and catch history/harvest shares associated with the LLP license.

**Sub-Option: For the LLPs associated with the non-exempt AFA vessels, within ninety (90) days of publishing the Final Rule of this program, the owners of the LLP licenses that are associated with AFA non-exempt catcher vessels that had engaged in fish transfer agreements during the qualifying periods will be allowed to transfer the quota shares between other LLPs associated with AFA non-exempt vessels. Upon redistribution of the**

**initial allocation to the designated LLP license, the BSAI P. Cod harvest quota shares will no longer be severable from its applicable LLP license to which it was reassigned.**

7.2. Allocations based on processing history are issued as separate permits. *To be analyzed: Use and transfer restrictions on processor cooperative shares if selected (e.g., options for restrictions on use on company-owned vessels, transferability restrictions).*

7.3. Annual allocations of Pacific cod and PSC are transferable between cooperatives.

7.4. Post-delivery transfers of cooperative quota are permitted, but must be completed by December 31 (i.e., prior to annual cooperative quota expiring).

## **Element 8: Ownership and Use Caps**

8.1. Harvester-issued cooperative shares: No person may hold or use more than \_\_\_ percent of the Pacific cod cooperative quota or PSC apportionment issued:

Option 8.1.1: using the individual and collective rule or

Option 8.1.2: using 10% ownership threshold or management and control for assigning quota to a holder's/entity's cap.

Suboption 8.1: Persons over the cap at the time of implementation are grandfathered.

8.2. No vessel may harvest more than \_\_\_ percent of the annual Pacific cod cooperative quota or PSC apportionment issued in the fishery.

8.3. Processor-issued cooperative shares: No person may hold or use more than \_\_\_ percent of the Pacific cod cooperative quota or PSC apportionment:

Option 8.3.1: using the individual and collective rule or

Option 8.3.2: using 10% ownership threshold or management and control for assigning quota to a holder's/entity's cap.

Suboption 8.3: Persons over the cap at the time of implementation are grandfathered.

8.4. No processing facility may process more than \_\_\_percent of the Pacific cod cooperative quota.

Suboption 8.4.1: Processing facilities over the cap are grandfathered.

**Vessels over the cap at the time of implementation are grandfathered.**

## **Element 9. Cooperative Provisions**

Annual cooperative applications must be filed on or before \_\_\_\_ of the preceding year.

Cooperatives shall be formed by qualified LLP licenses with Pacific cod history. Each LLP license is eligible to join one cooperative. A vessel assigned a qualified LLP license is a member of that LLP license's cooperative. A vessel may join a single cooperative.

Cooperatives are intended only to conduct and coordinate harvest activities of members and are not Fishermen's Collective Marketing Act (FCMA) cooperatives.

Membership agreements will specify that processor affiliated members cannot participate in any price setting negotiations, except as permitted by antitrust laws.

Each cooperative will receive annual cooperative quota allocations of Pacific cod and apportionments of halibut and crab PSC based on members' qualifying catch histories (and processing histories, if applicable) to be harvested in accordance with the harvest cooperative agreement. The sector's halibut

and crab PSC will be apportioned to cooperatives in proportion to their members' Pacific cod qualifying catch histories (and processing histories, if applicable).

Option: Maintain crab PSC limits at the sector level.

## **Element 10. Share duration**

All allocations and allowances under this program are revocable privileges that 1) may be revoked, limited or modified at any time; 2) shall not confer any right of compensation to the holder, if they are revoked limited, or modified, and; 3) shall not create or be construed to create any right, title or interest in or to any fish before the fish is harvested by the holder.

The duration of all harvest shares and associated PSC apportionments is 10 years. These permits will be renewed before their expiration, unless revoked, limited, or modified.

## **Element 11. Monitoring**

All vessels in the program will be in the full coverage program (100% observer or electronic monitoring coverage category) (if applicable). NMFS will develop monitoring and enforcement provisions necessary to track quota, harvest, and use caps. The Council authorizes NMFS to report weekly vessel-level bycatch information as authorized under MSA Sec 402(b)(2)(A).

**Option: Exempt CVs that deliver unsorted cod ends to an at-sea mothership from the full coverage observer requirement.**

## **Element 12. Reporting and Program Review**

Each cooperative shall annually produce a report for the council describing its performance in the preceding year.

Per the Magnuson Stevens Act, a formal detailed review of the program shall be undertaken 5 years after implementation, with additional reviews, at a minimum, each seven years thereafter.

## **Element 13. Cost recovery**

A fee, not to exceed 3% of the exvessel value, will be charged on all program landings to cover the actual costs directly related to the management, data collection, and enforcement of the program.

## **Element 14. Gear <sup>9</sup>Conversion Flexibility**

<sup>9</sup>Pacific cod allocations associated with trawl CV license may be fished with pot gear. A pot endorsement is not necessary, but the LLP license must have the appropriate area endorsement. Harvest of cod quota in pots would continue to be deducted from the annual trawl cooperative quota account to which the LLP is assigned, and will not affect sector allocations.

Vessels identified to harvest cod quota with pots, specified by the quota holder, would be <sup>10</sup>(eligible for cooperative membership) ~~required to join a cooperative~~ on an annual basis without having cod trawl history.

### 1. PSC use

- Vessels using pot gear to harvest cod Cooperative Quota would adhere to all PSC practices and directives adopted by the Cooperative.
- PSC would be assigned along with the CQ to vessels using pot gear.
- PSC use would be deducted from the PSC allocated to the Cooperative.

- <sup>11</sup>Consider whether sideboards are necessary to protect pot cod CVs that aren't part of cooperative, or don't have benefit of the quota.
- 2. Monitoring requirements would be the same across gear types.
- 3. Season dates would be the same.
- 4. Eligibility Only Pot catcher vessels are eligible for participation

*Amendment<sup>10</sup>: Change language in 2nd paragraph and strike numbered list 1-4 failed 3-19*

*Amendment<sup>11</sup>: Insert bullet 4 passed 13-8*

*Amendment<sup>9</sup>: Insert bolded text above and change element title passed 15-7*

~~Pacific cod allocations associated with trawl CV license may be fished with pot gear. A pot endorsement is not necessary but the LLP license must have the appropriate area endorsement. Harvest would continue to be deducted from the annual trawl cooperative quota account to which the LLP is assigned and will not affect sector allocations.~~

**In addition to the specific changes above, the AP recommends the Council include the following into the next analysis:**

**Under Element 5, develop use rules or restrictions for use of the harvest quota that processors receive that considers the following potential concerns:**

**Distributing cod quota so that member vessels have approximately an amount of available cod quota that as they would have had before the processor's harvest shares were deducted;**

**Assigning more cod quota to the vessels the processor owns or controls;**

**Using the quota as a bonus to entice new members to join;**

**Trading cod quota for deliveries of other species (pollock, crab, other groundfish);**

**Establishing a right of first refusal or some way an independent vessel can get access to harvest shares they contributed to a processor; and**

**Transparency or an accounting of where a vessel's harvest shares went so they know what processor to negotiate with.**

<sup>12</sup>The analysis should consider impacts to TLAS fishery participants if trawl CVs who secure quota in the cod fishery increase their participation in the TLAS fishery and whether sideboards are necessary to protect the other participants of the TLAS fishery. <sup>13</sup>For the YFS segment of the TLAS trawl fishery, include discussion of 8 qualifying offshore CVs and of latent capacity on AFA CPs.

<sup>14</sup>The AP recommends that Council ask staff to analyze and quantify the history of reallocations from CV trawl to other sectors, and examine options to maintain that catch history under any new management structure. Specifically, analysis should include: clear data on amounts transferred, percentage of sector's final allocation, transfer timing and season origination of the reallocation (A, B or C) as well as secondary reallocations.

~~<sup>15</sup>Analyze potential changes to the reallocation hierarchy that prioritize directed fisheries, prioritize sectors that have historically depended upon in-season reallocations from the trawl CV sector, and clarifies the relationship/precedent between parallel directives (i.e. when to use directives applying to all CV's vs those applying to only trawl CV's).~~ Include a description of how reallocation decisions <sup>16</sup>including the state water fishery allocations are currently made, including factors that result in unharvested quota, that influence timing, and that determine reallocation recipients.

<sup>17</sup>Western Alaska communities through the CDQ program, as well as coastal communities across the Gulf of Alaska, are invested in, and/or will be impacted by this cod trawl CV rationalization package. The information provided by the Initial Review draft on these potential community

**impacts is limited and needs to be more fully analyzed and understood in order to properly weigh the various National Standards under the MSA.**

*Amendment<sup>12</sup>: add paragraph 5 passed 22-0*

*Amendment<sup>13</sup>: add second sentence to amendment 12 passed 19-3*

*Amendment<sup>14</sup>: add paragraph 6-8 passed 20-2*

*Amendment<sup>15</sup>: strike sentence from paragraph 8 passed 21-1*

*Amendment<sup>16</sup>: include underlined text passed 13-9*

*Amendment<sup>17</sup>: Include paragraph 9 passed 22-0*

*Main Motion as amended passed 22-0.*

*Rationale in Support of Motion Prior to Amendments:*

- *On the added language to Option 2.1, this is intended to clarify that LLP licenses that do not qualify under the three qualifying year options could be allocated catch history under the blend Option (2.2.4) and would therefore qualify for the program.*
- *Regarding the suboption under 2.1, a minimum threshold is being added such that those LLPs that receive harvest shares below a certain threshold percentage would not be eligible for inclusion in the program and thus would not receive an allocation to their LLP. The inclusion of a minimum threshold is intended to promote cooperative formation and functionality. Specific threshold percentages are not included at this time in the hopes that the next analysis will show a natural break in the data from which a percentage or options for differing percentages may be selected.*
- *With the additional language under Element 4, GOA Sideboards are broken out by vessels based on their patterns of participation in the GOA, with non-AFA and AFA GOA exempt vessels grouped together under option 4.2 with requirements to either fish their cod quota or be under certain thresholds where small amounts of cod could be leased through the cooperative structure. AFA non-GOA exempt vessels could have their sideboards impacted under option 4.1 because a subset of those vessels would get updated sideboards based on the year selected for cod.*
- *An option was also added to have any sideboards only be LLP based because that's where the cod quota would be accessed through the cooperative. Vessel based sideboards are hard to manage and may be impracticable given the layers of existing sideboards from other programs where capacity reduction at the vessel level was more of a concern. An option for GOA sideboards to only be placed on AFA vessels was included because for non-AFA boats the GOA is their primary fishery.*
- *The additional language under element 5 is to look at restricting the amount of quota that could be harvested offshore by limiting the number of CVs that can be delivered offshore to CPs. The offshore CV sector would include the LLPs on CVs either owned by the CP company or independent boats with thresholds to be established that could qualify by years of participation or metric tons delivered. Qualifying a few vessels to be able to deliver to CPs would allow for the offshore sector to form a cooperative and provide stability to those boats. The provision would allow for the Council to see the percentage that could go offshore by these CVs as opposed to a shared sideboard that is confidential and will likely result in a race. With this addition, it will be important for analysis to include examination of items related to: potential incentive changes for CVs and motherships from change to a LAPP as compared to open access and how this may affect the need for a MS sideboard; impacts to the differing business models of the two offshore platforms; the ways in which Amendment 120 will provide protections for shoreside processors in a LAPP program and the necessity for additional protections to shoreside processors in the form of a sideboard on MS given that shoreside processors may receive harvest shares; and how a sideboard may negatively impact CVs ability to harvest AI Pacific cod in years where there is not a shoreside processor in the Aleutian Islands.*

- *Regarding the Suboption under Element 7, allowing for a 90-day period to move quota between eligible AFA non-exempt vessels that had engaged in fish transfer agreements via AFA coop management will address possible inequitable allocations associated with using a set of years to determine the initial quota allocations to participants. This type of “sunrise period” could act as a mechanism in which parties are allowed a one-time opportunity to address their ongoing business arrangements. This approach would be independent of any allocative method chosen and open for a limited period.*
- *The addition of option under Element 11 is to provide for similarity to the at-sea CV pollock and the TLAS Yellowfin sole CV mothership fisheries where the observer coverage is on the mothership vessel. Because a CV delivers unsorted cod ends to a mothership it has been previously determined there isn’t a need to have an observer collect harvest information since that harvest is not brought onboard the catcher vessel.*
- *The additional language in Suboption 6.2.3 in Element 6 reserving a percentage of the community plant allocation applicable to Adak and Atka for under 60 AI trawl boats will help make sure some of the allocation is harvested on small trawl boats based in Alaska. Otherwise it is likely the community plant allocation would be used to attract larger boats away that were delivering to shoreplants in other communities. In the past the under 60 AI trawl boats have had challenges securing markets with the plant on Adak.*

*Rationale in Favor of Amendment 1 (Removing Option 1.1) under Element 1*

- *The option for an AFA and non-AFA cooperative may have made sense at one time; however, retention of this option no longer adds value to the development of the program. For example:*
  - *This option does not allow CVs to coop with the processor they want and the way it is structured does not allow for multiple existing processors to participate.*
  - *From page 133 of the analysis, a two cooperative style system could provide some sector members with negotiating leverage that is disproportionate to the benefits they bring to the cooperative. This effect could be particularly problematic in a system that is intended to reward certain characteristics (i.e., historic participation, efficient operations, low PSC bycatch rates).*
  - *This option includes a limited access pool, which would undermine the program and potentially cause massive disruption to the cooperatives because there would still be a race for fish within this limited access pool. Reducing interactions with PSC is a desired benefit in moving forward with this program and retaining the limited access pool is counter to attaining those benefits.*
  - *There may be some concerns with some potential legal issues with processors trying to negotiate with one large coop (e.g., anti-trust constraints).*
  - *Eliminating this option does not necessitate a decision under Element 5 in that the Council can move forward with Option 1.2 with or without granting harvesting shares to processors.*
  - *Removing this option streamlines the analysis but does result in the loss of a reasonable range of alternatives for consideration. The analysis will likely be more informative for comparing impacts of the different elements under Option 1.2.*
  - *There have not been any cod CV trawl fisherman who have voiced support for the single cooperative option.*

*Rationale in Favor of Adding Suboption, with Amendment 2, under Element 2:*

- *The seasonal apportionments of cod are a product of SSL regulations and are calculated based on the cod catcher vessel trawl allocation of 22.1%. This SSL regulation does not treat different gear types equitably, which results in the cod CV sector stranding cod in the C season due to*

*poor catch rates (cod are not schooled during this time of the year) and increased interactions with PSC. It is not that trawl CVs are choosing not to harvest in the C season, it is that it is impracticable to do so. What cod is harvested in the C season often goes offshore, which means less revenue for processors and communities.*

- The reallocation range asked to be analyzed is 1/3 to 2/3 of the C season cod allocation, not the entire 15% apportioned to the C season. A reallocation into the A and/or B seasons would provide trawl CVs with greater opportunity to achieve OY in their sector (meeting National Standard 1) while also still preserving opportunity for rollovers into other sectors. This option may reduce some rollovers, but it would not entirely eliminate rollovers into other sectors in the fall.*
- Table 2-120 in the analysis demonstrates that, on average, CV trawl takes just under 2% of the C season cod allocation so more than 2/3 could be reallocated without harming current trawl effort in C season.*
- Cod harvested by trawl earlier in the year are more valuable than cod harvested later in terms of product quality, which provides more benefit to harvesters as well as net benefit to the nation.*
- If a stated goal of the program is for bycatch reduction (as reflected in the amended Purpose and Need Statement), it makes more sense to harvest cod earlier in the season when fish are aggregated and bycatch interactions with halibut and crab are lowest (meeting National Standard 8). Table 2-27 in the analysis shows that over the last 10 years fixed gear has intercepted 10-fold more crab than trawl gear.*
- Every year going forward the amount available for C season rollovers to other sectors is going to continue to be diminished regardless of CV catch as the state water fisheries continue their percent increase of the amount of the federal cod ABC that is provided to the GHL fisheries. All potential options in this action need to consider/balance several aspects that are causing harm to business plans of all those with reliance on the resource.*

#### Rationale in Favor of Amendment 3 (Adding Option 2.2.5) under Element 2

- Allowing the under 60' AI trawl vessels to drop years could help address sporadic history in that area at times when a plant was not in operation.*
- It was noted that this Option may not address the issue of a plant not giving these small vessels a market, which is a separate issue. Even with drop years, the under 60' AI trawl vessels may receive little to no quota.*

#### Rationale in Favor of Amendment 4 under Element 3:

- The reduction of bycatch and bycatch mortality is identified among the goals and objectives in catch share programs. These programs end the race for fish and provide added flexibility for fishing operations. NOAA fisheries catch share program policy notes 'identifying bycatch reduction targets' as an example of a specific measurable management goal for a catch share program. The developing PCTC program provides the opportunity to significantly reduce PSC apportionments of crab and halibut to the CV Pacific cod trawl sector.*
- The current range of 10% to 25% does not provide an adequate range for consideration. The analysis should contain a broad range of PSC reductions consistent with what National Standard 9 requires: that "Conservation and management measures shall, to the extent practicable, (a) minimize bycatch and (b) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch." For purposes of analysis, a broad range should be considered to capture the impacts, positive and negative, from increased bycatch reduction and to better understand the trade-offs. Any final reductions chosen may vary but analyzing the range for all PSC species provides for a consistent approach, a broader range of potential options, and a more informed decision.*

- *For the range of target bycatch reduction, several LAPPs around the country have seen ranges of 50% (GOA Rockfish Program (for C/Ps)) or even greater (West Coast groundfish trawl) as a result of their programs. As stated in the analysis (pg. 161), “The 2017 Central GOA Rockfish Program Review (NPFMC 2014) notes that PSC and bycatch rates have also declined under the Pilot Program and the Rockfish Program. Halibut rates before the Pilot Program ranged from 1.5 to 3.0 kg of halibut per metric ton of total groundfish basis species per year. After the Pilot Program was implemented the rates decreased to about .25 kg of halibut per metric ton of total groundfish basis species. This indicates that the structure of the LAPP allowed harvesters to implement fishing strategies to reduce halibut PSC rates.”*
- *Halibut and crab PSC are apportioned to the trawl limited access sector, both the trawl CV and AFA C/P sectors. Any reductions from this program should result in an overall PSC reduction and not be available for other sectors to increase their bycatch. Otherwise, this would result in a shift of bycatch from one sector to another, which is not the intent of these bycatch reductions. Any reductions should result in overall reductions in bycatch for the benefit of the species and for the nation from increased direct harvest opportunities and revenue.*
- *This program will provide a suite of tools to address bycatch including the ability to target the cod when they are aggregated, avoid fishing at night, and stand down when rates are high. In addition, the individual vessels will be subject to 100% observer coverage which provides accuracy and accountability for PSC catch. With this program the CV trawl fleet may seek additional tools like deck sorting procedures to reduce halibut bycatch mortality or explore tools like transferable individual bycatch quota (IBQ) or rewards for hitting performance measures (similar to those used with salmon bycatch) that are more incentive-based.*
- *Specific to halibut, the Council identified this program as the avenue to address halibut bycatch in this sector in February 2020 when it limited analysis of an abundance-based management approach to the A80 fleet. The TLAS fishery is currently responsible for 20% of halibut bycatch. The ABM ranges under consideration range from 20% to 40% and a similar range is important to analyze in the cod CV sector.*
- *The addition of crab in Suboption 3.1.1, provides the ability to apportion crab PSC to the trawl CV sector. Adding crab to this Suboption provides the ability to lower PSC limits for crab in addition to halibut. This change tracks with the issue raised in table ES – 1 which does not provide language to apportion crab PSC to the trawl CV sector. The addition of crab clarifies the intent of this action. In addition to halibut and crab, reductions in other PSC species should be included and analyzed.*
- *There are 36 comment letters from stakeholders asking to address bycatch in this action so increasing the reduction range to 40% is responsive to those requests.*

*Rationale in Opposition of Amendment 4 under Element 3:*

- *Tables 2-71 and 2-77 in the analysis demonstrate that the cod trawl CV sector would be significantly impacted by a 25% reduction in the halibut PSC limit.*
- *The bycatch reduction tools referenced above (ability to target the cod when they are aggregated, avoid fishing at night, and standing down when bycatch rates are high) are all currently available and utilized by the CV trawl sector to the best of their ability without a LAPP program. The success of these tools will be enhanced under a cooperative-based LAPP program thereby naturally leading to further halibut interactions, but other reduction opportunities don't exist to a significant extent. It is important to recognize the significant amount of work already done by the CV trawl fleet to reduce bycatch.*
- *The foundation of this cod CV trawl LAPP will be the cooperatives and their successful functionality. Halibut PSC will be a key component of this functionality and an artificially low halibut PSC limit will negatively impact successful coop functionality at the start of*

*implementation for this program. It would be prudent to allow the program to operate for a year or two after implementation before considering options to further reduce halibut PSC limits for this sector.*

*Rationale in Favor of Amendment 5 (Adding Suboption 3.2.1) Under Element 3*

- *The Council has stated a desire to move to an abundance-based management approach to setting halibut bycatch, as demonstrated by the Council's Halibut ABM action. When the Council moved to remove the cod trawl CV sector from the Halibut ABM action, it was in order to not put that sector in double jeopardy (i.e., subject to bycatch reductions under Halibut ABM as well as under the upcoming rationalization action). At that time the Council indicated that the imminent cod trawl CV LAPP would include PSC reductions and it was expected that these PSC limits would float with abundance.*
- *With a look-up table, the Council has identified a path forward for setting PSC limits based on abundance that are transparent and predictable. The Council manages PSC limits for nearly all bycatch species according to abundance and managing allocations based on abundance of the resource is responsible resource management. The suggested ABM approach for setting PSC limits in the cod trawl CV sector is separate from the action pertaining to the A80 fleet, although similar methodology should be used. This approach will add to consistency between trawl sectors so there is no preferential PSC treatment for one sector over another.*
- *Providing an ABM approach will allow the trawl cod CV sector to have higher PSC limits as halibut abundance increases thereby preventing premature closures resulting from a reduced, fixed PSC limit. Fixed halibut PSC limits have proven unresponsive and inadequate to address conservation needs at times of low abundance.*
- *Crab PSC is also managed by abundance under this Option.*

*Rationale in Opposition of Amendment 5 (Adding Suboption 3.2.1) Under Element 3*

- *The Council has just recently settled on the selection of look-up tables in its Halibut ABM action. Abundance-based management for halibut has taken many years to develop and analyze and while a look-up table appears to be Council direction at this time, that analysis is still being developed for its applicability to the Am80 sector and there is no way to ultimately know where Council will land in future meetings or at the time of final decision.*
- *The Council specifically removed CV trawl sector from its Halibut ABM action so it is not a goal or necessity to apply the same type of management action to this sector as is being for the Am80 sector. Requesting a similar application appears contrary to the Council's decision to separate the two sectors regarding their usage of halibut PSC. And given that the analysis of ABM look-up tables for the Am80 sector is still undergoing, there is no way to analyze ABM this as a component of the developing analytical LAPP package without creating tremendous complexity and slowing the overall package down.*
- *Previous analyses from the Halibut ABM action for Am80 has shown that there is no benefit to halibut spawning stock biomass as a result of PSC reductions.*
- *With the amount of halibut PSC generally allocated to the trawl cod CV sector, the utility and functionality of an ABM is unclear. It would be prudent to allow the program to operate for a year or two after implementation before complicating the analysis and considering options for an ABM look-up table.*

*Rationale in Favor of Amendment 6 (Retaining Option 4.3) Under Element 4*

- *This option to sideboard GOA fisheries for non-AFA LLP participants in the new BSAI Cod Trawl CV LAPP is a necessary mitigation measure against a potential increase in GOA fishery*

*participation as GOA sideboards are one of the few community protections in the proposed program for the local GOA small boat groundfish fleet.*

- *Non-AFA LLP holders that want to be exempt from the sideboards have the ability to opt out of the program.*
- *With the addition of the Suboption to potentially apply sideboards to AFA LLP licenses only, Option 4.3 should not be removed and should remain as an option in the analysis.*

*Rationale in Favor of Amendment 8 Under Element 6:*

- *Removal of the word “fully” reflects the percentages contained in Suboption 6.2.3 of 50; 60; and/or 70 percent and inclusion of a performance standard in the analysis is a reasonable request because it allows for variable fishing situations and supports an orderly and responsive fishery.*
- *This amendment reflects the Council’s previous (10 year) effort to provide Adak and Atka with access to the cod fishery without the risk of stranded fish. It proposes to expand the range of alternatives for analysis, in a manner that captures reasonable expectation and responds to real world constraints such as bycatch and weather. As a goal of the overall action to slow the CV trawl cod fishery, a requirement of 100% harvest would undermine that purpose.*
- *Under Sub option 6.2.5 can explore a framework similar to the emergency delivery exemption regulations under the BSAI Crab Program that would allow the City of Adak or Atka to withdraw its intent to operate notice during the season in the event of an emergency. This option is not expected to be frequently utilized, but is a measure for unexpected, catastrophic, or disaster-related events.*
- *It was noted that this framework would have to be designed to ensure timely implementation, which will require further exploration of what constitutes an emergency in this fishery and an identification of the decision makers and signatories in that determination.*

*Rationale in Opposition of Amendment 8 Under Element 6:*

- *Without the inclusion of some date where cod designated for Adak and Atka rolls back to other cooperatives, this will likely create a scenario where cod is stranded unnecessarily. Requiring a plant or some entity to sign off on allowing a rollover to happen will provide them with leverage to disrupt the intent of forming cooperatives.*
- *As structured, the additional Suboptions resemble many elements of Amendment 113, which was vacated.*
- *As presented, Suboption 6.2.5 requesting exploration of a framework is not specific enough to support any type of analysis and would be better suited for inclusion at the end of the motion under the other items for consideration in order to be able to have adequate data upon which a potential Suboption could be crafted. Additionally, this type of suboption should be available to all communities and not limited to just Adak and Atka.*

*Rationale in Favor of Amendment 9 (Gear Flexibility) under Element 14*

- *The gear flexibility element would be completely voluntary with the decision to use pot gear made at the sole discretion of the trawl CV quota holder. Pot cod CVs would not be able to enter the program and harvest trawl cod quota without a trawl cod CV quota holder agreeing to allow that harvest. The quota holder will be in full control over the decision to fish with either trawl or pot gear. The intent of this element is not to allow for a reallocation of quota from one sector to another.*
- *This element will allow companies to fully access and maximize various cod allocations thereby creating efficiencies to accomplish fishery goals of the Council, MSA, and CDQ program including added value, bycatch reductions, full utilization, and community protections.*

- *This Element would not be applicable to pot C/Ps to address concerns over community protections and to prevent additional cod quota from being processed offshore.*

Rationale in Opposition of Amendment 9 (Gear Flexibility) under Element 14

- *Historically dependent CV cod trawl participants have not provided public comment supporting this option at this time. Development of the more key structural components of this LAPP is a large undertaking in and of itself and will be further complicated by continued inclusion of this Option at this time. It would be prudent to allow the program to operate for a year or two after implementation before considering this option as a potential follow-up action. Consideration of this Option in a trailing amendment is emphasized by the west coast gear conversion element that is also voluntary, but which has not worked as it was intended.*
- *Gear flexibility does not address the stated goals and objectives of the program (as captured in the amended Purpose and Need Statement) and instead may serve to undermine the newly included goal of reducing bycatch based on the information contained in the analysis found in Table 2-27 (17 years of data on crab bycatch).*
- *This action is for development of a CV cod trawl LAPP with an aim to end the race for fish and provide stability to harvesters, processors, and communities dependent on the cod fishery. A goal of this program should not be the ability to shift cod amongst gear types. If this were to occur, the program would begin to resemble an ITQ program rather than a cooperative-based program.*

Rationale in Favor of Amendments 12 and 13

- *It is important to ensure that rationalized fisheries do not negatively impact non-rationalized fisheries when they are provided increased flexibility under a new program. For example, the TLAS YFS fishery is the last large fishery in the Bering Sea not rationalized or managed by a cooperative and there may be potential for a trawl cod CV LAPP to impact its participants.*
- *Besides the trawl CVs, the TLAS YFS fishery includes AFA CPs that may benefit from their cooperative structure for pollock allowing latent capacity to harvest YFS. Any discussion of the TLAS YFS fishery needs to consider other harvesting vessels who are in existing cooperatives. The existing 8 offshore TLAS YFS CVs should be distinguished from boats without participation.*

Rationale in Favor of Amendment 14:

- *The first aspect of this motion is a request for more comprehensive data. The analysis is not comprehensive in its inclusion of in-season cod reallocations to sectors that are highly dependent on them, including under 60' HAL/pot and C/P pot gear. If historic catches are used to determine quota share amounts, an exact accounting of how much quota was rolled from CV trawl to other sectors needs to be analyzed and quantified. For example, in the under 60' fleet the analysis states: "On average, the sector harvested 226 percent of their initial allocation from 2005 to 2007, and 218 percent since Amendment 85. Reallocation amounts have ranged from a low of 1,247 mt in 2005 to a high of 7,500 mt in 2014. Including the reallocated Pacific cod, the sector on average has harvested all their final allocation of Pacific cod on an annual basis." To make an informed decision the Council needs more information on rollover amounts from CV cod trawl as a percentage of final allocation, which CV trawl season rollovers were derived from (A, B or C season), and why rollovers (unharvested cod) occurred (halibut bycatch issues, season closures, etc.).*
- *The second aspect of this motion seeks to clarify the cod reallocation hierarchy. Options may be provided for potential changes to the reallocation hierarchy that could prioritize directed fisheries. As currently structured, there are two sets of directives: one set of directives is for catcher vessels and the other is for trawl catcher vessels. There is no clarity regarding which set of directives takes precedence over the other, their outcomes are different, and they are applied differently year to year. For example, in 2020 unused C-season CV cod trawl quota was*

*transferred to another trawl sector to cover prohibited retention overages instead of reallocated to another directed fishery. A clarification of the Council's intent regarding reallocation guidance could be included as this LAPP program is developed, which will help reflect intended priorities moving forward.*

#### Rationale in Opposition of Amendment 14

- *Analyzing potential changes to the cod reallocation hierarchy is completely outside the scope for development of the trawl CV cod LAPP program. Additionally, Amendment 85 is clear regarding sector allocations and the hierarchy for reallocations by in-season management.*

#### Rationale in Favor of Amendment 17

- *The draft RIR should be amended to more fully analyze the impacts of this program on CDQ communities. CDQ groups get important royalty income from their Pacific cod allocations and have made substantial investments in Pacific trawl vessels. The program has ownership interest in over 22 vessels and some groups have interest in processing ventures in the BSAI. These interests were not identified in the recent analysis .*

#### Rationale in Favor of Amendment 18

- *A fuller range of harvest threshold requirements for under 60' trawl boats should be included in the analysis. While this provision could provide additional opportunities for small boats, it will be important to understand how harvest threshold requirements for these small vessels could impact the plant's opportunity to meet performance standards such as the harvest by date, as well as the plant 's ability to leverage landings from other vessels in a cooperative.*

### **Motion 3**

The AP supports initiating a discussion paper on fishing community allocations in response to small boat, entry level, and community access challenges identified in <sup>1</sup>~~Bering Sea communities Unalaska and Akutan~~ dependent on Pacific cod. The discussion paper should review the applicability, utility, and challenges of a fishing community allocation as provided under section 303A(c)(3) of the MSA.

Council staff may use the FCA proposal submitted by the Unalaska Native Fishermen's Association (UNFA) in public comment as a strawman to analyze the administrative and operational components, questions, and benefits of FCAs as a tool for addressing community protections <sup>2</sup>**for vessels under 58 feet.**

*Amendment<sup>1</sup>: passed 18-4*

*Amendment<sup>2</sup>: passed 19-3*

*Motion as amended passed 18-4*

#### Rationale in Favor:

- *The Council has implemented a number of measures over the past 25+ years to protect the small boat sectors and historical participants of Bering Sea Pacific cod fisheries. Information relayed in public testimony and comments as well as in Council documents indicate how the benefits of these past actions have shifted away from historical fishery participants and communities participating in the <60' fixed gear sector.*
- *The <60' sector is highly dependent on rollovers from other sectors, including the trawl CV sector. Management changes currently under consideration for the cod trawl CV LAPP may affect rollovers to the <60' sector and potentially exacerbate adverse impacts already felt by historic small boat participants. There is a need for the Council to consider community and small boat protections while these larger management changes are discussed given the changing nature*

of the <60' sector and the adverse impacts this has on the local small boat fleets of BSAI communities.

- The intent of a Fishery Community Allocation (FCA) is to ensure that small boat fishing opportunities in rural Bering Sea fishing communities is protected under a new management plan and that community concerns, including sustained community participation, small-scale fishing opportunity, and entry opportunities are considered in BSAI Pacific cod fisheries. There is widespread public support from the community of Unalaska for this (e.g., 18 letters of support from local families, fishermen, businesses, and local government (e.g. tribe, city, Native Corporation, etc.)).

Rationale in Opposition:

- The Council should consider this as part of a separate action and have any allocation come off the top so it does not just impact the trawl CV sector.
- Any community allocation could come out of the Jig sector which typically goes unharvested.

## C6 BSAI Pot Cod CP

### Motion 1

The AP recommends the Council release the RIR <sup>1</sup>~~with a new threshold of 100mt~~ for final review:

<sup>2</sup>, and requests further analysis of the following:

- Evaluate options available for LLP permits that may lose C/P endorsements
- Analyze mechanisms to compensate LLP holders that may lose C/P endorsements.
- Further analyze potential impacts to fishery dependent communities

<sup>3</sup>~~Add qualifying year options to alternative 2 (in addition to previous dates)~~

- ~~2005-2020~~
- ~~2012-2020~~

Amendment<sup>1</sup>: failed 8-13.

Amendment<sup>2</sup>: passed 13-8.

Amendment<sup>3</sup>: failed 9-12.

Substitute motion: ~~The AP recommends that the council takes no further action.~~ Failed 4-17.

Main motion as amended passed 16-5.

Rationale in Favor of Motion as Amended:

- Forwarding this action for final review maintains responsiveness to the purpose and need of this action. With low Pacific cod TACs, the recent action (review) of Amendment 85, the unlikely continuation of rollovers to the pot cod C/P sector, it is appropriate to continue to move this action forward even without a PPA.
- The AP is not recommending a PPA because the range of possible options/outcomes is very narrow so do not want to provide any signal to the public, especially given that public testimony voiced support for every Alternative: status quo, option 1, and option 2. With the new bulleted items included for analysis, the public will have another opportunity to weigh in on a preferred alternative at the time of final action.
- The bulleted items for additional analysis are responsive to:
  - Concerns expressed by stakeholders outside the pot cod C/P sector regarding spillover effects on other fisheries. Further analysis will explore potential impacts and options available to those that may lose the C/P endorsement.

- *Concerns expressed by stakeholders that large investments of time, money, resources, and business planning may be lost. As alternatives to a regulatory taking, the analysis should evaluate ways to prevent financial harm to LLP holders that may lose C/P endorsements (e.g., through a buyback program, direct buy out of endorsements by remaining participants, other means).*
- *Concerns expressed by representatives of Western Alaska communities that harm would be done to the region, communities, and residents if the Council moves forward with Alternative 2. The additional information will define the potential community impacts, community affiliations, and entities that could be harmed resulting from removal of C/P endorsements through this action.*

*Rationale in Opposition to Motion as Amended*

- *Council analyses have never included discussion of mechanisms related to any form of compensation for LLP holders that may lose a license endorsement as part of any Council initiated action. The example cited of the Crab Buyback Loan was initiated for an entirely different purpose and supported via Congressional action. Exploration of compensation mechanisms for lost endorsements under this action would necessitate this same type of exploration be included in the Council's BSAI Trawl Cod CV LAPP action.*

*Minority Report*

*This action is driven by low cod TACs, not by a sudden influx of new vessels coming into the fishery (5 vessels participated in each of the last 3 years 2018-2020). If cod TACs rebound, the justification (Purpose and Need) for this action is no longer relevant and 4 vessels would receive a substantial benefit. If cod TACs continue to decrease, the fishery will still be condensed. One vessel could have easily prosecuted the entire fishery each of the last 3 years.*

*One vessel (LLP) that was actively participating in the Pot Cod CP fishery in 2018 (before this action was initiated) will be excluded under all options of Alternative 2. If Alternative 2, Option 2 was in place in 2020, the 4 qualifying vessels each would have received an average of just 1.2 additional fishing days. Thresholds, control dates, and options under Alternative 2 appear to be strategically designed to single out one vessel that was active prior to this action being initiated. Under Alternative 2, pot cod LLP endorsements could be removed from three organizations associated with Western Alaska and Bering Sea communities. In addition, there is nothing that currently prevents a cooperative from forming under Alternative 2. Nevertheless, none of the vessels that would not qualify under Alternative 2 have been contacted about forming a coop. Finally, the proposed 1,000 MT (2,204,620 lbs) threshold under Alternative 2 is more than 7 times higher than the original threshold (136 MT) when endorsements were awarded in 1998.*

*Signed by: Joel Peterson, Erik Velsko, Victoria O'Connell, and Daniel Donich*

## E Staff Tasking

### Motion 1

The AP recommends that the Council initiate a discussion paper to examine options for minimizing ~~prohibited status~~ harvests that go beyond 100% of a sector's ~~allowable~~ **allocated** catch for fisheries that aren't already subject to a hard cap. This discussion paper should include time and area closures, debited overages from subsequent years, ~~establishing ICAs for each managed species~~, and triggers or graduated responses to increasing prohibited status harvest that reflects the lawful intent of the Council to minimize allocation overages and maximize optimum yield in directed fisheries.

*Amendment<sup>1</sup>: passed 15-7.*

*Amendment<sup>2</sup>: failed 11-11.*

*Motion as amended passed 14-8.*

#### Rationale in Favor of Motion as Amended:

- *The need for this motion was reinforced during the presentation of the Joint Plan Team Report, which highlighted the fact that there are no accountability measures that result in real reductions in overages. Actions like changing apportionments, combining OFLs, etc. taken in an effort to accommodate fisheries with overages essentially 'moves the goal posts', without effectively slowing overages down. Sablefish overages in the BSAI from 2017 - 2020 and from 2016 - 2020 in CGOA are examples of this. The fact that the Council has no mechanism to curb these overages is a fundamental management problem.*
- *Overages should never occur in rationalized fisheries where many of these overages have occurred and the Council should consider options to mitigate these increased overages as they are becoming commonplace in some sectors. A suite of prohibited species mitigation options could be considered, including but not limited to: debiting overages from subsequent years for a variety of ranges as determined by Council; time and area closures for areas with high incidental catch (e.g. spatial management measures when 75%, 90% and or 100% of a sectors annual catch limit is taken); and/or increased economic penalty in relation to severity of the overages.*
- *Recurring allocation overages will not correct themselves without damage being incurred to directed fisheries. The Council should prioritize how it addresses overages, especially in light of new catch share systems currently moving through the Council process. Although sablefish allocation overages in the trawl sector did not directly affect the fixed-gear fishery in regards to lost fishing time or access to fish, the AFA C/P P.cod overage of roughly 1000 MT did carve this amount of P. cod out of the CV trawl C season of 2020. In turn, this discarded quota could not be used in the directed fishery or rolled over into other sectors for harvest. This practice is wasteful.*
- *Substantial written comment from stakeholders and concerned citizens have filled the Council comment portals as of late in an effort to spur the Council to action. Positive public perception of the Council process and its ability to restrict overages is eroding as these overages continue with no recourse.*

#### Rationale in Opposition to Motion as Amended:

- *The scope of this discussion paper is unclear. If it is intended to apply to any species contained on the BSAI and/or GOA TAC sheets (as clarified during questioning), this would make the scope incredibly broad and extensive without an identified purpose, especially given that overages by a sector with an allocated harvest in a fishery occur for a large variety of reasons. Initiation of a discussion paper of this type would take away from other Council tasks and priorities.*

- *The NPFMC system is a conservative, precautionary, and flexible system that allows managers to best respond to issues as they arise through a variety of mechanisms including in-season management; analyses with proposed and final rule-making, etc. Every species within the Council's purview is managed for sustainability. In this way, not every overage requires an immediate mitigation reaction as being proposed.*

## **Motion 2**

The AP recommends the Council initiate a discussion paper to consider identifying jig gear as legal gear for IFQ sablefish.

*Motion passed 17-5.*

### Rationale in Favor:

- *This issue has been brought before the AP for several meetings as a request from the public.*
- *When legal fixed gear was defined for sablefish IFQ, jig gear may have been inadvertently left out of the legal definition for fixed gear.*
- *Many of the larger longline boats in the sablefish fleet have transitioned to pot gear in an effort to avoid whale depredation and increase efficiency, but the cost and safety issues associated with switching to pots (even the new slinky pots) can be prohibitive to small boats that participate in the sablefish fishery. The small-scale boats participating in the sablefish fishery are looking for ways to remain viable in the fishery and recognize that jig machines offer a workable alternative (jig machines have been used with success in the guided sport fishery for sablefish and provide a lower cost alternative gear type).*

### Rationale in Opposition:

- *Consideration of this issue should be put on the IFQ Committee's next meeting agenda as the appropriate first step.*

## **Motion 3**

The AP recommends the Council initiate a discussion paper to explore and assess changes in Pacific cod fishing effort in the BS and AI. The paper should include:

- how cod apportionments between the BS and AI have led to potential barriers to full harvest;
- impacts of incidental BS cod harvest to directed cod fisheries; and
- how reductions of AI harvest could lead to a race for cod in the BS.

*Motion passed 12-10.*

### Rationale in Favor:

- *NMFS prohibited directed fishing for non-CDQ Pacific cod in the Bering Sea sub-area of the BSAI this fall on November 18 2020 before the freezer longline C/P sector could harvest their full allocation, forcing some of the boats to fish in the AI or leave cod unharvested. This was the earliest closure on record for the BS directed cod fishery, but fisheries that have incidental cod harvest were allowed to continue fishing after the directed fishery was closed.*
- *The 2014 cod split between the BS and AI has led to a shift in fishing effort between each sub area in the BSAI.*
- *The culmination of multiple factors resulting from low cod TACs, BS and AI apportionments, and changing trends in AI fishing effort are incentivizing participants to increase their effort in the Bering Sea, creating a new race for fish.*

Rationale in Opposition:

- *The freezer longline C/P sector has the largest cod allocation, and through consolidation, one company controls the majority of that allocation giving them more access to cod than other entire sectors . This company has the ability to manage themselves, or utilize the benefit of the cooperative, to spread effort into the BS and the AI in order to address the BS subarea TAC being taken late in the year.*
- *The freezer longline sector also starts their fishing year on January 1, giving them the ability to fish earlier than other sectors that start Jan 20, including the ability to fish in the AI where TAC is usually remaining at the end of the year. A cooperative also gives these C/P vessels the ability to optimize timing of their harvest throughout the year.*
- *Cod is a full retention species (no discards) by all vessels, which harvest, process, and sell their product for food. Choosing one specific sector to have prioritized access to the BS for targeting cod would be allocative in nature and have particularly negative impacts to the small boat CV sectors.*

**Motion 4**

The AP recommends the Council initiate a discussion paper to consider identifying longline pots as legal gear for Greenland turbot.

*Motion passed 22-0.*

Rationale in Favor:

- *Given the success with pot gear in the sablefish fishery, there may be a chance that longline pot gear could also be utilized in the Greenland turbot fishery as a potential solution to mitigate whale predation.*

**Motion 5**

The AP recommends that the Council direct the Community Engagement Committee to discuss and provide recommendations on a staff position to act as a tribal liaison and a cultural education and outreach coordinator for the Council, AP, SSC, and associated committees.

*Motion passed 21-1.*

Rationale in Favor:

- *The Council has recently engaged in multiple efforts to be inclusive to rural coastal communities and Alaskan Native People specifically through the Community Engagement Committee, the Bering Sea Ecosystem FEP, the LK/TK and Climate Change Task Force, and representation in advisory bodies. This motion is intended to signal that the AP is supportive of the Council taking additional steps to improve inclusivity and management processes by exploring and potentially creating a focused staff position to make the federal fisheries management process more inclusive to rural Alaskans and Alaska Native People.*
- *Much of the Council business happens through public letters and testimony, yet these entry points are driven by western communication styles and pre-suppose an understanding of western fisheries management, scheduling, and hierarchies. Alaska Natives and Native Americans have much to offer the process with their knowledge, derived from thousands of years of coexistence with marine resources and ecosystems, yet their ability to participate is based on the western standards of meeting communications.*
- *AP membership includes diverse sector and community representation, but the position requires a tremendous amount of focus on specific and complex fisheries issues. The Council, AP, SSC, and associated committees would benefit from a staff position and additional resources to create an environment that promotes healthy, diverse fishery management and to address gaps in process and procedures that limit AP and public participation in the Council process.*