



North Pacific Fishery Management Council

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Advisory Panel MINUTES

October 4-8, 2021 via webconference

The Advisory Panel met Monday, October 4, through Friday, October 8, 2021, in a virtual teleconference. The following members were present for all or part of the meetings (absent members are ~~stricken~~):

Christiansen, Ruth (Co-VC)
Drobnica, Angel (Chair)
Gruver, John
Gudmundsson, Gretar
Johnson, Jim
Johnson, Mellisa
Kauffman, Jeff

Kavanaugh, Julie
Lowenberg, Craig
Mann, Heather
O'Donnell, Paddy
O'Neil, Megan
Peterson, Joel
Ritchie, Brian

Scoblic, John
Upton, Matt (Co-Vice Chair)
Velsko, Erik
Wilson, Marissa
Wilt, Sinclair
Zagorski, Suzie

The AP approved the minutes from the June 2021 meeting.

C1 BSAI Crab

The AP recommends the Council adopt the 2021 Crab SAFE Report, as well as, the 2021-22 OFL and ABC as recommended by the CPT and SSC for EBS Snow Crab, Bristol Bay Red King Crab, EBS Tanner Crab, St. Matthew Blue Crab and Pribilof Island Red King Crab.

Motion Passed 19-0

Rationale:

- *The AP appreciates the diligence of the Crab Plan Team and SSC in developing models and assessing the status and dynamics of these crab stocks.*
- *The AP also appreciates both the written and oral public comment provided.*
- *The AP looks forward to the introduction of GMACS modeling in the near future for additional crab stocks, including EBS Snow Crab.*

C2 IFQ Omnibus

The AP recommends releasing the analysis for final action with the following changes to elements and options. Additions are shown in **bold underline** and deletions are shown in ~~strike through~~.

Purpose and Need:

IFQ stakeholders, the IFQ Committee, and NMFS have identified regulatory revisions that could increase operational efficiency, reduce administrative burden, and clarify how harvesters can meet existing regulatory requirements. In addition, the Council is considering revisions to pot limits and gear tending

restrictions also identified through the recent 3-year GOA sablefish pot review to determine whether they are serving their intended purpose.

The Community Quota Entity (CQE) program was modified in 2014 to include the Aleutian Islands. This allowed the community of Adak to form a CQE and purchase halibut and sablefish quota. Since the implementation of the Aleutian Islands CQE in 2014, Adak has faced challenges being able to harvest its IFQ. The Council is considering temporarily broadening who is eligible to harvest IFQ held by the Adak CQE to provide more opportunities for more fully harvesting its allocation.

Alternatives

Alternative 1: No action

Alternative 2: Revise IFQ/CDQ program regulations to address the following regulatory clarifications

Element 1: Clarify that “slinky pots” are a legal gear for the IFQ/CDQ fishery, and revise regulations to allow the use of biodegradable twine in the door latch or pot tunnel.

Element 2: Remove buoy configuration, flagpole, and radar reflector requirements in regulation but retain “LP” marking requirement.

Element 3: Authorize jig gear as a legal gear type for the harvest of sablefish IFQ/CDQ.

Element 4: Revise the pot gear configuration requirements to remove the 9-inch maximum width of tunnel opening so it does not apply when the vessel begins a trip with ~~has~~ unfished halibut IFQ onboard.

Option: Remove the 9-inch maximum width of the tunnel opening for sablefish pots.

Element 5: Pot Limits

Option 1: Change the Pot Limit for Western Yakutat (WY) and/or Southeast Outside (SEO) to

Suboption 1) 160 pots per vessel

Suboption 2) ~~180~~-200 pots per vessel

Suboption 3) 300 pots per vessel

Element 6: Gear Retrieval requirements

Option 1: Remove the gear retrieval requirement

Option 2: Modify the gear retrieval requirement to 7 days for all GOA areas

Suboption: 3 days in SEO

²Option 3. Maintain the current gear retrieval requirement of 5 days for the CGOA

¹Element 7 clarify regulations so that vessels may record trip information for both pot and hook-and-line gear in the same logbook.

Alternative 3: Remove Adak CQE residency requirement for a period of five years.

Note: Alternatives 2 and 3 are not mutually exclusive.

Amendment 1 passed 20-0

Amendment 2 passed 20-0

Main Motion as amended 20-0

Rationale in Favor of Amendment 1

- *This amendment responds to NMFS' recommended regulation changes to allow the DFL to be used for both pot and hook-and-line gear. The language is intended to include both the DFL and other logbooks legal for hook-and-line gear that also contain pot gear specifics.*
- *As the analysis points out, a vessel using both pot and hook-and-line gear must currently use two logbooks in order to be legal. The analysis further notes that "A common practice is for vessels to record both gear types in the IPHC logbook, not in the Federal DFL because it is likely more user-friendly."*
- *Written public comments mirror the statements in the analyses that some members prefer logbooks other than the DFL.*

Rationale in Favor of Amendment 2

- *Given the benefits of pot gear regarding efficiencies and whale depredation, there will likely be an increase in the use of this gear type beyond the 67% current usage. The number of vessels covering the edge in the CGAO is a concern such that pre-emption of grounds will likely get worse (noting no analysis of impacts to trawl gear); therefore, the additional two days contained Element 6 will make a significant difference and will also allow vessels opportunity to deliver anywhere regardless of distance.*
- *The primary purpose of this amendment is to ensure that the status quo of 5 days (no action) is available if Alternative 2 (and other elements) were to be selected. It is unclear whether the choice of "no action" can translate to each of the elements independently under the action alternative.*

Rationale in Favor of Amended Main Motion

- *Changes included to the Elements incorporate those discussed by the IFQ Committee. Given the mixed responses (lack of consensus on pot limits, gear tending and retention of halibut in pots) by Committee members to some of the Options, a PPA was not selected at this time. Further analysis and accompanying public comment will allow for better selection of Alternatives/Elements/Options at the time of final action.*
- *Original motion did not include CDQ nor did it address radar reflector requirements, which are outdated as stated by the IFQ Committee.*
- *There is a lack of consensus within the IFQ fleet regarding a directed halibut pot fishery in the GOA under Element 4. Because staff are analyzing the retention of halibut in pots for this action, it would seem appropriate to examine aligning the GOA regulations with the BSAI to be forward thinking and stay on top of the whale depredation issue. As such, the original motion language was clarified and another option was provided that would loosen the regulations to allow a directed halibut pot fishery.*
- *The pot limit suboptions under Element 5 have been adjusted to reflect the latest public and written comment, and to reflect the composition of the gear. For example, a common amount of pots per string for the fleet is 40. SEO fishers are comfortable with each boat having an additional string, which is where the 160 pot suboption is derived from. The 200 pot suboption was included to also coincide with the 40 pot/string gear composition and would potentially add two additional strings per vessel.*

C3 RQE Funding

The AP recommends the Council identify the following Alternative and Options as its Preliminary Preferred Alternative (PPA):

Alternative 2: Establish a fee collection program for charter vessel operators to fund the recreational quota entity

Option 1: Charter Halibut Stamp

The AP also recommends that the Charter Halibut Committee review the document and present its recommendations to Council Staff, AP, and Council prior to final action.

Motion passed 19-1

Rationale in Favor

- *The intent of this motion is to provide a signal that the focus of this action will be on development of charter halibut stamps while ongoing issues related to funding continue to be addressed. While it would have been better if the Charter Halibut Committee had been able to meet prior to this agenda item coming up at this meeting, gaining input from directly affected stakeholders via a future Committee meeting is important and will allow for consideration of their input at final action.*
- *The Charter Halibut Stamp is selected as a PPA given concerns industry representatives have noted (following the analysis) that use of logbook data for assessing fees may incentivize misreporting numbers of halibut caught. Additionally, Alaska Department of Fish and Game logbook data was not developed to support exact catch history of individual Charter Halibut Permits (CHPs). As described in the analysis, writing down a CHP in a logbook would assess that CHP with fees associated with the RQE, whether or not that CHP is associated with any halibut caught and retained by that operator. A CHP is associated with halibut harvest, but if it's not your CHP, NMFS doesn't know if you have a formal agreement to use that CHP or not. Further, there is no formal "data flow" between ADFG and the NMFS to share access to logbook data. This creates a lag in data communication between ADFG and NMFS.*
- *A halibut stamp would add no significant burden to enforcement as anglers currently have fishing licenses checked by enforcement officers. The analysis highlights that prosecution of violations can be costly, and these costs should be considered further at the Charter Halibut Committee and by the Council.*

Rationale in Opposition

- *Selecting a PPA at this time is not appropriate when the costs/funding mechanism associated with the RQE remain unclear.*
- *The analysis shows costs of enforcing/managing the halibut stamp program for the RQE would come off the IFQ cost recovery fee. This cost recovery fee is already set at its maximum 3% and fully utilized even before the RQE owns any RFQ to begin paying into the cost recovery fee.*

C4 BSAI Pacific cod Trawl CV LAPP

The AP recommends the Council take final action on the BSAI Pacific Cod Trawl Catcher Vessel Cooperative Program at this meeting. There is sufficient analysis to determine the impacts of the various alternatives to all stakeholders. This motion works from the June Council motion with the “staff recommended changes to improve consistency to the language” (which begins on page 507 of the analysis):

The strikethroughs and underlines are from the staff recommendations.

The bold language is the Council’s PPAs from June.

The AP Final Preferred Alternatives (FPA) are highlighted in yellow.

The language that is written in blue are AP recommended language changes from Council’s June PPA. If the blue text is highlighted yellow it is included in today’s FPA recommendations. AP recommended changes that were not ultimately included in the FPA are indicated with blue text and ~~strikeout~~.

Element 1. Cooperative Style System

Voluntary harvester cooperatives.

Holders of qualified trawl catcher vessel (CV) License Limitation Program (LLP) licenses under Element 2 must join a cooperative annually in association with an eligible licensed processor (Federal Fisheries Permit (FFP) or Federal Processing Permit (FPP)) to harvest their trawl CV allocations of Pacific cod cooperative quota (CQ). Harvesters may change cooperatives and cooperative associations may change annually without penalty.

No limitation on the number of LLP license holders or eligible qualifying catch history (legal landings) needed to form a cooperative.

No limitation on the number of cooperatives that may form. Inter-cooperative formation is allowed.

Option: A minimum of three LLP licenses are needed to form a cooperative.

Element 2: Initial Allocation to LLP Licenses

Catch history to determine initial quota share (QS) allocations under this management action will not be considered beyond December 31, 2019.

2.1. Eligibility – Any LLP license assigned to a vessel that made qualifying catch history (legal landings) of targeted trawl CV catcher vessel BSAI Pacific cod during the qualifying years (or an LLP license as of December 31, 2019 assigned to an American Fisheries Act (AFA) trawl CV that had BSAI Pacific cod catch in 1997) and any transferable Aleutian Islands (AI) endorsement is eligible to receive QS harvest shares.

Option: Establish a minimum threshold percentage range of 0.25%-1% by LLP holder for eligibility to receive QS harvest shares. Partial ownership of LLP licenses counts toward thine minimum threshold using the individual and collective rule. Does not apply to those 8 LLP licenses with a transferable AI endorsement.

2.2. Harvester Allocations – Eligible LLP licenses must be assigned to a cooperative for the cooperative to receive annual Pacific cod CQ Cooperative Quota. The initial allocation of QS harvest shares will be made to eligible LLP licenses or transferable AI endorsements, with each LLP license’s or transferable AI endorsement’s QS harvest shares based on the Pacific cod qualifying catch history (legal landings) of targeted BSAI Pacific cod authorized by that LLP license or a transferable AI endorsement 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 2.2.1. Drop 1 Year

²Suboption 2.2.2. Drop 2 Years

Amendment² to make suboption 2.2.2 the FPA instead of 2.2.1 failed 9-10

2.3. For the initial allocation of QS harvest shares, qualifying catch history is attached to the LLP license at the time of harvest. If multiple LLP licenses authorized catch by a vessel, in the absence of an agreement provided by the LLP license holder at the time of application, qualifying catch history will be:

Option 2.3.1: divided equally between those LLP licenses.

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

¹Replace section 2.3 with the following:

~~2.3— For the initial allocation of QS, qualifying catch history is attached to the LLP license at the time of harvest. If multiple licenses authorize catch by a vessel except that if multiple licenses were assigned to a vessel that authorized catch by a vessel in either the BS or AI, the qualifying catch history from either area will be assigned to any such LLP license in accordance with the terms of any written lease or sale agreement applicable to the license. In the absence of an written agreement, signed by both parties provided by the license holder at the time of application, history will be:~~

Amendment¹ - to return 2.3 to original Council PPA language passed 10-9

2.4. Annual CQ cooperative quota will be issued to each cooperative license by NMFS based on the aggregate QS attached to LLP licenses that are assigned to the cooperative by the LLP license holder. QS allocations will not be designated for harvest in a management area (i.e., BS or AI) but may be harvested from either area.

NMFS will issue CQ by season as a tool to ensure that the season limits are not exceeded and allow for seasonal limits to be effectively enforced:

- NMFS would issue CQ and rely on coop agreements to ensure the seasonal limits are not exceeded
- Rollovers from A to B season may occur
- Individual issuance of season CQ would limit the fleet's potential to fish their CQ entirely in one season

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

A and B season trawl CV Pacific cod sector allocations ~~TACs~~ (after deduction of the ICAs) will be allocated to cooperatives as CQ. Annual CQ cooperative allocations attributable to each LLP license will be that LLP license's proportional share of the total QS qualifying Pacific cod history.

The C season trawl CV Pacific cod allocation will remain 15 percent and remain a limited access trawl CV fishery and will be available to any trawl CV 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 trawl CV sector apportionments (including A and B season ICAs and CQ

remaining after June 10) that NMFS projects to go unused are subject to reallocation to other sectors under current reallocation rules.

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

2.7 The BSAI Pacific cod sideboard limit for AFA trawl CVs at 50 CFR 679.64(b)(3)(ii) is removed upon implementation of this program.

Element 3. Prohibited Species Catch Limits

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

Option 3.1: Crab PSC limits will be maintained at the BSAI trawl limited access sector level.

Option 3.2: Establish separate PSC limits for the BSAI trawl CV Pacific cod sector. Halibut PSC limit will be based on historical use (using qualifying years selected under Element 2) between the trawl CV sector and the AFA catcher processor (CP) sector. Crab PSC limits will be based on the proportion of BSAI Pacific cod allocated to the trawl CV sector and the AFA CP sector.

Option 3.3: Reduce PSC limit to BSAI trawl CV Pacific cod sector.

⁴Suboption 3.3.1: Reduce halibut PSC limit by 10%; ~~15%~~, 25%; 35%; ~~the 3-year phase in does not apply to the halibut PSC reduction.~~

³Suboption 3.3.2: Reduce crab PSC limit by 10%; ~~15%~~, 25%; 35%; 45%, ~~the 3-year phase in does not apply to the crab PSC reduction.~~

Suboption 3.3.3: Phase in PSC limit reduction over 3 years. One-third of the total reduction is implemented each year.

Option 3.4: If Element 2.5 is selected, establish separate C season halibut and crab PSC apportionments (5-15%) before applying PSC limit reductions for the PCTC program.

~~⁶Option 3.5 The AP recommends that if the total PSC for the sector is exceeded by 150% by any combination of co-ops that all Co-ops are to stop in that area or zone.~~

Each cooperative will receive annual CQ allocations of Pacific cod and apportionments of PSC limits based on members' qualifying catch histories (and processing histories, if applicable) to be harvested in accordance with the harvest cooperative agreement. The sector's PSC limits will be apportioned to cooperatives in proportion to its initial their members' Pacific cod CQ apportionment qualifying catch histories (and processing histories, if applicable). PSC limits are transferable between cooperatives based on the same rules established for Pacific cod CQ.

Amendment³ to select 35% for suboption 3.3.2 passed 11-8

Amendment⁴ (as amended by Amendment 5) to select 35% for suboption 3.3.1 passed 10-9

Amendment⁵ to amend amendment 4 and strike "the 3-year phase in does not apply to the halibut PSC reduction" passed 14-5

Amendment⁶ to add option 3.5 failed 9-10

Element 4: Gulf of Alaska (GOA) Sideboards

Option 4.1: All AFA non-GOA exempt CVs and AFA LLP licenses will be sideboarded (in aggregate for all GOA groundfish fishing activity and halibut PSC (on the annual amount of the total trawl halibut PSC limit)), except for vessels when participating in the CGOA Rockfish Program, based on their GOA catch history during the BSAI Pacific cod qualifying period.

Prohibit directed fishing in regulations for the GOA non-exempt AFA CVs and LLPs for Southeast Outside pollock, Western shallow-water flatfish, and both Central and Eastern deep-water flatfish, and Eastern Pacific Ocean perch.

Option 4.2: AFA GOA-Exempt and non-AFA CVs assigned to LLP licenses and under 60' LLP licenses with AI transferable endorsements that receive annual BSAI Pacific cod CQ will not be permitted to lease their BSAI Pacific cod CQ as a condition of benefiting from GOA sideboard exemption. If the vessel assigned to the qualified GOA exempt LLP license does not fish the GOA during the calendar year, except for the Central GOA Rockfish Program, the BSAI Pacific cod CQ generated by the LLP license can be leased that calendar year. Cooperatives will be required to monitor GOA AFA exempt and non-AFA vessels to ensure they do not lease their BSAI Pacific cod CQ and implement a penalty structure for violations. Cooperatives will be required to report leasing activities and penalties issued in the BSAI Pacific cod cooperative annual report.

Suboption 4.2.1: AFA GOA Exempt and non-AFA CVs with LLP licenses of less than 200 mt, 400 mt, or 600 mt of average annual qualifying BSAI Pacific cod history may lease their BSAI Pacific cod CQ history and benefit from the GOA sideboard exemption.

Element 5: Processor and Community Provisions

5.1 No closed class of processors; all processors with an eligible FPP or FFP are eligible to process BSAI Pacific cod CQ under this program (subject to eligibility requirements under BSAI FMP Amendment 120 to limit ~~catcher-processor~~ CPs acting as motherships).

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

Option 5.2.1: Each eligible CP acting as a mothership may process up to the higher of

- 1) **7125% of the eligible CP's processing history (percentage based on qualifying years selected in Element 2.2); or**
- 2) **the history (percentage based on qualifying years selected under Element 2.2) from LLP licenses that are owned (in excess of 75%) directly or indirectly by the owner of a CP ~~catcher-processor~~ LLP eligible for the offshore sector of the target non-CDQ BSAI Pacific cod trawl CV fishery (as of December 31, 2019), not to exceed 125% of the eligible CP's processing history.**

Amendment ⁷ to add "125% of" passed 11-8

Option 5.2.2: Each eligible CP acting as a mothership may process up to the eligible CP's processing history (percentage based on qualifying years selected in Element 2.2).

5.3 Limit number of trawl CVs in the directed BSAI Pacific cod fishery that can deliver to eligible CPs acting as motherships. Trawl CVs can qualify for the offshore sector in one of two ways:

- 1) An LLP license that is owned (in excess of 75%) directly or indirectly by the owner of a CP ~~catcher-processor~~ LLP eligible for the offshore sector of the target non-CDQ BSAI Pacific cod fishery (as of December 31, 2019)
- 2) An LLP license in which a) 90% or b) 75% or more of the quota arising from the history of the LLP license qualifying for the non-CDQ BSAI trawl CV Pacific cod fishery was delivered offshore during the qualifying years selected in Element 2.2.

Only initial quota 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 sector 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 quota derived from the LLP license to shore based or floating processors.

5.4 Allocation of harvest shares QS to processors (this option is only applicable to Bering Sea processors and eligible CPs if AI provisions are selected under element 6):

Onshore and offshore processors with an eligible FFP or FPP (subject to eligibility requirements under BSAI FMP Amendment 120 to limit CPs ~~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 QS ~~harvesting shares~~ based on each onshore processor's and offshore processor's processing history. To be used, the processor's CQ ~~harvest shares~~ would be transferred to the CV cooperative.

Option: A cooperative cannot assign a greater proportion of the CQ ~~resulting from processor held QS harvest shares allocated to a processor~~ to an LLP license owned by that processor for harvest by a vessel owned by that processor than the LLP license would have brought into the cooperative absent any processor held QS shares. The cooperative will monitor this provision and include reporting on ~~allocation and~~ harvest of CQ ~~resulting from processor held QS shares~~ in the BSAI Pacific cod cooperative annual report.

Percent of QS ~~harvest shares~~ to be allocated to eligible processors:

Option 5.4.1: 5%

Option 5.4.2: 10%

Option 5.4.3: 15%

Option 5.4.4: 20%

Option 5.4.5: 22.5%

Option 5.4.6: 25%

Option 5.4.7: 30%

Processing history years to receive QS ~~harvest shares~~ are the same as harvester years in Element 2. Processors that are no longer active (no longer hold an FPP) would not be issued QS ~~harvester shares~~. The processing history associated with those processors would be deducted from the total amount of eligible processing history during the qualifying years when calculating the distribution of QS ~~harvester shares~~ to processors.

Element 6: Aleutian Islands Processor Provisions

Options 6.1 and 6.2 are mutually exclusive.

Under this element:

An Aleutian Islands (AI) shoreplant is defined consistently with vacated Amendment 113 regulations.

An AI shoreplant operating under the provisions of this element is exempt from the processing facility use cap in element 8.4.

All cooperatives will be required to establish an intercooperative agreement that describes how ¹¹either the set-aside provision in option 6.1 ¹¹or the annual AI community shoreplant QS allocations in option 6.2 will be administered by the cooperatives to ensure that harvests in the ⁸Bering Sea BSAI do not exceed the minimum set aside or shoreplant allocation amounts. This intercooperative agreement should establish how the cooperatives intend to harvest the set-aside ¹¹or shoreplant ~~allocation amounts~~ QS in years when it applies. This intercooperative agreement

must be provided as part of the annual cooperative application and is required before NMFS can issue CQ.

Amendment ⁸ to add "BSAI" failed 9-9

Amendment ¹¹ to remove reference to 6.2 language from the FPA passed 18-0 with 2 abstentions

Option 6.1: In any year when the community of Adak and/or Atka files a notice of intent to process, require the cooperative(s) to reserve a set-aside for delivery to an Aleutian Islands shoreplant. The amount of the set-aside will be 10% to 25% of the BSAI CV trawl directed A season CQ harvest amount and is in effect only during the A and B season. Any remaining portion of the set-aside will be reallocated to cooperatives in the same proportion as the initial CQ allocation QS if Adak and/or Atka withdraws its intent to operate notice ⁹[during the A season], or after the end of the A season, whichever comes first.

Amendment ⁹ to remove bracketed language from the FPA passed 10-8

The intercooperative agreement must establish how cooperatives would ensure that CVs < 60 feet LOA assigned to an LLP license with a transferable AI trawl endorsement have the opportunity to harvest a percentage of the Aleutian Islands set-aside for delivery to an AI shoreplant. Option 1: 50%, option 2: 25%, or option 3: 10% of the A season Aleutian Islands community set-aside.

Option 6.2: In any year when the community of Adak and/or Atka files a notice of intent to process, annual harvest quota QS shall be issued to the plant operator designated in that notice of intent. In the event, one community issues a notice (option 1: 5.5%, option 2: 10%) of the total BSAI trawl CV catcher vessel Pacific cod CQ quota (prior to allocations QS based on harvesting or processing histories) shall be issued to the plant. In the event both communities issue a notice, the CQ allocation shall be divided equally between two plants. Adak or Atka may withdraw its intent to operate notice during the season if necessary. In that case, the unharvested portion of the CQ allocation will be reissued to the other AI shoreplant if it is operating.

Suboption 6.2.1: If no AI shoreplants are operating, the amount of annual CQ allocation equivalent to unharvested portion will be reissued to cooperatives (holders of LLP licenses with BS and/or AI harvest history in proportion to their annual initial CQ allocations).

Annual AI community shoreplant allocations shall be transferable ¹⁰~~only in the event of an emergency in-season closure of the AI shoreplant~~ 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. CQ shall be harvestable exclusively in the AI and landed in the AI management region. ⁴⁰~~In-season transfers due to plant closures will only be allowed in 2 of every 5 years.~~

Amendment ¹⁰ passed 9-7 with 2 abstained

The vote to rescind amendment 10 passed 12-7

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

Suboption 6.2.3: AI trawl CVs vessels less than 60' assigned to an LLP license with a transferable AI endorsement will be eligible under the program to be assigned to a cooperative annually in association with the Adak and/or Atka plant regardless of whether they otherwise qualify for the program. Option 1: 50%, option 2: 25%, or option 3: 10% of the Annual Aleutian Islands community shoreplant allocation must be harvested by these vessels.

Element 7. Transferability

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

¹²Suboption 7.1.1: For the LLPs licenses associated with the non-exempt AFA vessels, within ninety (90) days of initial issuance of QS harvest quota shares, the owners of the LLP licenses that are associated with AFA non-exempt CVs catcher vessels that had engaged in fish transfer agreements during the qualifying periods may transfer the QS between other LLP licenses associated with AFA non-exempt vessels. After these transfers are approved by NMFS, the BSAI Pacific cod QS harvest quota share will no longer be severable from the LLP license to which it was reassigned.

A dispute resolution process ¹³~~should~~ **shall** be developed and implemented which may exempt transfers from the 90-day deadline.

Amendment¹² to remove suboption 7.1.1 and the new language from the Council's PPA failed 4-16

Amendment 13 passed 19-0

7.2. QS allocations based on processing history are issued as separate permits, and the permit is only transferable to another processor. Permits issued to shoreside processors can only be transferred to other shoreside processors that hold an FPP. The QS history is non-severable from the permit except in the case that transfer of the permit to another eligible processor would result in exceeding the use cap under Option 8.3. In that case, the portion of the QS history over the cap is allowed to be severed from the permit and transferred to another eligible processor permit or shoreside processor that holds an FPP.

7.3. Annual allocations of Pacific cod CQ and PSC limits (whether derived from harvesting or processing histories) are transferable between cooperatives.

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

Element 8: Ownership and Use Caps

8.1 Harvester-issued QS ~~cooperative shares~~. Processor-issued QS ~~cooperative shares~~ do not count toward this use cap. No person may hold or use more than option: 5%- 10% of the Pacific cod QS CQ 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 QS ~~quota~~ to a holder's/entity's cap.

Suboption 8.1: Persons over the cap at the time of QS ~~quota share~~ issuance are grandfathered.

8.2 No vessel may harvest more than option: 3%; 4%; 5% of the annual Pacific cod CQ issued in the fishery.

Option 8.2.1: Vessels over the cap at the time of QS ~~quota share~~ issuance are grandfathered.

8.3 Processor-issued QS ~~cooperative shares~~: No person may hold or use more than option: 15% - 20% of the Pacific cod QS CQ:

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 QS ~~quota share~~ issuance are grandfathered.

8.4 No processing company facility may process more than 20%-30% of the Pacific cod CQ.

Option 8.4.1: Processing facilities over the cap at the time of QS issuance are grandfathered.

Element 9. Cooperative Provisions

Annual cooperative applications must be filed on or before November 1 of the preceding year.

Cooperatives shall be formed by holders of qualified LLP licenses with trawl CV Pacific cod QS. Each LLP license may be assigned to one cooperative. A list of CVs (both trawl and pot gear vessels, if Element 14 is selected) eligible to harvest a portion of that cooperative's CQ must be identified in the annual cooperative application.

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.

Element 10. Share duration

All QS 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 QS harvest shares and associated PSC limit apportionments is 10 years. These permits will be renewed before their expiration, unless revoked, limited, or modified.

Element 11. Monitoring

All vessels harvesting CQ will be in full coverage (100% observer or electronic monitoring coverage category, if applicable). This element is not intended to modify the observer coverage exception provided for CVs delivering unsorted codends to a mothership or the current observer data transmission requirements for non-AFA trawl CVs catcher vessels. NMFS will develop monitoring and enforcement provisions necessary to track quota, harvest, PSC, and use caps. The Council authorizes NMFS to report weekly vessel-level PSC bycatch information as authorized under Magnuson-Stevens Act (MSA) Sec 402(b)(2)(A).

Element 12. Reporting and Program Review

Each cooperative shall annually produce a report for the Council describing its membership, cooperative management, and performance in the preceding year including use of CQ derived from processor issued QS, if applicable.

Per the MSA, 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 ex-vessel 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 ¹⁴Conversion Flexibility

Pacific cod CQ associated with trawl CV LLP licenses may be fished annually by a CV using pot gear. A pot endorsement is not required, but the LLP license used by a CV must have the appropriate area endorsement. Harvest would be deducted from the annual trawl CQ account to

which the LLP license is assigned and will not affect sector allocations. CQ cooperative quota harvested by a pot CV is not permanently designated as pot CV CQ quota. If Option 2.5 is selected, gear ¹⁴conversion flexibility only applies to the A and B seasons based on the start and end dates for the trawl fishery. Pot CVs harvesting CQ would be subject to 100% coverage and PSC use would be deducted from the PSC limit allocated to the cooperative. NMFS will develop monitoring and enforcement provisions necessary to track quota, harvest, PSC, and use caps.

¹⁴Three years after implementation, the Council will review the gear flexibility aspect of the PCTC program and implement any changes needed to help achieve program objectives.

¹⁴The Gear Conversion Element will be dropped from the regulatory package and addressed through a subsequent motion recommending an Exempted Fishing Permit (EFP) process focused on gear flexibility and intended to begin concurrently with the PCTC program in 2023.

Amendment ¹⁴ passed 11-9

Main Motion as Amended passed 13-7

Rationale in Favor of Amendment 1 in Element 2

- *The proposed language change under Element 2.3 differs enough from the original that it rises to the level of needing analysis since it creates a situation not anticipated in the current analysis. The suggested change would certainly result in lost catch history for the offshore processing platform that doesn't operate catcher vessels, but because the suggested change has not been contemplated before now, it is difficult to understand what the full range of potential effects/impacts may be at time of final action.*
- *This program is an LLP based program, not a vessel based program as would result from the suggested change. This suggested change was previously proposed and not picked up by the Council for analysis.*
- *The catch associated with the LLP was earned in the Aleutian Islands, using an AI permit whereas the suggested change would assign catch history to an LLP not authorized to fish in the AI. This would also exacerbate the problem of the Bering Sea reaching its cod allocation early in the year since the LLP can only be used in the Bering Sea and the history is from operating in the Aleutian Islands.*

Rationale in Opposition of Amendment 1 in Element 2

- *It is important to support allowing a vessel that made cod landings using stacked LLPs to determine where the quota will be assigned under this program. While it is recognized that the proposed change will specifically help one business, it is understood that the majority of the affected LLP holders support this approach. The proposed language change is further warranted given the possibility that the offshore processing company could be sold, leaving the fate of the LLP licenses (and the vessel that made the cod landings with those LLPs) unknown.*
- *The consequences for the harvesting vessel that would lose access to the quota that underpins their operation as the fishery moves from open access to a catch share would be extremely detrimental. Active participation in the fishery should be recognized over passive LLP ownership.*

Rationale in Opposition to Amendment 2 in Element 2

- *The inclusion of a drop year is a generally adopted component of the majority of catch share programs undertaken in this region. Not including at least one drop year punishes those year-in and year-out participants who found themselves on either the receiving end of something outside their control or who made a conscientious decision to not fish in order to undertake improvements for vessel safety. The inclusion of one drop year is a compromise. Dropping two*

years begins to transfer quota from those vessels that have been in the fishery year in and year out to those vessels who may not be as dependent on the fishery.

- *The lack of a minimum threshold and the 11 year range for establishing quota, is a compromise that already benefits vessels with only sporadic history in the fishery.*

Rationale in Favor of Amendment 2 in Element 2

- *Under the GOA Rockfish Program, the Council chose to drop two years out of a range of seven. Dropping two years under this program would be consistent with the Rockfish Program and would treat participants fairly across regions and programs. It would also be consistent with the west coast that dropped two years for the whiting program and three years for the non-whiting program.*
- *Public testimony received at the June and October meetings requested a two year drop option.*
- *Past catch share programs have not considered an 11 year range of years for the basis of establishing quota, the long period justifies two drop years.*

Rationale in Favor of Amendment 3 (Crab PSC) in Element 3

- *With 100% monitoring and all crab bycatch counting towards the trawl PSC limit under this cooperative program, there will be strong incentives to keep crab bycatch low thus supporting a 35% reduction to the PSC limit.*
- *Important work outside of the proposed cod trawl catch share program will further address crab bycatch issues and habitat protections/closed areas for all gears/sectors. This includes the BREP grant work on gear design to reduce crab bycatch in cod pots, the results of which look promising (see February 2021 Council report).*
- *While there is a clear conservation concern for crab stocks, pot cod boats operating under a future cooperative program will be able to effectively manage bycatch. References to bycatch rates in the $\geq 60'$ Pot Cod CV sector are not relevant in the context of discussions regarding this cooperative program, as that sector is in a race for fish and does not have the tools to address bycatch rates at this time. The NMFS bycatch reports show approximately 27 crab encountered by the trawl sector in Zone 1 and approximately 235,000 crab encountered by the directed $\geq 60'$ Pot Cod CV sector. It is difficult to reconcile these reports given the differences in observer coverage rates between sectors, the huge discrepancy between the two sectors bycatch reports, and information received from fishermen on the grounds.*

Rationale in Opposition to Amendment 3 in Element 3

- *In general, trawl CVs harvesting cod do not take a significant number of red king crab (less than 50 animals per year); however, in recognition of the recent status of red king crab and other crab stocks, a reasonable reduction to crab PSC limits is warranted for conservation purposes. But it is important for this reduction to be balanced with the needs of the fleet when prosecuting the fishery. Further, beyond the scope of this action, it will be important to look at all sources of crab bycatch mortality (direct and indirect) in order for the Council to best address the severe declines in BSAI crab stocks.*
- *A PSC reduction that results in approximately 500 red king crab being apportioned down to the cooperative level is unreasonable and unworkable. By the time this number of animals are divided out to each cooperative, a single tow could force the members of the cooperative to move from relatively clean cod fishing to areas with scratchier fish and higher incidence of halibut bycatch (as detailed in the analysis).*
- *The cooperative structure will provide the tools, incentives, and deterrents for minimizing crab catch; however, the potential for such a small PSC amount will have direct vessel level effects*

that would erode many of these positive coop benefits. Further, constraints would not be limited to just the vessels but would also negatively impact processors and communities.

- *Lower crab limits are already going to be triggered by the condition of the stock, a further reduction beyond the PPA creates the possibility of shutting down co-ops.*

Rationale in Favor of Amendment 4 (Halibut PSC) in Element 3

- *A 35% reduction is a reasonable and expected outcome of the catch share program and is consistent with one of the objectives in the purpose and need statement for minimizing bycatch to the extent practicable. There is ample information in the analysis to support this recommendation while balancing the other suite of objectives identified in the purpose and need statement.*
- *Table 2-105 captures the success of the voluntary catch share program organized by the fleet in 2021. In 2020 the trawl fleet prosecuted the A and B seasons using 140 mt and in 2021 the fleet used 50mt. The achievements made in 2020 and in 2021, when the fleet opted for a voluntary stand-down due to high PSC encounters in 2020 and subsequently initiated a mid-February start date in 2021, capture the PSC savings in a manner consistent with what we would expect from a comprehensive program that reduces the race for fish.*
- *Under this program, it is assumed that the fleet will continue the practice of beginning fishing later, when the cod are aggregated and PSC rates are less; that the fleet will stand down when PSC rates are high; and that the processors and harvesters will work together as they have throughout a global pandemic to get all the cod out of the water while minimizing bycatch. It is reasonable to expect to see the 2020-21 average rate of 3.85 kg per metric ton of halibut continue.*
- *While a low TAC is described as a contributing factor to reduced PSC during the voluntary coop, when the encounter rate is considered in the context of the suite of years analyzed (2004 to 2020), the fleet would not have been restrained in any years that a 3.85 rate was applied to the cod catch. The final allocations to the CV trawl sector found in Table 2-5 of the analysis captures the high and low cod TACs and allocations over the time period. Looking at the highest allocation in 2012, the projected PSC use for the 46,373 mt of cod would be 179 mt of PSC or 72% of the 35% reduction. This amount leaves plenty of buffer room in PSC for the trawl sector and is consistent with what we would expect to see in this program.*
- *While the analysis concludes that a 35% reduction would be insufficient to allow for full sector harvest in some years, it appears to overestimate PSC usage based on PSC rates from when the sector was racing for fish. 2020 and 2021 serve as examples of what is achievable under cooperative fishing practices and are more representative of PSC rates likely to occur going forward. Allowing for headroom of halibut PSC with a reduction of less than 35%, which would provide for PSC rates experienced before the fleet operates under a catch share, is not a proper course of action. If the rates are high the fleet should stand down; therefore, it is reasonable for use rights to have constraints.*
- *A 35% reduction in halibut PSC adheres to National Standard 9 for minimizing bycatch to the extent practicable. The Council has pursued rationalized fisheries to help reduce bycatch and waste of other species that are important to Alaska coastal communities and this is supported in written and oral testimony. A meaningful reduction helps ensure that Pacific halibut stocks are equitably utilized among user groups, and conservation is borne by all sectors.*

Rationale in Opposition to Amendment 4 in Element 3

- *The analysis shows the successful job the trawl CVs have done over the last decade to reduce their interactions with halibut, which has resulted in halibut bycatch reductions over 68% between 2012 and 2020 numbers. With the focus that has been placed on performance in 2020 and 2021, it is important to note that: 1) the fleet did not operate under a voluntary catch share*

in 2020 but instead stood down at the beginning of the season and 2) the low halibut catch was due primarily to what the encounter rates happened to be at that time relative to both halibut and cod abundance on the fishing grounds. A 15% halibut PSC reduction is reasonable and will result in meaningful reductions that are not unworkable.

- *PSC limits are not targets. Instead, they are ceilings which allow fishermen to use the various tools available to them to stay way under the ceiling. The cooperative structure under this program will provide the tools, incentives, and deterrents for minimizing halibut catch (reducing halibut catch to the extent practicable will take place under the coop structure); however, halibut rates may look different year to year based on what the ocean is giving you, especially if the cod and/or halibut stock increase in the future. As such, it is important to keep in mind that the lower a PSC limit is, the more a race for bycatch is created, which is in conflict with the purpose and need for this action as well as National Standard 9. Unnecessarily ratcheting down halibut PSC will cause inefficiencies, constraints, and inflexibility, particularly in years that aren't as optimal as 2021.*
- *The directed halibut users will benefit from the reduced use of halibut because the IPHC manages based on what's actually taken and not on a cap.*
- *The cooperative structure in this program is likely going to allow for much larger reductions to halibut PSC than the range of alternatives being analyzed, which will translate into benefits back to the resource and directed users. However, there are valid concerns regarding the impact that an overly constraining PSC level could have on compressing the fishery and compromising other objectives of the program. These concerns justify some room for flexibility in the introductory years of the program. The Council's original PPA, which selected a 25% reduction, strikes a better compromise and will give the program some room to mature; further reductions in the future may be reassessed with an increased understanding of how the program is going to work.*

Rationale in Support of Amendment 5 in Element 3

- *This amendment is intended to retain a phase in approach and allow for some flexibility in consideration of a higher PSC reduction.*

Rationale in Opposition to Amendment 6 in Element 3

- *This option is unanalyzed at the time of final action and its impacts are not understood.*
- *On its surface, without the benefit of a full analysis, it appears that this option would result in penalties to other vessels/coops based on the actions of others, which goes against the intent of assigning PSC to the cooperative level.*

Rationale in Favor of Amendment 6 in Element 3

- *This amendment is intended to correct the accounting of crab PSC in the trawl fishery. Currently, there is the potential for each cooperative to exceed their PSC limit without affecting the other cooperatives. While the scenario proposed (exceeding 150% of limit) is extremely unlikely given the success coops have at managing their catch and PSC, this proposed option provides a backstop and true hard cap for the sector as whole.*

Rationale in Favor of Amendment 7 in Element 5

- *Using only a 2009-2019 average processing history to determine a cap on the two smallest processors will harm both businesses, because it makes it impossible to achieve the higher years that occurred during the 11 year range that are needed to help a business offset the low production years that happen. The years where a processing company does above average production are crucial for their stability, a strict average makes that impossible. Even a cap of 125% will prevent catcher processors from being able to process the way they did in many years.*

Allowing both catcher processors to at least process up to 125% of the average during the time period provides some flexibility under what will already be a very constraining cap that is unique to the smallest processors that operate offshore.

- *The analysis does not provide information supporting different sideboard limits for the two offshore processors, and for treating them differently from the floater motherships and shoreside processors. No other processors are getting restrictions on the amount of cod that could be processed that limits them to an average over 11 years. Community protections are going to be achieved by reserving QS for Adak and substantial harvest shares going to processors.*

Rationale in Opposition to Amendment 7 in Element 5

- *Allowing the catcher processor company that didn't make investments in catcher vessels to also access up to 125% of their processing history will marginally increase the amount of cod that may be processed offshore relative to what the Council was considering under only suboption 5.2.1. The Council consistently recognizes that investments in the fishery can be different, justifying different outcomes within a catch share program based on those investments.*

Rationale in Opposition to Amendment 8 in Element 6

- *The restriction under Element 6 needs to be on harvesting in the Bering Sea in order to preserve the opportunity for harvesting in the Aleutian Islands. The issue Option 6.1 is trying to address relates to vessels choosing to harvest all their quota in the Bering Sea and amending the language to include the Aleutian Islands would make this option not work as intended.*

Rationale in Favor of Amendment 8 in Element 6

- *The addition of language to include the Aleutian Islands (and not just Bering Sea) was intended to address the unrestricted DFA in the AI and clear up an oversight.*

Rationale in Favor of Amendment 9 in Element 6

- *Removing this language is consistent with the main motion's intent to add the B season to the time period that the set-aside is reserved for.*

Rationale in Favor of Amendment 10 in Element 6

- *The suggested language was intended to address some of the primary concerns under the original language in Option 6.2 that could potentially allow for a scenario where an entity issued CQ could lease without limitations, after an intent to process was submitted. If a different FPA were selected by the Council, including restrictions on leasing would be important to ensure that benefits were directed to AI communities, consistent with the purpose of the program.*

Rationale in Opposition to Amendment 10 in Element 6

- *Option 6.2 is not included as a component of the FPA proposed under this motion. In order to make any amendments to the language contained within this option, it would first have to become part of the FPA.*

Minority Report on Rescindment of Amendment 10 in Element 6

A minority of the AP believes that changes contained in Amendment 10 are warranted and appropriate. This amendment is responsive to public comment and stakeholder concerns. It also provides the Council with guidance should they want to select Option 6.2 as their FPA.

Signed by Julie Kavanaugh, Marissa Wilson, and Mellisa Johnson

Amendment 11 in Element 6

- *The exclusion of this language is meant to clarify intent that the FPA incorporates only Option 6.1.*

Rationale in Opposition of Amendment 12 in Element 7

- *Including a dispute resolution is necessary given the lack of a “blend” option under Element 2 (Option 7.1 is responsive to the needs of proponents of the blend option to some degree). This option is expected to minimize consolidation and actually expand the number of participants given the lack of the blend option.*
- *There is not a significant concern about gaming the system under this option and expanding this option beyond non-exempt AFA vessels would be disruptive.*
- *Ample public comment has been received supporting this suboption including from CDQ organizations.*

Rationale in Favor of Amendment 12 in Element 7

- *This suboption, which allows a 90-day transfer period for AFA non-exempt CVs, has no data to analyze its effect on the program’s overall consolidation (there is no link to any leasing contracts and there is only one mechanism under Element 8 that caps QS holdings but does not constrain transfers in any other way). Presently there are 92 LLPs that could transfer quota while 15 non-AFA LLPs and 10 AFA-cod exempt LLPs are not allowed to participate. There is no clear understanding of the impacts due to confidentiality constraints.*

Rationale in Favor of Amendment 13 in Element 7

- *This amendment is intended to clarify that a dispute resolution needs to be part of the program and to remove ambiguity associated with the word ‘should’.*

Rationale in Favor of Amendment 14 in Element 14

- *Voluntary gear flexibility through Element 14 meets the purpose and need statement and provides flexibility in a changing ocean climate. Fishery management programs with adaptive harvest ability provide needed flexibility as ocean conditions change. Management systems that codify gear types do not allow for innovation and adaptive management in the face of significant changes in the BSAI ecosystem. This provision is a tool for added flexibility, bycatch management, and habitat protection that provides the option, not requirement, to use pots gear.*
- *Under a catch share program, participants need flexibility built in upfront to give the fleet the best chance to succeed. In addition to meeting the objectives of the purpose and need statement, gear flexibility will allow stakeholders and historical participants the efficiency and flexibility to utilize quota in a way that could help keep them stay afloat during times of super-low cod abundance. CQ holders will need every tool in the toolbox to extract the most profit when TACs are low. With gear flexibility, a coop vessel could keep fishing pollock while a pot boat on the grounds can target cod thereby improving operational efficiencies and the bottom line.*
- *In addition to the largest benefit, operational efficiency, gear flexibility provides the potential to increase product value, reduce habitat impacts and reduce halibut, salmon, and opilio bycatch.*
- *To address the concern that pot boats harvesting CQ will increase the sector’s BBRKC PSC take it is important to keep in mind that trawl cod CQ holders will not sabotage themselves and risk leaving quota in the water. CQ holders need to extract every pound in low quota years to survive. One of the program goals is to reduce the sector’s PSC take and pots can help accomplish this. Under this program, the coops will never have to race for fish again and PSC will be reduced both in pots and trawl.*

- *CQ holders will create coops and all coop rules necessary to prosecute the fishery successfully and fully on an annual basis. At implementation, coops will have the ability/tools to close areas of concern to one or both gear types under this program for the protection of BBRKC and other PSC species.*
- *The EFP proposal is a last-minute addition to the process and has not been vetted by the SSC or AP. The EFP process is lengthy, involves NOAA, AFSC, and others, and the NEPA and ESA processes. It also requires significant human resources, a test vessel, and a lot of money. Then the Council would need to recognize an issue within the CV trawl cod sector to get gear flexibility back on the agenda, then start the EA/RIR process, which could take years. In addition, the Council's schedule will be full over the next several years as ocean conditions and stock dynamics are changing. As a trailing amendment, gear flexibility is unlikely to move forward expeditiously.*
- *Many of the questions posed as a reason for an EFP have already been answered. It is understood how pots interact with trawl gear (these gear groups have worked around each other for decades), how pots perform with PSC species, and EM is already being tested on cod boats in the BSAI. An EFP cannot test for the number of CQ holders that may use pots to harvest CQ, nor can it test for improved operational efficiencies.*
- *Testing of pot gear and modifications is already underway for king crab avoidance. The study was conducted by highly respected scientists and members of the industry. The lab results are in and show the possible reduction of crab bycatch by 90%, and the preliminary field tests are so far bearing that out.*
- *The three-year review of gear conversion should alleviate implementation concerns. The actual implementation and use of this provision plus a thorough review is a more realistic way to answer questions than a proposed EFP. Implementation will allow pot gear to be in the water for those who wish to use it, to develop the functionality of the gear flexibility option. A review of actual fishing results in three years will serve to inform the Council and allow them to determine if change is needed.*
- *Trawl stakeholders have expressed interest in gear flexibility.*

Rationale in Opposition of Amendment 14 in Element 14

- *Gear flexibility is supported as a concept and could be a beneficial component for the future management of the cod resource; however, the trawl CV sector has expressed significant concerns revolving around the uncertainty and potential disruption of cooperative formation and function, which will be exacerbated by the inclusion of pot gear at the time of implementation. Emphasis should be placed on the development of a stable and well-functioning trawl CV cod fishery program before considering options to include other sectors into the program.*
- *With concerns surrounding coop formation and function, implementation of the gear flexibility at the outset of the trawl CV cod LAPP is unpopular with the majority of trawl participants. A more appropriate approach to vetting, understanding, and informing this provision is through an EFP to test the use of pot gear for harvesting trawl CV cod quota (concurrent with the implementation of the program). An EFP can explore a variety of items including level of interest, gear interactions, PSC impacts, data timeliness/quality, and economics for both harvesters and processors. An EFP would not be about testing an already legal gear type, but would instead be about understanding the potential positive and negative impacts of transferring one sector's quota to another sector for harvest. While coops do have some ability to control vessel behavior, a cooperative is not going to put itself at a disadvantage under regulations (e.g., coops won't send vessels to areas cod CPUE is low in order to test crab bycatch levels). An EFP provides participants with incentives for "testing" by removing regulations and allowing for scenarios that would otherwise put vessels at a disadvantage when compared to non-EFP participants.*

EFPs also provide participants with direct input and a level of control over the shape of future regulations via their direct involvement and cooperation with regulators that occurs throughout the EFP process. The majority of trawl cod fishery participants support the EFP approach. And while the EFP process would result in some delay in the use of the gear flexibility provision, it will allow stakeholder and Council to be better informed by answering outstanding questions/uncertainties.

- *With the high level of uncertainty and concerns for increased crab bycatch with pot gear, this element is contrary to the purpose and need for minimizing bycatch to the extent practicable. The analysis is clear in several places that crab bycatch will increase under a gear flexibility option and NMFS data (January through September 2021) shows that approximately 230,000 red king crab have been taken in the pot cod sector. Given the current status of crab stocks, a holistic examination of and approach to reducing crab bycatch in all sectors is necessary moving forward.*
- *While ongoing crab bycatch reduction research is reported to be showing excellent results, there is nothing published about the study design, results, collaboration with NMFS/AFSC, etc. for interested stakeholders to read and gain a better understanding. It is also important to keep in mind that while gear modification results look promising, they could ultimately result in a determination that modifications do not work as anticipated resulting in no change to the pot gear being used under this provision.*

Rationale in Favor of Amended Main Motion

- *All aspects of the proposed PCTC program have been thoroughly analyzed and sufficient information is available for decision-making at final action.*
- *This package was developed with broad public input and complete transparency and includes many components structured to mitigate negative impacts to non-participants in the trawl cod CV fishery while recognizing harvesters, Bering Sea and Aleutian Islands processors, and coastal communities. Many key areas of this program reflect compromises made by stakeholders over a multi-year process with plentiful opportunities for public input. Through this balanced approach, the resulting program will meet all of the MSA National Standards including NS 10. The trawl cod CV fishery is a dangerous fishery that has been made more treacherous with shorter and shorter seasons and a race for fish that puts vessels and crews in perilous positions often exacerbated by poor weather. While a rationalized fishery does not prevent all tragedies from occurring, there is ample evidence that rationalized fisheries dramatically improve safety.*
- *Under Element 1 it is most appropriate to require a minimum of 3 trawl CV LLPs to form a cooperative. While in reality it is unlikely there will be a coop of one, without including a minimum number of LLPs this possibility could happen and it takes at least two entities to reap the benefits of cooperative behavior.*
- *Under Element 2 the qualifying period of 2009-2019 recognizes both historic and recent participation throughout this 11-year window period. The Element now includes NMFS' request (language presented during staff presentation) to issue quota seasonally to the A & B season and this is a provision that coop managers can accommodate. Finally, to be responsive to non-trawl CV participants who take advantage of rollovers of trawl cod later in the year, C season shall remain unallocated and managed as a limited access fishery.*
- *The recommendations under Element 4 will protect Gulf fisheries without punishing those who may be included in the cod program and were designed with direct input from Gulf boats and holds harmless vessels that may have participated in the BSAI cod fishery but who will not be receiving an initial allocation of cod. At the June meeting the Council clarified that sideboard reductions would apply to groundfish only, and not to halibut PSC. The analysis is proposing an annual halibut limit versus one by fishery complex and season. An annual limit provides greater*

flexibility for AFA Non-Exempt vessels fishing GOA ground, as noted on page 231. The under 60' LLP licenses with AI transferable endorsements are presently exempt from any sideboard limits in the GOA even though they will receive BSAI Pacific cod CQ. The proposed modification treats these LLPs the same as all other highly dependent GOA LLPs that will receive BSAI Pacific cod CQ. The leasing provision needs to be balanced where vessels can benefit from their cod allocation in the BSAI fishery and continue to be able to access the GOA fisheries as they have done in the past. The mechanism for keeping fishing activity similar to the past is to require vessels to catch their own allocation. However, some vessels in this grouping will receive very small allocations that are not economical to fish. Many are non-AFA vessels that will not be able to sever and sell off their low quota holding. The leasing provision is the one mechanism to allow them to receive some economic benefit for their cod dependency.

- *Element 5 establishes a CP specific sideboard for offshore cod processing as a compromise and recognizes investments that a CP company made in CVs/LLPs allowing some, but not all of their CV quota to be delivered offshore to their own CP. Allowing both catcher processors to at least process up to 125% of the average during the time period provides some flexibility under what will already be a very constraining cap that is unique to the smallest processors that operate offshore. Using only a crude average over 11 years would punish companies that stood down to benefit other stakeholders and make it impossible to ever process up to the higher levels that can sustain businesses for when production is lower. Community protections are achieved in this program through a set aside for Adak, and harvest shares to processors.*
- *Element 5.4 will issue 22.5% of harvesting shares. This amount has broad support from both harvesters and processors and recognizes processor investment and provides them with some surety as to the amount of fish that will come across their docks. It is understood that processors intend to make harvesters whole by putting shares back out on those vessels that deliver to them creating a strong incentive to work together to maximize the value of the fishery for all participants.*
- *Under Element 6, using the coops and an inter-cooperative agreement to determine how a 10% set-aside from the A season could and should be fished is the best approach for protecting Adak as the coops are set-up to handle this type of situation and they are the best suited to do so. Allowing this 10% set-aside from the A season to be fished in A or B season was incorporated to be responsive to public comment and concerns regarding the A season set aside expiring if harvesters did not fish in the AI before the A season ended.*
- *Element 8 has a vessel use cap of 5% and is broadly supported by harvesters. This change from 4% will have several benefits including: 1) cod dependent boats that are currently close to a 4% value will have opportunity to annually trade some B season pollock quota for extra cod quota; 2) allowing vessels opportunity for specialization and investing for efficient execution of the fishery (under low TACs) including potential investments for additional halibut reductions; 3) minimizing potential limits a large multi-boat company may face by allowing them to dictate how many vessels they have to put into the cod fishery (without increasing the amount of cod to them); and 4) allowing for more flexibility in fishing plans year to year. The change to have the processor cap associated with the company versus a facility will provide more flexibility for harvesters and processors alike. Higher caps for processors is appropriate since some processors will be grandfathered in over the caps; holding processors to a lower cap prevents them from growing and being competitive with those processors who were grandfathered in at higher levels at the start of the program.*

Minority Report #1 in Opposition to Amended Main Motion

The suite of Final Preferred Alternatives does not fully address the Purpose and Need of this program, and information is lacking to fully determine the impacts of various alternatives on some stakeholders. While co-ops can be effective for managing single or targeted species catch, the cooperative management

framework that this program will be based upon contains no new tools for addressing PSC overages at the sector level, which is alarming. This was illuminated during staff explanation of how king crab PSC in Zone 1 would be addressed at the co-op level; there appears to be no mechanism to keep the fleet from exceeding PSC caps. In concert, the full suite of FPAs selected for a final vote offers insufficient evidence that the action provides for the sustained participation of fishery-dependent communities. The current PPA under Element 6 does not treat Aleutian Island communities on a level playing field with those in the Bering Sea, in the absence of leverage quota. Furthermore, there are compounding consolidation effects that are embedded in Element 7 and 8 that are not fully understood and could have negative impacts on participants and communities.

Signed: Julie Kavanaugh, Erik Velsko, and Marissa Wilson

Minority Report #2 in Opposition to Amended Main Motion

With the changes adopted under Elements 3 and 14, a minority of the AP felt that the package going forward fails to recognize the incredible amount of compromise that went into developing each of the originally recommended FPAs. There is a tremendous amount of consideration being included in this program for stakeholders that are not direct participants in the fishery. This level of compromise speaks to the overwhelming need for this program such that the majority of participants (harvesters, processors, communities) are willing to make these compromises in order to get to final action and implementation. The adopted changes under Elements 3 and 14 ignore these compromises as well as the balance to be struck in this program, as identified in the Purpose and Need Statement, for minimizing bycatch to the extent practicable. A rationalized cooperative program including PSC reductions of 15% will provide immediate conservation benefits to the crab and halibut resources while allowing the cooperative structure on which this program is founded to function successfully. Steeper PSC reductions remove many of the benefits of the coop by creating a 'race for bycatch' upon implementation of the program. The improvements in trawl gear efficiency and ability to minimize bycatch are well documented and they continue to always evolve as fishermen continue to invest in improving technology. The BSAI cod trawl catcher vessel fleet is forward thinking and technologically sophisticated and the fishermen care deeply for the resource and sustainable fisheries as a whole. Large PSC reductions in concert with the gear flexibility provision, which the overwhelming majority of cod trawlers oppose at this time, will have significant negative impacts on the trawl cod CV cooperatives and the overall success of the PCTC program.

Signed: Ruth Christiansen, John Gruver, Heather Mann, and Susie Zagorski

C6 Specs

Motion 1 BSAI Groundfish Harvest Specifications

The AP recommends the Council adopt the proposed 2022 and 2023 BSAI groundfish specifications for OFLs and ABCs as recommended by the SSC and set TACs, with all proposed specifications consisting of rollovers of 2022 final specifications from 2021/2022 harvest specifications. The TACs for both BS and AI Pacific cod have been adjusted to account for the State water GHL fisheries.

The AP recommends that the Council adopt the proposed flatfish ABC reserves, 2022 and 2023 annual and seasonal PSC limits and apportionments in the BSAI as provided in Tables 7, 8, 9, 10, 11.

Finally, the AP recommends that the Council adopt the proposed 2022 and 2023 halibut discard mortality rates (DMRs) for the BSAI as shown in Table 12.

Tables 7 - 12 are found in the meeting agenda under C-6.

Motion passed 18-0

TABLE 7–PROPOSED 2022 AND 2023 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 8—PROPOSED 2022 AND 2023 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 ¹	Total PSC	Non-trawl PSC	CDQ PSQ reserve ²	Trawl PSC remaining after CDQ PSQ	Amendment 80 sector ³	BSAI trawl limited access sector	BSAI PSC limits not allocated ²
Halibut mortality (mt) BSAI	3,515	710	315	n/a	1,745	745	n/a
Herring (mt) BSAI	2,532	n/a	n/a	n/a	n/a	n/a	n/a
Red king crab (animals) Zone 1	32,000	n/a	3,424	28,576	14,282	8,739	5,555
<i>C. opilio</i> (animals) COBLZ	4,350,000	n/a	465,450	3,884,550	1,909,256	1,248,494	726,799
<i>C. bairdi</i> crab (animals) Zone 1	830,000	n/a	88,810	741,190	312,115	348,285	80,790
<i>C. bairdi</i> crab (animals) Zone 2	2,520,000	n/a	269,640	2,250,360	532,660	1,053,394	664,306

¹ Refer to § 679.2 for definitions of zones.

² The PSQ reserve for crab species is 10.7 percent of each crab PSC limit.

³ 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 2022 AND 2023 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	110	n/a
Rock sole/flathead sole/Alaska plaice/other flatfish ¹	54	n/a
Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish	7	n/a
Rockfish	7	n/a
Pacific cod	13	n/a
Midwater trawl pollock	2,299	n/a
Pollock/Atka mackerel/other species ^{2,3}	42	n/a
Red king crab savings subarea non-pelagic trawl gear ⁴	n/a	8,000
Total trawl PSC	2,532	32,000

¹“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.

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

³“Other species” for PSC monitoring includes skates, sharks, and octopuses.

⁴In October 2021, 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 2022 AND 2023 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL LIMITED ACCESS SECTOR

BSAI trawl limited access sector fisheries	Prohibited species and area ¹				
	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	150	7,700	1,192,179	293,234	1,005,879
Rock sole/flathead sole/other flatfish ²	-	-	-	-	-
Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish	-	-	-	-	-
Rockfish April 15-December 31	4	-	1,006	-	849
Pacific cod	391	975	50,281	50,816	42,424
Pollock/Atka mackerel/other species ³	200	65	5,028	4,235	4,243
Total BSAI trawl limited access sector PSC	745	8,739	1,248,494	348,285	1,053,394

¹ Refer to § 679.2 for definitions of areas and zones.

² "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.

³ "Other species" for PSC monitoring includes skates, sharks, and octopuses.

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

TABLE 11--PROPOSED 2022 AND 2023 HALIBUT PROHIBITED SPECIES BYCATCH ALLOWANCES FOR NON-TRAWL FISHERIES

Non-trawl fisheries	Halibut mortality (mt) BSAI			
	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 2022 AND 2023 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	62
Hook-and-line	Catcher vessel	10
Hook-and-line	Catcher/processor	10
Pot	All	33

Table 1. AP Proposed recommended OFL, ABC for Groundfish in the Bering Sea/Aleutian Islands (metric tons) for 2022-2023

10/8/2021

Species	Area	2020				Catch as of 12/31/2020	2021			Catch as of 9/11/2021	AP Proposed 2022/2023		
		OFL	ABC	TAC			OFL	ABC	TAC		OFL	ABC	TAC
Pollock	EBS	4,085,000	2,043,000	1,425,000	1,367,229	2,594,000	1,626,000	1,375,000	1,297,613	2,366,000	1,484,000	1,400,000	
	AI	66,973	55,120	19,000	3,205	61,856	51,241	19,000	1,497	61,308	50,789	19,000	
	Bogoslof	183,080	137,310	75	9	113,479	85,109	250	49	113,479	85,109	100	
Pacific cod	BS	191,386	155,873	141,799	141,537	147,949	123,805	111,380	98,057	128,340	106,852	95,053	
	AI	27,400	20,600	13,796	7,474	27,400	20,600	13,796	4,170	27,400	20,600	13,796	
Sablefish	BSAI/GOA	50,481	n/a	n/a	n/a	60,426	29,558	n/a	4,207	70,710	36,955	n/a	
	BS	n/a	2,174	1,861	5,302	n/a	3,396	3,396	2,993	n/a	4,863	4,863	
	AI	n/a	2,952	2,039	1,210	n/a	4,717	4,717	1,213	n/a	6,860	5,061	
Yellowfin sole	BSAI	287,307	260,918	150,700	133,799	341,571	313,477	200,000	83,790	374,982	344,140	200,000	
Greenland turbot	BSAI	11,319	9,625	5,300	2,326	8,568	7,326	6,025	1,578	7,181	6,139	6,025	
	BS	n/a	8,403	5,125	1,648	n/a	6,176	5,125	1,126	n/a	5,175	5,125	
	AI	n/a	1,222	175	678	n/a	1,150	900	453	n/a	964	900	
Arrowtooth flounder	BSAI	84,057	71,618	10,000	10,684	90,873	77,349	15,000	6,753	94,368	80,323	15,000	
Kamchatka flounder	BSAI	11,495	9,708	6,800	7,442	10,630	8,982	8,982	6,417	10,843	9,163	8,982	
Northern rock sole	BSAI	157,300	153,300	47,100	25,937	145,180	140,306	54,500	13,448	213,783	206,605	54,500	
Flathead sole	BSAI	82,810	68,134	19,500	9,393	75,863	62,567	25,000	8,042	77,763	64,119	25,000	
Alaska plaice	BSAI	37,600	31,600	17,000	20,078	37,924	31,657	24,500	14,531	36,928	30,815	22,500	
Other flatfish	BSAI	21,824	16,368	4,000	4,174	22,919	17,189	6,500	2,370	22,919	17,189	6,500	
Pacific Ocean perch	BSAI	58,956	48,846	42,875	40,417	44,376	37,173	35,899	23,698	42,384	35,503	34,758	
	BS	n/a	14,168	14,168	11,944	n/a	10,782	10,782	3,119	n/a	10,298	10,298	
	EAI	n/a	11,063	10,613	10,621	n/a	8,419	8,419	5,854	n/a	8,041	8,041	
	CAI	n/a	8,144	8,094	7,966	n/a	6,198	6,198	4,898	n/a	5,919	5,919	
	WAI	n/a	15,471	10,000	9,886	n/a	11,774	10,500	9,826	n/a	11,245	10,500	
Northern rockfish	BSAI	19,751	16,243	10,000	8,443	18,917	15,557	13,000	5,642	18,221	14,984	13,000	
Blackspotted/Rougheye Rockfish	BSAI	861	708	349	517	576	482	482	349	595	500	326	
	EBS/EAI	n/a	444	85	149	n/a	313	313	107	n/a	324	150	
	CAI/WAI	n/a	264	264	368	n/a	169	169	242	n/a	176	176	
Shortraker rockfish	BSAI	722	541	375	294	722	541	500	346	722	541	225	
Other rockfish	BSAI	1,793	1,344	1,088	1,098	1,751	1,313	916	631	1,751	1,313	694	
	BS	n/a	956	700	359	n/a	919	522	273	n/a	919	300	
	AI	n/a	388	388	739	n/a	394	394	358	n/a	394	394	
Atka mackerel	BSAI	81,200	70,100	59,305	58,884	85,580	73,590	62,257	34,736	79,660	68,220	57,717	
	EAI/BS	n/a	24,535	24,535	24,291	n/a	25,760	25,760	13,691	n/a	23,880	23,880	
	CAI	n/a	14,721	14,721	14,596	n/a	15,450	15,450	14,922	n/a	14,330	14,330	
	WAI	n/a	30,844	20,049	19,997	n/a	32,380	21,047	19,814	n/a	30,010	19,507	
Skates	BSAI	49,792	41,543	16,313	19,136	49,297	41,257	18,000	15,619	47,372	39,598	16,000	
Sculpins	BSAI	67,817	50,863	5,300	5,155	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Sharks	BSAI	689	517	150	179	689	517	200	308	689	517	200	
Octopuses	BSAI	4,769	3,576	275	691	4,769	3,576	700	146	4,769	3,576	700	
Total	BSAI	5,584,382	3,272,581	2,000,000	1,874,613	3,945,315	2,747,727	2,000,000	1,637,689	3,802,167	2,682,318	2,000,000	

Sources: 2020 OFLs, ABCs, and TACs and 2021 OFLs and ABCs are from harvest specifications adopted by the Council in December 2019 and December 2020, respectively; 2020 catches through December 31, and 2021 catches through September 11, 2021 from AKR Catch Accounting.

Motion 2 C-6 GOA Groundfish Harvest Specifications

The AP recommends the Council adopt the proposed 2022 and 2023 Gulf of Alaska groundfish specifications for OFLs and ABCs as recommended by the SSC and set TACs as shown in the handout, with all proposed specifications consisting of rollovers of final specifications from 2021. The TACs for both Gulf of Alaska Pacific cod and Pollock have been adjusted to account for the State water GHL fisheries. The Gulf of Alaska Pacific cod adjustments are shown in the C6 action memo Table 2.

The AP recommends that the Council adopt the proposed 2022 and 2023 annual and seasonal Pacific halibut PSC limits and apportionments in the Gulf of Alaska as provided in Tables 9, 10, 11 in the C6 action memo.

Finally, the AP recommends that the Council adopt the proposed 2022 and 2023 halibut discard mortality rates (DMRs) for the Gulf of Alaska as shown in Table 12.

Motion passed 18-0

Table 2. Proposed 2022 and 2023 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

Table 9. Proposed 2022 and 2023 Pacific Halibut PSC Limits, Allowances, and Apportionments
(Values are in metric tons)

Trawl gear			Hook-and-line gear ¹				
			Other than DSR			DSR	
Season	Percent	Amount	Season	Percent	Amount ²	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					
Total		1,706			257		9

¹ The Pacific halibut PSC limit for hook-and-line gear is allocated to the demersal shelf rockfish (DSR) fishery and fisheries other than DSR. The hook-and-line IFQ sablefish fishery is exempt from halibut PSC limits, as are pot and jig gear for all groundfish fisheries.

Table 10. Proposed 2022 and 2023 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 ¹	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	643	807	1,450
October 1 - December 31 ²			256
Total			1,706

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

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

Table 11. Proposed 2022 and 2023 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 12. Proposed 2022 and 2023 Halibut Discard Mortality Rates for Vessels Fishing in the Gulf of Alaska. (Values are in 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	66
	Catcher vessel	All others	69
	Mothership and catcher/processor	All	83
Hook-and-line	Catcher/processor	All	15
	Catcher vessel	All	12
Pot	Catcher vessel and catcher/processor	All	29

Table 1. Proposed AP recommended OFL and ABC and AP recommended TACs for Groundfish in the Gulf of Alaska (metric tons) for 2022 and 2023

Species	Area	2020			Catch as of 12/31/2020	2021			Catch as of 9/11/2021	Plan Team Proposed 2022/23			
		OFL	ABC	TAC		OFL	ABC	TAC		OFL	ABC	TAC	
Pollock	State GHL	n/a	2,712	-		n/a	2,643	n/a		n/a	2,298	n/a	
	W (610)	n/a	19,175	19,175	19,005	n/a	18,477	18,477	10,635	n/a	16,067	16,067	
	C (620)	n/a	54,456	54,456	55,399	n/a	54,870	54,870	40,993	n/a	47,714	47,714	
	C (630)	n/a	26,597	26,597	25,575	n/a	24,320	24,320	10,020	n/a	21,149	21,149	
	WYAK	n/a	5,554	5,554	5,180	n/a	5,412	5,412	5,143	n/a	4,706	4,706	
	Subtotal		140,674	108,494	105,782	105,159	123,455	105,722	103,079	66,791	106,767	91,934	89,636
	EYAK/SEO	13,531	10,148	10,148	-	13,531	10,148	10,148	1	13,531	10,148	10,148	
	Total	154,205	118,642	115,930	105,159	136,986	115,870	113,227	66,792	120,298	102,082	99,784	
Pacific Cod	W	n/a	4,942	2,076	222	n/a	7,986	5,590	3,417	n/a	12,892	9,024	
	C	n/a	8,458	3,806	3,501	n/a	13,656	10,242	6,996	n/a	22,045	16,534	
	E	n/a	1,221	549	221	n/a	1,985	1,489	198	n/a	3,204	2,403	
	Total		17,794	14,621	6,431	3,944	28,977	23,627	17,321	10,611	46,587	38,141	27,961
		W	n/a	2,278	1,942	1,469	n/a	3,224	2,428	1,190	n/a	4,165	4,165
Sablefish	C	n/a	7,560	6,445	6,053	n/a	9,527	8,056	5,214	n/a	11,111	11,111	
	WYAK	n/a	2,521	2,343	1,834	n/a	3,451	2,929	1,858	n/a	4,009	4,009	
	SEO	n/a	4,524	3,663	3,139	n/a	5,273	4,579	2,576	n/a	5,946	5,946	
	GOA Total	n/a	16,883	14,393	12,495	n/a	21,475	17,992	10,838	n/a	25,231	25,231	
Alaska-wide OFL and ABC	AK Total	50,481	22,009	n/a	n/a	60,426	29,588	n/a		70,710	36,955	n/a	
Shallow-Water Flatfish	W	n/a	23,849	13,250	20	n/a	24,151	13,250	20	n/a	24,460	13,250	
	C	n/a	27,732	27,732	4,338	n/a	28,082	28,082	1,354	n/a	28,442	28,442	
	WYAK	n/a	2,773	2,773	1	n/a	2,808	2,808	1	n/a	2,844	2,844	
	EYAK/SEO	n/a	1,109	1,109	1	n/a	1,123	1,123	1	n/a	1,137	1,137	
	Total		68,010	55,463	44,864	4,360	68,841	56,164	45,263	1,376	69,691	56,883	45,673
Deep-Water Flatfish	W	n/a	226	226	1	n/a	225	225	1	n/a	225	225	
	C	n/a	1,948	1,948	98	n/a	1,914	1,914	67	n/a	1,914	1,914	
	WYAK	n/a	2,105	2,105	3	n/a	2,068	2,068	5	n/a	2,068	2,068	
	EYAK/SEO	n/a	1,751	1,751	3	n/a	1,719	1,719	4	n/a	1,719	1,719	
	Total		7,163	6,030	6,030	105	7,040	5,926	5,926	77	7,040	5,926	5,926
Rex Sole	W	n/a	2,901	2,901	36	n/a	3,013	3,013	9	n/a	3,013	3,013	
	C	n/a	8,579	8,579	1,201	n/a	8,912	8,912	183	n/a	8,912	8,912	
	WYAK	n/a	1,174	1,174	1	n/a	1,206	1,206	1	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	1,238	18,779	15,416	15,416	193	18,779	15,416	15,416
Arrowtooth Flounder	W	n/a	31,455	14,500	282	n/a	32,377	14,500	135	n/a	31,479	14,500	
	C	n/a	68,669	68,669	20,755	n/a	69,072	69,072	7,963	n/a	67,154	67,154	
	WYAK	n/a	10,242	6,900	49	n/a	8,380	6,900	46	n/a	8,147	6,900	
	EYAK/SEO	n/a	17,694	6,900	35	n/a	17,141	6,900	20	n/a	16,665	6,900	
	Total		153,017	128,060	96,969	21,121	151,723	126,970	97,372	8,164	147,515	123,445	95,544
Flathead Sole	W	n/a	13,783	8,650	100	n/a	14,209	8,650	23	n/a	14,380	8,650	
	C	n/a	20,201	15,400	1,811	n/a	20,826	15,400	449	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	1,911	47,982	39,377	28,392	472	48,534	39,851	28,445
Pacific ocean perch	W	n/a	1,437	1,437	1,336	n/a	1,643	1,643	1,322	n/a	1,572	1,572	
	C	n/a	23,678	23,678	22,389	n/a	27,429	27,429	21,442	n/a	26,234	26,234	
	WYAK	n/a	1,470	1,470	1,466	n/a	1,705	1,705	1,662	n/a	1,631	1,631	
	W/C/WYAK	31,567	26,585	26,585	25,191	36,563	30,777	30,777	24,426	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	25,191	42,977	36,177	36,177	24,426	41,110	34,602	34,602	
Northern Rockfish	W	n/a	1,133	1,133	770	n/a	2,023	2,023	332	n/a	1,926	1,926	
	C	n/a	3,178	3,178	1,615	n/a	3,334	3,334	1,656	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	1,988	6,088	5,100	5,099
Shortraker Rockfish	W	n/a	52	52	6	n/a	52	52	2	n/a	52	52	
	C	n/a	284	284	186	n/a	284	284	152	n/a	284	284	
	E	n/a	372	372	299	n/a	372	372	243	n/a	372	372	
	Total		944	708	708	491	944	708	708	397	944	708	708
Dusky Rockfish	W	n/a	776	776	231	n/a	270	270	91	n/a	265	265	
	C	n/a	2,746	2,746	1,883	n/a	4,548	4,548	2,656	n/a	4,469	4,469	
	WYAK	n/a	115	115	83	n/a	468	468	30	n/a	460	460	
	EYAK/SEO	n/a	39	39	1	n/a	103	103	-	n/a	101	101	
Total		4,492	3,676	3,676	2,198	8,655	5,389	5,389	2,777	8,423	5,295	5,295	
Rougheye and Blackspotted Rockfish	W	n/a	168	168	4	n/a	168	168	20	n/a	170	170	
	C	n/a	455	455	185	n/a	456	456	130	n/a	459	459	
	E	n/a	586	586	194	n/a	588	588	159	n/a	592	592	
	Total		1,452	1,209	1,209	383	1,456	1,212	1,212	309	1,467	1,221	1,221
Demersal shelf rockfish	Total	375	238	238	105	405	257	257	84	405	257	257	
Thornyhead Rockfish	W	n/a	326	326	50	n/a	352	352	35	n/a	352	352	
	C	n/a	911	911	208	n/a	910	910	82	n/a	910	910	
	E	n/a	779	779	204	n/a	691	691	114	n/a	691	691	
	Total		2,688	2,016	2,016	462	2,604	1,953	1,953	231	2,604	1,953	1,953
Other Rockfish	W/C	n/a	940	940	663	n/a	940	940	989	n/a	940	940	
	WYAK	n/a	369	369	109	n/a	369	369	114	n/a	369	369	
	EYAK/SEO	n/a	2,744	2,744	110	n/a	2,744	300	24	n/a	2,744	300	
Total		5,320	4,053	4,053	882	5,320	4,053	1,609	1,127	5,320	4,053	1,609	
Atka mackerel	Total	6,200	4,700	3,000	608	6,200	4,700	3,000	792	6,200	4,700	3,000	
Big Skate	W	n/a	758	758	28	n/a	758	758	121	n/a	758	758	
	C	n/a	1,560	1,560	785	n/a	1,560	1,560	335	n/a	1,560	1,560	
	E	n/a	890	890	148	n/a	890	890	97	n/a	890	890	
	Total		4,278	3,208	3,208	961	4,278	3,208	3,208	553	4,278	3,208	3,208
Longnose Skate	W	n/a	158	158	20	n/a	158	158	28	n/a	158	158	
	C	n/a	1,875	1,875	348	n/a	1,875	1,875	396	n/a	1,875	1,875	
	E	n/a	554	554	248	n/a	554	554	383	n/a	554	554	
	Total		3,449	2,587	2,587	616	3,449	2,587	2,587	807	3,449	2,587	2,587
Other Skates	GOA-wide	1,166	875	875	461	1,166	875	875	487	1,166	875	875	
Sculpins	GOA-wide	6,932	5,199	5,199	535	-	-	-	-	-	-	-	
Sharks	GOA-wide	10,913	8,184	8,184	1,481	5,006	3,755	3,755	821	5,006	3,755	3,755	
Octopuses	GOA-wide	1,307	980	980	79	1,307	980	980	22	1,307	980	980	
TOTAL		607,120	465,956	399,239	187,171	610,917	476,037	407,976	133,344	616,921	476,269	409,039	

Sources: 2020 OFLs, ABCs, and TACs are from harvest specifications adopted by the Council in December 2019, and 2020 catches through December 31 from AKR Catch Accounting.

2021 OFLs, ABCs, and TACs, as well as 2022 OFLs and ABCs, are from harvest specifications adopted by the Council in December 2020. 2020 catches through September 11, 2021 from AKR Catch Accounting.

Motion 3

AP highlights the importance of CPUE data ²**in the directed sablefish fishery and halibut fishery** to the sablefish stock assessment process and asks that NOAA work with the IPHC to secure that data on a timely basis.

AP requests the stock assessment authors provide apportionment scenarios that include a 25%, 50% and 100% step from the static apportionment in place over the past six years to the ¹~~survey-~~**based 5-year weighted survey average** apportionment.

Amendment 1 passed 19-0

Amendment 2 passed 19-0

Motion as amended passed 19-0

E Staff Tasking

Motion 1

The AP recommends that the Council empower the CCTF, putting them to work on gathering strategies to:

- 1) respond more quickly to climate-driven changes, and
- 2) build more resilience into the management system in an effort to head off fishery disasters and recover more quickly from those that occur.

Motion passed 8-6

Rationale in Favor

- *Strategies that consider impacts of climate shifts within the North Pacific are necessary to implement in management decisions and the CCTF needs renewed direction and resources from the Council to help accomplish this strategic task. This request is responsive to public testimony.*

Rationale in Opposition

- *Council staff clarified that the CCTF remains an active group although their ability to meet recently has been limited by extraneous circumstances. The CCTF will be meeting in 2022 therefore this request is redundant to the currently anticipated workload for the Taskforce .*

Motion 2

The AP recommends the Council:

- 1) ~~¹Take emergency action to limit Chinook and chum salmon bycatch to zero in 2022 in the Bering Sea pollock fishery.~~
- 2) Send a letter to NMFS supporting funding for disaster declarations and funding for research, observation and monitoring by Tribal organizations and co-management organizations.
- 3) Initiate a discussion paper to take a fresh look at Chinook and chum salmon bycatch in the Bering Sea pollock fishery: ~~²co-produce~~ a discussion paper that looks at the current salmon bycatch numbers, genetics, and impact on Alaska salmon stocks, as well as a summary of the current state of in-river returns.
- 4) Ensure Alaska Native Tribes have a seat at the decision-making table
 - a. ~~³Support adding 2 voting Tribal seats, appointed by the Tribes, to the NPFMC table.~~

- b. Ensure Alaska Native Tribal representation on all Council bodies, including the AP, SSC and plan teams
- 5) Support and encourage NOAA to initiate Tribal Consultation on the issue of salmon bycatch so that both NOAA and the Council have the best available information.

Amendment 1 passed 16-1

Amendment 2 passed 10-9

Amendment 3 passed 15-3

Motion as amended passed 15-3

Rationale in Favor of Amendment 1

- *The AP recognizes the dire situation facing YK Delta communities due to low salmon runs. Potential management responses should be looked at holistically on the state and federal levels as well as continuing to increase the understanding of the many ecosystem issues likely compounding the situation. However, the ultimate effect of this recommendation would be to completely shut down the BSAI pollock fishery for catcher vessels, catcher processors, and CDQ. Under this scenario, the global whitefish supply would be reduced by approximately 15%, impacting supplies of healthy protein to school lunch programs across the country; thousands of jobs; and hundreds of millions of dollars in both local and Alaska state tax revenues.*
- *There is no scenario in any fishery across the world for harvesting a targeted fish species with zero bycatch.*

Rationale in Opposition to Amendment 1

- *There is an equity concern when in-river salmon users are unable to successfully harvest while the BSAI pollock fleet is able to continue its fishing practices.*

Rationale in Favor of Amendment 2

- *The Council has not typically co-produced data driven discussion papers, rather Council staff write discussion papers and analyses specific to Council action items in consultation and cooperation with other organizations as needed, including: AFSC, AKRO, ADF&G, universities, commercial and recreational fishing organizations, and tribal organizations.*

Rationale in opposition of Amendment 2

- *Co-production of a discussion paper with Tribes and co-management organizations is appropriate, would be responsive to public testimony, and is within the Council's authority.*
- *Tribes, as sovereign governments and co-management organizations, have a wealth of knowledge about salmon. The knowledge from Alaska Native tribes and tribal organizations should be included in documents that affect their food security and food sovereignty.*

Rationale in Favor of Amendment 3

- *Based on information and clarifications provided by Council staff, this language was removed as the request is not viable for the Council to undertake. Legislation under the MSA prevents the Council from taking a position, either in support of or in opposition to, relative to the make-up of the Council.*

Rationale in Opposition of Amendment 3

- *Indigenous representation is essential for the ecosystem, and Indigenous Peoples are essential to the ecosystem; the Council can reinforce this ask as an option to consider without lobbying for an outcome.*

- *Alaska Native Tribes hold Indigenous Knowledge which can add critical information to the Council process. Alaska Native Tribal representation should therefore be included on all Council bodies. It is important to include Indigenous Alaska Native people in voting bodies such as the Council, AP, SSC, and so on as it affects food security and food sovereignty.*
- *These processes should reflect equity and inclusion as many of these are intimidating but it affects a way of life.*
- *The Pacific Fishery Management Council has tribal representation on their body, incorporating tribal sovereignty and tribal requests for participation in a way that is appropriate for tribes.*
- *The Council could support this request within their restrictions by providing comments that highlight the value of Tribal engagement in the NPFMC process and how Tribal seats could improve equity in fishery management.*

Rationale in Favor of Main Motion as Amended

- *There is a Chinook and chum salmon crisis across Western Alaska. Indigenous people, families and communities had no or very limited harvest in 2021. This loss of salmon is a loss of critical food, culture and a way of life. In this crisis, it is imperative that the Council does their part to help address the crisis.*
- *Given changing conditions, there is the need to take a fresh look at salmon bycatch measures. Much has changed since this issue was last addressed and the Council should pull together the most current information to look at what management changes could potentially be made. In the near term, the Council can help address the crisis by reducing salmon bycatch and by supporting funding for research, monitoring, and observation.*
- *Tribal consultation provides important information to the Council process. While the Council does not conduct Tribal consultation, they can encourage and support the NMFS consultation process to ensure information is included to inform Council action on this topic.*

Rationale in Opposition of Main Motion as Amended

- *While the requests in the main motion are important, it should be kept in mind that updated AEQ and impacts information is forthcoming.*

Motion 3

The AP approves the June 2021 AP minutes.

Motion passed 18-0