

Advisory Panel MINUTES

OCTOBER 4-6, 2022 – Anchorage, AK

The Advisory Panel met Tuesday, October 4, through ,Thursday, October 6, 2022, at the Hilton Hotel, In Anchorage, Alaska. The following members were present for all or part of the meetings (absent members are ~~stricken~~):

Briggie, Tamara	Kauffman, Jeff	Ritchie, Brian (Chair)
Christiansen, Ruth (Co-VC)	Kavanaugh, Julie	Upton, Matt
Gudmundsson, Gretar	Mann, Heather	Wilkins, Paul
Heuker, Tim	Mitchell, Lauren (Co-VC)	Wilt, Sinclair
Johnson, Jim	O'Donnell, Paddy	Zagorski, Suzie
Johnson, Mellisa	O'Neil, Megan	

The AP approved the minutes from the June 2022 meeting.

C1 BSAI Crab Specs

The AP recommends the Council adopt the 2021 Crab SAFE Report, as well as, the 2022-23 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 Islands Red King Crab.

The AP asks the Council to consider scenarios to urge and give ADF&G the flexibility to open all three EBS crab fisheries, be it small.

Motion passed 16-0

Rationale:

- *The AP appreciates the continued diligence of the Crab Plan Team and SSC in developing models and assessing the status and dynamics of the BSAI crab stocks.*
- *While it is unclear what options the Council may have to guide the opening of a crab fishery, it is important for the Council to encourage ADF&G to consider the economic needs of the fishery participants during these unprecedented times. Public testimony, both written and oral, spoke to the importance of keeping crab boats fishing for the benefit of both crab fishermen and dependent communities. In considering the opening of a fishery, consideration should also be given to additional observer coverage on participating vessels to get the best information from the fishery.*
- *To ensure successful crab management to the greatest extent possible, there appears to be a need to align interagency relationships better.*
- *Recognizing the needs of crab fishermen and dependent communities, it must be acknowledged that in times of tremendous increasing uncertainty, fisheries managers generally take a precautionary approach to ensure the sustainability of the stock by restricting fishing mortality. While there may be flexibility to open a small directed crab fishery this year, the same flexibility may not exist in years to come.*

C2 BSAI Pcod Small Boat Access

The AP recommends the Council take final action and adopt their preliminary preferred alternative:

Alternative 1: Status quo

Alternative 2: Redefine the current BSAI Pacific cod jig sector to include H&L/pot CVs less than or equal to:

Option 1: 55' LOA

Option 2: 56' LOA

Suboption: B-season fishery would remain jig gear only fishery.

Motion passed 12- 3.

Rationale in Favor:

- *This action addresses an issue that has been of concern for several years. While there has been an increase in the number of cod fishery participants in the Under 60' sector, especially in higher-capacity vessels over 57' LOA, there has been a decline in small boats under 55' LOA coupled with increasingly shortened seasons, sometimes lasting only a few weeks in January. Due to their size, smaller vessels in this sector are particularly affected by these shortened seasons and poor weather. Additionally, these smaller vessels typically fish in waters closer to port, which may further constrain their ability to compete within the sector as they may be limited to fish in less productive waters near port due to their size.*
- *This action directly meets the Purpose and Need Statement by preserving the historic small boat fishery and community of Dutch Harbor. This action will preserve entry-level opportunities for small HAL vessels and is directly responsive to small vessels currently reliant on Bering Sea Pacific cod to help them stay viable. It will also provide some protection from vessels of similar size but with higher capacity and efficiency. It is important to help ensure that small vessels maintain access to fisheries. In this way, this targeted action is similar to purposefully leaving the trawl C season unallocated under the newly finalized PCTC program for the under 60' fleet.*
- *This action allows small vessels to fish off of the jig allocation, which has not historically been fully utilized, particularly in the A and C seasons. The jig allocation was intended to support entry-level and small-boat opportunities. Preserving opportunity for smaller vessels using hook-and-line and pot gear to harvest cod from the jig sector allocation will help to increase stability and provide additional opportunities for current participants and potential new entrants without negatively impacting catcher vessels using jig gear. Inclusion of the suboption also helps to preserve opportunity and maintain safety for the jig sector. Concern has not been raised by participants in the jig sector regarding this action.*
- *Under this action, it is anticipated that the BOF will work in coordination with the Council to adequately address management of the new cod fishery (i.e., establishing a trigger for opening). It is also anticipated that NMFS in-season managers will administer rollovers to successfully ensure that available cod is not left in the water. Additionally, under this action opportunity to fish the already established state waters Area O fishery is retained for those vessels that do not fall into this newly defined sector.*

Rationale in Opposition:

- *This action would extend the amount of cod TAC available to the 55' and under fleet, thereby increasing the amount of time available to these vessels to fish around adverse weather. However, the remaining under 60' vessels would be fishing on a smaller TAC and shorter season. As it is, the A season, with rollovers from the jig sector, has closed between January 12th and*

26th in the last three years and as public comments noted, in Bering Sea conditions, a 58' vessel is still a small boat.

- *It is unclear if the new small boat sector would be able to harvest the entire jig sector allocation and whether rollovers to the remaining under 60' vessels would continue. For the A season, if the under 60' sector were already closed and a reallocation could be made, it does not necessarily mean NMFS would reopen the sector; NMFS would only reopen the sector if there were enough TAC to conservatively manage the fishing activity and if vessels are available to target federal Pacific cod. For the C season, there has historically been little to no participation by the jig sector. NMFS has been able to reallocate projected unused B and C season TAC to the current less than 60' H&L or pot CV sector on or near September 1st. Under this action, it is likely NMFS would not be able to reallocate C season TAC from the new Pacific cod small vessel sector on or near September 1 because smaller H&L or pot vessels historically fish in the fall and NMFS may not be able to determine how much the sector would need.*
- *The loss of opportunity to fish these rollovers may significantly harm vessels in the remaining under 60' sector. The top 10 vessels most dependent on the federal Pacific cod fishery have a reported LOA of 58' and there are seven H&L or pot vessels in this vessel group that depend on the fishery for more than 80 percent of their total revenue.*
- *Over time, larger vessels have not shown to be more competitive within the sector. Vessels greater than 56' LOA have harvested 84 percent of the sector's final allocation on average from 2008 through 2021. However, in the most recent five years of available data these vessels have harvested 79 percent of the sector's final allocation on average. As such, it does not appear vessels greater than 56' are harvesting a larger portion of the sector's final allocation over time.*
- *This action may have been more relevant in past years. Currently, however, there is on-going opportunity for the entire under 60' sector to harvest cod. Both the State and federal fisheries are open. There are approximately five vessels fishing and processors are buying cod. These vessels are greater than 56'.*
- *Compounding the potential negative impacts of this action are uncertainties related to actions that the BOF may take (i.e., how the BOF chooses to establish the trigger for the DHS state fishery; potential closure of parallel waters fishery to pot vessels 58' and under when DHS is open; potential requests to reduce the GHL quota in years of low abundance)*

C3 Trawl EM

The AP recommends the Council select Alternative 2 (electronic monitoring implemented on pelagic trawl pollock catcher vessels and tenders delivering to shoreside processors in the BS and GOA) as its preferred alternative for final action. The AP also supports the following elements as final policy decisions for the program:

- Use of the partial coverage 1.65% fee to pay for EM costs for those vessels that only participate in the GOA pollock fishery;
- Use of the partial coverage 1.65% fee to pay for housing and food for shoreside observers during deployments at processors to monitor partial coverage pollock deliveries from GOA vessels using EM;
- Implementation of industry-managed incentive plans that provide a framework to meet the goal of avoiding exceedance of maximum retainable amounts (MRA) and GOA pollock trip limits; and
- Adoption of the revised (hybrid) annual opt-in approach, as presented by analysts, that allows for maximum flexibility for GOA vessels participating in the EM program.

- ~~**¹Independent speciation and enumeration of crab at the plant for any EM deliveries**~~

Amendment 1 - failed 7 -8

Main Motion passed 15-0

Rationale in Favor of Main Motion:

- *This action will create an effective EM program in the United States' largest fishery by volume, which will incorporate a diverse group of participants and management structures across the two different regions. Implementation of a fully regulated pelagic pollock trawl EM program will provide multiple benefits to the fishery and its participants, including greatly improving data quality and overall monitoring cost efficiency. Under this program there will be more precise PSC accounting of salmon, crab, and halibut measurements as well as improved bycatch verifications and no at-sea discard rates. This improved data will benefit management of all fisheries beyond just the pollock fishery.*
- *There has been an unprecedented level of stakeholder, agency, and private sector commitment and collaboration that has worked for several years to consistently adjust and adapt the various components of this program to meet the compliance monitoring objectives and needs of the fishery.*
- *The first two bullets are recommended to provide equitable treatment across partial coverage fishery participants (fixed and trawl gear EM participants) so that GOA trawl participants who will continue to be assessed the 1.65% fee are not financially burdened when other partial coverage participants are not. Not only will this address equity, but it will also allow for cost efficiencies when using the same EM system across multiple partial coverage fisheries. Additionally, GOA processors currently contribute half of the 1.65% partial observer coverage fee and will continue to do so under a regulated program. GOA processors are also making substantial investment into monitoring costs through the existing fee.*
- *The third bullet reflects what is currently happening under EFP with industry being in the best position to manage MRAs and the GOA pollock trip limit for EM and non-EM vessels.*
- *Regarding the final bullet, this reflects creative, dedicated, and a simplified approach (when compared to the threshold approach) to make an annual opt-in more feasible for GOA vessels. These vessels want to continue the practice of opting in and out of EM on a trip-by-trip basis as they were allowed under the EFP as this provides vessels with the flexibility they need to carry out their fishing plan. The CGOA fleet is composed of two distinct vessel groupings – vessels that do mixed species/gear trips and vessels that primarily fish pelagic pollock.*

Rationale in Opposition to Amendment 1:

- *Under the pollock catcher vessel EM program, all crab PSC incidentally taken by an EM vessel are fully retained and delivered to the processing plant. At the plant, all crab in a delivery undergo independent speciation and enumeration by the processor staff, verified by the plant observer, and included (accounted for) on the elandings ticket data and within the CAS.*
- *There is a possibility that incorporating full enumeration and speciation of crab under the shoreside observer duties could increase the workload to a point of needing another observer at the plant. As such, consideration of modifying priorities of shoreside to incorporate crab should be considered for all groundfish deliveries.*
- *Crab stocks in the Eastern Bering Sea (red king crab, snow and Tanner crab) are at historic low levels of abundance, snow crab is currently overfished and Bristol Bay Red king crab is approaching an overfished status. Any and all crab removals are increasingly important to track with absolute certainty. Fully enumerated and identified to species. Crab should be given the same priority and treatment as other PSC such as halibut and salmon, which are fully*

enumerated by the shoreside observer, not just verified by “spot checking” as outlined in this analysis. We heard in public testimony that pollock CVs do not deliver many crab (from staff 27 last year) and all were counted, not sure if they were identified so this should not be an excess burden on the plant observers and should be mandated and not optional, and is especially warranted given the current status of crab stocks.

Rationale in Support of Amendment 1:

- *At this time crab are not independently enumerated by an observer at the shoreside observing level. Crab should be given the same priority and treatment as other PSC, such as salmon and halibut, which are fully enumerated by the shoreside observer, not just verified. Staff confirmed that the crab count is the lowest priority for the shoreside observer at this time because they are accounted for on the elandings data at the plant level.*

C4 Greenland Turbot

The AP recommends moving the Initial Review analysis forward for Final Action with the following revisions to the Purpose and Need Statement and to Alternative 2. Revisions are presented in **bolded italics** from the Council’s February 2022 motion.

Purpose and Need

Whale depredation is precluding directed fishing for Greenland turbot by commercial hook-and-line (HAL) gear vessels in the Bering Sea. Participation in this fishery has been a significant source of income for a number of HAL CP vessels that primarily target Pacific cod. The importance of turbot fishing increased for these vessels as Pacific cod TACs in the Bering Sea saw major declines between 2012 and 2021. Although single pot gear is currently authorized for Greenland turbot, single pots have not been deployed because of their inefficiency in the depth and location where the fishery occurs. A regulatory amendment that would allow vessels to use longline pots when fishing for Greenland turbot would likely resolve the depredation problem and allow this fishery to resume. Other benefits of reduced whale depredation on Greenland turbot could include improved catch accounting for managers, and data quality for the Greenland turbot stock assessment. ***The use of longline pots could disrupt historic and current participants in the HAL CP and the Amendment 80 sectors. This could result in fishery closures and undermine the intent of this action to allow harvest by active participants. Limiting the use of longline pots in the Bering Sea to only the HAL CP sector when directed fishing for Greenland turbot would allow active participants to continue to participate in the fishery, without increasing the potential for new fishery conflicts.***

Alternatives

Alternative 1. No action (longline pot gear is not authorized for Greenland turbot in the Bering Sea).

Alternative 2. Authorize the use of longline pot gear ***only for vessels in the HAL CP sector*** when directed fishing for Greenland turbot in the Bering Sea subarea.

Option 1. Exemption from the 9-inch maximum tunnel opening restriction. (The 9-inch maximum tunnel opening requirement does not apply to longline pots used to directed fish for Greenland turbot in the BS subarea.

Motion passed 14-0

Rationale in Favor:

- *This Initial Review analysis is a follow-up to action originally initiated by Council at the request of participants in the HAL CP sector to address whale depredation experienced by their vessels in the Bering Sea (BS) Greenland turbot fishery that has significantly limited their operations in*

the fishery in recent years. Participation has declined to the point that in 2021 and 2022 there has been no targeted fishery for Greenland turbot by the HAL CP fleet.

- *The proposed action would authorize the use of longline pot gear in the BS Greenland turbot fishery by the HAL CP sector. Longline pot gear has proven effective in other HAL fisheries in reducing whale depredation in the fishery. Allowing the use of longline pot gear by these vessels could be a potential solution after many years of unsuccessful efforts to mitigate whale predation using their existing HAL gear.*
- *The members of the Freezer Longline Coalition (FLC) and Groundfish Forum are the only fleets that have consistently participated in the directed BS Greenland turbot fishery. Since 2015 FLC and Groundfish Forum have had an agreement in place to coordinate harvesting activities within and between their sectors to avoid a race for fish and minimize potential conflicts on the fishing grounds. This agreement is an essential component to ensure coordination on the fishing grounds and an orderly and well-managed fishery. Creating conditions that destabilize current participants is not consistent with the intent of this action.*
- *The added language helps to address the specific ask of the fleet directly affected by the issues with predation and is addressing this specific issue as stated in the purpose and needs statement.*
- *The recommended modification to Alternative 2 may help ensure stable conditions in the fishery, particularly in light of the current relatively low TACs and the potential for further reductions. The analysis shows that in most recent years (since 2013) less than five HAL CPs have targeted Greenland turbot in the BS. Conditions of a low TAC, increased harvests by FLC members, and new entrants who are not part of the voluntary agreement could result in NMFS adopting a precautionary management approach and close directed fishing to avoid exceeding the TAC. Results from the 2022 Eastern Bering Sea trawl and longline surveys do not indicate improving stock conditions, nor do longer-term indicators for the stock. The risk of a directed fishery closure may increase because the fishery may face reduced TACs in future years.*
- *The recommended modification could also help minimize the potential for gear conflicts between trawl and fixed gear participants in the fishery. The analysis notes there is currently some spatial overlap between FLC and Groundfish Forum participants in the fishery. Careful coordination among the current participants will be essential to ensure gear conflicts are minimized. If there is additional effort in the fishery, particularly from new entrants not part of the voluntary agreement, the potential for gear conflicts may be increased.*
- *This action is not intended to exclude future participation in the BS Greenland turbot fishery by the limited number of non-HAL-CP vessels that have occasionally participated. All vessels named on a LLP license with BS and non-trawl endorsements may still participate in the fishery using existing gear.*
- *Some AP members expressed concerns about potentially limiting access to this fishery to only the current participants. Support was given for this motion as not to take away from the intent of the action, but the concern was noted about limiting participation in the fishery.*

C5 Groundfish Proposed Specs

Motion 1:

The AP recommends the Council adopt the proposed 2023 and 2024 BSAI groundfish specifications for OFLs and ABCs as recommended by the SSC and set TACs, with all proposed specifications consisting of rollovers of 2023 final specifications from 2022/2023 harvest specifications. The TACs for both BS and AI Pacific cod have been adjusted to account for the State water GHF fisheries. The TAC for sablefish has been reduced in the Bering Sea Aleutian Islands by 5% to accommodate the GHF fishery.

The AP recommends that the Council adopt the proposed flatfish ABC reserves, 2023 and 2024 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 2023 and 2024 halibut discard mortality rates (DMRs) for the BSAI as shown in Table 12. Tables 7 - 12 are found in the meeting agenda under C-5.

Motion passed 16-0

Motion 2:

The AP recommends the Council adopt the proposed 2023 and 2024 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 2022. The TACs for both Gulf of Alaska cod and Pollock have been adjusted to account for the State water GHF fisheries. The Gulf of Alaska Pacific cod adjustments are shown in Table 2.

The AP recommends that the Council adopt the proposed 2023 and 2024 annual and seasonal Pacific halibut PSC limits and apportionments in the Gulf of Alaska as provided in Tables 9, 10, and 11 and the proposed 2023 and 2024 halibut discard mortality rates (DMRs) for the Gulf of Alaska in Table 12.

All tables are shown in the GOA 2023 and 2024 plan team proposed tables document as provided by Council staff.

Motion passed 16-0

Rationale in Favor of Motions 1 & 2:

- *The OFL and ABC levels are consistent with what was approved by both the Bering Sea and Gulf of Alaska Groundfish Plan Teams and the SSC. The 2023 TAC levels are those that were adopted by the Council in their December 2021 Meetings (and published in the Federal Register) and carried into 2024 in order to meet the Council's process of setting TACs for two years.*
- *Species stock assessments, including OFL and ABC levels, will be updated over the next several weeks and final recommendations made by the Groundfish Plan Teams and SSC at their upcoming November and December meetings. As such, it is recognized that all the OFL, ABC, and TAC numbers reflected in the Tables will change before final adoption by the Council in December. The primary task at this October meeting is to set placeholder numbers to provide a logical outgrowth for whatever is passed for final specifications in December.*

Table 1. SSC recommended OFL & ABC, and AP recommended TAC for proposed harvest specifications for Groundfish in the BSAI (metric tons) for 2023-2024

9/10/2022

Species	Area	2021				Catch as of 12/31/2021	2022				2023/2024		
		OFL	ABC	TAC			OFL	ABC	TAC	Catch as of 9/10/2022	OFL	ABC	TAC
Pollock	EBS	2,594,000	1,626,000	1,375,000	1,376,250	1,469,000	1,111,000	1,111,000	1,088,062	1,704,000	1,289,000	1,289,000	
	AI	61,856	51,241	19,000	1,840	61,264	50,752	19,000	2,694	61,379	50,825	19,000	
	Bogoslof	113,479	85,109	250	8	113,479	85,109	250	256	113,479	85,109	250	
Pacific cod	BS	147,949	123,805	111,380	109,202	183,012	153,383	136,466	113,251	180,909	151,709	133,459	
	AI	27,400	20,600	13,796	7,298	27,400	20,600	13,796	4,861	27,400	20,600	13,796	
Sablefish	BSAI/GOA	60,426	29,558	n/a		40,432	34,521	n/a		42,520	36,318	n/a	
	BS	n/a	3,396	3,396	4,169	n/a	5,264	5,264	4,146	n/a	6,529	5,813	
	AI	n/a	4,717	4,717	1,578	n/a	6,463	6,463	1,987	n/a	7,786	7,786	
Yellowfin sole	BSAI	341,571	313,477	200,000	108,788	377,071	354,014	250,000	102,234	382,035	358,675	230,000	
Greenland turbot	BSAI	8,568	7,326	6,025	1,597	7,687	6,572	6,572	1,421	6,698	5,724	5,724	
	BS	n/a	6,176	5,125	1,130	n/a	5,540	5,540	989	n/a	4,825	4,825	
	AI	n/a	1,150	900	467	n/a	1,032	1,032	432	n/a	899	899	
Arrowtooth flounder	BSAI	90,873	77,349	15,000	9,014	94,445	80,389	20,000	5,887	97,944	83,389	20,000	
Kamchatka flounder	BSAI	10,630	8,982	8,982	6,667	10,903	9,214	9,214	8,166	11,115	9,393	9,393	
Northern rock sole	BSAI	145,180	140,306	54,500	14,393	214,084	206,896	66,000	17,070	280,621	271,199	55,000	
Flathead sole	BSAI	75,863	62,567	25,000	10,259	77,967	64,288	35,500	13,257	80,034	65,988	25,500	
Alaska plaice	BSAI	37,924	31,657	24,500	15,862	39,305	32,697	29,221	8,398	39,685	32,998	29,082	
Other flatfish	BSAI	22,919	17,189	6,500	2,638	22,919	17,189	10,000	2,041	22,919	17,189	10,000	
	BSAI	44,376	37,173	35,899	35,479	42,605	35,688	35,385	24,190	40,977	34,322	33,952	
Pacific Ocean perch	BS	n/a	10,782	10,782	10,693	n/a	10,352	10,352	4,860	n/a	9,956	9,956	
	EAI	n/a	8,419	8,419	8,288	n/a	8,083	8,083	5,000	n/a	7,774	7,774	
	CAI	n/a	6,198	6,198	5,993	n/a	5,950	5,950	4,668	n/a	5,722	5,722	
	WAI	n/a	11,774	10,500	10,505	n/a	11,303	11,000	9,662	n/a	10,870	10,500	
Northern rockfish	BSAI	18,917	15,557	13,000	6,212	23,420	19,217	17,000	7,321	22,594	18,538	17,000	
Blackspotted/Rougheye Rockfish	BSAI	576	482	482	515	598	503	503	326	615	517	517	
	EBS/EAI	n/a	313	313	196	n/a	326	326	114	n/a	334	334	
	CAI/WAI	n/a	169	169	319	n/a	177	177	212	n/a	183	183	
Shortraker rockfish	BSAI	722	541	500	496	722	541	541	194	722	541	541	
Other rockfish	BSAI	1,751	1,313	916	1,002	1,751	1,313	1,144	903	1,751	1,313	1,313	
	BS	n/a	919	522	392	n/a	919	750	467	n/a	919	919	
	AI	n/a	394	394	610	n/a	394	394	436	n/a	394	394	
Atka mackerel	BSAI	85,580	73,590	62,257	36,171	91,870	78,510	66,481	37,467	84,440	71,990	60,958	
	EAI/BS	n/a	25,760	25,760	25,183	n/a	27,260	27,260	10,688	n/a	25,000	25,000	
	CAI	n/a	15,450	15,450	15,308	n/a	16,880	16,880	15,502	n/a	15,470	15,470	
	WAI	n/a	32,380	21,047	20,863	n/a	34,370	22,341	21,965	n/a	31,520	20,488	
Skates	BSAI	49,297	41,257	18,000	20,029	47,790	39,958	30,000	22,892	46,475	38,824	30,000	
Sharks	BSAI	689	517	200	221	689	517	500	121	689	517	500	
Octopuses	BSAI	4,769	3,576	700	170	4,769	3,576	700	199	4,769	3,576	700	
Total	BSAI	3,945,315	2,747,727	2,000,000	1,795,041	2,953,182	2,383,653	1,871,000	1,478,032	3,253,770	2,648,254	1,999,284	

Sources: 2021 OFLs, ABCs, and TACs and 2022 OFLs and ABCs are from harvest specifications adopted by the Council in December 2020 and December 2021 respectively; 2021 catches through December 31, and 2022 catches through September 10, 2022 from AKR Catch Accounting.

TABLE 7–PROPOSED 2023 AND 2024 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	65,988	271,199	358,675
TAC	25,500	55,000	230,000
ABC surplus	40,488	216,199	128,675
ABC reserve	40,488	216,199	128,675
CDQ ABC reserve	4,332	23,133	13,768
Amendment 80 ABC reserve	36,156	193,066	114,907

TABLE 8–PROPOSED 2023 AND 2024 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	3,819	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 2023 AND 2024 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	222	n/a
Rock sole/flathead sole/Alaska plaice/other flatfish ¹	110	n/a
Greenland turbot/arrowtooth flounder/Kamchatka flounder/sablefish	11	n/a
Rockfish	11	n/a
Pacific cod	20	n/a
Midwater trawl pollock	3,400	n/a
Pollock/Atka mackerel/other species ^{2,3}	45	n/a
2022 Red king crab savings subarea non-pelagic trawl gear ⁴	n/a	-
2023 Red king crab savings subarea non-pelagic trawl gear ⁵	n/a	8,000
Total trawl PSC	3,819	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.

⁴Section 679.21(e)(3)(ii)(B) establishes criteria under which an annual red king crab bycatch limit must be specified for the Red King Crab Savings Subarea (RKCSS) if the State has established a GHL fishery for red king crab in the Bristol Bay area in the previous year. Based on the final 2022 NMFS trawl survey data for the Bristol Bay red king crab stock, the State of Alaska closed the Bristol Bay red king crab fishery for the 2022/2023 crab season. NMFS and the Council will not specify the red king crab bycatch limit for the RKCSS in 2023, and pursuant to § 679.21(e)(3)(ii)(B)(1) directed fishing for groundfish is prohibited for vessels using non-pelagic trawl gear in the RKCSS for 2023.

⁵If the Bristol Bay red king crab fishery remains closed in the 2023/2024 crab season, the RKCSS specification will be zero. . If the Bristol Bay red king crab fishery is open in the 2022/2023 crab season, NMFS, after consultation with the Council, will specify an annual red king crab bycatch limit for the RKCSS, which is limited by regulation to up to 25 percent of the red king crab PSC allowance (§ 679.21(e)(3)(ii)(B)(2)).

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

TABLE 10-PROPOSED 2023 AND 2024 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	265	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	5	-	1,006	-	849
Pacific cod	300	975	50,281	50,816	42,424
Pollock/Atka mackerel/other species ³	175	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 2023 AND 2024 HALIBUT PROHIBITED SPECIES BYCATCH ALLOWANCES FOR NON-TRAWL FISHERIES

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

TABLE 12–PROPOSED 2023 AND 2024 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	85
Non-pelagic trawl	Catcher vessel	62
Hook-and-line	Catcher vessel	9
Hook-and-line	Catcher/processor	9
Pot	All	26

Table 1. SSC recommended OFLs and ABCs and AP recommended TACs for Proposed Harvest Specifications for Groundfish in the GOA (metric tons) for 2023 and 2024

10/6/2022

Species	Area	2021			Catch 12/31/2021	2022			Catch 9/10/2022	2023-2024		
		OFL	ABC	TAC		OFL	ABC	TAC		OFL	ABC	TAC
Pollock	State GHL	n/a	2,643	n/a		n/a	3,327	n/a		n/a	3,298	n/a
	W (610)	n/a	18,477	18,477	18,015	n/a	23,714	23,714	11,382	n/a	23,506	23,506
	C (620)	n/a	54,870	54,870	52,429	n/a	69,250	69,250	49,326	n/a	68,642	68,642
	C (630)	n/a	24,320	24,320	23,431	n/a	30,068	30,068	18,431	n/a	29,803	29,803
	WYAK	n/a	5,412	5,412	5,144	n/a	6,722	6,722	6,441	n/a	6,663	6,663
	Subtotal		123,455	105,722	103,079	99,019	154,983	133,081	129,754	85,580	153,097	131,912
	EYAK/SEO	13,531	10,148	10,148	-	15,150	11,363	11,363	-	15,150	11,363	11,363
	Total	136,986	115,870	113,227	99,019	170,133	144,444	141,117	85,580	168,247	143,275	139,977
Pacific Cod	W	n/a	7,986	5,590	4,285	n/a	9,942	6,959	4,344	n/a	8,699	6,089
	C	n/a	13,656	10,242	8,794	n/a	19,752	14,814	10,476	n/a	17,282	12,962
	E	n/a	1,985	1,489	202	n/a	3,117	2,338	233	n/a	2,727	2,045
	Total		28,977	23,627	17,321	13,281	39,555	32,811	24,111	15,053	34,673	28,708
Sablefish	W	n/a	3,224	2,428	1,994	n/a	3,727	3,727	2,099	n/a	3,951	3,951
	C	n/a	9,527	8,056	7,311	n/a	9,965	9,965	5,694	n/a	9,495	9,495
	WYAK	n/a	3,451	2,929	2,330	n/a	3,437	3,437	2,271	n/a	3,159	3,159
	SEO	n/a	5,273	4,579	3,873	n/a	5,665	5,665	3,749	n/a	5,398	5,398
	GOA Total	n/a	21,475	17,992	15,508	n/a	22,794	22,794	13,813	n/a	22,003	22,003
	AK Total	60,426	29,588	n/a	n/a	40,432	34,521	n/a	n/a	42,520	36,318	n/a
Shallow-Water Flatfish	W	n/a	24,151	13,250	27	n/a	21,256	13,250	31	n/a	22,464	13,250
	C	n/a	28,082	28,082	1,828	n/a	25,305	25,305	1,167	n/a	26,743	26,743
	WYAK	n/a	2,808	2,808	1	n/a	2,531	2,531	8	n/a	2,674	2,674
	EYAK/SEO	n/a	1,123	1,123	1	n/a	1,518	1,518	1	n/a	1,605	1,605
	Total		68,841	56,164	45,263	1,857	62,273	50,610	42,604	1,207	65,676	53,486
Deep-Water Flatfish	W	n/a	225	225	1	n/a	256	256	2	n/a	256	256
	C	n/a	1,914	1,914	83	n/a	2,139	2,139	101	n/a	2,105	2,105
	WYAK	n/a	2,068	2,068	7	n/a	1,431	1,431	2	n/a	1,408	1,408
	EYAK/SEO	n/a	1,719	1,719	4	n/a	2,082	2,082	5	n/a	2,049	2,049
	Total		7,040	5,926	5,926	95	7,026	5,908	5,908	110	6,920	5,818
Rex Sole	W	n/a	3,013	3,013	14	n/a	2,981	2,981	39	n/a	3,222	3,222
	C	n/a	8,912	8,912	285	n/a	12,076	12,076	627	n/a	13,054	13,054
	WYAK	n/a	1,206	1,206	2	n/a	1,361	1,361	-	n/a	1,439	1,439
	EYAK/SEO	n/a	2,285	2,285	-	n/a	2,723	2,723	-	n/a	2,879	2,879
	Total		18,779	15,416	15,416	301	23,302	19,141	19,141	666	25,049	20,594
Arrowtooth Flounder	W	n/a	32,377	14,500	361	n/a	33,658	14,500	269	n/a	33,214	14,500
	C	n/a	69,072	69,072	9,481	n/a	68,394	68,394	9,893	n/a	67,493	67,493
	WYAK	n/a	8,380	6,900	81	n/a	6,707	6,707	28	n/a	6,619	6,619
	EYAK/SEO	n/a	17,141	6,900	61	n/a	11,020	6,900	42	n/a	10,875	6,900
	Total		151,723	126,970	97,372	9,984	143,100	119,779	96,501	10,232	141,231	118,201
Flathead Sole	W	n/a	14,209	8,650	111	n/a	14,755	8,650	26	n/a	14,708	8,650
	C	n/a	20,826	15,400	596	n/a	22,033	15,400	468	n/a	21,962	15,400
	WYAK	n/a	2,427	2,427	-	n/a	1,511	1,511	-	n/a	1,506	1,506
	EYAK/SEO	n/a	1,915	1,915	-	n/a	1,876	1,876	-	n/a	1,870	1,870
	Total		47,982	39,377	28,392	707	48,928	40,175	27,437	494	48,757	40,046
Pacific ocean perch	W	n/a	1,643	1,643	1,622	n/a	2,602	2,602	2,499	n/a	2,523	2,523
	C	n/a	27,429	27,429	25,616	n/a	30,806	30,806	21,758	n/a	29,869	29,869
	WYAK	n/a	1,705	1,705	1,662	n/a	1,409	1,409	1,398	n/a	1,366	1,366
	W/C/WYAK	36,563	30,777	30,777	28,900	41,470	34,817	34,817	25,655	40,211	33,758	33,758
	SEO	6,414	5,400	5,400	-	4,110	3,451	3,451	-	3,985	3,346	3,346
Total		42,977	36,177	36,177	28,900	45,580	38,268	38,268	25,655	44,196	37,104	37,104
Northern Rockfish	W	n/a	2,023	2,023	709	n/a	1,944	1,944	474	n/a	1,859	1,859
	C	n/a	3,334	3,334	1,668	n/a	3,202	3,202	1,131	n/a	3,061	3,061
	E	n/a	1	-	-	n/a	-	-	-	n/a	-	-
	Total		6,396	5,358	5,357	2,377	6,143	5,146	5,146	1,605	5,874	4,920
Shortraker Rockfish	W	n/a	52	52	8	n/a	51	51	7	n/a	51	51
	C	n/a	284	284	210	n/a	280	280	172	n/a	280	280
	E	n/a	372	372	310	n/a	374	374	125	n/a	374	374
	Total		944	708	708	528	940	705	705	304	940	705
Dusky Rockfish	W	n/a	270	270	146	n/a	269	269	103	n/a	259	259
	C	n/a	4,548	4,548	2,751	n/a	4,534	4,534	2,200	n/a	4,373	4,373
	WYAK	n/a	468	468	30	n/a	427	427	6	n/a	412	412
	EYAK/SEO	n/a	103	103	1	n/a	142	142	-	n/a	137	137
	Total		8,655	5,389	5,389	2,928	8,614	5,372	5,372	2,309	8,146	5,181
Rougheye and Blackspotted Rockfish	W	n/a	168	168	22	n/a	184	184	95	n/a	182	182
	C	n/a	456	456	182	n/a	235	235	72	n/a	234	234
	E	n/a	588	588	203	n/a	369	369	144	n/a	365	365
	Total		1,456	1,212	1,212	407	947	788	788	311	937	781
Demersal shelf rockfish	Total	405	257	257	109	579	365	365	125	579	365	365
Thornyhead Rockfish	W	n/a	352	352	42	n/a	352	352	107	n/a	352	352
	C	n/a	910	910	101	n/a	910	910	152	n/a	910	910
	E	n/a	691	691	130	n/a	691	691	65	n/a	691	691
	Total		2,604	1,953	1,953	273	2,604	1,953	1,953	324	2,604	1,953
Other Rockfish	W/C	n/a	940	940	1,054	n/a	940	940	988	n/a	940	940
	WYAK	n/a	369	369	125	n/a	370	370	68	n/a	370	370
	EYAK/SEO	n/a	2,744	300	37	n/a	2,744	300	46	n/a	2,744	300
	Total		5,320	4,053	1,609	1,216	5,320	4,054	1,610	1,102	5,320	4,054
Atka mackerel	Total	6,200	4,700	3,000	939	6,200	4,700	3,000	878	6,200	4,700	3,000
Big Skate	W	n/a	758	758	128	n/a	591	591	107	n/a	591	591
	C	n/a	1,560	1,560	446	n/a	1,482	1,482	450	n/a	1,482	1,482
	E	n/a	890	890	191	n/a	794	794	102	n/a	794	794
	Total		4,278	3,208	3,208	765	3,822	2,867	2,867	659	3,822	2,867
Longnose Skate	W	n/a	158	158	42	n/a	151	151	19	n/a	151	151
	C	n/a	1,875	1,875	522	n/a	2,044	2,044	449	n/a	2,044	2,044
	E	n/a	554	554	471	n/a	517	517	343	n/a	517	517
	Total		3,449	2,587	2,587	1,035	3,616	2,712	2,712	811	3,616	2,712
Other Skates	GOA-wide	1,166	875	875	732	1,311	984	984	586	1,311	984	984
Sharks	GOA-wide	5,006	3,755	3,755	1,933	5,006	3,755	3,755	1,243	5,006	3,755	3,755
Octopuses	GOA-wide	1,307	980	980	55	1,307	980	980	62	1,307	980	980
TOTAL		610,917	476,037	407,976	182,949	626,738	508,311	448,118	163,129	622,931	517,507	443,615

Sources: 2022 OFLs, ABCs, and TACs are from harvest specifications adopted by the Council in December 2021, 2021 catches through December 31, 2021, and 2022 catches through September 15, 2022 from AKR Catch Accounting.

Note: The sablefish ABC total for the GOA is not included in the grand total. The Alaska-wide sablefish OFL and ABC are included in the grand total. The sablefish GOA TAC is included in the total

Table 2. Proposed 2023 and 2024 Gulf of Alaska Pacific cod ABCs, TACs and State Guideline Harvest Levels (GHLs) in metric tons.

Specifications	Western	Central	Eastern	Total
ABC	8,699	17,282	2,727	28,708
State GHL	2,610	4,321	682	7,612
(%)	30%	25%	25%	25-30
Federal TAC	6,089	12,962	2,045	21,096

Table 9. Proposed 2023 and 2024 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 2023 and 2024 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 2023 and 2024 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	150	January 1 - June 10	86	129
			June 10 - September 1	2	3
			September 1 - December 31	12	18
	Catcher/Processor	107	January 1 - June 10	86	92
			June 10 - September 1	2	2
			September 1 - December 31	12	13

Table 12. Proposed 2023 and 2024 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

Motion 3:

The AP recommends the Council wait to break out DSR Rockfish and create a Gulf-wide complex until the full Other Rockfish assessment occurs in the 2023 Plan Team cycle. Additional information should be brought back regarding impacts to the remaining Other Rockfish.

Motion passed 16-0

Rationale:

- *The GOA Plan Team is scheduled to see new projections for DSR OFL/ABCs in November. Full stock assessment information isn't available to make a fully informed decision to move ahead with breaking out DSR rockfish. Therefore it is prudent to wait until the best available science is incorporated and reviewed in order to fully understand potential impacts upon DSR as well as upon the Other Rockfish. It is unknown what the remaining Other Rockfish specifications may look like without the inclusion of DSR species. Further, it was noted in public testimony that there has not been a full assessment for Other Rockfish and that the 2021 ABC was rolled over for 2022 and 2023 for these species.*

D1 Stock Prioritization

No action taken.

D2 BBRKC Discussion Paper

The AP recommends the Council provide direction to agencies, managers, and industry to prioritize BSAI crab as a species of conservation concern. The AP reiterates our April 2022 short-term, narrow recommendation to help BBRKC rebuild from a level of serious conservation concern. The AP also recommends a more comprehensive longer-term action to improve BSAI crab stock management to help those stocks rebuild.

DIRECTION

The AP recommends the Council provide policy direction to agencies, managers, and industry to increase BSAI crab as a priority species for monitoring and bycatch avoidance. Crab should be a higher priority given its level of conservation concern and stock status. Crab should at least be ranked above halibut and herring, which are not at a level of conservation concern.

SHORT-TERM

For the short-term to provide more immediate benefits to the BBRKC stock, the AP recommends initiating a review of a proposed action to close the RKCSA/RKCSS to additional gears to reduce bycatch and fishing impacts on crab and crab habitat. A proposed purpose and need statement and alternatives are provided below.

Proposed Action

The proposed action is to apply additional gear-based closure measures to the RKCSA/RKCSS, an area that continues to be important to BBRKC, to reduce bycatch and fishing impacts on crab and crab habitat.

Purpose and Need

The purpose of this proposed action is to reduce fishing impacts on crab and crab habitat in an area known to be important to BBRKC. This action is needed because the BBRKC stock has declined to a level of serious conservation concern, and the number of female BBRKC has been

declining for over a decade to the point where abundance levels forced the closure of the directed fishery. The intent is to restore and sustain the BBRKC stock by reducing impacts on molting and mating crab needed to improve reproduction, by providing protections to improve recruitment, by protecting habitat, and by building in resilience to changing environmental conditions, predation, and fishing pressure. In considering this action, potential fishing impacts to the stock and habitat will be examined to understand the effects of these impacts and to assess proposed closure measures.

Alternatives

Alternative 1 – Status Quo/No Action

Alternative 2 – Close the RKCSA/RKCSS to additional gears to reduce bycatch and fishing impacts on crab and crab habitat.

~~²Option A – Prohibit all gear, except pot gear during directed crab fisheries, from the RKCSA.~~

~~²Option B – Prohibit pelagic trawl gear from the RKCSA at any time. In years when the directed fishery is closed, prohibit pelagic trawl gear from the RKCSS. This option is consistent with existing requirements for non-pelagic trawl gear.~~

~~²Option C – In years when the directed crab fishery is closed, prohibit all gears except longline gear from the RKCSA/RKCSS.~~

²**Option A – Prohibit all groundfish pot gear.**

²**Option B Prohibit all gear, except crab pot gear during directed crab fisheries, from the RKCSA .**

²**Option C - Prohibit pelagic trawl gear from the RKCSA at any time. In years when the directed fishery is closed, prohibit pelagic trawl gear from the RKCSS. This option is consistent with existing requirements for non-pelagic trawl gear.**

²**Option D – In years when the directed crab fishery is closed, prohibit all gears except HAL gear from the RKCSA/RKCSS.**

³**Alternative 3 - Based on new survey information, analyze whether the boundaries of the red king crab savings area are appropriate or should be revised.**

LONGER-TERM

For the longer term, the AP recommends the Council initiate action on comprehensive management measures for all BSAI crab, with a focus on rebuilding BBRKC ⁴and snow crab.

Proposed Action

The proposed action is to help rebuild BSAI crab stocks through fishery management measures such as spatial-temporal closures (static and dynamic), alignment of stock management boundaries, and improved bycatch management to reduce bycatch and fishing impacts on crab and crab habitat.

Purpose and Need

The purpose of this proposed action is to reduce fishing impacts on crab and crab habitat. This action is needed because BSAI crab stocks are at historic lows, closed, or overfished and fishing impacts may be inhibiting rebuilding and harming important crab habitat.⁴Eastern Bering Sea snow crab was declared overfished in October 2021. The rebuilding plan to be implemented by October 2023 will determine the rebuilding timelines (Tmin, Tmax, Ttarget) but does not include new management measures to rebuild the stock as fast as possible while balancing the needs of

fishing communities. The BBRKC stock, while not overfished under the federal definition, has declined to a level of serious conservation concern that closes the directed fishery due to a low abundance of female BBRKC. The number of female BBRKC has been declining for over a decade. The bairdi stock while not overfished remains at low abundance levels. The intent of this action is to restore and sustain the BSAI crab stocks by reducing impacts on molting and mating crab, by providing protections to improve recruitment, by protecting habitat, and by building in resilience to changing environmental conditions, predation, and fishing pressure. In considering this action, potential fishing impacts to the stock and habitat will be examined to understand the effects of these impacts and to assess proposed measures.

Alternatives

Alternative 1 – Status Quo/No Action

Alternative 2 – Closed Areas (static or dynamic)

Close areas to protect crab habitat, broodstock, high density areas of female or male crab, molting and mating crab, or other key life stages at times of low abundance. Closures could be static or dynamic, such as seasonal or annual shifting closed areas, as appropriate.

Alternative 3 – Align Stock Management Boundaries

Create consistency in stock management for the crab fishery, stock assessment, and bycatch measures by aligning the crab PSC limit boundaries with the crab stock management area and stock assessment boundary.

Alternative 4 - Improve Bycatch Management

Revise bycatch management to create stronger incentives to avoid crab. At a minimum, improve prohibited species catch (PSC) limit management by removing PSC limit floors, updating limits based on current status of the stocks, and managing PSC across a stocks range. For the directed crab fishery, add a 10% carryover provision to the Crab Rationalization Program to reduce directed fishery discards and increase flexibility.

This proposed action should include an economic analysis of impacts to the directed crab fishery and fishing communities when considering the tradeoffs of moving other sectors off crab to balance net benefits to the nation.

Amendment 1 (to remove all mention of snow crab from the motion) failed 8-8

Amendment 2 passed 16-0

Amendment 3 passed 15-1

Main Motion as amended passed 11-5

Rationale in Opposition of Amendment 1

- *The three major EBS crab stock (snow, bairdi, and BBRKC) would all benefit from the short and long-term actions proposed in this motion; therefore, it is appropriate and important to include them for consideration.*

Rationale in Favor of Amendment 1

- *This agenda item is specific to BBRKC; therefore, it would be more appropriate for any action related to snow crab be taken up separately. Recommendations or actions related to snow/bairdi crab confuse and complicate the focus of this agenda item.*
- *A rebuilding plan is currently being developed for snow crab given its overfished status. Recommendations in this motion specific to snow crab are most likely already going to be*

discussed under that process. If additional actions related to snow crab need to be addressed either within or outside the rebuilding plan, they should be proposed at that time.

Rationale in Favor of Amendment 2

- *Data in the analysis shows that groundfish pot gear, primarily targeting cod, is a significant source of BBRCK mortality. This amendment is meant to broaden the suite of original options by including specific analysis on prohibiting groundfish pot gear only in the RKCSA (similar to the option included for trawl gear).*

Rationale in Favor of Amendment 3

- *This amendment is responsive to both public comment (from a variety of sectors and gear types), recent survey data, as well as information contained in the expanded discussion paper that the current RKCSA boundaries may no longer be appropriate or effective for protecting BBRKC, especially under changing ocean conditions. It is important to re-evaluate static closure areas like the RKCSA that have been in place for many years and may no longer be serving the purpose they were originally intended for.*

Rationale in Opposition of Amendment 3

- *Taking a deeper look into boundaries of the RCKSA is an appropriate ask; however, it should be included under the long-term goals and not the short-term goals. The purpose of the short-term goals is to take quick and meaningful action to help prevent the further decline of BBRKC. An analysis of the RKCSA boundaries would likely involve a longer analytical process that would be more appropriately considered within the long-term goals in this motion.*

Rationale in Favor of Main Motion as Amended

- *This motion aligns with comments from the SSC for where there is information available for action in the short-term while also incorporating longer-term, broader actions to help the three main BSAI crab stocks recover. The SSC voiced support for the data contained in the expanded discussion paper and commented that there is enough information within it to support analysis of fishing impacts on crab and crab habitat. (the SSC noted that the Fishing Effects Model could be leveraged for this analysis).*
- *This motion is nearly verbatim of the AP's motion that passed in April 2022. The BBRKC Expanded discussion paper provides further information to support the AP's previous motion from April asking to initiate analysis of alternatives to close the RKCSA/RKCSS to additional gears in order to reduce bycatch and fishing impacts on crab and crab habitat in an area known to be important to BBRKC. The short-term action could assess adequacy of the observer coverage on the pot cod fleet as part of the analysis and different coverage levels could be considered if it is determined to be inadequate for effective crab bycatch management.*
- *The longer-term action also builds on the April 2022 AP motion and more recent information from the Expanded Discussion Paper essentially creating a meaningful, comprehensive rebuilding plan with management actions to rebuild crab stocks that are at low abundance levels across the Bering Sea, especially BBRKC and BSS. Currently, the BSS rebuilding plan in development only sets timelines to rebuild, with no meaningful management actions to protect crab and crab habitat other than turning fisheries and bycatch on or off.*
- *Under the long-term recommendations, Alternative 2 would seek to create either static or dynamic closed areas to protect crab habitat, broodstock, high density areas of female or male crab, molting and mating crab, or other key life stages at times of low abundance. The analysis of this alternative should look to lessons learned from other countries, like Russia, Canada and Norway, that provide protections for molting and mating crab. An analysis of this alternative*

should review bottom contact and estimate crab and crab habitat impacts from all gear types. An analysis should also include an evaluation of the impacts of requiring pelagic trawl gear to limit bottom contact to no more than 10% of the time with available, enforceable technologies like bottom contact sensors.

- *Alternative 3 under the long-term recommendations would seek to create consistency in stock management for the crab fishery, stock assessment, and bycatch measures by aligning the crab PSC limit boundaries with the crab stock management area and stock assessment boundary.*
- *Alternative 4 under the long-term recommendations would seek to revise current crab bycatch management to create stronger incentives to avoid crab. The current PSC limit management does not create incentives to avoid crab, is ineffective for pelagic trawl because of the gear configuration and large forward meshes and does not exist for fixed gear. The potential of a 10% rollover provision for the crab rationalization program could help to reduce crab DMR through the ability to retain legal size crab rather than discard all crab once the exact poundage of IFQ remaining for a vessel has been reached on their last trip of a season. Other IFQ programs in rationalized fisheries have a rollover provision and one should be considered for crab as well.*
- *Both the short-term and longer-term actions should consider the economic impacts to the directed crab fishery in balancing trade-offs between all sectors potentially affected by the proposed actions.*
- *While not a specific ask in this motion, BSAI crab should be a high priority for monitoring and bycatch avoidance given the depressed status of many of the stocks (below state conservation thresholds or overfished). To this end, minimizing and avoiding crab should be considered a higher priority than halibut and herring PSC since these species are not at a level of conservation concern.*

Rationale in Opposition to Main Motion as Amended

- *This motion was previously put forward for Council consideration and not acted upon. Instead, the Council chose to move forward with an RFI and the expanded discussion paper under review at this meeting. Given the Council's direction from April 2022, putting forward a nearly identical motion does not make progress towards the goal of addressing BBRKC especially when the majority of the alternatives and analyses requested do not logically flow from information contained within the expanded discussion paper.*
- *With two Purpose and Need Statements and two sets of alternatives for analysis, the recommended action is large and confusing. Given the conservation concern facing BBRKC, action should focus on attainable measures that are likely to achieve the greatest positive impact as quickly as possible. It is important to focus on solutions that will result in the biggest positive impacts utilizing the best available information.*
- *Based on information contained within the discussion paper, as well as public comment, focused action regarding the RKCSA (as suggested under Amendment 3 for new Alternative 3) would make more sense than the motion put forward, which, if it were to go forward, may likely collapse under its own complexity. It would be more logical to focus on understanding if the current RKCSA is still achieving its original intent and goals rather than building action alternatives around an area that may no longer be accurate or effective for its intended purpose. Is the information used to establish the Savings Area still relevant, or should it be updated given advances in what we know about crab biology, distribution, and groundfish fisheries? Rather than consider closures to an old area, the RKCSA should be revisited with the best available science.*

- *Based on information contained within the discussion paper, another potential area of focus likely to have more immediate positive impact would be establishing a crab PSC limit for the pot cod fishery. This type of action would address a real, documented, known source of BBRKC mortality. The 2022 pot cod fishery has taken 131,603 animals year-to-date through September 24th (110,942 of them in September). This level of bycatch is occurring even under the development of voluntary best-practices. For 2021, pot gear (non-directed crab) took 776,998 female RKC as bycatch and with a 50% discard mortality rate that's 388,499 dead females. If a 20% discard mortality rate is applied (same as directed crab fishery), that is 155,399 dead female RKC. This is in contrast to 99 females taken as bycatch in the pelagic trawl fishery in 2021.*
- *The proposed motion lacks any action alternatives specific to the directed RKC fishery. Between 2015-2020, 7.4 million animals were discarded in the directed BBRKC fishery. With a 20% discard mortality rate, that results in over 1.5 million dead animals and the analysis states that 455,115 of these crab were female. During the same time period, the directed fishery retained 5.4 million legal size male crab, which is 2 million less animals than were discarded.*
- *Closing the RKCSA to the pelagic pollock fishery would move this fishery into an area that is known for high salmon PSC encounters. The fishing behavior of the pollock fleet is heavily based on avoiding multiple prohibited species with salmon being the top priority. The pollock fishery must consider the SCA closure area, which is next to the RKCSA, which is then next to another regulatory no trawl zone. If the pollock fishery can no longer access the RKCSA, it would be extremely difficult to find a clean fishing area to move. Pollock C/P fishing effort inside the RKCSA tends to be 10 percent or less of their annual effort and is often clean fishing. The pollock fishery uses salmon avoidance measures that are based on flexibility. Closing the RKCSA to the pollock fleet would provide less areas to move for the flexibility of salmon (and herring) avoidance. Based on historical fishing data, the tradeoff for moving the pollock fleet out of the RKCSA would be upwards of 300 additional Chinook salmon caught annually.*
- *It is unclear how the rollover provision would work to reduce directed fishery discards and increase flexibility. The rollover clause may reduce discards of legal-size males, but likely wouldn't reduce discards of undersized males or females, 20% of which are expected to die based on the discard mortality rate in the directed BBRKC fishery.*

D3 -D7

No action taken.

E Staff Tasking

Motion 1

The Advisory Panel recommends the Council designate two Alaska Native Tribal seats on the Advisory Panel to ensure an equitable opportunity to share Alaska Native Tribal perspectives as well as to benefit the Advisory Panel's suite of expertise.

Motion passed 9-7

Rationale in Favor of Motion

- *Alaska Native Tribes depend on the marine ecosystem for their way of life. Actions within the Council process have impacts upon this way of life; therefore, Alaska Native Tribes should have designated seats at the decision-making table. Alaska Native Tribes look at impacts to their way*

of life in a holistic manner including, but not limited to, climate change issues and food security effects. The intent of this motion is to further encourage opportunities for education and outreach to Alaska Native Tribes for participation and collaboration in the NPFMC processes.

- *Alaska Native tribes will look at this verbiage and specified seat designation as more of an invitation to actively engage and apply for these opportunities within the Council process. While it may appear as being overly prescriptive, requesting designated seats will ensure the AP encompasses a varied experience and perspective that goes beyond typical socio and economic considerations.*
- *Current Alaska Native Tribe AP representation is from the Bering Sea coast; however, not one individual can represent the broad expanse of native tribal regions. The Council and AP process would benefit by having more Alaska native participation on a diverse level in order to share responsibilities that come from being an active representative as well as bring greater perspectives for consideration on all actions.*

Rationale in Opposition of Motion

- *The current AP SOPPs specifies that there are no designated seats (or membership number) on the Advisory Panel. Given the AP's role and responsibility within the Council process, it is critical to maintain the current flexibility in selecting participants for AP membership. The Council has worked to ensure that AP membership is representative of the diverse set of fisheries, gear types, regions, and experience throughout Alaska, Washington, and Oregon. This flexibility allows the Council to adjust and support AP membership as issues of importance arise. Designating AP seats has the potential to set precedent that could change the entire composition of the AP and create designated seats for all stakeholders and participating sectors. This has occurred in other Council regions. Based on experience in these other areas, having designated seats can often make the seats harder to fill (based on specific experience potentially required to hold a seat). This can result in seats remaining unfilled, which could mean a smaller Advisory Panel that would ultimately have less broad representation than what has occurred under the current process.*
- *The current opportunities for participation in the Advisory Panel are open to any and all members of the public with interest in engagement to apply. Because there are no designated seats, the process naturally allows for a diverse section of the population to participate based on a broad range of relevant experience and interest. The Tribal and Native community should and does have ample opportunity, within the current process, to apply for these seats. It is unclear how designated seats would "ensure an equitable opportunity" when that opportunity currently exists in multiple forms including AP membership, CEC membership, LKTK taskforce membership, and stakeholder public comment through these public meetings as well as the Council meeting (in-person and remotely) itself.*
- *The discussion that resulted from the motion reflects a larger conversation that is going on nationally and in fisheries about improving diversity and involving more voices in the process. Inclusion of tribal perspectives and holistic viewpoints should definitely be a part of this. However, while enhanced engagement should be a Council priority, much consideration should be given to flexibility in AP selection that reflects the most pressing fisheries issues, and the current appointment process does this. Salmon returns to western Alaska have been especially low lately, and recent crab declines have impacted many stakeholders. These and other similarly pressing issues should drive the Council's AP appointment process instead of quotas and box clicking which may affect needed flexibility.*

Motion 2

The AP recommends that the Council initiate a discussion paper on a regulatory proposal to decrease the Steller Sea Lion closure around the haulout around ~~the Central Gulf of Alaska~~ Sutwik Island from 20 miles to 3 miles.

Amendment 1 failed 8-8 (to add Central Gulf of Alaska and strikeout Sutwik Island from 20 miles)

Motion passed 16-0

Rationale in Opposition of Amendment 1

- *The limited focus and intention of this recommended action is in direct response to public testimony on an issue specific to a Stellar Sea Lion Closure near the community of Chignik. This specific SSL closure has been rescinded for state water fishery participants, but the current federal regulation prevents federal fishery participants, particularly those with a pot Cod LLP, from fishing within the 20 mile zone. Changing this motion to include all Stellar Sea Lion Closure areas in the Central Gulf of Alaska is a much larger ask, takes away from the intent of the original motion, and would further prolong addressing the specific identified.*

Rationale in Favor of Amendment 1

- *Stellar Sea Lion closures to fishing and transiting areas negatively impact all fishermen and gear types (via increased transit times, inability to access clean fishing areas with high CPUE, etc.) in the Central Gulf of Alaska. At this time there are many Stellar Sea Lion area closures that greatly restrict federal fisheries. The consideration of decreasing the closure zone in one area invites the discussion to consider a change in boundaries of all of the SSL closures in the CGOA. If one SSL closure area is going to be evaluated, then expanding the area to include the Central GOA may create analytical efficiencies in addressing this significant issue.*

Rationale in Favor of Main Motion

- *In 2017 the Board of Fish took action to reduce the Stellar Sea Lion no fishing restriction around Chignik from 20 miles to 3 miles for pot gear in the Pacific cod fishery. Initiated in 2016, this action triggered a ESA Section 7 consultation. That determination found that reducing the closure area was unlikely to adversely affect the Stellar Sea Lion WDPS (Western Distinct Population Segment) or its critical habitat. The Board of Fish motion allowed pot cod gear to operate outside of the 3 mile zone near the community of Chignik. The Board of Fish is unable to address the inability of federal LLP holders to operate in the same manner; therefore, action is needed by the Council. With the existing Section 7 determination, this discussion paper should require minimum resources for completion. It is a very targeted action that would provide economic and operational relief as well as increase safety to the pot cod LLP fishermen in this local vicinity.*

Motion 3

The AP recommends that the Council requests NMFS suspend the recent policy change to establish a minimum age of 18 years old for the issuance of a Transfer Eligibility Certificate (TEC) until more information can be brought forward.

Motion passed 16-0

Rationale in Favor of Motion

- *The National Marine Fisheries Service (NMFS) developed an interim policy establishing a minimum age of 18 years old for the issuance of a Transfer Eligibility Certificate (TEC). A TEC establishes a person's eligibility to receive quota share (QS) or individual fishing quota (IFQ) by transfer in the halibut and sablefish IFQ Program. There are a number of minors who actively participate in IFQ fisheries and should be eligible to receive or purchase quota shares. The current age limit for a State limited entry permit is 12 years old. NMFS should reconsider this policy change and allow a change to be made that includes stakeholder input and takes into consideration the active participants in this fishery.*
- *Fishery stakeholders have expressed that their children have participated at young ages and have qualified for a TEC around the age of 16. This active participation from a young age helps to attract new entrants to the fishery and encourage the generational participation in family fishing businesses.*