



ADVISORY PANEL
Motions and Rationale
April 2-5, 2019 - Anchorage, AK

Committee Members in attendance (absent members are ~~stricken~~):

Christiansen, Ruth
Cochran, Kurt
Donich, Dan
Drobnica, Angel
Gruver, John
Gudmundsson, Gretar
Hayden, Natasha
Johnson, Jim

Kauffman, Jeff
Kwachka, Alexis
Lowenberg, Craig
Nichols, Carina
O'Connor, Jamie
O'Donnell, Paddy
Peterson, Joel
~~Seoblie, John~~

Stevens, Ben
Upton, Matt
Vanderhoeven, Anne
Velsko, Erik
Weiss, Ernie
Wilt, SinclairMember

The Ap Approved the minutes from the February 2019 meeting.

C2 Rockfish Retention

The AP recommends the Council adopt Alternative 2 (Preferred Alternative): Require full retention of rockfish species by all fixed gear CVs (hook-and-line, pot, and jig) in the BSAI and GOA.

In the Eastern Gulf Recommend Council adopt:

Option 1: establish an MCA of 215% (MCA a percentage of halibut and groundfish on board); and, 15% for sablefish

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

Demersal Shelf Rockfish: SEO/SEI/Icy Bay: DSR MCA allowances remain unchanged (10% against halibut, 1% against sablefish).

Western and Central Gulf Recommend Council adopt:

Option 1: establish an MCA of 10% against halibut and groundfish on board and 15% against sablefish on board

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

Suboption: Rockfish delivered above the MCA cannot enter commerce, with the exception of meal.

Demersal shelf Rockfish/yelloweye- establish an MCA of 5% against halibut and 1% against sablefish

BSAI: adopt option 1 and 2: Establish an MCA of 15%; require full retention even if the species is on PSC status but prohibit these retained rockfish from entering commerce

Suboption: Rockfish delivered above the MCA cannot enter commerce, with the exception of meal.

¹Option 3 for all areas: Exempt thornyhead rockfish from full retentions requirements pertaining to this action. This would apply to alternatives 2 and 3.

Amendment¹ passed 14-6

Amendment² (to make MCA in Eastern Gulf 10%) failed 6-14

Motion as amended passed 14-6

Rationale:

- *As the analysis states, this action will “improve data collection by providing more accurate estimates of catch, reduce incentives to discard rockfish, reduce waste, reduce overall enforcement burden, and promote more consistent management between the State of Alaska and Federal fisheries.”*
- *An MCA of 15% results in delivered incidental rockfish reflecting approximately 85% of the trips allowed to enter commerce. Another approximate 157-268 mt is projected to be restricted from entering commerce, but this amount would be delivered into multiple communities throughout the year, distributing and mitigating impacts to processors.*
- *Fixed gear fishermen are incentivized to control rockfish bycatch rates to the established MCA because there is no compensation to harvesters for amounts in excess of the MCA*
- *Establishing different MCAs for central and western gulf rockfish in the halibut fishery is important because rockfish abundance is lower in these areas and pressure on rockfish stocks from trawl fisheries frequently triggers PSC listings. A 10% MCA against halibut on board more properly reflects historical bycatch in the Central/western Gulf, hence removing incentives to “top off” with rockfish.*
- *Rockfish are more abundant in the Eastern Gulf; the higher MCA reflects incidental bycatch amounts.*
- *DSR limits have been set by ADFG in the Eastern Gulf to properly reflect incidental bycatch and should not be increased to prevent “topping off”.*
- *DSRs are not managed separately in the Central/Western Gulf, however, establishing an MCA for yelloweye removes incentives to “top off”.*
- *If a rockfish species moves onto PSC status, the MCA is effectively set at zero. There is no financial incentive to target them, but the fish still get utilized.*
- *Bycatch of fixed gear rockfish will go down as more vessels switch to pots*
- *The program is anticipated to go through annual inseason reviews where the Council could adjust the program or MCA amounts if fishing behavioral changes are flagged and/or negative impacts are posed on other sectors*

Rationale in support of Amendment #1:

- *Unlike other rockfish, thornyhead do not have a swim bladder and can have high viabilities when released. Management measures should be designed to decrease rockfish mortality to the extent of possible.*
- *Under status quo, thornyhead would still be subject to an MRA of 15%; full retention is still required, however at the beginning of trips there may be limited but important opportunities to release thornyhead before target species are on board. The thornyhead MRA should still be accounted for under the MCA and additional release should be allowed if, and once, the MCA is reached.*

Rationale in opposition to Amendment #1:

- *While the intention to save viable incidental rockfish catch is good, the addition of this element has not been thoroughly analyzed so the implications of the exemption cannot be fully understood at this time. One of the anticipated benefits of this program is that full retention*

will aid in increasing the success of EM integration. Exempting one species from the full retention requirement may complicate this objective.

Rationale in Opposition to Amended Main Motion:

- *The amended language including thornyhead exemptions has not been thoroughly analyzed. Extensive conversation and questions about the execution of the exemption speaks to the way in which it may potentially complicate the action and undermine its original intent. With the inability to understand the full suite of implications to the preferred action alternative overall, it is not appropriate at the time of final action.*
- *This action could exacerbate PSC closures for the trawl fisheries if the MCA is set higher than the actual incidental catch of rockfish and incentivizes topping off behavior. These behaviors should be modeled and analyzed more fully before action is finalized.*

C3 BSAI Cod Trawl

The AP recommends the Council select Alternative 2, Option 1, Sub option 1.3 and Option 2, and Alternative 4 as its final preferred alternative.

Motion passed 19-1

Rationale:

- *Since 2016 there has been an influx of six to seven catcher processors operating as motherships that are displacing historical processing participants and negatively impacting communities, while causing management and conservation problems.*
- *Halibut rates have been alarmingly high as effort is shifted earlier in an already shortened BSAI trawl CV cod season.*
- *Limiting catcher/processors (CPs) operating as motherships to the two historically dependent CPs with consistent activity in the BSAI trawl CV cod fishery before, and after Amendment 80, will help return the fishery to long-term stable processing patterns to benefit communities, shore side processors, and catcher vessels.*
- *The analysis indicates the restrictive sub-options of Alternative 2 are responsive to the purpose and need. Limiting entry is a common tool used by the Council to address excess capacity issues in a fishery.*
- *Sideboards under Alternative 3 are not necessary for the two qualifying historic mothership CPs and imposing them would likely delay implementation of the final rule, cause in-season management challenges, and does not reflect their participation in the fishery.*
- *Alternative 3 does not encompass the two qualifying CP's participation in the BSAI trawl CV cod fishery because it doesn't include AI history. A sideboard punishes them for past stand downs to help reduce halibut bycatch and when Adak's plant faced regulatory uncertainty.*
- *Sideboards would complicate management, requiring additional decisions about- whether they would apply to A/B seasons, how to account for incidental catch, and whether they be imposed as a hard or soft cap, all of which have unintended and detrimental management consequences.*
- *A sideboard is not an allocation and would likely cause a race, leading to higher halibut bycatch by shifting effort earlier into the A season*
- *There are expectations that the two qualifying vessels under Alternative 2 will not increase their historic levels of participation and have already been operating at full capacity; this was confirmed in public testimony and reflected by their consistent participation. The Council*

always has the right to impose sideboards at a later time should these offshore operations change.

- *Testimony and written comments from BSAI cod shoreplant and community representatives acknowledged that the two qualifying historic mothership CPs are not part of the recent problems the purpose and needs seeks to address.*
- *Limiting the entry of CPs operating as motherships will not result in a lack of processing capacity in the BSAI trawl CV cod fishery, which is provided through the numerous BSAI shoreplants, floaters, and the two historic mothership CPs as there was in the past.*
- *The catcher processors that would not be allowed to take cod mothership deliveries under this action would still be able to provide offshore processing in other fisheries and will still have access to their secure limited access privilege program allocations that have sustained their businesses in the past. The analysis shows two distinct patterns of participation/dependence.*
- *Catcher vessels will still have access to a variety of markets in the BSAI trawl CV cod fishery as they had in the past. A lack of BSAI processing capacity has not been identified as a problem the Council is seeking to address. However, some have emphasized that this action should not substitute a more comprehensive approach to issues within the BSAI cod trawl CV fishery that warrant further consideration of a catch share program.*
- *Aleutian Island (AI) stakeholders expressed concerns with any action that would allow additional motherships beyond the two historic mothership CPs. If additional motherships were to only take deliveries in the AI, BSAI onshore participation would still be eroded because the CV trawl allocation is BSAI wide and AI CV deliveries would reduce the aggregate sector allocation, which is counter to the purpose and need. A tight BS sideboard on any additional motherships would also have the effect of shifting more effort into the AI.*
- *Alternative 4 is meant to harmonize the existing AFA catcher processor restrictions on replacement vessels so that a replaced A80 catcher processor can't become a floater and process cod. The action will not impact floating processors and AFA true motherships which are vessels that don't engage in harvesting fish and only take deliveries.*
- *Action to control offshore cod deliveries is urgent and the public is advocating for implementation of the final rule for 2020.*

C4 Scallop SAFE

The AP recommends the Council accepts the scallop SAFE as well as the ABC and OFL as recommended by the plan team and the SSC.

Motion passed 20-0

C5 BS Snow Crab PSC

The AP recommends the Council direct staff to draft another initial review analysis incorporating the information from the data report provided at this meeting. In addition, the initial review draft should address any additional points made by the Council's SSC and CPT on this topic and any points made in public comment at the December 2018 and April 2019 meetings. **The AP asks for the snow crab data requests be provided to an informal stakeholder group (directed users and trawl/HAL groundfish representatives) for review with the intent that this group use the data to make modifications to the Council's current Purpose and Need and suite of Alternatives and provide these suggested modifications to the Council for consideration moving forward.**

Amendment passed 11-9

Substitute motion:

The AP take no further action on this item.

Substitute motion failed 1-19

Motion as amended passed 19-1

Rationale:

- *The Council motion, in part, instructed NMFS and Council staff to “provide additional data on C. opilio bycatch in the directed crab and groundfish fisheries that describes the spatial distribution of bycatch throughout the BSAI by gear and fishery.” Crab industry stakeholders interpreted this motion to include all the data requests from the ABSC comment letter to the Council at their December 2018 meeting.*
- *The crab industry appreciates the Council continuing to make progress on reviewing the snow crab prohibited species catch limits to consider abundance-based management approaches given the many changes that have occurred since these limits were implemented in 1997, as noted in the Council’s purpose and need statement.*
- *Further analysis will provide an opportunity to review the PSC limit to consider whether current best practices are being used for bycatch management and to ensure regulations are not outdated or unnecessary.*
- *Further analysis will also provide an opportunity to review the best available information on crab bycatch and whether various fisheries are having a disproportionate effect on males or females or certain sizes of crab that might impact the overall health of the crab resource.*
- *A thorough review of bycatch could consider a variety of spatial information that has not been historically available for analysis.*
- *Previous requests for data on effort (tow duration) by trawl sector (both pelagic and non-pelagic) by area, overlaid with snow crab abundance (by size and sex) by area would provide more information on potential impacts on the resource.*
- *Spatial review (GIS analyses) would be based on data layers that may include; annual and seasonal snow crab distributions by sex and size, habitat/bottom type/depth across fishing and survey areas, and annual/seasonal commercial effort by gear type.*
- *The analysis should focus strongly on fishing effort summaries of all bottom contact gear types (effort in: hours towed, pot lifts, skates/hooks fished, etc.), including directed crab fisheries.*
- *The crab industry recognizes and appreciates that the Amendment 80 trawl sector reduced their impacts on crab by raising their trawl sweeps (circa 2011). The directed crab fishery is also actively working to reduce their impacts on crab by working with the Alaska Department of Fish and Game and the Board of Fisheries to change fishing practices and retain more snow crab.*
- *The original COBLZ area and PSC limits were developed through negotiations by the trawl and crab sectors. We now have better science available to estimate the efficacy of the COBLZ area and PSC limits and whether those boundaries are still relevant.*
- *The comparison of observer coverage is not apples to apples between the crab and trawl sectors.*

Rationale for Amendment:

- *This request is directly responsive to both public and written testimony requesting that an update to snow crab bycatch management be a collaboration across all sectors to avoid conflict between competing interests, where possible. It is acknowledged that directed users and groundfish representatives may not come up with fully agreed upon modifications;*

however, the collaborative process has already been initiated and this ask is intended to support and capitalize on those initial conversations as well facilitate the overall analytical process.

- *The current initial review analysis highlights a disconnect between the broad Purpose and Need Statement and the specificity contained in the suite of action alternatives. Because of this disconnect, it is difficult for affected stakeholders (and others) to know the exact issue to be addressed under this agenda item (directed crab users have their ideas while the various groundfish sectors have theirs).*
- *The goal of the affected stakeholder group is not necessarily to agree upon any particular regulatory outcome moving forward. Instead, the goal is to use the best available information and data to narrow in on a particular problem (or problems) as well as a potential set of more appropriate solutions. Included in this would be a description of those areas where the stakeholders have common ground and those areas where a divergence may exist. It is acknowledged that this goal is encompassed in the Council and AP process itself; however, supporting and encouraging a collaborative process between affected stakeholders should serve to facilitate the overall analytical process, especially given the disconnect that currently exists. Council and AP members will continue to provide input and feedback as they normally would, including on the outcomes from the stakeholder group meeting(s).*
- *The intent of the stakeholder group, with its potential modifications to the Purpose and Need and suite of Alternatives, is not to slow or impede the analytical process. There may be multiple ways and timelines for the Stakeholder group to accomplish its task and provide a report to the Council (e.g., at a meeting prior to or at the same meeting when the next initial review takes place) but in general, the intent is to focus and inform a better initial review analysis.*

C6 CQE Fishup

The Advisory Panel recommends the Council move forward for final action the following Alternatives to allow fishing of “D” class quota on “C” class vessels for CQE communities in Area 3A. **(PPA in BOLD)**

Alternative 1: No Action

Alternative 2: Allow CQE communities to fish D class quota on C class vessels:

Option 1: Anytime

Option 2: August 15

Option 3: September 1

Motion passed 11-9

Rationale:

- *This action is responsive to the Purpose and Need; “Modifying the program to allow CQEs to fish D class quota on C class vessels in Area 3A will further the Council’s intent of encouraging CQE communities to secure long-term opportunities to access halibut.”*
- *The CQE program was created as a response to significant reductions of IFQ quota permits held in small coastal Alaska communities relative to historical participation.*
- *Since its implementation in 2004 only 2 out of the 21 eligible communities in areas 3A and 3B have been able to obtain quota, highlighting the ineffectiveness of the program as developed and the continuing barriers for communities to obtain quota.*

- *CQEs are cumulatively limited to 10% of the Area 3A “D” class quota. Because this is such a small amount of quota, allowing CQEs to fish “D” class quota on “C” class vessels is unlikely to impact demand for quota and pricing for “D” class quota, which is highlighted in the analysis.*
- *There are no options for limiting this provision to a specific number of years or to a transition date because of the concerns raised by NMFS regarding monitoring and enforcement.*
- *Overall the analysis indicates that there is very little “D” class quota owned by CQEs and that the total “D” class quota they can own is about 10%, or roughly 48,000 lbs. The CQE “fish up” provision is important so that “D” class quota can be retained in the community. This action is aligned with the Council’s policy to encourage the purchase and retention of “D” class quota in CQE communities.*
- *A CQE is only allowed to lease its quota to a resident of that community. If there isn’t a vessel available to residents, they are forced to lease a boat and possibly crew from a different town, which increases the cost to harvest the quota.*
- *The margin on the debt service is very narrow and additional costs of hiring outside vessels and crew could make repaying the debt untenable.*
- *There is a fundamental difference between allowing an entire community to provide fishing opportunities by allowing a CQE to fish up and allowing individual quota holders to do the same.*
- *The recommended preliminary preferred alternative allows CQEs in Area 3A to fish “D” Class quota on “C” Class vessels anytime during the year and is chosen as a response to NMFS with the intention to keep costs to a minimum.*

Rationale in Opposition

- *This action further degrades new entrant and small boat opportunities under the IFQ program by allowing exceptions for “D” class quota.*
- *This regulatory action is being created for a very discrete issue that can be solved by non-regulatory routes; the “D” class quota can be sold and transferred to “C” class and larger vessels can be leased from outside of the community to fish the quota shares.*
- *The analysis, implementation and monitoring of this action will lead to increased costs to IFQ holders under the cost recovery fee program to address a very limited issue that has other non-regulatory options.*
- *This is an economic issue, not a safety issue; “D” class quota has been commonly held and fished in 3A and caution should be taken with the potential precedent set in describing this as an operational safety issue. Preserving historical small boat opportunities in the IFQ fishery is important.*

C7 Observer Fee Analysis

The AP supports the recommendations of the Fishery Monitoring Advisory Committee (FMAC). In particular the AP supports the following:

- 1) Delay scheduling final action until fall.
- 2) The FMAC revisions recommendations for the next draft of the Fee Analysis.
- 3) The FMAC Subgroup continued development of ideas for potential cost savings and improved coverage.

The AP also agrees with the FMAC observation that a fee increase in isolation is NOT a long-term solution to rising costs of the Observer Program even at the regulatory maximum of 2%. The

analysis shows that observer fees are increasing faster than ex-vessel revenues and in the near future the program might not even be able to meet the 15% base **coverage** rates.

The AP agrees with the 2017 recommendation of the FMAC that developing changes that reduce the cost of at-sea monitoring should be prioritized above a fee increase.

Amendment passed 19-0

Motion as amended passed 19-0

Rationale:

- *The Partial Coverage Observer Program costs are out of line with market conditions and stakeholder expectations. The cost per observer day are projected to be between \$1100 and \$1900 dollars per day for partial coverage while the cost per day for the full coverage fleet is approximately \$600 per day.*
- *Program deliverables may not be achievable despite the high program costs. It was reported that revenue produced by the fishery will be insufficient to keep pace with the increased cost of the program being contemplated. Moreover, the projected progressively increasing cost will barely keep the program above the benchmark 15% observer coverage.*
- *The Program may be preempted by other changes in the industry. Holding off from taking final action on the fee increase in June is a prudent step should the Council move forward with Gulf rationalization and/or full observer coverage, both of which would materially impact the partial observer coverage program assumptions and deliverables.*

D2 Salmon Committee Report

No action was taken on this item.

D3 Sculpins

The AP recommends the Council initiate an analysis to identify sculpins as a non-target stock in the BSAI and GOA FMPs, including the option to categorize them as an Ecosystem Component species. The Council may choose to consider the following in developing a Purpose and Need Statement:

- There is no directed fishery for sculpin species in the BSAI or GOA
- Sculpins are caught incidentally during the pursuit of other target stocks and are generally not retained
- Sculpin catch has been substantially below ABC and OFL
- Sculpins are not experiencing overfishing and in the absence of a directed fishery, they are unlikely to be overfished

Motion passed 20-0

Rationale:

- *Data and information contained in the discussion paper indicate that sculpins meet the management definition of a non-target stock. Under this definition, options are available to classify conservation and management measures for sculpins or to establish them as an Ecosystem Component species (not in need of conservation and management measures). An analysis will help to distinguish which of these options is most appropriate for sculpins.*
- *It is important to manage species in the most appropriate manner available and precedent for this action has been established with previous Council action taken on both grenadiers and squid.*

D5 EDR Discussion Paper

The AP recommends that the Council initiate a regulatory analysis to consider alternatives that:

- 1) remove any requirements for third party data verification audits under the existing programs and reduce burdens associated with this process
- 2) revise requirements for aggregation of data across submitters and blind formatting in the crab data collection program to make those data aggregation and confidentiality protections comparable to the requirements under other data collection programs.

In addition, the AP recommends that staff undertake a process to propose revisions to the current data collection programs. Recommended revisions should consider:

- 1) The Council's stated needs for economic and social science information and the utility of data for analysis of impacts of Council actions and for research that provides a better understanding of the impacts of future actions;
- 2) data that are also collected in other data collection programs (such as the Commercial Operators Annual Reports) which may be duplicative and unnecessary to collect as a part of the Economic Data Reports (EDRs);
- 3) alternatives for creating more consistency across EDRs to increase the utility of economic and social information in analyses of Council actions and management program reviews and to support research that provides a better understanding of the impacts of future actions; and
- 4) tradeoffs between aggregation of elements used to reduce reporting burden by streamlining collection and the effects of the loss of detail from that aggregation on the accuracy of resulting analyses.

Staff should consult the Social Science Planning Team, submitters, and data users of the various EDR programs in developing these recommendations. The recommendations should be developed to reduce burden and improve the practical utility of data collected through the elimination of duplicative data elements and elements of little analytical utility and the modification of specific data elements to achieve greater consistency across EDR programs. The recommendations should also consider the benefits and costs of implementing more standardized EDRs with appropriate variations to address different operation and gear types.

5) Consider removing the requirement for EDR's in the GOA Trawl fishery until such a time as there is a Rationalized Fishery in the GOA.

Amendment passed 11-9

Motion as amended passed 19-1

Rationale:

- *This action is responsive to public testimony and designed to reduce the burden and cost associated with the current EDR process.*
- *The revisions requested to the data collection programs are meant to increase data quality and consistency, reduce duplication and increase efficiencies for submitters and data processors.*
- *The audit selection rate does not feel random and the rate appears to have increased to justify covering the cost to conduct the audit. This process is time consuming and burdensome and often does not provide useful feedback to those being audited.*

Rationale in support of amendment:

- *The amendment is meant to consider the efficacy of removing the EDR requirements for the GOA.*
- *The requirements for the GOA were intended to provide baseline information in the case a rationalization program was implemented. The Council should determine whether enough baseline information exists before removing requirements. If a program is implemented in the future, the requirements could be reinstated, but at present the costs and administration are high and the usefulness of continued data collection is unclear.*

Rationale in opposition:

- *Important economic data can be achieved between now and when a rationalization program is implemented and data collection in the GOA should be left intact and current, although opportunities for streamlining data should be explored.*

D6 IFQ Eligibility

The following motion failed, and no other action was taken: Motion fails 10-11

The AP recommends the proposed recency options be part of upcoming consideration of hired master provisions.

There are multiple ways to approach concerns about active participation by initial recipients in the IFQ halibut and sablefish fishery related to B, C and D class shares. Recency and hired master provisions are two key elements of achieving that goal. The AP recommends that the Council have staff bring back a discussion paper to determine which approach, or a combination thereof, is most likely to be effective in ensuring that the IFQ halibut and sablefish program is adhering to Objective 6 of the original EIS.

D7 IFQ Committee Report

No action was taken on this item. The Advisory Panel would like to note that they were not given copies of the written committee report at the time of presentation due to time constraints.

D8 Sablefish Discards

The AP recommends the Council consider the following draft purpose and needs statement and alternatives for analysis to consider a voluntary, careful sablefish release allowance.

Given the irregularity in the occurrence of large year classes of sablefish, safeguarding small sablefish to ensure they have the opportunity to reproduce could have a positive impact on the spawning stock biomass and the fishery that depends on it. Further, there are likely economic benefits to fishermen, processors, and coastal communities in releasing small sablefish.

Alternatives to be included in sablefish release analysis:

Alternative 1: status quo

Alternative 2: Allow voluntary release of sablefish

Option 1: voluntary release below 55 cm.

Option 2: voluntary release below 60 cm.

Option 3: voluntary release with no size specification

Additional elements under Alternative 2:

- Discard mortality would be deducted from ABC in the following year. Discards would be estimated based on observer and EM data.
 - ²Option 1: discards deducted from total ABC
- ~~Option 2:~~ **Respective** discards deducted from **IFQ fixed gear** and trawl sectors separately
- Discard mortality rate would be initially based on proxy rates while Alaska develops DMR rates.
 - Option 1: 12% (Stachura et al)
 - Option 2: 16% (State of Alaska)
 - Option 3: 20% (PFMC)

Establish careful release requirements for sablefish (similar to halibut)

- ³**100% observer/EM⁴ coverage and vessel specific debiting of IFQ.**
- **Partial observer /EM⁴ coverage and vessel specific debiting of estimated discards to unobserved vessel IFQ**

Amendment¹ (to remove option 3 from Alternative 2) failed 5-16

Amendment² passed 21-0

Amendment⁴ (to add “/EM” to Amendment⁴) passed 20-0

*Amendment³ (two add **bolded** bullets) failed 5-16*

Motion as amended passed 18-3

Rationale:

- *Sablefish are a valuable species and their recruitment is estimated to be highly variable. The sablefish spawning biomass is currently estimated at low levels. The recent large year classes are beginning to mature and need the opportunity to reproduce and contribute to the stock.*
- *Stakeholders have expressed that there would be a conservation benefit to releasing small sablefish.*
- *A voluntary release allowance is appropriate as a mandatory requirement could disproportionately affect areas where smaller fish are more prevalent.*
- *It will be necessary to develop observer-based DMR's with a voluntary release amendment.*
- *The careful release of small sablefish will be very important to increase survivability rates - regulatory language will need to be developed reflecting that expectation.*
- *The trawl and fixed gear sectors are subject to the same ABC; future analysis should explore ways to isolate the impacts of sablefish discard accounting on the trawl sector.*

Minority Report:

A minority of the AP did not support allowing the longline sector to voluntarily discard sablefish without protections in place to ensure adequate monitoring and the ability to track discards at the individual IFQ or vessel level. This fishery falls under partial observer coverage and we do not have enough baseline data to adequately estimate how much discarding could occur. We were concerned that failing to provide 100% observer coverage would preclude the ability to accurately track discards, or the ability to account for discards at an individual vessel or IFQ level and result in longline discards being counted at least partially against the trawl sector. We are further concerned that allowing voluntary discards will encourage high-grading, and that concentrated removal of larger fish will harm the immediate spawning potential of the sablefish stock.

Signed by: Ruth Christensen, Patrick O'Donnell, and Anne Vanderhoeven

E Staff Tasking

Motion 1

The AP recommends that the Council initiate a discussion paper to develop a mechanism for the Recreational Quota Entity (RQE) to fund the purchase of Halibut quota shares by selling Halibut stamps to charter operators. All Halibut charter operators would be required to purchase a Halibut stamp for each client each day that they plan to harvest halibut on a charter vessel.

- This document should include an example of stamps used to harvest animals or fish (like the State King salmon Stamp or the Federal Migratory waterfowl stamp)
- Stamps would be sold by the RQE to charter operators, who in turn would provide them to guided Halibut anglers.
- The document should inform the Council on the amount of revenue generated by the sale of a stamp for each Guided Halibut trip taken to better understand the appropriate fee to charge. Consideration of \$10, \$15, and \$20 per stamp should be included.
- The fees collected by the RQE would be used to purchase Halibut QS and would also be used to fund administrative costs of the RQE program and all other purposes as described by CFR 83 FR 47819
- Consideration should be given to having both a one day and 3-day stamp
- NMFS would approve the design specifications of the stamps and would conduct an annual financial review of the Stamps sold and other related expenses.
- NMFS would require and enforce the requirement for guided anglers to be in possession of a valid Halibut stamp when harvesting Halibut on a charter vessel.

Motion passed 10-8

Rationale:

- *The Council created the RQE program three years ago. During development of the program, the Council lacked the regulatory authority to establish a funding mechanism for the RQE to purchase QS. At the last meeting the Council unanimously supported a letter to the NMFS about Magnuson Stevens Reauthorization that included a proposed amendment to give the NPFMC that authority. This legislation is now moving through Congress.*
- *This document and the subsequent actions that may follow are critical to avoid an allocation fight that will come with the 2021 Halibut Catch Sharing Plan allocation review. Without a functional market-based allocation system in place, contentions will run high surrounding perceptions of uncompensated reallocation of halibut.*
- *This is the final piece to the RQE and Halibut Catch Sharing Plan that the Council has supported over the last seven years.*

Rationale in opposition:

- *Halibut stamps could be viewed as a tax on accessing a public common pool resource that would benefit only the RQE. Game stamps and others return revenues to the state.*

Motion 2

The AP encourages the Council to work with the Agency to identify and implement measures to restore the Bering Sea Limitation and Aleutian Islands (BSAI) Set Aside, Amendment 113, previously unanimously approved by the Council in December 2018, before the fishery starts in 2020.

Motion passed 18-0

Rationale:

- *The combination of decreases to the cod TAC, increases to the GHL fishery and increases in participation has resulted in an unprecedented pace for the cod fishery in the Bering Sea, which has been closing on TAC earlier every year and has faced higher halibut PSC rates.*
- *The challenges with the cod fishery today only underscore the importance of AM 113; without the protection of the CV set-aside, it is likely the trawl CV cod fishery in the Aleutians will be preempted by the full BSAI CV sector allocation being taken in the Bering Sea before the Aleutian fishery opens. This will have very detrimental impacts on Aleutian Island communities and processor operations and bycatch issues will continue to be exacerbated.*
- *The AP believes that community protection measures are even more important today than when AM 113 was implemented and asks the Council to explore options to address the court's concerns with record deficiencies in regards to NS 4 and NS 8*

Motion 3

The AP recommends the Council initiate action to amend the BSAI crab FMP to affirm the 7-year review cycle as determined in June 2017.

Motion passed 18-0

Rationale:

- *This action is described as a "housekeeping" amendment in the document.*
- *The BSAI crab rationalization program is mature and has been heavily reviewed, most recently in 2016. (Four times in total – 18 mo., 3 yr., 5 yr., 10 yr.)*
- *A seven-year review cycle does not preclude actions from being contemplated on a separate track or timeline.*
- *Program reviews are time and resource intensive.*
- *Stakeholders have been under the assumption that the program will be reviewed on a seven-year review cycle going forward and have no objection.*

Motion 4

The AP asks the Council to request that NMFS review reporting time limits for trawl catcher/processors as the current regulations found at 50 C.F.R. 679.5(c)(4)(ii)(B) are unclear. The AP recommends that regulations clarify that trawl catcher/processors must designate management program and/or CDQ group within 2 hours after completion of weighing all catch in the haul.

Motion passed 18-0

Rationale:

- *Current reporting regulations for trawl catcher/processors describe different time limits for designating a haul in the vessel's logbook to CDQ or a non-CDQ management program.*
- *Taken on its own, current regulations require that, if the haul is assigned to the CDQ Program, the harvesting vessel must designate a CDQ group number within 2 hours after completion of weighing all catch in the haul. However, since vessels are required to declare a non-CDQ management program within 2 hours of gear retrieval, the regulations could be interpreted to mean that waiting longer than 2 hours after the gear is retrieved would automatically assign the tow to the CDQ Program and the assignment to a specific CDQ group would be pending.*

- *Interpreting the regulations to mean that waiting longer than 2 hours after gear retrieval would automatically assign the tow to the CDQ program could result in the vessel being forced to assign a tow to the CDQ program without sufficient time to assess the species composition of the haul. The species composition of a haul, whether target, bycatch, or PSC, influences the decision of which management program or CDQ group the tow is assigned.*
- *CDQ groups engaged with NMFS staff and NOAA Enforcement for clarification on the regulation and both recognized that the regulations are confusing and could result in an interpretation that is inconsistent with the intent of the regulations.*
- *NOAA Enforcement noted that they were unaware of any enforcement action directly resulting from this regulation but recognized that the way the regulations are written are unclear and could cause confusion.*
- *Reporting time limit regulations found at 50 C.F.R. 679.5(c)(4)(ii)(B) apply to trawl catcher/processors in general, which includes both AFA and Amendment 80.*
- *Since this is a recordkeeping and reporting requirement revisions can be made outside of the Council process with NMFS reporting on the progress periodically*

Motion 5

Pass the minutes from the February 2019 meeting.

Motion passed 18-0