



Advisory Panel MINUTES

FEBRUARY 7-10, 2023 – Seattle, WA

The Advisory Panel met Tuesday, February 7, through Friday, February 10, 2023, at the Renaissance Hotel, in Seattle, Washington. The following members were present for all or part of the meetings (absent members are ~~stricken~~):

Briggie, Tamara
Edson, Jesse
Gudmundsson, Gretar
Heuker, Tim
Johnson, Jim
Johnson, Mellisa

Kavanaugh, Julie
Laitinen, Rick
Mann, Heather
Mitchell, Lauren (Co-VC)
O'Donnell, Paddy
O'Neil, Megan

Price, Landry
Radell, Chelsae
Ritchie, Brian (Chair)
Upton, Matt
Wilkins, Paul (Co-VC)
Zagorski, Suzie

The AP approved the minutes from the December 2022 meeting.

C1 Snow Crab Rebuilding

The Advisory Panel (AP) recommends that the Council select Alternative 2 Option 2 as the preferred alternative for final action for rebuilding Bering Sea snow crab.

Motion passed 18/0

Rationale in Favor of Motion:

- *The analysis shows that the maximum time to rebuild the snow crab stock is 10 years and that fishing impacts from both directed and bycatch fisheries do not significantly change the timeline to rebuild between the options. The action alternatives and options in the rebuilding plan will all have severe social and economic impacts on the crab industry and the associated fishing communities. In order to minimize economic impacts while rebuilding and to provide opportunity for a directed fishery which supports harvesters, processors, and communities, the AP recommends the Council adopt Alternative 2 Option 2, as the preferred alternative for final action. The opportunity for a small directed snow crab fishery is especially important for a community like St. Paul where the continuation of subsistence opportunities is tied to the commercial fishery.*
- *The preferred alternative retains existing conservation measures within the ADF&G harvest strategy that closes the directed fishery at low levels of abundance. The preferred alternative best complies with the Magnuson-Stevens Act requirement to rebuild the stock as quickly as possible while taking into account the needs of fishing communities.*
- *The rebuilding plan is primarily focused on timeline requirements to comply with the Magnuson-Stevens Act as a result of the overfished determination from October 2021.*
- *The current suite of rebuilding alternatives and options do not include conservation or monitoring measures but there is potential for additional precautionary approaches through*

adoption of additional management measures. The AP encourages the Council to consider these for a trailing action. Inclusion of such measures may benefit conservation and provide the snow crab rebuilding plan a higher likelihood of success within Tmax. The AP noted this was important, particularly given increasing uncertainties around climate impacts, continued fishing, and habitat impacts. For guidance on what may be considered, the AP noted that the Crab Plan Team recognized positive benefits to several conservation and monitoring measures in their January 2023 meeting minutes under C2, with particular focus on reducing prohibited species catch limits, removing floors, and aligning management/monitoring boundaries.

- *All sectors have the opportunity to reduce their fishing and habitat impacts on snow crab and can take voluntary actions to do so to help rebuild snow crab.*
- *This motion is responsive to the 10 National Standards. Particularly #s 2, 4, 6, and 8:*
 - *National Standard 2: The best available science is that Alternative 2 Option 2 is not expected to extend the rebuilding timeline over Alternative 2, Option 1.*
 - *National Standard 4: This action seeks to be fair and equitable to both directed and non-directed users.*
 - *National Standard 6: This action and future periodic reviews required by the MSA will allow for variation and contingencies.*
 - *National Standard 8: This action considers the needs of fishing communities and provides for sustained participation as well as minimization of adverse economic impacts.*

C2 NSRKC ABC/OFL

The AP acknowledges the receipt of the CPT report and SAFE document. The AP recommends the Council approve the 2023 OFL and ABC for Norton Sound Red King Crab as recommended by the SSC.

Motion Passed 17/0

Rationale in Favor of Motion:

- *The AP appreciates the effort and work-product provided by the CPT and SSC.*

C3 Area 4 Vessel Use Cap Interim Measures

The AP recommends to the Council that they take final action to:

Waive the Vessel Use Cap regulations under 50 CFR Section 679.42(h)(1) for halibut in IPHC Regulatory Areas 4A, 4B, 4C, and 4D, to act as an interim measure through 2025, unless the Council takes action to implement a permanent regulatory action revising vessel use caps passed by the Council in June 2022.

The AP also recommends to the Council that they prioritize analysis and implementation of the permanent regulatory action to revise vessel use caps.

The analysis should consider the impact of vessel use cap revisions in each of Areas 4A, 4B, and 4CD as individual areas and consider permanent action in each area accordingly.

Motion Passed 18/0

Rationale in Favor of Motion:

- *As staff have been unable to dedicate the time to find a clear long term solution, this agenda item is meant as an interim solution to an emergent problem.*
- *The AP feels that an interim solution with a 3-year sunset (rather than 5-year) will give council staff the time needed to develop a set of reasonable alternatives for a longer term solution to this agenda item. Concern was voiced by stakeholders (including the parties who originally proposed this action) that a 5-year “interim measure” is too long. The main concern is that eliminating vessel caps in all of IPHC Region 4 for a 5-year period may irreversibly reduce fleet size, crew opportunity/new entrance, and local support sector employment; in its place, business models could begin to be built based on quota consolidation by non-local boats fishing well above historic caps.*
- *The analysis states that during past rulings on this request as an emergency action “The Council was clear that it strongly supports vessel caps in the IFQ Program.” For this principle to be maintained, area specific differences should be considered in development of long-term solution.*
- *The AP noted that aside from concerns related to the Covid-19 pandemic, this action was presented specifically to address concerns in Area 4CD where access to the regional processor in St. Paul has been lost. Other areas have retained continued access to local processing (4A). Analyses of a long term solution term should consider breaking down impacts between IPHC areas 4A, 4B, 4C and 4D separately, as the current analysis shows differences in the impacts between each of these regions. Most of the data in the current analysis is already presented in this format and further incorporation may benefit analyses without affecting the timeline or drafting of a document which addresses a long-term solution.*
- *Vessel caps are a critical component of maintaining one of the original intents of the halibut IFQ program. Other provisions such as, owner on board or leasing restrictions, and quota use caps will remain in place under this action.*
- *This motion is responsive to the 10 National Standards. Particularly #s 5, 7, and 8:*
 - *National Standard 5: Considers efficiency in utilization and allows for variations among and contingencies in fisheries by increasing flexibility for fishers.*
 - *National Standard 7: Minimizes cost; especially related to the after effects of COVID 19 and the current limited processing capacities within Area 4 coastal communities.*
 - *National Standard 8: Considers fishing communities and provides for their sustained participation and minimizes adverse economic impacts.*

C4 EFH 5-Year Review

The Advisory Panel recommends the action proposed by the Ecosystem Committee which is to initiate the process to amend the fisheries management plans to incorporate the changes to EFH information identified in the EFH 5-year review.

The recommendation that the climate change Taskforce continue to lead the Council's consideration of adjustments to increase climate resiliency and supports Taskforce's development of a diverse climate adaptability and resiliency toolbox and the spring 2023 workshop;

The recommendation the Council continue to support the work of the Climate Change Taskforce;

The AP requests that the Council develop a request for proposals as outlined in component 6 and 8 to conserve and enhance fisheries habitat, with a focus on:

- 1) climate impacted/vulnerable species—(coral, crab, cod);
- 2) intensely fished/highly impacted habitat of particular importance to a fishery dependent community
- 3) identify areas that may qualify under the designation criteria for HAPCs

Amendment 1 passed 12/5

Main Motion as amended passed 11/6

Rationale in support of the Main Motion:

- *The AP appreciates the work of the EFH 5-year Review team, as well as of the various Council bodies who formally reviewed the work over the period and gave recommendations.*
- *The NPFMC currently has significant EFH provisions in place and these are detailed in the report through figures indexed on page 7 and as heard in public comment, there are more areas that are not fished than those that are. It was noted by the AP that this Council is leading the nation in terms of protecting EFH.*
- *There will be another review in five years and the process begins before that five year date – so in just a few years all stakeholders will have an opportunity to help define the roadmap for the next review. At that time the LKTK committee may be in a place to better contribute to the EFH process.*

Rationale in Opposition to the Main Motion:

- *The addition of the amendment is overly large in scope and makes the overall motion unpalatable.*
- *The amended main motion adds a call for proposals that may be unnecessary considering that there are over 200 new or revised EFH descriptions to be updated under the current process.*
- *The stock assessment authors, plan teams and SSC did not recommend changes aside from what is included in the initial motion at this time.*
- *Participation in this process is open to all public and stakeholder input and it is encouraged to such members to continue to participate in this process. There are a broad range of representatives on the AP, ecosystem committee, and the climate change task force.*
- *Initial motion and rationale against the amended main motion was reflective of public comment and testimony.*

Rationale in support of the Amendment:

- *This amendment can help to guide the Council into a more comprehensive motion than just the proposals from the Ecosystem Committee. Suggestions to the Council to improve and enhance EFH are worth consideration, and are consistent with the majority of public testimony requests.*
- *In recommending the consideration of the Climate Change Taskforce, it helps to elevate the importance of developing a toolbox and frameworking methods for more adaptive management. The NPFMC would benefit from better ability to respond to changes in the ecosystem in a more timely manner and anything to help develop this scope of work will lead to better adaptive management and response times to issues being faced in the North Pacific Ocean.*
- *The AP supports a call for proposals on EFH specifically regarding Components 6 and 8 to continue to elevate and encourage public/stakeholder participation in the process. It is understood that such an ask could provide too large a response and the Council should consider identifying specific areas of concern to help narrow down a realistic workload on staff. The AP understands concerns around workload of Council and agency staff, yet this should not prevent seeking stakeholder input.*
- *A request for proposals may create a more accessible and understandable review process for concerned stakeholders who have found the review process difficult or intimidating. It also provides a more immediate pathway for LKTKS to be incorporated.*
- *Public testimony highlighted concerns regarding the adequacy of existing habitat protections and an interest from Tribes and stakeholders in developing additional habitat conservation measures. To help focus proposals and provide a standard for assessment, the AP is suggesting 2 areas of heightened Importance: habitat for vulnerable or climate impacted species and habitat that is of particular importance to a fishery dependent community.*
- *Actions that address localized impacts on habitat meet intent for consideration of actions that Enhance and Conserve Essential Fish Habitat.*
- *Actions to Conserve and Enhance EFH should not only be reserved for when the Adverse Impact threshold is reached. There are past actions that have been considered and implemented by the Council as precautionary measures to lower EFH impacts (e.g., gear modifications, coral habitat protection areas, etc.), and the review's finding of minimal and temporary effect on the EFH does not preclude action by the Council to improve conservation and lessen impacts.*

Rationale in Opposition to the Amendment:

- *The plan teams and stock assessment authors did not have any recommendations for additional HAPCs or management measures at this time based on new information available.*
- *The EFH process has been a multi-year and inclusive process with several opportunities for public input. There are a variety of stakeholder representatives currently serving on the AP, the Council, the ecosystem committee which have all had input along with the public into this process.*
- *There are a lot of ongoing efforts related to EFH already happening, – gear definitions, the ongoing LKTK process, crab management measures and several efforts of ongoing collaborative research. It continues to be an iterative process, so as research and science becomes available it can be incorporated and vetted by the authors, committees, and the SSC.*
- *The HAPC process can be initiated at any time by the Council if they are compelled to move it forward and the public can come forward at any time with proposals for HAPCs – including proposals from the LKTK process or any other process. The Ecosystem Committee discussed but did not include in its recommendations to task the Council with initiating a call for HAPC Proposals.*
- *An open call for proposals could produce an unrealistic workload for Council staff that could draw on for years. It is important to consider the workload of Council staff when making recommendations and to prioritize the use of staff time and resources. Moving forward with the call for HAPC will take a lot of human resources.*

C5 BSAI Pot CP Monitoring Adjustments

The Advisory Panel recommends that the Council selects Alternative 2 as the preferred alternative for final action. The Alternative, elements, and options read as follows:

Alternative 2: Implement additional monitoring requirements for Pot CPs participating in the BSAI groundfish fisheries.

Element 1: Require a minimum of one Level 2 observer on board at all times.

Element 2: Require vessels comply with pre-cruise notifications when requested by NMFS.

Element 3: Additional voluntary monitoring options:

Option 1: Allow a certified observer sampling station with motion compensated platform (MCP) scale for observer's use.

Option 2: Allow a motion-compensated, NMFS-Certified Scale to measure total catch of Pacific cod, in conjunction with an MCP scale for testing, electronic logbook, and video monitoring.

Option 3: Allow a vessel to carry additional onboard observers.

Motion passed 17/0

Rationale in Favor:

- *The Advisory Panel recognizes that this is an action that the Council has already weighed in on and recommended to move forward on more than one occasion and that it was due to a change in NMFS HQ policy that this returned to the Agenda.*
- *The errors in the catch accounting for this sector associated with deleted observer data have a large impact on a small sector that rely on a small apportionment of the BSAI pacific cod TAC. Moving forward with this motion may afford this sector more accurate catch accounting data as well as reduce the observer data deletion issues.*
- *There are past and ongoing concerns regarding availability of observers to the freezer longline fleet, with notes in public comments about additional observers that fleet has voluntarily taken in order to improve the supply of eligible observers. There is concern that this action may exacerbate the problem.*
- *The AP appreciated concerns with observer coverage but since this action is likely to affect only two to three pot c/p vessels, it is hoped that the negative impacts will be minimal.*
- *The AP acknowledges the need for a more holistic approach to observer training and coverage and there will be a motion brought up at staff tasking to begin to address those concerns.*

D1 AIGKC Facility Use Cap

The AP recommends the Council move forward to establish a purpose and need statement and move forward to Initial/ final action to remove the EAG facility caps for AIGKC.

Motion passed 18/0

Rationale in Favor of Motion:

- *The motion will allow independent unaffiliated entities access to competing processing markets; as well as enabling them to develop value added custom product.*
- *In 2009 Amendment 27 exempted custom processing IPQ use from the facility caps, but required a 60% facility cap for EAG and WAI RKC in response to regional processing concerns. Those entities are no longer participants or operative and the condition for this unique cap no longer exists. This reasoning is supported through public testimony and the lack of opposition.*
- *In 2021 industry asked for season start date changes and facility use cap revisions. The council bifurcated the two issues. At the June 2022 meeting, a purpose and needs statement for the removal of the 60% facility cap was submitted.*
- *The motion asks for an expedited Initial Review/Final action. The analysis in the discussion paper is thorough and should minimize the need for further analysis. The language from the proposed purpose and need statement (June 2022) may be helpful in considering next steps. This motion recognizes the stakeholders need to seek an expedited timeline to allow for full utilization of quota.*

D2 PSEIS Workplan

The AP recommends the Council initiate the North Pacific Programmatic EIS and develop a purpose and need statement, which would include a range of alternatives brought forward by the Ecosystem Committee, with potential action taken at the April or June 2023 Council meetings. The Council and its bodies, including NMFS, should robustly and meaningfully engage Alaska Native Tribes throughout the entirety of the process associated with this, including through outreach, two-way engagement, and Tribal Consultation.

Motion passed 17/0

Rationale in Favor of Motion:

- *The AP noted the importance that policy decisions continue to be adaptive to all changes in GOA and BSAI ecosystems.*
- *AP members thought that given the rate of climate change in the North Pacific, maintaining status quo under the current PSEIS, or relying on another SIR may be insufficient to guide managers. A new PEIS is needed to comply with NEPA, involve the communities most impacted by climate change and species declines, and to create a new climate resilient fisheries framework to guide Council decisions.*
- *Tribes are at the forefront of climate change and are experiencing a plethora of ecosystem/subsistence species changes (e.g., declines in salmon and northern fur seals, drops in seabird and marine mammal abundance, loss of sea ice affecting subsistence fishing activities and prey species, etc.); and, as stakeholders with government-to-government relationships with NMFS, should be meaningfully and robustly included in any formal and informal scoping processes that the Council/NMFS take to develop this PEIS.*
- *AP members noted that initiating a new Programmatic EIS may be necessary to (a) build upon the inertia of the Ecosystem Committee; (b) begin a multi-year process to start a NEPA analysis; and (c) build a new framework that accounts for and proactively responds to dramatic climate/environmental change observed in the North Pacific.*
- *AP members noted that a PSEIS is expected to be a long and complicated process, and if initiated, may reduce the Council's capacity to be adaptive to rapid ecosystem change, consider the EFH motion (passed during this meeting), and address other actions such as the annual TAC setting process. However, this does not reduce the long-term value that initiating the PSEIS has for management adjustments.*
- *AP members noted the need for the Council and staff to retain capacity for near-term reactive actions such as Area 4 vessel-use caps and EAI GKC facility-use caps, and are concerned about how the PSEIS may affect movement on these issues. Another example is. small sablefish release, which is a request based on fishery response to observed rapid changes in the ecosystem. Further, AP members noted that the Council should retain the capacity to accomplish small FMP amendments that make a big difference to individual businesses and community members.*

D3 Stock Prioritization

The Advisory Panel took no action on this agenda item.

D4 Trawl EM Committee

The Advisory Panel acknowledges the receipt of the Trawl Electronic Monitoring (EM) Committee report and would like to recognize the collaborative work of the committee, which was crucial to the successful implementation of the Pollock Trawl EM EFP.

Additionally, the Advisory Panel recommends the Council accept all of the recommendations from the Trawl EM Committee:

1. The Council should recommend that during the 60-day public comment period for Pollock Trawl EM the Agency should conduct:
 - A public hearing for Alaska in Anchorage or Kodiak.
 - A public hearing in Newport, Oregon.
 - A public hearing in Seattle, Washington.
 - All public hearing meetings shall be hybrid (remote and in-person) if possible.
2. In order to encourage and showcase the collaborative efforts of ongoing work and research on electronic technologies (ET) and EM, the Council should consider organizing an evening activity during an Anchorage Council meeting to present current projects to the public in a concise manner.
3. The Council should specifically identify a priority of cost versus competition in terms of the number of EM service providers, prior to funding decision deadlines in late Fall.
4. The Council should reassess the membership of the Fisheries Monitoring Advisory Committee (FMAC) to ensure sufficient expertise to address EM issues.
5. The Council should consider the creation of an EM subcommittee or working group to address specific EM projects as needed.

Motion passed 15/0

Rationale in Favor of Motion:

- *The recommendation to reassess the FMAC membership is important moving forward as developing projects are considered and would ensure expertise and learned knowledge is transferred forward; and the formation of a broader EM committee will provide the appropriate platform for future EM considerations that may not be Trawl specific.*
- *The AP communicated that if the Council decides to proceed with an evening activity highlighting EM projects, it would be important to make sure vessel operators and crew who utilize EM participate in the event so that they can share their personal experiences with others.*

D5 Universal Data Collection

The Advisory Panel took no action on this agenda item.

E Staff Tasking

Motion 1

The AP recommends the Council rescind their February 2022 motion to revise the halibut catch sharing plan sector allocations.

Motion passed 14/0

Rationale in Favor of Motion:

- Preceding the AP's motion, several notable actions have occurred:
 - The Council's February 2022 Motion on the 2C/3A halibut Catch Sharing Plan adopted a purpose and need statement and set of alternatives for initial review. Within the purpose and need it is stated "The preferred mechanism for dealing with allocations in this Catch Sharing Plan is compensated reallocation via the Recreational Quota Entity. Without an operational, RQE funding mechanism the Council intends to review the catch sharing plan allocations as a possible way to alleviate this problem, while balancing impacts to the commercial sector and dependent communities. Should the RQE fee funding mechanism become law and the Council take final action on the RQE funding mechanism, the Council intends to table or refine this action".
 - At the following Council meeting in April 2022, the Council took Final Action on an RQE funding mechanism recommending a "Charter Halibut stamp". This Action was predicated on Congress granting NMFS fee collection authority.
 - In January of this year, Congress authorized and the President later signed into law the ability to write regulations to collect fees in pages 802-803 of H.R 2617 referred to as the Omnibus Spending Bill.
 - Since the thresholds indicated in each of the preceding related Council actions have been met, as well as the required Congressional Action, the AP motion was made to recommend the Council to rescind the February 2022 Catch Sharing Plan motion, consistent with the intent in that motion.
- The AP motion is responsive to the E1 Staff Tasking Action Memo as well as public comment from multiple stakeholder groups.

Motion 2

The Advisory Panel recommends that the Council direct the FMAC to provide a report to Council on the current and future ability to deploy observers and meet observer data quality standards in the full and partial coverage fleets, given the rapidly changing monitoring landscape across the fishing industry. The report shall be provided following the FMAC's next scheduled committee meeting.

The report should consider, but not necessarily be limited to, addressing the following:

1. Comparison of current and future deployment needs with availability of trained observers for both partial and full coverage sectors.
 - Consider how many observers are needed simultaneously across fishing seasons, more similarly to how an on observer provider needs to deploy observers.
 - Compare the total number of distinct, qualified observers and newly qualified observers (ex: Table 4-1 in the RIR to Revise Monitoring Requirements for Pot CPs Participating in BSAI Groundfish) that has traditionally been used with the above number of observers needed seasonally at each experience level.
 - Describe the challenges observer providers have encountered in providing observer coverage.
 - Consider how recent Council actions and their forthcoming regulatory changes (ex: Pollock Trawl EM, BS Trawl Cod LAPP, BSAI Pot CP) will affect the availability of entry level observer positions for different gear types in the full coverage and partial coverage sectors.
2. Present a summary of observer data quality issues by each observed fishery and sector, with trends of those issues over an appropriate time period including:
 - Number and percentage of observer trip level species composition data deletions
 - Potential impacts of these data deletions for fishery management, conservation, and assessment of needed training change.

Motion passed 15/0

Rationale in Favor of Motion:

- *As mentioned in the AP's rationale for C5 BSAI Pot CP Monitoring, concerns about future ability to deploy observers came up in discussion and public testimony.*
- *Data on observer availability can be skewed because observers stay certified and in the system for 18 months, regardless of intentions to observe again. Although this has always been a known caveat, the apparent increase in "one and done" contracts, as well as a larger number of long term observers who left for new opportunities during the Covid-19 pandemic, has potentially exacerbated observer supply issues.*
- *Council actions over time have continued to change the regulatory environment, creating discrete changes one fishery or sector at a time. This has also inadvertently made the business environment increasingly challenging for observer providers and observer provider business plans are visibly shifting; the North Pacific has recently lost one of the four recent certified full-coverage observer providers and the AP motion is intended to better understand possible causes.*
- *Examining data deletions across sectors, even when they don't have a clear impact on management, is important because it can be indicative of additional observer training needs. A possible outcome would be to improve observer experiences and thereby improve retention and data quality.*

- *Although work load is a concern, the feasibility and importance of the request was discussed with NMFS staff, and the AP motion is intended to be a higher level starting point since observer data is critical to the Council process. The FMAC is an appropriate venue for initial review of these issues and for providing possible solutions.*

Motion 3

Approve the minutes from the December 2022 meeting.

Motion passed 15/0