



North Pacific Fishery Management Council

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Meeting Summary

264th Plenary Session
North Pacific Fishery Management Council
April 6-10, 2023
Hybrid – Anchorage, AK Hilton Hotel and Zoom Webinar

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Attachments

1) [Time Log](#)

2) [Newsletter](#)

The North Pacific Fishery Management Council met April 6-10, 2023 at the Hilton Hotel, Anchorage, Alaska. The following Council members, Council staff, SSC, and AP members attended the meetings either in person or virtually.

The time log is included as a reference attachment for names, dates and times of each agenda item, and the newsletter is included to provide details of the agenda items and the meeting as a whole. All documents and information related to the meeting are accessible online at: <https://meetings.npfmc.org>

Council Members

Rachel Baker/Karla Bush (for Doug Vincent-Lang) <i>Alaska Department Fish and Game</i>	Simon Kinneen, Chair <i>Appointed</i>
Kenny Down <i>Appointed</i>	Jon Kurland <i>National Marine Fisheries Service</i>
Angel Drobnica <i>Appointed</i>	Andy Mezirow <i>Appointed</i>
Aaron Martin (for Sara Boario) <i>U.S. Fish and Wildlife Service</i>	CDR Conor Sullivan <i>United States Coast Guard</i>
Dave Hanson <i>Pacific States Marine Fisheries Commission</i>	Bill Tweit (for Kelly Susewind), Vice Chair <i>Washington Department Fish & Wildlife</i>
John Jensen <i>Appointed</i>	Anne Vanderhoeven <i>Appointed</i>
Nicole Kimball <i>Appointed</i>	Steve Williams/John Seabourne (for Curt Melcher) <i>Oregon Department Fish & Wildlife</i>

Council Staff

Cleaver, Sara	Henry, Anna	Schmidt, Nicole
Cunningham, Sam	Hillary, Kaylah (contractor)	Stram, Diana
Davis, Maria	La Belle, Sarah	Watson, Nicole
Evans, Diana (DD)	Marrinan, Sarah	Witherell, Dave (ED)
Gleason, Shannon	McCracken, Jon	
Haapala, Kate	Rheinsmith, Sarah	

Scientific and Statistical Committee

The SSC met April 4-5, at the Hilton Hotel, Anchorage AK. The following members were present for all or part of the meetings.

Sherri Dressel, Co-Chair <i>Alaska Dept. of Fish and Game</i>	Franz Mueter, Co-Chair <i>University of Alaska Fairbanks</i>	Alison Whitman, Vice Chair <i>Oregon Dept. of Fish and Wildlife</i>
Chris Anderson <i>University of Washington</i>	Amy Bishop <i>University of Alaska Fairbanks</i>	Curry Cunningham <i>University of Alaska Fairbanks</i>
Mike Downs <i>Wislow Research</i>	Robert Foy <i>NOAA Fisheries—AFSC</i>	Jason Gasper <i>NOAA Fisheries—Alaska Regional Office</i>
Dana Hanselman <i>NOAA Fisheries—AFSC</i>	Brad Harris <i>Alaska Pacific University</i>	George Hunt <i>University of Washington</i>
Kailin Krøetz <i>Arizona State University</i>	Kathryn Meyer <i>Washington Dept. of Fish and Wildlife</i>	Andrew Munro <i>Alaska Dept. of Fish and Game</i>
Chris Siddon <i>Alaska Dept. of Fish and Game</i>	Ian Stewart <i>Intl. Pacific Halibut Commission</i>	Patrick Sullivan <i>Cornell University</i>

Advisory Panel

The Advisory Panel met April 5-7, at the Hilton Hotel, Anchorage AK. The following members were present for all or part of the meetings (absent members are ~~stricken~~):

Briggie, Tamara	Johnson, Mellisa	Price, Landry
Edson, Jesse	Kavanaugh, Julie	Radell, Chelsae
Gudmundsson, Gretar	Laitinen, Rick	Ritchie, Brian (Chair)
Heuker, Tim	Mann, Heather	Upton, Matt
Howard, Lauren (Co-VC)	O'Donnell, Paddy	Wilkins, Paul (Co-VC)
Johnson, Jim	O'Neil, Megan	Zagorski, Suzie

A1 Call Meeting to Order

The Council approved the agenda without objection.

B Reports

The following reports were provided in writing and discussed.

B1 Executive Director's Report – David Witherell

- Presentation on Jon McCracken's retirement – Diana Evans
- Presentation on Conservation Area Summaries – Clay McKean

B2 NMFS Management Report

- Management Report – Gretchen Harrington
- National Seafood Strategy – Michael Rubino
- Tribal Engagement Committee Report – Amilee Wilson
- Sunflower Sea star Endangered Species Consultation – Sadie Wright

B3 NOAA General Counsel Report – Andrea Hattan & Brian McTague

~~B4 AFSC Report (oral)~~ POSTPONED UNTIL JUNE 2023

B5 ADF&G Report – Rachel Baker

B6 USCG Report – CDR Conor Sullivan

B7 USFWS Report – Aaron Martin

B8 NIOSH Report – Samantha Case & Richie Evoy

B9 US Navy Report on Northern Edge exercises for May 2023 (oral) – Chris Hunt & John Mosher

~~B10 North Pacific Fisheries Commission Report (oral)~~ POSTPONED UNTIL OCTOBER 2023

B11 Cooperative Reports (AFA, A80, CGOA rockfish, BSAI crab)

- CGOA Rockfish Report – Julie Bonney
- AFA Report – Susie Zagorski
- A80 – Austin Estabrooks

Public comment was taken, no motions were made for these agenda items.

C1 Cook Inlet Salmon FMP Amendment – Final Action

Council Staff: Nicole Watson

Other Presenters: Doug Duncan (NMFS), Richard Brenner (AKRO), Scott Miller (AKRO), Marcus Hartley (Northern Economics), Dr. Mike Downs (Wislow Research)

Action Required:

1. Review the Final Draft of the EA/RIR.
2. Recommend a preferred alternative for Council final action

Summary: *The Council is considering an amendment to allow federal management of salmon in Cook Inlet, after closing a portion of the area in 2016. A lawsuit led to opening the fishery in 2022, and the Council will now consider a path forward that is responsive to the court decision and to stakeholders.*

After staff presentations, the SSC and AP report, and public comment, Mr. Kurland attempted to make the motion that follows:

For its preferred alternative to amend the Salmon FMP to manage salmon fishing in the Federal waters of upper Cook Inlet, the Council recommends Alternative 3. This alternative would amend the Salmon FMP and Federal regulations to include the Cook Inlet EEZ in the FMP’s fishery management unit and apply Federal management to the salmon fishery that occurs in the EEZ, including the following elements:

(Preferred Options are in **bold**.)

1. Management Policy and Objectives [Section 2.5.1. - page 106]

- **Adopt a management policy and objectives for the Cook Inlet EEZ as described in Section 2.5.1 of the analysis.**

2. Status Determination Criteria and Annual Catch Limits [Section 2.5.2. - page 109]

- **Establish status determination criteria, annual catch limits, and TAC setting according to the Tier system and approach described in Section 2.5.2 of the analysis.**

3. Accountability Measures for Annual Catch Limits [Section 2.5.3. - page 117]

- **Establish accountability measures as described in Section 2.5.3 of the analysis.**

4. Optimum Yield and Maximum Sustainable Yield [Section 2.5.4. - page 118]

- **Maximum Sustainable Yield**
 - Option 1: Define MSY in terms of “constant escapement” for the Cook Inlet EEZ.
 - **Option 2: Define MSY in terms of “constant escapement” for salmon stocks in Cook Inlet.**
 - Sub-Option (may be combined with Option 1 or 2): Aggregate MSY across species or stocks
- **Optimum Yield**
 - Option 1: The OY range for the Cook Inlet EEZ salmon fishery could be the fishery’s catch which, when combined with the catch from all other salmon fisheries in Cook Inlet, results in a post-harvest abundance within the escapement goal range for each applicable stock or stock complex.
 - Option 2: The OY range for the Cook Inlet EEZ salmon fishery could be the range of sum ACLs established for the Cook Inlet EEZ fishery across years. ACLs incorporate the OFL

control rule established for each stock as well as the yield potentially available to EEZ over time based on historical fishing patterns in upper Cook Inlet.

- **Option 3: The OY range for the Cook Inlet EEZ salmon fishery is the range between the average of the three lowest years of total estimated EEZ salmon harvest and the three highest years of total estimated EEZ salmon harvest from 1999 to 2021.**

5. Process for Determining the Status of Stocks [Section 2.5.5. - page 122]

- **Option 1: The Council would establish a Salmon Plan Team to produce a SAFE Report.**
- Option 2: Do not establish a plan team. NMFS would prepare a SAFE Report.

6. Commercial Fishery Monitoring, Recordkeeping and Reporting [Section 2.5.6. - page 125]

- **Option 1: Require an FFP, an FPP, salmon buyer permit, eLandings use, a logbook, and VMS. Allow optional retention of non-salmon bycatch, all discarded or retained bycatch must be recorded in the logbook and reported at the time of landing.**
- Option 2: The Council could choose to recommend additional monitoring, recordkeeping, and reporting measures to obtain increased information from the fishery or improve the enforceability of fishery provisions.

7. Standardized Bycatch Reporting Methodology [Section 2.5.7. - page 127]

- **Establish Standardized Bycatch Reporting Methodology as described in Section 2.5.7 of the analysis.**

8. Recreational Fishery Management Measures [Section 2.5.8. - page 127]

- **Option 1. Delegate management of the recreational salmon fishery in the EEZ to the State of Alaska consistent with the management of the recreational salmon fishery in the East Area.**
- Option 2. Manage the recreational salmon fishery in the Cook Inlet EEZ with Federal regulations.
 - Suboption 1. Consistent with existing State of Alaska regulations for the saltwater recreational salmon fishery in Upper Cook Inlet.
 - For Chinook salmon:
 - From April 1 to August 31, 1 per day, 1 in possession of any size.
 - 5 fish annual limit of king salmon 20 inches or longer during this period.
 - From September 1 to March 31, 2 per day, 2 in possession of any size.
 - No annual limit during this period.
 - Other salmon: 6 per day, 6 in possession, only 3 per day, 3 in possession may be coho (silver) salmon.
 - Suboption 2. Define other Federal bag limits.
 - Suboption 3. Establish authority for NMFS to close the recreational fishery and/or prohibit retention of individual stocks or species and make inseason adjustments.

9. Commercial Fishing Periods [Section 2.5.9. - page 128]

- **Option 1. Establish Federal fishing periods concurrent with existing State of Alaska fishing periods set forth in regulations for the Central District drift gillnet fishery (5 AAC 21.320), such that salmon may be taken in the Cook Inlet EEZ only from 7:00 a.m. Monday until 7:00 p.m. Monday and from 7:00 a.m. Thursday until 7:00 p.m. Thursday.**

- Option 2. Establish independent Federal fishing periods and specify that the Cook Inlet EEZ salmon drift gillnet fishery could not be open concurrently with the adjacent State waters salmon drift gillnet fishery.
 - **Suboption A.** May be combined with Option 1 or Option 2. **Fix a commercial fishery closure date in Federal regulation of July 15. If the TAC is not reached or the fishery is not otherwise closed prior, the fishery would close automatically on the specified date.**

10. Management Area and Statistical Boundaries [Section 2.5.10. - page 129]

- **Establish Management Area and Statistical Area Boundaries as described in Section 2.5.10 of the analysis.**

11. Legal Commercial Fishing Gear [Section 2.5.11. - page 129]

- Authorize drift gillnet gear as legal gear for commercial salmon fishing in the Cook Inlet EEZ area and establish the following legal configuration and prohibitions as described in Section 2.5.11. of the analysis.
 - **Drift gillnet gear must be no longer than 200 fathoms in length, 45 meshes deep, and have a mesh size no greater than 6 inches. Drift gillnet gear must be marked at both ends with buoys marked with the vessel’s name and FFP number. It is illegal to stake or otherwise fix a drift gillnet to the seafloor.**
- Potential options:
 - **The float line and floats of gillnets must be floating on the surface of the water while the net is fishing, unless natural conditions cause the net to temporarily sink.**
 - **Salmon fishing nets must be measured, either wet or dry, by determining the maximum or minimum distance between the first and last hanging of the net when the net is fully extended with traction applied at one end only.**
 - **A vessel operator would be prohibited from operating gear in greater than the allowable configuration (length or mesh size).**

12. Prohibitions [Section 2.5.12. - page 130]

It is unlawful for any person to do any of the following:

- **Use a vessel named or required to be named on an FFP to catch and retain salmon in the Cook Inlet EEZ commercial salmon fishery if that vessel catches and retains salmon in adjacent State of Alaska waters on the same calendar day.**
- **Have salmon/fish onboard that was caught in State waters while commercial fishing for salmon in the Cook Inlet EEZ. Must offload all salmon/fish prior to beginning a commercial salmon fishing trip in the Cook Inlet EEZ.**
- **Land salmon caught in state waters concurrently with salmon caught in the Cook Inlet EEZ.**
- **Land or transfer salmon from one vessel to another within the Cook Inlet EEZ.**
- **Recreational fish for salmon or have recreational, personal-use, or subsistence caught salmon onboard while commercial fishing for salmon in the Cook Inlet EEZ.**
- **Have onboard, retrieve, or deploy commercial fishing gear other than a drift gillnet legally configured for the Cook Inlet EEZ commercial salmon fishery.**
- **Set or allow any portion of drift gillnet gear to enter State waters.**
- **Deploy and/or operate more than one drift gillnet.**
- **Use aircraft to locate salmon or direct fishing.**

13. Inseason Management [Section 2.5.13. - page 130]

- **Establish authority for NMFS to close the commercial fishery and make inseason adjustments as described in Section 2.5.13. of the analysis.**

14. Use of the Joint Protocol Committee [Section 2.5.14. - page 132]

- **Establish coordination with the Alaska Board of Fisheries through the Joint Protocol Committee to minimize conflicts and management uncertainty as described in Section 2.5.14. of the analysis.**

15. Limited Entry [Section 2.5.15. - page 132]

- **Option 1: Open Access. This option would allow anyone to obtain a Federal Fisheries Permit and participate in the Cook Inlet EEZ drift gillnet fishery.**
- **Option 2: Open Access and Notification of Intent to Develop a Limited Entry Program. This option would allow anyone to obtain a Federal Fisheries Permit with the proper gear and species endorsements (to be developed) and participate in the Cook Inlet EEZ drift gillnet fishery; in addition, the Council would officially notify the public of its intent to establish a limited entry program for the Cook Inlet EEZ drift gillnet fishery.**

16. Housekeeping and organizational changes to the Salmon FMP necessary to incorporate this alternative and organize the FMP.

17. Housekeeping and organizational changes to 50 CFR part 679 to add regulations for managing the salmon fishery in the Cook Inlet EEZ.

MOTION FAILED: There was no second to the motion.

Even though no motion was passed by the Council, Mr. Kurland explained that under court order, NMFS will continue forward with making an amendment to the Salmon FMP. The FMP is still the responsibility of the NPFMC, and NMFS will be working together with the Council to move forward with a solution.

C2 Salmon Bycatch Reports

Council Staff: Dr. Diana Stram

Other Presenters Dr. Wes Larson, Chuck Guthrie, Dr. Pat Barry, Dr. Chris Kondzela, Susie Zagorski, James Mize, Stephanie Madsen, Austin Estabrooks, Jim Harmon

Action Required: 1. Review (a) Chinook/chum genetics reports for BS & GOA; (b) pollock IPA and Sea Share reports; (c) Salmon Bycatch Committee recommendations – action as necessary.

Summary: *The Council received informational reports about salmon caught as bycatch in Alaska trawl fisheries and which river system they were originally from. Also, fishing industry representatives gave updates on efforts to keep salmon bycatch low. The Council's Salmon Bycatch Committee gave a report with recommendations for changes to management of chum bycatch.*

After many staff presentations, and the SSC and AP report, and 43 public comments, Rachel Baker made the motion below. It was seconded by Andy Mezirow.

MOTION: The Council adopts the following Purpose and Need statement and alternatives for analysis.
Purpose and Need:

Salmon are an important fishery resource throughout Alaska, and chum salmon that rear in the Bering Sea support subsistence, commercial, sport, and recreational fisheries throughout Western and Interior Alaska. Western and Interior Alaska salmon stocks are undergoing extreme crises and collapses, with long-running stock problems and consecutive years' failures to achieve escapement goals, U.S.-Canada fish passage treaty requirements, and subsistence harvest needs in the Yukon, Kuskokwim, and Norton Sound regions. These multi-salmon species declines have created adverse impacts to culture and food security and have resulted in reduced access to traditional foods and commercial salmon fisheries.

The best available science suggests that ecosystem and climate changes are the leading causes of recent chum salmon run failures; however, non-Chinook (primarily chum) salmon are taken in the Eastern Bering Sea pollock trawl fishery which reduces the amount of salmon that return to Western and Interior Alaska rivers and subsistence fisheries. It is important to acknowledge and understand all sources of chum mortality and the cumulative impact of various fishing activities. In light of the critical importance of chum salmon to Western Alaska communities and ecosystems, the Council is considering additional measures to further minimize Western Alaskan chum bycatch in the pollock fishery.

The purpose of this proposed action is to develop actions to minimize bycatch of Western Alaska origin chum salmon in the Eastern Bering Sea pollock fishery consistent with the Magnuson-Stevens Act, National Standards, and other applicable law. Consistent, annual genetics stock composition information indicates that the majority of non-Chinook bycatch in the pollock fishery is of Russian/Asian hatchery origin; therefore, alternatives should structure non-Chinook bycatch management measures around improving performance in avoiding Western Alaska chum salmon specifically.

The Council intends to consider establishing additional regulatory non-Chinook bycatch management measures that reduce Western Alaska chum bycatch; provide additional opportunities for the pollock trawl fleet to improve performance in avoiding non-Chinook salmon while maintaining the priority of the objectives of the Amendment 91 and Amendment 110 Chinook salmon bycatch avoidance program; meet and balance the requirements of the Magnuson-Stevens Act, particularly to minimize salmon bycatch to the extent practicable under National Standard 9; include the best scientific information available including Local Knowledge and Traditional Knowledge as required by National Standard 2; take into account the importance of fishery resources to fishing communities including those that are dependent on Bering Sea pollock and subsistence salmon fisheries as required under National Standard 8; and to achieve optimum yield in the BSAI groundfish fisheries on a continuing basis, in the groundfish fisheries as required under National Standard 1.

Alternative 1: Status Quo

All action alternatives apply to the entire Bering Sea pollock B season, the season in which chum salmon are taken as bycatch (prohibited species catch or PSC).

Alternative 2: Overall bycatch (PSC) limit for chum salmon

Option 1: Chum salmon PSC limit based on historical total bycatch numbers.

PSC limits are apportioned among CDQ, catcher processor, mothership and inshore sectors based on historical total bycatch by sector. The inshore limit is further apportioned among the inshore cooperatives. The CDQ limit is further apportioned among the CDQ groups. Reaching a limit closes the pollock fishery to which the limit applies.

Option 2: Weighted, step-down PSC limit triggered by a three-river chum index (Kwiniuk (or index developed for Norton Sound area), Yukon, Kuskokwim) that is linked to prior years' chum abundance/ANS/escapement and weighted to account for variance in stock sizes across river systems.

PSC limits would be triggered and in effect when one or more Western Alaska chum index areas fails to meet index thresholds. As more areas fail to meet index thresholds, chum PSC limits would step-down and become more restrictive. PSC limits are apportioned among CDQ, catcher processor, mothership and inshore sectors. The inshore limit is further apportioned among the inshore cooperatives. The CDQ limit is further apportioned among the CDQ groups. Reaching a limit closes the pollock fishery to which the limit applies.

Alternative 3: Bycatch (PSC) limit for Western Alaska chum salmon

Option 1: Western Alaska chum salmon PSC limit based on historical total bycatch numbers.

PSC limits are apportioned among CDQ, catcher processor, mothership and inshore sectors based on historical total bycatch by sector. The inshore limit is further apportioned among the inshore cooperatives. The CDQ limit is further apportioned among the CDQ groups. Reaching a limit closes the pollock fishery to which the limit applies.

Option 2: Weighted, step-down Western Alaska chum PSC limit triggered by a three-river chum index (Kwiniuk (or index developed for Norton Sound area), Yukon, Kuskokwim) that is linked to prior years' chum abundance/ANS/escapement and weighted to account for variance in stock sizes across river systems.

PSC limits would be triggered and in effect when one or more Western Alaska chum index areas fails to meet index thresholds. As more areas fail to meet index thresholds, chum PSC limits would step-down and become more restrictive. PSC limits are apportioned among CDQ, catcher processor, mothership and inshore sectors. The inshore limit is further apportioned among the inshore cooperatives. The CDQ limit is further apportioned among the CDQ groups. Reaching a limit closes the pollock fishery to which the limit applies.

Alternative 4: Additional regulatory requirements for Incentive Plan Agreements (IPAs) to be managed by either NMFS or within the IPAs

Option 1: Require a chum salmon reduction plan agreement to prioritize avoidance in genetic cluster areas 1 and 2 for a specified amount of time based on two triggers being met: 1) an established chum salmon incidental catch rate and 2) historical genetic composition (proportion) of Western Alaska chum salmon to non-Western Alaska chum salmon.

Option 2: Additional regulatory provisions requiring Incentive Plan Agreements to utilize the most refined genetics information available to further prioritize avoidance of areas and times of highest proportion of Western Alaska and Upper/Middle Yukon chum stocks.

The analysis should provide information to inform a reasonable range of PSC limits and an index under the action alternatives including:

- Chum PSC data by year from 2011 through 2022; 3-, 5-, 10-yr average PSC levels from 2011 through 2022; and potential ranges for average PSC levels during warm/cold years from 2011 through 2022.
- Are the identified areas (Kwiniuk (or Norton Sound area), Kuskokwim, Yukon) appropriate as indices? Are there data to support consistent use of each area in an index?

- Which criteria should be used to define low index abundance (i.e., a number of chum defining poor abundance) for each area? Examples:
 - abundance (e.g., a percentile of historical abundance)
 - subsistence harvest performance (e.g., subsistence harvest in relation to historical subsistence harvest and/or ANS)
 - achievement of escapement goals (e.g., a percentage of total escapement goals met or exceeded)
- Determine feasibility of NMFS implementation of a Western Alaska chum cap under Alternative 3. For example, apply Western Alaska stock proportion available in spring 2025 to total chum PSC at the end of year 2024 to trigger management measures in B season 2025? Or Western Alaska chum cap is reduced if exceeded for a maximum number of consecutive years (e.g., 2 out of 5 years or 3 out of 7 years)?
- Additional information necessary to analyze IPAs such as the base rate for triggering action, proportion of Western Alaska and non-Western Alaska chum salmon for the second trigger in option 1.

AMENDMENT 1 – Ms. Kimball, seconded by Mr. Jensen moved to change the language of alternative 2 option 1 and alternative 3 option 1 to the following: The amendment passed unanimously.

Alternative 2: Overall bycatch (PSC) limit for chum salmon

Option 1: Chum salmon PSC limit (range to be informed by PSC data) ~~based on historical total bycatch numbers.~~

Alternative 3: Bycatch (PSC) limit for Western Alaska chum salmon

Option 1: Western Alaska chum salmon PSC limit (range to be informed by PSC data) ~~based on historical total bycatch numbers.~~

AMENDMENT 2 – Mr. Tweit, seconded by Ms. Vanderhoeven moved to add the last bullet stating the analysis should provide a summary of research and TK that can be gathered to understand all of the causes of the population decline. The amendment passed unanimously.

- Provide a summary of research and TK that can be gathered to understand all of the causes of the population decline.

VOTE ON MAIN MOTION: The motion passed without objection.

C3 Scallop Harvest Specifications

Council Staff: Sarah Rheinsmith
Action Required: 1. Specify OFL/ABC
 2. Scallop Plan Team Report -Review

Summary: *The Council’s Scientific and statistical Committee and the Council received a report on the Scallop Plan Teams February meeting and used the information to set the appropriate harvest limits for the 2023/2024 fishing year.*

There was no AP report or public testimony for this item. After staff presentations and considering the SSC report given the previous day, Ms. Baker made the following motion which was seconded by Mr. Jensen:

MOTION: The Council approves the scallop SAFE report and adopts the OFL of 1.284 million pounds (582 t) and the ABC of 1.156 million pounds (524 t), as recommended by the SSC.

VOTE ON MOTION: The motion passed unanimously.

C4 Scallop FMP Amendment

Council Staff: Sarah Rheinsmith

Action Required: 1. Consider whether an FMP amendment to the scallop FMP is warranted to allow more flexibility in the SAFE and harvest specification process.

Summary: *The Scallop Fishery Management Plan requires that a report assessing scallop stocks be prepared every year. However, new data is not always available every year, and the council is considering a change to the plan that would allow the timing for assessing the stocks to be more flexible, based on when new data is available and also the health of the stock.*

Staff presentations were given and the SSC gave their report previously. There was no public comment for this item. Ms. Baker made the following motion which was seconded by Ms. Vanderhoeven:

MOTION: The Council adopts the following Purpose and Need statement and preferred alternative for final action.

Purpose and Need:

For two decades stable harvest specifications and conservative Guideline Harvest Levels have been established for scallops. Given the lack of assessment modeling approaches, the Council supports increased flexibility in assessment frequency to reduce the burden on staff and review resources and to provide more time for the development of new assessment methods. The Scallop Fishery Management Plan (FMP) requires that a Stock Assessment and Fishery Evaluation report be produced annually, and an FMP amendment is required to accommodate an alternative assessment cycle.

Alternative 2: Revise the Scallop FMP to remove the requirement for annual specifications.

Include in the FMP text the circumstances identified in the Analysis for when it is appropriate to use a multi-year approach.

VOTE ON MOTION: The motion passed without objection.

C5 Bering Sea Greenland Turbot Longline Pots

Council Staff: Sam Cunningham

Other Presenters: Dr. Mason Smith (NMFS ARKO SF)

Action Required: 1. Final review of EA/RIR
2. Select preferred alternative

Summary: *The Council considered whether to authorize longline pot gear as a ;ega; gear to fish for Bering Sea Greenland Turbot. The fishery has been using hook-and-line gear, but killer whales eating turbot hooked on the gear has caused boats to stop fishing. Alternatives included allowing any non-trawl*

vessel with a specific license to use longline pot gear, or limiting the ability to only specific vessels. There is strong interest in keeping the fishery open.

Staff gave presentations, the AP gave its report, and public comment was given. Mr. Down made the motion below which was seconded by Ms. Vanderhoeven.

MOTION: The Council selects as its preferred alternative:

Alternative 3:

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:

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 Bering Sea subarea.

AMENDMENT: Mr. Tweit, seconded by Ms. Vanderhoeven moved to add the following deeming motion language to the motion. The amendment passed unanimously.

The Council deems proposed regulations that clearly and directly flow from the provisions of this motion to be necessary and appropriate in accordance with section 303(c).

The Council authorizes the Executive Director and the Chairman to review the draft proposed regulations when provided by NMFS to ensure that the proposed regulations to be submitted to the Secretary under section 303(c) are consistent with these instructions.

VOTE ON MAIN MOTION: Motion passed unanimously.

D1 Report on SSC Rapid Environmental Change Workshop

Council Staff: Diana Evans

Action Required: 1. Review workshop report
2. Action as necessary

Summary: *The SSC hosted a workshop in February 2023 to identify science and monitoring requirements for supporting future Council decision-making. The Council will review recommendations from the draft workshop report and any additional discussions from the SSC.*

After staff presentations and the SSC report, Ms. Kimball, seconded by Mr. Mezirow, made the following motion. There was no public comment on this agenda item.

MOTION: The Council appreciates the SSC report on its February 2023 workshop titled “Rapid change in the northern Bering and southern Chukchi seas – Identifying ecosystem responses and effects on the management of Federal fisheries” and supports the authors working with Council staff to produce a plain-language summary of the workshop.

The Council approves the SSC recommendation to form a subgroup of Council and SSC, and potentially plan team members (2-3 members each, at the Council Chair’s discretion), to develop a roadmap to use assessment and climate science to increase adaptive management capability. Questions for the subgroup to consider include the SSC recommendations as follows:

- Are dynamic reference points an alternative to current management practices reasonable, given the current Council processes under the Magnuson Stevens Act?
- Could/should we incorporate social or economic objectives (e.g., maximum economic yield, biomass thresholds) into adaptive management approaches for some stocks?
- As stocks expand and shift, are regional allocations of catches in the EBS and NBS appropriate and could they be dynamic enough to address temporal variability?
- Can risk considerations be improved upon in the context of both stock assessments (ABC considerations) and management (TAC considerations)?

The subgroup should also discuss capacity and planning for a February 2024 follow-up workshop that focuses on discrete aspects of the key recommendations for science and management summarized in the February 2023 workshop report and options to increase the level and frequency of dialogue between the Council and the SSC on issues that straddle the science-policy interface.

VOTE ON MOTION: The motion passed unanimously.

D2 Local Knowledge, Traditional Knowledge, and Subsistence Protocol

Council Staff: Dr. Kate Haapala

Other Presenters Dr. Sarah Wise (AFSC)

Action Required:

1. Review finalized Local Knowledge, Traditional Knowledge, Subsistence Protocol and onramp recommendations, and take action as necessary
2. Receive Taskforce meeting reports

Summary: *The Council reviewed documents that provide guidance for incorporating LK, TK, and subsistence information into the Council’s decision-making process. The Council may choose to adopt them and/or initiate work on implementing the guidance or first release the recommendations for an extended public comment period.*

After staff presentations, the AP report, and public comment, Ms. Kimball made the motion below which was seconded by Mr. Jensen.

MOTION: The Council supports and commends the work of the Local Knowledge, Traditional Knowledge, and Subsistence (LKTKS) Taskforce. The Council approves releasing the draft LKTKS Protocol and associated on-ramp recommendations from the LKTKS Taskforce for a 50-day public review period.

The Council approves an additional LKTKS Taskforce meeting to review Council analytical staff input, the SSC and Council’s April input, and the public comments received from the 50-day review period, and to recommend any modifications for final review by the Council. At final review, the Council also requests information about additional capacity and resources that may be needed for successful implementation of specific onramps.

VOTE ON MOTION: The motion passed without objection.

D3 BS FEP Climate Change Taskforce Workplan

Council Staff: Dr. Diana Stram

Other Presenters: Dr. Kristin Holsman (AFSC)

- Action Required:**
1. Review CCTF meeting report
 2. Provide direction as appropriate

Summary: *The Council received a report from the Climate Change taskforce (CCTF) who reviewed SSC comments on the climate readiness. The CCTF will also give an update on future plans for a Climate Change workshop.*

After staff reports, Mr. Tweit made the motion below, which was seconded by Mr. Williams. There was no public comment on this agenda item.

MOTION: The Council understands the utility of a Climate Scenario Planning workshop as the final workproduct of the CCTF. The Council supports CCTF plans for scoping the workshop, and expects that the Council/SSC subgroup may assist the CCTF in determining workshop topics as the subgroup develops the roadmap to use assessment and climate science to increase adaptive management capability. It is the Council’s intent to provide tribal entities, fishery stakeholders, and the public with a clear understanding of how the CCTF efforts contribute to the Council’s effort to build capacity to address climate change challenges.

VOTE ON MOTION: The motion passed without objection.

E1 Staff Tasking

Council Staff: David Witherell

- Action Required:**
1. Review Committees and Plan Teams
 2. Provide direction on tasking priorities and scheduling

Summary: *The Council listened to public testimony about existing and new management measures that the public may be interested in and provided feedback to staff and the Council Chair about how to prioritize staff work on existing and new projects.*

The Council listened to staff presentations, the AP Report, and public comment was heard.

MOTION 1 - SOPP: Mr. Kurland made the following motion that was seconded by Mr. Down:

The Council adopts the revised Statement of Organization, Practices, and Procedures (SOPP), labeled “April 2023 DRAFT for Council review” as posted on the eAgenda, with the following additional revisions (additions shown in **bold**, deletions in ~~strikeout~~):

Page 33, in Attachment 1, NPFMC Policy on Addressing Allegations of Harassment of Council Employees

SECTION 4. PROCEDURES.

.01 Reporting Allegations of Harassment

c. Any Council process participants (e.g. Council Member, NOAA employee, or others participating in the Regional Fishery Management Council process, aside from Council employees) who observe or receive a report of harassment of a Council employee ~~should to~~**must** report the incident to the Council Executive Director, Deputy Director, chair or vice-chair as soon as possible.

.02 Taking Action on Reported Allegations of Harassment.

a. A supervisor **or Council member** who receives an allegation that a Council employee has been harassed (whether the allegation is received from the employee or from another person on their behalf)

must immediately⁴ report the allegation, in writing, to the designated point of contact. Failure by the supervisor **or Council member** to report the allegation could result in disciplinary or adverse action against the supervisor **or Council member** for failure to adhere to the provisions of this Policy.

Pages 37-38, in Attachment 2, NPFMC Policy on Addressing Allegations of Harassment of Process Participants other than Council Employees

SECTION 4. PROCEDURES.

Reporting

Council Process Participants who observe, experience, or receive a report of harassment, including but not limited to sexual harassment or assault, ~~should~~ **must** report the matter as soon as possible to an appropriate official. Swift reporting allows appropriate law enforcement authorities, the NOAA National Marine Fisheries Service (NMFS), or the Council, as appropriate, to take measures to ensure that offensive behavior stops, the harassee's needs are addressed, and action is taken against the offender.

Council Process Participants who observe or are subject to harassment by any Council member, Council employee, or other Council Process Participants may report incidents in a variety of ways, including but not limited to:

- The Council Executive Director or Deputy Director;
- The Council chair or vice-chair;
- Appropriate law enforcement authorities, as needed.

Council Response to Reports

Unless the particular circumstances require otherwise, any Council Member, Council employee, or NOAA employee who receives a report of harassment of a Council process participant ~~should~~ **must** communicate the details of that report, in writing, to the Council Executive Director for appropriate action under this policy. In the event of a reported incident, a response team should be convened consisting of, as appropriate depending upon the context, the Council Executive Director, other designated Council points of contact, and the Council Chair. The response team will determine appropriate follow-up, including whether to engage the NMFS Regional Administrator in the response to the incident, based on the allegations raised and the parties involved⁸. The Council shall maintain a record of each allegation received under this policy, which shall be made available to NMFS upon request.

VOTE MOTION 1: The motion passed unanimously.

MOTION 2 – Crab C Shares: Mr. Down made the following motion that was seconded by Mr. Jensen.

For the upcoming June 2023 Crab C share recent participation req.: Initial Review; the Council requests staff to analyze ways to provide an exemption for C share QS holders who were unable to fish during the covid years and due to recent closed or low TAC crab fisheries, including closed and low TAC crab fisheries in the future, while maintaining the concept of active participation.

- The Council requests staff to develop options that would allow NMFS to reissue any CVC or CPC QS that NMFS has revoked based upon a failure to meet recent participation requirements in recent years until NMFS implements a final rule resulting from this action.
- The Council recognizes the complexities identified by staff and requests staff provide further information in the analysis on different ways to achieve the purpose and need for this action, including establishing thresholds under which exemptions from active participation may be

warranted (for example Alt 1, Option 1 proposed by the AP), and not allowing C share QS that are associated with a closed fisheries to be revoked. In other words, CVC or CPC QS that are held in open and closed fisheries where the only open crab fishery is limited by low TAC.

To assist in the analysis staff would analyze the effectiveness of:

- Suspending the recent participation requirement after the pandemic and beginning in 2023/24 only count fishing years where at least 15, 20, 25, or 30 BSAI crab vessels fish. Also analyze not counting 2019/20, 2020/21, 2021/22, through 2023/2024 toward the recent participation requirement.
- Analyze giving the Regional Administrator the authority to suspend the CVC QS and CPC QS recent participation requirement in years of low BSAI crab quota where few vessels' fish or due to other unforeseen circumstances (e.g. a pandemic)
- Expand participation requirements for non-initial issues to match the requirements of initial issues. In other words, "within the previous three years, participate in a BSAI crab trip OR participate as crew in at least 30 days of fishing in a commercial fishery off Alaska" for all CVC QS and CPC QS
- Not revoking any CVC or CPC QS associated with a closed fishery.
- Reissue any CVC QS and CPC QS that were revoked between July 2023 and the effective date of the proposed action.
- The Council requests staff identify potential criteria that the Council could select to guide future decisions by the Regional Administrator to suspend the CVC QS and CPC QS recent participation requirement.
- The Council will review this information at the June meeting and may revise the P & N and alternatives and options at that time.

VOTE ON MOTION 2: The motion passed unanimously.

Appointments: Mr. Kinneen announced the appointment of Tyler Jackson to the Crab Plan Team. He also announced Ruth Christiansen, Charlotte Levy and Courtney Paiva were appointed to the EM FMAC Committee.

The Council adjourned Monday, April 10, 2023, at 6:05 P.M.