

**ADVISORY PANEL**  
**Motions and Rationale**  
**December 3-7, 2019 - Anchorage, AK**

**D3 AI Community**

**AP Motion**

The Advisory Panel recommends that the Council take action to update the Purpose and Need statement and initiate an analysis for Initial Review, with a series of alternatives based on the structure of Amendment 113, including a range of reasonable options for trigger dates, performance threshold amount, and set-aside/limitation amounts, as well as analyzing the status quo. ~~(1) Any cod impacted come off either the 1) BSAI or 2) AI TAC. Explore having it come before CDQ program or GHL fishery.~~

*Amendment 1 failed 5-13*

*Motion passed 10-8*

*Rationale in support:*

- *The Council should update the purpose and need statement for Amendment 113 in a manner that addresses both the Court's concerns and any new developments in the AI Pacific cod stock area and fishery. This should include reference to the current situation's adverse conservation effects, including bycatch, the disproportionate management effects within the AI Pacific cod stock area resulting from the differential timing of cod aggregation between the AI and BS, excess harvesting and processing capacity, and the consequent need for timely interim action while the Council separately works to address un-rationalized elements of the Pacific cod fishery via a longer-term management action.*
- *Considering Adak's dependency on the federal cod fishery and the vulnerability of the community in the absence of protections to allow for its participation in this fishery, the majority of the AP believed it timely and appropriate to begin a standalone AI action as identified as under 3.1 in the discussion paper, and for the Council to prioritize such action. The new analysis should include a range of alternatives that identify a set-aside/limitation amounts as either a fixed or floating % of the CV trawl A season sector allocation.*
- *The majority of the AP maintained a strong reluctance to leave an Aleutian action solely in a larger BSAI package because of the longer time-frame, increased complexity, and uncertainty involved with a larger package. If the larger package is not advanced for some reason, than a regulatory solution for the Aleutian communities could be that much further delayed.*
- *The framework of AM 113 already exists and has been through an extensive decade- long analytical process. Staff acknowledged that implementation of a standalone action could potentially occur at least a year earlier than a comprehensive BSAI cod program. It is anticipated that the BS Cod fishery will continue to operate at a compressed pace and every year of protection will be critical to the viability of Adak's processing plant. Initiating a standalone action would not preclude encompassing the Aleutians into a future comprehensive BSAI cod package.*
- *The majority of the AP acknowledged that prioritizing an AI action could potentially delay analysis of a comprehensive package. However, felt that the AI and framework of AM 113*

*would need to be considered under a comprehensive analysis process regardless and that it was appropriate to prioritize the AI considering the vacatur of AM 113 has put Aleutian communities and private sector investments at immediate risk.*

*Rationale in opposition:*

- *A comprehensive BSAI cod trawl CV LAPP is already under consideration that includes options that benefit the plant on Adak. Prioritizing a non-LAPP process to create an allocation, or de-facto allocation, of cod to the plant on Adak will inevitably slow down the LAPP that considers the needs of ALL the BSAI cod CV trawl stakeholders and is unnecessary. If for some reason the BSAI cod CV trawl LAPP were to stop moving forward, the elements dealing with the AI could be pulled out and continue independently.*
- *Amendment 113 impermissibly used national standards to justify an allocation, it doesn't make sense to rush into another attempt to simply redo the regulation instead of using the LAPP structure that is designed to establish allocations that are fair, equitable, and subject to review. The regulatory structure of Amendment 113 can not be repaired by providing new national standard arguments that there's now a conservation benefit and it's not an allocation. Demands that the plant on Adak needs the benefits that Amendment 113 created to be re-established immediately only underscore that it was an impermissible allocation.*
- *Trawl CV's wanting to fish for cod in the AI should have options for where they sell their fish, and not be price takers from only the plant on Adak.*
- *The 15 million lbs of statewaters cod is sufficient to support the plant, along with whatever Federal cod or other fisheries are also processed. The cod fishery is very different from when Amendment 113 was first developed and the tools of a BSAI LAPP are needed as soon as possible.*

*Failed amendment rationale:*

- *Under Amendment 113, all the cod allocated to the plant on Adak came out of the trawl CV cod allocation and put the burden on only that group of stakeholders. Analyzing options to have the cod come off either the BSAI or AI ABC would share the burden of the community benefits to Adak and the plant across all the BSAI cod sectors.*
- *Exploring how cod allocated to Adak from the BSAI cod ABC likely can't come before the CDQ and GHL allocations due to legal constraints as part of a discussion in any forthcoming analysis may support the importance of having the Cod come off the top of the ABC.*