

ADVISORY PANEL
Motions and Rationale
October 4-7, 2022 - Anchorage, AK

E Staff Tasking

Motion 1

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

Motion passed 9-7

Rationale in Favor of Motion

- *Alaska Native Tribes depend on the marine ecosystem for their way of life. Actions within the Council process have impacts upon this way of life; therefore, Alaska Native Tribes should have designated seats at the decision-making table. Alaska Native Tribes look at impacts to their way of life in a holistic manner including, but not limited to, climate change issues and food security effects. The intent of this motion is to further encourage opportunities for education and outreach to Alaska Native Tribes for participation and collaboration in the NPFMC processes.*
- *Alaska Native tribes will look at this verbiage and specified seat designation as more of an invitation to actively engage and apply for these opportunities within the Council process. While it may appear as being overly prescriptive, requesting designated seats will ensure the AP encompasses a varied experience and perspective that goes beyond typical socio and economic considerations.*
- *Current Alaska Native Tribe AP representation is from the Bering Sea coast; however, not one individual can represent the broad expanse of native tribal regions. The Council and AP process would benefit by having more Alaska native participation on a diverse level in order to share responsibilities that come from being an active representative as well as bring greater perspectives for consideration on all actions.*

Rationale in Opposition of Motion

- *The current AP SOPPs specifies that there are no designated seats (or membership number) on the Advisory Panel. Given the AP's role and responsibility within the Council process, it is critical to maintain the current flexibility in selecting participants for AP membership. The Council has worked to ensure that AP membership is representative of the diverse set of fisheries, gear types, regions, and experience throughout Alaska, Washington, and Oregon. This flexibility allows the Council to adjust and support AP membership as issues of importance arise. Designating AP seats has the potential to set precedent that could change the entire composition of the AP and create designated seats for all stakeholders and participating sectors. This has occurred in other Council regions. Based on experience in these other areas, having designated seats can often make the seats harder to fill (based on specific experience potentially required to hold a seat). This can result in seats remaining unfilled, which could*

mean a smaller Advisory Panel that would ultimately have less broad representation than what has occurred under the current process.

- *The current opportunities for participation in the Advisory Panel are open to any and all members of the public with interest in engagement to apply. Because there are no designated seats, the process naturally allows for a diverse section of the population to participate based on a broad range of relevant experience and interest. The Tribal and Native community should and does have ample opportunity, within the current process, to apply for these seats. It is unclear how designated seats would “ensure an equitable opportunity” when that opportunity currently exists in multiple forms including AP membership, CEC membership, LKTK taskforce membership, and stakeholder public comment through these public meetings as well as the Council meeting (in-person and remotely) itself.*
- *The discussion that resulted from the motion reflects a larger conversation that is going on nationally and in fisheries about improving diversity and involving more voices in the process. Inclusion of tribal perspectives and holistic viewpoints should definitely be a part of this. However, while enhanced engagement should be a Council priority, much consideration should be given to flexibility in AP selection that reflects the most pressing fisheries issues, and the current appointment process does this. Salmon returns to western Alaska have been especially low lately, and recent crab declines have impacted many stakeholders. These and other similarly pressing issues should drive the Council’s AP appointment process instead of quotas and box clicking which may affect needed flexibility.*

Motion 2

The AP recommends that the Council initiate a discussion paper on a regulatory proposal to decrease the Steller Sea Lion closure around the haulout around **(1) the Central Gulf of Alaska** Sutwik Island from 20 miles-to 3 miles.

*Amendment 1 failed 8-8 (to add Central Gulf of Alaska and strikeout Sutwik Island from 20 miles)
Motion passed 16-0*

Rationale in Opposition of Amendment 1

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

Rationale in Favor of Amendment 1

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

Rationale in Favor of Main Motion

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

Motion 3

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

Motion passed 16-0

Rationale in Favor of Motion

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

Motion 4

Move to approve the AP minutes from the June 2022 meeting.

Motion passed 16-0