



**ADVISORY PANEL**  
**Motions and Rationale**  
**March 31-April 4, 2025 - Webconference**

The Advisory Panel met Monday, March 31, through Friday, April 4, 2025, via webconference. The following members were present for all or part of the meetings:

Tiffany Agayar	Lauren Howard	Chance Miller
Tamara Briggie	James Johnson	Patrick O'Donnell
Eva Dawn Burk	Maktuayaq	Landry Price
Bernie Burkholder	(Formerly Johnson, Mellisa)	Chelsae Radell (Co-Vice Chair)
Shannon Carroll (Chair)	Kavanaugh, Julie	Annika Saltman
Nels Evens	Rick Laitinen	Paul Wilkins
Gretar Gudmundsson	Craig Lowenberg	Susie Zagorski
	Heather Mann (Co-Vice Chair)	

**C1 Motion for the AP on C1, Area 4 Vessel Cap**

The AP recommends that the Council take final action on Area 4 Vessel Cap  
Alternative 2, Option 1B, 5% of the Area 4 halibut TAC

Suboptions:

1. Specify that the IFQ held by Area 4B CQE does not accrue towards Area 4 vessel cap.
2. Action will be reviewed as part of the next scheduled IFQ Program Review.

*Main Motion passed 17-4*

**Rationale in Favor of Main Motion**

- *The AP felt this motion was responsive to public testimony by taking permanent action to relax Area 4 Vessel caps in a vast, remote region with additional fuel costs, processor challenges, and small vessels that prosecute the fishery.*
- *The AP acknowledged concerns about potential consolidation in regards to this action, but noted that there are still other regulations in place such as general prohibitions on transfers and leasing of CV IFQ, harvesting vessel size limitations, and quota use caps that prevent consolidation.*
- *This action will allow vessels to prosecute the Area 4 IFQ fishery with greater efficiency, as heard in public testimony. This is particularly important at a time of significant challenges in the seafood industry, which is facing consolidation even with regulatory measures in place.*

**Rationale in Opposition of Main Motion**

- *The AP recognizes that the collapse of processing capacity in Areas 4B and especially 4CD have created a crisis, particularly for the community of St Paul but some remain skeptical if permanent increases in the vessel caps are the right solution to the current problems. After 4*

*years without any vessel caps, halibut harvest in region 4 has continued to decline and the available data does not point to vessel caps as being the best solution. Low catch rates, lack of O32 halibut, whale depredation, and increased cost of operations all contribute to the current under-utilization.*

- *Table 5 on page 23 illustrates the decline in participation and the narrative reads, "Overall vessel participation has declined dramatically throughout the time series. Area 4 has seen particular declines in vessels in recent years, even when vessel caps have been removed, and a large portion of the allocation has been left unharvested." There is no obvious trend of additional vessels participating in Area 4 fisheries in years that vessel caps have been removed compared to previous years.*
- *Though AP members were sympathetic to the challenges they are having in all of area 4, some have concerns about setting precedents. Catch rates have a lot to do with stakeholder challenges, but that can be addressed in harvest management. All halibut fishermen took large cuts in halibut quota this year and remain hopeful that the abundance of halibut will rebound. If it does, eliminated or highly increased caps will be hard to reimplement.*

## C2 Small Sablefish Release

The following changes and additions are in bold.

The AP recommends the Council revise the purpose and need and adopt the following preferred alternative for final action.

***All aspects should apply to both the IFQ and CDQ fixed gear sablefish regulations.***

### Purpose and Need

Beginning with the 2014 age class, a continuing series of large year classes of sablefish are resulting in significant catches of small sablefish in the IFQ and CDQ fixed gear fisheries and current regulations require retention of all sablefish **for catcher vessels**. Small sablefish have low commercial value under current market conditions. Action is needed to reduce the harvest of small sablefish **and to align the current regulations for CP's releasing small sablefish while fishing both IFQ and CDQ**. Although no scientific studies are available to estimate survival rates for Alaska sablefish, information from other areas suggests that survival rates for carefully released sablefish may be high enough to warrant consideration of relaxing full retention requirements **for catcher vessels**. Limited operational flexibility to carefully release sablefish may increase the value of the commercial harvest and allow small fish to contribute to the overall biomass

### Alternative 2: Allow Release of Sablefish in the IFQ Fishery

This alternative would-modify the regulatory restrictions that prohibit release of sablefish caught by sablefish IFQ **catcher** vessels as well as the FMP provision prohibiting discarding.

Require retention of sablefish 22 inches total body length or longer (provides for voluntary release of sablefish under 22 inches total body length) **for catcher vessels**.

Option B: All CPs using fixed gear to fish sablefish IFQ/CDQ could discard any sablefish, regardless of size.

### Element 1: DMRs

The SSC recommends the DMR be identified and regularly adjusted through the stock assessment process.

### Element 2: Catch and Release Mortality Accounting

Sablefish catch and release mortality associated with the IFQ fishery will be accounted for in the stock assessment. **The AP recommends that the term ICA be changed to Sablefish Discard Allowance (SDA)**. For in season management, an **SDA** must be established to account for sablefish discards:

Option 1: As part of the annual harvest specification process, fixed gear **SDA's** will be established separately for the CP and CV categories.

**The AP recommends no SDA be established for the first year of this action**

**The AP also recommends the Council establish in season management authority to allow NMFS to prohibit discarding in the sablefish IFQ /CDQ fisheries in the situation that if continuation of discarding were to continue it could result in exceeding a TAC or ABC.**

Element 3: Monitoring and Enforcement

**The AP recommends that NMFS utilize existing observer programs and vessel logbooks to monitor compliance and estimate discard amounts utilizing current infrastructure to ensure effective enforcement without additional regulatory burden. Observer protocol should be created for documenting released sablefish on both CP and CV's fishing IFQ/CDQ sablefish.**

**For this action, a CP shall be considered a vessel which is actively fishing as a CP or a "freezer longliner" and participating in full coverage monitoring.**

Element 4: Review

**Option 1: The ability to release sablefish will be reviewed in 5 years following implementation or during the IFQ program review, whichever comes first.**

Element 5 Careful Release

**The AP recommends the development of a careful release requirement for all fixed gear sablefish that states, "sablefish shall be carefully released immediately and with a minimum of injury while ensuring observers, when present, have access to fish for biological sampling and catch accounting. For hook-and-line fishing, discards must follow the careful release procedures implemented in the Pacific halibut fishery (e.g., 50 CFR 679.21(f)(13)). For vessels fishing with pot gear, sablefish must be released in a timely manner with minimal injury or harm."**

**The AP recommends the Council not specify the requirement for escape mechanisms at this time to allow for continued innovation of sablefish pot gear.**

*Main Motion passed 17-3*

### ***Rationale in Support of Main Motion***

- *For the last 6 years, many fishermen in the fixed gear sablefish fishery have advocated for this action and while allowing fixed gear fishermen to release sablefish under 22 inches will not on its own recover markets, it will improve the socioeconomics of the fishery.*
- *Table 6-19 in the analysis places this potential benefit to the fleet at \$4.3 million, and goes on to note potential benefits to processors and communities reliant on sablefish landings. Increasing the value of the sablefish catch may also contribute to the viability of the sablefish survey and the observer program since cost recovery programs are based on the value of the catch.*
- *The stock assessment includes fish age 2 and older. Requiring fishermen to retain > 22 inch fish results in age 3 and older sablefish being retained. As a result, only a very small component of currently assessed spawning biomass can be released, having minimal impact on the stock assessment process.*
- *The AP has made the recommended edits to the purpose and need statement to clarify that this action is specific to catcher vessels, while including the NMFS recommendation to revise current regulations to align retention requirements for CPs fishing sablefish CDQ and CPs fishing sablefish IFQ, per requirements under the Magnuson-Stevens Fishery Conservation and Management Act. It is appropriate at this time to align sablefish retention regulations for CDQ fished on a CP with those that apply to a CP fishing IFQ.*
- *Sablefish are a long-lived species, not reaching sexual maturity until they are 10 years old, yet there has been an increase in the deliveries of sub 22-inch (1-2 lb) fish, of which, only 2% of which are likely sexually mature. The fishery has shifted its harvest to largely sexually immature sablefish that have relatively low market value in recent years. Some AP members believe that giving the fishermen the tools to let those fish grow up is not just responsible, but necessary. The CP fleet currently has no restrictions on releasing sablefish and can release fish of any size. There is no ICA/SDA or DMR in place and never has been.*

### ***Rationale Specific to Element 2 - Catch and Release Mortality Accounting***

- *The AP has included the NMFS recommendation of creating a new term Sablefish Discard Allowance, to account for this action. The SDA should be set alongside the DMR by the SSC and we have adopted the recommendation to set separate SDA's for CPs and CV's.*
- *At this time there is no available data on fleet behavior, in either sector to set an SDA. For this reason, there is a recommendation to not set an SDA in the first year of this action to allow time to gather data. Usually, when a catch share program is newly implemented, NMFS sets a conservative ICA and adjusts it over time as more information becomes available. Setting the ICA annually allows NMFS to make adjustments each year depending on the most recent information. Recent sablefish harvests are significantly below TAC and the stock is buffered against underestimation while data can be collected. Sablefish is considered a coastwide stock which further allows room for this data collection without an SDA in the first year of implementation.*
- *Catcher vessels and catcher processors have different business models and different observer coverage rates. The motion does its best to balance these differences by maintaining the historic regulatory flexibility that the fixed gear catcher processor fleet has had with the ability*

*to discard sablefish of any size. For the same reasons, separate SDAs for CV and CP fleets makes sense.*

***Rationale Specific to Element 3 - Monitoring and Enforcement***

- *Current observer protocol does not account for sablefish release and will need to be amended to include accounting and sampling of released fish. There was a need to clarify the definition of a CP in this fishery as there are subsets of vessels, which have a Federal CP permit but operate as a CP and a CV. The recommendation to clarify stresses the importance of the 100% or full coverage monitoring which would be the basis of data collection for setting separate SDA's for the CP and CV sectors.*

***Rationale Specific to Element 4 - Review***

- *There is a high likelihood of the next IFQ Review lining up within 5 years of implementation of this action and we acknowledge that the next IFQ review could be a more appropriate place to conduct a review of this action.*

***Rationale Specific to Element 5 - Careful release:***

- *The AP suggested mirroring the language currently used for regulatory release of halibut in the hook and line fishery. The other recommended language is consistent with the State of Alaska regulations for sablefish release in the state water sablefish fishery as well as the NMFS recommendation. The intent is to release lively fish with a high rate of survival– not discard injured or dead fish.*
- *It is not expected that every vessel in the CV fleet will take advantage of careful release. Increased TAC and low prices have shifted some CV fishing behavior to a volume model and some have stated that they have no interest in releasing fish and just want to get their quota out of the water. But for many vessels with small amounts of quota, this flexibility allows them to create more value from their catch. The IFQ report to the fleet shows 255 vessels fishing IFQ sablefish and a total of 600 permits. Fleet behavior is extremely variable but overall, the low value of sablefish under 22 inches has affected all of them.*

***Rationale in Opposition to Main Motion***

- *There was concern from AP members that there was not enough data collection or monitoring to provide accountability or enforcement. Given the level of uncertainty in implementing this action it did not feel ready for Final Action at this meeting.*
- *While AP members appreciated that stakeholders had been working on this action for six years, it was noted that many of the unknowns (observer bias in discard data, effects of low monitoring rates on enforcement, how discard data with low monitoring will extrapolate, how to set an SDA, what gear modifications could be used to reduce the amount of sablefish discards) could have been addressed in through the Exempted Fishing Permit (EFP) process. An AP member noted that it did not feel like good practice to take Final Action on an action this complex and then figure out additional protocols and implementation after the fact.*

- *The analysis noted that stock assessment authors are already lacking and losing data sources, so an AP member felt this motion was creating more uncertainty without increasing adequate levels of data collection.*
- *The review period did not seem adequate since the motion lacked metrics to determine whether careful release of small sablefish is a conservation benefit or will have created unintended impacts.*

### C3 Maximum Retainable Amounts (MRAs)

The AP recommends the Council move the MRA Adjustments Initial Review analysis forward for final action with the following revisions to the Alternatives (deletions are in strikethrough, and additions are underlined). There are no suggested changes to the Purpose and Need Statement. The Preliminary Preferred Alternative (PPA) is shown in bold.

#### Alternatives

Alternative 1: Status Quo. Federal Regulations at 50 CFR 679.20(e) establish MRAs as a percent of a basis species in Table 10 of part 679 for the Gulf of Alaska (GOA), Table 11 for the Bering Sea/Aleutian Islands (BSAI), and Table 30 for the Central GOA Rockfish Program. The percentage of a species closed to directed fishing that is retained in relation to a basis species must not be exceeded. In most cases, any additional catch amounts must be discarded at sea.

*Alternatives 2, 3, 4, 5 and ~~56~~ are not mutually exclusive.*

**Alternative 2: Revise MRA regulations to clarify (1) the definition of a fishing trip, (2) calculations for MRAs, and (3) applications of MRAs. These changes ~~would not change~~ provide clarification and make minor modifications in how the MRA regulations are currently implemented.**

**Option 1 – Modify the definition of a fishing trip to make it clear that motherships are responsible for the overall MRA of any catcher vessel delivering unsorted codends.**

**Option 2 – Clarify that MRAs are calculated by fishery management program due to different fishing prohibitions in place for each fishery management program.**

**Option 3 – Correct regulation citations for American Fisheries Act (AFA) vessels and AFA replacement vessels.**

**Option 4 – Clarify that when Community Development Quota (CDQ) uses an AFA vessel to harvest Amendment 80 species BSAI pollock and Bering Sea (BS) Atka mackerel MRAs are calculated at the time of the offload and clarify the species used as basis species for CDQ any species open to directed fishing may be used as a basis species for compliance with MRAs.**

**Option 5 – Clarify that MRAs take precedence over improved retention/improved utilization (IR/IU) regulations for catcher vessels delivering catch to a shoreside processor or stationary floating processor when catcher vessels fish in areas with different fishing prohibitions.**

**Option 6 – Update IR/IU regulations for Amendment 80 vessels to reflect past Council actions.**

**Option 7 – Revise the definition of directed fishing at 50 CFR 679.2 for vessels participating in the pelagic trawl EM program such that vessels deploying pelagic trawl gear are directed fishing for pollock if the amount of pollock is**

**Suboptions: 51-90 percent or greater of total catch.**

**Alternative 3: Revise the triggers that end a fishing trip from five to two triggers in the definition of a fishing trip for catcher/processers and motherships (not including current offload-to-offload species: BSAI pollock, BS Atka mackerel, and weekly reporting period species in the Central GOA Rockfish Program). Two triggers would remain: (1) when all fish or fish product is offloaded and (2) if the vessel changes authorized gear type. Three triggers would be removed: (1) the effective date of a different fishing prohibition in the area the**



vessel is fishing, (2) when a vessel enters or leaves an area with a different fishing prohibition, and (3) the end of a weekly reporting period.

**Alternative 4: Add additional species to an offload-to-offload MRA application in the BSAI and GOA for all vessel sectors. ~~Continue to exclude AFA vessels for BSAI pollock and BS Atka mackerel from the offload calculation.~~**

Option 1 – Add BSAI Pacific cod, GOA Pacific cod, GOA pollock, BSAI skates, Central GOA Rockfish Program, and GOA shallow-water flatfish.

Option 2 – Include all groundfish species. ~~except as noted above.~~

**Note: For catcher/processors and motherships, moving to an offload-to-offload fishing trip definition or MRA application will require regulations at 679.20(e)(3)(ii) be removed.**

**Alternative 5: Apply Bering Sea pollock MRA provisions to any Amendment 80 cooperative on an annual basis. Establish similar measures for CDQ groups harvesting Amendment 80 species to ensure consistency with regulation of harvest statutory requirements.**

**Alternative 56: Provide exemptions in regulation from MRA requirements in cases when of medical emergencies, mechanical emergencies, or poor weather ~~that ends a fishing trip.~~**

*Main Motion passed unanimously*

#### ***Rationale in Support of Main Motion***

- *This action addresses National Standard 9 by minimizing bycatch in four ways which are laid out clearly in the purpose and need statement: it clarifies how MRA regulations apply; it makes MRA calculations easier; it reduces regulatory discards by simplifying overly complicated and outdated regulations; and it addresses medical, mechanical, or weather issues that can impact MRA calculations and compliance.*
- *This action addresses long-standing concerns identified by both NMFS and the affected groundfish fleets. There is broad support from multiple different fishing sectors in both the Bering Sea and Gulf of Alaska for moving this action forward and the document is clear on the overarching positive benefits this action will have for multiple fleets. The Council's Enforcement Committee specifically identified a goal of simplifying complex regulations and MRA provisions in their 2015 Enforcement Precepts document, and the current action was initiated by the NMFS Alaska Region and the regulated fishing fleets starting in 2023.*
- *The motion maker noted that any of the action alternatives can be selected together and the PPA supports that.*
- *The AP noted this Motion is a significant step in cleaning up identified problems and providing clarification in many of the MRA regulations.*
- *While not included in the main body of the motion, based on public testimony and discussion at the AP table, the Motion Maker requested that the next iteration of the analysis clearly:*
  - *Describe how this action does or does not significantly change total catch. The analysis has several statements that indicate catch is unlikely to change, and other statements that are unclear. However, the AP noted that there are numerous control measures in place to prevent that, in addition to practical considerations that indicate the action*

*will not result in an increase in the amount of incidental species catch, nor will it change the location of where fish is being caught. This action will simply allow vessels the ability to retain fish they are already catching and currently forced to discard.*

- *Articulate that even though the amounts of groundfish retained in the fishery would increase, total removals of each species would continue to be within the TAC levels since discards under status quo are already incorporated into the TAC and will continue to be accounted for in the TAC under all alternatives.*
- *Highlight that nothing in this action changes the ability for NMFS to close fisheries or prohibit retention of catch as a TAC or allocation is reached. The AP noted that this action maintains all the tools NMFS has currently available to conservatively manage the fisheries within limits.*
- *Describe that this action does not modify Steller Sea Lion protection areas. Catch in protection areas occurs under status quo regulations and this will not change under the action alternatives being considered in this analysis. The existing protection measures in the Aleutian Islands (for example MRA retainable percentages; open/closed areas; seasonal allowances; etc.) will also remain in place and unchanged under this action.*
- *Include a more thorough discussion of the numerous controls on the catch of key Steller sea lion prey species (pollock, cod, and Atka mackerel). An AP member noted that the analysis should note that the 2014 Biological Opinion contemplated and considered full harvests of pollock, Pacific cod, and Atka mackerel. Current fishery harvests are well below levels previously considered and analyzed in previous ESA consultations.*
- *Present the available data related to the potential for increased catch for key Stellar Sea Lion prey species, pollock, cod, and Atka mackerel and discuss the practical considerations of the fisheries and the risk of this occurring given this information.*
- *Enhance how existing intra and inter sector agreements limit incidental and directed catch, specifically for species like Greenland Turbot noted in the Table 5-22 of the analysis. The AP noted that public comment suggests that none of these agreements will change under the proposed action.*
- *Include a discussion of the unresolved tension between the IR/IU regulations and the MRA regulations, which require vessels in all fleets to “hit the nail on the head” by retaining as much fish as possible under the IR/IU provisions but not going over the MRA. An AP member noted that the weight of a single cod can be the difference whether you are within compliance for either regulation.*

#### *Rationale Specific to Alternative 2*

- *Under the description of Alternative 2, the language notes that the motion clarifies MRAs and makes a minor modification under Option 7, but generally the MRA regulations will function as they do currently.*
- *Under Option 4, the clarification preserves the current method for determining basis species. Currently, when a CDQ group uses an AFA vessel to harvest Amendment 80 species, the BSAI pollock and BS Atka Mackerel MRA are calculated at the time of offload and the basis species*

*for MRA calculations are any species open to directed fishing, not just CDQ species as currently stated in the regulations. This clarification codifies the status quo practice.*

- *Under Option 5, the motion incorporates input from NMFS to read as originally intended and apply to CVs delivering catch to a shoreside processor or stationary floating processor only. The nature of a CV fishing operation delivering catch shoreside or a tender makes it extremely difficult to distinguish catch that occurred in an open area versus catch that occurred in a closed area since each haul is not sampled. For this reason, it makes sense for the CV delivering shoreside or to a tender to be held to the lowest MRA encountered within the trip rather than the IR/IU regulations.*
- *Option 7 is included, as recommended by the CV fleet, to specifically address the complicated interface between EM and MRA compliance. The Analysis explains the need for a change in the directed fishing definition of pollock for Trawl EM (TEM) since the program's maximum retention requirement can put vessels in direct conflict with the current directed fishing definition. The staff presentation noted that NOAA OLE could take enforcement actions due to the conflict in these regulations, so a regulatory correction was necessary. As discussed at previous AP meetings, the AP noted again:*
  - *The biomass of Pacific ocean perch (POP) has dramatically increased since directed fishing definitions and MRAs were put into place public testimony from vessel operators indicates that pollock and POP are impossible to distinguish on a net sounder.*
  - *The document specifies a threshold of 80% pollock or greater. Based on public testimony from the regulated catcher vessel sector, a range of 51% to 90% should be included in the Analysis prior to Final Action since there wasn't additional discussion of the number selection in the Analysis. An AP member noted that prior to this version of the analysis, the trawl EM CV stakeholder group had not considered the implications of a change in only the directed fishing calculation, without a change in the corresponding MRA percentage, leading to the request to see the range.*
  - *51% was chosen as the low end because it is the lowest percentage that you can select while maintaining pollock as the predominant species. 90% is the high end of the range because it is just under the current percentage of 95 which would be considered status quo.*
  - *An AP member noted that although changing the directed fishing definition percentage for pollock Trawl EM participants should cover most situations with unavoidable catch of POP, vessels may still occasionally have what the analysis refers to as a "red bag" which would result in a directed fishing calculation for both pollock and POP. However, the AP has heard in staff presentations, deliberations, and stakeholder public testimony that there are no incentives to target POP during the pollock fishery with Trawl EM. Since the TEM maximum retention requirement requires vessels to keep all catch, potential enforcement action against a vessel for directed fishing for POP under TEM, in these rare scenarios where even a modified directed fishing calculation is exceeded, will only prevent vessels from opting into TEM in future years.*
- *All of the provisions in Alternative 2, as modified, are selected as part of the PPA.*

*Rationale Specific to Alternative 3*

- *Alternative 3 is unchanged and is selected as part of the PPA.*

*Rationale Specific to Alternative 4*

- *Alternative 4 is included in the PPA with a small clarification. The strikeout clarifies that the offload-to-offload calculation would apply consistently for all vessels for all groundfish species rather than creating a more complicated regulatory environment by having a separate “instantaneous” calculation method for BSAI pollock and BS Atka Mackerel for the very limited number of AFA vessels that fish for CDQ non-pollock groundfish. This is also consistent with the clarifications NMFS recommends in Alternative 2, Option 4 and holds all vessels to the same standard. This makes the regulations as simple as possible.*
- *The note underneath Alternative 4 responds to a request from NMFS and the staff presentation highlighting that this specific regulatory change would be necessary in order to meet the intent of Alternative 3 and 4. CPs have both VMS and sampling of each haul, which means that the vessel can monitor the catch and the status of every species on a haul by haul basis. This granularity of data should allow these operations to ‘turn on and off’ what is considered a basis species as the vessel moves in and out of closed areas, and vessels shouldn’t be held to the lowest MRA encountered within a trip. If CPs are held to the lowest MRA encountered within a fishing trip, this will mandate more regulatory discards than status quo, which is counter to the purpose and need.*
- *Other minor modifications to the regulations as necessary and appropriate should be made by NMFS to meet the intent of these Alternatives.*
- *The proposed PPA is aligned with Path B, which is the path that the analysis assumed, and the AP’s intent is for this to be the preferred path.*
- *The motion as written would also allow for Path C, however, this is not the AP’s preferred path since path C1 fails to recognize that the open and closed areas for cod and Atka mackerel are not the same, so while this would provide some relief from status quo, it still retains the reality of triggering numerous offload-to-offload trips within each management program which this action strives to eliminate. Path C2 would provide slightly less regulatory complexity, but would still result in multiple trips to keep track of.*
- *The AP noted that Path A regulatory discards would increase, and the Council purpose and Need statement would not be met.*

*Rationale Specific to Alternative 5*

- *A new Alternative 5, as recommended in public comment, is included to consider applying Bering Sea pollock MRA provisions to any Amendment 80 cooperative or CDQ group on an annual basis.*
  - *This approach was noted in Section 4.4 of the analysis as a possible tool to further minimize bycatch of pollock in the Amendment 80 sector. Public comment that suggests this alternative could provide an ability to further reduce regulatory discards of pollock without increasing the overall incidental catch of pollock. This fits within the purpose and need of this action.*

- *The document notes that more analysis is needed to assess potential impacts on vessel behavior, specifically if this change would increase harvest beyond intended limits or cause a shift in spatial distribution of catch. Since the document does not yet have a robust analysis of this Alternative, it's not currently included as part of the PPA.*

*Rationale Specific to Alternative 6*

- *Alternative 6 was Alternative 5 in the previous iteration, but otherwise remains unchanged and is selected as part of the PPA.*

## C4 Programmatic Evaluation

### Motion 1

*The following is the substitute motion that passed. The original motion is located at the bottom of this motion in strikeout.*

The AP recommends that the Council pause the Programmatic evaluation process.

*Substitute Motion passed 21-0*

#### Rationale in Favor of Substitute Motion

- A pause in the process is warranted given the uncertainty related to staffing and funding capacity. Likewise, a pause allows this action to be reconsidered in the future after identifying resources for funding and staff.
- A pause does not infer judgment as to whether the action is important; instead, it reflects sentiments that this action is not urgent at this time.
- This recommendation is responsive to public comment.
- The Council may benefit from reconsidering the goals of the evaluation and whether stated FMP objectives are already being met under other actions.
- Some AP members believe the programmatic needs to be restructured and updated at some point in the future.

~~The AP recommends that the Council pause the Programmatic evaluation process to allow time to consider whether to reset the process (and if so, how) or to discontinue it entirely\*~~

### Motion 2

The AP recommends the Council initiate a retrospective analysis of how, whether, and why goals and objectives from FMPs and other key Council guidance have or have not been met.

*Main Motion passed 14-7*

#### Rationale in Support of Main Motion

- *The motion captures the desire to determine if current policy objectives and goals from the 2004 programmatic have been successfully met by various council actions.*
- *Some AP members felt that the Council should conduct a retrospective analysis prior to implementing changes to the programmatic objectives and goals.*
- *Other AP members expressed support for making the Council's actions in support of the 2004 goals and objectives easily accessible in one document so that the public may be better informed on the Council's actions.*
- *Some AP members, including the maker of the motion, noted that the Council staff used to provide regular updates to the Council on this topic. One AP member noted that this motion*

*was broad in guidance and that it could be interpreted by the Council as a request to simply restart these periodic updates.*

*Rationale in Opposition to Main Motion*

- *While there is appreciation for the intent of the motion, the undertaking would be very large and may be too large in scope to be useful versus overwhelming.*
- *One AP member felt that because the programmatic item has been dropped from the AP agenda more than once due to timing issues they were not comfortable voting yes on this recommendation.*
- *One reason to pause the action on the programmatic is the uncertainty around funding and staff capacity for these activities.*

## D1 Cost Recovery

The Advisory Panel appreciates NOAA's efforts to provide additional information about cost recovery. The Advisory Panel provides the following recommendations and actions for NOAA to improve transparency, emphasize accountability, and achieve greater efficiencies and cost reductions within Alaska's cost recovery programs. In responding to these requests, NOAA should do so without imposing additional costs on the directly regulated public.

The Advisory Panel recommends:

1. Consistent with NMFS recommendations, the Council should initiate a regulatory package to streamline the reporting and submission of cost recovery fees. As a starting point, focus on the challenges and potential solutions outlined in the NMFS presentation, "[Cost Recovery Process and Timing Draft Discussion Paper](#)." In addition to analyzing the solutions contained within the presentation, the AP recommends the consideration of collecting cost recovery fees at the time of each delivery, versus after the fact for applicable programs. Finally, remove any consideration of eliminating the "actual price" component in the IFQ program (slide 18).
2. The Council recommend to NMFS that they cease charging rent, lease, and utility costs consistent with non-Alaskan LAPPs. Further, task NOAA OLE with charging cost recovery programs only for investigations that are specifically required for enforcement of a LAPP or the CDQ Program and not preemptively for investigations as OLE has confirmed is currently the case. These actions should occur as soon as possible and are consistent with existing NOAA Policy Directives.
3. The Council should initiate a regulatory amendment to eliminate Economic Data Collection reports; and
4. Consistent with increasing transparency, accountability and efficiency, the Council task NMFS and management partners with providing additional clarity on the following items:
  - *Provide consistent and detailed descriptions of personnel costs by specific offices, categories, tasks, and hours consistent with NMFS West Coast Reports.*
  - *Provide clear guidance to all NOAA staff, including its management partners, on how cost recovery costs should be applied (e.g. business rules) using NMFS well-established incremental costs and "but / for" policies and procedures.*
  - *Provide a listing of regulatory projects from 2021 – 2024 that met the rationale to have cost recovery fees imposed.*
  - *Describe the nature of enforcement actions requiring the imposition of cost recovery fees from 2021- 2024. NOAA OLE should provide cost recovery data (#personnel, #hours, and total costs) for each investigation and violation report they process and send to vessel owners. NOAA OLE should also detail why compliance assistance is a*



*recoverable cost when compliance assistance has been a long-standing feature of OLE activities.*

- *Provide greater clarity on how NOAA can administer cost recovery programs outside of Alaska with lower overall costs.*
- *Request NOAA engage in efforts to minimize costs in all cost recovery programs and provide documentation of those efforts to the affected industry and the Council as part of the annual cost reports.*
- *Request that NOAA establish a clear policy that ensures that if there is uncertainty in the appropriateness in attributing costs, minimizing the burden on the directly regulated public should be the default.*

As with #2 above, the Advisory Panel requests the information requested in #4 be provided as soon as possible. Pending the review of this information, the Advisory Panel may consider recommending additional action to initiate an analysis for regulatory action to define how direct program costs and incremental costs should be calculated.

*Main Motion passed 20-0*

#### ***Rationale in Support of Motion***

- *The AP agrees that the new cost recovery report is much improved from previous reports and appreciates the agency's willingness to meet with stakeholders and their attempts to improve transparency especially during this time of great uncertainty for NMFS*
- *Transparency does provide more details and the AP recognizes that with transparency more questions are a natural result making this effort an iterative one*
- *The AP notes that over the last five years \$49,254,287 has been collected from fishermen through the various rationalization programs in Alaska. Over 1/3 of that is attributable to OLE (\$17,718,282) and this is a significant amount of money leaving the pockets of stakeholders and associated coastal communities and moving to the agency for management of these fisheries*
- *The fishing industry has been facing unprecedented challenges over the last few years and these expenses are exacerbating those real-world challenges*
- *The AP acknowledges there is inconsistency in how cost recovery programs are implemented between the different regions and would request more consistency in terms of determining what is a recoverable cost, i.e. in the North Pacific program charges for rent, lease and utility costs where other regions do not.*
- *Specific to the Office of Law Enforcement, AP members were surprised to learn that OLE is "pre-determining" charges for enforcement activities. Charging for the following year seems contrary to the guidelines for cost recovery which are supposed to be used to "reimburse" for management and enforcement activities. The AP noted there is also a potential bias in where enforcement focuses its efforts to meet that "predetermined" expenditure .*
- *While the Agency is taking a step towards transparency, the AP notes that many management partners (ADFG, IPHC, and others) are not providing the same level of detail. While the costs charged by these partners may well be recoverable, without any detail at all that is difficult to determine.*

- *While the staff presentation highlighted billing cost recovery fees at every delivery similar to observer fees, specifically as a potential solution to potentially alleviate challenges with IFQ cost recovery, one AP member noted that this concept could also potentially benefit the CGOA Rockfish Program, too. There are also challenges with the timing of the RP ex-vessel value and volume report at the end of the year, when processing staff are leaving. Multiple allocated species and differing prices between processors due to market struggles have also resulted in vessels paying cost recovery at a different value than they were paid for the product; it is also a challenge for processors to determine how much to withhold.*
- *AP members noted that public comment was specific regarding maintaining a “real” price component to the program for the halibut and sablefish program*
- *The majority of the AP continues to question the efficacy of Economic Data Reporting and the value of the information collected versus the burden of the EDRs and the associated fact that not all fisheries are completing EDRs*
- *Members of the AP believe that just as the various fishing sectors are expected to be accountable, particularly in rationalization programs, so too should the agency, cooperating partners and office of law enforcement be accountable with the millions of industry dollars they are collecting.*
- *This motion is responsive to public comment.*

## D2 GOA Tanner Crab Motion

*The following is the substitute motion which passed. The original motion is located at the bottom of this document is ~~strikeout~~.*

The AP recommends that the Council request an expanded discussion paper that includes the best available scientific information to define the problem, methods for evaluating existing and potential new fishery closures to protect GOA Tanner crab and more data to capture the importance of the two stat areas to the shorebased catcher vessel fleets. Rather than a third standalone discussion paper, this expanded discussion paper should combine the February 2024 and April 2025 discussion papers with updates and should also include the following:

### What is the problem:

- Provide tanner crab fishing mortality both from the groundfish fleets and within the directed fishery itself (both harvests and bycatch).
- Information that could explain the cyclic nature and success of tanner crab recruitment events.
- Information that could explain why the most heavily fished area has the highest abundance of tanner crab compared to other areas that are lightly fished.

### Best available science to develop and remove closure areas:

- Literature review of the science regarding the effectiveness of static closures on reduction of bycatch and habitat disturbance, including trade-offs with open areas.
- Best available science for determining closure elements: boundaries and timing.
- How best to design seasonal closures, closures based on recruitment events, other biological criteria (e.g. molting) and the tradeoffs for these types of closures compared to annual closures.
- Set of goals and measurable objectives that can be used to evaluate the effectiveness of crab closures.
- Criteria for maintaining and removing closures.
- Appropriate time periods for re-evaluation of closures and potential actions that could be taken during the evaluation process.

Staff should work with the SSC to provide recommendations for these topics.

### Importance of the statistical areas 525702 and 525630:

- Overlay all closure areas that affect each fishing sector to understand what is truly open for fishing.
- Provide additional ADF&G survey crab per kilometer towed heat maps (Figure 5) to show any shifts in annual distribution of Tanner crab in stat areas 525702 and 525630. This should be a separate figure for each year from 2012 – 2024, rather than combined years.
- Provide additional ADF&G survey area swept heat maps to show any shifts in annual distribution of Tanner crab in stat areas 525702 and 525630. This should be a separate figure for each year from 2012 – 2024, rather than combined years.
- For the catcher vessel sectors only, provide the volume of NPT, PTR, POT groundfish harvests and the directed Tanner crab fisheries harvests in stat areas 525702 and 525630, for the years 2012 - 2024.
- Table 6 should be revised in such a way that separates CV and CP operations without disclosing confidential information.

- Develop a better method for demonstrating how important these stat areas are to the different groundfish sectors. For example, a heat map of fishing effort by stat area for the CV sector for NPT, PTR and pot harvests for the years 2012 - 2024 in the CGOA.

*Substitute Motion passed 12-9*

***Rationale in Favor of Substitute Motion***

- *Several AP members noted that Kodiak relies on all fisheries and gear types to keep harvesters, processors, and the community whole. They referenced public testimony regarding the importance of statistical areas 525630 and 525702 to the Kodiak trawl catcher vessel fleet and noted concern with closing those areas without first formulating objectives for monitoring the success of new closures or existing crab closure areas. AP members also noted that rushing this action could cause additional harm to the Kodiak processors since they rely on trawl volume to stay open for smaller fisheries, and the industry is already under significant stress.*
- *AP members in support of the motion did not believe that there was not enough information presented in the discussion paper, or in combination with the February 2024 discussion paper, to inform whether there is a problem or to inform the development of a Purpose and Need Statement and range of alternatives.*
- *The maker of the motion noted their intent to combine all three prior discussion papers to make it easier to compare and evaluate all information analyzed to date.*
- *While the motion maker noted that some of the information requested could be included in an Initial Review, they felt that the information request was better suited for an expanded discussion paper.*
- *The maker of the motion noted that a third expanded discussion paper was not intended to delay action; rather, they felt it was the best process to collect the best available science to inform the effectiveness of static closures and how to develop new dynamic areas with metrics.*
- *The AP discussed and heard in public testimony that there are numerous static closures around Kodiak Island, including the Type I and II King Crab and Marmot Bay Tanner Crab Protection area that, despite being closed since 1987 and 2014, respectively, do not hold the majority of the Tanner Crab biomass.*
- *It was noted by some AP members that the ability to reopen existing crab closure areas should be considered under this Agenda item because new crab closure areas would likely threaten the ability of the Kodiak trawl fleet to remain in business.*
- *It was also noted that while regulatory action to constrain the trawl fishery continues to be contemplated and implemented, the GOA trawl fisheries are still forced to operate without the cooperative management tools afforded to all other trawl fisheries in the North Pacific, limiting the ability of the trawl fleet to be responsive in-season.*
- *Members of the AP felt the original AP motion was not responsive to concerns voiced by some public testifiers and members of the trawl fishery as far as moving to smaller, more dynamic closers in the area that would have continued access to these areas open to both crab and trawl fishermen.*
- *Additionally, there were concerns expressed by the AP that no objective criteria were identified to periodically review keeping this area, or other areas, closed to trawling or reopening this or other areas in the future if continued closure proved to be ineffective.*

***Rationale in Opposition to Substitute Motion***

- *Some AP members felt the substitute motion was a departure from the intent of the action as there was not a focus on the protection of Tanner crab.*
- *Some AP members believe the Council can move forward with Tanner Crab Protections by implementing closures now versus the consideration of reopening areas simultaneously.*
- *Other AP members expressed a concern that the substitute motion did not provide enough structure to move the action forward in a meaningful way and that an initial review was appropriate despite there being a need to further narrow the proposed closure areas.*
- *In regards to the motion makers' concern about the lack of scientific data available to implement a closure area, one AP member suggested that NMFS' policy guidance on National Standard 2 notes, which states "the fact that scientific data is incomplete does not prevent preparation or implementation [of an FMP]," applied to the issue at hand.*
- *Some AP members did not think that a review of other Kodiak-area trawl closure areas should be considered under this action because doing so would further complicate the action, increase the amount of staff resources needed, and attract additional interest from stakeholders. Others noted that if a review process were eventually developed, it would apply to this new closure area.*
- *Some AP members thought that the information requested in the substitute motion could be included in an initial review rather than a discussion paper.*
- *Some AP members expressed concern that the substitute motion was not responsive to the majority of written and oral testimony, which asked for the motion to stay focused on the protection of Tanner Crab.*

**~~The AP recommends that the Council move the Tanner Crab Protections Discussion to initial review.~~**

**~~Purpose & Need Statement:~~** : The purpose of this action is to consider closure areas for the protection of centers of abundance and corresponding habitat for Gulf of Alaska (GOA) Tanner Crab (*Chionoecetes bairdi*) from groundfish fishing impacts. Significant biomass of crab are identified to be present in the proposed area closures throughout the year and consistently through time. Kodiak's harvesting and processing sectors depend on diverse access to various fisheries including crab and groundfish. Tanner Crab harvests are an important economic driver for the local economy. This action is intended to help ensure the sustainability and productivity of Tanner Crab.

This proactive approach aims to balance competing uses of marine resources and diverse social and economic goals for sustainable fishery management, including protecting long term resource health. The Council seeks to minimize bycatch, ensure the sustainability of the Tanner Crab population, and reduce impacts where practicable.

### **~~Alternatives~~**

#### **~~1. Status Quo~~**

**~~2. Statistical Area Closures~~** Implement annual or seasonal closures in statistical areas 525702 and/or 525630.

#### **~~A) Year-Round~~**

~~a. Groundfish Pot & Trawl (NPR & PTR) gear~~

~~b. Trawl (NPT & PTR) gear~~

~~\_\_\_\_\_ c. NPT gear~~

~~\_\_\_\_\_ d. Review~~

~~\_\_\_\_\_ a. 3-5 yrs~~

~~\_\_\_\_\_ b. 7-8 yrs~~

~~\_\_\_\_\_ c. 10yrs (or in cycle with the GOA FMP Review)~~

#### **~~B) Seasonal (February 15-June 15)~~**

~~a. Groundfish Pot & Trawl (NPR & PTR) gear~~

~~b. Trawl (NPT & PTR) gear~~

~~c. NPT gear~~

~~\_\_\_\_\_ d. Review~~

- ~~\_\_\_\_\_ a. 3-5 yrs~~
- ~~\_\_\_\_\_ b. 7-8 yrs~~
- ~~\_\_\_\_\_ c. 10yrs (or in cycle with the GOA FMP Review)~~

~~Note: Year-round and seasonal closures are not mutually exclusive and can be considered separately for different gear types within individual areas.~~

~~3. **Partial Area Closures** Identify and evaluate more refined closure areas within the broader statistical areas to maximize protection for Tanner crab.~~

~~**A) Option 1 (See Map 1)**~~

~~**1) Year-Round**~~

~~a. Groundfish Pot & Trawl (NPR & PTR) gear~~

~~b. Trawl (NPT & PTR) gear~~

~~\_\_\_\_\_ c. NPT gear~~

~~\_\_\_\_\_ d. Review~~

~~\_\_\_\_\_ a. 3-5 yrs~~

~~\_\_\_\_\_ b. 7-8 yrs~~

~~\_\_\_\_\_ c. 10yrs (or in cycle with the GOA FMP Review)~~

~~**2) Seasonal (February 15-June 15)**~~

~~\_\_\_\_\_ a. Groundfish Pot & Trawl (NPR & PTR) gear~~

~~b. Trawl (NPT & PTR) gear~~

~~c. NPT gear~~

~~\_\_\_\_\_ d. Review~~

~~\_\_\_\_\_ a. 3-5 yrs~~

~~\_\_\_\_\_ b. 7-8 yrs~~

~~\_\_\_\_\_ c. 10yrs (or in cycle with the GOA FMP Review)~~

~~B) Option 2 (See Map 2)~~

~~1) Year Round~~

~~a. Groundfish Pot & Trawl (NPR & PTR) gear~~

~~b. Trawl (NPT & PTR) gear~~

~~\_\_\_\_\_ c. NPT gear~~

~~\_\_\_\_\_ d. Review~~

~~\_\_\_\_\_ a. 3-5 yrs~~

~~\_\_\_\_\_ b. 7-8 yrs~~

~~\_\_\_\_\_ c. 10yrs (or in cycle with the GOA FMP Review~~

~~2) Seasonal (February 15–June 15)~~

~~\_\_\_\_\_ a. Groundfish Pot & Trawl (NPR & PTR) gear~~

~~b. Trawl (NPT & PTR) gear~~

~~c. NPT gear~~

~~\_\_\_\_\_ d. Review~~

~~\_\_\_\_\_ a. 3-5 yrs~~

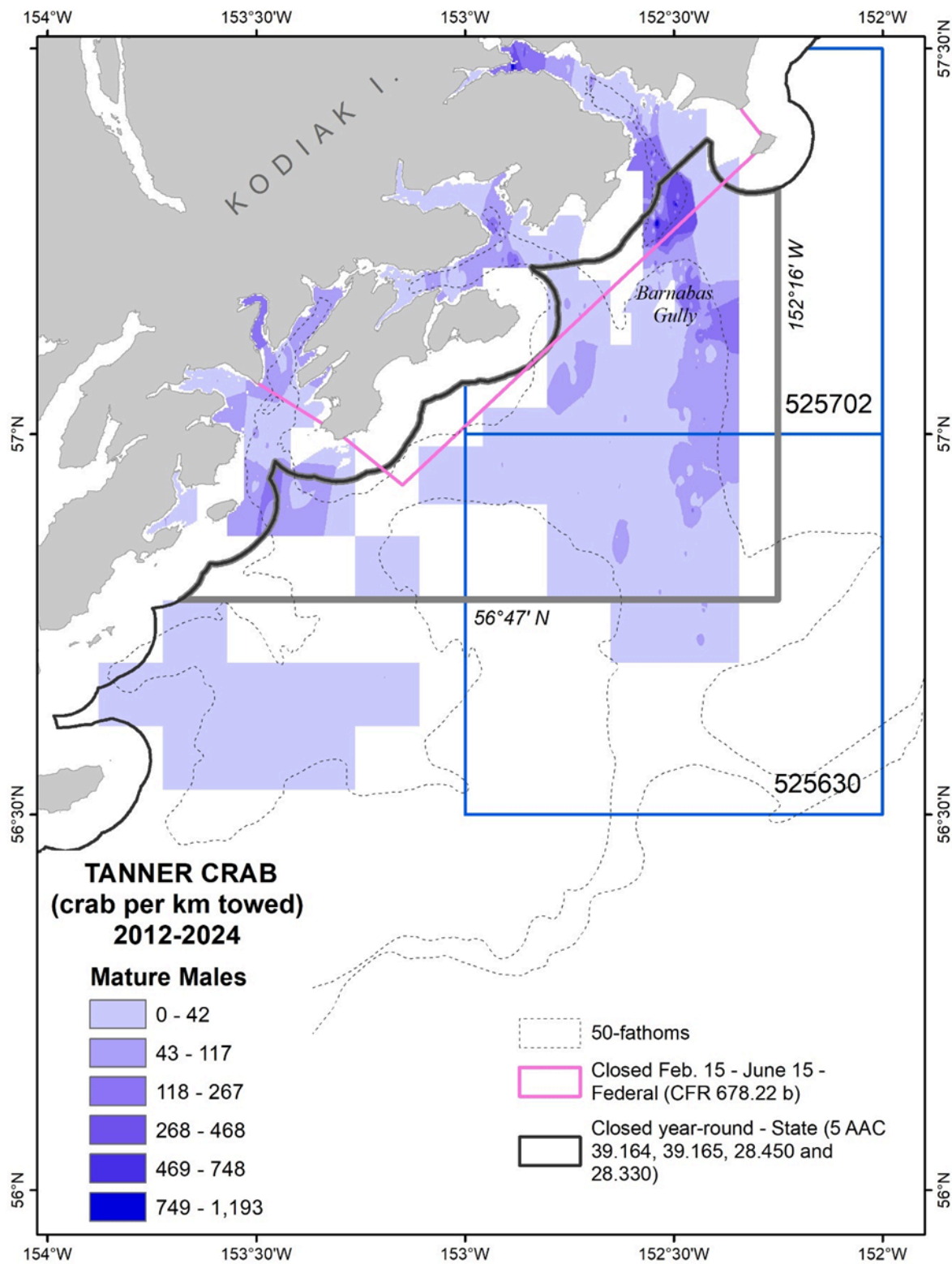
~~\_\_\_\_\_ b. 7-8 yrs~~

~~\_\_\_\_\_ c. 10yrs (or in cycle with the GOA FMP Review~~

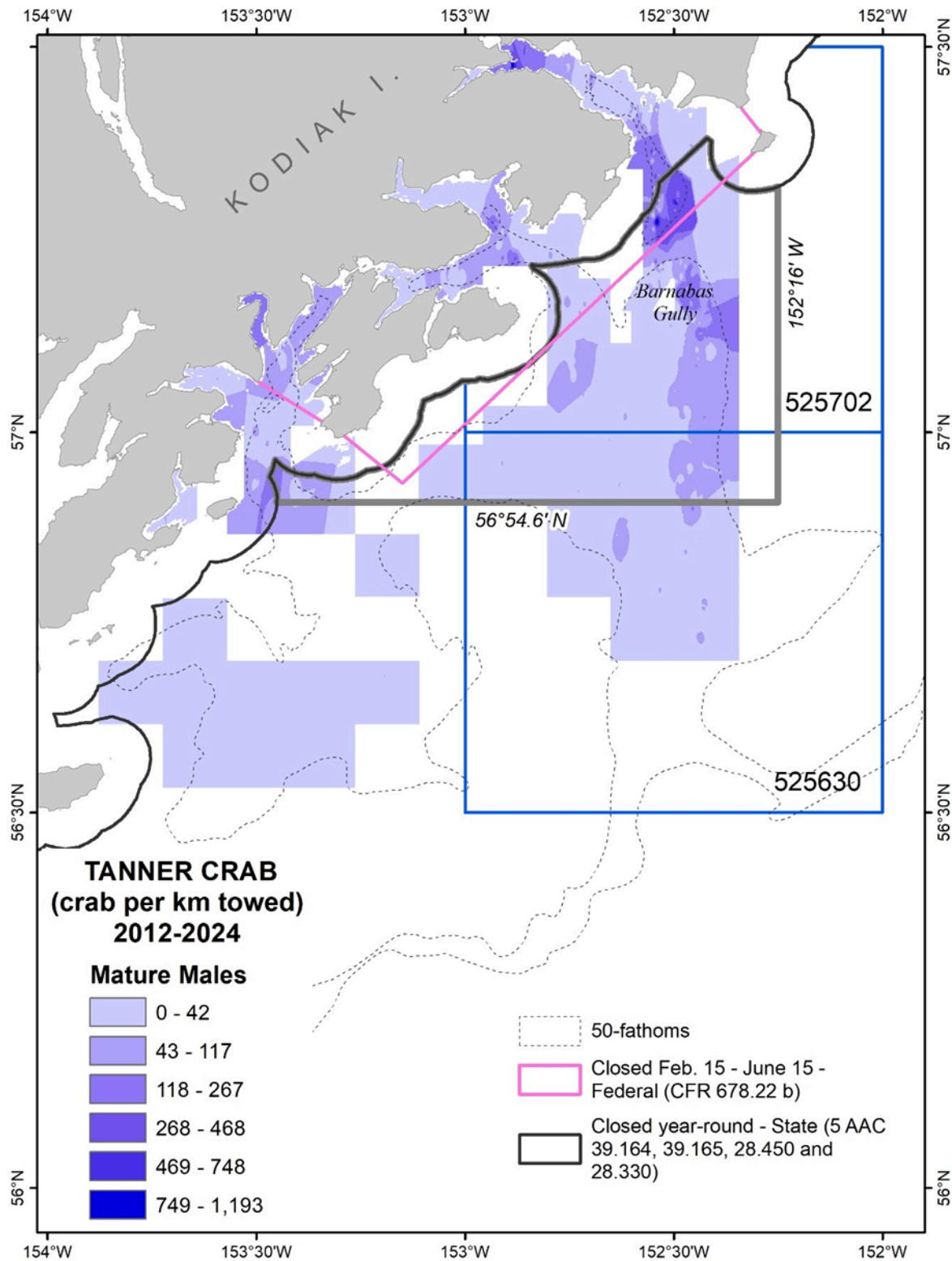
*Note: Year-round and seasonal closures are not mutually exclusive and can be considered separately for different gears and may be applied to partial area analyses.*



Map 1: Applies to Alternative 3a options 1 and 2



Map 2: Applies to Alternative 3b options 1 and 2



## **D3 CGOA Rockfish Program Review Motions**

### **Motion 1**

The AP appreciates the work that went into the Central Gulf of Alaska Rockfish Program Review and recommends that the Council adopt the Review.

*Main Motion #1 passed 19-0*

### **Motion 2**

The AP recommends that the Council request NMFS clarify how the Rockfish QS Use cap at 50 CFR 679.82(a)(2)(i) is implemented.

*Main Motion #2 passed 19-0*

### **Motion 3**

The AP recommends that the Council initiate a discussion paper on implementing Electronic Monitoring in the CGOA Rockfish Program shoreside sector for all target species and harvests with both pelagic and non-pelagic gear.

Given that a large amount of effort has gone into implementing the pelagic pollock Trawl EM program, which shares participants with the CGOA RP, the discussion paper should compare and contrast the two fisheries to explore which aspects of TEM could be utilized in a Rockfish EM program.

This paper should describe the CGOA RP shoreside fishery, including management structure, with suggestions for a RP Trawl EM program goals and objectives. It should include a description of the following elements within the pelagic pollock Trawl EM program and how each element could be similar or need to be different for an effective CGOA RP shoreside trawl EM program:

- Vessel and processor participation
- EM System equipment requirements and function
- Vessel Monitoring Plans, including catch handling procedures and retention
- Logbooks and other recordkeeping and reporting requirements
- Transitioning at-sea observer data collection to shoreside observer data collection
- EM Video Review
- Integrating EM Data into Catch Accounting and Stock Assessments
- Impacts and Changes to Data Collection, including prohibited species catch data and estimates of at-sea discards.

*Main Motion 3 passed 19-0*

### **Rationale in Support of Motion 1**

- *The AP motion acknowledged a comprehensive review of the GOA Rockfish Program and noted that the program is functioning as intended and that there were no requests from either the shoreside or catcher processor sectors, or the Agency, to request regulatory amendments to the Program at this time. This motion is reflective of that and the Review is ready for adoption.*

- *The motion maker noted public testimony from a shoreside processor stakeholder requesting a review of the processing cap; since the testimony noted there was not urgency in their request, and Amendment 113 to the GOA Fishery management program recently implemented in August 2024, four adjustments to the RP including increasing the processing cap from 30% to 40%, there was no need to include the request in the AP motion at this time.*

### ***Rationale in Support of Motion 2***

- *It was noted in the staff presentation, public comment (written and oral), and AP discussion that there is an issue with how NMFS is implementing the Rockfish QS Use cap for catcher vessels at 50 CFR 679.82(a)(2)(i). Even if primary rockfish quota is transferred to another cooperative, whether it is used by the cooperative it was transferred to or not, that primary rockfish quota is counted against the original cooperative's QS use cap.*
- *In small cooperatives, the current implementation limits the amount of quota that can be transferred into a cooperative. This disincentives small cooperatives and also treats cooperative members differently.*
  - *If one cooperative member leases primary rockfish quota from another cooperative, which requires that quota to be transferred into the cooperative of the vessel leasing and catching it, and that vessel leases an amount that puts the cooperative as a whole at or near the QS use cap, it can prevent another member from also leasing other primary rockfish quota.*
  - *Even in instances where primary rockfish quota is transferred out of a cooperative, if plans change, that same unharvested cooperative quota cannot be transferred back into its original quota without being counted twice towards the Rockfish QS use cap.*
- *The AP heard that this presented an issue in 2024 when a small cooperative was unable to receive additional quota, despite none of the vessels in the cooperative being at their 8% Vessel Harvest cap. This is complicated by the fact that all primary rockfish (POP, northern and dusky rockfish) count towards the 4% QS use cap, but only POP counts towards the 8% Harvest cap. Processors don't currently want northern and dusky rockfish so vessels are unable to harvest those species, but their existence in the cooperative limits the amount of POP that can be transferred into the cooperative to harvest.*
- *The small cooperative members left and joined a larger cooperative for 2025; alleviating immediate constraints, but this may still continue to be an issue in the future in smaller cooperatives and because there are increasing levels of quota moving between cooperatives in recent years.*
- *The AP noted that the shoreside cooperatives have been in discussion with the Alaska Region about this issue, who requested the specific motion language.*
- *The AP noted that although the catcher processor cooperative also has a QS use cap but this issue and motion is specific to the catcher vessel cooperatives.*

### ***Rationale in Support of Motion 3***

- *The Rockfish Program shoreside cooperatives have been working on the Rockfish EM project since 2022 when it began as a proof of concept due to a shortage of shoreside observers. The cooperatives have since obtained two National Fish and Wildlife Federation grants, which*

*were also recommended by the Fishery Monitoring Advisory Committee and the Council. This action is also a priority in the NMFS Alaska Region Electronic technologies implementation plan.*

- *AP discussion and public comment noted that it's important that all Rockfish Program targets and both pelagic and non-pelagic gear be included in the development of the RP EM program for trawl catcher vessels.*
- *Pollock Trawl EM was implemented as a fully regulated program in 2025; significant Council, Agency, and staff resources went into the development of that Exempted Fishing Permit (EFP) and regulated program. All but one vessel in the RP has an EM system from Trawl EM and all RP processors in Kodiak also participate in pollock trawl EM. There are a lot of similarities that exist to form the basis of a RP EM program; this discussion paper can begin comparing and contrasting the similarities to compile what knowns exist and can be included and which areas are unique to the RP.*
- *The bullet points included are specific groupings of categories from the Final Trawl EM Analysis in October 2022 and reflect items that the AP believes there is enough existing information on to begin a discussion paper.*
- *The stakeholders have been in communication with the Alaska Region monitoring branch, who were supportive of this discussion paper, and who are in support of an EFP for the project in 2026, which if moved forward by the Council would put this discussion paper coming back at a time to inform further development of the EFP and the start of the initial review process.*

## **E Motion 1      Tribal Salmon Fishery**

The AP recommends the Council initiate a discussion paper on how a Tribal Salmon Fishery can be implemented into regulation for the Cook Inlet Exclusive Economic Zone. The discussion paper should incorporate the proposal elements developed between NMFS Alaska Region and the Tikahtnu Inter-Tribal Fish Commission and include, but not be limited to:

- Review of commercial regulatory requirements for gear and how commercial gear could be used in the Tribal fishery.
- Review of commercial regulatory requirements for recordkeeping, and how they could be implemented in the Tribal fishery.
- Review of commercial regulatory requirements for fishing times, and how those could be different for the Tribal fishery.
- Considerations for how TAC could be apportioned to the Tribal fishery, including how regulations could be developed to allow the ability to sell some catch to recover costs of engaging in fishery.
- A review of the management of other Tribal fisheries that have been established within Federally managed fisheries (including other Regions) as a comparison for these decision points.

*Main Motion passed 20-0*

### ***Rationale in Support of Main Motion***

- *The AP's request that the Council initiate a discussion paper. This request is responsive to public testimony from the Tikahtnu Inter-Tribal Fish Commission (TIFC) and numerous tribes who have worked extensively with NMFS to develop a management plan.*
- *The AP heard public testimony that the Cook Inlet EEZ salmon fishery is underutilized and the TAC is not being fully harvested. The tribes in this region live in a non-subsistence area, so they utilize commercial fishing to provide enough salmon resources for their subsistence needs.*
- *The motion maker noted this action would uphold the federal trust responsibility to protect tribal rights to cultural and natural resources, including the right to hunt, fish and gather.*
- *The motion reflects some of the key decision points and needs from Tribal stakeholders that should be included in the discussion paper, but the AP anticipates that if directed by the Council, staff would include any other aspects of the proposal or issues that may arise in development of the paper.*
- *The AP noted that the proposal submitted in public comment by TIFC referred to the fishery as a "Tribal Salmon Fishery" or TSF, which is reflected in the motion language, but realized that sockeye salmon will be the target species harvested by the TSF.*
- *The discussion paper should include information on historical and current tribal access to salmon resources, including information on jurisdictional overlap.*
- *An AP member recognizes that there are a multitude of issues facing Cook Inlet salmon and wanted to emphasize that the Tribal Salmon Fishery is intended to be a subsistence fishery, breaking from all other fisheries managed by the NPFMC, which are commercial.*
- *The AP noted that since a future TSF in the Cook Inlet EEZ commercial salmon fishery would be unfamiliar territory for the NPFMC process, just as the newly established Cook Inlet EEZ commercial salmon fishery is, the inclusion of other Tribal fisheries into the discussion paper would be an important comparison as the process considers particular decision points.*

## **E Motion 2      Sablefish IFQ and Fixed Gear CDQ**

The AP recommends the Council initiate a regulatory amendment to establish the time of day of the start and end of the sablefish IFQ and fixed gear CDQ commercial fishing seasons that aligns with the time of day of the start and end of the halibut commercial fishing period established by the International Pacific Halibut Commission.

*Main Motion passed 20-0*

### ***Rationale in Support of Main Motion***

- *The halibut and sablefish longline IFQ and CDQ fixed gear season has historically always started at noon on the date established through the IPHC Annual Meeting. Starting in 2024, the season start time was changed to 6 am at the IPHC Annual Meeting as a way to provide more daylight hours on opening day of the season.*
- *When the IPHC regulatory package was reviewed for approval by NMFS, it was flagged that while the IPHC sets the season start date for the IFQ and CDQ fixed gear fleet for halibut and sablefish, it can only set the start time for the halibut fishery, as the sablefish fishery starts at noon by regulation. This has created a disjointed start to the halibut and sablefish longline IFQ fishery where you can set gear for halibut at 6 am and have to still wait until noon for sablefish to open.*
- *The AP noted that this was a housekeeping request that was responsive to the longline fleet who requested this regulatory amendment to establish both the season start date and the season start time for the IFQ and CDQ fixed gear longline fishery at the IPHC Annual meeting.*
- *An AP member noted that OLE has no concerns regarding a motion to align season start times with halibut. It is consistent with the Enforcement Precepts, which advocates for consistency in regulations.*