



ADVISORY PANEL

Report with Rationale

June 2 - June 5, 2025– Best Western Plus Agate

Beach Inn, Newport, Oregon

The Advisory Panel met Monday, June 2, through Thursday, June 5, 2025, at the Best Western Plus Agate Beach Inn and via Zoom Webinar.

**ADVISORY PANEL
Motions and Rationale
June 2-5, 2025 - Newport, OR**

C1 Observer Program Annual Report Review, FMAC Report

AP Motion 1

The AP acknowledges the receipt of the 2025 Observer Program Annual Report and appreciates the work that went into it. The AP supports the following recommendations from NMFS and/or the FMAC:

1. Deployment Design: Continue proximity allocation method and the strata used in the 2024/2025 Annual Deployment Plan (ADP) for the 2026 ADP, making no significant changes for the 2026 ADP.
2. EM Video Review:
 - a. Collaborate with PSMFC to monitor video review progress and enable a review strategy that will result in EM video review times that result in the most useful information for the most number of trips for a given cost.
 - b. Collaborate with PSMFC to develop specific prioritization rules that can be used to allocate review effort to the fisheries, gear types, times and areas that are the most dependent on EM data for management needs.
3. Fixed Gear EM:
 - a. Maintain an EM selection pool composed of up to 178 fixed gear vessels, which would maintain the size of the EM pool from 2025.
 - b. Prioritize placement in the EM selection pool based on vessel size, fishing effort, minimizing data gaps, and cost efficiency.
 - c. For vessel operators with repeated problems causing data loss, NMFS may disapprove Vessel Monitoring Plans and the vessel may be removed from the EM pool.
4. EM Development:
 - a. Continue to collaborate with industry partners on EM development and cost efficiency projects.
 - b. Work with FMAC and PCFMAC to develop priorities and potential grant proposals to the National Fish and Wildlife Foundation.
5. 2025 Annual Report:
 - a. Begin reporting EM Data Review issues annually for Trawl EM, similar to the Fixed Gear EM data in Table 4-5 and Figures 4-1 through 4.

Main Motion passed 19-0

Rationale in Support of Main Motion 1

- *The AP adopted all of the recommendations from NMFS and the FMAC. The motion maker noted that all of these recommendations are straightforward, maintain consistency with current approach and do not entail any significant changes moving forward.*
- *Discussion from the FMAC was also brought up at the AP regarding reporting EM Data Review issues for Trawl EM annually. It was noted that in the first few years of implementation of Fixed Gear EM, there were different types of issues that affected data quality, which continued to increase since they weren't addressed. Now that there has been a focus on those issues through reporting, the FMAC, Council, and industry have been able to find ways to resolve or mitigate many of the problems. Since 2025 is the first regulated year of the Trawl EM program, the AP felt it would be beneficial to start tracking the different types of issues now in a consistent manner with Fixed Gear EM. This will allow trends to be tracked from the beginning of the regulated program and issues can be addressed before they become significant problems.*

C1

AP Motion 2

The AP recommends that the Council determine how best to initiate a regulatory amendment package, either as part of a larger package in support of EO 14276 Restoring American Seafood Competitiveness or as a standalone package, to address observer availability issues. The following regulatory changes should be included:

1. Modify the endorsement criteria at § 679.53(a)(5)(iv) to allow hauls sampled in the At-Sea Hake Observer Program (A-SHOP) count towards the minimum sampled haul requirement of a Lead Level 2 (LL2) certification in Alaska.
2. Modify the endorsement criteria at § 679.53(a)(5)(iv) to allow sampled shoreside plant offloads to meet the minimum sampled haul requirement of a LL 2 certification.
3. Modify the minimum sampled haul requirement to obtain LL2 certification on trawl vessels to 60 sampled hauls rather than 100 sampled hauls.
4. Grant the Observer Program the authority to waive Fixed Gear LL2 Requirement when no fixed gear LL2 observers are reasonably available.
5. Consider regulatory measures to facilitate adoption of EM on the Hook and Line Catcher processor fleet (HAL CP).
6. ***(Amendment 1) Consider revisions to the zero selection pool (currently <40' fixed-gear catcher vessels and jig gear) for cost efficiency purposes to potentially include fixed-gear catcher vessels with: 1-2 annual trips, low quota/catch volume and potentially expanding to vessels of larger size range.***
7. ***~~Amend the fee schedule for the observer program specifically for vessels in the zero selection pool to either decrease them to a lower rate or cancel them for any vessel not opting into an observer program, including those in the zero selection pool.~~***

The AP also recommends that the Council consider recommending that the Observer Program implement the following non-regulatory policy changes:

8. Revert to the pre-2013 interpretation of the existing regulation at § 679.53(a)(5)(iv) to allow for A-SHOP sampled hauls to count towards the minimum sampled haul requirement of a LL2 in Alaska, until a regulatory change can be codified.
9. Transition debriefing protocols to focus primarily on remote debriefings rather than in-person debriefing, with the acknowledgement that the observer program could still require an in-person debriefing for a deployment with significant data quality issues.
10. Incorporate longline-lead instruction in all one-day briefings, while eliminating the current requirement that observers attend a separate two-day longline LL2 training class.

Amended Amendment 1 passed 18-1 (bold text)

Amendment to Amendment passed 16-3 (bold, strikethrough text)

Main Motion 2 as Amended passed 18-1

Rationale in Support of Amended Main Motion 2

- *The motion maker noted that the FMAC heard discussion from two observer providers about some regulatory changes that the Council could consider under the EO 14276 Restoring American Seafood Competitiveness. The AP also heard public testimony on these items and the AP felt it was appropriate to bring this second motion forward to signal their support.*
- *The AP did not recommend a discussion paper since many of these issues have already been included in previous discussion papers to some extent. However, the AP did not feel it was appropriate to initiate an Initial Review with a purpose and need and range of alternatives either, since as part of the EO the Council will be considering many different ways to reduce regulatory burdens. In this unique circumstance, the AP felt it was more appropriate to allow the Council to prioritize how to move forward.*
- *This motion addresses issues the Council, AP, and FMAC/PCFMAC have discussed or prioritized in the past, including the availability of LL2 observers and ways to meaningfully expand the zero selection pool. The EO presents a unique opportunity to potentially address those issues, streamline monitoring programs, and reduce cost burden on the Agency and industry.*
- *For clarity, the AP differentiated between items that would require regulatory actions and non-regulatory policy changes that could also ease burdens on industry.*

Rationale Specific to Items 1 and 8

- *Regarding the modification of endorsement criteria at § 679.53(a)(5)(iv) to allow sampled hauls in the A-SHOP to count towards the minimum haul requirement for LL2, the AP heard from FMA staff that NOAA General Council conferred on the intent of the regulations and determined that a regulatory change would be necessary.*
- *It was noted in public testimony and at the AP Table that in order to be deployed in the A-SHOP, observers still have to complete the same North Pacific Groundfish Observer three week training, that the catcher processors in the A-SHOP are the same vessels these observers work on in the Bering Sea pollock fishery, and that in many instances sampling in the A-SHOP can be more intense because there are more limiting incidental species in the fishery, and sampling incorrectly is more likely to cause a fishery closure. For all of these reasons, it makes sense that A-SHOP hauls should count toward the minimum sampled haul requirements for LL2 in Alaska.*
- *The AP noted that should the Council move forward with action to allow A-SHOP hauls to count towards Alaska LL2 certification, that the Council should also consider requesting the Agency make a policy shift to allow this while the regulation is being codified. It was noted that in other instances the Agency has been able to allow something while waiting for the regulatory resolution to be final.*

Rationale Specific to Item 2

- *The AP noted that in the past observer sampling at shoreside processors was significantly different to sampling on CPs and motherships so it made sense to not allow shoreside processor sampled offloads to count towards the minimum haul requirement. However, with the implementation of Trawl EM shoreside monitoring, observers are now sampling more similarly to CPs and motherships, including taking biological samples at randomly selected times. With more shoreside observer positions, this could also provide opportunity for observers to meet the LL2 requirement sooner.*

Rationale Specific to Item 3

- *The AP noted that 100 sampled hauls is a lot of volume on a pollock CP and may not be able to be accomplished in a single deployment, whereas on A80 CPs this volume of sampled hauls is more likely to be accomplished on a single deployment. Sixty sampled hauls is still a significant amount of data to gain experience and the reduction in the number of hauls could make achieving LL2 certification more efficient, regardless of the fishery an observer is deployed in. This could allow more LL2 certified observers to be available.*

Rationale Specific to Item 4

- *The Observer Program has the authority to waive requirements in many circumstances and allowing them the authority to waive the fixed gear LL2 requirement when no fixed gear LL2 observers are available should be considered as another tool they could have. Allowing them the authority does not mean they will waive the authority; the Observer Program knows their observers well and would be able to use discretion on when they may have an experienced LL2 observer who will be able to successfully complete the deployment even if they don't have the specific fixed gear LL2 certification.*

Rationale Specific to Item 5

- *The AP heard public testimony that the freezer longline sector is currently testing EM in addition to vessel observers to see if EM could replace the observer for some vessels. The AP noted that in the EO regulatory burdens discussion paper under the B reports, the Alaska Region had noted that there were ways the fixed gear and trawl EM regulations could be streamlined to be more efficient. Since a LL CP EM program could be developed in the future it makes sense that the Council consider ways to efficiently prepare that if addressing streamlining the EM regulations.*

Rationale Specific to Item 6

- *Many vessels in the halibut and sablefish fisheries fish low volume of quota on vessels in the 45 to 50 ft range. Most own their quota and it would be a worthwhile discussion to find a level of volume of quota that was a cut off for opting out of the observer program.*
- *The AP also noted that this action could also meet the objective of reducing the significant number of vessels in the Fixed Gear EM category that are operationalized and paid for, but are never selected to turn their EM systems on in a given year. This has been an ongoing challenge*

to address and reducing the number of vessels in the Fixed Gear EM pool will allow others to opt in who have been waiting.

Rationale Specific to Item 9

- *Waiting to debrief in Seattle has been discussed numerous times as something that can affect observer retention. The Program should still have the ability to do in person debriefings when a deployment has significant issues, however observers with good records and no issues should be allowed to go home and debrief remotely. It's a change that may seem small but when combined with other things could improve observer retention.*

Rationale Specific to Item 10

- *The types of observer deployments have changed a lot over the years and while we are in a period of finding efficiencies, the Council could recommend that the Observer Program reassess if there is a way to combine the longline LL2 information into the one day briefing that all observers receive. The AP heard public testimony that this is something that could allow observers to be available sooner rather than having to wait for the appropriate two day training to be scheduled.*

Rationale in Opposition to Amended Main Motion

- *Fishing vessels in all fisheries should be accountable, and we are moving toward 100% accountability in the future, probably through electronic monitoring. Categorically exempting vessels under 40 feet from monitoring is moving in the wrong direction because it could allow for illegal fishing behavior on unobserved vessels.*
- *In Ireland and Scotland vessels as small as 20 feet are 100% monitored with EM, demonstrating that smaller size vessels are capable of accommodating EM.*

Rationale in Support of the Amendment to the Amendment

- *It was noted during staff presentations that at the time of the restructuring of the observer program they determined that any vessel fishing in a federal fishery would be charged a fee since all federal partial coverage fisheries benefit from the data collected (ex: discard estimates).*
- *AP members felt that the addition of #7 was potentially more controversial and its' removal would increase the support for the addition of #6 to the motion.*
- *Given the recent changes in markets and decreases in revenue to the partial coverage budget, AP members were concerned about the reduction of revenue to the Observer Program which could compromise our ability to maximize monitoring selection rates..*
- *AP members also felt that reduction of revenue would be compounded by increasing the zero-selection pool.*
- *The zero-selection pool already has a reduced burden of cost due to not being required to carry and provide food, bunk space, etc for an observer.*

Rationale Against the Amendment to the Amendment

- *Some AP members felt it would seem more appropriate that only fishing vessels required to carry an observer in the partial coverage program should be charged these fees. Only landing data is compiled for vessels in the zero selection pool, so it should not warrant the same fee as a vessel carrying observers or EM.*
- *Any fee program has administrative burden, so this could be an important way to decrease the number of vessels to be accounted for and potentially decrease costs.*
- *The recommendation to amend the fee schedule was requested as “decrease the fees to a lower rate or cancel them” to allow future discretion regarding whether some level of reduced fee should still be paid.*
- *In 2024 \$249,279 was collected from vessels under 40 ft. which accounted for 7% of total fees collected under partial coverage in 2024, which could be a significant savings to these vessels while representing a small portion of the partial coverage budget.*
- *While some AP members understood some of the concerns voiced by fellow members supporting the Amendment to the Amendment, including partial coverage budgetary concerns, other AP members noted that there wasn’t enough information available at this time to determine whether or not those concerns were valid and supported keeping the language for point 7 in the motion. If the Council chose to proceed more information could be brought back about the potential implications to better inform decisions.*

Rationale in Support to the Amendment

- *Same rationale as Rationale Specific to Item 6 in Rationale in Support of the Amended Main Motion.*

Rationale in Opposition to the Amendment

- *Same rationale as Opposition to the Amended Main Motion*

**ADVISORY PANEL
Motions and Rationale
June 2-5, 2025 - Newport, OR**

C3c Pelagic Trawl Gear Definition

AP Motion 1

The AP Recommends that the Council take final action and select Alternative 2 as the preferred alternative and revise the definition of pelagic trawl gear by selecting the **bold language** as the preferred Options and Suboptions.

Added language is underlined and removed language has ~~striketrough~~.

Alternatives

Alternative 1: No Action (status quo).

Alternative 2: Revise the definition of pelagic trawl gear to:

Option 1: Specify that the limitations on flotation and metallic components are not applicable to the codend. codend is excluded from the restrictions applicable to pelagic trawl gear.

Option 2: Remove outdated text related to parallel line trawls.

Option 3: Allow the use of flotation. ~~aft of:~~

~~— Suboption 1: 5.5 inch stretched mesh, or~~

~~— Suboption 2: 15 inch stretched mesh.~~

Option 4: Allow instruments 1) capable of observing, or monitoring the fishing gear, catch, fishing activity, or fishing environment, 2) capable of adjusting the catch, and 3) lights, to be attached to pelagic trawl gear. Floats, capable of providing up to 100 lb (45.3kg) of buoyancy, may be attached to or within 6 feet of each instrument.

Option 5: Allow the use of metallic components. (AMENDMENT) ~~in the following locations:~~

~~Suboption 1: Forward of the fishing circle.~~

~~— Suboption 2: Aft of the fishing circle and forward of:~~

~~a) 5.5 inch stretched mesh, or~~

~~b) 15 inch stretched mesh.~~

~~Suboption 3: Aft of:~~

~~a) 5.5 inch stretched mesh, or~~

~~b) 15 inch stretched mesh.~~

Amendment passed 18-1 (bold italic strikethrough text)

Amended Main Motion passed 17-2

Rationale in Support of Amended Main Motion

- *The AP noted the motion is responsive to both the purpose and need and the agency's request to update the regulatory definition of pelagic trawl gear. It accurately removes obsolete language, updates the definition to reflect modern gear advancements, improves compliance and enforcement, while also leaving room for future gear innovation.*
- *Pelagic trawl gear has evolved since the definition was last updated in 1993 due to council actions focused on conservation and sustainability goals. Taking no action would conflict with those goals, as well as trawl fishermen's efforts for efficiency, bycatch reduction, and innovation. The motion accurately reflects the gear currently being used in the fishery and brings critical components such as salmon bycatch excluders into compliance.*
- *The alternatives and options selected are responsive to public testimony.*
- *The pelagic trawl gear definition revisions in alternative 2 are intended to fit into 679.2 and 679.24 as staff have laid out in the EA/RIR on pages 84 and 85.*

Rationale Specific to Alternative 2, Option 1

- *Codends were not historically intended to be limited by the regulatory definition of pelagic trawl gear.*
- *Floats and metallic components in the codend are essential for safety during deployment, retrieval and transfer, maintaining stability and correct orientation of the net, and reducing gear damage and tangling.*
- *Maintaining current regulations would require costly impacts to the pelagic trawl gear users if the definition is not revised.*
- *Adopting Option 1 avoids needing to revise the complex process of NOAA regulation 600.10, because this change would only apply to codends on pelagic trawl gear.*

Rationale Specific to Alternative 2, Option 2

- *The AP heard from public testimony that there is no interest in returning to parallel line trawls since parallel line trawls are less efficient than modern gear designs and are no longer in practical use.*

Rationale Specific to Alternative 2, Option 3

- *Flotation is a lifting element, not a concern for conservation or seafloor contact.*
- *Allowing flotation in any section of the gear provides a clear enforceable regulation, flexibility to accommodate current gear configurations, allowance of the use of salmon excluders, and room to facilitate innovation and technological improvement.*
- *The intent and expectation of option 3 is to allow fishermen to make practical use of flotation in their pelagic trawl gear.*

- *The historic rationale for restricting floats (referenced on page 18 in the EA/RIR) is outdated due to the current use of modern, efficient gear, including midwater trawl doors.*

Rationale Specific to Alternative 2, Option 4

- *Common types of instruments that option 4 would allow include: Live-feed and recording cameras, sonar and net sounder systems, catch sensors, door sensors, lights, and technology and instruments that can adjust active bycatch excluders.*
- *These tools allow skippers to accurately judge codend fullness for safer and more efficient hauls, monitor catch per unit effort and salmon excluder function, and collect environmental data (e.g., water temperature, salinity, etc).*
- *Technology and instruments have been and continue to modernize. Allowing for instruments in pelagic trawl gear, also allows for improvements and updates to the instruments that lead to reliability and durability.*
- *Since Option 3 allows flotation anywhere in the trawl, the specification regarding placement of flotation is no longer necessary.*
- *The previously proposed prescriptive buoyancy limits (in pounds) are also unnecessary and difficult to enforce.*

Rationale Specific to Alternative 2, Option 5

- *The intent is to promote and allow practical and efficient metallic component use.*
- *Metallic components should be allowed where they are necessary, which should be up to the fishermen and gear experts.*
- *A general allowance of metallic components – rather than prescribing types of metallic components – is more objective and enforceable. The AP heard from extensive public testimony that it is prohibitive to weigh down the codend with too many metallic components since it would lead to damaged fish product and destroyed fishing gear. Additionally, costs of excessive weight include decreasing efficiency and increasing fuel costs, impede water flow which affects salmon excluder function and catch of target species, and gear damage.*
- *Forward of the Fishing Circle: Metallic components forward of the fishing circle are already allowed and essential for modern gear. Ground gear restrictions (e.g., bobbins, rollers, discs) remain unchanged and are not affected by this allowance.*
- *Aft of the Fishing Circle and Forward of 15" Stretched Mesh: Allowing metallic components in the mid-section supports proper net shape and flow, fishing efficiency, bycatch excluder device function, and can provide the structure necessary to minimize costly damage to the gear, especially when going over the stern ramp of the trawl vessel.*
- *Aft of 15" Stretched Mesh: Metallic use in this section is important for salmon excluders that require calculated amounts of lead lines to maintain shape and function, safe codend transfers to motherships which require metallic connectors and potentially strengthened line. Metallic components aft of 15in stretched mesh are essential for achieving conservation goals and national standards like minimizing salmon bycatch, maintaining efficient and effective gear operation, and achieving OY.*

Rationale Opposition Amended Main Motion

- *None provided.*

Rationale in Support of Amendment

- *The amendment simplifies the structure utilized in the motion by matching the changes regarding metallic components with the original motion's changes regarding flotation.*

Advisory Panel

C3 Motion

June 2025

- *The motion maker noted that this amendment maintains the original intent of the motion and clarifies a simple oversight in motion structure.*

Rationale in Opposition to the Amendment

- *None provided.*

**ADVISORY PANEL
Motions and Rationale
June 2-5, 2025 - Newport, OR**

C3b Pelagic Trawl Gear Innovation Initiative

AP Motion 2

The AP appreciates receipt of the Pelagic Trawl Gear Innovation discussion paper and respectfully requests the Council time future consideration of this action when additional research and data is available to inform potential management decisions. During the interim, the AP recommends the Council continue to request updates on relevant research including, but not limited to:

- Gear Innovation Initiative (APU and Pelagic Trawl Gear Industry Working Group)
- Improving Data on Fishery Gear Interactions with Bering Sea crabs: Stock-specific Analysis to Support Dynamic Management (AFSC, UAF, APU, AKRO, ABSC, and BSFRF)
- Other work to fill the data gaps for pelagic trawl gear identified by the Unobserved Fishing Mortality Working Group.

Main Motion Passed 12-7

Rationale in Support of Main Motion 2

- *Some AP members noted that more definitive action was impracticable until ongoing research cured existing data gaps.*
- *Specifically, some AP members noted that the baseline data from the GII research was essential for the Council to have before the Council develops a revised target or performance standard.*
- *The project under the second bullet came out of the data gaps identified in the Unobserved Fishing Mortality Working Group.*
- *The maker of the motion expressed an intention for other projects related to unobserved mortality and pelagic trawl gear to be included in future updates to the Council. They also noted that the phrase “time future action” was used in the motion rather than “pause” or “table” to signal intent that the research should continue and the Council should continue to request updates to ensure that work is progressing as intended.*
- *AP members noted that the GII is not industry-led and that the research will be peer reviewed by the SSC when the SSC incorporates the results into the Fishing Effects Model.*

Rationale in Opposition to Main Motion 2

- *Some AP members felt the motion is not responsive to the Council's request for input on innovation and incentives. Language from the failed substitute motion would have added to the intent and directive.*

- *Some AP members expressed concerns about the lack of a path forward with this motion, noting that it does not appear to get any closer towards action that would revise the current performance standard. Some AP members note this was not responsive to written and oral public testimony that requested a path forward despite the data needs.*
- *Some AP members noted that the discussion paper only touched the surface of what an expanded discussion paper could cover and therefore felt that the substitute motion was more appropriate.*

~~Substitute Motion: The AP appreciates receipt of the Pelagic Trawl Gear Innovation discussion paper and recommends the Council initiate an expanded discussion paper that evaluates regulatory measures that incentivize innovation and expands on collaborative research by identifying realistic and appropriate timelines that ensure this research and its application in management continue to move forward transparently. This work will continue to advance the Council's stated objectives to minimize impacts to benthic habitat and unobserved mortality while maintaining or improving fishing efficiency.~~

~~Regulatory measures analyzed should include:~~

- ~~1. Redefining bottom contact gear and mobile bottom contact gear definitions in 50 CFR 679.2 (1) and 50 CFR 679.2 (11) to include pelagic trawl gear~~**
- ~~2. Options for changes to the GOA bottom contact regulation at 50 CFR 679.24(b)(3) to improve enforceability~~**
- ~~3. Incentive Plan Agreements or similar frameworks that incentivise innovation and reduce bottom contact~~**
- ~~4. Existing or new EFPs that incentivise innovation and reduce bottom contact~~**

~~The discussion paper should additionally address the following research needs:~~

- ~~1. Research needs identified by the Unobserved Fishing Mortality Working Group~~**
- ~~2. Updating ongoing research including bottom contact sensors/cameras~~**
- ~~3. Updating ongoing research on bycatch reduction devices~~**
- ~~4. Potential updates and improvements to the Fishing Effects and EFH models~~**
- ~~5. Opportunities for third party verification of industry led science~~**
- ~~6. Performance standards: effectiveness, enforceability, other gear types with performance standards, pathways to re-evaluate current performance standards~~**
- ~~7. Other data gaps identified by Council, agency and Council staff (e.g. additional data on gear, net behavior, field measurements of bottom contact, and improved habitat information~~**

Substitute motion failed 6-13

Rationale in Support of Failed Substitute Motion

- *Members felt that this motion better addressed concerns about seafloor contact from pelagic trawl gear because it included an option to reclassify pelagic trawl gear as both bottom contact gear and mobile bottom contact gear.*
- *Regarding the potential reclassification of pelagic trawl gear, the maker of the substitute motion noted that current regulations classify dingle bar gear – which, like pelagic trawl gear, does not have sustained contact with the seafloor – as bottom contact gear and mobile bottom contact gear. The AP member noted the similarity in intent of operation of both the gears and the disparity concerning how each gear was defined.*
- *In support of the regulatory incentives in the substitute motion, one AP member noted that globally, and in the North Pacific, regulators have mitigated the impacts of bottom contact through gear requirements, area closures, and other management methods.*
- *Some AP members noted that an expanded discussion paper was needed because the current name, definition, and management are not appropriate given pelagic gear's contact with the seafloor; therefore, an expanded discussion paper that evaluates limits, targeted monitoring, and enforceable regulatory incentives for gear designs that avoid the bottom is appropriate.*
- *This motion could help address the lack of enforceability of the current performance standards as well as the footrope contact regulations in the GOA.*
- *The need for timelines and continued action is important because the Council indicated (in the Feb 2024 motion) that changes to the current performance standard will be separate from this action.*
- *Some AP members noted that the motion identified many research gaps, but recognized that it is not an exhaustive list. They also acknowledged the work done by industry and expressed appreciation for the presentations and updates received at this meeting.*
- *An AP member expressed that Innovation to reduce bottom contact is important and a Council and State priority.*
- *Several AP members expressed a concern with the timeliness of data.*
 - *One AP member noted that National Standard 2 calls for the best available science to be used in management decisions, and in the absence of specific data, decisions can still be made based on the best available science at that time.*
 - *Others noted that because research is always ongoing, tying the management decisions to the culmination of the research made making changes to the performance standard an unachievable goal.*
 - *While the previous discussion paper introduced some of these topics, the paper focused on barriers to implementation rather than opportunities for application. This next iteration should review and evaluate paths forward.*
- *The maker of the substitute motion noted that the intention behind the 'opportunities for third-party verification of industry-led science' bullet was not punitive and not directed at any specific fishery, and expressed the importance of peer review of all science so that it can be integrated into usable fisheries management.*
- *One AP member felt the original motion was non-responsive to public testimony because it did not address the bottom contact issue and put more pressure on seafloor species and salmon that Alaska Tribal communities rely on for food, culture, and survival.*

- *One AP member noted that language in the first section of the substitute motion was responsive to written and oral testimony—especially from Tribal and subsistence communities—calling for greater transparency from the pelagic trawl fleet about where they intend to fish.*
- *One AP member expressed that the research component under item 3 should include an evaluation of the continued use of salmon excluders that are not in compliance, with attention paid to how this may impact Tribal and subsistence users who depend on salmon and other species as part of a holistic way of life.*
- *Under item 5, third-party verification should be required for all sectors contributing data to ensure transparency and integrity in future research presentations.*

Rationale in Opposition to the Failed Substitute Motion

- *Some AP members did not feel that the substitute motion captured the trawl industry's needs, current work, or past achievements in gear improvements.*
- *Some AP members noted that an expanded discussion paper is unnecessary due to data gaps highlighted by the staff presentations and UFM workshop, and felt that a discussion paper wouldn't expedite the ongoing research that Council and other research entities have already prioritized.*
- *Some AP members expressed concern that identifying timelines for ongoing research was outside of the scope of the AP/Council; others had concerns about the impact Council-imposed timelines could have on the quality of research.*
- *Some AP members felt that the request to address research needs was duplicative of prior Council actions.*
- *Some AP members felt the Council staff didn't have to analyze opportunities for 3rd party peer review for industry-led or collaborative research because the SSC is the peer review body of the Council.*

**ADVISORY PANEL
Motions and Rationale
June 2-5, 2025 - Newport, OR**

C4 Crab Arbitration Initial Review

AP Motion 1

The AP recommends that the Council move this analysis to final action for further review.

Main Motion passed 14-5

Substitute

~~The AP recommends the Council take no further action on Alternative 2, Options 1, 2 and 4, as well as, Alternative 3 and move the analysis of Alternative 1 and Alternative 2, Option 3 to final action for further review.~~

Substitute Motion failed 6-13

~~**Amendment 1: ...with Alternative 2, Option 3 selected as the Preferred Preliminary Alternative.**~~

Amendment 1 failed 9-10

Rationale in Support of Main Motion

- *The motion maker noted the simple motion was intended to keep the existing alternatives and options, without selecting a PPA so that further details on the questions raised in the analysis and staff presentations to be drawn out in the next analysis.*
- *Some members of the AP felt that the main motion was responsive to public testimony from the processing and community sectors, who were saying that the current program does not work.*
- *An AP member noted the goal was to retain processing participants in the fishery, which benefits harvesters and communities, and noted that under the status quo, many processors were withdrawing their IPQ applications – a sign of an unhealthy program.*
- *One AP member supported the motion because there will be additional information provided after the upcoming crab season TACs are announced and the season has been completed, which will provide additional insight that action on adjusting the arbitration system may be appropriate.*
- *There was specific support expressed by an AP member for the following alternatives and options:*
 - *Under Alt 2, support for more transparency (Alt. 2, option 2) and better opportunities to compromise (Alt. 2, option 1)*

- *Under Alt. 3 support because the alt was providing clarity to a current practice and provided greater certainty for all stakeholders.*

Rationale in Opposition to the Main Motion

- *The motion did not identify a PPA for Final Review creating a lack of intent or direction to support.*
- *Additional rationale in opposition to the Main Motion can be found in rationale for support of the Substitute Motion.*

Rationale in Support of Substitute Motion

Rationale Specific to Alternative 2

- *The maker of the motion noted that Alternative 2 is a fundamental change to the intended design of the Crab Rationalization (CR) program and not small changes. Some AP members also specifically pointed out the strong underlying feeling that crab fishermen have about retaining the existing Crab Arbitration (baseball style) since it was implemented as part of an agreement that provided processors quota shares. It was noted in public testimony and at the AP table that when processor shares were originally introduced into the program, they were provided the arbitration as a balance.*
- *The risk of losing baseball-style arbitration is a powerful disincentive to arbitrate that would effectively be removed if the arbitrator can choose a compromise price. It is reasonable to assume that without “baseball” arbitration, there will be a significant increase in arbitration events and therefore increased costs.*
- *Some AP members noted public testimony and experience that the arbitration program is not broken; there have been 2 arbitrations in the past 10 years which were triggered by the processors in each situation paying less than other processors. Specifically, an AP member noted that in those instances harvesters only asked the arbitrator for a price paid by the next lowest payers. Accessing the arbitration system is very difficult for harvesters. Because of their FCMA status, ICE is the only cooperative that can arbitrate; AP members referenced the ICE written comment letter.*
- *There have not been any arbitration events in the recent years of low crab TACs.*
- *Some AP members noted that as long as harvesters must share-match with IPQ holders, the arbitration system must remain in place as it is the only viable means by which harvesters can ensure that they are paid a fair price for their catch. It was noted that arbitration is a safeguard for harvesters against bad actors. Without it, bad behavior is encouraged with no viable recourse by harvesters other than costly and lengthy civil litigation.*
- *The arbitration issues are not that complicated. If a processor offers a price that is well below what others pay, they may end up in arbitration.*
- *The written report and rationale will increase the cost of the arbitration program.*
- *Despite the fact that there has never been a performance arbitration, its presence acts as a deterrent to anyone who would otherwise fail to comply with the arbitrator's decision or the terms of a contract. This is an important protection for both parties that should remain in place. Without it, a very expensive civil suit is the only recourse.*

Rationale Specific to Alternative 3

- *The maker of the motion noted the lack of consensus amongst processors regarding this Alternative.*
- *It was noted that withdrawal of IPQ/IFQ applications could be used as a negotiation tactic.*

Rationale in Opposition to Substitute Motion

- *Some AP members reiterated the importance of the three-legged stool: harvesters, processors, and communities. None of these legs can remain without the other. Although the harvesters have indicated the current arbitration system is working for them, processors and communities have indicated that it is not. It was noted that the substitute motion did not respond to the needs of processors and was the opposite of the compromise that the main motion was trying to achieve.*
- *Processors want to continue processing crab, but should not be forced to do so at a loss. An AP member also noted that most Alaskan fisheries continue to struggle, so there aren't other fisheries available to help buffer the current challenges and costs in the crab fishery, which worsens this situation for processors.*
- *Generally, some AP members in opposition felt the substitute motion was not responsive to public testimony and went too far in eliminating all of the substantive options from the analysis prior to further review and Final Action.*
- *Specifically, one AP member also noted that they couldn't support the motion right now because of the approaches the government is taking regarding efficiencies, that there were conflicting public testimonies, and items that need to be flushed out in an additional analysis. This specific comment was not an attempt to disagree with harvester concerns, but just that they wanted to see further analysis.*

Rationale in Support of Failed Amendment

- *It was noted that the amendment captures the consensus of support for Alt 2 Option 3 from both stakeholder groups while continuing to provide opportunity for further analysis of the other alternatives and options.*
- *Since all of the alternatives and options were retained, and only a PPA was selected, it was intended to be substantively different from the failed substitute motion.*
- *It is appropriate to signal to the Council that there is general agreement between stakeholders that removal of the market report is a preferred alternative at this time.*

Rationale in Opposition to Failed Amendment

- *Some AP members felt the amendment was not responsive to public testimony and was functionally the same signal as the failed substitute motion, even though all alternatives and options would be retained for further analysis. AP members opposing the amendment felt it would signal to the Council this should be the only PPA, and did not believe that was the consensus of the AP.*

**ADVISORY PANEL
Motions and Rationale
June 2-5, 2025 - Newport, OR**

D1 AFA Program Review Report

AP Motion 1

The AP appreciates the receipt of the AFA Program Review and the AP recommends that the Council accept the AFA Program Review.

Main Motion passes 19-0

Rationale in Support of Motion

- *The AP noted appreciation of Staff's work to conduct this Review of the fairly mature AFA program. Many of the recent challenges the BS pollock fishery has currently faced were factors outside direct control of the AFA cooperative program structure. The program review adequately captured the benefits of AFA's cooperative management of the pollock fishery in the BSAI.*
- *The cooperative participation in the fishery was stable throughout the time period despite COVID 19, global market weaknesses, increased costs, and other declining fisheries. While there was some consolidation due to factors outside of the AFA control, in general the consolidation did not impact harvest; harvest was maintained around 99% of the annual allocation and still achieved optimum yield. This stability can be partially attributed to the ability to diversify products and markets.*
- *CDQ involvement and dependence has increased over the last 7 years, especially when other fisheries have experienced declines.*
- *The AP appreciated and recognized the importance of communities, especially those that are dependent on BSAI Pollock. The AP requested that staff expand upon the importance of pollock for the dependent communities.*
- *It was noted that minimum utilization rates, as defined and required by Amendment 49, well-exceed the minimum requirement by improved recovery rates. However, the AP did have some discussion due to confusion regarding utilization rates and how they are calculated. For the next program review, the AP requested that staff describe how utilization rates are based on the total harvest weight compared to the product weight. This should include a discussion of how utilization rate and recovery rate are different, but that recovery rate drives utilization rates. For example, product recovery rates for products like meal, where the evaporation of water is a non-recoverable recovery loss, leads to lower utilization rates.*
- *The AP requested this additional detail because it was noted that processors are continuously working toward full "utilization" of pollock through development of new product forms and increased product recovery (ex: advances in protein recovery from processing wastewater*

streams and new market development for fish meal and oil). In that interpretation, industry is approaching full or 100% “utilization” in many operations for primary catch species. The use of the word “utilization” in the processing sector which is more understood by the public, and the rates of “utilization” required by Amendment 49 and published in the AFA review can create misperceptions on how processors and industry are actually using or “utilizing” the catch.

- *PSC has generally seen a decrease due to cooperative management and incentive measures. While it is recognized that chum psc was variable over the years, the cooperative mgmt and incentive measures have shown to be working to reduce bycatch in response to the higher years.*
- *The AP noted that vessel safety has improved since the last program review.*

NPFMC ADVISORY PANEL Motions and Rationale April 2025 - Teleconference

D2 - 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 to 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.*

**ADVISORY PANEL
Motions and Rationale
June 2-5, 2025 - Newport, OR**

D3-BSAI Pacific cod pot gear limited access privilege program (LAPP) – Discussion Paper

AP Motion 1

The AP appreciates the responsiveness of the Discussion Paper to the June 2024 Council request. With the acknowledgement of NPFMC staffing and budgetary issues, as well as, EO 14276 and EO 14192, the AP recommends the Council continue to prioritize development of a LAPP program for the $\geq 60'$ Bering Sea and Aleutian Island Catcher Vessel and Catcher Processor sector pot cod fishery vessels and shoreside processors.

Main Motion passed 19-0

Rationale in Support of Main Motion

- *The AP appreciates the additional information and clarifications provided in the discussion paper. It was noted that there were no significant issues or roadblocks were identified that would prevent the development of a LAPP for this sector.*
- *The AP noted that they had previously provided a motion to the Council in June 2024 to move the BSAI Pot Cod LAPP to Initial Review with a Purpose and Need and full range of alternatives. By passing this simple motion to the Council at this meeting, it's the AP's intent to signal to the Council that this LAPP should be given priority in moving forward using the June 2024 P&N and alternatives.*
- *The same conditions and concerns exist in the fishery, including crab PSC and safety concerns. It was noted at the AP table that one vessel participating in the fishery did run on the beach last season. While there were no injuries or significant damage it highlights that there is greater risk to safety in race or derby style fisheries.*
- *The AP expressed concern over the continued differences and polarization in the BSAI Pacific pot cod fishermen regarding this proposed program that was heard in public testimony. However, it was noted that approximately 70% of the written comments are in favor of development of a LAPP program.*
- *The AP noted that while there isn't typically full consensus within sectors prior to initiating LAPP programs, it was hoped that both sides can come together during this process to have their positions come closer or even to reach an agreement to come back to the Council with.*
- *The AP heard that continued conversations with stakeholders indicate there is much more agreement in moving forward with development of a LAPP if equal shares are allocated. This allocation scheme is one of the alternatives from the AP's June 2024 motion.*

- *The development of a LAPP program for this fishery is in alignment with recently issued executive orders including: increased product quality and value, increased stability in harvesting and processing sectors, increased flexibility in fishing plans, increased benefits across multiple sectors*
- *The AP also noted that the development of a LAPP program is in alignment with the MSA National Standards 1, 2, 4, 5, 8, 9, 10.*
- *An AP member noted it is appropriate to prioritize and continue working on development of a LAPP program until the Council receives a “hard-stop” or directive from NMFS or the Administration. (i.e. additional direction and information on how to comply with current policy and budget concerns).*
- *When considering a regulatory package for a LAPP program, the following list of regulated items are examples or recommendations of those that could be considered for removal/modification in order to meet the “10 to 1 rule,” if not included elsewhere:*
 - *Economic Data Reports*
 - *Crab Rationalization Market Report*
 - *Codify the non-binding price formula*
 - *Regulatory changes to improve the ability of lead level 2 observers by having more full coverage pot gear platforms for observers to gain experience*
- *Although there was unanimous support from the AP to signal their continued interest in the LAPP, one AP member did note the potential for a magnitude of consolidation if this were to move forward to implementation. Concerns brought forward by the U60 sector during public comment regarding this topic at the June 2024 meeting were reiterated. However, the AP member noted that since these concerns would be analyzed in a future analysis, should the Council move in that direction, and that at this time they were still comfortable with supporting this motion.*

**ADVISORY PANEL
Motions and Rationale
June 2-5, 2025 - Newport, OR**

E1 Staff Tasking

AP Motion 1

The AP recommends the Council initiate a discussion paper to allow for directed fishing of IFQ halibut with pots in the Gulf of Alaska.

19-0 Motion Passes

Rationale in Support of Motion

- *In recent years, marine mammal depredation from orcas in the GOA directed fixed gear halibut fishery has begun to increase and there is concern from the fleet that this pattern will likely continue as their learned behavior of depredating on gear continues to expand and become more refined. This increases costs to fishermen because they have to set more gear and make more trips to harvest their quota.*
- *The reasoning and rationale for this action is the same as the prior action to legalize pot gear in the directed fixed gear fishery for halibut in the BSAI. This effort represents a responsive gear conservation engineering approach to address a fishery concern.*
- *Expanding the legal gear type definition in the GOA directed halibut fixed gear fishery to include pots could help alleviate the strain that this increased depredation is causing on the fleet and create regulatory uniformity in the directed halibut longline fleet for the BSAI and GOA, and decrease regulatory burden.*
- *The industry is in consensus and sees the need to include pot gear as a legal gear type, believing that there still is time to be proactive before the patterns of depredation grows further. Fishing with pots in the directed halibut fishery in the Bering Sea is already legal and gear innovation is occurring to design effective pots that can be used to harvest halibut.*
- *The managing body, the IPHC, has no concerns with expanding the legal gear type to include pots, as they are also working on gear innovation initiatives to try to minimize whale depredation in the directed halibut fishery.*
- *One AP member noted the concept is in the early stages of gear development, making it an ideal candidate for focused testing and evaluation through an EFP while the Discussion Paper is waiting to be scheduled. Given the decline in federal resources, using an EFP provides a practical way to advance gear research without relying solely on standard regulatory pathways. Utilizing an EFP would help inform the regulatory process and strengthen information gathering.*