ADVISORY PANEL
Motions and Rationale
June 2-5, 2026

C1 Observer Program Annual Report

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 using proximity allocation method and the same strata that have been used in the Annual Deployment Plan (ADP) since 2024 for the 2027 ADP. Implement any suggested changes to the 2027 ADP after the Center for Independent Experts (CIE) Review is complete.

2. Improve Closing of ODDS Trips for 2027:
    a. Automated reminders to close or cancel pending trips that have surpassed planned fishing dates.
    b. Consider requiring a landing report ID, trips to be closed in the order they were logged, and/or other information to close fixed gear strata trips to improve record keeping.

3. EM Video Review:
    a. Continue collaboration 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. Continue collaboration 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.

4. EM Selection Pool Criteria:
    a. Maintain an EM selection pool composed of up to 181 fixed gear vessels, which would maintain the size of the EM pool from 2026.
    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.
    d. Continue to review the cost effectiveness of individual EM vessels and remove vessels from the fixed-gear EM pool or deny vessels from the trawl EM category. Criteria for continued inclusion in these EM programs will be specified in the 2027 ADP.

5. 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.
    c. Include a reminder in the draft 2027 ADP for processing plants in the GOA to comply with regulations at 50 CFR 679.51(b)(3)(i) to provide notice by Nov 1 of the year prior that they intend to take TEM deliveries in the following year so that the partial coverage budget can be accurately determined.
    d. The AP specifically supports continued development of the freezer longliner's pilot EM project and continued support for the recent progress made on the pot cod catch handling EM project.

6. Additional FMAC Recommendations:
    a. Continues to support modifying the zero-selection pool in the draft 2027 ADP for increased cost efficiencies.
    b. In the enforcement section of the 2027 Annual Report, the agency should include whether the vessel or processor was able to resolve the issue in response to the statement during the season.
    c. In the 2027 Annual Report, provide additional clarity on overall full coverage costs.
    d. To resolve discrepancies between vessel and EM review pollock discard estimates in Trawl EM, improve communication pathways among AFA, NMFS, and PSMFC to clarify what vessel operators are required to report; ensure vessel logbook explanations are available to EM reviewers to provide additional context for discard events; develop a formalized secondary blind review process for discard estimates that may advance toward enforcement actions.
    e. In regards to NOAA's planned transition to login.gov multi-factor authentication for all public-facing systems including ODDS, the committee recommended the Council send a letter to the Department of Commerce highlighting the challenges and requesting reconsideration or accommodations for Alaska fisheries participants.

Motion passed 16-0

<u>Rationale in Support of Motion</u>

- The AP supported all NMFS and FMAC recommendations with similar rationale as noted by the Agency and in the FMAC report. Only additional, or particularly emphasized, rationale is provided below.
- The AP indicated that additional tools for closing and/or matching eLandings to ODDS trips for 2027 would be helpful not only to address agency concerns, but also fleet challenges. Particularly in fisheries with a high volume of trips like pollock trawl, it can also be confusing for vessels to ensure they are logging an adequate number of trips in ODDS; adding a requirement for the landing ID in ODDS would help them keep track as well as providing benefits to the Agency.

- The AP expressed hope that PSMFC can get to a place where all EM trips (fixed-gear and trawl) are reviewed every year, rather than relying on the review prioritization, but did support development of a review prioritization for trawl.
- The AP noted the extremely high cost per Fixed Gear EM trip in 2025. The total Fixed Gear EM cost in 2025 was $1,500,643 (Table 3-1) and there were a total of 123 selected and reviewed fixed gear trips (Page 6), which breaks down to a cost of $12,200 per reviewed trip of EM data. The AP supports improvements to the EM selection pool and the removal of vessels either with consistent issues or who have not fished for decades, so partial coverage funds can instead be used on vessels that will participate.
- While specific projects were not included in the Agency or FMAC's recommendations for continued development, the AP did note support for the freezer longline EM pilot to continue and for next steps to be determined for the pot cod catch handling project. The AP mentioned that it takes a lot of industry capacity to find funding and complete these projects and appreciated that the Agency is able to financially support the freezer longline support but hoped that money could also be provided to determine whether the pot cod catch handling project needs a larger pilot or can be incorporated into the current program. The AP noted there have been consistent concerns with pot cod data quality as well as operational challenges for vessels under status quo catch handling that makes it prohibitive to participate in EM so there is justification for moving forward.
- The AP also discussed, in reference to public comment and the Observer Program's response to SSC concerns on data gaps from transitioning to EM data, that the AP reiterating support for continued development of these projects does not indicate that the AP feels these are ready for full implementation. But rather that the collaboration between Agency and industry in pilot projects and Exempted Fishing Permits has proven to be an effective method for continuing to develop EM programs and flush out issues and challenges that arise.
- The AP noted a breakout of cost related to on-the-water observers compared to shoreside observers in the EM program is needed to clearly understand costs for full coverage fleets
- The staff presentation noted the monitoring-related Deregulatory Actions under EO 14276 using 305(d) authority, including modifying the language in the new Trawl EM regulations regarding transiting and timing of requirements to turn on EM systems, which was overlooked during implementation. The AP also heard public testimony from a GOA pollock participant who fishes Pacific cod in the Bering Sea and Western GOA. The updated language needs to be inclusive of situations where a vessel may finish another fishery where EM is not allowed by delivering to a tender vessel rather than returning to a port, before moving into a pollock EM trip. There needs to be an allowable timeframe for turning on the EM system in these situations.
- The AP also continued to stress the potential ramifications of a requirement for fishermen to move to Login.gov for ODDS and other agency platforms and reiterated the FMAC's support for the Council to write a letter to the Department of Commerce.

C2 BSAI Crab Specs Motion

The Advisory Panel reviewed the CPT report and recommends that the Council adopt the 2026 Aleutian Islands Golden King Crab (AIGKC) SAFE report chapter, as well as approve the 2026-27 AIGKC OFL of 3.493kt and an ABC of 2.620kt as recommended by the SSC.

Motion passes 16-0

Rationale in Support of Motion

- The AP acknowledges the work by the stock author and CPT, as well as the SSC review of the AIGKC models.
- The AP agrees with the CPT and SSC recommendation for a 25% buffer on the OFL for this assessment and supports the resulting ABC.

C3 Scallop Harvest Specifications

The AP reviewed the SPT report and recommends the Council approve the final 2026/27, 2027/28, and 2028/29 Scallop OFL and ABC as recommended by the SSC.

The AP recommends the Council approve the Scallop SAFE Report.

Motion passes 16-0

Rationale in Support of Motion

- The AP appreciated the work of the stock assessment author, scallop plan team and SSC.
- The three years of OFL and ABC being recommended is reflective of the change from a biennial cycle to a triennial cycle. Additionally, the OFL for this cycle is the OFL in the FMP.
- Scallop fishermen are supportive of the OFL and ABC, and shifting to the triennial cycle, but have some concerns about moving to a model-based assessment considering scallops is a limited data stock.

C4 IFQ Cost Recovery - Motion 1

The AP recommends moving Cost Recovery Report and Program Improvements to final action with the following primary preferred alternatives. **PPAs are bolded.**

Alternative 1. Status Quo.

Alternative 2. Revise the Halibut and Sablefish IFQ Cost recovery Annual Processes.

Element 1. Remove the regulatory deadline for publishing the notice of standard prices and fee percentage in the Federal Register and revise the fee payment due date from January 31 to February 28.

Element 2. Modify the date range of IFQ landings used to calculate annual cost recovery fee liabilities. The annual billing year would include IFQ landings from:

Option 1. October 1 through September 30

Option 2. November 1 through October 31

Option 3. December 1 through November 30

Element 3. Modify the submission of volume and value reports

Option 1. Create an administrative consequence for registered buyers who fail to submit volume and value reports.

Option 2. Require submission of volume and value reports within 2 weeks of the processor's final IFQ landing of the season or October 15th, whichever is earlier.

Option 3. Increase frequency of volume and value data submission to quarterly. (Quarterly or twice per year)

Motion passes 16-0

Rationale in Support of Motion, by Alternative, Element, and Option

Alternative 2, Element 1

- *While Element 1 would provide NMFS additional administrative flexibility, it would shift the fee payment deadline from January 31 to February 28, which would reduce the amount of time available between fee payment and annual permit issuance. The analysis notes that this would leave less than 30 days between fee payment and permit issuance, reducing the margin available to resolve payment issues, administrative errors, or disputes prior to the start of the next fishing season.*
- *The AP did not select Alternative 2 Element 1 as a PPA since maintaining the current payment schedule under status quo preserves a longer and more predictable transition between fee settlement and permit issuance for IFQ permit holders and vessels.*

Alternative 2, Element 2, Option 3

- *The AP selected Option 3 under Element 2 of Alternative 2 as the PPA because having a set date range is the most appropriate compromise between the annual variability in the longline fishery end date and the regulatory deadline for the Agency to complete their cost recovery invoicing and publishing.*
- *The analysis reiterates the IFQ cost recovery process was not originally designed to accommodate a fishery that ends in December. Establishing the December 1- November 30 date range is in line with this statement and the structure of the program.*
- *Options 1 + 2 were considered, but ultimately left too much quota harvest billing from year to year and did not reflect the historical average season end date, which until 2021 fell in the first or second week of November. By selecting Option 3 as the PPA, it is expected to only leave 1% of halibut and 1% of sablefish for the following billing year.*
- *Discussions at recent IPHC Annual Meetings and Conference Board sessions have reflected continuing concerns regarding fishing activity extending into December, including weather, holiday staffing, processing logistics, and vessel scheduling considerations. While season dates remain under the authority of the IPHC, Option 3 establishes a billing framework that better*

aligns with the historical timing of the IFQ fisheries and provides flexibility should future season-end dates move closer to November or early December.

Alternative 2, Element 3, Option 1

- *Selection of Option 1 as the PPA creates the necessary additional accountability for the few registered buyers that do not turn in their Ex-vessel Volume and Value reports by the October 15th deadline, without creating an additional reporting burden to the processing sector that is complying with report submission.*
- *While Option 2 was initially also considered, it was determined that it could introduce too much room for additional administrative and regulatory burden for the processing sector.*
    - *Specifically, an AP member noted a scenario that was not in the analysis, nor had been considered by the Agency. For large processing plants that take deliveries from both high and low volume fisheries simultaneously in the fall, Option 2 could create unnecessary enforcement risk. It is not uncommon to receive sporadic IFQ deliveries into the fall, or for vessels to change their IFQ delivery plans; a processor may receive an IFQ delivery in early September, expecting additional IFQ deliveries before October 15, thus would not submit their report. But if they submit their report on the October 15 deadline, they would be subject to enforcement action because it had been more than two weeks since their last IFQ delivery as Option 2 was written. Expecting high volume fishery plants to track whether it has been two weeks since their last IFQ delivery over the course of the late summer/Fall and potentially have to submit an early report to be in compliance, only to submit another report if they end up getting another unexpected delivery creates unnecessary burden for a category of processors that are not the reason action is necessary.*

C4 IFQ Cost Recovery - Motion 2

The AP recommends the Council adopt the following purpose and need statement and list of alternatives for analysis.

Purpose and Need

Sections 303A(e) and 304(d)(2)(A) of the Magnuson Stevens Fishery Conservation and Management Act (MSA) authorize the collection of fees to recover the actual costs directly related to the management, data collection, and enforcement of any Limited Access Privilege Program (LAPP) and Community Development Program (CDQ). The MSA is clear that cost recovery narrowly applies only to actual costs incurred for specific provisions directly related to a LAPP or the CDQ Program – not all aspects of vessel or processor operations. Longstanding NOAA policy has determined that "actual costs directly related to" is applied as the "but/for" principle of incremental cost, (i.e. only incremental costs- those that would not have been incurred but/for the existence of a LAPP or CDQ program- are eligible for cost recovery).

Although many NMFS offices in the Alaska Region appear to adhere to the MSA statutory requirements and NOAA policy, there is clear evidence that NOAA management offices, specifically the NOAA Office of Law Enforcement, has not clearly established the statutorily required link

between the fees being levied on LAPP and CDQ Program participants and the actual incremental cost directly related to those programs. The Council, under its authority under Sections 303A(e) and 303A(i) and consistent with Section 304(d)(2)(A) of the MSA, intends to unambiguously define the actual costs that are directly related to and recoverable from each LAPP and the CDQ program. This action is necessary to bring accountability and transparency to the Cost Recovery Program, as required by the MSA, NOAA policy, and Federal accounting requirements. Ensuring appropriate and transparent cost recovery is strongly supported by Executive Order 14276 Restoring American Seafood Competitiveness.

Alternatives

Alternative 1: No action/status quo.

Alternative 2 and 3 are not mutually exclusive.

Alternative 2: Revise Cost Recovery regulations for each Limited Access Privilege Program (LAPP) and Community Development Program (CDQ) to define "actual costs directly related" to each program. Actual costs are those that are listed in the Subpart of 50 CFR 679 and 50 CFR Part 680 implementing each program, to include any Amendments that are directly related to the program, noting:

- Compliance assistance has been a longstanding feature of NOAA OLE activities and is not cost recoverable.
- Enforcement of regulations that are not directly related to and implemented under a LAPP or the CDQ Program are not cost recoverable. Enforcement activities are not cost recoverable until a specific regulation defined as incremental is identified.
- Rent and utilities and general personnel benefits that are provided to all employees of a cost recovery organization (i.e., medical, vacation, sick leave) are not cost recoverable.
- Assigning pre-determined fixed percentages of personnel, travel, contracting or other costs to specific LAPPs or the CDQ Program is not cost recoverable.

Option 1: Include Pacific Cod Trawl Cooperative Program (PCTC), Crab Rationalization Program (CR), American Fisheries Act (AFA), Amendment 80 Program (A80), Aleutian Islands Pollock (AIP), Community Development Quota Program (CDQ), Halibut and Sablefish Individual Fishing Quota (IFQ) Program, Central Gulf of Alaska Rockfish Program (GOA RP).

Alternative 3: Define how "actual costs directly related" to each LAPP/CDQ program shall be collected. No fee shall be paid until each entity collecting costs has demonstrated to the regulated public clear evidence that the costs are directly related to the program as follows:

Personnel/Contract Costs: number of personnel, hours worked in 15 minute increments, and descriptions of program specific tasks completed as an incremental cost.

Specific to NOAA OLE, provide the following information for each investigation billed to cost recovery: citation(s) of the regulation investigated/violation, number of officers assigned to

the case, hours billed by each officer assigned to the case in 15 minute increments, total amount billed in the investigation.

The AP recommends that the Council ensure that the analysis clearly and accurately outlines the "actual costs directly related" associated with each LAPP and the CDQ Program with careful consideration of the MSA and NOAA policy on cost recovery. The AP recommends that the Council ensure that the directly regulated public be provided the opportunity to clearly describe costs that are, and are not, associated with each LAPP and the CDQ Program.

Motion passes 16-0

Rationale in Support of Motion

- *The MSA authorizes NOAA fisheries to recover only the actual costs directly related to the management, data collection, and enforcement of Limited Access Privilege Programs (LAPP) and Community Development (CDQ) Programs. NOAA represents in rulemaking and policy that recoverable costs should be limited to "incremental" costs- meaning costs that would not exist "but/for" the LAPP or CDQ program itself.*

- *The 2025 Cost Recovery Report attached to this agenda item strongly reaffirms this principle in multiple sections. Section 2 of the report states that recoverable costs must satisfy three criteria: 1. The cost must be directly associated with the LAPP or CDQ program; 2. The cost must go beyond general fisheries management; 3. The cost must exist because the program exists. It's clear what the test is for a cost to be "recoverable."*
- *Most NOAA divisions and partner agencies have embraced this policy guidance. However, NOAA OLE's statements within the 2025 Cost Recovery Report indicate that they have adopted a much broader interpretation of recoverable costs than was originally contemplated under MSA, implementing regulations, and NOAA Policy Guidance. From page 5 of the Report, "NOAA OLE considers the majority of the work performed by Enforcement Officers and Agents in investigating violations, potential and confirmed, within LAPPs to be recoverable." Rather than distinguishing between general fisheries enforcement and uniquely incremental LAPP enforcement as is required, it seems NOAA OLE now presumes that enforcement activity occurring within a LAPP fishery is recoverable simply because it occurs on a vessel in a LAPP program. This does not meaningfully apply the concepts of "but/for" and "incremental costs."*
- *In the 2025 Report, NOAA OLE relies on their own interpretation that LAPP fisheries are more "complex" which they argue justifies a broader application of cost recovery. The AP heard from another entity collecting costs (the FMA observer program), that although calculating incremental cost for vessels that had observer coverage before the implementation of a LAPP program is complex for them, they can do it and they are doing it. Complexity alone is not a valid justification.*
- *To bring accountability and transparency to the Cost Recovery Program for all entities collecting costs, this motion defines the "costs that are directly related to" in regulation for each program and also lays out what clear evidence shall be provided to the regulated public in order to collect those costs.*

- *The AP has heard iterative Cost Recovery reports which provide enough information to move directly to an initial analysis.*
- *Alternative 2 defines the term "actual costs directly related to" as those listed in the Subpart of CFR 679 or 680 implementing each program. Costs to manage, collect data, or enforce those regulations contained in those Subparts are recoverable. Everything else falls in general fisheries management and is not cost recoverable for all entities collecting costs.*
- *There may be other regulations outside of those distinct subparts that should also be cost recoverable. The intent of the motion is that those regulations would also be included under Alternative 2. An analysis will identify these additional regulations on a program-by-program basis and stakeholder participation in fleshing this out is important.*
- *The bullets underneath Alternative 2 are meant to clarify several unresolved issues.*
    - *First, compliance assistance is not cost recoverable.*
    - *Second, in April 2025, OLE staff presented to the AP and publicly described a process of assessing fees that is inconsistent with statutory and regulatory provisions. OLE staff stated that when they start investigations they will charge the investigation to a cost recovery program even if they have not determined it is yet a recoverable cost. This bullet makes it clear that practice should cease.*
    - *Third, removing rent and utilities from cost recovery is consistent with previous Council recommendations.*
    - *Last, recoverable costs charged to the regulated public should be actual costs. Fixed agency overhead like general personnel benefits or pre-determined fixed percentages of costs ie. "apportioning formulas" as used by NOAA OLE may be the most administratively efficient methodology, but do not meet the test of "actual cost directly related" and are not recoverable.*
- *Option 1 is meant to be fully inclusive and lists all 8 fisheries that are currently subject to cost recovery in the AK Region. The intent of the motion is that it will apply to any future LAPP programs created in addition to the current LAPP programs listed.*
- *Alternative 3 goes directly to transparency and accountability. As the 2025 Cost Recovery Report notes, the largest incremental cost category is personnel, which is why this is the focus. Under Alternative 3, NOAA divisions and partner agencies need to provide "backup" or clear evidence to the regulated public that a "but/for" or "incremental" cost analysis was done and the billed time is eligible for cost recovery. This level of backup is not onerous and is standard when invoicing businesses for expenses.*
- *On the piece specific to NOAA OLE, the Council requested similar information as part of the 2025 Cost Recovery Report. NOAA OLE responded that they do not track enforcement activities at an individual case level using 15 minute increments, as all other partner agencies do, and instead use broad allocation methodologies based on case load, patrol hours, boardings, and pulse operations. This suggests that NOAA OLE is not identifying whether specific enforcement work is incremental to the LAPP itself, and is billing cost recovery fees not on actual costs, but on generalized workload assumptions. Alternative 3 allows for cost recovery only by NOAA divisions and partner agencies that can clearly provide documentation of the statutorily required link between the fees being levied and the incremental costs of those programs.*

- *The last section provides some AP recommendations to the Council on what should be included in the analysis to make it clear and as robust as possible.*
- *The second recommendation is that the directly regulated public be provided the opportunity to engage and describe which costs are directly related to each program. Public testimony noted that in the West Coast Region a working group was convened for this purpose and the AP noted this could be a good option here. LAPP and CDQ program participants have deep knowledge of their fisheries and their knowledge can be utilized to streamline this analysis.*
- *In support of initiating this analysis, AP members also noted that cost recovery costs are not the only management costs incurred by participants in LAPP and CDQ programs. Industry is also responsible for full coverage observer fees, cooperative or quota manager costs, and data management costs.*

C5 GOA Tanner Crab Protections

The AP recommends that the Council request a second initial review of the Tanner Crab Protections analysis, with the inclusion of 5 new closure options[1] and a new element under Alternative 2, and a revised Alternative 3. Additions are in **bold**, with deletions ~~struck out~~.

Purpose and Need

Crab is a prohibited species in the Gulf of Alaska (GOA) groundfish fisheries, and the Council has developed several time and area closures to minimize the impacts of groundfish fisheries on GOA crab. In recent years, new information about Tanner crab biology and management resulted in modifications to the harvest strategy and management measures for the state-managed GOA directed Tanner crab fishery. The Council is considering a new groundfish fishing area closure on the east side of Kodiak Island in areas known to have consistently high densities and abundance of Tanner crab. The Council is also considering a process to evaluate the effectiveness of existing groundfish fishery area closures around Kodiak Island, most of which were enacted in the late 1980s, to determine whether modifications are needed. Given the importance of crab and groundfish fisheries to the harvesting, processing and support sectors in the community of Kodiak, the Council intends to consider management actions that conserve and protect Tanner crab while minimizing negative impacts on Central GOA groundfish fisheries.

Alternative 1: Status Quo

Alternative 2: Closure area

Objectives for closure area: minimize groundfish fishery interactions with Tanner crab in areas off the east side of Kodiak Island 1) where high densities of Tanner crab are known to occur and 2) during life stages in which available information indicates that Tanner crab are vulnerable to fishery interactions. The Council intends to establish criteria and a timeline to review the effectiveness of the closure area.

[1] *Note: Images of 5 new closure options can be found on pages 9 - 11 of AP Report.*

Element 1: Closure Area

Option 1: ADF&G statistical area 525702

Option 2: East side of Kodiak Island - Federal waters north of 56 degrees 54.6 minutes latitude and 152 degrees 16 minutes longitude (referred to as the "Custom Closure Area"; see Figure ES-1 below)

Option 3: "AWTA Option 1" (57 09.833 W 152 27.735; 57 09.353 W 152 26.204; 57 07.256 W 152 25.053; 57 04.446 W 152 26.609; 57 04.293 W 152 28.102; 57 05.174 W 152 28.776; 57 06.343 W 152 28.785; 57 09.833 W 152 27.735)

Option 4: "AWTA Option 2[2]" (57 20.603 W 152 29.858; 57 09.874 W 152 25.919; 57 07.240 W 152 24.452; 57 04.379 W 152 24.801; 57 00.864 W 152 26.673; 57 00.776 W 153 00.000; 57 07.222 W 153 00.000; 57 20.603 W 152 29.858)

Option 5: "MTC Option 1" (57 28.680 152 19.980 57 23.100 152 17.100 57 22.020 152 18.060 56 55.980 153 09.000 57 04.020 153 30.000)

Option 6: "MTC Option 2" (57 22.959 152 16.956 57 09.153 152 17.000 57 09.110 152.20.150 57 13.100 152 26.100 57 12.683 152 27.435 57 12.291 152 28.937 57 12.010 152 30.281 57 11.055 152 31.693 57 11.055 152 31.693 56 11.600 152 33.296 57 11.478 152 35.073 57 11.446 152 36.388 57 11.545 153 38.538 back to 57 22.959 152 16.956).

Option 7: "Tanner Crab Fleet Option" (coordinates to be provided to Council)

Element 2: Closure duration

Option 1: Year-round

Option 2: Seasonal

a) Feb 15 – June 15 (current Type II closure dates)

b) April 1–June 15 (directed Tanner fishery closure date by regulation through Tanner crab survey start date)

Element 3: Gear types subject to closure

Option 1: Groundfish Pot & Trawl (nonpelagic and pelagic) gear

Option 2: Nonpelagic trawl gear

Element 4: Periodic Review of New Closure for Efficacy – Criteria that could be considered when reviewing efficacy include but are not limited to:

- **benefits to the abundance of the Kodiak tanner crab stock**
- **impacts of fleet displacement on tanner crab, halibut, and salmon PSC**
- **Socioeconomic tradeoffs for the tanner crab fleet, the trawl catcher vessel fleet, and shoreside processors**

Option 1: Review efficacy after 3 years

Option 2: Review efficacy after 5 years

Alternative 2 Elements are not mutually exclusive.

[2] *Option 4 (AWTA Option 2) reflects a corrected coordinate clarified in oral testimony, which differs from an error in written comment.*

Alternative 3: Evaluate the existing Marmot Bay Tanner Crab Protection Area and all Type I, II and III closures around Kodiak Island for modification and/or removal, using biological, fishery independent and dependent information available. ~~The Council intends to review the objective of each existing crab protection area around Kodiak Island and biological, fishery independent and dependent information available for the area and consider options for modifications or removal.~~

Element 1: Marmot Bay Tanner Crab Protection Area

Option 1: Remove the Marmot Bay Tanner Crab Protection Area

Option 2: Modify to a seasonal closure

a) Feb 15 – June 15

b) April 1 – June 15

Element 2: Type I Closure - Alitak Flats and Towers Area

Option 1: Modify the existing closure boundaries only to maintain the closure inside Alitak Bay, with an additional 5 nm buffer of closure area outside of Alitak Bay. The remainder of the area outside of the modified closure would be reopened to non-pelagic trawl gear.

Option 2: Modify the existing closure boundaries to maintain the closure inside Alitak Bay, with an additional 10 nm buffer of closure area outside of Alitak Bay. The remainder of the area outside of the modified closure would be reopened to non-pelagic trawl gear.

The closure area would remain an annual Type I closure area.

Element 3: Type I Closure - Marmot Flats Area

Option 1: Remove the Marmot Flats Area Type I Closure

Option 2: Modify to a seasonal closure

a) Feb 15 – June 15

b) April 1 – June 15

Element 4: Type II Closure – Chirikof Island Area

Option 1: Remove the Chirikof Island Type II Closure Area

Option 2: Modify to new seasonal closure dates April 1 – June 15

Element 5: Type II Closure – Barnabas Area

Option 1: Expand Type II Barnabas closure to year-round

Option 2: Modify to new seasonal closure dates April 1 – June 15

Element 6: Type III Closures – Chirikof, Horse's Head, Barnabas, Outer Marmot Bay

Option 1: Remove all Type III Closure Areas

Option 2: All ~~other Barnabas~~ Type III closure areas should be seasonal

a) Feb 15 – June 15

b) April 1 – June 15 Amendment 1

Sub-element A: Modify regulation to allow pelagic gear to be deployed in the closure area while non-pelagic gear is on board, regardless of monitoring category.

Alternative 3 Elements are not mutually exclusive.

Sub-element A can be selected with any combination of Alternative 3 Elements 2 through 5 that remain Type I, II, or III closure areas.

Lastly, the AP recommends the following updates and/or improvements to the analysis:

- **Move all discussion of the GOA catcher processor fleet to an Appendix. Remove all catcher processor harvest and value data from the next iteration, including in calculations of total non-pelagic groundfish harvest so that shoreside impacts are not minimized (tables 3-24 through 3-27)**
- **Include an expanded time series going back to 2005 – 2025 in the next analysis. The existing time series of 2012-2025 should be kept for comparison.**
- **Show complete data consistently across fisheries where it is available. For example, Table 3-20 shows ex-vessel value from the commercial tanner fishery but does not include columns when fishery was closed and does not include average annual ex-vessel amount for the time series, including the years with zero value. (Make comparable to the trawl table 3-25).**
- **Include additional Species Distribution Modeling (SDM) results for Mature Female, Mature Male, and all crab with survey years 2006-2025 (ex: Figures 5-15,16, and 17).**
- **In Chapter 4.3, the "Vessel and Community-Level Dependency and Impacts" section for each gear type should include processor impacts section for each gear type. In actions that effect crab or groundfish catcher vessel access to resource, processors are directly impacted and should be considered as such. This should also include consideration of the importance of the April/May shoulder season for Kodiak.**
- **When discussing the scope of the action or impacts to processing, only the current number of processors, not historical, should be used.**
- **Better incorporate the GOA Pacific cod stock crash in 2017 and the resulting impacts of predation on tanner crab in the analysis.**
- **Incorporate the required use of elevated sweeps in the CGOA flatfish fishery on additional potential benefits to the life stages of crab.**
- **Incorporate pollock catch monitored by EM into all harvest data**
- **Describe observer coverage categories and rates for each groundfish fishery and the tanner crab fishery impacted by this analysis as it relates to PSC.**
- **Engage with trawl industry vessel operators for more context**
- **Detail observed and unobserved mortality from the directed Tanner crab fishery**
- **Species composition and ex-vessel value of non-pelagic trawl trips from the newly proposed closure areas**

Amendment 1 (Alt 3 Ele 6, is <u>underlined</u>) passed 15-0

Amended Main Motion passes 14-0, with one Abstention

Failed Amended Motion Alternative 3 Bifurcation: C5 GOA Tanner Crab Protections

The AP recommends an analysis to evaluate the following:

Alternative 3: Evaluate the existing Marmot Bay Tanner Crab Protection Area and all Type I, II and III closures around Kodiak Island for modification and/or removal, using biological, fishery independent and dependent information available. ~~The Council intends to review the objective of each existing crab protection area around Kodiak Island and biological, fishery~~

~~independent and dependent information available for the area and consider options for modifications or removal.~~

Element 1: Marmot Bay Tanner Crab Protection Area
- **Option 1: Remove the Marmot Bay Tanner Crab Protection Area**
- **Option 2: Modify to a seasonal closure**
  - **a) Feb 15 – June 15**
  - **b) April 1 – June 15**

Element 2: Type I Closure - Alitak Flats and Towers Area
- **Option 1: Modify the existing closure boundaries only to maintain the closure inside Alitak Bay, with an additional 5 nm buffer of closure area outside of Alitak Bay. The remainder of the area outside of the modified closure would be reopened to non-pelagic trawl gear.**
- **Option 2: Modify the existing closure boundaries to maintain the closure inside Alitak Bay, with an additional 10 nm buffer of closure area outside of Alitak Bay. The remainder of the area outside of the modified closure would be reopened to non-pelagic trawl gear.**
- **The closure area would remain an annual Type I closure area.**

Element 3: Type I Closure - Marmot Flats Area
- **Option 1: Remove the Marmot Flats Area Type I Closure**
- **Option 2: Modify to a seasonal closure**
  - **a) Feb 15 – June 15**
  - **b) April 1 – June 15**

Element 4: Type II Closure – Chirikof Island Area
- **Option 1: Remove the Chirikof Island Type II Closure Area**
- **Option 2: Modify to new seasonal closure dates April 1 – June 15**

Element 5: Type II Closure – Barnabas Area
- **Option 1: Expand Type II Barnabas closure to year-round**
- **Option 2: Modify to new seasonal closure dates April 1 – June 15**

Element 6: Type III Closures – Chirikof, Horse's Head, Barnabas, Outer Marmot Bay
- **Option 1: Remove all Type III Closure Areas**
- **Option 2: All ~~other Barnabas~~ Type III closure areas should be seasonal**
  - **a) Feb 15 – June 15**
  - **b) April 1 – June 15**

Sub-element A: Modify regulation to allow pelagic gear to be deployed in the closure area while non-pelagic gear is on board, regardless of monitoring category.

Alternative 3 Elements are not mutually exclusive.
Sub-element A can be selected with any combination of Alternative 3 Elements 2 through 5 that remain Type I, II, or III closure areas.

Amendment to the Amended Motion to strikethrough Elements 1 and 3 failed 13-1, with one abstention

Amendment to Bifurcate failed 9-4, with one abstention

<u>Rationale in Support of Amended Main Motion:</u>

- *The AP noted appreciation for Council staff's work on this first initial review for Tanner Crab Protections.*
- *The motion maker noted that the current analysis does not support additional closure measures. The draft EA/RIR repeatedly acknowledges uncertainty regarding the relationship between Tanner crab PSC, unobserved mortality, environmental variability, and overall Tanner crab population dynamics.*
- *Most importantly, the analysis specifically concludes that, "the relative impacts of PSC removals do not appear to be significant at the population level" (Page 15). The current analysis does not demonstrate Gulf of Alaska (GOA) trawl fisheries are causing population-level harm to Tanner crab stocks, and noted that the Kodiak District Tanner crab fishery has remained open in most years since 2000 because abundance thresholds were generally met despite cyclical fluctuations in recruitment and abundance. This is important to note since the Council system is built upon science-based fisheries management under the Magnuson-Stevens Act.*
- *The AP also noted concerns in the analysis that any conservation benefits from additional closures may be offset by displacement of fishing effort into adjacent areas with similar Tanner crab concentrations. The document repeatedly identifies uncertainty surrounding whether proposed closures would produce measurable conservation gains, particularly given the likelihood of spatial or temporal redistribution of fishing activity.*
- *The AP also noted that at the same time, the economic and operational impacts to Gulf of Alaska fisheries are clear and substantial. The areas under consideration are described in the analysis as productive fishing grounds relied upon heavily by pollock, arrowtooth flounder, and shallow-water flatfish fisheries. The analysis also acknowledges the importance of these fisheries to Kodiak harvesting, processing, and support-sector employment which supports the need for another initial review and a more comprehensive analysis.*
- *However, the AP noted the clear public concerns for the protection of tanner crab and that this motion is a compromise and the most comprehensive Tanner Crab motion the AP has been able to produce to date. Nothing substantive from the prior Council motion was removed.*
- *The AP appreciated the collaborative work and deferred to the Council to determine how to pare the action down if necessary.*

<u>Rationale Specific to Alternative 2</u>

- *The new closure areas for review under Element 2 reflect four different options from the trawl groundfish fleet, and an additional closure area informed by the Tanner crab fleet. All closure elements are informed by the deep knowledge and experience of fishermen who participate in both trawl and crab fisheries and provide multiple options for consideration.*
- *An AP member noted that in regards to Alternative 2 Element 1, Option 6 being a circle, there seems to be difficulty in the process to allow closure areas to be drawn with anything but straight lines. Public testimony from both crab and trawl users indicate that more flexibility with closure area shapes such as using bathymetric charts to follow depth curves could afford smaller area closures that could allow more access to trawl by focusing the closure areas more*

precisely around areas of high crab density. This concept is not new and has been brought up in every iteration of this agenda item. There was also a discussion of how this approach had been used in the past with trawl users collaborating with crab users and voluntarily staying above the 65 fathom curve in the Sandbox to successfully avoid crab.

- *The AP felt that in moving to a more modern management and to prevent old existing closures with no measurable benefit from continuing to exist, there should be the consideration of biological objectives tied to any proposed new closure. Any future proposal should include clearly defined objectives, measurable performance standards, and a mandatory review timeline so the Council can evaluate whether the action is actually achieving conservation benefits. The draft EA/RIR notes the Council's intent to establish criteria and a timeline to review closure effectiveness. That accountability framework is essential if this action continues moving forward.*

<u>*Rationale Specific to Alternative 3*</u>

- *Alternative 3 attempts to review existing crab closure areas in a comprehensive way so that any option is possible for individual areas moving forward, while remaining sensitive to those areas that are still important to Tanner Crab and the last stronghold of Red King Crab in Kodiak.*
    - *For example, Type I Alitak (Element 2), which will be considered for potential modification to protect RKC but reopen the large portion outside of Alitak Bay with different size buffers between the crab and reopened area. However, there is no option to reopen it entirely.*
    - *Similarly, Type II Barnabas (Element 5) was included for review to potentially become a year round closure rather than just seasonal.*
    - *There are also options to just modify the seasonality of closure areas.*
- *The continued inclusion of Alternative 3 is important because often when actions are bifurcated, the second part goes stale and is never analyzed again. Further, the motion maker noted that without the continued considerations for reopening ineffective existing closures, that the trawl fleet would have been unlikely to compromise and offer some new potential closure options,(Alt 3, Element 5).*
- *The amendment in Alternative 3 Element 6 fixes a typo to reflect that all Type III closures are being reviewed in Element 6, and adds the same seasonal time frames for review as the other elements (and new closure options in Alternative 2). The intent is also that if it's determined that the Type III closure areas were to become seasonal rather than removed completely, they would no longer have a trigger and would be treated as additional Type II closure areas.*

- *Sub-element A was included to address the difference in the prohibition language for the Marmot Bay Tanner Crab Protection Area (MBTCPA) and the Type I, II, and II closure areas. If Type I-III closure areas remain in place, it should be considered whether the wording of the prohibition could be changed to allow the deployment with pelagic gear in those areas while non-pelagic gear is on board on non-EM trips, since that still creates a logistical challenge for the trawl fleet.*

<u>*Rationale Related to Improvements to Analysis*</u>

- *Noting the SSC had also requested a second initial review, the AP provided a list of items based on stakeholder engagement and public comment that should be included in the next analysis.*

- *The AP looks forward to improved shoreside processor data and noted that while the catcher processor (CP) fleet does operate in the CGOA, they do not fish in these areas and are not impacted by the areas considered in this action. The requested improvements to the data will more accurately reflect how fish flow across the docks in Kodiak could be impacted by this action. Kodiak only has a few major processors remaining who want to continue year round operations, including a successful tanner crab fishery.*
- *Shoreside processing impacts, seasonal operational disruptions, and community-level impacts to Kodiak and other dependent communities should be discussed together. During the staff presentation, an AP member noted that harvesters can't exist without processors, and processors can't operate if harvesters don't have adequate access to diverse resources. This action impacts harvesters, processors, and communities in tandem.*
- *The next version should also include more comprehensive economic impact data for each individual fishery, providing equitable data for each fishery to the extent possible.*
- *The AP noted that the analysis currently lacks sufficient information regarding broader ecosystem dynamics and predator-prey relationships that may influence Tanner crab abundance and recruitment.*
    - *The Council should request additional analysis examining natural sources of Tanner crab mortality, including predation by species such as Pacific cod and skates. Groundfish species are known predators of juvenile crab, and understanding those ecosystem relationships is essential before attributing localized Tanner crab trends to trawl fishery interactions.*
    - *Without a more complete ecosystem analysis, the Council risks focusing management action narrowly on one source of mortality while overlooking potentially more significant drivers of Tanner crab abundance.*
- *The analysis also fails to adequately address the existing conservation measures already implemented by the trawl industry to reduce crab impacts. In particular, there is little meaningful discussion of the modified elevated sweep requirements already mandated for nonpelagic trawl vessels operating in the Central Gulf flatfish fisheries.*
    - *These gear modifications were specifically implemented to reduce unobserved crab mortality and benthic habitat impacts. The analysis references the existence of modified sweeps requirements, but it does not evaluate their effectiveness, quantify any reductions in crab interactions resulting from their use, or analyze whether those measures are already achieving the conservation objectives contemplated under this action.*
    - *Before considering additional closures, the AP felt the Council should request additional information evaluating the effectiveness of existing elevated sweep requirements and whether further gear innovations may provide more targeted conservation benefits than broad area closures. If the trawl fleet has already significantly reduced benthic contact and crab interactions through gear modifications, that information should be central to the Council's decision-making process.*
- *The AP noted public testimony that indicated the importance of statistical area 525702 to the trawl fleet is underestimated due to how catch data is reported from where a tow is retrieved and does not necessarily reflect where it was towed. For example, the majority of a tow could have been in 525702 but if the end of that tow was retrieved in 525630 all of that catch would be assumed to be in 525630.*

Rationale in Support of Failed amendment 2 to Bifurcate:

- *The scope of the current analysis is already large and with the addition of new closure areas and a long list of recommendations from both the SSC and in this AP motion, the potential for a second analysis to exceed the page limitations is a true concern.*
- *When asked about page number limits to analyses, staff did not have a finite answer as to the number of pages they would be limited to for the EA section of the analysis. Staff did express concern that it could potentially pose an issue but also that there could be work arounds to deal with it.*
- *The management and enforcement of Alternatives 2 and 3 are not tied to each other and could be treated as separate issues. There were numerous public comments and testimony recommending the bifurcation of the issue. Given that Alternative 3 has not yet begun to be analyzed, there was concern around the length of time the action would take with the additional information for Alternative 3.*
- *With the potential for a new closure coming in that would impact fishermen, it's important to also simultaneously review whether the existing closures are effective.*
- *Alternative 3 and the consideration of altering closed areas is an issue that has been brought up for many years. As it is considered it is important for there to not be limitations to the scope of the analysis. It could be precedent setting for other similar actions and the discussion should be robust and given ample time to be considered.*

Rationale in Opposition of Failed Amendment 2 to Bifurcate:

- *AP members also noted that this motion captures and combines the full range of both crab fishermen and trawl fishermen's request, and that the intent was to be collaborative. While some members did feel there were some good points to bifurcation, that it should ultimately remain together.*
- *In questioning Amendment 2 to Bifurcate, concerns were expressed that since Alternative 2 is considering new closures and Alternative 3 is considering reviewing existing closures for crab in the same areas, that bifurcation could actually make duplication of work for Council Staff since a large portion of the analysis would be the same.*

Rationale in Support of Failed Amendment to Amendment 2:

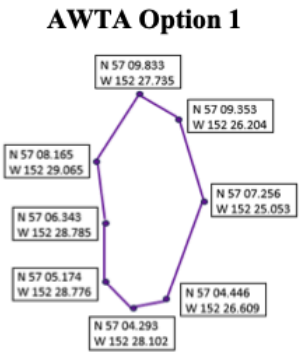
- *The maker of the Amendment considered traditional knowledge indicates that there is a rebound of tanner crab in Marmot Bay outside of the survey area and that there was no new information presented or data available that would change the analysis. Therefore, it was indicated that Element 1 for review of MBTCPA and Element 3 for review of Type I Marmot Flats should be removed from future analysis.*

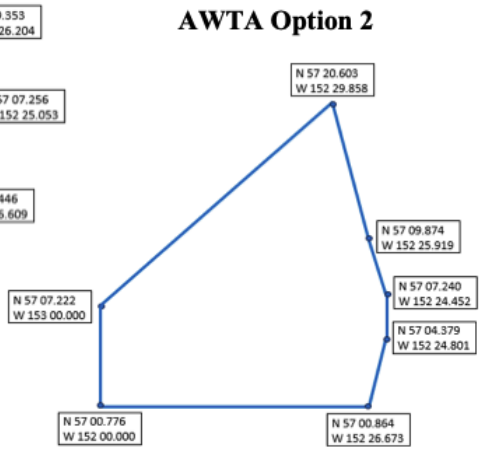
Rationale in Opposition to the Failed Amendment to Amendment 2:

- *AP members in opposition to the removal of Alt 2 Element 1 and 3 indicated that keeping the Elements in the analysis could actually allow traditional knowledge to be on-ramped into the analysis and would allow for proper review of the areas.*
- *It was noted that if the Council did move these Elements forward, nothing in the current structure of the motion would preclude a final decision to keep the areas closed to non-pelagic trawl gear.*

- *Another AP member also noted that if any areas are going to be reviewed then they all should be reviewed.*

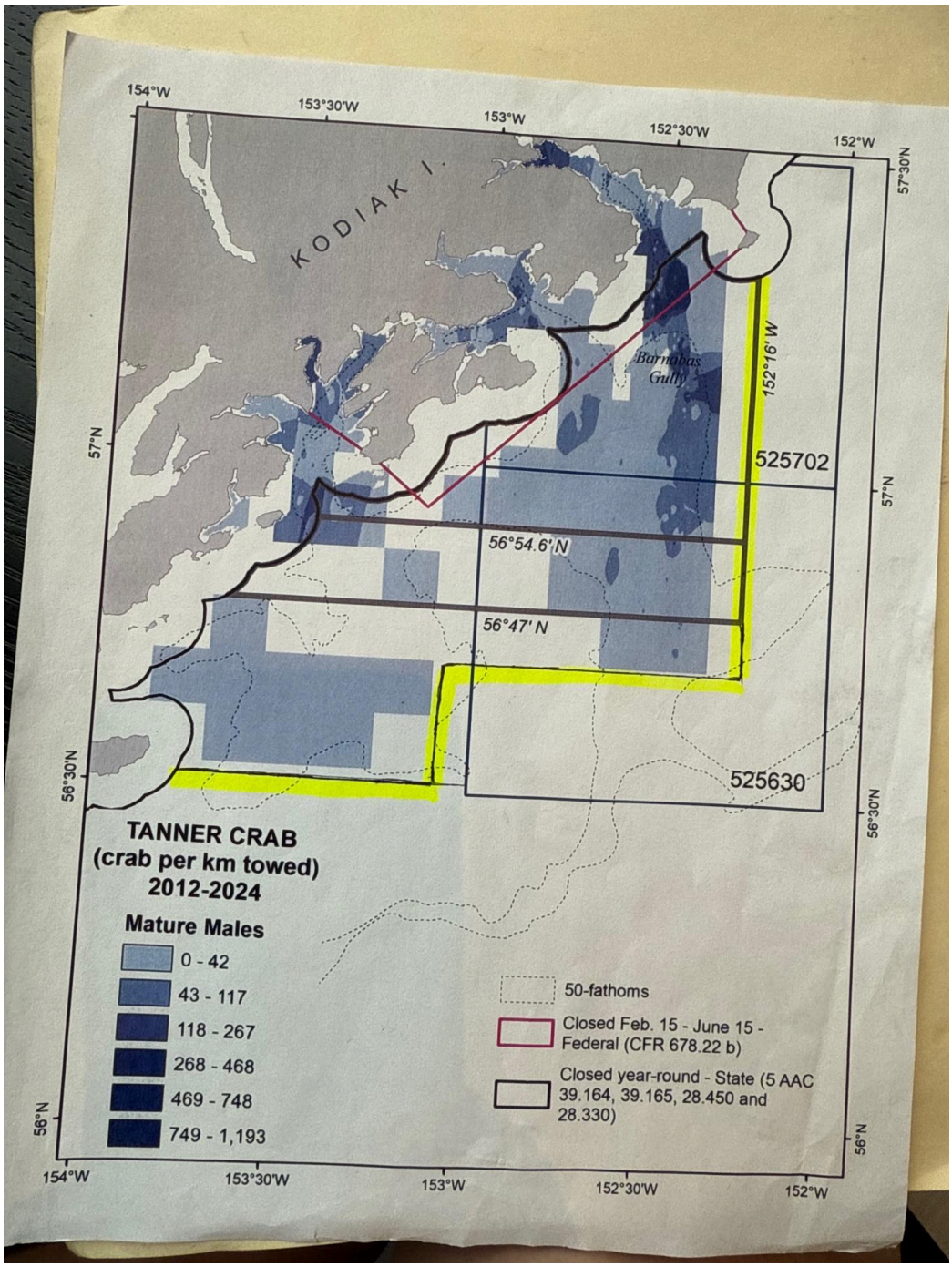
New Option 3 and 4[3]





[3] *These images are from AWTA submitted written comment to provide a visual, but still contain the erroneous waypoint coordinate in AWTA Option 2. The waypoint coordinates in the text of the motion are correct.*

New Option 7[4]



[4] *Stakeholder communicated that waypoint coordinates will be provided to the Council.*

D1 Pelagic Trawl Gear Research Updates

The AP received multiple updates regarding the Gear Innovation Initiative work, Experimental Fishing Permit efforts, and Bering Sea Fisheries Research Foundation crab habitat and species distribution research. The AP supports these ongoing efforts to address data gaps which have been prioritized by the Council.

The AP reaffirms the FE model and EFH process as the best scientific information available and the best method to understand the effects of all gear on habitat.

The AP recommends the Council:

1. Endorse the continued work and completion of the GII work, relevant ongoing EFPs, and BSFRF crab habitat and species distribution research.
2. Support and continue modifications and updates to the FE model including information on crab habitat, distribution, and outputs from the GII work.
3. Support the industry's consideration of the continued use of the dynamic closure measure in the RKCSA as a near-term tool.
4. Summarize in a publicly accessible format, any previous gear innovation successes and current status of commercially available sensor technology, ideally to be updated when new information becomes available.
5. Encourage and support collaboration between industry participants, scientists, and managers throughout ongoing gear research, Fishing Effects model refinement, and any future evaluation of scientifically informed management measures.
6. Task the plan teams, joint CPT and GPT, to consider all sources of habitat disturbance and crab mortality in the RKCSA and evaluate the magnitude of UFM on crab in the RKCSA.

Main Motion passes 12-3

<u>Rationale in Support of Main Motion</u>

- *Some AP members recognized the immense amount of ongoing research focused on crab, crab habitat, pelagic trawl gear, and fishery interactions. The crab and pollock industries both have responded to the Council's request to focus on data gaps and improve understanding of gear performance, species distribution, crab habitat, and fishery interactions. The ongoing work is groundbreaking, particularly the GII, and demonstrates that both sectors are seeking a better understanding of these issues.*
- *The AP acknowledged the North Pacific's science-based management system relies on robust research, strong relationships among scientists, managers, and industry, and review bodies such as the Plan Teams and SSC to ensure information meets Council and MSA standards.*
- *The Council's June 2025 requests for "other research updates," and "updates on Gear Innovation Initiative progress" have been satisfied. However, it is not appropriate at this time to consider modifications to the performance standard. The empirical outputs of bottom contact should be included in the Fishing Effects (FE) model for Essential Fish Habitat (EFH) review. The Council's June 2025 motion specifically stated that updated contact estimates*

should inform consideration of management measure revisions, which is anticipated to occur in February 2027. Research intended to inform the Council's consideration of policy must have complete outcomes before policy decisions, but also should continue on its individual project timelines to ensure quality. Once complete, these outputs should move through the Council's established scientific review process, including SSC peer review. Only after that process should information be considered for management measures. There is currently a disconnect between the Council's stated intent to use updated contact estimates, and the timeline being discussed for management changes.

- *Without complete research and peer-reviewed outcomes, management discussions lack the science-based foundation included in National Standard 2, which requires that conservation and management measures be based upon the best scientific information available. Some AP members acknowledged that the FE model and the EFH process is the best scientific information available for informing policy considerations regarding fishing gear interactions and habitat protections. Advancing policy before that work is complete means reaching conclusions before the evidence exists to support them. The applicable fisheries research is still in the hypothesis testing phase of the scientific process.*
- *The FE model is an important component of the EFH process to combine the parameters of gear contact estimates, habitat, sediment, susceptibility, and recovery. They get reviewed regularly, updated when new information becomes available, and peer reviewed by the SSC.*
- *Some on the AP recognized that it's not appropriate at this time to revise the current performance standard since directly related research intended to inform policy is ongoing and near completion, and that the current performance standards and conservation measures regarding crab and crab habitat are still active and enforceable in the Bering Sea. Additionally through public testimony, the AP was reminded that the current status of regulations and management measures is much more robust than it was in the 1990s when the performance standard was originally implemented. Now there are plenty of current regulations that ensure sustainability, conservation, and observation of the pollock fishery.*
- *The AP also noted that the FE model could be improved if all gear types were included, specifically crab pot gear, which is not currently included. Since the concern is about habitat disturbances in the RKCSA, then all gear contact and habitat disturbances should be evaluated to truly understand the whole issue and magnitude.*
- *The AP heard support from both the crab industry and the pollock industry for continued implementation of the dynamic closure measure in the RKCSA. The dynamic closure is intended to minimize potential interactions in areas with a higher likelihood of crab occurrence, maintain pollock fishing efficiency, and preserve Chinook salmon avoidance opportunities.*
    - *An AP member recalled the 2024 Bristol Bay Red King Crab closure area review, the PSC impact analysis included displacement model results. Those results examined the potential effects of removing pollock fishing from the RKCSA and one of the most significant tradeoffs identified was increased salmon PSC. The displacement model projected increases in salmon PSC in every modeled year, with increases up to 93%. That reflects the importance of the RKCSA as a salmon avoidance tool during A season.*
    - *The dynamic closure more appropriately addresses these tradeoffs because it maintains a mechanism for salmon avoidance while addressing crab habitat concerns.*

The AFA pollock fleet has demonstrated an ability to collaborate, use multiple data sources, adapt operations in-season, and implement avoidance measures when needed.

- *Continuing the voluntary dynamic closure while research is ongoing allows for flexibility, adaptive management, and incorporation of new information as it becomes available.*

- *The AP had extensive discussions regarding public perception of fishing gear, current gear configurations, available scientific literature, and gear innovation efforts. It became clear through AP discussions that a publicly accessible, easily understandable, and regularly updated summary would be beneficial. Such a document could improve public understanding of existing successful gear modifications and innovations, ongoing research, and the status of sensor technology as it becomes commercially suitable.*
- *Multiple scientists in presentations have also explained that commercially suitable contact sensor technology is not currently available. However, this issue continues to arise and remains an area of research, updates on sensor technology should also be provided in the publicly available summary. It could include research status, technology readiness and could be incorporated into the Council's existing public document on the Council's webpage, developed in response to the June 2025 motion. It was recognized that for ongoing research and innovation efforts like this, a publically accessible webpage summary is much more accessible than Council discussion papers and can more easily be updated outside of the Council's meeting schedule.*
- *The recommendation to include status updates regarding commercially suitable sensor availability in a publicly accessible summary page was not intended to stifle ongoing research or efforts to research sensor technologies. Rather it was intended to support the continued efforts and increase transparency to the public.*
- *The AP heard support for collaboration from multiple sectors. All of the motion's recommendations would be strengthened through collaborative research between fishing industries, scientists, and managers. Significant data gaps and complex questions remain, so collaborative research offers an effective way to address those issues. It has also been discussed as a trust-building exercise. All of this is important because both industries have recognized the value of working together.*
- *The final recommendation is to develop a more ecosystem-based understanding of habitat disturbance and crab mortality within the RKCSA. Unobserved fishing mortality is already incorporated into natural mortality within stock assessments. However, the empirical amount of unobserved fishing mortality and the relative contribution of UFM compared to all other mortality sources are unknown.*
- *As the understanding of pelagic trawl contact estimates improve and fill existing data gaps, it is important to evaluate pelagic trawl interactions in the broader context of all benthic habitat disturbance. And when empirical estimates of UFM of crab become available, they too should be evaluated against all sources of crab mortality. It should include updated and empirical contact estimates for all gear types. It should also include natural disturbance sources such as storm activity, and marine mammals. Similarly, all sources of crab mortality should be considered to establish a baseline understanding of impacts. It was understood that any new and emerging information such as disturbances from lost pot gear could also be included in all*

sources of habitat disturbance. And understanding those baselines will help estimate the magnitude of UFM.

- *Since stock assessment authors are already considering some of this information, it would be appropriate to task the Plan Teams jointly, CPT and GPT, with continued efforts to estimate UFM.*
- *Without understanding UFM relative to total crab mortality, the council lacks the reference points necessary to evaluate impacts, consider thresholds, and investigate meaningful metrics of success.*
- *Some AP members reiterated what the scientists presenting had stated, which was that bottom contact does not equal impact and that the FE model and EFH review estimate impacts.*
- *The AP did discuss whether the information in this motion should be provided as written or if it would be better incorporated as a discussion paper. Some AP members expressed support for the motion, but stated they would have also been supportive of seeing this move forward as a discussion paper.*
- *Some AP members identified February of 2027 to be the next appropriate time to consider SSC reviewed research and FE model outcomes to then consider how it should inform policy.*

<u>Rationale in Opposition to Main Motion</u>

- *One AP member, who did not support the substitute motion either, indicated opposition was directly related to the bullet related to UFM noting that it took away from the action didn't have a specific path forward.*
- *One AP member noted that they wanted a discussion paper and that the motion didn't do enough to focus the Council's efforts on uncertainty with respect to unobserved mortality.*
- *One AP member described the motion as not moving the issue forward and a continuation of the status quo, and felt that the AP was at a point to be having more substantive conversations about habitat and unobserved mortality.*
- *Does not consider the performance standard, which does not currently function.*
- *One AP member noted the lack of indigenous-led research and noted the limitations of the science and data due to the lack of indigenous perspective. They also felt that there was more than one story in the data being provided and that needs to be acknowledged. They noted that indigenous knowledge should be on the SSC.*
- *One AP member felt that fisheries collapse before the models catch up and referenced the collapse of the snow crab fishery as an example and noted that we should be managing based on current temperature regimes.*
- *One AP member noted that we should be looking at unobserved impacts to other benthic species and noted that walrus were being impacted and described something being 'off' within the foodweb and did not believe that to be included in the process. They felt that action should not be delayed in the absence of complete information.*

Failed Substitute Motion: D1 Pelagic Trawl Gear Research Updates

The Advisory Panel recommends that the Council initiate an analysis with the following purpose and need and suite of alternatives.

Purpose and Need

The purpose of this action is to align regulations governing pelagic trawl gear in Alaska with the longstanding management objectives that distinguish it from bottom-contact trawl gear: minimizing seafloor contact, reducing impacts to vulnerable crab stocks and benthic habitat, and ensuring pelagic trawl operations do not function as de facto bottom trawling. While pelagic trawl gear was originally authorized under these assumptions, the current regulatory framework lacks a measurable, enforceable, and performance-based standard for determining whether pelagic trawl gear is operating consistent with those objectives. As a result, documented instances of seafloor contact by pelagic trawl gear, including in areas where bottom trawling is restricted to protect habitat and crab resources, have raised concerns regarding accountability, enforceability, and consistency with Council conservation goals.

Council action is needed to develop a revised pelagic trawl performance standard that establishes clear, verifiable, and enforceable criteria for limiting seafloor contact while accounting for operational practicability, vessel safety, and continued gear innovation. A performance-based framework would provide a meaningful basis for distinguishing pelagic trawl gear from bottom-contact gear, support the conservation and management objectives of the Magnuson-Stevens Fishery Conservation and Management Act, incentivize technological improvements that further reduce seafloor interactions, and ensure pelagic trawl regulations are applied consistently and effectively in practice.

Alternatives

Alternative 1: No Action

Alternative 2: Revise the pelagic trawl performance standard

Element 1: Bottom contact thresholds.

A. Zero bottom Contact in all areas
B. Zero bottom contact in areas closed to bottom trawl
C. 10% bottom contact for BSAI to mirror the existing GOA regulation

Element 2. Application of bottom contact threshold:

7. On a tow-by-tow basis
8. On a trip basis (as applicable)
9. On a seasonal basis

10. At the vessel level
11. At the cooperative level, if applicable

Element 3. Monitoring and verification

A. Require vessels using pelagic trawl gear to use approved technology sufficient to determine whether the gear is contacting the seafloor during fishing operations.
B. In the absence of verifiable bottom contact data pelagic trawl gear is:
    a. Not allowed in areas closed to bottom trawl.
    b. Not allowed unless the vessel can document zero bottom contact in areas closed to bottom contact.
    c. If a sector cannot meet the pelagic trawl performance standard, the applicable gear or operation would be managed as bottom contact gear for purposes of management, area access, and enforcement.

The analysis should include, to the extent practicable:

- The gear components and fishing conditions are covered by the standard.
- Available technologies and their feasibility for deployment.
- How the bottom contact would be measured, verified, recorded, and audited.
- Enforcement feasibility and administrative burden.
- Safety and operational practicability.
- Implementation costs and timeline.
- Implications for gear innovation.
- Habitat, bycatch, and fishery operation implications.
- Impacts across vessel classes, sectors, cooperatives, and fishing communities.

The AP also recommends the establishment of an industry led working group to establish a reasonable timeline for implementation based on available and approved technology.

Substitute Motion fails 13-2

<u>Rationale in Support of Failed Substitute Motion:</u>

- *The Council has taken the time to revise the definition of Pelagic Trawl, conduct research on gear innovation, enacted industry led spatial closures, all of which were requested to be done prior to considering a revision to the performance standard. So after all of these items have been completed, or in the case of research, it will continue as it should, we are able to have a meaningful discussion about the performance standard.*
- *The Council currently lacks a measurable, enforceable, and performance-based framework for determining when pelagic trawl gear is operating in a manner consistent with the management assumptions that distinguish it from bottom-contact gear. The current performance standard was developed to prevent and discourage pelagic trawl gear from trawling on the seafloor. A regulatory change to the performance standard is needed to better reflect the Council's original intent and provide improved regulatory compliance. Revisions are*

also needed to the performance standard to reflect advancements in technology and digital reporting for clarity, accountability, and enforcement.

- *The Council confirmed its intent to evaluate the Performance Standard in two separate motions (April 2024 and June 2025). This motion outlines a framework to analyze potential revisions to the performance standard.*
- *We understand that the current performance standard is not easily measurable nor enforceable due to constraints with OLE and observers ability to enumerate and measure crab on deck during haulback operations. There have been a minimal number of proposed violations to the standard over its lifetime yet the concerns for interactions with crab and halibut still persist.*
- *It is clear that the management objective for the performance standard also needs to be updated as "the Council's original objective was "to reduce halibut and trawl bycatches by discouraging or preventing trawl operations on the sea bed." Present concern is centered around: minimizing bycatch, impacts to sensitive seafloor habitat and unobserved mortality, and improving gear efficiency and effectiveness. Habitat protections and unobserved mortality are also now objectives.*
- *The research shouldn't deter or affect the goal. The Council needs to define the performance standard and the management measure and the research helps identify how to achieve that goal. Research is ongoing and iterative and should and will continue on this subject. This process requires the use of the best available science and at this time there is ample information and more coming soon that can and would be used to inform an analysis. Due to timing of Council issues and the prolonged process there is possibility that the GII, updates to the FE model and other research specific to this topic could be complete by the time the requested analysis is being written. Or within the timeline of future analyses should this action continue.*
- *The June 2025 discussion paper demonstrated that, as of a year ago, multiple technologies and approaches were already under active practice or development, including bottom-contact sensors, gear performance monitoring systems, and explorations of modified footrope designs. There are a suite of tools now and more coming that can inform the outcomes of the performance standard both in model and in practice.*
- *This is an initial analysis. It is the beginning of what could be a multi year process in which we will continue to receive updates on innovation and technology available. If there is no measurement mechanism for bottom contact at this time that is a one size fits all approach then it doesn't mean that there couldn't be in a year or two from now or longer when implementation could occur. The Council recently took action on Chum salmon with a mandate to use technology that was not quite there, so there is hope as to the continued development of technology at the rapid pace we are seeing it. As well as the development of technology based on incentives from management mandates.*
- *Element 3 is specific to monitoring and enforcement once and if there is a threshold and mechanism in place, not leading up to. It is not meant to be punitive in the development or absence of suitable technology to enforce a performance standard, it is intended as consequences should a vessel not have one or comply with created management measures.*
- *Specific to Element 3 #c, this is not intended to treat pelagic gear as NPT in the Bering Sea, it is intended to close areas to Pelagic Trawl that are closed to NPT if a performance standard could not be met or enforced.*
- *The statement "De facto bottom trawling" is in reference to the original objectives to limit bottom contact and how nets were operated prior to the pelagic trawl definition. It is referring*

to a need to update and confirm management objectives, not accusing current practice of acting as such.

- *Bottom contact thresholds can be different for each area, these are potential options to be analyzed and not an exhaustive list,only a starting point. It is acknowledged and understood that the areas are different geographically and the 10% in GOA was based on trawlable areas. A combined 10% is based on easy enforcement and standardized monitoring.*
- *Elements 2 and 3 are only applicable with element 1.*

<u>Rationale in Opposition to Failed Substitute Motion:</u>

- *There were some AP members that felt the comparison of technology readiness in the chum action versus this action were not equivalent. It was indicated that the technology required to enforce the bottom contact thresholds in this request for analysis do not have any current timelines for commercial use, while inseason genetics are being used in the CV fleet already and proxy calculations were included in Chum final action for the CP fleet that isn't able to use inseason genetics yet.*
- *Some AP members noted that the bottom contact thresholds in this request for analysis were more strict than for any other gear type in the North Pacific. There were concerns that the pollock fishery and pelagic trawl gear is being singled out with inequitable standards and expectations that other fisheries with bottom contact are not being held to. Not only is this a lack of equity, but it is also a slippery slope for future bottom contact thresholds for all gear types.*
- *Some AP members noted that the crab industry through public testimony to the AP were mainly focusing on the RKCSA but the substitute motion expanded beyond the RKCSA and therefore this was not appropriate.*
- *Some AP members were concerned that in regards to the failed substitute motion public perception of impact was being prioritized over the robust ongoing research to investigate contact and the FE modeling framework and EFH determinations regarding impact. It was noted that the EFH process is a federally mandated scientific process to determine habitat impacts and inform the Council.*
- *Alternative 2, Element 2, C - Mirroring the 10% contact threshold in the GOA does not seem to align with the offered purpose and need of the failed substitute motion because the GOA performance standard has been deemed unenforceable.*
- *Some AP members had concerns with assumptions being made in the Purpose and Need of the failed substitute motion.*
- *Some AP members had concerns that the failed substitute motion via such a strong focus on enforcement does not inspire collaboration between the crab and pollock industries like the original motion does.*
- *The majority of rationale in opposition to the failed substitute motion is captured in the rationale in support of the main motion that passed. This was primarily that outputs from the GII project should be included in the FE model for updated EFH in February 2027 before initiating an analysis to consider a performance standard. The AP noted there is no scientific evidence currently available that indicates that pelagic trawl gear is having a negative impact that creates a conservation concern significant enough to warrant an initial review before the GII is complete.*

E1 Groundfish Management Policy: Goals and objectives

The AP supports the Ecosystem Committee (EC) recommendations to modify the language of the Groundfish Management Policy and to task the EC with further developing specific recommendations for Council and AP review.

Motion passes 15-0

Rationale in Support of Main Motion

- *The structure of the EC makes it well suited to devote time to reviewing the language of the policy to ensure it is current and appropriate.*

E2 Harvest Control Rule - Motion 1

The AP recommends the consideration of the following language in a draft purpose and need and alternatives to help identify objectives of this action and move the work forward.

Purpose and Need

The North Pacific ecosystem is experiencing rapid change and increased instability. The AP is interested in increasing ecosystem, industry, and community resilience under continued environmental variability, and is exploring management strategies that contribute to that goal. Modifications to existing Harvest Control Rules (HCR) for some or all Tier levels as well as some or all stocks may provide additional protection and increased resilience for the long-term sustainability of fish and crab stocks. The AP supports exploration of appropriate modifications to HCR's followed by testing and simulation through management strategy evaluation frameworks.

In exploring alternative HCRs, the objectives are to:

- Maintain precautionary harvest buffers in the Bering Sea and Gulf of Alaska
- Prevent overfishing
- Transition from the use of risk tables under the status quo system to an explicit analytical approach for species whose productivity is known to vary with environmental conditions
- Increase buffering against environmental shocks
- Increase socio-economic stability
- Identify and achieve community level objectives (may be fishery specific)
- Increase transparency in the ABC/TAC setting process
- Increase use of LKTK

Alternatives

Council staff have identified 4 HCR's in table 9 on p. 26 of the document which outline the current focus HCR's and the consideration of combining them or creating hybrid versions of HCR's. This list is not exhaustive and the AP recommends that the Council direct staff to identify the HCR's that should be moved forward for analysis.

It is the APs intent that Council's exploration and adoption of modified HCRs will start with the three candidate species identified in the HCR analysis: BSAI/GOA Pacific cod, pollock and sablefish, then proceed on a species by species or species aggregate basis as appropriate and ready for Council action.

Relative to sablefish, the AP recommends further development of the hybrid harvest control rule, which seems to meet both ecological and economic resilience objectives.

Motion passed 16-0

<u>Rationale in Support of Motion:</u>

- *In the analysis, staff recommended the development of a purpose and need and alternatives to continue to move this action forward. During the staff presentation, Council staff suggested that, in the alternative, recommendations could be made that can help inform a purpose and need and alternatives, but that they did not need to yet be fully developed as some considerations were taken in the action. This motion is a recommendation of language that could be used to inform a purpose and need and alternatives but importantly outlining the objectives of the action. The objectives are derived from the document.*
- *The underlying goal of this action is to build resiliency into fisheries management. Resilience means stability and stability in a time of rapid changes in both ecosystem and economics is a goal that all fisheries are striving for. Alaska is experiencing rapid change and the NPFMC is at the forefront of trying to incorporate that change into decision-making. Management would benefit by providing variable buffers against uncertainty and instability, a higher level of protection for fish habitat, and a new focus on providing pathways for the industry and fishing communities to have the opportunity to also maximize value over volume.*
- *Both ecosystem and economic considerations are regularly considered during harvest specifications. Ecosystem considerations are built into single species stock assessments to varying degrees, but there is more opportunity to build in economic, ecosystem, bycatch, and community impacts in the final stages of the annual ABC and TAC setting process. Additionally incorporating LKTK into these considerations is both a management objective of this action and an opportunity for continued onramps of this important local and cultural knowledge to be utilized.*
- *The alternatives are derived directly from p. 26 of the document which outline the current suite of HCRS's under development and they include status quo, HCR #1. During the staff presentation it was stated that there are other HCR's that could be considered as well as combinations or hybrids. The list is not exhaustive and still being analyzed and staff can have the opportunity to present further recommendations in the next iteration of this process.*
- *The SSC expressed interest in moving this forward in groupings of species as outlined in the third section of this motion: "start with the three candidate species identified in the HCR analysis: BSAI/GOA Pacific cod, pollock and sablefish, then proceed on a species by species or species aggregate basis as appropriate and ready for Council action."*
- *To date a lot of work has been done on the sablefish alternative HCR and MSE and the AP supports the continued work on this toward further simulation and implementation due to its level of completion.*
- *The sablefish Management Strategy Evaluation led by Dr. Cunningham had active inclusion of fishermen in the work. While not every simulation achieved the anticipated outcome, some of the alternative HCRs tested did meet objectives identified by fishermen: creating a stock*

reserve when recruitment is strong, minimizing stock and prices fluctuations, and maintaining resource value.

- *With the development of these HCRs there is opportunity to test them through simulations using real time environmental and management actions that have taken place in the past and see what the outcomes could have produced if these tools had been available. A good example is the Pacific Cod crash and the application of alternative HCR to reflect environmental variables we now know were present prior to this occurrence.*
- *In defining objectives, it's important the Council broadly define climate resilience to include increased buffering against environmental shocks for the ecosystem as well as buffering shocks the fishing industry and fishery dependent communities. This should include socioeconomic and economic factors that may or may not be related to climate but are more relevant to creating more resilience in general.*
- *One AP member expressed support for the motion because of the clear recognition that it was a starting point for the development of a purpose and need statement and alternatives and not the initiation of an analysis. They also noted concerns about limitations and expectations with including bycatch in the HCR process given the lack of correlation between some target and non-target species, and suggested that it was more appropriate to consider that during TAC setting or bycatch cap actions.*
- *One AP member expressed concerns with the last recommendation of the motion regarding the sablefish MSE and the inclusion of economics in the HCR from OFL to ABC. Economics are already included in the TAC setting process. But since there is a workgroup assessing the sablefish MSE so the AP member supported the motion.*

E2 Climate Resiliency Work Plan: Harvest Control Rules - Motion 2

The AP recommends that the Council task the Ecosystem Committee to support the development and review of plain language materials related to the Council's climate resilience work (including the Harvest Control Rule work).

Motion passed 14-0

<u>Rationale in Support of Main Motion</u>

- *The makeup of the EC makes it well suited to assist in the development of communication materials related to climate resiliency planning and HCRs.*
- *The AP supports the EC's recommendation that this work is very much needed and important.*

F1 Enactment of Small Sablefish Release Rule Change

The Advisory Panel recommends that the Council request assistance from NMFS Headquarters in Washington, D.C., to ensure that the small sablefish release amendment is enacted in time for implementation during the 2027 fishing season.

Motion passes 15-0

Rationale in Support of Motion

- *The slow pace that NOAA has taken to work on most of the recent actions from our council is frustrating. And it's worth signaling to NOAA what should be prioritized.*
- *But there is a component of managing expectations regarding what the council can achieve by signaling to NOAA, and what NOAA can do to increase that pace given less resources.*
- *The council took final action on this issue in 2025 and it appears it will not be implemented until 2028.*
- *During final action of small sablefish release, it was noted that there are tools such as the Exempted Fishing Permit (EFP) to essentially test, work through the pinch points, start collecting data on whether or not the program could be successful or gain an empirical understanding of catch accounting and mortality, or determine if or what kind of observer coverage needs to be set up.*
- *We heard that there are assumptions of what this small sablefish release regulation would do for recovery or economics, but the fleet could already be collecting that data and building a record. Similar examples of this type of "pre-regulatory" testing via EFPs can be found in the Deck sorting EFP and trawl EM EFP. It's important to identify to the public and stakeholders that, in a low resource situation that NOAA is in, there are tools that could be used for testing and data collection in the meantime.*
- *An AP member noted in response to public comment that the small sablefish action still needs to be implemented appropriately as written when the Council took final action.*
    - *There are differences in monitoring levels between IFQ CVs (subject to partial coverage budget & deployment rates) and freezer longliner CPs (100-200% monitoring) that warrant the different approach the Council took for IFQ CVs compared to the freezer longliners. The AP also mentioned that when asked during the process of the small sablefish action, IFQ CV stakeholders indicated they would not agree to 100% monitoring for the action and the Council maintained status quo monitoring.*
    - *The AP reiterated that this lower level of monitoring and the need for sablefish catch and release discard mortality to be appropriately accounted for in the sablefish stock assessment led to the creation of a Sablefish Discard Allowance (SDA). While it may complicate implementation, the SDA and accurate stock assessments are necessary for conservation.*