



Meeting Summary

269th Plenary Session
North Pacific Fishery Management Council
April 1-9, 2024
Hybrid – Anchorage, AK, Hilton Hotel and [Zoom Webinar](#)

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Attachments

[Time Log](#)

1) [Newsletter](#)

The North Pacific Fishery Management Council met April 1-9, 2024 at the Hilton Hotel, Anchorage, Alaska. The following Council members, Council staff, SSC, and AP members attended the meetings either in person or virtually.

The time log is included as a reference attachment for names, dates and times of each agenda item, and the newsletter is included to provide details of the agenda items and the meeting as a whole. All documents and information related to the meeting are accessible online at: <https://meetings.npfmc.org>

Council Members

The Council met April 4-9, at the Hilton Hotel, Anchorage AK. The following members were present for all or part of the meetings (absent members are ~~stricken~~).

Rachel Baker/Karla Bush (for Doug Vincent-Lang) <i>Alaska Department Fish and Game</i>	Chris Oliver <i>Pacific States Marine Fisheries Commission</i>
Kenny Down <i>Appointed</i>	LCDR Jed Raskie <i>United States Coast Guard</i>
Angel Drobnica Chair <i>Appointed</i>	Bill Tweit (for Kelly Susewind), Vice Chair <i>Washington Department Fish & Wildlife</i>
Sara Boario (4/4) Holly Carroll (4/5) Pete Fasbender (4/6-4/7) <i>U.S. Fish and Wildlife Service</i>	Anne Vanderhoeven <i>Appointed</i>
John Jensen <i>Appointed</i>	John Seabourne (for Curt Melcher) (4/4-4/7) Steve Williams (4/8-4/9) <i>Oregon Department Fish & Wildlife</i>
Nicole Kimball <i>Appointed</i>	Rudy Tsukada <i>Appointed</i>
Jon Kurland <i>National Marine Fisheries Service</i>	Dimitri Varmazis <i>U.S Dept. of State</i>
Andy Mezirow <i>Appointed</i>	Demian Shane <i>NOAA General Counsel</i>

Scientific and Statistical Committee

The SSC met April 1-3, at the Hilton Hotel, Anchorage AK. The following members were present for all or part of the meetings (absent members are ~~stricken~~).

Chris Anderson <i>University of Washington</i>	Jason Gasper <i>NOAA Fisheries—AKR</i>	Andrew Munro <i>Alaska Dept. of Fish and Game</i>
Amy Bishop <i>University of Alaska Fairbanks</i>	Dana Hanselman <i>NOAA Fisheries—AFSC</i>	Chris Siddon <i>Alaska Dept. of Fish and Game</i>
Curry Cunningham <i>University of Alaska Fairbanks</i>	Brad Harris <i>Alaska Pacific University</i>	Ian Stewart <i>Intl. Pacific Halibut Commission</i>
Martin Dorn <i>University of Washington</i>	Michael Jepson <i>Independent</i>	Patrick Sullivan <i>Cornell University</i>
Mike Downs <i>Wislow Research</i>	Kailin Kroetz <i>Arizona State University</i>	Robert Suryan <i>NOAA Fisheries—AFSC</i>
Sherri Dressel, Co-Chair <i>Alaska Dept. of Fish and Game</i>	Kathryn Meyer <i>Washington Dept. of Fish and Wildlife</i>	Alison Whitman, Vice Chair <i>Oregon Dept. of Fish and Wildlife</i>
Robert Foy <i>NOAA Fisheries—AFSC</i>	Franz Mueter, Co-Chair <i>University of Alaska Fairbanks</i>	

Advisory Panel

The Advisory Panel met April 2-6, at the Hilton Hotel, Anchorage AK. The following members were present for all or part of the meetings (absent members are ~~stricken~~):

Tiffany Agayar	Jim Johnson	Paddy O'Donnell
Tamara Briggie	Mellisa Johnson	Landry Price
Eva Dawn Burk	Julie Kavanaugh	Chelsae Radell
Shannon Carroll	Rick Laitinen	Brian Ritchie, Chair
Nels Evens	Craig Lowenberg	Matt Upton
Gretar Gudmundsson	Heather Mann, Co-Vice Chair	Paul Wilkins, Co-Vice Chair
Tim Heuker	Lauren Howard	Susie Zagorski

Council Staff

Cleaver, Sara	Haapala, Kate	Rheinsmith, Sarah
Cochran, Shannon	Henry, Anna	Schmidt, Nicole
Cunningham, Sam	Hillary, Kaylah (contractor)	Stram, Diana
Davis, Maria	La Belle, Sarah	Watson, Nicole
Evans, Diana (DD)	Latanich, Katie	Witherell, Dave (ED)
Fey, Michael	Marrinan, Sarah	

A1 Call Meeting to Order

The Council approved the agenda without objection.

B Reports

The following reports were provided and discussed.

B1 Executive Director's Report – David Witherell

- Presentation on Climate Scenarios Workshop – Katie Latanich (NPFMC)
- Presentation on Killer Whale Gear Modification – John Gauvin (Alaska Seafood Cooperation)

B2 NMFS Management Report – Gretchen Harrington

- Presentation on Headquarters Data Confidentiality Proposed Rule – Brett Alger (NOAA HQ)
- Presentation on EFH Consultation – Cathy Coon (NMFS AKR)
- Presentation on ESA Section 7 Consultation– Anne Marie Eich & Sierra Franks (NMFS AKR)
- Presentation on Northern Fur Seal Conservation Plan – Mike Williams (NMFS AKR) & Lauren Divine (Aleut Community of St. Paul Island)

B3 NOAA General Counsel Report – Written only

B4 ADF&G Report – Written only

B5 USCG Report – LCDR Jed Raskie

B6 USFWS Report – Sara Boario

B7 NIOSH Report – Written only

B8 Cooperative Reports – Anna Henry & Sarah Marrinan (NPFMC)

- Presentation on Central Gulf of Alaska Rockfish Program – Chelsae Radell (Alaska Groundfish Data Bank)
- Presentation on AFA Catcher Vessel Intercooperative Report – Susie Zagorski (United Catcher Boats Association)
- Presentation on AFA Pollock Conservation Cooperative Report – Austin Estabrooks (At-Sea Processors Association)

C1 Scallop Harvest Specifications

Council Staff: Sarah Rheinsmith (Scallop Plan Team Co-Chair)

Other Presenters: Scott Miller (NMFS AKR)

Action Required:

1. Specify OFL/ABC for 2024/25 and 2025/26
2. Review Scallop Plan Team Report

Summary

After staff presentations, the SSC & AP report, and public comment, Ms. Baker made the following motion that was seconded by Ms. Vanderhoeven:

MOTION: Scallop Harvest Specifications

The Council approves the scallop SAFE report and adopts an OFL of 1.284 million pounds (582 t) of shucked meats and an ABC of 1.156 million pounds (524 t) of shucked meats, as recommended by the SSC for the 2024/25 and 2025/26 seasons.

VOTE ON MOTION: The motion passed unanimously.

C2 Bering Sea Chum Salmon bycatch

Council Staff: Dr. Kate Haapala, Dr. Diana Stram, and Ms. Sarah Marrinan

Other Presenters: Dr. Pat Barry (NMFS AFSC), Austin Estabrooks & Stephanie Madsen (At-sea Processors Association), Jim Harmon (SeaShare), John Hendershedt & Susie Zagorski (United Catcher Boats Association)

Action Required:

1. Review initial Review draft Analysis
2. Review Bering Sea Chinook and chum salmon and Gulf of Alaska Chinook salmon bycatch genetics reports
3. Review Bering Sea Pollock 2023 IPA Reports and proposals

Summary

After staff presentations, the AP report, the SSC report in full, and public comments, Ms. Baker made the motion below. It was seconded by Mr. Tsukada.

MOTION:

The Council revises the alternatives for an initial review analysis as follows. Staff should include SSC recommendations in the next draft as practicable. Additions are in **bold/underline** and deletions are in ~~strikeout~~. Alternatives and options are not mutually exclusive unless otherwise indicated below. The Council supports moving previous Alternative 3 to the “Alternatives Considered but not Moved Forward” section of the Draft EIS given that inseason data are not available to implement this alternative.

Alternative 1: Status Quo

All action alternatives apply to the entire Bering Sea pollock B season, the season in which chum salmon are taken as bycatch (prohibited species catch or PSC).

Alternative 2: Overall bycatch (PSC) limit for chum salmon

~~Option 1:~~ Chum salmon PSC limit based on historical total bycatch numbers: range of **100,000** ~~200,000 (~17,100 35,400~~ Western Alaska chum salmon) to 550,000 (~~~94,050 97,350~~ Western Alaska chum salmon). **All non-Chinook salmon taken as bycatch during the B season would accrue to the limit, regardless of origin.**

PSC limits are apportioned among CDQ, catcher processor, mothership and inshore sectors (using a blended adjusted CDQ bycatch rate as with Amendment 91, with the exception of Option 4) based on:

Option 1: historical total bycatch by sector using the 3-year average (2020 – 2022)

Option 2: historical total bycatch by sector using the 5-year average (2018 – 2022)

Option 3: pro rata 25% AFA pollock allocation and 75% historical total bycatch (2020 – 2022)

Option 4: pro rata based on AFA pollock allocation

The sector limits are further apportioned at the **CDQ group and inshore** cooperative level in proportion to each **CDQ group and inshore** cooperative’s pollock allocation. Chum salmon PSC can be transferred **among** between sectors, **CDQ groups**, and ~~among vessels within a~~ **inshore** cooperatives. Reaching a limit closes the pollock fishery sector to which the limit applies.

Alternative 3: Overall bycatch (PSC) limit for chum salmon triggered by a Western Alaska chum salmon abundance index

Indices based on the prior year’s chum salmon abundance. ~~Sub~~Options below are mutually exclusive.

All non-Chinook salmon taken as bycatch during the B season would accrue to the limit (based on the range specified in Alternative 2), regardless of origin.

~~Suboption~~ **Option 1:** Three-area chum salmon index based on Yukon River summer + Yukon River fall run abundance (**suboptions: 1,713,300 or 2,781,400** ~~950,000 + 575,000~~); Kuskokwim River composed of the Bethel test fishery CPUE (**suboptions: 2,800 or 5,200**); Norton Sound composed of summed escapement for the Snake, Nome, Eldorado, Kwiniuk, and North Rivers and total Norton Sound harvest (**suboptions: 57,300 or 91,500** ~~57,000~~).

If 3/3 areas are above index threshold, no chum salmon PSC limit the following year.

If 2/3 areas are above index threshold, chum salmon PSC limit the following year is ~~X~~ **(suboptions: 100,000 to 550,000)**.

If 1 or no areas are above index threshold, chum salmon PSC limit the following year is **75% of the above limit.**

~~Suboption~~ **Option 2:** Chum salmon index based on Yukon River summer **(suboptions: 1,268,700 or 1,978,400)** + Yukon River fall run abundance **(suboptions: 444,600 or 803,000)**.

~~Suboption 2a:~~ Yukon River summer chum salmon (950,000)

~~If index is above threshold, chum salmon PSC limit the following year is X.~~

~~If index is below threshold, chum salmon PSC limit the following year is X.~~

~~Suboption 2b:~~ Yukon River summer chum salmon (950,000) and fall chum salmon (575,000)

If 2/2 areas are above index threshold, no chum salmon PSC limit the following year.

If 1 or no areas are above index threshold, chum salmon PSC limit the following year is ~~X~~**(suboptions: 100,000 to 550,000)**.

Option 3 (must be selected with Option 1 or 2): PSC limits are apportioned among CDQ, catcher processor, mothership and inshore sectors (using a blended adjusted CDQ bycatch rate as with Amendment 91, **with the exception of Option 4)** based on:

Suboption 1: historical total bycatch by sector using the 3-year average (2020 – 2022)

Suboption 2: historical total bycatch by sector using the 5-year average (2018 – 2022)

Suboption 3: pro rata 25% AFA pollock allocation and 75% historical total bycatch (2020 – 2022)

Suboption 4: pro rata based on AFA apportionment **pollock allocation**

Further apportionments and transfer provisions are the same as Alternative 2.

~~The sector limits are further apportioned at the cooperative level in proportion to each cooperative's pollock allocation. Chum salmon PSC can be transferred between sectors and among vessels within a cooperative. Reaching a limit closes the pollock fishery sector to which the limit applies.~~

Alternative 3: Chum salmon PSC limit with an associated Western Alaska chum salmon bycatch annual limit.

~~Establish an annual limit of 40,000 to 53,000 Western Alaska chum salmon PSC based on the 3-year average 2020-2022 range of historical bycatch numbers and an overall chum salmon PSC limit from Alternative 2. Both the overall PSC limit and the Western Alaska chum salmon annual limit will be apportioned according to the options considered under Alternative 2.~~

~~Each sector's portion of an overall chum salmon PSC limit of (option 1: 450,000 and option 2: 550,000) is in effect. If a sector exceeds its western AK chum salmon PSC annual limit in any three of seven~~

consecutive years, the sector's portion of an overall chum salmon PSC limit of (option 1: 200,000 and option 2: 300,000) is in effect until Western Alaska chum salmon PSC does not exceed the sector annual limit for three years.

Alternative 4: Additional regulatory requirements for Incentive Plan Agreements (IPAs) to be managed within the IPAs.

Establish the following IPA provisions in regulation:

Incorporate industry proposed measures developed to further prioritize avoidance of areas and times of highest proportion of Western Alaska and Upper/Middle Yukon chum salmon stocks and analyze chum salmon avoided and operational tradeoffs.

Include in the IPA regulatory language at 50 CFR 679.21(f)(12)(iii)(E) the following additive changes. These requirements would be added to the existing federal regulations for IPAs at 50 CFR 679.21(f)(12), and the annual reporting requirements at § 679.21(f)(13) would still apply.

- 1. Require the pollock sectors to describe in their IPA how historical genetic stock composition data is included in chum salmon avoidance measures.**
- 2. Require the pollock sectors to describe in their IPAs how they monitor for potential chum salmon avoidance closures more than once per week.**
- 3. Require the use of salmon excluders for the duration of A and B season.**
- 4. Require the pollock sectors to develop chum salmon vessel outlier provisions and implement within their IPA.**
- 5. Require IPAs to provide weekly salmon bycatch reports to Western and Interior Alaska salmon users to allow for more transparency in reporting.**
- 6. Require the pollock sector IPAs to prohibit fishing in bycatch avoidance areas for all vessels regardless of performance when ADFG weekly stat area bycatch rates exceed 5 chum per ton of pollock (CP) and 3 times base rate (CV and MS).**

Option 1: Require a chum salmon reduction plan agreement to prioritize avoidance in genetic cluster areas 1 and 2 for a specified amount of time based on two triggers being met: 1) an established chum salmon incidental catch rate and 2) historical genetic composition (proportion) of Western Alaska chum salmon to non-Western Alaska chum salmon.

Option 2: Additional regulatory provisions requiring Incentive Plan Agreements to utilize the most refined genetics information available to further prioritize avoidance of areas and times of highest proportion of Western Alaska and Upper/Middle Yukon chum salmon stocks.

Industry should submit a detailed proposal of IPA changes under Alternative 4 for inclusion into the Initial Review analysis prior to the February Council meeting. The proposals should consider a process to include local and traditional knowledge from Western and Interior Alaska salmon users in the development of IPA measures. The following is a list of potential measures that could be developed for incorporation into the IPAs and/or through regulation:

- Option 1 trigger 1 and trigger 2 values
- Adjusted base rates to implement a closure
- Adjusted closure area size

- Adjusted closure duration
- Application of the closures to all vessels not just those above the base rate
- Genetic data
- Genetic cluster thresholds
- Additional vessel level incentives/penalties for chum salmon avoidance

Alternative 5: Inseason Corridor Cap

PSC cap on total chum salmon in corridor area¹ during June 10 to August 31. Cap range of 50,000 total chum salmon (~8,550 *Western Alaska chum salmon*) to 200,000 total chum salmon (~34,200 *Western Alaska chum salmon*). All non-Chinook salmon bycatch accrues to area-specific caps, regardless of origin. If the cap is reached during the time period, the area closes to that sector(s) for the rest of the time period. Caps and area closures are set in federal regulations. Additional windows for salmon passage and other avoidance measures should be implemented inseason through the contracted Incentive Plan Agreements using inseason fishery data and best available genetic data.

Corridor Area (Options 1 – 3 are mutually exclusive):

Option 1: Cluster 1

Option 2: Unimak area

Option 3: Cluster 2. If selected, cluster 2 cap is 50,000 or 100,000 total chum salmon. (~8,550 or 17,100 *Western Alaska chum salmon*)

Apportionment

PSC caps is apportioned among CDQ, catcher processor, mothership and inshore sectors based on:

Suboption 1: historical bycatch in the area by sector using the 3-year average (2020 – 2022)

Suboption 2: historical bycatch in the area by sector using the 5-year average (2018 – 2022)

Suboption 3: pro rata 25% AFA pollock allocation and 75% historical bycatch in the area (2020–2022)

Suboption 4: pro rata based on AFA pollock allocation

Further apportionments and transfer provisions are the same as Alternative 2.

¹ Cluster 1 and 2 refer to the genetic cluster areas reported by the Alaska Fisheries Science Center Auke Bay Lab in the annual genetic reports. Unimak area is ADFG statistical areas 625531, 635501, 635504, 635530, 645434, 645501, 645502, 645530, 655406, 655407, 655408, 655409, 655410, 655430, 655500, 655530, 655335, 655336, 655401, 655403, 655404. 645501, 645502, 645530, 655406, 655407, 655408, 655409, 655410, 655430, 655500, 655530, 655335, 655336, 655401, 655403, 655404.

AMENDMENT: Mr. Kurland made the following amendment, which was seconded by Mr. Mezirow:

Remove “All action” from Alternative 1 and include “2-4” after “alternative” so the sentence reads: “Alternatives 2-4 apply to the entire Bering Sea pollock B season, the season in which chum salmon are taken as bycatch (prohibited species catch or PSC).”

VOTE ON AMENDMENT 1: The amendment passed unanimously.

VOTE ON MOTION AS AMENDED: The motion as amended passed unanimously.

C3 Area Vessel Caps

This item was postponed until a future date.

D2 Maximum Retainable Amount adjustments

Council Staff: Dr. Nicole Watson

Other Presenters: Krista Milani (NMFS)

Action Required:

1. Review discussion paper provided by staff.
2. Recommend action as necessary.

Summary

After staff presentations, the AP report, and public comment, Ms. Vanderhoeven made the following motion that was seconded by Mr. Kurland:

MOTION:

The Council adopts the following purpose and need statement and list of alternatives for analysis:

Purpose and Need

The purpose of this action is to improve the regulations that implement the maximum retainable amount (MRA) of species closed to directed fishing (incidental catch species) while a vessel operator is engaged in fishing for species or species groups that are open to directed fishing. This action is necessary to clarify current MRA regulations, make MRA calculations easier, reduce regulatory discards, and address medical, mechanical, or weather issues that can impact MRA calculations. The Council intends to maintain the original intent for MRAs and is not considering changes that increase MRA percentages or changes in how MRAs assist in limiting harvest of a groundfish species within its annual total allowable catch.

Alternatives

Alternative 1: No Action (Status quo). Federal regulations at 50 CFR 679.20(e) establish MRAs as a percent of a basis species in Table 10 to part 679 for the Gulf of Alaska (GOA), Table 11 for the Bering Sea/Aleutian Islands (BSAI), and Table 30 for the Central GOA Rockfish Program. The percentage of a

species closed to directed fishing that is retained in relation to a basis species must not be exceeded. In most cases, any additional catch amounts must be discarded at sea.

Alternatives 2, 3, 4 and 5 are not mutually exclusive

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

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

Option 2 - clarify that MRAs are calculated by fishery management program due to different fishing prohibitions in place for each fishery management program

Option 3 - correct regulation citations for American Fisheries Act (AFA) vessels and AFA replacement vessels

Option 4 - clarify that when Community Development Quota (CDQ) uses an AFA vessel to harvest Amendment 80 species BSAI pollock and BS Atka mackerel MRAs are calculated at the time of the offload and clarify the species used as basis species for CDQ

Option 5 - clarify that MRAs take precedence over improved retention/improved utilization (IR/IU) regulations when vessels fish in areas with different fishing prohibitions

Option 6 - update IR/IU regulations for Amendment 80 vessels to reflect past Council actions

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

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

Option 1: add BSAI Pacific cod, GOA Pacific cod, GOA pollock, BS skates, Central GOA Rockfish Program, and GOA shallow-water flatfish

Option 2: include all groundfish species, except as noted above

Alternative 5: Provide exemptions in regulation from MRA requirements in cases of medical emergencies, mechanical emergencies, or poor weather that ends a fishing trip.

VOTE ON MOTION: The motion passed without objection.

D3 Research Priorities

This item was postponed until a future date.

E1 Staff Tasking

Council Staff: David Witherell, Diana Evans (Committees overview), and Sara Cleaver (Programmatic Eval)

Action Required:

1. Review Committees and Plan Teams
2. Tasking direction to the BS FEP Plan Team, if appropriate
3. Provide direction on tasking priorities and scheduling

Summary

The Council listened to staff presentations, the AP Report, and public comment. Mr. Tweit proposed the following motion that was seconded by Mr. Tsukada, but then rescinded it.

WITHDRAWN MOTION

The Council supports continuing pre-scoping activities and NMFS’s continued engagement and Tribal Consultation to receive input to further develop alternatives prior to formal scoping via the Notice of Intent to prepare a Programmatic evaluation. At this time, the Council supports delaying NMFS publishing the Notice of Intent and beginning NEPA scoping after the Council has received the initial review of the chum salmon bycatch action. The Council is interested in two-way engagement on the Programmatic evaluation and it would welcome formal invitations from Tribal governments or coordinating bodies, or Alaska Native and rural communities to provide Council members and staff the opportunity to meet with tribal members in their communities. The Council welcomes suggestions from tribal governments or coordinating bodies on the schedule and locations for these visits.

The Council recommends staff continue to schedule additional virtual tribal engagement meetings that do not conflict with the summer/fall subsistence season.

The Council adopts this approach as it seems most supportive of a transparent, inclusive, and meaningful process to develop the Programmatic evaluation.

APPOINTMENTS

Ms. Drobica appointed Andrew Olson to the BSAI Crab Plan Team and Todd Hoppe to the FMAC.

The Council adjourned Tuesday, April 9, 2024, at 4:11 P.M.