

North Pacific Fishery Management Council

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ADVISORY PANEL MINUTES April 7-10, 2015 Anchorage, Alaska

The following members were present for all or part of the meetings (absent ~~stricken~~):

Ruth Christiansen
Kurt Cochran
John Crowley
Jerry Downing
Jeff Farvour
Becca Robbins Gisclair
John Gruver

Jeff Kauffman
Mitch Kilborn
Alexus Kwachka
Craig Lowenberg
Chuck McCallum
Andy Mezirow
Paddy O'Donnell

~~Joel Peterson~~
Theresa Peterson
Sinclair Wilt
Jeff Stephan
Matt Upton
Anne Vanderhoeven
Ernie Weiss

C4 Bering Sea Salmon Bycatch

The AP recommends the Council select the following preferred alternatives for final action.

Alternative 2

1. Remove BSAI Amendment 84 regulations and incorporate chum salmon avoidance into the Amendment 91 Incentive Plan Agreements (IPA).
2. An annual exemption from the Chum Salmon Savings Area is contingent upon participation in an IPA that includes the provisions below.
3. Revise regulations at 50 CFR 679.21(f)(13) to include associated reporting requirements for chum salmon.
4. Revise regulations at 50 CFR 679.21(f)(12)(iii)(B)(3) to include chum salmon bycatch avoidance as follows:

The IPA must contain a written description of the following:

1. The incentive(s) that will be implemented under the IPA for the operator of each vessel participating in the IPA to avoid Chinook salmon and chum salmon bycatch under any condition of pollock and Chinook salmon abundance in all years;
2. The incentive(s) to avoid chum salmon should not increase Chinook salmon bycatch;
3. The rewards for avoiding Chinook salmon, penalties for failure to avoid Chinook salmon at the vessel level, or both;
4. How the incentive measures in the IPA are expected to promote reductions in a vessel's Chinook salmon and chum salmon bycatch rates relative to what would have occurred in absence of the incentive program;
5. How the incentive measures in the IPA promote Chinook salmon savings and chum salmon savings in any condition of pollock abundance or Chinook salmon abundance

in a manner that is expected to influence operational decisions by vessel operators to avoid Chinook salmon and chum salmon;

6. How the IPA ensures that the operator of each vessel governed by the IPA will manage that vessel's Chinook salmon bycatch to keep total bycatch below the performance standard described at 50 CFR 679(f)(6) for the sector in which the vessel participates;
7. How the IPA ensures that the operator of each vessel governed by the IPA will manage that vessel's chum salmon bycatch to avoid areas and times where the chum salmon are likely to return to Western Alaska; and
8. Provide notifications of chum salmon rolling hot spot closure areas and any violations of the chum salmon rolling hot spot program to at least one third party organization representing western Alaskans who depend on non-Chinook salmon and do not directly fish in a groundfish fishery.

Alternative 3

Revise Federal regulations to require that IPAs include the following provisions.

1. Restrictions or penalties targeted at vessels that consistently have significantly higher Chinook salmon PSC rates relative to other vessels fishing at the same time.
2. Required use of salmon excluder devices, with recognition of contingencies, from January 20–March 31, and September 1 until the end of the B season.
3. A rolling hotspot program that operates throughout the entire A and B seasons.
4. Salmon savings credits last for a maximum of three years for savings credit based IPAs.
5. Restrictions or performance criteria used to ensure that Chinook salmon PSC bycatch rates in the month of October are not significantly higher than those achieved in the preceding months.
6. Include a requirement to enter a fishery-wide in-season PSC data sharing agreement.

Alternative 4

- ~~1. Change the end date of the Bering Sea pollock A season and the start date of the Bering Sea pollock B season from June 10 to June 1.~~
2. Reallocate pollock A and B season apportionments to 50% A season and 50% B Season with A season to B season rollovers.

Rationale for amendment to strike Option 1

- When adjusting season dates for the Bering Sea, there are going to be effects in other areas (GOA) and these potential effects are not clearly articulated in analysis.
- While there are recognized benefits to chum salmon with the inclusion of Option 1, there are other elements as part of the whole package to benefit chum salmon, so the unknown consequences of this option outweigh the benefits to chum.

Motion carried 14-6.

NMFS Issues

1. Adopt NMFS proposal for salmon retention and handling on catcher vessels.
2. Adopt NMFS proposal for ATLAS on catcher vessels under 125'.
3. Remove regulations requiring ATLAS at sea data transmission equipment on catcher vessels over 125'.

4. Adopt NMFS recommendations for viewing of salmon in storage container.
5. Remove Table 47c from the regulations and maintain it on the NMFS website.
6. Revise reporting deadline for AFA Cooperative Reports, Chinook Salmon IPA reports, Non-chinook ICA report from April 1st of each year to March 15th of each year.

Overall Rationale:

- Regarding Alternative 2, there is universal agreement to incorporate chum as part of the industry IPAs.
- Alternative 3 gets to the heart of the Council's purpose and need statement, which talks about the necessity of improving the IPAs. These specific measures are in response to Council directive and have been thoroughly vetted amongst industry participants. They are new tools that will serve to provide additional protection benefits to both Chinook and chum salmon while having minimal negative impacts and unnecessary constraints to pollock vessels.
- Under Alternative 4, adjusting the Pollock TAC to a 50/50 split between the A and B seasons provides a huge benefit to chum salmon on the order of 32% in savings. A 45/55 season split was not chosen because it does not provide as much flexibility to the fleet. Additionally, both options have the same generally same impact to Chinook salmon.
- Inclusion of the NMFS issues are in direct response to feedback from agency staff and are agreed to by members of the industry. This does exclude the Atlas requirement because there is no identifiable benefit of requiring vessels greater than 125 feet to do something different than rest of the fleet. As this is currently contained in regulation, making the correction at this time is appropriate.
- Alternative 5 was specifically not included. When looking at Table 15 (page 81 of the analysis), it is abundantly clear that Package 4 is the most balanced of all potential packages regarding effects to Chinook salmon, chum salmon, and the pollock fleet.

Main motion carried 12-8.

Minority Report on Alternative 4 50/50 split: A minority of the AP supported an amendment to change the A/B season split under Alternative 4 to 45/55 (5% shift from status quo). According to the analysis, there is a possible negative effect on Chinook salmon bycatch with a 10% shift in the A/B season split. Shifting harvest into the A-season also poses risks – according to genetic stock identification information bycatch of upper Yukon River and North Alaska peninsula stocks is consistently higher in the A season. A 5% shift will provide additional flexibility and appears to provide the clearest benefit in terms of Chinook salmon bycatch.

Signed by: Becca Robbins Gisclair, Chuck McCallum, Ernie Weiss, Theresa Peterson, Jeff Farvour.

Minority Report on Adding Alternative 5: A minority of the AP supported an amendment to add Alternative 5 with a 50% reduction in the performance standard and hard cap to the preferred alternative. With the dire situation on Western Alaskan rivers, subsistence, commercial and sport fisheries have been shut down, and we're struggling to meet escapement goals. In this context every fish returning is a significant benefit to these river systems – we are at a point where all sources of mortality must be reduced, and we've already taken these steps in-river. Alternative 5 only reduces the cap in the worst of the worst years, ensuring that in these years we are assured that the pollock fishery is not allowed to fish up to the A. 91 caps, which would have as much as an 8-10% impact rate on Western Alaska runs. At a 50% reduction, the pollock fishery has not even come close to the hard cap level

(30,000) since Amendment 91 was in place. Thus the 50% reduction provides ample opportunity for the pollock fishery to operate, while ensuring that bycatch does not reach levels which would be devastating to the rebuilding and the future of these runs. Using the 3-river as an index for indicating years of extremely low abundance is appropriate as it includes the three rivers which are of greatest concern. These three rivers are also of primary concern in terms of providing for subsistence users – over 77% of the Chinook salmon harvest in the entire state of Alaska comes from these rivers. For all of these reasons, the minority feels that Alternative 5 with a 50% reduction is a critical component of this action.

Signed by: Becca Robbins Gisclair, Chuck McCallum, Theresa Peterson, Andy Mezirow, Jeff Stephan, Ernie Weiss, Alexis Kwachka, Jeff Farvour, Jeff Kauffman

C5 Scallop SAFE

The AP recommends the Council adopt the 2015 Scallop SAFE as well as the status quo OFL and ABC amounts recommended by both the Scallop Plan Team and SSC. *Motion carried 19-0.*

C8 Observer Coverage on Small CPs

The AP recommends the Council release the draft RIR/IRFA for public review after incorporating suggestions by the SSC.

Revise Alternative 2 to modify Element 5 (described below).

Select Alternative 2 as the Preliminary Preferred Alternative (PPA). Preferred elements in **bold**.

Purpose and Need Statement

Under the Restructured Observer Program, all catcher/processors are in the full coverage category unless they meet the requirements for an allowance to be placed in partial coverage. The placement of catcher/processors in full coverage enables NMFS obtain independent estimates of catch, at sea discards, and prohibited species catch (PSC) for catcher/processor vessels. In recognition of the relatively high cost of full coverage for smaller catcher/processors and the limited amount of catch and bycatch by these vessels, the Council recommended two limited allowances for placing a catcher/processor in partial coverage. Both of these allowances were based on vessel activity between 2003 and 2009.

Since implementation of the Restructured Observer Program, owners and operators of some catcher/processors have requested that the Council and NMFS revise these allowances to include vessels that began processing after 2009. First, the allowance for placing a catcher/processor in partial coverage should, as a minimum, be based on a measurement of ongoing production that shows that the catcher/processor processes a small amount of groundfish relative to the rest of the catcher/processor fleet. Second, the current regulations do not provide a way to move a catcher/processor placed in partial coverage into full coverage if production increases to a level deemed appropriate for full coverage.

This action would maintain a relatively limited exception to the general requirement that all catcher/processors are in the full coverage category; provide an appropriate balance between data

quality and the cost of observer coverage; and establish a basis for placing catcher/processors into partial coverage that is not unduly difficult to apply and enforce.

Alternative 1. No Action; maintain existing exemptions.

Alternative 2. Revise the allowances for NMFS to place small catcher/processors into partial coverage. The criterion for placing a catcher/processor in partial coverage is the vessel’s production in the basis year as determined under Element 2.

Under this alternative, when a catcher/processor is required to have $\geq 100\%$ observer coverage because of the vessel’s participation in a catch share program, the vessel would be ineligible for partial observer coverage under this action.

Element 1: Production threshold for placing a catcher/processor in partial coverage.

Option	Measure	Threshold based on 10 th percentile approach	Threshold based on kernel density distribution approach
		Pounds (metric tons)	
1.	Average daily production	1A. 11,000 (5.0)	1B. 15,500 (7.0)
2.	Average weekly production	2A. 42,000 (19.1)	2B. 79,000 (35.8)
3.	Maximum daily production	3A. 26,000 (11.8)	3B. 44,000 (20.0)
4.	Maximum weekly production	4A. 94,000 (42.6)	4B. 197,000 (89.4)
5.	Annual production	5A. 677,000 (307.1)	5B. 2,665,000 (1,208.8)

Element 2: The basis year for placing a catcher/processor in partial coverage is the vessel’s production in a standard basis year or alternate basis year. The standard basis year is the fishing year minus two years. If the vessel has no production in the standard basis year, the alternate basis year will be the most recent year that the vessel has any production before the standard basis year going back to 2009.

Element 3: If a catcher/processor has no production in the basis year as determined under Element 2,

Option 1: Place catcher/processor in full coverage.

Option 2: Place catcher/processor in partial coverage.

Option 3: Place trawl catcher/processor in full coverage until vessel has production history; place other catcher/processors in partial coverage until vessel has production history. [Note: Under Element 5, the Council’s PPA places all trawl catcher/processors in full coverage.]

Element 4: For a catcher/processor to be in partial coverage,

Option 1. Vessel owner must choose partial coverage for the upcoming fishing year by an annual deadline (otherwise in full coverage).

Option 2. NMFS places vessel in partial coverage for the upcoming year without any action by owner.

Element 5: Trawl catcher/processors are ineligible for partial observer coverage (i.e., always in full observer coverage).

Motion carried 19-0.

Rationale:

- Alternative 2 with the preferred elements is consistent with the needs highlighted by the affected vessels.
- Element 1, Option 2B threshold production amount will allow only small CP operations to be in the partial coverage category and is consistent overall with how NMFS tracks other CP operations.
- Element 2 adequately addresses the mechanics of the restructured observer program and the timing for review and approval of the ADP.
- Element 3 speaks to cost prohibitive problem of full observer coverage and is critical component of this action because it supports entrepreneurial marketing instead of discouraging such actions being taken by vessels.
- Element 4 is supported by affected vessels and lessens the NMFS management burden annually.
- Modified Element 5 simply speaks to the production volume of trawl CPs.

C6 GOA Sablefish Pots

The AP recommends the Council select the following Preferred Alternative, Elements and Options for final action:

Alternative 2. Allow the use of pot longline gear in the GOA-Sablefish IFQ fishery.

Element 1. Limit of ~~400~~ 300 pots applied at the vessel level

[This amendment to the motion carried 12-4.]

Option 1. Require identification tags for each pot.

Element 2. Gear retrieval.

Option 2. Gear cannot be left for more than 5 days without being moved. All gear must be removed from the grounds once an IFQ holder no longer has IFQ to harvest in a specific area.

Element 3. Gear specifications.

Require both ends of the sablefish pot longline set to be marked with a 4-bouy cluster including a hard ball with "PL" (pot longline) marking on one buoy, flagpoles, and radar reflectors, including vessel identification on buoys.

Element 4. Retention of incidentally caught halibut.

Allow the retention of halibut caught incidentally in sablefish pots, provided the sablefish IFQ holder also holds sufficient halibut IFQ.

Additionally, all vessels using longline pot gear are required to use logbooks and VMS.

A review on the effects of allowing GOA Sablefish longline pot gear will be conducted 3 years after implementation and that NMFS include pot gear effort in their management report to the Council.

Motion as amended passed 14-2.

Rationale:

- This action is intended to address a serious conservation issue due to unknown whale depredation rate that appears to be on rise but is extremely difficult to quantify accurately, which has long-term stock assessment implications.
- This action also addresses conservation concerns related to those bycaught species taken with traditional sablefish longline gear.
- Fishermen will not invest in more gear than what would be necessary for their specific situation, especially with requirements for gear retrieval and removal. The pot limit is intended to not be overly restrictive in order to avoid precluding vessels from doing what is best for them.
- Specifics for pot identification will help OLE in enforcing the pot limit dockside and will also assist in preventing grounds preemption through pot sharing.
- Gear retrieval and removal aids in avoiding grounds preemption. Vessels won't leave gear in the water longer than needed, especially if they have other areas to fish, in order to avoid the loss of costly gear.
- Allowing for the retention of halibut promotes utilization and efficient of this resource.
- The overall motion strikes a balance between the need to promote efficiency in utilization of the sablefish resource and mitigation of gear conflict concerns. This issue has been under consideration for many years and is too pressing to not move forward on once and for all.

A motion to amend by adding Element 5 Seasonal apportionment for pots and longlines, failed 6-10. The motion specified 1) 50% of GOA IFQ sablefish season open to pots; 2) seasons will be broken into quarters from the start of the season to the end; 3) Pots will be allowed the first half of every quarter.

Minority Report – Seasonal apportionment for pots and longlines. The minority is concerned that the current action does not contain effective measures to mitigate gear conflicts and grounds preemption. We believe a seasonal apportionment, which provides periodic longline-only months, would provide an opportunity for longliners that can't convert to pots with a reasonable expectation that they could harvest their sablefish IFQs without pot conflicts. We support analyzing a seasonal apportionment as a follow up amendment if it cannot be included in this action. We believe it allows the Council to meet the problem statement for this action and serves as a way to ease into allowing a new gear group in this fishery while addressing concerns of the historic user group.

Signed by: Theresa Peterson, Ernie Weiss, Jeff Farvour, Alexis Kwachka, Becca Robbins Gisclair, Andy Mezirow

A motion to amend that would exclude Southeast Alaska from Alternative 2 failed 5-11.

Minority Report – Including Southeast Alaska. A minority of the AP does not support including Southeast Alaska in this action at this time. The Southeast sablefish fishery supports a community-based small boat fleet that can safely and efficiently participate in this fishery because the sablefish grounds are relatively close to the coast and hook and line gear is well-suited to these small operations. Most of these boats cannot physically convert to pots, nor would the expense be supported by the amount of quota held and harvested. Amendment 14, the Council's gear committee, conflict and preemption in the Bering Sea, current gear conflicts/preemption issues in the Northern California, public testimony and both the geographic and socioeconomic characteristics of Southeast speak to the gear conflicts and grounds preemption that the Council should anticipate if pots are introduced to this area.

If small boat longliners can no longer viably participate, quota will be sold to bigger boats or QS holders will "walk on" a bigger boat. This fleet and quota consolidation will have negative socioeconomic

impacts on fishing jobs and SE communities. We believe Southeast longline boats need a time and place to fish without pot conflicts.

Signed by: Theresa Peterson, Ernie Weiss, Jeff Favour, Alexis Kwachka.

A motion to amend the pot limits to 150 for Southeast Alaska and 300 for all other areas, failed 8/8.

Minority Report – 150 pot limit in SE/300 remaining GOA. A minority of the AP consider a 150-pot limit in SE and a 300-pot limit in the other GOA areas is the maximum that should be allowed. Public testimony and industry comments were deeply divided on whether or not a sablefish pot fishery should be allowed in all areas at this time, with the most concerns expressed about allowing pots in SE. Public testimony indicated that a 300-pot limit would be a reasonable pot limit for GOA areas except SE, although many testifiers supported a lower limit. Many of the 201 vessels that fish sablefish on Southeast Alaska's narrow edge are too small and/or cannot afford to convert to pots and, as the "Hot Spot" analysis shows, much of the SE catch is concentrated in relatively few, highly productive areas. The smaller pot limit is needed in SE to meet the Council's goal of preventing grounds preemption and providing equitable harvesting opportunity for hook and line boats.

Signed by: Jeff Favour, Alexis Kwachka, Andy Mezirow, Ernie Weiss, Chuck McCallum, Becca Robbins Gisclair.

C7 Area 4A Halibut Retention in Sablefish Pots

The AP recommends the Council revisit this agenda item pending any action taken on sablefish pots in the Gulf of Alaska. *Motion carried 17-1.*

Rationale: Because the actions being contemplated regarding sablefish pots in the Bering Sea and Gulf of Alaska are linked together, any overall action should include both areas to avoid patchwork regulations to the greatest extent practicable.

Area 4A Halibut in Sablefish Pots

The AP recommends the Council advance the Area 4A Halibut Retention in Sablefish Pots discussion paper as an analysis for a trailing amendment to the GOA Sablefish Longline Pot action. *Motion carried 15-0.*

Rationale: As previously noted, these two agenda items are naturally linked together. Now that a recommendation has been made for final action, it is appropriate and necessary to initiate this analysis as a trailing amendment.

D4 Ecosystem Committee Report

The AP supports the continued work of the Ecosystem Committee on the Bering Sea FEP. *Motion carried 16-0.*

E1 Staff Tasking

The AP respectfully requests that the Council task the Staff with developing an initial review that will include the following two components of the Charter Halibut Permit program. These issues are linked to an upcoming Compensated Reallocation Initial regulatory review that is scheduled for October 2015. We

feel that these issues need to be included to determine and promote active participation in the charter halibut fishery.

1) Restriction of Latent permits

IPHC	Trip Category	No. Permits	Avg Trips	Poss Trips in 100 d	Latency
2C	≤20	176	1,430	17,600	16,170
	>20	357	18,141	35,700	17,559
3A	≤20	131	1,017	13,100	12,083
	>20	309	17,719	30,900	13,181

We know that in area 2C, based on the capacity of our fleet that right now there are 176 permits that were used less than 20 times per year since program implementation. If these permits were fully utilized at 100 trips per year they would be harvesting more halibut than the existing 2C charter fleet per year. Similarly in 3A there is a latent capacity of 12,083 angler days for a possible additional harvest of 304,000 pounds of halibut or a 20% increase in harvest. This is capacity that our fleet will never have the allocation to support and this potential additional growth to the charter fleet is simply not possible based on current allocation levels or even future allocations if the Council moves forward with a compensated reallocation mechanism. We believe that excluding CQE permits and those that have been sold, if a permit has not been used in the first five years, it should be retired from the fleet. If a permit under those same constraints has been used less than 20 times it should be considered a B class permit and not be allowed to be used more than 20 times. The remaining transferable permits should be full time A class permits. These remaining permits at their maximum carrying capacity still have unused latent capacity.

2) Reassessing the actual carry capacity of each permit verses the number of anglers initially issued to the permit.

During the qualifying time for charter halibut permits, captain and crew were allowed to fish and their harvest was entered in the log book. For this reason most of the permits issued included at least two extra seats. We feel that the carrying capacity of each permit should not exceed the maximum number of clients taken on any day over the five-year period.

Motion carried 16-0.