

## Advisory Panel MINUTES

April 6 –9, 2021 via webconference

*The Advisory Panel met Tuesday, April 6, through Friday, April 9, 2021, in a virtual teleconference. The following members were present for all or part of the meetings (absent members are ~~stricken~~):*

Christiansen, Ruth (Co-VC)	Kavanaugh, Julie	Scoblic, John
Drobnica, Angel (Chair)	Lowenberg, Craig	Upton, Matt (Co-Vice Chair)
Gruver, John	Mann, Heather	Vanderhoeven, Anne
Gudmundsson, Gretar	O'Donnell, Paddy	Velsko, Erik
Johnson, Jim	O'Neil, Megan	Wilson, Marissa
Johnson, Mellisa	Peterson, Joel	Wilt, Sinclair
Kauffman, Jeff	Ritchie, Brian	

The AP approved the minutes from the February 2021 meeting.

### C1 Scallop SAFE

The Advisory Panel recommends the Council adopt the 2021 Scallop SAFE report as well as the OFL and ABC as recommended by the Scallop Plan Team and the SSC.

*Motion passed 19-0*

Rationale:

- *Although the scallop overfished status is “unknown”, the current recommended OFL and ABC levels do not create a conservation concern due to multiple closed areas of known biomass.*
- *The motion considers written public comment received.*
- *The AP appreciates the effort and work by both the Scallop Plan Team and SSC.*
- *The total net benefit of this action is limited. If Alternative 2 had been in place for 2020, it would have provided approximately one additional fishing day for each of the 4 qualifying vessels under Option 2. With further TAC reductions for 2021, the net benefit will be even less.*

### C2 BSAI Halibut ABM

1. The AP recommends that the Council revise the Halibut ABM analysis according to the recommendations from the SSC before publishing the draft EIS, and prior to selecting a Preliminary Preferred Alternative. ~~and select Alternative 4 as the preliminary preferred alternative (PPA).~~

2. The AP recommends the following changes to the October 2020 Council motion language, using strike-through for elements removed and bold for new elements.

Purpose and Need:

Halibut is an important resource in the Bering Sea and Aleutian Islands (BSAI), supporting commercial halibut fisheries, recreational fisheries, subsistence fisheries, and groundfish fisheries. The International Pacific Halibut Commission (IPHC) is responsible for assessing the Pacific halibut stock and establishing total annual catch limits for directed fisheries and the North Pacific Fishery Management Council

(Council) is responsible for managing prohibited species catch (PSC) in U.S. commercial groundfish fisheries managed by the Council. The Amendment 80 sector is accountable for the majority of the annual halibut PSC mortality in the BSAI groundfish fisheries. While the Amendment 80 fleet has reduced halibut mortality in recent years, continued decline in the halibut stock requires consideration of additional measures for management of halibut PSC in the Amendment 80 fisheries.

When BSAI halibut abundance declines, PSC in Amendment 80 fisheries can become a larger proportion of total halibut removals in the BSAI, particularly in Area 4CDE, and can reduce the proportion of halibut available for harvest in directed halibut fisheries. The Council intends to establish an abundance-based halibut PSC management program in the BSAI for the Amendment 80 sector that meets the requirements of the Magnuson-Stevens Act, particularly to minimize halibut PSC to the extent practicable under National Standard 9 and to achieve optimum yield in the BSAI groundfish fisheries on a continuing basis under National Standard 1. The Council is considering a program that links the Amendment 80 sector PSC limit to halibut abundance and provides incentives for the fleet to minimize halibut mortality at all times. This action could also promote conservation of the halibut stock and may provide additional opportunities for the directed halibut fishery.

**Alternatives:**

**Alternative 1:** No Action

**Alternative 2:** A 3X2 look-up table with PSC limits that range from current PSC limit to 20% below current limit. PSC limit is determined annually based on survey values from the most recent year available.

		EBS shelf trawl survey index (t)	
		Low < 150,000	High ≥ 150,000
IPHC setline survey index in Area 4ABCDE (WPUE)	High ≥ 11,000	1,571 mt (10% below current)	1,745 mt (current limit)
	Medium 8,000 – 10,999	1,483 mt (15% below current)	1,571 mt (10% below current)
	Low	1,396 mt	1,483 mt

**Alternative 3:** A 4X2 look-up table with PSC limits that range from 15% above current PSC limit to 30% below current limit. PSC limit is determined annually based on survey values from the most recent year available.

		EBS shelf trawl survey index (t)	
		Low < 150,000	High ≥ 150,000
IPHC setline survey index in Area 4ABCDE (WPUE)	High ≥ 11,000	1,745 mt (current limit)	2,007 mt (15% above current)
	Medium 8,000 – 10,999	1,396 mt (20% below current)	1,745 mt (current limit)

	<b>Low 6,000-7,999</b>	1,309 mt (25% below current)	1,396 mt (20% below current)
	<b>Very Low &lt; 6,000</b>	1,222 mt (30% below current)	1,309 mt (25% below current)

**Alternative 4:** A 4X2 look-up table with PSC limits that range from current PSC limit to 45% below current limit. PSC limit is determined annually based on survey values from the most recent year available.

		<b>EBS shelf trawl survey index (t)</b>	
		<b>Low &lt; 150,000</b>	<b>High ≥ 150,000</b>
<b>IPHC setline survey index in Area 4ABCDE (WPUE)</b>	<b>High ≥ 11,000</b>	1,396 mt (20% below current)	1,745 mt (current limit)
	<b>Medium 8,000 – 10,999</b>	1,222 mt (30% below current)	1,396 mt (20% below current)
	<b>Low 6,000-7,999</b>	1,047 mt (40% below current)	1,222 mt (30% below current)
	<b>Very Low &lt; 6,000</b>	960 mt (45% below current)	1,407 mt (405% below current)

Options for Alternatives 2, 3 and 4:

Option 1: PSC limit is determined using a 3-year rolling average of survey index values instead of the most recent survey value.

Option 2: PSC limit varies no more than (suboptions: 10% or 15%) per year.

Option 3: Establish an annual limit of (suboptions: 80% or 90%) of the PSC limit generated by the look-up table. In 3 of 7 years, the A80 sector may exceed the annual limit up to the PSC limit generated by the look-up table. If the A80 sector has exceeded the annual limit in 3 of the past 7

years, then (suboptions: 80% or 90%) of the PSC limit generated by the look-up table is a hard cap for that year.

~~Option 4: (mutually exclusive with Options 2 and 3) PSC unused in one year may roll to the following year to increase the PSC limit generated by the lookup table up to 20%. Any PSC savings in excess of 20% would stay in the water.~~

**3. The AP recommends that the following information be added to the analysis:**

- A. The purpose and need statement calls out the possible effects of bycatch specifically on Area 4CDE directed halibut fishery, at low levels of halibut abundance; the analysis should provide specific information regarding those effects.**
- B. Regarding the alternatives' possible effects on Area 4CDE, including on Alaska Native peoples living in that area, the analysis should provide information on the ratio between the directed halibut fishery and the bycatch fishery in Area 4CDE under each alternative. This should include the ratio that occurred in the past, as well as the resulting ratio from each alternative.**
- C. The analysis should quantify the alternatives' possible effects on directed fishery catch limits in downstream areas resulting from the bycatch of U26 fish in the BSAI.**

*Amendment<sup>1</sup> failed 7-13*

*Motion passed 13-7*

*Rationale in Opposition to Amendment 1:*

- *Alternative 4 will result in a halibut cap for the A80 sector of 960 mt for the foreseeable future, destroying the sector, which is in direct conflict with National Standard 1's optimum yield mandates.*
- *Reducing halibut usage by the A80 sector under Alternative 4 would have no significant positive impact on the halibut spawning stock biomass and possibly only minor indirect benefits to halibut stakeholders (there is not a clear conservation benefit from this alternative).*
- *The A80 sector doesn't have any new tools available beyond shutting down vessels in order to accommodate a massive halibut PSC cap reduction. In the past, major cuts were accompanied with a cooperative structure and decksorting was pending.*

*Rationale in Favor of Amendment 1:*

- *This action has been analyzed for six years and it is time to make some tough choices and give direction to the Council on a desired preliminary preferred alternative. While the SSC recommendations may provide some more refinement to the current analysis, they will likely not substantively change results from each of the alternatives nor stakeholder's position on the alternatives.*
- *Selecting Alternative 4 would provide the most meaningful (largest) bycatch reductions and is the only alternative that adequately protects directed users and the resource. Some stakeholders believe that the A80 sector will be able to adapt and figure out a way to operate under lower PSC levels including the option of catching less fish/generating less revenues.*

*Rationale in Favor of Main Motion:*

- *The AP motion reflects the need to weigh forthcoming SSC recommendations carefully and implement suggestions and corrections, including a hindcast approach to measuring the tradeoffs between alternatives before publication of the draft EIS and selection of a PPA. Many AP*

*members did not feel ready to select a PPA at this time and wanted to see the SSC recommendations incorporated into the draft EIS.*

- The majority of the AP continues to support advancing abundance-based management for halibut bycatch to better align management with the directed halibut fishery and most other groundfish fisheries in the North Pacific. As halibut abundance has declined, PSC in Amendment 80 fisheries has become a larger proportion of the halibut removals, particularly in 4CDE, where the directed fisheries' historical share of total removals has been eroded. Changes in management are necessary to reduce the risk of the directed fishery from being preempted during times of low abundance and allow all user groups to share in the burden of conservation more equitably.*
- Of particular concern is the significant reduction in unique halibut vessels operating in the BSAI that was highlighted in the SIA; there has been a 62% decline since 2010, caused in part by static PSC caps and declining TCEYs over this period. ABM management that leads to bycatch reductions could provide benefits to the directed fishery and potentially help temper further declines in vessel participation, as well as potentially allow idled halibut vessels and communities to re-engage in the fishery. A significant amount of public comment was submitted supporting bycatch reductions, abundance-based management, and meaningful action that will benefit all halibut stakeholders and communities from across the range of the halibut stock.*
- Option 2 under this motion has been eliminated, because while it could provide some interannual stability for the A80 fleet, its tempered responsiveness adds to instability in the halibut fishery in times of declining abundance and could reduce the effectiveness of this action. Option 1 may be a more appropriate approach to addressing stability.*
- The performance standard under Option 3 provides incentives for the fleet to 'minimize halibut mortality at all times.' Performance standards are used in other fisheries successfully and could incentive further bycatch reductions while providing a level of flexibility to the fleet if they were to face challenges with meeting the standard.*
- Option 4 is also eliminated because it could allow the PSC limit to increase as halibut abundance declines, counter to the objective of this action. As the analysis highlights, this option would have allowed between 575,000 pounds and 770,000 pounds of PSC to rollover every year between 2015 and 2020, which is a very significant amount of halibut, that would have negative and direct impacts on directed fishery quotas.*
- There are three new information requests added to the motion that are necessary to fully understand the impacts to Bering Sea communities and small boat fishers who are historically dependent on the halibut resource. The Purpose and Need Statement specifically references Area 4CDE, however, the analysis does not currently provide information necessary on the specific effects of bycatch on the directed fishery for this area.*
- Of the three regulatory areas in the BSAI, bycatch mortality in the Amendment 80 fleet is more concentrated in regulatory Area 4CDE, averaging 87% of the total BSAI bycatch over the last three years and has been trending upward over time. The spatially concentrated level of removals has disproportionate impacts that will otherwise be missed if not analyzed at the specific regulatory area level. The analysis needs to flesh these impacts out more fully.*
- Tables that illustrate the changes in proportions of total removals in area 4CDE (i.e., total bycatch relative to the directed fishery), as well as A80 bycatch removals relative to the directed fishery over time, will help inform decision making by providing important information regarding the historic dependence on the 4CDE directed fishery. These tables should also show the ratios of each under the three action alternatives using a hindcast approach.*
- Additionally, as noted by the SSC, PSC impacts to commercial and recreational halibut fisheries in downstream areas in the Gulf of Alaska and the Pacific Northwest are lacking in the analysis. Since the IPHC management is SPR-based, the removal of U26 fish in the BSAI as bycatch*

*mortality results in reduced TCEYs Coastwide, across all regulatory areas based on the biological distribution in each regulatory area.*

- *The AP commends the analysts work on the SIA for addressing the issue of dependency and engagement of various sectors and user groups on the halibut fishery, including communities dependent on A-80 activities and the 17 profiled BSAI halibut dependent communities, most of which are overwhelmingly Alaska Native. Additional provisions in the SIA regarding National Standard 4 – Equity in Allocations, and more specifically inclusion of the NMFS guidelines to National Standard 4 will provide the Council with critical guidance. The improvements overall made to the most recent version of the SIA will be essential for the Council to properly weigh the various national standards, as well as NEPA and environmental justice considerations towards indigenous and minority populations.*
- *The AP further appreciates the analysts' efforts to identify recent Executive Orders by the Biden Administration on Tribal Consultation and Collaboration (EO 13175); Advancing Racial Equity and Support for Underserved Communities through the Federal Government (EO 13985); and Tackling the Climate Crisis at Home and Abroad (EO 14008) which are likely to be important considerations for this action once guidance is developed. The analysts' additional efforts to clearly identify the federally recognized tribal affiliation of each community, as well as their CDQ and ANCSA affiliations, greatly facilitate the federal and tribal government consultation process that will need to take place, as well as the potential scope of the federally recognized rights of the various indigenous populations affected by this action.*

*Rationale in Opposition to Main Motion:*

- *Removing Option 4 to allow for a minor amount of halibut to stay in the water under limited circumstances (savings in excess of 20% stay in the water), eliminates this savings and the biological benefit that would accrue to the halibut stock. Removing Option 4 results in a set of Alternatives that are entirely allocative without any conservation purpose or benefit.*
- *As clarified by staff analysts, the three new information requests are either currently included, addressed to the greatest extent practicable, or are unable to be addressed definitively. Introducing ratios that show the “bycatch fishery” relative to Area 4CDE are not relevant because this action is only focused on the A80 sector and the inclusion of ratios implies some type of catch share approach, which the Council has rejected. Because the A80 sector is not allowed to retain any of the halibut they encounter, the inclusion of ratio data doesn't make sense as that would suggest the total catch of halibut is allocated amongst users. The A80 sector utilizes the halibut they have access to differently than the directed users by taking 1 mt of halibut to be able to catch approximately 200 mt of groundfish.*
- *The current halibut stock is at a low level of abundance relative to years where the stock was being overfished, which was realized and corrected by the IPHC and resulted in the 53% decline in halibut from one year to the next. As such, given the IPHC's current harvest policy, it is unlikely the halibut stock will return to those abundance levels again and such expectations may not be realistic.*
- *The goal of providing more access to halibut for directed users and residents in BSAI communities would be best addressed through modifications to the IFQ program, especially given that the majority of halibut IFQ is held by stakeholders that don't reside in those communities and the fact that there are a wide variety of reasons for a community/processor to not participate the fishery. Using a halibut PSC cap reduction in an attempt to fund a fishery for BSAI communities will not be sufficient to meet their expectations, but will definitely result in harm to the A80 sector.*

## D1 GOA Sablefish Pots 3-Year Review

### Motion 1

The AP recommends the Council request that NMFS remove the pot tag requirements in the GOA sablefish pot fishery.

*Motion passed 16-4*

#### Rationale in Favor:

- *Pot tag requirements have resulted in additional and significant IFQ program cost but have provided little benefit to the fishery for pot limit enforcement or pot loss. This data can be attained through information found in the required vessel logbook. The analysis states “The requirement for pot tags is a provision of the IFQ Program that is administratively burdensome and costly to implement. NMFS OLE and the USCG District 17 have assessed that this gear marking requirement is not useful for the at-sea enforcement of pot limits .” NMFS estimates \$118,000 has been spent over the last two years for 160,000 tags.*
- *The analysis explains that tags are not available as “ready-made” products and are manufactured according to special requirements (size, biodegradable, etc), which takes approximately three months. Due to the substantive increase in requests for new pot tags in 2020, the Agency ran out of pot tags in the Fall of 2020. This resulted in a backlog of fishery applications, which delayed some fishery participants from fishing.*
- *The IFQ Committee was in general consensus that the utility of the requirement for pot tags was not warranted. The IFQ Committee Report from March 25<sup>th</sup> and 26<sup>th</sup> states “The Committee recommended the requirement for pot tags be removed to address an unnecessary burden and cost. The majority of members felt this was a non-controversial/non-complex action that would be considered a high priority.”*
- *Both the IFQ Committee and public testimony have highlighted the fact that buoy tags on longline pot configurations serve no purpose in this fishery because these pots sit on a longline on the bottom of the ocean, which is different from single pots. This distinction is critical because buoy tags do serve a purpose in single pot fisheries as the pot tags are affixed to individual buoy clusters marking each pot.*

#### Rationale in Opposition:

- *The pot tag requirement should not be eliminated without a replacement option being recommended or investigated.*

### Motion 2

The AP recommends the Council adopt the following Purpose and Need Statement and range of Alternatives and initiate analysis.

**Purpose and Need:** During the 2021 review of the GOA sablefish pot fishery implemented under Amendment 101, stakeholders noted that some of the concerns have not borne out to the same magnitude previously anticipated, and some of these elements are overly restrictive on sablefish pot fishermen. Additionally, elements put into place to reduce potential gear conflicts and grounds preemption issues and protect small boat fishermen may have made it more challenging for those fishermen to effectively participate in the fishery. Noting that concerns regarding grounds preemption and gear conflicts vary by GOA subarea, there may be room to reduce some of the restrictions on sablefish pot fishermen in the

GOA. Furthermore, allowing the targeting of halibut in pots would reduce the negative impacts of whale depredation in the halibut fishery, and increase efficiency for IFQ holders.

**Alternative 1:** No action (status quo)

**Alternative 2:** Revise regulatory requirements implemented under Amendment 101 to the GOA FMP.

**Element 1:** Pot Limits

**Option 1:** Remove Pot Limits in the GOA

**Option 2:** Change the Pot Limit for all GOA regulatory areas (WGOA, CGOA, WY and SEO) up to 300 pots per vessel.

**Option 3:** Change the Pot Limits for the WGOA, CGOA, and WY up to 300 pots per vessel. Maintain 120, or X pot limit for SEO.

**Option 4: Status Quo**

**Element 2:** Gear Retrieval requirements

**Option 1:** Remove the gear retrieval requirement.

**Option 2:** Modify the gear retrieval requirement to:

**Suboption 1:** up to 7 days all GOA areas

**Suboption 2:** up to 7 days in WGOA, CGOA, WY, and up to 3 days in SEO

**Suboption 3: Status Quo**

**Element 3:** Pot configuration requirements in the GOA IFQ fisheries

**Option 1:** Revise the pot gear configuration requirements to remove the 9-inch maximum width of tunnel opening so it does not apply when vessel has unfished halibut IFQ onboard.

**Option 2:** Add an exception to the requirement for a biodegradable panel to authorize the slinky pot door latch mechanism.

**Element 4:** Gear Marking requirements

**Option 1:** Remove buoy configuration requirements in regulation but retain “LP” marking requirement.

*Amendment<sup>1</sup> (To add status quo to Elements 1&2) passed 17-1*

*Motion as amended passed 17-3*

*Rationale in Favor of Amendment 1:*

- *Inclusion of this language is intended to clarify that status quo for these elements remains an option for consideration by the Council.*

*Rationale:*

- *The 2021 three-year review of the sablefish pot fishery in the GOA highlighted a number of potential adjustments that could be made to help facilitate more functionality, efficiency, and inclusivity in a fishery that is transitioning well into the framework of GOA fisheries management. The 2021 IFQ Committee meeting held on March 26-27 reinforced many of these same issues highlighted in the review, and although stakeholders on the Committee were not aligned on every sablefish pot issue there was an understanding that some adjustments may be warranted to continue to improve the fishery. This motion seeks to encompass areas highlighted by providing elements and options for analysis of potential revisions to some of the current regulatory requirements in the sablefish pot fishery.*
- *Element 1 seeks to flesh out the utility of a pot limit in a fully rationalized fishery. Public comment highlighted that initial concerns addressed via pot limits have come to fruition.*

*Additionally, different regulatory areas encompass different vessel operations and configurations such that WGOA subarea fishermen may not be as concerned with pots as fishermen in SEO. This motion provides a suite of pot limit options for consideration moving forward. Given the mixed testimony from fishers in SEO, Option 3 of Element 1 is intentionally left blank. It is anticipated that the analysis will help identify an option or options for an incremental increase in the limit for that area.*

- *Element 2 looks to analyze the gear retrieval requirement as it relates to each IFQ subarea. Public and written comment was mixed on this particular element; however, the IFQ committee reinforced some of the public comment by highlighting the burden and safety concerns with the gear tendering requirements, especially in SEO. The options provide a wide range of choices for analysis.*
- *Element 3 addresses two different aspects of pot configuration requirements. Option 1 seeks to remove the 9” maximum tunnel opening for sablefish pots in the IFQ fishery. Discussion at the IFQ Committee and public testimony highlighted the constraining effects of not being able to concurrently harvest halibut IFQ while sablefish fishing with pot gear. Option 2 seeks regulatory language clarification and/or regulatory exemption by NMFS regarding the biodegradable panel requirement for a groundfish pot. The “slinky pot” design has revolutionized the use of longline pot gear onboard smaller vessels, but they don’t have a traditional panel as found on other types of pots. The 2020 fishing season saw an explosion of growth in the sablefish pot fishery as a result of the versatility the slinky pot provides for all sizes/configurations of vessels. Public testimony and written comment urge NMFS to grant an exception and allow the biodegradable panel to be sewn into the door of the “slinky pot” as opposed to cutting and sewing holes into the pots as is currently being done in an effort to be in compliance.*
- *Element 4 applies to gear marking requirements as per NMFS 679.24(a)(3) which requires a “vessel operator to mark each end of a set of longline pot gear with a cluster of four or more marker buoys, including one hard buoy marked with the capital letters “LP,” a flag mounted on a pole, and a radar reflector.” IFQ Committee discussion revealed that stakeholders may have initially placed too much emphasis on the gear marking requirement and no longer see the need for it to be encapsulated in regulation. Different IFQ subareas encompass different challenges and whereas it may make sense to have a specific buoy setup in some areas, in other areas that same setup can actually contribute to gear loss. IFQ Committee discussions highlighted the fact that in certain parts of western IFQ subareas flagpoles can actually drag the buoy cluster down with the tidal currents and assist in keeping the entire buoy cluster submerged. Fishery stakeholders are in general agreement that specific buoy configurations should be left up to the operator of the vessel as long as it retains the letters “LP” along with the FFP or ADF&G end marking requirements.*

## **D2 IFQ Access Opportunities**

~~The AP recommends the Council form an Entry Level Quota Entity (ELQE) Committee to further refine a proposal and assist in the development of elements and options sufficient for the Council to initiate an analysis at a future meeting.~~

~~The following elements and options may be used to guide the committee discussion:~~

### **~~ELQE Entity:~~**

- ~~Single non-profit entity holds all quota share and administers entry level enhancement programs for each management area.~~

### **ELQE Funding Mechanisms:**

- ~~ELQE is “funded” with a one time range of 0.5% – 2% allocation of halibut and sablefish QS pools off the top to create a new category of quota share units. ELQE quota can only be held by the Council designated ELQE entity.~~
- ~~ELQE may be funded with a 0.25 to 0.5 percent per year until the ELQE cap is reached.~~
  - ~~Sub-option: ELQE is funded with a 0.25 to 0.5 percent per year only in years where the quota has increased by 1%, 3% or 5% for each species.~~
    - ~~Increase may be an average of all areas to trigger ELQE funding~~
    - ~~Increase may apply area by area to trigger ELQE funding~~
- ~~ELQE may purchase quota until the ELQE cap is reached.~~
  - ~~Sub-option: Entity may purchase A shares only.~~
  - ~~Sub-option: Entity may be gifted A, B, C and D shares by retiring QS holders (gifted shares would be permanently re-designated as ELQ)~~
  - ~~ELQE may be funded by halibut PSC savings.~~

~~Note: This is not meant to be an exhaustive list of funding mechanisms and other ideas may surface. Multiple funding mechanisms may be used to reach the identified ELQE cap.~~

**Governance:** ~~Council may establish designated seats for ELQE Board of Directors. Designated seats may be comprised of elected representatives and appointed representatives.~~

**ELQE Guidelines:** ~~Council establishes general guidelines for entry level enhancement programs, ELQE Board designs specific adaptive management program details within Council guidelines. The ELQE committee may be tasked with review of proposals submitted by stakeholders and program design specifications and next steps outlined on page 25 of the discussion paper.~~

~~The ELQE committee may assess the CQE and RQE management models and consider use of these models as the basis for developing a single ELQE management entity for an entry level quota pool.~~

~~In addition, the committee should receive a report on outcomes from the Norwegian entry level program including current status of the program, funding mechanisms, governance and identified successes and failures of the program.~~

*Motion failed 10-10*

#### *Rationale in Opposition:*

- *It is unclear how this proposal for development of an access pool, as presented in the discussion paper, fits into other Council priorities, as well as other IFQ Committee priorities, when only a small proportion (as stated in the stakeholder proposal) of the 53% eligible QS holders would benefit from this action (i.e., all QS holders would be giving/providing to new entrants potentially without their consent or support). It is also unclear how the proposal provides an equitable pathway/access when only a small proportion of the eligible QS holders would benefit. Equitable access needs to be balanced with the recognition of historical participants.*
- *The IFQ Committee was not unified on prioritization of this issue. It is acknowledged that this motion and subsequent action by the Council would be complicated, requiring resources and time when both are limited.*
- *It is unclear how the proposed ELQE Committee would differ substantially from the IFQ Committee, including both membership and charge as a Council committee. Membership is not*

*defined or suggested and it is unclear what aspects a potential ELQE Committee are supposed to provide refinement or assistance to the detailed proposal laid out in the motion, which is presented like a set of alternatives for analysis (without a Purpose and Need Statement).*

- *Some of the asks in the motion, like a more detailed report on access opportunities in Norway, have already been requested by the IFQ committee. Also, the RQE management model has not been funded nor is it active yet, so it is difficult to base a new entity on the success of an RQE, when it isn't yet fully understood.*
- *Development of a QS access pool based on a tax of all program QS holders could potentially set precedent for other catch share programs, both existing and any new programs developed in the future.*

*Rationale in Favor:*

- *In June of 2018 the Council initiated a paper exploring global examples of management actions to support entry level opportunity. This action was taken in response to public testimony, community input during a town hall meeting discussing the IFQ program, and issues highlighted in the 20 year IFQ Program Review. In June of 2019, after review of global examples and in response to further stakeholder input, the Council asked for a discussion paper that considered creation of an entry-level halibut/sablefish quota share pool to facilitate entry-level opportunity and assist owner-operators and deckhands with regaining access to these fisheries. Development of an access pool was proposed to address the Halibut/Sablefish IFQ program goals of facilitating/maintaining an owner-operator fleet and providing entry-level opportunities for deckhands, coastal community members, and owner-operators, which are not being met. Maintaining the owner-operator nature of the halibut/sablefish fisheries was a founding goal of the program, but currently less than half the sablefish quota and slightly less than half the halibut quota is harvested by "hired skippers." The lease rates charged by QS holders who do not fish or go on board as non-working "riders" capture over half the ex-vessel revenue, leaving the vessel operator and crew to survive on the remainder.*
- *Ensuring that the IFQ program functions well and is meeting its goals and objectives (as well as mitigating any negative consequences from the program) is the burden of the QS holders (those that have, do, and will benefit) and the Council as resource managers. A generation of fishermen without family ties and capital have lost access to the IFQ fisheries, therefore it is time to work on developing and advancing entry level opportunities in this program and to facilitate measures that maintain an owner-operator fleet. The Entry-Level Quota Entity (ELQE) would provide an equitable pathway to meet these two intended goals of the IFQ program by creating a process for continuing the discussion and working out details via the formation of a committee. This motion outlines some basic components the committee may consider along with the recommendation to consider stakeholder comments and next steps identified in the discussion paper. It is reflective of the framework proposal submitted by stakeholders as well as additional ideas that have been generated through the IFQ committee and public comment. This includes input on providing additional funding mechanisms to address concerns of the impacts on current IFQ holders; but the list provided is not meant to be exhaustive.*
- *The recommendation to form a committee is intended to help address concerns regarding the complexity of the issue. It is recognized that a Committee would require substantial time from staff and dedicated effort of the public, but public testimony indicated that there is a group of dedicated stakeholders that want to help move this forward and are willing to continue to work on the issue given the importance of the future health of fishing communities.*
- *While the majority of IFQ Committee members felt this issue is worth considering further, there was a mix of responses in terms of prioritization.*

## D3 RQE funding

The AP recommends the Council adopt the following Purpose and Need Statement and Alternatives for initial review.

### **Purpose and Need**

In 2016 the Council took final action to create a Recreational Quota Entity (RQE) as a market-based solution to the allocation conflict between the charter and commercial halibut sectors. This market-based solution authorizes commercial halibut quota share transfers between the RQE and willing sellers of commercial quota shares. The Council's Preferred Alternative and Final Rule establishing the RQE did not define the RQE's funding mechanism (NPFMC 2017; 83 FR 47819). Recently Senator Sullivan proposed an amendment to the Magnuson Stevens Fishery Conservation Act. This amendment will likely be approved by the US Congress and will grant the Council the authority to develop the funding mechanism for the RQE. Once this bill passes Congress, the Council can take action to require charter operators to purchase stamps from NMFS Alaska Region for each client that intends to retain halibut. These funds would be used by the RQE to fund RQE administrative costs and enforcement and to purchase halibut quota share as specified in the RQE program.

Without this action there will be no mechanism to fund the RQE and no legal requirement for charter anglers to have the described stamps.

### **Alternatives:**

Alternative 1: No action (Status quo).

Alternative 2: Direct the NMFS Alaska region to work with Council Staff and the RQE to develop a fee collection mechanism to supply halibut stamps to charter operators and subsequently distribute funds generated to the Recreational Quota Entity. Once completed this framework would be described in a draft Regulatory Impact Review.

*Motion passed 19-0*

### Rationale in Favor:

- *The Council's Preferred Alternative and Final Rule establishing the RQE did not define the RQE's funding mechanism. Further, the Council did not establish its jurisdiction over any funding avenues considered by charter stakeholders. Responsibility for finding a funding mechanism was left to the RQE.*
- *A funding mechanism utilizing "halibut stamps" similar to the King Salmon stamps implemented by the Alaska Department of Fish and Game has been identified as a preferred method of fee collection. The duration of individual stamp eligibility should be 1, 3, or 5 days. Enforcement of stamp utilization by charter halibut operators and anglers should mirror that of the ADFG King Salmon Stamp, though fee collection may be primarily electronic (exceptions will occur), and NMFS Alaska Region would be responsible for initial issuance and fee collection from stamps.*
- *The regulatory language Congress is considering for the RQE currently includes that fees collected will be subject to the appropriations process. It follows that NMFS should be central in the development of the stamp program and in the collection of potential fees. For enforcement purposes the legal relationship to ensure that each charter halibut angler has a stamp is between NMFS and the charter operator the angler is with.*
- *In the commercial IFQ fishery, fees collected cover administrative costs of the program and enforcement. For the RQE, cost recovery will go toward similar processes since the RQE is currently required to pay cost recovery at standard ex-vessel value for all annual quota applied to the annual guided allocation in each year.*

## D4 IFQ Committee

The AP acknowledges the IFQ Committee Report and requests further '**prioritization of** action on the following:

The AP recommends the Council Authorize jig gear as a legal gear type for sablefish in the GOA.

The AP recommends that Council initiate analysis to suspend the Adak residency requirement for a period of 3 to 5 years. As an option, the Council could also consider allowing a first-time applicant a one-time year of grace to establish residency.

**<sup>2</sup>The AP recommends that the Council move forward with its work on the release of small sablefish.**

*Amendment: passed 18-0*

*Amendment: passed 17-2*

*Motion as amended passed 19-0*

### Rationale in Favor of Amendment 1:

- *The amendment is intended to clarify that the specifically listed actions have been highlighted as priority items by the IFQ Committee and warrant further action.*

### Rationale in Favor of Amendment 2:

- *The IFQ Committee ranked this matter as a high priority for stakeholders, which was also supported during public testimony, and should therefore be flagged (along with the other items) for particular consideration by the Council.*

### Rationale in Favor of Main Motion as Amended:

- *This motion is not assigning priority to any of the IFQ Program items discussed by the IFQ Committee. The two (original) issues specifically highlighted in the motion are done so because they have not yet been initiated for action by the Council (unlike many of the other items discussed by the Committee).*
- *Allowing jig gear as a legal gear type (as it is for IFQ halibut) would benefit those individuals with small amounts of sablefish quota and would be helpful to small boat fishermen who cannot spatially accommodate a pot setup. Additionally, jig fishermen can deploy/retrieve jig gear quickly and potentially outrun whale predation. No opposition at the IFQ Committee was voiced to allowing jig gear as a legal gear type for sablefish in the GOA and it was agreed that the proposal is useful and non-controversial such that the action should be relatively simply to analyze and implement.*
- *The ability of local resident small boat operators to harvest CQE is closely tied to having a stable processor operating in Adak. Likewise, the ability to place local non-vessel owners as crew is dependent on having vessels that base their fishing out of Adak. Currently, there is no processing facility operating in Adak and there has been a resulting outmigration of residents and eligible residents to fish the CQE allocation. In 2020, 94% of the Adak CQE was unharvested and there are currently no residents with applications asking for CQE quota. Public testimony highlighted the effects caused by the Adak plant closure and the fact that even under best case scenarios the CQE allocation would not be able to be harvested until late summer 2022. The remote nature of the community and the unique situation warrants flexibility for the CQE in Adak and the majority of the IFQ Committee agreed that this is a useful and non-controversial proposal. The recent emergency rule can provide a baseline for analysis and encompasses a lot of the same information to inform an initial review analysis. A regulatory change that could be in place for a specified period of time (rather than have repeated emergency rule requests) would provide more certainty and stability to Adak.*

## D5 Salmon Genetics

### Motion 1

The AP recommends the Council request a compilation of information on Bering Sea and Gulf of Alaska Chinook salmon bycatch including:

- Historic and current bycatch numbers and trends, including spatial and temporal trends;
- Summary of genetic stock identification information;
- Stock status of Chinook salmon stocks, including Alaska, BC and US West Coast stocks;
- Updates on progress on the Council's June 2019 motion.
- **<sup>1</sup>Updated AEQ/impact analysis for chinook bycatch in the Bering sea pollock fishery**

*Amendment<sup>1</sup> passed 20-0*

*Motion as amended passed 20-0*

#### Rationale:

- *The intent of this request is to create a single document/report where all the requested information is available for easier accessibility by the public. Timing on availability of the report is at the discretion of the Council with possible action recommended after its release.*
- *Updates on progress from the Council's June 2019 motion encompass those tasks assigned to the Salmon Bycatch Workgroup.*
- *Amendment 1 for an updated AEQ/impact analysis was included to ensure that all necessary contextual information for any potential future action or decision-making was contained within the single report.*

### Motion 2

The Advisory Panel thanks the Auke Bay Laboratory Genetics Program for their reports and their continued improvements on Chinook and chum salmon bycatch genetic research. We look forward to additional information on AEQ when it comes available.

*Motion passed 20-0*

#### Rationale:

- *The annual salmon bycatch genetics reports continually provide valuable information regarding the origin of salmon taken as bycatch in the BSAI and GOA fisheries. The Genetics Program continues to improve both the quality of the data and provide new information, such as fish age data, for each sample analyzed (as introduced at this meeting). Information provided by the Genetics Program has proven useful to the industry in managing their bycatch and will continue to play an invaluable role in future management decisions by the Council.*

## D6 EDR/SSPT Reports

The AP recommends the Council modify the Alternatives from their January 30, 2020 motion as follows (additions in underline and deletions in strikeout):

Alternative 1: Status Quo Alternative

Alternative 2: Make revisions, where needed, in the EDR sections of the crab or groundfish FMPs and in the EDR regulations.

Component 1: Revise authorizations for third party data verification audits under the existing programs and reduce burdens associated with this process. Amend regulatory language in all EDR programs to authorize third party data verification audits in cases of noncompliance

Component 2: Revise requirements for aggregation of data across submitters and blind formatting in all EDR programs to make those data aggregation and confidentiality protections comparable to the requirements under other data collection programs

Component 3: Small changes to existing EDR programs

Crab EDRs:

Option 1: Assess modifications to Table 1 (Ex-vessel sales) and Table 2 (Quota lease costs) to account for inconsistencies associated with ex-vessel sales and IFQ lease costs as reported in crab EDR forms compared to 1) the gross revenue basis for crew settlements and 2) NMFS Alaska Region records of vessel landings and IFQ permit deductions.

Option 2: Assess modifications to crab CV and CP forms to associate joint ownership of active crab vessel and QS holders.

A80 EDRs:

Option 1. Revise the EDR webform to pre-populate data entry fields for EDR, Tables 1, 2.1, 2.2, 2.3, and 2.4

Option 2. Assess data quality impacts of eliminating days fishing and days processing data elements from Table 2.5

Option 3. Assess modifications to Table 4 (Capital expenditures) to distinguish (and potentially exclude) major investment expenditures (e.g. vessel replacement, structural hull modification) from capitalized expenditures associated with routine/cyclical capital maintenance and improvement. Consider potential data quality improvements and burden reductions from a capitalized expenditures EDR module required only every 3 years which covers the prior 3-year period.

Component 3: Remove the GOA trawl EDR requirements.

Component 4. Revise EDR collection period to every (options: 2 years; 3 years; 5 years)

Alternative 3: Remove EDR requirements.

Option 1: GOA Trawl EDR

Option 2: A80 EDR

Option 3: A91 EDR

Option 4: Crab EDR

*Motion passed 19-1*

Rationale:

- *The SSPT held two outreach stakeholder workshops (August & November of 2020) after the Council motion of January 2020. The SSPT minutes and workshop participants recommended small changes to the EDRs for crab and Amendment 80, which are captured within the new Component 3. In addition, the analysts suggested breaking Alternative 3 into different programs, which is now captured within Options 1 – 4 under Alternative 3.*
- *The SSPT report also suggested that each individual EDR purpose and need statement be revisited or, as another approach, developing a more standardized/ holistic and consolidated EDR program for all North Pacific catch share programs with the possible inclusion of non-catch share fishery sectors. Such a consolidated EDR would require the development of an appropriate Purpose and Need statement and a standardized panel of data elements. This motion*

*does not address or incorporate these concepts since both these initiatives would be new and larger undertakings than the smaller revisions and changes contained within the motion.*

## **E Staff Tasking**

### **Motion 1**

The AP recommends the Council initiate a discussion paper to consider identifying longline pots as legal gear for Greenland turbot.

*Motion passed 19-0*

#### Rationale:

- *Given the success with pot gear in the sablefish fishery, it is likely that longline pot gear could also be utilized in the Greenland turbot fishery as a potential solution to mitigate whale predation.*

### **Motion 2**

The AP recommends that the Council return to the prior practice of publishing all public comments simultaneously at the conclusion of the comment deadline.

*Motion passed 10-9*

#### Rationale in Favor:

- *Given recent trends of negative experiences (e.g., commenters providing hostile responses in reaction to other comments already submitted) with the Council's current public comment submission process of publishing comments as they are received, it is believed that returning to the Council's previous policy of publishing all public comment simultaneously at the end of the submission period would best alleviate this specific negativity, which can be distracting and disruptive to the important role that public comment serves in the Council process.*
- *This recommendation is procedural in nature and is not implying or recommending any process associated with filtering/limiting the public comment received.*

#### Rationale in Opposition:

- *The Council's current practice of publishing public comments as they are received provides a necessary amount of time for the Council, its advisory bodies, and the public to read and comprehend all public comment received for all agenda items during any given meeting. This is especially necessary when public comment submissions number into the hundreds.*