

ADVISORY PANEL
Motions and Rationale
June 7-10, 2022 - Sitka, AK

E Staff Tasking

Motion 1

The AP requests that the Council take the following actions to implement the EAG Facility Use Cap exemption as soon as possible:

1. Separate the EAG Facility Use Cap issue from the AI GKC Start Date issue
2. Accept the Background Document as the Discussion Paper for the EAG Facility Use Cap issue. We believe that the Background document is a complete, functional equivalent of a Discussion Paper.
3. Adopt the attached draft Purpose and Need Statement;
4. Adopt the attached Alternative; and
5. Schedule Final Action as soon as reasonably practicable.

Purpose and Need:

Since the implementation of the BSAI CR program in 2005/2006; the number of active EAG processing facilities has decreased while the number of independent PQS stakeholders has increased; and new market opportunities (particularly but not exclusively markets for Live King crab) are developing. The Council has taken previous action to exempt Custom Processing from the calculation of facility use caps in all other CR program fisheries except GKC and WAI; the Council is now considering extending this exemption to include EAG, with the intent of creating opportunities for increasing the value of the fishery and promoting cooperation amongst stakeholders while also protecting the sustained participation of the affected fishery dependent communities.

Alternatives:

Alternative One: Status Quo

Alternative Two: Strike the following language at 680.7(a)(9):

~~For any shoreside crab processor or stationary floating crab processor east of 174 degrees west longitude to use more than 60 percent of the IPQ issued in the EAG or WAI crab QS fisheries, unless that IPQ meets the requirements described in [§ 680.42\(b\)\(8\)](#).~~

Motion passed 16-0

Rationale:

- *Major stakeholders in this fishery have indicated that the Facility Use Cap is hampering product and market development. These stakeholders include processors, harvesters and the City of Unalaska, where these crab are currently landed and processed. There have been no known objections raised to this request from any stakeholder in this fishery.*
- *Unlike most other rationalized crab fisheries, a significant amount of the Eastern Aleutian Islands Golden King crab processor quota is held by independent individuals and entities that*

do not own processing plants and therefore they rely on custom processing agreements. The facility use cap severely limits their options for custom processing.

- *Golden King crab is one of the few crab species robust enough to survive transport to market as a Live product, and the facility use cap restricts the quota holders from working together to further develop this important value-added opportunity.*
- *This action will not impact on the crab program's landing requirements or other community protection measures; it would simply give quota share holders more flexibility to work together and potentially increase the value of Golden King crab to the benefit of all Eastern Aleutian Islands Golden King crab stakeholders.*
- *The Council agreed to take up this issue in June of 2021. Now, a year later, the fishery is about to open with this outdated use cap still in place; at a time when we should be seeking additional value for all crab species.*
- *Finally, the facility use caps for all of the other rationalized crab fisheries have been effectively removed by exempting custom processing agreements. The Golden King crab fishery should be treated the same.*

Motion 2

The AP recommends that the Council request the Secretary promulgate emergency regulations under the authority of Section 305(c) of the Magnuson-Stevens Act to suspend the recent participation requirements for Catcher Vessel Crew (CVC) QS and Catcher Processor Crew (CPC) QS and suspend any revocation of and issue all IFQ for the CVC QS and CPC QS for this upcoming 2022/23 fishing season. The urgency to do this now is the application deadline for the upcoming 2022/23 is June 15th of 2022. This action would not modify other aspects of the CR Program.

The AP also recommends that the Council initiate analysis to modify the CVC QS and CPC QS recent participation requirements with the following purpose and need and alternatives for analysis.

Purpose and Need

The CVC and CPC shares have a participation requirement of one delivery during the previous 4 consecutive years. With the ongoing impacts of the COVID-19 pandemic, now in its third year, many crew members have not been able to comply with the participation requirement. With the unforeseen circumstance of the decline of the BSS stock and potential fishery closures, there will be less opportunity for crew to participate in crab fisheries.

- Alternative 1 - No action
- Alternative 2 - Modify the CVC QS and CPC QS recency requirement
 - Option 1: Restart the recent participation requirement beginning in 2023/24 fishing year. Do not count 2019/20, 2020/21, 2021/22, toward the recent participation requirement.
 - Option 2: Give the Regional Administrator the authority to suspend the CVC QS and CPC QS recent participation requirement.

Motion passed 16-0

Rationale:

- *This request is the result of recent, unforeseen events or recently discovered circumstances. After three years of Covid, with extremely difficult travel and logistics in Alaska, particularly to smaller towns and villages where most fishing activity takes place, it has been difficult to get extra crew on board. This was followed by the unexpected and unforeseen collapse and decline of two crab fisheries, which has significantly impacted the availability of crew jobs.*
- *Crew potentially losing access to quota shares due to resource conditions out of their control is a serious management problem in the fishery.*
- *Stakeholders are awaiting next steps for a rebuilding plan for Opilio and potential management changes in other crab fisheries. There are some very complex decisions forthcoming for the fishery, and considerable uncertainty for crew; this is one immediate action that would preserve critically important access for crew while we gain clarity on the future of the fisheries.*
- *This action can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process.*
- *Many crew are currently not eligible to receive IFQ at this point, and at this time next year may lose their QS because of these unforeseen resource events.*
- *Restarting the clock at the 2023/24 season will put everyone on a level playing field again.*
- *Giving the Regional Administrator the authority to address these types of issues in the future, alleviates a lengthy regulatory process and could provide more responsive and critical relief for crew, if warranted by resource conditions.*

Motion 3

Motion to approve the April 2022 minutes

Motion passed 16-0