

ADVISORY PANEL
Motions and Rationale
December 3-7, 2019 - Anchorage, AK

E Staff Tasking

Motion 1

The AP recommends to the Council that they revise crab PSC limits and management measures for Bristol Bay red king crab (BBRKC), bairdi, and opilio to create stronger incentives to minimize bycatch. In particular, when the directed fishery is closed, managers should reduce the impacts on crab to provide more opportunity for the stock to grow to levels to again support a directed fishery.

Given that the bairdi directed fishery is closed and the BBRKC fishery is approaching a conservation threshold that would close that fishery, the AP recommends that the Council asks staff to develop an initial review draft modifying the existing crab PSC formula in regulation at 50 CFR 679.21(e)(1) as soon as possible as a first step, narrow, implementable solution.

Draft Purpose and Need

The current crab PSC management using abundance-based limits and closed areas may not be minimizing bycatch in other fisheries to the extent practicable. This has heightened consequences in cases where the directed crab fisheries are closed or close to closing.

The purpose of this action is to establish strong incentives to minimize bycatch in other fisheries when a directed fishery is closed or approaching a status that would close the directed fishery. The need for this action is to help the stock grow to levels to again support a directed fishery balancing impacts to all of the fisheries and communities that interact with that stock.

Draft Alternatives

Alternative 1 (no action)

Alternative 2 (reduced PSC limits when directed fishery closed)

When no Crab Rationalization Program individual fishing quota (IFQ) is issued in a season (i.e., the directed fishery is closed) for BBRKC, bairdi, or opilio, automatically set the crab PSC limit at the lowest abundance-based level. As described in regulation at 50 CFR 679.21(e)(1), the PSCs would be as follows under this alternative when the directed fishery is closed:

- Bairdi Zone 1 – 0.5 percent of the total abundance minus 20,000 animals
- Bairdi Zone 2 – 1.2 percent of the total abundance minus 30,000 animals
- BBRKC Zone 1 – 32,000 red king crab
- Opilio – 4.350 million animals

The AP requests that the source numbers for the crab abundance estimates used to calculate the PSCs be publicly reported and clearly state whether they are from raw numbers from the NMFS bottom trawl survey or from stock assessment model estimates.

Motion passed 14-4

Rationale:

- *Alaska Bering Sea Crabbers submitted written comment on this agenda item and we heard public testimony on the importance of addressing bycatch of crab in other fisheries, especially when crab fisheries are closed or approaching conservation thresholds.*
- *Public testimony flagged concerns over a mismatch in PSC limits using an example where the directed Bairdi fishery is closed and yet the trawl PSC limit is at the highest possible amount. From a management perspective, this does not line up.*
- *The Council has been reviewing PSC limits through various discussion papers and documents for almost 10 years with little progress, starting out with all crab, then focusing more recently on snow crab.*
- *Given the Bairdi fishery did not open this year and red crab is approaching conservation thresholds that could prevent it from opening, these species are a more immediate concern.*
- *This motion would set the PSC limits at the lowest level available in regulation if a directed crab fishery is closed.*
- *The intent of this action is to establish strong incentives to minimize bycatch thereby reducing impacts on the stock so it can more quickly grow to levels to once again support a directed fishery and balance impacts to all of the fisheries and communities that interact with that stock.*
- *Alternative 2 would use the abundance-based limits that already exist in regulation but add a trigger that if a directed crab fishery is closed, the trawl PSC limit would automatically be set at the lowest limit. Tying it to IFQ issuance keeps it within the federal management system and not directly tied to state TAC setting.*
- *The last part of the motion would improve transparency and clarity in the PSC setting process by making the numbers used in the calculation publicly available and clearly stating the source for the numbers whether raw data from the NMFS bottom trawl survey or stock assessment models.*
- *It is recognized and appreciated that the Amendment 80 trawl sector reduced their impacts on crab by raising their trawl sweeps. The directed crab fishery is also actively working to reduce their impacts on crab by working with the Alaska Department of Fish and Game and the Board of Fisheries to change fishing regulations and practices.*
- *Initiating this action is responsive to public testimony.*

Rationale in Opposition:

- *The trawl sectors are trying to avoid multiple sources of bycatch including halibut, salmon, and crab. Beyond bycatch the trawl sectors can be constrained by incidental catches of other species for example cod and sablefish. The intent of the motion seems to be to prioritize avoiding crab bycatch over all other considerations.*
- *Automatically setting lower bycatch limits based on whether a crab fishery is closed assumes that the crab bycatch is the reason the crab fishery is not open, and seems punitive.*
- *Determining whether crab bycatch is being avoided to the extent practicable should be considered separately of whether a directed fishery is open.*
- *Trawl sectors have worked on elevated sweeps for their nets to minimize crab mortality and simply lowering the PSC limits doesn't mean the bycatch will then magically be reduced to the extent practicable.*

Motion 2

The AP recommends the Council start a discussion paper looking at the effects of steller seas lion rookeries **or haul outs** on the GOA pollock trawl fleet area 610,620,630. The paper should analyze lack of access to pollock, safety for smaller boats during inclement weather under the race for fish and the reduced ability to move from salmon bycatch.

Amendment passed 18-0

Motion, as amended, passed 17-1

Rationale:

The AP acknowledged a distinction between rookeries and haulouts under SSL protection measures but did not have readily available information on which to focus on for the purposes of a discussion paper. The intent of initiating this paper is to better understand the potential avenues to modify the area and scale of rookies or haulouts in response to concerns from the fishing industry about safety and Chinook avoidance. The restricted rookery areas around Kodiak's east side during the fall and west side during the winter were specifically mentioned as areas of interest to investigate

Motion 3

The AP recommends that staff develop a list of potential regulatory amendments and fishery issues for the IFQ Committee to address at the April 2020 NPFMC meeting in preparation for the June 2020 GOA Sablefish Pots: 3-Year Review agenda item. These include, but are not limited to:

- Removing pot configuration rules.
- Aligning pot regulations in relation to pot limits and length of time gear can be left on grounds.
- Determine CPUE correlations between hook-and-line and pot gear.
- AIS marking mechanisms and options.
- Incentives to allow small vessel conversion to pot longline gear.
- Exploration of EFPs for DMRs, catch accounting, whale depredation estimates, etc.

Motion passed 18-0

Rationale:

- *The IFQ Committee is comprised of a balanced stakeholder group and it was the intent of the AP to send a list of IFQ issues to the committee to vet for inclusion in the 3-yr IFQ review. However, due to a schedule change, it appears as if the review is now scheduled for the same meeting as the next Committee meeting. The AP desires to initiate potential regulatory amendments on items in the motion under the most appropriate route considering the timing issue that was recently identified.*
- *This motion specifically applies to Amendment 101: Allowable Use of Longline Pot Gear in the Gulf of Alaska Sablefish Individual Fishing Quota Fishery. :*

- *CFR 679.2 applies to authorized fishing gear generally pertaining to tunnel openings. Some stakeholders wish to evaluate the current tunnel opening requirement or potentially eliminating this regulation completely. There is currently no regulation defining what a sablefish pot is, so a regulation specifying tunnels may not be warranted. There has also been concern pertaining to the marking of both ends of a pot string because the amount of room the large diameter line takes up on deck.*
- *CFR 679.42 pertains to pot limits and the length of time gear can be left on the grounds. The general consensus in the pot longline sector is that the requirement in the SEO to bring gear to port upon every IFQ landing is not only a safety issue, but limits the ability of small vessels to participate in the sablefish pot longline fishery. Regarding pot limits, some stakeholders would like to see a standard pot limit across all GOA regulatory areas. Current limits are 300 in WGOA and CGOA and 120 in WYAK and the SEO.*
- *There are some among the pot sector who believe whale depredation might be more easily quantified by comparing CPUEs between hook-and-line and pot. Some boats that have made the conversion to pot fishing are concerned that their IFQ quotas unnecessarily reflect whale depredation when they do not have this issue.*
- *Marking gear with AIS beacons has become illegal under current FCC rules. Both pot longline and hook-and-line fishermen are concerned about regulations that prohibit the use of technology that would help avoid gear conflicts. Alaskan Senators are currently working on a fix for this issue, but as it stands now, there are fines in upwards of \$150k for the use of AIS beacons on fishing gear.*
- *Stakeholders have provided input to the IFQ Committee about costs and barriers to convert from hook-and-line gear to pot gear. A new pot/longline stakeholder group could potentially help explore conversion options.*
- *The IFP committee should discuss the scope of information needs that could be addressed through EFPs. For example, EFPs may need to be explored to properly address: catch accounting, discarding or release of sablefish if regulations are changed, more accurate accounting for whale depredation.*

Motion 4

Approve October meeting minutes.

Motion passed 18-0