

# North Pacific Fishery Management Council

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## ADVISORY PANEL MINUTES North Pacific Fishery Management Council February 5-7, 2013 Portland, Oregon

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

Kurt Cochran	John Gruver	Joel Peterson
John Crowley	Mitch Kilborn	Theresa Peterson
Jerry Downing	Alexus Kwachka	Ed Poulsen
Tom Enlow	Craig Lowenberg	Neil Rodriguez
Tim Evers	Brian Lynch	Lori Swanson
Jeff Farvour	Chuck McCallum	Anne Vanderhoeven
Becca Robbins-Gisclair	Andy Mezirow	Ernie Weiss

Minutes of the December 2012 meeting were approved.

**Election of Officers:** The AP members elected Tom Enlow as Chair, Lori Swanson and Becca Robbins-Gisclair as Co-Vice Chair. *Motion passed 21/0.*

### **C-1(a) HAPC Skate Egg Concentration Sites – Final Action**

The AP recommends that the Council select Alternative 2, which identifies all six areas of skate egg concentration as HAPC (noted in Table 1 on page 7 of the analysis) with Options A, D, and E for final action. Option A is modified to read: NMFS would monitor HAPCs for changes in egg density and other potential effects of fishing. *Motion passed 20/0 with 1 abstention.*

#### *Rationale:*

- *The proposed sites appear to meet the definition of HAPC.*
- *There is no evidence that fishing impacts on these areas are more than minimal or more than temporary.*
- *Prioritizing these areas for research will provide greater understanding of how the sites are used.*
- *HAPC designation will create a 'flag' to be addressed prior to any other activities (e.g., laying cable) on these sites.*

A motion to adopt the area and boundaries noted under Alternative 3 for Site 1 (Bering 1) and Site 5 (Zhemchug) and Option C failed 4/17.

*Minority Report:* *A minority of the AP supported an amendment to select Alternative 3, option C for the Bering 1 and Zhemchug sites (Sites 1 and 5). The minority felt that the uncertainties around impacts of fishing on these areas of importance to skates necessitate a precautionary approach. Selecting these two areas protects a majority of the known sites in terms of egg case density, while minimizing economic impacts to relevant fisheries. These areas have been identified as particularly important to skates and deserve protection, not just designation. Signed by: Tim Evers, Becca Robbins-Gisclair, Andy Mezirow, Theresa Peterson,*

### **C-1(b) Bristol Bay Red King Crab / C-2(a) BSAI Crab Bycatch**

The Advisory Panel recommends that items C-1(b), Bristol Bay red king crab essential fish habitat and bycatch interactions with groundfish fisheries and C-2(a)(2) Crab Bycatch in the Bering Sea/Aleutian Islands Fisheries be combined and brought before the Council again as soon as possible but no more than 3 years in the future.

In the meantime, the AP recommends that a committee be formed consisting of fishing industry representatives with an emphasis on skippers. The committee should be supported by Council staff and appropriate Groundfish/Crab Plan Team members and/or other scientific experts. The purpose of the committee is to prepare for future Council action on this topic, provide communication between the sectors and scientists and identify any research gaps. *Motion passed 21/0.*

#### *Rationale:*

- *Research regarding red king crab habitat is not yet ready and may take up to 3 years to be complete.*
- *The Council is currently burdened with many high priority items and creating a committee process to prepare for Council action will both allow the Council to focus on the current high priority issues in the short term and should reduce the Council load when this issue is brought back in 3 years' time.*
- *Combining these two topics would allow the Council to deal with all area closures and PSC issues between all sectors and PSC species in the Bering Sea in a holistic manner.*
- *Forming such a committee would help scientists to better understand where high concentrations of PSC species occur and where trawling is occurring, and consider the means available for trawlers to avoid bycatch hotspots that may be highly variable annually/seasonally.*
- *Industry input from committee members would improve upon observer data, which is not always at a granular enough level.*
- *The committee should address the issues identified in the C-2(a)(2) Crab Bycatch in the Bering Sea/Aleutian Islands Fisheries analysis regarding the lack of feedback between groundfish and crab FMPs, impacts this has to crab TAC setting, and potential industry solutions to address these issues.*

### **C-2(b) BSAI Flatfish Specifications Flexibility**

The AP recommends that the Council release the analysis for public review with the addition of an IRFA and expanded discussion of potential impacts on PSC. *Motion passed 21/0.*

#### *Rationale:*

- *The analysis is ready for release for public review.*
- *An IRFA appears to be necessary to address CDQ entities.*
- *Additional information about possible changes to PSC will help inform final action.*

### **C-2(c) GOA Pacific cod sideboards for FLL**

The AP recommends the Council release the initial review analysis for public comment and final action. *Motion passed 13-7.*

#### *Rationale:*

- *Moving this action forward addresses what was an unintended consequence of GOA pacific cod sector splits.*
- *It's not appropriate to include additional allocative measures within this analysis.*

*Minority Report: A minority of the AP moved to add a new Alternative 3 that would provide protection for the GOA-only freezer longline vessels. They felt that the current suite of alternatives lack any measures to mitigate potential impacts on vessels highly dependent on longlining in the CP sector in the CGOA and WGOA who are not members of the freezer longline coop, and mitigation measures should be considered as part of this action, not separately to ensure that no additional unintended consequences are created. These vessels actively participate in the GOA and do not have access to BSAI longline cod fisheries. As structured, the action provides benefits for coop members without addressing potential impacts on non-coop members. Signed by: Theresa Peterson, Becca Robbins-Gisclair, Jeff Favour, Andy Mezirow, Chuck McCallum, Alexis Kwachka, and Ernie Weiss.*

### **C-2(d) AFA Vessel Replacement GOA Sideboards**

The AP recommends that the Council release this document for public review with an improved “compare and contrast” analysis on how the non-exempt/exempt AFA vessels are restricted in the Gulf of Alaska through existing AFA regulations, and also including in the analysis an examination of the effects of new Coast Guard safety regulations. Additionally, the AP recommends Option 2.4 be revised to read:

Option 2.4: May not exceed the ~~MLOA~~ ~~LOA~~ specified on the ~~LLP~~ ~~FFP~~ for the vessel to be replaced or rebuilt at the time the Coast Guard Act was approved (October 15, 2010).

*Motion passed 21/0.*

#### *Rationale:*

- *The length recorded on the FFP is not verified by authorities.*
- *Using the MLOA and LLP is consistent with other options*
- *New Coast Guard requirements may affect how vessels are rebuilt or replaced.*

### **C-3(a) CGOA Trawl Economic Data Collection**

The AP recommends the Council move forward with analysis of an economic data collection program for the GOA trawl sector outlined as follows: Economic data pre-catch shares for the GOA trawl inshore sector to understand the effects of a GOA trawl catch share program for the following economic indicators (see table below):

#### Harvesters (trawl fisheries as specified)

1. Crew compensation
2. Captain compensation
3. Investment in gear
4. Effects on fuel consumption and costs
5. Effects on observer costs

#### Processors (all fisheries)

1. Number of labor hours
2. Total processing labor payments
3. Number of processing employees
4. Number of non-processing employees

#### Community (all fisheries processor usage)

1. Water usage
2. Electrical usage

#### Catcher Processor

Collect data on catcher processors based on current Am 80 EDR and modify as necessary to collect information relevant to the GOA.

Harvester, Processor and Community Data will be collected by a third party organization, such as PSMFC, that is not subject to the Freedom of Information Act. The third party organization will aggregate the data for each sector for release to NMFS and/or the NPFMC.

<b>HARVESTERS</b>			
<b>Data Type</b>	<b>Data Element</b>	<b>Fishery/Area/Gear</b>	<b>Catcher Vessels</b>
Crew and Crew Payments	Payments to crew	GOA Trawl	Annual
	Payments to captain	GOA Trawl	Annual
	Crew license number/CFEC permit number (Data available from other sources besides individual vessel operations?)	Trawl	Annual
Costs	Gear purchases	Trawl	Annual
	Fuel used – gallons	GOA Trawl	Annual
	Fuel used – cost	GOA Trawl	Annual
	Observer costs	GOA Trawl	Annual
<b>PROCESSORS</b>			
<b>Data Type</b>	<b>Data Element</b>	<b>Fishery/Area/Gear</b>	<b>Shoreplants &amp; Floating Processors</b>
Processing Labor	Man-hours	All	Monthly
	Total processing labor payments	All	Monthly
	Processing employees	All	By month or quarter
Other labor	Payments to foremen, managers, and other non-processing employees at plant	All	Annual
<b>COMMUNITIES</b>			
Utilities	Electric	All	Monthly
	Water	All	Monthly

Add a check box to the logbook if skippers move their fishing location because of Chinook salmon PSC. The logbook "check the box if you moved to avoid salmon" regulation for the Bering Sea is located at §679.5.

*Motion passed 21/0.*

*Rationale:*

- *This represents concise data elements which can be expeditiously collected to establish a baseline before a catch share program is put into place.*
- *These data elements, at these levels, represents data which can be accurately reported by industry, avoiding a "garbage in/garbage out" approach.*
- *In designing this data collection program, we should apply lessons learned from other EDR programs.*
- *The intent of these data elements is to avoid duplicative reporting.*
- *Additional data collection can be designed as part of a catch share program once we know what that program looks like and what post-catch share information we may want to collect.*

### **C-3(b) CGOA Trawl Catch Shares**

The AP recommends that the Council request an expanded discussion paper which includes the following:

1. Expand discussion of state waters management and options for addressing this in a catch share program.
2. Explore potential mechanisms to ensure active participation by owners of vessels and harvesting privileges and applicability to various fisheries and sectors – include data on current ownership/participation in discussion paper.
3. Potential benefits and detriments of limited duration quota allocations, such that it does not create a perpetual property right.
4. Identification of possible bycatch management measures (for halibut, Chinook salmon and Tanner crab).
5. Identification of possible performance metrics (e.g. bycatch control, active participation and low lease rates) upon which to base ongoing quota allocation.
6. Expanded discussion of provisions under MSA (16 U.S.C. §1853a(c)(3)) to provide for direct allocations to Community Fisheries Association(s) (CFAs).
7. Discussion of opportunities for gear conversions and applicability to various fisheries/species.
8. Include discussion of 2 pie split (harvester allocation to both harvesters and processors)
9. A review of PSC bycatch reduction programs that have been implemented in other rationalized fisheries.

*Motion passed 20/0.*

#### *Rationale:*

- *The discussion paper does a good job of fleshing out many of the decision points in this action, but additional discussion of these few areas will better inform us about key decision points and options.*
- *A catch share program in the GOA will permanently change GOA fisheries, therefore it is important to get this right up front.*
- *An additional discussion paper phase will provide an opportunity for impacted stakeholders to participate at a Council meeting more easily accessible to Gulf communities.*

The AP recommends that the Council request staff to review the following outline, one example of a catch share program that was brought forward by the public, for MSA compliance and completeness. We recommend that the Council consider this and additional stakeholder proposals at the next Council meeting.

### **1. INSHORE/CP SECTOR ALLOCATION**

#### **I. Sector definitions**

- a. Inshore sector: Trawl C/V or C/P LLP licenses that did not process catch on board and onshore processors.
- b. Catcher processors: Trawl C/P LLP license that processed its catch on board.

#### **II. Species Identification**

- a. Target Species
  - Allocations for the trawl CP and CV sectors for Western/Central Pacific cod (Amendment 83), CGOA rockfish program (Amendment 88) and GOA pollock (Amendment 23) are maintained with this fishery management plan.
- b. Prohibited Species
- c. Secondary Species

#### **III. Allocation method between sectors**

## 2. INSHORE CATCH-SHARE PROGRAM ELEMENTS

### I. Co-op Formation Criteria/Rules

- a. Co-op formation rules
  - Harvesters must be a member of a cooperative in association with a processor.
  - Allocations will be to the cooperative based on the history of the LLPs that belong to the cooperative.
  - Harvest of groundfish allocations and PSC will be managed by the cooperative.
  - Other (yet to be determined)
- b. Co-op formation criteria
  - Define eligible harvesters and processors
- c. Harvester-Processor association rules
  - Initial Co-op formation based on historical delivery patterns. Delivery patterns captured by specified qualifying years.
  - Delivery agreement with mechanisms to move:
    - o Open access?
    - o Leave behind time / amount?
- d. Inshore Co-op Allocations
  - Target and Secondary Species
    - Establish history derived from landings made by LLPs:
      - Option 1: 2003-2008 (no drop)
      - Option 2: 2008-2012 (no drop)
      - Option 3: 2003-2012 (Drop 0, 1, or 2 years)
  - PSC
    - Pro rata based on all target species catches for the CV sector during the same qualifying years as selected for designated target and secondary species

### II. PSC Management and Incentives

- a. 100% observer coverage
- b. Gear conversion option by species

### III. Community Protection and Enhancement

- a. Historical port of landing requirement
- b. Consolidation caps & use restrictions
  - Harvesters
  - Processors
  - Cooperatives
- c. Skipper/crew
- d. Mechanisms to expand underutilized groundfish harvest
- e. Mechanisms for entry

### IV. Sideboards

### V. Management and Oversight

- a. Monitoring and enforcement
- b. Program review and data collection

*Motion passed 14/6 with 1 abstention*

#### *Rationale:*

- *Harvesters and processors have worked hard to respond to the Council's request and put this proposal forward.*
- *This represents one stakeholder proposal and should be considered along with additional proposals at the next Council meeting at which this agenda item is scheduled.*
- *Putting this proposal forward does not signify that this is the AP's preferred action.*

*Minority Report: A minority of the AP opposed this proposal. They believe the framework: (1) was developed without input the all stakeholders; (2) included premature details like qualifying years and other details that there has been no analysis to support; and (3) does not include the concerns expressed in written and public testimony on a wide variety of issues related to rationalization in the Gulf of Alaska. This minority appreciates the work that went into the framework but would prefer to see further discussion and analysis before putting forward one specific path for Catch Shares. Signed by: Jeff Farvour, Alexis Kwachka, Chuck McCallum, Andy Mezirow.*

### **C-3(c) Western Gulf of Alaska Trawl Issues**

The AP recommends the Council consider the following goals when crafting a purpose and need statement to address concerns in the WGOA trawl fisheries:

1. Provide effective controls of prohibited species catch and provide for balanced and sustainable fisheries and quality seafood products.
2. Maintain or increase target fishery landings and revenues to WGOA communities.
3. Maintain or increase employment opportunities for vessel crews, processing workers, and support industries.
4. Provide increased opportunities for value-added processing.
5. Maintain entry level opportunities for fishermen.
6. Maintain opportunities for processors to enter the fishery.
7. Minimize adverse economic impacts of consolidation of the harvesting or processing sectors.
8. Encourage local and active participation on harvesting vessels and use of fishing privileges.
9. Maintain the economic strength and vitality of all WGOA communities.
10. Recognize historic participation and dependence on WGOA fisheries.

The AP further recommends the Council adopt a control date of March 1, 2013. Any catch history after this date will not be considered in any allocation system when designing a future management system for the Gulf of Alaska.

*Motion passed 20/0 with 1 abstention.*

#### **Rationale:**

- *Setting goals and objectives for the catch share program is a critical first step.*
- *Both the Aleutians East and Lake and Peninsula Boroughs have passed resolutions recommending these goals: this motion is responsive to the impacted community's concerns.*
- *Setting a control date is very important to preclude people from racing for history.*

The AP recommends the Council initiate a discussion paper that brings forward the following proposal presented in public comment and revised by the AP. *Motion passed 16/5.*

### **Pollock Trawl Catch Share Plan**

**Participation Criteria:** To be eligible, a vessel must have made at least 10 deliveries of trawl caught pollock in the directed Western Gulf pollock fishery between 2000–2012. Eligible vessels will have quota share issued based on landings in the directed pollock fishery between 2000–2012.

- |           |              |
|-----------|--------------|
| Option 1: | Drop 0 years |
| Option 2: | Drop 1 year  |
| Option 3: | Drop 2 years |
| Option 4: | Drop 3 years |

**Vessel Size Categories:** "A" shares shall be awarded to vessels <60' and "B" Shares shall be awarded to vessels >60'. "A" shares may not be bought, leased, or otherwise transferred or used on vessels >60'. "B" shares may be bought, leased, or transferred by any size vessel.

*This provision provides for community stability and maintains the fleets based in Sand Point and King Cove.*

**Ownership Caps:** No vessel may own more than:

- Option 1: 5%
- Option 2: 8%
- Option 3: 10%

of the pollock quota. Grandfather Clause: Any vessel whose initial allocation exceeds the cap may fish all shares issued, but may not acquire additional shares.

**Skipper Shares (S Shares):** The purpose of this section is to recognize the role of hired skippers in this fishery and to provide a means of entry for new skippers. Skippers, as verified by *contracts with vessel owners or by fish tickets*, shall receive:

- Option 1: 10%
- Option 2: 15%
- Option 3: 25%

of the quota share issued to qualified vessels. The total skipper share allowance for each vessel shall be divided between eligible skippers based on landings accrued by each skipper.

Skipper eligibility will be based on participation between 2008–2012.

Such shares are subject to all other transfer restrictions; Skipper shares may only be transferred to a person who does not own any A or B shares; and holders of Skipper shares must be on board when their shares are harvested and landed.

**Community Protection Landing Requirements:** All shares of trawl caught pollock must be processed in King Cove, Sand Point, Akutan, or Dutch Harbor in proportion to the average of landings in a community between:

- Option 1: 2005–2012
- Option 2: 2010–2012.

This provision keeps processing within the current communities, thereby protecting the existing plants without granting them processing rights, thus avoiding the need to set up ROFRs.

**Cooperative Formation:** Coops may be formed in order to manage individual vessel bycatch limits, gear requirements, and other measures that provide for the orderly harvest of the pollock TAC while staying below the bycatch allocation(s).

### **Pacific Cod Trawl Catch Share Plan**

**Participation Criteria:** To be eligible, a vessel must have made at least 10 deliveries of trawl caught P. cod in the directed Western Gulf P. cod fishery between 2000–2012. Eligible vessels will have quota share issued based on landings in the directed P. cod fishery between 2000–2012:

Quota share will be based on the eligible vessels landings in its highest years within the qualifying period.

- Option 1: Drop 0 years
- Option 2: Drop 1 year
- Option 3: Drop 2 years
- Option 4: Drop 3 years



**Vessel Size Categories:** “A” shares shall be awarded to vessels <60’ and “B” Shares shall be awarded to vessels >60’. “A” shares may not be bought, leased, or otherwise transferred or used on vessels >60’. “B” shares may be bought, leased, or transferred by any size vessel.

*This provision provides for community stability and maintains the fleets based in Sand Point and King Cove.*

**Ownership Caps:** No vessel may own more than:

- Option 1: 2%
- Option 2: 25%

of the P. cod quota. **Grandfather Clause:** Any vessel whose initial allocation exceeds the cap may fish all shares issued, but may not acquire additional shares.

**Skipper Shares (S Shares):** The purpose of this section is to recognize the role of hired skippers in this fishery and to provide a means of entry for new skippers. Skippers, as verified by *contracts with vessel owners or by fish tickets*, shall receive:

- Option 1: 10%
- Option 2: 15%
- Option 3: 25%

of the quota share issued to qualified vessels. The total skipper share allowance for each vessel shall be divided between eligible skippers based on landings accrued by each skipper.

Skipper eligibility will be based on participation between 2008–2012.

Such shares are subject to all transfer restrictions; Skipper shares may only be transferred to a person who does not own any A or B shares; and holders of Skipper shares must be on board when their shares are harvested and landed.

**Owner-On-Board Provisions:** We are not in favor of requiring “A” and “B” quota share holders to be onboard during fishing.

**Community Protection Landing Requirements:** All shares of trawl caught P. cod must be processed in King Cove, Sand Point, or Akutan in proportion to the average of landings in a community between:

- Option 1: 2005–2012
- Option 2: 2010–2012

This provision keeps processing within the current communities, thereby protecting the existing plants without granting them processing rights, thus avoiding the need to set up ROFRs.

**Cooperative Formation:** Coops may be formed in order to manage individual vessel bycatch limits, gear requirements, and other measures that provide for the orderly harvest of the P. cod while staying below the bycatch allocation(s).

### Pacific Cod Pot Catcher Vessel Catch Share Plan

**Participation Criteria:** Eligible vessels will have quota share issued based on landings in the directed P. cod pot fishery between 2000–2012.

Quota Share will be based on the eligible vessel’s landings in its highest \_\_\_\_ years.

**Vessel Size Categories:** “A” shares shall be awarded to vessels <60’ and “B” shares shall be awarded to vessels >60’. “A” shares may not be bought, leased, or otherwise transferred or used on vessels >60’. However, “B” shares may be bought, leased or transferred by any size vessel.

*This provision provides for community stability and maintains the fleets based in Sand Point and King Cove.*

**Skipper Shares (S Shares):** The purpose of this section is to recognize the role of hired skippers in the fishery and to provide a means of entry for new skippers. Skippers, as verified by contracts with vessel owners or by fish tickets, shall receive:

- Option 1: 10%
- Option 2: 15%
- Option 3: 25%

of the quota share issued to qualified vessels. Such shares are designated as “S” shares. If more than one skipper is eligible for a single vessel’s skipper share allowance, the shares shall be divided between eligible skippers based on landings accrued by each skipper.

Skipper eligibility will be based on participation between 2008–2012.

**Transfer Restrictions:** Skipper shares may only be transferred to a person who does not own any A or B shares; and holders of Skipper share must be on board when their shares are harvested and landed.

**Ownership Caps:** No vessel may own more than \_\_\_% of the WGOA pot cod allocation. Grandfather clause: Any vessel whose initial allocation exceeds the cap may fish all shares issued, but may not acquire additional shares.

**Community Protection Landing Requirements:** All shares of WGOA pot cod must be processed in King Cove, Sand Point, or Akutan in proportion to the average of landings in a community between:

- Option 1: \_\_\_\_\_
- Option 2: \_\_\_\_\_

**Owner-On-Board Provisions:** We are not in favor of requiring quota share holders to be onboard during fishing.

Because the pot sector does not fall under any bycatch restrictions, there is no need to provide for cooperatives.

*Motion passed 16/5.*

*Rationale:*

- *It’s critical that the WGOA catch share program be implemented on the same timeframe as the CGOA catch share program.*
- *Forwarding this proposal now will begin the process of analysis and additional stakeholder proposals can be submitted the next time the Council takes this action up.*

**C-4(a) Final Action on BSAI Crab ROFR**

The AP recommends the Council adopt the BSAI Crab Community Provisions, Right of First Refusal (ROFR) revisions for final action, selecting the following alternatives:

**Action 1**

Alternative 2: Increase an entity’s time to exercise the right from 60 to 90 days, and increase the time to perform under the contract from 120 to 150 days.

**Action 2**

Provision 1, Alternative 2: Remove the provision under which a ROFR lapses if IPQ are used outside the community for a period of 3 years.

Provision 2, Alternative 3: In the event a community entity fails to exercise the right on a transfer of PQS, the purchaser of the PQS shall name a new eligible community as ROFR holder.

### Action 3

Alternative 2: Apply the right to only the PQS.

- a. The AP also recommends removing the following **bold/underlined** language within Action 3, Alternative 2: **“The appraiser shall establish a price that represents the fair market value of the PQS, but may adjust the price to address any diminishment in value of other assets included in the PQS transaction subject to the right.”**

*A motion to adopt Alternative 1 (status quo) under Action 3 failed 11/9.*

*A motion to adopt Alternative 3 modified to read: crab related assets, under Action 3 failed 19/2.*

### Action 4

Alternative 2: Require community consent to move IPQ outside the community.

### Action 5

Alternative 2 – Require the 5 additional notices to right holders and to NMFS.

### Action 6

The AP recommends that the Council take no action on Action 6 at this time but that it be brought back on its own at a future meeting if there is no private resolution. *(Amendment passed 15-6)*

*Motion passed 21/0.*

#### Rationale:

- *Public testimony indicated that stakeholders seem to have reached consensus on many items including Action 1, Action 2 Provision 1, Action 4 and Action 5.*
- *This action will strengthen the Right-of-First-Refusal and offer real protections to crab communities.*
- *Final action is appropriate at this time after years of stakeholder and Council staff work on the crab community protections.*

*Minority Report on Action 6 above: A minority of the AP opposed the separation of Action 6 from the rest of the ROFR package, favoring moving the entire package together as final action at this time. Issuance of PQS to Aleutia is a reasonable solution to this issue that affirmatively acknowledges the eligible crab communities' right-of-first-refusal as a fundamental part of the BSAI crab rationalization program. Signed by: Tim Evers, Jeff Farvour, Becca Robbins-Gisclair, Chuck McCallum, Andy Mezirow, and Ernie Weiss.*

### D-1 Miscellaneous Issues

The AP recommends that the Council request staff to report back with a complete suite of proposed regulatory language necessary for consistency between federal regulations with the State definition of a “Fishing Guide” as proposed by the D-1 discussion paper. *Motion passed 19/0 with 1 abstention.*

#### Rationale:

- *Making state and federal regulation consistent eliminates ambiguity in regulation and helps clarify what is considered guiding.*
- *Consistent state and federal regulations will simplify enforcement.*
- *Adopting the state definition for the charter fishery will reduce "leakage" from guided sector into partially guided sector*

## D-2 Staff Tasking

The AP recommends the Council initiate a discussion paper that may lead to creation of two stand-alone options as described below:

Option 1. Create new subsectors within the existing WGOA and CGOA Pacific cod HAL CP sectors.

Option 2. Establish sideboard limits for the WGOA and the CGOA for the HAL CP harvesters who are qualified to fish in BSAI and in the GOA.

*Motion passed 17-3.*

### *Rationale:*

- *This would provide options for addressing the concerns of the GOA FLLs who are not currently in the co-op.*
- *These 3 vessels who are not in the co-op are currently vulnerable, initiating a discussion paper with these options would investigate methods for providing protection to these vessels absent participation in a co-op.*

*Minority Report: A minority of the AP contend that addressing GOA HAL CP sector disputes can most adequately be handled through a cooperative structure. Signed by: Joel Peterson, Anne Vanderhoeven, Neil Rodriguez.*

The AP recommends the Council reconsider the BSAI halibut bycatch paper discussion paper reviewed in June 2012. *Motion passed 21/0.*

### *Rationale:*

- *Current halibut stock status numbers are now available: biomass is continuing to go down and the overall state of the halibut resource is continuing to not look good.*
- *Directed halibut fishery catch limits in the Bering Sea were reduced significantly this year and commercial fishermen continue to raise concerns about bycatch.*
- *Given these factors, it is important to take a look at bycatch in the Bering Sea at this time.*

The AP recommends the Council request that IFQ proposals go through the IFQ Implementation Committee. *Motion passed 20/1.*

### *Rationale:*

- *Channeling IFQ proposals through the IFQ committee will utilize the Council's formal process and will save time and resources for the Council by utilizing the committee to screen proposals.*