

North Pacific Fishery Management Council

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ADVISORY PANEL MINUTES

February 3-7, 2015

Seattle, Washington

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

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

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

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

Election of Officers

The AP elected Becca Robbins Gisclair as Chair; the *motion passed 21-0*. Ernie Weiss and Ruth Christiansen were elected co-Vice Chairs; the *motion passed 21-0*.

Minutes from the December 2014 meeting were approved.

C1 CDQ Pacific Cod Fishery Development

The AP recommends that the Council select Alternative 4 with Option 1 and sub-Option 3.3 as the preferred alternative for final action. *Motion passed 20-0*.

Rationale:

- The preferred alternative addresses many of the original concerns expressed by the CDQ groups including an exemption for vessel length; the requirement for a vessel list to be submitted to NMFS on annual basis; necessity for partial observer coverage; and modified CAS procedures.
- Collaborative guidance on this issue has been provided from multiple parties throughout the entire action including the small boat fleet, NMFS, Enforcement, Council staff, the AP, and the Council.
- The PA provides the much needed opportunity for small vessels to harvest and retain P. cod and halibut simultaneously (which reduces discards) and is flexible enough to be workable for all the CDQ groups.

C2 EM Research Plan

The AP appreciates the work that has gone into the Cooperative Research program by the EM workgroup. We encourage the Council and NMFS to continue engaging with industry and EM service providers to develop the details of a 2016 pre-implementation plan.

While understanding the focus of the 2016 pre-implementation work will be on the Council identified priority of the 40' to 57.5' LOA fixed gear vessels, the AP recommends 2016 EM work advance EM integration on fixed gear vessel larger than 57.5' LOA and vessels fishing pot gear where EM may provide a more cost effective means of gathering at-sea data to the extent possible.

Finally, the AP wishes to emphasize the need to develop a workable EM alternative in the near term using current technologies, while recognizing the need to establish a multi-stage vetting process to incorporate new technologies as they are proven reliable and necessary.

Motion passed 21-0.

Rationale:

- Through this motion, the AP encourages the agency and Council to keep up all the good work and progress towards EM implementation that has been made to date.
- The new inclusion of vessels over 57.5' LOA is included to show that there is wide support to broaden the program and get usable technologies in place on as many vessels as possible; however, the AP in no way wants to slow down or hinder the timeline for pre-implementation in 2016. The AP also recognizes that the Council's priority has been to focus on vessels 40' to 57.5' LOA, which was previously unobserved.

C3 Aleutian Island Pacific cod Allocation

The AP recommends the Council take no further action on this item. *Motion passed 11-10.*

Rationale:

- There is currently no viable shore-based processing plant in the Aleutians. In the past, when a processor has been open on Adak, the plant has received fish from CVs and the community has received the benefits from CPs making port stops for fuel, food, etc. Nothing currently prohibits shoreside deliveries to Adak if a plant is operating.
- The AP has previously recommended to delay potential action on this agenda item (February 2014) and the analysis doesn't present any new information to support a differing action at this time.
- The potential for excessive shares under the proposed action are contradictory to National Standard 4.
- The proposed action will likely force vessels to spend more time fishing in the Bering Sea where halibut PSC is worse. Halibut PSC in the Bering Sea is a major agenda item the Council is facing this meeting.
- For leverage and price negotiations, multiple markets are very important to fishermen who shouldn't be required to deliver to a single shoreside market for a fixed period of time.

*Minority Report: A minority of the AP voted against the substitute motion and supported the original motion to recommend the analysis be released for public review and that the Council schedule final action, with the following clarification to the problem statement (added language in **bold/underlined**):*

The American Fisheries Act, BSAI Crab Rationalization, and BSAI Amendment 80 management programs provided benefits to processing vessels that were intended to protect their investments in, and dependence on, the respective fishery resources. Each of these programs has also afforded participants opportunities for consolidation, allowing for increased participation in the non-rationalized BSAI Pacific

cod fishery in the Aleutian Islands, thus, diminishing the historical share **of BSAI Pacific Cod** of other industry participants and communities that depend on shore based processing in the region.

The minority feels that the analysis should move forward for final action, with the addition of the one clarification to the problem statement. The minority believes that the Aleutian Islands communities merit the stability afforded by Alternative 2, given that before 2008, 69% of the AI Pcod was delivered to shore plants compared to only 38% of AI Pcod delivered to shore plants after 2008. This issue has been in front of the Council since 2008, as 4 discussion papers and 4 versions of Initial Review drafts and it's time to move forward. The options in Alternative 2 will help to address the concerns about stranding quota. Adak and Atka need processing opportunity to sustain their communities. Providing stability for these shore plants and communities should be one of our highest priorities. Signed by: John Crowley, Alexis Kwachka, Jeff Farvour, Jeff Stephan, Andy Mezirow, Jeff Kauffman, Theresa Peterson, Becca Robbins Gisclair, Chuck McCallum, and Ernie Weiss.

C5(a) Halibut Deck Sorting EFP

The AP recommends the Council move forward on the deck-sorting EFP as soon as possible.
Motion passed 20-0.

Rationale:

- Shows interest of A80 sector commitment to getting halibut back into the water to reduce mortality.
- Learning process and one size doesn't fit all so this increases education for everyone.

C5(b) BSAI Halibut PSC Limits

The AP recommends the Council release the document for public review with the changes noted below (additions underlined, deletions in ~~strikethrough~~):

Alternative 1. No action.

Alternative 2. Amend the BSAI Groundfish FMP to revise halibut PSC limits as follows (*More than one option can be selected*).

~~**Option 1.** Establish seasonal apportionment of halibut PSC in the BSAI trawl limited access sector.~~

Option 1~~2~~. Reduce halibut PSC limit for the BSAI Trawl Limited Access Sector by: a) 10 percent, b) 20 percent, c) 30 percent, d) 40 percent, or e) 50 percent.

Option 2~~3~~. Reduce halibut PSC limit for the Amendment 80 Sector by: a) 10 percent, b) 20 percent, c) 30 percent, d) 40 percent, or e) 50 percent.

Option 3~~4~~. Reduce halibut PSC limit for Pacific cod hook-and-line catcher vessel sector by: a) 10 percent, b) 20 percent, c) 30 percent, d) 40 percent, or e) 50 percent.

Option 4~~5~~. Reduce halibut PSC limit for Pacific cod hook-and-line catcher/processor sector by: a) 10 percent, b) 20 percent, c) 30 percent, d) 40 percent, or e) 50 percent.

Option 5-6. Reduce the CDQ halibut PSQ limit by: a) 10 percent, b) 20 percent, c) 30 percent, d) 40 percent, or e) 50 percent.

Option 6. Reduce halibut PSC limit for other non-trawl (i.e. hook and line catch vessels and catcher processors targeting anything except Pacific cod or sablefish) by: a) 10 percent, b) 20 percent, c) 30 percent, d) 40 percent, or e) 50 percent.

~~**Alternative 3.** Implement measures in the Amendment 80 sector to provide opportunities for deck sorting of halibut, or other handling practices that may provide an opportunity to reduce mortality of halibut that cannot be avoided.~~

The AP recommends the analysis include:

- Analysis of impacts on the halibut resource and economic impacts on the directed halibut fishery of U26 halibut PSC.
- Analysis of the effects on communities of halibut PSC/reductions in directed halibut fishery quota.
- Inclusion in the economic analysis of potential changes in fishing behavior in response to PSC limit changes.
- An analysis of benefits to halibut fisheries from reduced bycatch limits and community impacts, include coastwide impacts on commercial, charter, sport and subsistence fisheries, not just Areas 4CDE.

Rationale:

- This motion is intended to address the immediate crisis and immediate need to reduce halibut bycatch in the BSAI groundfish fisheries. It is critical that the timeframe to take final action in June be maintained in order to have any reductions in place for 2016 or and avoid being faced with the same emergency situation next December when the IPHC sets catch limits.
- Removal of Option 1 and inclusion of Option 6 were incorporated per staff recommendation. In addition, Alternative 3 for deck sorting EFP was removed since it was previously addressed by the AP.
- Inclusion of the 50% option for each of the various sectors would result in the 1.285 million pound Area 4CDE allocation being maintained in the future. Had the IPHC not increased the 2015 allocation from the Blue Line, Area 4CDE would have seen an 86% reduction to their FCEY.
- Inclusion of 50% option should not be an additional analytical burden. From the analysis the original 35% cap didn't have an effect upon some sectors so this addition would provide a fuller opportunity to gauge effects of PSC reductions.
- As presented in public comment, the directed halibut fisheries currently have a smaller percentage of O26 catch than they have had from 2011 to 2014, which has resulted in a defacto reallocation of halibut to trawl fleet. This is compounded by the fact that the overall total amount of halibut available to all users has decreased by approximately 46% over that same time period.
- Consideration of National standards 1, 4, 8 & 9 are critical to this action.
- In an effort to maintain the June timeline for final action, the four points highlighted for additions to the analysis pick up the most critical deficiencies as noted by the SSC and are considered to be the highest priority for decision-making purposes.

Amendment to above motion:

The AP further recommends, as a separate action, the Council initiate a discussion paper on the range of potential approaches for comprehensive halibut PSC management in the Bering Sea Groundfish fisheries, including:

1. Halibut PSC limits based on the status of the halibut resource (using projections of total biomass, projected spawning biomass, or other appropriate indices of abundance and productivity), such that all uses are based on the health and sustainability of the resource. This approach would include an examination of indirect scaling to halibut abundance using the Spawning Potential Ratio (SPR) or a catch share approach.
2. Halibut PSC management based on individual vessel accountability or Individual Bycatch Quotas.

Rationale:

- Immediate PSC reductions and long-term abundance-based solutions need to be linked. In this way, PSC reductions are a blunt tool, which, in the current situation would not be a feasible or effective long-term solution when halibut biomass levels begin to increase and BSAI groundfish fleets could become artificially restrained.
- It is recognized that halibut biomass can vary greatly; therefore, a more refined management tool is necessary in order to accommodate all users of the resource including the directed halibut fleet and BSAI groundfish fisheries. An abundance-based solution would work to more equitably share the burden of stewardship and conservation for the halibut resource at all biomass levels.
- Through a separate discussion paper, development of a longer-term solution is in no way intended to slow down the immediate action of reducing halibut PSC amounts.
- Sector level reductions may not be adequate. Some co-ops or bycatch users did not provide reports to the AP to convey their past and future efforts to reduce halibut mortality.

The amendment passed 20-1; the final motion, as amended, passed 14-7.

Minority Report: *A minority of the AP felt that adding the additional sub-option of a 50% reduction to halibut PSC limits for all sectors while also fast tracking the package is problematic:*

- *The economic analysis is incomplete and doesn't adequately explain the impacts, particularly at the higher end of PSC reductions.*
- *Reductions at the higher end are about a reallocation of halibut.*
- *A balanced approach to halibut PSC reductions is needed, a 50% cut goes beyond what's reasonable and the impacts are simply too great.*

Signed by: Matt Upton, John Gruver, Paddy O'Donnell, Mitch Kilborn, Sinclair Wilt, Kurt Cochran, and Jerry Downing.

Minority Report: *A minority of the AP supported an amendment to the motion to add the following information to come forward in the analysis: "Add the table on page 131 of the IPHC 2015 "blue book" or annual meeting to chapter 3.1.2 Halibut Fishery Management in the EA. The table shows the spawning biomass, fishing intensity (harvest rate) and exploitable biomass from 1996-2015. A brief qualitative discussion of the IPHC stock assessment changes since 2011 and the impacts on the estimated exploitable and spawning biomass would also be helpful." This is pertinent information that failed to come forward, and would be valuable to the analysis. Signed by: Matt Upton, John Gruver, and Paddy O'Donnell.*

D1 GOA Tendering

The AP recommends the Council update and review the report again in one year (February 2016).
Motion passed 19-0, with 1 abstention.

Rationale:

- Bringing back an updated report in one year will give us more data for the observer program and the proposed GOA trawl bycatch program.
- Scheduling a new report sends a message that Council will be monitoring future tendering activity.

D2 BSAI Crab 10-year Review

The following motion, as amended, failed 14-4.

The AP recommends the Council adopt the proposed (February 2015) Crab Rationalization 10-Year Review Work Plan in order to evaluate the Program and identify any potential areas of improvement. The AP recognizes that the commercial crab industry has engaged in several voluntary efforts to address issues raised during the 5-Year Review of the Crab Rationalization Program. As such, the AP recommends that the Council postpone completion of the 10-Year Crab Rationalization Program Review for two years to allow further collection of the economic data needed to adequately and effectively evaluate current industry efforts towards addressing previously raised Program concerns.

The following amendment to the motion passed 10-8.

The AP further recommends the Council examine as part of the 10-year review:

- *The efficacy of the community protections trailing amendment*
- *Impacts of intra-company transfers and custom processing outside community of origin*
- *Impacts of crab rationalization on captains and crew*
- *Socio-economic impacts of loss of crew jobs to communities*
- *Discussion of active participation requirements & implementation.*

Rationale against the motion (majority)

Members of the AP did not support the motion as amended for several different reasons, including:

- *Including specific items for analysis is premature at this time and disruptive to the intent of the original motion put forward for consideration.*
- *The motion requests a delay to collect further data – specific requests for analysis should be included at that time and to do so now is contradictory to the intent of the delay.*
- *The program review should focus on changes that have occurred since the 5-Year Review, thus the review should be delayed to provide a full data set since finalization of the previous review, not based solely on a calendar year.*
- *Voluntary measures put in place by the crab industry in response to areas of concern highlighted as part of the 5-Year Review are only now being reflected each year in the Crab Economic SAFE and as part of the annual Cooperative Reports to the Council. Postponing review for an additional two years should allow for a full five years of data on these changes.*
- *Others opposed the motion because they did not feel a delay was appropriate:*
 - *The Council specified a 5 and 10 year review as part of the crab rationalization program.*

- *These reviews were part of the “contract” for the program, and the timeline should be maintained.*
- *There will always be additional data if we wait longer – that does not necessitate a delay in this case.*

Rationale for the motion (minority)

Members of the AP supported the motion for some of the following reasons:

- *Including specific items for analysis is appropriate - Council staff requested guidance from the AP as to what specific points might be included in the review and this motion provides specific areas of interest, including suggestions from public testimony.*
- *The timing of the review will be dependent on data availability as it is, and a specific timeline should be addressed by the Council under staff tasking.*

D3 Norton Sound Red King Crab OFLs/ABCs

The AP recommends the Council adopt the OFL and ABC for Norton Sound Red King Crab as approved by the SSC. *Motion passed 21-0.*

Rationale: The AP is encouraged by, and appreciates, all the hard work the CPT continues to do on model development for this species.

E1 Staff Tasking

The AP recommends the Council initiate a discussion paper to consider allowing partial offload of crab deliveries in the Western Aleutian Golden King crab (WAG) fishery. *Motion passed 18-0*

Rationale: This motion is responsive to public comment and the AP feels it is worth exploring the concept with the initial focus on WAG, but not precluding future expansion to all crab species.

The AP approves the Current AP Policy Regarding Preparation of AP Minutes attached to these minutes. *Motion passed 18-0.*

Current AP Policy Regarding Preparation of AP Minutes

January 29, 2015

The Advisory Panel (AP) minutes provide a voting record of the meeting of the AP, as well as rationale for the AP's actions. As such, it is important the AP minutes provide an accurate picture of the agenda items considered and discussed by the AP at the meeting. The following guidelines are intended to guide the AP in preparation of their minutes.

- The vice chair(s) of the AP, with assistance from the AP's Council staff, and approval of the Chair, have primary responsibility for keeping records of AP motions.
- The AP minutes will include any motions that are passed by a majority vote, including any amendments made.
- The AP minutes will also include any motions that fail on a close call vote. Determination of whether a vote qualifies as a "close call" will be made by the Chair.
- The AP minutes will include the result of votes taken (for-against-abstentions)
- The AP minutes will include rationale for motions that are passed in the form of bullet points. For "close call" votes, the AP minutes will include rationale both for and against the motion.
- Minority reports may be included in the minutes if signed by 3 members who voted in the minority.
- Minority reports are included in the written AP minutes in *italicized* print, but are not read into the record during the oral report to the Council.
- Rationale points and minority reports will be of a length and complexity appropriate to that of the underlying motion. In most cases this will consist of a few rationale points or paragraphs, but more complex motions may justify more extensive rationale points and/or minority reports. Final determination as to the appropriate length lies with the Chair in consultation with the vice chair(s).
- Only matters discussed at the AP table in the course of the meeting will be included in the minutes, including rationale points and minority reports.
- AP members are responsible for providing the text of any motions they make. Motions which are not contained in written materials available in the Council documents, or complex in nature (e.g. longer than a couple of sentences) should be provided in writing to the AP either on paper or to be projected on the screen.
- AP members should provide rationale in support of motions they make to the AP vice-chair(s) after a vote on the motion has been taken. AP vice chair(s) may provide rationale as practicable when rationale is not provided by the maker of the motion.
- AP minutes will be circulated for review by AP members periodically throughout the AP meeting to ensure that minutes are ready in a timely manner for consideration by the Council as they consider each agenda item. AP members are expected to review the minutes as they are distributed. Any edits or changes should be noted to the vice chair(s) and/or AP Council staff. Any changes of a substantive manner will be discussed by the AP as a whole before such changes are made.
- Until the AP minutes for a particular agenda item have been approved by the AP Chair for distribution to the Council, they are not to be distributed to members of the public.
- The AP Chair has responsibility for final editing of the AP minutes. The Chair may edit the minutes to ensure it accurately reflects the actions of the AP, noting that any substantive changes require approval by the AP as a whole.