
C5 ADVISORY PANEL MINUTES

C5 BSAI COD CV TRAWL LAPP



C5 MOTION 1 – PURPOSE AND NEED

- The AP recommends the Council revise the purpose and need statement to specifically include reducing bycatch and bycatch mortality as an intended goal of the program. The new language is indicated in bold as follows:

*Over the last several years, total allowable catch for Pacific cod in the Bering Sea-Aleutian Island has steadily decreased. The pace of the fishery has contributed to an increasingly compressed season, resulting in decreased ability to maximize the value of the fishery and negatively impacting all fishery participants (catcher vessels, motherships, shoreside processors, and communities). This race for fish also discourages fishing practices that can minimize bycatch and threatens the sustained viability of the fishery. The Council is considering the development of a cooperative-based program to improve the prosecution of the fishery, with the intent of promoting safety and stability in the harvesting and processing sectors, increasing the value of the fishery, providing for the sustained participation of fishery dependent communities, **reducing bycatch and bycatch mortality to the extent practicable**, and ensuring the sustainability and viability of the resource.*

Motion passed 12-6



C5 MOTION 2 –ELEMENTS AND OPTIONS

- The AP recommends the Council adopt the following additions (**in bold and underlined**) and deletions (~~in strikethrough~~) to the suite of Elements and Options for a second Initial Review Analysis.

Note, additions and deletions are captured in detail in the written motion. This powerpoint only highlights the changes.

Main motion as amended passed 22-0



C5 MOTION 2 – ELEMENT 1

Element 1. Cooperative Style Systems

~~Option 1.1 One AFA cooperative and one non-AFA cooperative—~~

- Stricken in its entirety (*Amd 1, passed 22-0*)

Option 1.2 Voluntary harvester cooperatives with no minimum number of licenses required.

- Clarify that licensed processor = **FFP and FPP**
- Suboption 1.2.1: add clarification that **“Unique” LLPs are not required to form a cooperative.**



C5 MOTION 2 – ELEMENT 2 (1 OF 2)

Element 2: Allocation to LLP Licenses

Option 2.1 Eligibility

- Add eligibility criterion for an LLP license, ~~as of February 7, 2019 (control date)~~, assigned to an AFA trawl CV that had BSAI Pacific cod in 1997
- Add new: **Suboption: Establish a range of minimum threshold percentages for eligibility to receive harvest shares.**

Option 2.3 Harvester allocations.

- Add new: **Option 2.2.5: Allow <60' CV trawl vessels with only AI endorsements to drop years where the Adak plant was not in operation during A season.** (*Amd 3, passed 21-1*)



C5 MOTION 2 – ELEMENT 2 (2 OF 2)

Element 2: Allocation to LLP Licenses

Option 2.5 Option to allocation A and B season BSAI trawl CV Pcod only

- Add **Suboption: Reallocate a range of $\frac{1}{3}$ to $\frac{2}{3}$ of current C season allocation into A and/or B season allocation.**

(Amd 2 to include and/or before B season passed 17-5)

Substitute motion to strice suboption completely failed 11-11



C5 MOTION 2 – ELEMENT 3

Element 3: PSC Limits

Option 3.1 Status quo methodology

- Suboption 3.1.1: Establish trawl CV Pcod halibut PSC 4and crab PSC apportionment.... *(Amd 4 passed 14-8)*

Option 3.2 Reduce halibut and crab PSC apportionment 4in this program by 10% to ~~25%~~ 40%. **Any reduction from this program should not then be available as an increase to PSC for other sectors and should result in an overall PSC reduction.** *(Amd 4 passed 14-8)*

- Add **Suboption 3.2.1: Set halibut PSC apportionment limit to BSAI trawl cv cod sector using a lookup table utilizing IPHC halibut setline survey and NMFS trawl survey measures of halibut abundance. This stair step approach would result in an annual PSC apportionment limit correlated to a high, medium, low and very low abundance of halibut, as determined by the lookup table.** *(Amd 5 passed 13-9)*



C5 MOTION 2 – ELEMENT 4 (1 OF 2)

Element 4: GOA Sideboards

- Option 4.1 ~~All AFA LLP licenses or~~ **GOA non-exempt (Cod and non-cod qualified)** CVs will be sideboarded as to all Gulf of Alaska (GOA) fishing activity, except for the CGOA Rockfish Program, based on their Gulf catch history during the BSAI Pacific cod qualifying period
- Option 4.2 AFA GOA-Exempt **and non-AFA** CVs will not be permitted to **lease their BSAI Pacific cod cooperative quota** ~~transfer their BSAI cod history on their respective LLP license as a condition of continuing to benefiting~~ from its **a** GOA exemption
 - Suboption 4.2.1: AFA GOA Exempt **and non-AFA** CVs with LLP licenses of less than a threshold **200 mt, 400 mt, or 600 mt** amount of qualifying BSAI cod history may **lease** their BSAI cod history and ~~continue to benefit from~~ GOA **sideboard** exemption.
 - Add **Suboption: AFA GOA Exempt and non-AFA CVs can only lease their cod to vessels in their own “class” – meaning AFA GOA exempt can only lease to GOA Exempt and non-AFA CV’s can only lease cod to non-AFA CVs.**



C5 MOTION 2 – ELEMENT 4 (2 OF 2)

Element 4: GOA Sideboards

Option 4.3 Non-AFA LLP licenses would be sideboarded in the GOA based on their GOA catch history...

- *Amd 6: Strikeout removed from option 4.3, passed 14-8*
- **Add language: The cooperatives will be required to monitor GOA AFA and non-AFA exempt vessels to ensure they do not lease their BSAI Pacific cod CQ and level penalties for those that do. Cooperatives will be required to report leasing activities and any penalties issued in their annual report.**
- Add 2 additional suboptions:
 - **Suboption: Sideboards will be license based (applies to any option in element 4)**
 - **Suboption: Apply sideboards to AFA LLP licenses only.**



C5 MOTION 2 – ELEMENT 5

Element 5: Processor and Community Provisions

- Add: Option 5.3 Limit number of trawl CVs in directed BSAI Pacific cod that can deliver to eligible C/Ps acting as motherships.
 1. An LLP license that is owned (in excess of 75%) directly or indirectly by the owner of a catcher processor LLP eligible for the offshore sector of the target non-CDQ BSAI Pacific cod fishery (as of February 7, 2019) will qualify for the offshore sector, ~~or~~
 2. Council will develop other eligibility thresholds for independently owned LLPs on catcher vessels to deliver directed BSAI Pacific cod to C/Ps acting as motherships.

Only CQ arising from the history of an LLP license qualifying for the offshore sector will be permitted to be delivered offshore.

Only vessels that are assigned LLP licenses that qualify for the offshore will be permitted to make offshore deliveries.

Vessels using LLP licenses that are permitted to deliver offshore may also deliver any or all of the CQ derived from the LLP license to shore based or floating processors.

(Amd 7 to strikeout “or” passed 22-0)



C5 MOTION 2 – ELEMENT 6 (1 OF 2)

Element 6. AI Processor Provisions

Option 6.2 in any year when community files notice of intent to process...

- Strike word in Suboption 6.2.1: In the event any Aleutians community shore plant allocation is not ⁸fully harvested by March 21, ... (*Amd 8, passed 12-9*)
- Add **Sub-option 6.2.3: AI trawl vessels less than 60' LLP will be eligible under the program to receive and harvest ¹⁸~~any and all~~ of the Annual Aleutian Islands community shore-plant allocation (Option 1: 50%; Option 2: 25%; ¹⁸Option 3: 10%) of which must be harvested by these vessels. These vessels will be eligible to join a cooperative annually in association with the Adak and/or Atka plant regardless of whether they otherwise qualify for the program.** (*language edits to suboption 6.2.3 in Amd 18, passed 22-0*)



C5 MOTION 2 – ELEMENT 6 (2 OF 2)

Element 6. AI Processor Provisions

Option 6.2 in any year when community files notice of intent to process...

- Add **Supoption 6.2.4 a performance standard of: (50%, 60%, 70%)**
(Amd 8, passed 12-9)
- Add **Suboption 6.2.5: The AP recommends that staff explore a framework similar to the emergency delivery exemption regulations under the BSAI Crab program. that would allow the City of Adak or Atka to withdraw its intent to operate notice during the season in the event of an emergency** *(Amd 8, passed 12-9)*



C5 MOTION 2 – ELEMENT 7

Element 7. Transferability

Option 7.1 Catch histories are attached to LLP licences...

- **Add Supoption: For the LLPs associated with the non-exempt AFA vessels, within ninety (90) days of publishing the Final Rule of this program, the owners of the LLP licenses that are associated with AFA non-exempt catcher vessels that had engaged in fish transfer agreements during the qualifying periods will be allowed to transfer the quota shares between other LLPs associated with AFA non-exempt vessels. Upon redistribution of the initial allocation to the designated LLP license, the BSAI P. Cod harvest quota shares will no longer be severable from its applicable LLP license to which it was reassigned**



C5 MOTION 2 – ELEMENTS 8, 9, 10

Element 8. Ownership and Use Caps

- Add statement: **Vessels over the cap at the time of implementation are grandfathered.**

Element 9. Cooperative Provisions

- No change

Element 10. Share duration

- No change



C5 MOTION 2 – ELEMENTS 11, 12, 13

Element 11. Monitoring

- Add **Option: Exempt CVs that deliver unsorted cod ends to an at-sea mothership from the full coverage observer requirement**

Element 12. Reporting and Program Review

- No change

Element 13. Cost recovery

- No change




C5 MOTION 2 – ELEMENT 14 (1 OF 2)

Element 14. Gear ⁹~~Conversion~~ Flexibility

- Add text (including bullets on 2nd slide):

⁹Pacific cod allocations associated with trawl CV license may be fished with pot gear. A pot endorsement is not necessary, but the LLP license must have the appropriate area endorsement. Harvest of cod quota in pots would continue to be deducted from the annual trawl cooperative quota account to which the LLP is assigned, and will not affect sector allocations.

Vessels identified to harvest cod quota with pots, specified by the quota holder, would be ¹⁰(eligible for cooperative membership) ~~required to join a cooperative~~ on an annual basis without having cod trawl history.

(Amd 9 changed title/replaced text from motion (strikeout not shown here), passed 15-7;  Amd 10 to change language in 2nd paragraph and strike numbered list on slide 2 failed 3-19)

C5 MOTION 2 – ELEMENT 14 (2 OF 2)

Element 14. Gear ~~Conversion~~ Flexibility

- (continuation of added text):
 1. PSC use
 - Vessels using pot gear to harvest cod Cooperative Quota would adhere to all PSC practices and directives adopted by the Cooperative.
 - PSC would be assigned along with the CQ to vessels using pot gear.
 - PSC use would be deducted from the PSC allocated to the Cooperative.
 - ¹¹Consider whether sideboards are necessary to protect pot cod CVs that aren't part of cooperative, or don't have benefit of the quota. (Amd 11 passed 13-8)
 2. Monitoring requirements would be the same across gear types.
 3. Season dates would be the same.
 4. Eligibility Only Pot catcher vessels are eligible for participation



C5 MOTION 2 – ADDL RECCS (1 OF 4)

- **In addition to the specific changes above, the AP recommends the Council include the following into the next analysis:**

- Under Element 5, develop use rules or restrictions for use of the harvest quota that processors receive that considers the following potential concerns:

Distributing cod quota so that member vessels have approximately an amount of available cod quota that as they would have had before the processor's harvest shares were deducted;

Assigning more cod quota to the vessels the processor owns or controls;

Using the quota as a bonus to entice new members to join;

Trading cod quota for deliveries of other species (pollock, crab, other groundfish);

Establishing a right of first refusal or some way an independent vessel can get access to harvest shares they contributed to a processor; and

Transparency or an accounting of where a vessel's harvest shares went so they know what processor to negotiate with.



C5 MOTION 2 – ADDL RECCS (2 OF 4)

- ¹²The analysis should consider impacts to TLAS fishery participants if trawl CVS who secure quota in the cod fishery increase their participation in the TLAS fishery and whether sideboards are necessary to protect the other participants of the TLAS fishery. ¹³For the YFS segment of the TLAS trawl fishery, include discussion of 8 qualifying offshore CVs and of latent capacity on AFA CPs.

(Amd 12 passed 22-0, Amd 13 second sentence passed 19-3)



C5 MOTION 2 – ADDL RECCS (3 OF 4)

- ¹⁴The AP recommends that Council ask staff to analyze and quantify the history of reallocations from CV trawl to other sectors, and examine options to maintain that catch history under any new management structure. Specifically, analysis should include: clear data on amounts transferred, percentage of sector's final allocation, transfer timing and season origination of the reallocation (A, B or C). Include secondary reallocations.

~~^{14,15}Analyze potential changes to the reallocation hierarchy that prioritize directed fisheries, prioritize sectors that have historically depended upon in-season reallocations from the trawl CV sector, and clarifies the relationship/precedent between parallel directives (i.e. when to use directives applying to all CV's vs those applying to only trawl CV's). Include a description of how reallocation decisions ¹⁶including the state water fishery allocations are currently made, including factors that result in unharvested quota, that influence timing, and that determine reallocation recipients.~~

(Amd 14 (2 paragraphs) passed 20-2; Amd 15 deleted sentence passed 21-1, Amd 16 added text passed 13-9)



C5 MOTION 2 – ADDL RECCS (4 OF 4)

- ¹⁷Western Alaska communities through the CDQ program, as well as coastal communities across the Gulf of Alaska, are invested in, and/or will be impacted by this cod trawl CV rationalization package. The information provided by Initial Review draft on these potential community impacts is limited and needs to be more fully analyzed and understood in order to properly weigh the various National Standards under the MSA.

(Amd 17 passed 22-0)

Main motion as amended passed 22-0



C5 MOTION 3 – COMMUNITY ALLOCATIONS

- The AP supports initiating a discussion paper on fishing community allocations in response to small boat, entry level, and community access challenges identified in ¹Bering Sea communities Unalaska and Akutan dependent on Pacific cod.

The discussion paper should review the applicability, utility, and challenges of a fishing community allocation as provided under section 303A(c)(3) of the MSA. Council staff may use the FCA proposal submitted by the Unalaska Native Fishermen's Association (UNFA) in public comment as a strawman to analyze the administrative and operational components, questions, and benefits of FCAs as a tool for addressing community protections ²for vessels under 58 feet.

Motion passed 12-6; Amd 1 passed 18-4, Amd 2 passed 19-3

