



**ADVISORY PANEL
Motions and Rationale
April 2-6, 2024 - Anchorage, AK**

REPORT

April 2-6, 2024 – Anchorage, AK

The Advisory Panel met Tuesday, April 2, through Saturday, April 6, 2024, at the Hilton Hotel in Anchorage, AK. The following members were present for all or part of the meetings:

Agayar, Tiffany
Briggie, Tamara
Burk, Eva Dawn
Carroll, Shannon
Evens, Nels
Gudmundsson, Gretar
Heuker, Tim

Johnson, Jim
Johnson, Mellisa
Kavanaugh, Julie (remote)
Laitinen, Rick
Lowenberg, Craig
Mann, Heather (Co-VC)
Howard, Lauren

O'Donnell, Paddy
Price, Landry
Radell, Chelsae
Ritchie, Brian (Chair)
Wilkins, Paul (Co-VC)
Zagorski, Suzie

C1 Scallops

Motion

The AP recommends the Council adopt the 2024/25 and 2025/26 Scallop OFL and ABC as recommended by the SSC.

Motion passed 21/0

Rationale in favor of motion:

- *The AP appreciates the continued diligence of the assessment author, Scallop plan team, and SSC in continuing to develop an assessment model and monitoring the Scallop stock off Alaska.*

C2 Salmon Bycatch

(Formatting key: this motion is based on the previous motion passed by the Council. New text is underlined, removed text is in ~~struck through~~.)

The AP recommends the Council move forward with the chum bycatch action item to reduce chum bycatch and refine associated alternatives.

The AP recommends the Council revise the alternatives for an initial review analysis as follows. Alternatives and options are not mutually exclusive unless otherwise indicated below.

Alternative 1: Status Quo

All action alternatives apply to the entire Bering Sea pollock B season, the season in which chum salmon are taken as bycatch (prohibited species catch or PSC).

Alternative 2: Overall bycatch (PSC) limit for chum salmon

Option 1: Chum salmon PSC limit based on historical total bycatch numbers: range of 22,000 ~~200,000~~ (~~~4,246~~ ~~35,400~~ Western Alaska chum salmon) to ~~1280,000~~ 1550,000 (~~~54,040~~ ~~197,350~~ to 1106,150 Western Alaska chum salmon).

Option 2: **(indices can apply to all alternatives)** Chum salmon PSC limit triggered by Western Alaska chum salmon abundance indices based on the prior years' chum salmon abundance. ~~Suboptions below are mutually exclusive.~~

Suboption 1: Three-area chum salmon index based on summed, rounded value midpoints of Yukon River summer and fall chum escapement goals + ANS + Guideline Harvest Limits (2,539,000) ~~Yukon River summer + Yukon River fall run abundance (950,000 + 575,000)~~; Kuskokwim River composed of the Bethel test fishery CPUE (10,000 ~~2800~~) + Bethel sonar + Kogrukuk River weir escapement + harvest information (TBD, through work with KRITFC); Norton Sound composed of summed escapement for the Snake, Nome, Eldorado, Kwiniuk, and North Rivers and total Norton Sound harvest (268,421 ~~57,000~~).

If 3/3 areas are above index threshold, chum salmon PSC limit for the following year is X ~~no chum salmon PSC limit the following year.~~

If 2/3 areas are above index threshold, chum salmon PSC limit for the following year is X.

If 1/3 or no areas are above index threshold, chum salmon PSC limit for the following year is X.

~~Suboption 2: Chum salmon index based on Yukon River summer + Yukon River fall run abundance~~

~~Suboption 2a: Yukon River summer chum salmon (950,000)~~

~~If index is above threshold, chum salmon PSC limit the following year is X.
If index is below threshold, chum salmon PSC limit the following year is x.~~

~~Suboption 2b: Yukon River summer chum salmon (950,000) and fall chum salmon (575,000)
If 2/2 areas are above index threshold, no chum salmon PSC limit the following year.
If 1 or no areas are above index threshold, chum salmon PSC limit the following year is X.~~

Option 3: (must be selected with Option 1 or 2): PSC limits are apportioned among CDQ, catcher processor, mothership and inshore sectors (using a blended adjusted CDQ bycatch rate as with Amendment 91) based on:

Suboption 1: historical total bycatch by sector using the 3-year average (2020 – 2022)

Suboption 2: historical total bycatch by sector using the 5-year average (2018 – 2022)

Suboption 3: pro rata 25% AFA pollock allocation & 75% historical total bycatch (2020 – 2022)

Suboption 4: pro rata based on AFA apportionment

The sector limits are further apportioned at the cooperative level in proportion to each cooperative's pollock allocation. Chum salmon PSC can be transferred between sectors and among vessels within a cooperative. Reaching a limit closes the pollock fishery sector to which the limit applies.

~~**³Alternative 3: Chum salmon PSC limit with an associated Western Alaska chum salmon bycatch annual limit**~~

~~³Establish an annual limit of ~~4,246 to 54,040~~ 40,000 to 53,000 Western Alaska chum salmon PSC based on the 3-year average 2020-2022 range of historical bycatch numbers and an overall chum salmon PSC limit from Alternative 2. Both the overall PSC limit and the Western Alaska chum salmon annual limit will be apportioned according to the options considered under Alternative 2.~~

~~³Each sector's portion of an overall chum salmon PSC limit of ~~(option 1: 200,000 and option 2: 280,000~~ option 1: 450,000 and option 2: 550,000) is in effect. If a sector exceeds its western AK chum salmon PSC annual limit in any three of seven consecutive years, the sector's portion of an overall chum salmon PSC limit of ~~(option 1: 22,000 and option 2: 54,000~~ option 1: 200,000 and option 2: 300,000) is in effect until Western Alaska chum salmon PSC does not exceed the sector annual limit for three years.~~

Alternative 4: Additional regulatory requirements for Incentive Plan Agreements (IPAs) to be managed within the IPAs

⁴Incorporate industry proposed measures developed to further prioritize avoidance of areas and times of highest proportion of Western Alaska and Upper/Middle Yukon chum salmon stocks and analyze the associated savings and tradeoffs.

4Include in the IPA regulatory language at 50CFR 679.21(f)(12)(iii)(E) the following additive changes

1. **4Require the pollock sectors to describe in their IPA how historical genetic stock composition data is included in chum salmon avoidance measures.**
2. **4Require the pollock sectors to describe in their IPAs how they monitor for potential chum salmon avoidance closures more than once per week.**
3. **4Require the use of salmon excluders for the duration of A and B season.**
4. **4Require the pollock sectors to describe in their IPA the restrictions or penalties for vessels that have significantly higher chum bycatch.**
5. **4Require IPAs to provide weekly salmon bycatch reports to Western and Interior Alaska salmon users to allow for more transparency in reporting.**
6. **4Require the catcher processor (CP) sector IPA to prohibit fishing in bycatch avoidance areas for all vessels regardless of performance when ADFG weekly stat area bycatch rates exceed 5 chum per ton of pollock.**
7. **4Require the catcher processor (CP) sector to develop chum salmon vessel outlier provisions and implement within their IPA.**

Option 1: Require a chum salmon reduction plan agreement to prioritize avoidance in genetic cluster areas 1 and 2 for a specified amount of time based on two triggers being met: 1) an established chum salmon incidental catch rate and 2) historical genetic composition (proportion) of Western Alaska chum salmon to non-Western Alaska chum salmon.

Option 2: Additional regulatory provisions requiring Incentive Plan Agreements to utilize the most refined genetics information available to further prioritize avoidance of areas and times of highest proportion of Western Alaska and Upper/Middle Yukon chum salmon stocks.

Industry should submit a detailed proposal of IPA changes under Alternative 4 for inclusion into the Initial Review analysis prior to the February Council meeting. The proposals should consider a process to include local and traditional knowledge from Western and Interior Alaska salmon users in the development of IPA measures. The following is a list of potential measures that could be developed for incorporation into the IPAs and/or through regulation:

- ~~Option 1 trigger 1 and trigger 2 values~~
- ~~Adjusted base rates to implement a closure~~
- ~~Adjusted closure area size~~
- ~~Adjusted closure duration~~
- ~~Application of the closures to all vessels not just those above the base rate~~
- ~~Genetic data~~
- ~~Genetic cluster thresholds~~
- ~~Additional vessel level incentives/penalties for chum salmon avoidance~~

Alternative 5: Time and area closure

Consider times and areas for closure to maximize avoidance of WAK chum and/or a regionally specific cap prioritizing genetic cluster area 1, to enact a conservation corridor for WAK chum. Analysis should

consider work regarding the development of a salmon conservation corridor in the State-managed Area M fishery.

⁵Include the following information in the analysis to the extent practicable (in bold and underlined)

- **⁵An impact analysis that includes all removals of WAK chum and known returns of WAK chum to determine the magnitude of impact the bycatch of WAK chum in the pollock fishery has on the WAK chum stock.**
- **⁵Additional ecosystem impacts to the Bering Sea and Alaskan river systems, including but not limited to predator-prey dynamics important to chum and pollock, species shifts north due to warming conditions, and conservation concerns of increased proportions of SE and NE Asian Hatchery Chum in the Bering Sea.**
- **⁵Additional context to better understand the impact to CDQ programs by capturing revenue streams via additional communications and estimated percentage of pollock associated with CDQ and/or some additional description of potential implications for harvesting partnerships.**
- **⁵Potential unintended consequences of apportionment schemes that disproportionately affect individual sectors, including CDQ, in the Bering Sea Pollock fishery.**
- **⁵Vessel level apportionments under Alternative 2 and vessel level impacts of the alternatives.**
- **⁵Include in the economic analysis a review of the AFA Mothership, CP, and CV licenses and endorsements to determine the extent to which those vessels could move to other fisheries in the BSAI and GOA. This should also include a review of applicable regulations such as sideboards that would further limit vessels with the correct LLP endorsements to participate in other fisheries and areas.**
- **(¹/₅)Data on the Salmon decline to Western Alaska rivers around the turn of the century (²/₅)~~1996-1976~~ -2005**
- **(¹/₅)Data on pollock harvest & PSC Rates in the Trawl fisheries and numbers for the same time frame (²/₅)~~1996-1976~~-2005**
- **(¹/₅)Data on Subsistence harvest same time frame (²/₅)~~1996-1976~~-2005**
- **(¹/₅)Data on return to the rivers and escapement (²/₅)~~1996-1976~~-2005**

⁵The AP recommends the Council request a status report by BBSRI detailing the 2024 in-season genetic testing pilot project, at either the October or December 2024 NPFMC Meeting.

⁶Include a discussion on impacts of crab and crab habitat as a result of changes in fishing behavior by the directed pollock sectors in their effort to avoid prioritized PSC species and potential increased effort in RCKSA.

Amendment¹ (Under Option 1; Alt 2: change from ~~280,000~~ to **550,000** and ~~54,040~~ to 97,350 for WAK)

Amendment 1 passed: 18/2

Amendment to Amendment¹ (change from ~~97,350~~ to **106,150**)

Amendment to the Amendment 1: passed 17/3

Amendment² (add the following language to Alt 2; Option 2: “**indices can apply to all alternatives**”)

Amendment 2 passed: 20/2

Amendment³ (strike Alternative 3)

Amendment 3 passed: 11/9

Amendment⁴ (revise Alternative 4; new language replaced with **bold and underlined** language)

Amendment 4 passed: 20/0

Amendment⁵ (include the following bullet points in the analysis to the extent practicable)

Amendment 5 passed: 18/3

Amendment¹ to Amendment⁵ (include the additional four following bullets under Amendment⁵)

Amendment¹ to Amendment⁵ passed: 20/0

Amendment² to Amendment⁵ (change ~~1996~~ to **1976-2005**)

Amendment² to Amendment⁵ passed: 20/0

Amendment⁶ (include information on impacts of crab and crab habitat)

Amendment 6 passed: 14/7

Main Motion as Amended Passed: 21/0

Rationale in support of main motion:

- *AP members noted appreciation that there was respect and collaboration around the table that allowed the AP to unanimously agree to an amended main motion that meets everyone's needs for a second initial review.*
- *The Council is required to develop a reasonable range of alternatives under NEPA which is congruent with various mandates including National Standard 2 and National Standard 9. This was precluded by the range the Council selected in its October 2023 motion. Tribal input and TK was not included to an acceptable degree (NS2), and a range of PSC values was selected whose floor is near the historical average and which barely constrains the industry.*
- *AP members felt this broader range of alternatives will better allow the Council to explore a reasonable range of alternatives and make progress towards reducing bycatch of western Alaska chum.*
- *The salmon crisis as a whole is extremely dire. Bycatch is part of the equation. We need to consider strong management action because of the grave nature of the crisis and because of the long history of inequity regarding the burden of conservation on this issue.*
- *AP members felt developing a reasonable range was important and that this goal was responsive to Tribes which are in a fisheries crisis. Further AP members felt this goal respects and incorporates Traditional Knowledge.*
- *Every salmon counts, especially at this point in the context of Western Alaska salmon declines.*

- *Ap members noted that the SIA showed Tribes and rural subsistence users and commercial salmon fishers cannot bear the entire burden of conservation without serious consequences.*
- *AP members noted they support working towards solutions that are focused on the purpose and need, recognizing that the future analysis will include better impact analysis on issues that are important to the public, including impacts on the processing sector.*
- *The motion as a whole includes potential measures both dynamic and static for analysis, resulting in an overall better suite of alternatives.*
- *An analysis derived from the amended motion shall reveal the presumed foundation that the pollock industry provides for other commercial fishing opportunities in BSAI and GOA, and is expected to reveal the trickle-down impacts to the communities and their dependence on the pollock industry.*
- *Specific to Alternative 2*
 - *There have been consistent calls from Tribes for the PSC range to include low values; and this has support from NMFS to comply with NEPA (see NMFS' letter)*
 - *A 22,000 chum limit represents a Salmon Bycatch Committee recommendation and 10th percentile of chum bycatch 1991-2022. 22,000 was achieved in 2012*
 - *An AP member noted that analyzing a cap below 200,000 is responsive to supplemental DIES comments provided by NMFS. Further it was noted that the council provides NMFS with recommendations and in that process NMFS is the only structural component in the process that is liable to federal trust responsibilities to the tribes. Honoring those responsibilities and incorporating NMFS recommendations to the analysis to meet NEPA guidelines was important to some members of the AP.*
 - *Analysis shows that reductions in chum salmon bycatch - which are likely to happen with a cap - will also help reduce Chinook salmon bycatch.*
 - *Some AP members noted that while there was a lot of public testimony for a 0 hard cap, it was appreciated that the motion presented requested that 22,000 be analyzed further rather than 0.*
 - *Some AP members noted that while they were not supportive of overall chum hard caps, Alternative 2, with limits up to 550,000 chum, maintains a range of limits that is reasonable.*
- *Specific to Alternative 2, option 2*
 - *There needs to be a cap at ALL levels of chum (and pollock) abundance. Alternative 2 Option 2 as adopted by the Council in October contains a version which allows chum bycatch out to infinity.*
 - *The Yukon-only index was removed because an index based approach should be multi-regional - all 3 relevant regions (Norton Sound, Yukon, Kuskokwim) should be used to determine abundance. There are important nuances that may not be captured if only Yukon data is used.*
- *Specific to Alternative 5*
 - *The maker of the motion and some AP members felt Alternative 5 is not intended to be subsumed into Alternative 4 (IPAs); but can be used in conjunction with any of the Alternatives.*
 - *An AP member noted that public testimony from tribes indicated a desire to see an alternative for time/area closures that is regulated outside of the IPA Rolling Hot Spots.*
 - *Some AP members felt that for the optimal utility and adaptability of a corridor, it should be maintained and managed under the IPA.*
 - *AP members were hopeful this alternative may provide an opportunity to have some discussions with LK/TK holders in the Area M region.*

- *AP members were hopeful that this new alternative could provide an opportunity to analyze the idea of windowed openers/closures. Doing so, through coordination with work regarding establishing a conservation corridor in the State-managed Area M fishery, could result in building towards conservation corridors for migratory chum applicable to the Bering Sea.*
- *Progress on Alternative 5 would be a major advance in Ecosystem Based Fisheries Management (EBFM).*
- *AP members were hopeful that analysis of Alternative 5 may reveal data that has the potential for maximizing pollock fishing opportunities while also allowing for WAK chum stocks to rebuild.*
- *Alternative 5 provides a collaborative approach and opportunity for the council, industry, and salmon users to develop a time area triggered conservation corridor closure.*
- *The AP notes that the broad range of alternatives and requested analytical improvements may continue to bring the action in alignment with the MSA National Standards, in particular: NS1 (Optimum Yield); NS4 (Allocations); NS 8 (Communities); and NS 9 (Bycatch).*
- *One AP member noted for the record that while the AP is more inclusive with three tribal-related members, more inclusiveness across all Council bodies would be helpful when discussing these types of issues.*

Concerns with Amended Main Motion

- *Despite not supporting some components of the motion – the 22,000 ceiling under Alternative 2 for example – some AP members supported the motion because it provides a broad range of alternatives and a new alternative that may provide a more targeted means of meeting the purpose and need of reducing impact on WAK chums.*
 - *The likelihood of closing the pollock B season after hitting the 22,000 chum cap is high considering the amount of hatchery fish on the grounds, this harms not just pollock harvesters and processors, but also threatens the viability of shoreside infrastructure. This could impact the ability for shoreside processors to process other species, such as fixed gear deliveries of halibut and sablefish*
 - *Some AP members felt a chum hard cap of 22,000 is not practicable. Including a low PSC cap of 22,000 sets up unrealistic expectations for the public which is unfair and misleading.*
 - *A chum hard cap of 22,000 does not meet the purpose and need of this action to reduce impacts from the pollock fleet on Western Alaska chum while also balancing the national standards, and sets up the pollock fleets for failure.*
 - *A hard cap is expected to primarily protect Asian hatchery fish (not Western Alaskan chum salmon), particularly with billions of hatchery fish being released each year (and those releases being completely out of our control).*
- *The industry working with Alaska natives could incorporate traditional knowledge into Alternative 4 and start achieving success much quicker than a rigid and overly burdensome regulatory process.*
 - *There is a lot of unknown information in the villages about the salmon Incentive Plan Agreements and how they work in the pollock fleet and also about the benefits of the CDQ program to the villages and how threats to the pollock fishery could flow out to the villages.*

- *While the motion maker's intention and rationale behind Alternative 5 was appreciated and respected, one AP member wished to reiterate for the record that the Council process has no jurisdiction over the state-managed fishery Area M fishery.*
- *AP members expressed concerns with Alternative 1. Although many sacrifices have been made, looking at the highest historical bycatch, status quo isn't working.*

Rationale for Amendment 1 (Increase ceiling to 550,000)

- *The NMFS letter puts emphasis on including all reasonable alternatives for NEPA compliance and at this point in the process, it is important to consider the full range that the public is asking for.*
- *There are differing perspectives as to how hard caps function and their purpose (e.g., whether they're meant to be constraining, behavior inducing, or serve as a 'backstop'). It is important to continue consideration of a broad range.*
- *Need to have a broad range because we haven't had an analysis that looks at how Alternative 2 would interact with other alternatives, particularly Alternative 4. This is important because it is possible that the Council will adopt a mix of alternatives.*
- *Looking at an average can be misleading, particularly given the high annual variability of chum bycatch in the pollock fishery, the 43% increase in Russian hatchery production, and the increased likelihood of increased sea temperatures (which may be a driver of increased bycatch) in the future. A limit up to 550,000 allows for the analysis to account for interannual variability in the Bering Sea chum encounters.*

Rationale in Opposition to Amendment 1

- *The lower bound of 200,000 chum is not significantly below the historical average from 2011 onwards. Some AP members felt that an average can be thought of as a way of saying the status quo, which is what we're trying to improve upon.*
- *The fleet was below 250,000 chum bycatch in 7 of the last 13 years. The fleet was below 200,000 in 4 of the last 13 years. The fleet was at ~113,000 in 2023 and ~22,000 in 2012. 280,000 chum is average bycatch from the last 12 years, and should be the upper limit of what is considered.*
- *The fleet has approached or exceeded 550,000 chum PSC in only 2 years since 1991: 710,000 in 2005, and 546,000 in 2021. Yet in the original Council motion, the upper end of the range was placed at 550,000 (or higher in an abundance-index option).*
- *AP members felt there was a need to lower both the ceiling and the floor of the PSC limit range to be reasonable; to meaningfully curb bycatch; to not "overspend" the chum salmon "budget" available to restore runs and fisheries.*

Rationale for Amendment 2 (indices can apply to all alternatives)

- *The indices may have applications under any of the alternatives. It is important that they be analyzed under new alternatives and Alternative 4, for potential application.*

Rationale for Amendment 3 (strike Alternative 3)

- *The analysis states, "It is not possible to manage a PSC limit specific to WAK chum salmon bycatch in season because real-time genetic data are not available. Therefore, the proportion of WAK chum in the overall bycatch is, and would be, assessed after the B season pollock fishery is over. As an example, genetic information on the chum salmon caught as bycatch in the 2024 B season pollock fishery is available in April 2025." The analysis also noted that this genetics information would also be after NMFS has published the BSAI groundfish harvest specifications for the year.*
- *In their presentation, Council Staff pointed out potential issues with the legality of the approach described in Alternative 3, given that the Bering Sea pollock fishery would be unable to know in-season whether they have exceeded a WAK chum threshold.*
- *Although the AP recognizes the importance of being able to prioritize WAK chum stocks rather than Russian and Asian hatchery chum, the scientific capabilities are not currently available to implement real time genetic testing at the the scale the pollock fishery would require, into a potential regulatory package. The timing of the availability of the genetic results that we do have available does not function in a practical or effective way for this Alternative.*
- *Given constant changes in the BS ecosystem and how fish move year to year, moving the fleet based on genetics from the previous year may likely not provide the intended benefit of avoid WAK in the current year, if this Alternative were to be pursued further and ultimately implemented.*
- *Given the breadth and complexity of the work we are asking the Council staff to take on with other alternatives, continuing to explore an alternative that we don't currently have the operational ability to implement at scale, is not a good use of effort.*
- *While there is going to be a pilot project conducted by BBSRI in the 2024 B season, the timeliness of the data and feasibility of implementation at scale is unknown and cannot be analyzed at this time. Given that this project is still in pilot stage, it did not seem appropriate to include this or any other measure in a substitute to Alternative 3; thus the decision was preferred to strike it altogether. There are other ways to ensure the latest genetics work continues to be included in this action, and Amendment 5 covers that.*

Rationale in favor of Amendment 4 (revise Alternative 4)

- *This amendment updates Alternative 4 to reflect industry proposals and recommendations.*
- *Altering Alternative 4 with proposed changes to regulations is responsive to the Council's request, and provides additional accountability and transparency.*
- *Updating the Alternative allows for more opportunity to incorporate proposed provisions, benefits, and tradeoffs into the analysis.*
- *This amendment is responsive to broad support encouraging the industry to continue improvements and adaptations to WAK chum salmon avoidance measures within the IPAs.*
- *IPAs are our best tool for inseason management and while requirements like this are outlined in regulation, it allows for annual changes based on new information and data to be included in the IPA to continue meeting the intended objective.*

Rationale for Amendment 5 (request more info and updates on inseason genetics)

- *All proposed additions are responsive to AP questions to staff and requests from public testimony to address particular gaps in the analysis.*
- *Some of the suggestions were additional data or analyses or methods that Council Staff felt would be appropriate and have utility.*
- *Holistic assessment of all removals of WAK Chum and known returns of WAK Chum are important to trying to better understand the more realistic estimated benefit or impact these measures might have, and to understand magnitude so that management decisions are less based on assumptions of magnitude.*
- *Rapidly changing climate and warming ocean and river conditions have been identified as likely reasons for observed species shifts, ecosystem changes, predator-prey dynamic changes, etc., and should be more fully focused on.*
- *The large and increased proportions of the NE and SE Asian hatchery chum are seriously concerning conservation impacts, have caused concerns among fishermen in the Bering Sea about the carrying capacity and pressure on the Bering Sea Ecosystem, and should be assessed further to provide the council with more adequate information to make management decisions based on ecosystem and conservation impacts or benefits.*
- *Assessment of impacts to CDQ groups were not as well addressed as could or should be. The Council staff identified the road blocks in terms of getting more detailed information on revenue but also described ways to capture the missing revenue streams and therefore impacts to the CDQ communities, directly and indirectly.*
- *The CDQ impacts and benefits should be assessed for more than just their activity in the CP sector but also their investments and involvement in the shoreside and mothership sectors.*
- *Sector specific impacts are still too broad of a scale. The analysis didn't take into account the potential ways limits would or could be apportioned down to the coop and vessel levels therefore not addressing the more significant potential impacts at the vessel level and disproportionately between the sectors.*
- *Including 2023 information into the impact analysis should be considered as it would bring in an additional year of data that is the most relevant to current ecosystem and economic conditions, with particular impact to bullet points 1 and 3.*
- *The AP heard comments and testimony that presumed if shut down in the pollock fishery, vessels in the three AFA sectors could just participate in other fisheries. The economic analysis should further explore the LLPs and endorsements that vessels in the three sectors hold that would allow them to participate in other fisheries in the BSAI and GOA. This should also include additional regulations such as sideboards that would further limit vessels ability to participate in other fisheries that they may be endorsed for.*
- *The shoreside fleet is cooperating with the BBSRI project team, and insight into the potential viability of the program after the B season would be informative and transparent to the public and Council. The AP recommends the Council request information on the logistical viability, successes and potential challenges, and funding outlook of the project.*
- *There is a graph on page 122 of the DEIS that shows chum salmon run size for the Yukon with similar declines in the run as we are seeing over the last few years. Understanding the cause of the decline will better inform the AP in the decision making process.*
- *The DEIS is lacking adequate information on impacts at the individual vessel level.*

Rationale for Amendment 6 (impacts on crab)

- *Responsive to public testimony*
- *The AP recognizes that a quantitative analysis cannot be made at this time due to unknown potential changes in fishing behavior based on the outcome of this action. However, a qualitative discussion on potential impacts is appropriate to be included in the next iteration of the document.*
- *An AP member noted concern for the potential of chum bycatch management measures to potentially extend the pollock B-season into fall crab fishing seasons.*
- *AP members expressed interest in a similar expanded discussion of chum PSC trade-offs with halibut, but considered it could be brought to the Council's attention through the AP rationale.*

Rationale Against Amendment 6

- *Council staff indicated that this (plus impacts on all PSC species) would be done regardless of AP motion (provided there was sufficient guidance provided by the alternatives), rendering the Amendment unnecessary.*

C3 Area 4 Vessel Caps

The AP recommends the Council moves forward with further analysis on Area 4 Vessel Caps with the following changes to the alternatives and recommendations for further analysis (Changes are underlined):

Revise last sentence of purpose and need to include: The Council seeks to increase halibut catch limit utilization in Region 4 areas without undermining other Council and IFQ program objectives, including providing entry level opportunities and sustaining participation by fishery dependent communities.

Alternative 1, No Action

Under the no action alternative, the vessel use caps for IFQ halibut in Area 4 as defined under 50 CFR § 679.42(h)(1) would go back into effect for the 2028 IFQ fishing season. The applicable vessel use caps (discussed more thoroughly in section 3.2.1.4) read as follows:

(h) Vessel limitations —

(1) Halibut. No vessel may be used, during any fishing year, to harvest more IFQ halibut than one half percent of the combined total catch limits of halibut for IFQ regulatory areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E, except that:

(i) In IFQ regulatory area 2C, no vessel may be used to harvest more than 1 percent of the halibut catch limit for this area.

(ii) No vessel may be used, during any fishing year, to harvest more than 50,000 lb (22.7 mt) of IFQ halibut derived from QS held by a CQE, and no vessel used to harvest IFQ halibut derived from QS held by a CQE may be used to harvest more IFQ halibut than the vessel use caps specified in paragraphs (h)(1) introductory text and (h)(1)(i) of this section.

Alternative 2

Create a halibut vessel cap for Area 4 of:

Option 1: 4% of the Area 4 halibut TAC

Option 2: 5% of the Area 4 halibut TAC

Option 3: 6% of the Area 4 halibut TAC

~~Option 4: 150% of the coastwide halibut vessel cap~~

Sub-options: (Can apply to either option)

1. Exclude Area 4A from area 4 vessel cap increases and increased cap calculations

2. Specify that halibut IFQ held by an Area 4B CQE does not accrue towards the Area 4 vessel cap.

3. This action will be reviewed (a. three or b. five) years after implementation of this action or in the next halibut/sablefish IFQ Program Review whichever is sooner.

³⁴4. Vessels may harvest up to the area specific cap in 2C and coast wide cap in 3 and/or 4. Any further harvest over the coastwide cap must be harvested in area 4.

¹Alternative 3

Create a halibut vessel use cap for Area 4 of 150% of the coast wide halibut vessel cap (three-quarters percent (0.75%) of the combined total catch limits). "

The AP recommends that the document come back for initial review after the following clarifications and additions:

1. Additional clarification and update of the purpose and need;
2. Additional narrative to explain the current accessibility and fishing opportunities within the different region 4 areas (4A,4B,4CD) to demonstrate impacts to communities and whether or not there is a need to include all or some,
3. Additional information about the current restrictions in place for quota share transfer and the restrictions they currently imposed on a vessels ability to harvest quota ;
4. ~~²Any alternative recommendations to increase catch limit utilization in Area 4 in light of the continuing decrease in harvest after 4 years of no vessel caps in the region. Ideas include:
 - a. ~~Emergency Rule exemptions~~
 - b. ~~Exempted fishing permits~~
 - c. ~~Onboard processing allowances~~~~

4. ²The AP also recommends that the Council as the IFO committee have a discussion to explore any alternative recommendations to increase catch limit utilization in Area 4 in light of the continuing decrease in harves after 4 years of no vessel caps in the region. Ideas include:

- a. Temporary Rule**
- b. Exempted fishing permits**
- c. Onboard processing allowances**

Amendment¹ (Add Alternative 3)

Amendment 1 passed: 19/0

Amendment² (strike #4 and replace with a new option #4)

Amendment 2 passed: 20/0

Amendment³ (add suboption 4 under Alternative 2)

Amendment 3 passed: 19/1

Main motion as Amended: passed 20/0

Rationale in favor of Amended Main Motion

- *This action was initiated by the community of St. Paul in light of the closure of their processing plant and there continues to be issues of a lack of processing in Area 4B and 4CD. Even prior to the Covid pandemic, Alaska's current industry-wide seafood market collapse, and processor stability issues, Area 4 has always been more expensive and difficult to operate in. When considering changes to vessel caps in Area 4, it is important to remember that its remoteness presents challenges of a scale beyond what other small coastal IFQ-dependent communities face, necessitating continued consideration.*
- *It was expressed in public testimony and at the AP that it is important to maintain the following provisions of the IFQ program: maintaining an owner operating fleet, limiting consolidation and maintaining entry level opportunity.*
- *While the goals of the IFQ program should continue to be met and all IFQ holders may be currently struggling regardless of the area in which they operate, all subareas of Area 4 including Area 4a have always experienced operational difficulty beyond that. Area 4A has processing capacity in the middle of the region and is not experiencing the same hardships in processing as other Area 4 areas. It is important for the analysis to explain the available fishing infrastructure and services available to facilitate fishing in each sub area as the purpose and need states lack of processing capacity as a main driver of this action.*
- *It is important for the next analysis to include information on the limitations currently in regulation prohibiting leases and unlimited transfers of quota and how this could provide further barriers to getting the fish harvested. These regulations are important pillars of the IFQ program and concern was expressed around the potential for further relaxing of regulations which could continue to drive consolidation in the fishery.*
- *Starting on p. 42 in the analysis are a series of graphs broken down by subarea 4A, 4B, 4CD. There is very little narrative to accompany these very informative graphs and it would be helpful to have more information broken down by subarea for analysis.*
- *The issue of getting quota onto a vessel was not discussed in the analysis but is an important part of the working aspect of this action and should be included in the next iteration.*
- *After four years without vessel caps, Area 4 has seen a continued decline in halibut harvest. The IFQ committee, public testimony, and AP members expressed concerns that given current challenges in the fishery, vessel caps may not be the only adjustment necessary to increase harvest in Area 4. There may be other ideas that are more responsive to changing conditions year over year, or other alternatives that may lead to an overall better solution. The IFQ committee is an appropriate venue to facilitate this discussion and the AP hopes that there could be further options for Area 4 halibut harvest increase if it decided that raising vessel caps is not the solution.*

Rationale in Favor of Amendment 1

- *There was interest from public testimony to include a third alternative that creates an Area 4 cap that is 150% of the coastwide TAC. Continuing to consider an alternative that represents 150% of the coastwide TAC also makes the motion more in line with NEPA and MSA requirements.*

Rationale in Favor of Amendment 2

- *There was concern and need for clarifying language that would not restrict fishing practices in the case that vessel caps in Area 4 are raised in the future. This was heard in written and oral testimony as well as raised by conversations with stakeholder groups. There was a concern from the most recent analysis that fishermen would have to harvest their Area 3 fish and then go into Area 4 to harvest the “overage”, or higher cap level that is available in Area 4. In the most recent analysis, the alternatives could be interpreted that if you harvest over the coast wide cap while in Area 4, you could not go back and harvest in Area 3, even if you had remaining quota in Area 3. The intention and goal of the original motion was to create greater access to the Area 4 halibut resource to those that operate out there, not to make them choose whether to harvest in different areas based on restrictive language in regulation.*

Motion 1

D2 Maximum Retainable Amount Adjustments

The AP recommends the Council move the Maximum Retainable Amounts (MRA) Discussion Paper forward as an Initial Review Analysis. For the analysis, the Council should consider a Purpose and Need Statement that incorporates the following points:

- MRA regulations have been developed ad hoc over multiple decades.
- Current MRA regulations need to be updated for improved clarity and reduced complexity.
- Modifying existing MRA trip triggers and accounting will lead to a reduction of unnecessary and wasteful regulatory discards.

The Council should consider the following alternatives for analysis. Alternatives 2, 3, and 4 are not mutually exclusive. Under any of the alternatives, the intention for catcher/processors and motherships is that when and where a species is open to directed fishing that vessels be able to retain all catch and when and where a species is closed to directed fishing they be bound by the MRA. The intention is not for the lowest MRA encountered to apply for the duration of the trip.

Alternative 1: No action (status quo).

Alternative 2: Revise the triggers that end a fishing trip from five to two triggers in the definition of a fishing trip for catcher/processors and motherships. Two triggers would remain: (1) when all fish or fish product is offloaded and (2) if the vessel changes authorized gear type.

Alternative 3: Add additional species to an offload-to-offload MRA application in the BSAI and GOA for all vessel sectors.

Option 1: add BSAI Pacific cod, GOA Pacific cod, GOA pollock, GOA shallow-water flatfish (Increased Retention/Increased Utilization (IR/IU) species), BSAI skates, GOA skates and CGOA Rockfish Program.

Option 2: include all groundfish species.

Alternative 4: Provide exemptions in regulation from MRA requirements in cases of medical emergencies, mechanical emergencies, or poor weather that ends a fishing trip. Triggers that should be considered for an MRA regulatory exception include USCG Form #2692, the Bridge Logbook, or Catcher Vessel Daily Fishing Log (DFL).

The AP recommends that the analysis include all suggested regulatory language revisions identified by NMFS.

Motion passed: 20/0

Rationale in Favor of Motion

- *MRA regulations are important as they allow for retention of unavoidable incidental catch in other target fisheries, thereby allowing for increased utilization where a directed fishery is not possible. However, these regulations have developed and evolved over multiple decades creating a patchwork of rules and requirements that lead to confusion and unnecessary waste. Updating the MRA regulations is needed to improve clarity, reduce complexity, and reduce regulatory discards.*
- *The AP is in agreement that the NMFS recommendations are important to move forward and the intent of the last part of the motion is to have all of NMFS' proposed clarifications contained and analyzed.*
- *There is broad support from multiple different fishing sectors in both the Bering Sea and Gulf of Alaska for moving this to initial review, which is indicative of the overarching positive benefits this action will have.*
- *The positive changes anticipated from this action fit under one of the goals of NOAA's National Seafood Strategy to "Maintain or increase sustainable U.S. wild capture production". They also align with the Alaska Bycatch Taskforce's recommendation where "The State of Alaska should support taking incremental measures through the regulatory process to improve bycatch utilization with a particular focus on species that are otherwise marketable but are caught with non-targeted gear, or discards in a directed fishery that are required by regulation."*
- *There is potential for this action to change fishing behavior that further maximizes MRA utilization and the AP hopes the analysis will include potential changes to fishing behavior.*
- *While changes to MRAs are intended to improve IR/IU and reduce discards, the third bullet for use in the purpose and need could use the word "should" to replace "will" as that is the goal but hasn't been determined in all cases.*
- *Specific to Alternative 2:*
 - *Alternative 2 revises the fishing trip definition for CPs and motherships, changing it from a definition with 5 separate triggers, to a definition with 2 triggers. This would simplify an extremely complex regulatory definition of "fishing trip" into a current common English language understanding of a "fishing trip" – that is, a fishing trip begins when the vessel begins harvesting or receiving groundfish and ends when the product is offloaded.*
 - *Revising the trip trigger definition is expected to make tracking and calculating MRAs easier and less confusing for the fishing fleet. It would also decrease regulatory discards that occur when vessels are forced into complex matrices of MRA accounting for multiple concurrent regulatory fishing trips as described in the discussion paper.*
 - *There is no apparent conservation benefit to multiple concurrent regulatory fishing trips at this stage in which many fisheries are rationalized. In addition, management and enforcement of MRA's will likely be easier if there were less fishing trips to unwind accounting streams for.*
 - *Note that in this alternative, separate management programs (for example A80, CDQ, OA TLAS) would continue to be separate fishing trips, with separate MRA data streams.*
- *Specific to Alternative 3:*

- *Alternative 3 contemplates changes to MRA accounting by moving an additional group of species from the category of “instantaneous” MRA calculations into the category of “offload to offload” MRA calculations. There is a precedent for this type of management - currently BSAI pollock and BS Atka Mackerel MRA’s are calculated offload to offload.*
- *Alternative 3 Option 1 suggests adding a discrete list of species to offload to offload calculations including the remaining IR/IU species to the list. The intent of IR/IU regulations is to minimize discarding of these species and this change will result in exactly that- less discarding of these species. The addition of BSAI and GOA skates are responsive to public comment on this issue. Option 2 suggests analyzing a change to the MRA accounting for all groundfish species in the BSAI and GOA.*
- *Overall, the rationale for analyzing Alternative 3 is to move away from a system of daily regulatory discards that occur as a result of a vessel needing to comply with instantaneous MRAs throughout the fishing trip. Vessels constantly monitor the total catch of basis species for the fishing trip and discard incidental species to ensure they are never over the MRA at any point in time. It is anticipated that moving away from this system will reduce regulatory discards without changing vessel behavior and increasing levels of incidental catch- basically a fish will not have to be thrown overboard just because it was caught at the “wrong” time or on the “wrong” day. However, the AP expects that an analysis will examine any potential changes in behavior from either of the options in Alternative 3.*
- *Specific to Alternative 4:*
 - *Alternative 4 is responsive to public comment and suggests exemptions from MRA requirements in the case of circumstances that are out of the vessel’s control including medical emergencies, mechanical emergencies and poor weather conditions. USCG form #2692 must be completed if there is a serious medical issue or a marine casualty. The Bridge logbook or the Catcher Vessel Daily Fishing Log (DFL) are used to record an issue that causes a vessel to return to port early that isn’t captured in a 2692. Examples of this would be a deck hydraulic failure, VMS failure, broken flow scale, or weather conditions that threaten safety at sea. Using these formal documents, it would then be up to NMFS’ OLE’s discretion whether to grant the exemption. There may be other ways for the mechanics of these exemptions to work and I would expect that this could be fleshed out in the analysis.*

Motion 2

The AP recommends that the Council initiate a discussion paper to explore the potential of increasing the the following existing MRA percentage:

1. The MRA percentage for GOA Aggregated Rockfish, specifically Pacific Ocean Perch (POP), as the incidental catch species and pollock as the basis species in Table 10 to Part 679.
2. **'The MRA for BSAI Skates (Other species) as the incidental catch species and Pacific cod as the basis species in Table 11 to Part 679.**

The discussion paper should include, but is not limited to, the following:

- A history of the implementation of the MRA percentages, including POP stock status at the time of implementation of the **two MRAs.**
- Information on the current GOA POP stock assessment in the GOA **and the Skate stock in the BSAI.**
- Considerations for whether POP should have a separate MRA from the Aggregated Rockfish MRA in the GOA pollock target.
- **Consideration of likely effects of an increase in the MRA percentages on harvest of the stocks and regulatory discards.**

Amendment¹ (Add #2 in the first paragraph - **in bold**)

Amendment 1 passed: 19/0

Amendment² (add the following language **in bold** to three of the 4 bullet points)

Amendment 2 passed: 19/0

Main Motion as Amended: passed 19/0

Rationale in Favor of Amended Main Motion

- *As noted in D2 Motion 1, MRA regulations are important as they allow for retention of unavoidable incidental catch in other target fisheries. In some instances, the MRA percentages applied to particular fisheries have created difficulties in prosecuting the fishery or lost market opportunities. This motion is responsive to specific difficulties with MRA percentages in two fisheries that were raised through public testimony. The AP expects other fleets or fisheries may have MRA % changes that would further minimize regulatory discards, which could be looked at in the context of an MRA % discussion paper.*
- *Encountering POP when directed pollock fishing is becoming a problem that is nearly impossible to avoid in early A season and most of the Fall B season. Conversely, when the fleet is targeting POP, it's becoming equally impossible to avoid pollock. However, the 20% pollock MRA when checked into the Rockfish Program provides more of a buffer from financial penalty, it's still operationally difficult since POP is what the vessels and processors want at that time.*
- *The GOA pollock fleet is seeing and feeling the pressure of a drastic increase in biomass of POP on the fishing grounds. Complicating the issue is also the abundance of pollock and the way they are now moving and schooling together. The two species are also virtually identical on a*

netsounder, making it more difficult to avoid; two vessels can set gear right next to each other on the same sign and one can catch a bag of pollock and one can catch a bag of POP.

- *The AP heard in public testimony a request that POP be separated from the rest of the Aggregated Rockfish MRA species, rather than raising the entire Aggregated MRA above 5%. Including bullet 3 in the motion is responsive to that testimony.*
- *The Aggregated Rockfish MRA has remained 5% in the pollock target since 1995 while retention requirements have changed for other sectors. In April 2019, the Council took Final Action to require full retention of all rockfish species for fixed gear catcher vessels (CVs) in the BSAI and GOA. The Council's purpose and need stated, "Fixed gear CVs in the BSAI and GOA discard a proportion of their incidental catch of rockfish. The greatest amount of discarded rockfish occurs in the GOA hook and line fisheries. Requiring the full retention of rockfish would improve identification of species catch composition when CVs are subject to electronic monitoring, improve data collection by providing more accurate estimates of total catch, reduce incentives to discard rockfish, may reduce waste, reduce overall enforcement burden, and provide more consistency in regulations." Despite this regulatory change for the fixed gear sector, trawl gear remains subject to the 5% MRA, regardless if they are required to keep it all under Electronic Monitoring regulations.*
- *When the MRA tables were put into place for the GOA in 1995, the POP stock was overfished and under a rebuilding plan. A September 1993 Council Memorandum reviewing the Rebuilding Plan for POP in the GOA stated, "The current spawning biomass was 70,800 mt, or less than half of the desired target level of 150,000 mt." We are now far beyond that successful rebuilding plan for POP. Page 2 of 2023 the GOA POP SAFE document states, "For the 2024 fishery, we recommend the maximum allowable ABC of 39,719 tons. This ABC is a 9.7% increase from the ABC recommended by last year's model for 2024 of 36,196 tons. The increase is attributed to the fact that the model has observed six consecutive survey biomass estimates larger than 1 million tons, as well as an increase in survey biomass in 2023 compared to 2021." It's also important to note that the ABC is set well below the Overfishing Level (OFL) of 43,117 tons.*
- *The motion maker did not want to be too prescriptive by specifying a particular POP MRA to be examined, but would prefer a 20% MRA to keep it more in line with existing MRAs.*
- *This discussion paper, if pursued, would only help provide better data since all catch would be weighed at the dock instead of being a discard estimate, allow more POP to at least be utilized as fish meal, and offer a wider buffer of release from MRA fines since the ecosystem and POP biomass has changed so significantly.*
- *Concerns were expressed in AP discussion that increasing the rockfish MRA may lead GOA trawl CVs to utilize an increased MRA to target rockfish. There are multiple reasons why targeting is not likely:*
 - *POP MRAs apply during directed fishing for pollock (an unrationalized fishery), and accrue to the POP Incidental Catch Allowance, which is annually specified each year;*
 - *POP MRAs primarily affect the Kodiak trawl CV fleet and Kodiak's processors do not have the capacity to process large volumes of POP while prosecuting the GOA pollock fishery - there is low value to POP during pollock fishing periods and therefore a disincentive to target POP; and*
 - *Pollock trips mixed with POP affect pollock quality, take up space in the fish hold, and affect product value and lost fishing time due to extended offload duration.*
- *The AP also noted at the table and heard in public testimony that this would meet the Alaska Bycatch Task Force's recommendation: "The State of Alaska should support taking incremental measures through the regulatory process to improve bycatch utilization with a particular focus on*

species that are otherwise marketable, but are caught with non-targeted gear or discards in a directed fishery that are required by regulation.”

Rationale in Favor of Amendment 1

- *The intent of considering an increase to the MRA % is to further minimize regulatory discards of skate by the freezer longline (FLC) fleet and, in the process, improve utilization of the resource.*
- *Recently, as noted in public testimony, FLC members have been experiencing increased market demand for smaller skates, in addition to the traditional market for larger skates. This creates the opportunity for FLC vessels to generate additional revenue from our targeted BS Pacific cod trips through increased retention of encountered skates.*
- *Public testimony indicated an increase in the skate MRA is not anticipated to affect fleet behavior on the harvest of skates, or an increase in overall skate catch. Rather, a change, coupled with the revisions to the application of the MRA, would facilitate greater retention of the skates FLC vessels encounter.*

Rationale in Favor of Amendment 2

- *The changes to bullet one and two are necessary to make language consistent with the addition of skates from Amendment 1.*
- *The intent of the new bullet four is to give prescriptive direction to staff to ensure effects of a potential increase in the MRA percentages on harvest of the stocks and regulatory discards are appropriately addressed in analysis.*