



North Pacific Fishery Management Council

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Advisory Panel MINUTES

APRIL 5-7, 2022 – Anchorage, AK

The Advisory Panel met Tuesday, April 5, through Thursday, April 7, 2022, at the Hilton Hotel, In Anchorage, Alaska. The following members were present for all or part of the meetings (absent members are ~~stricken~~):

Tamara Briggie,
Christiansen, Ruth (Co-VC)
Drobnica, Angel (Chair)
Gudmundsson, Gretar
Tim Heuker,
Johnson, Jim

Johnson, Mellisa
Kauffman, Jeff
Kavanaugh, Julie
Mann, Heather
Lauren Mitchell,
O'Donnell, Paddy

~~O'Neil, Megan~~
Ritchie, Brian
Upton, Matt (Co-Vice Chair)
Paul Wilkins,
Wilt, Sinclair
Zagorski, Suzie

C1 IFQ Omnibus

The AP recommends the following bolded items for final action (underlined language reflects modifications made to Council's October 2021 motion):

Alternative 1: No action

Alternative 2: Revise IFQ program regulations to address the following regulatory clarifications

Element 1: Clarify that “slinky pots” are a legal gear for the IFQ fishery and CDQ fisheries, and revise regulations to allow the use of biodegradable twine in the door latch or pot tunnel.

Element 2: Remove buoy configuration, radar reflector, and flagpole requirements in regulation but retain “LP” marking requirement and for SE and WY, retain flagpole requirement.

Element 3: Authorize jig gear as a legal gear type for the harvest of sablefish IFQ and CDQ.

Element 4: Revise the pot gear configuration requirements to remove the nine-inch maximum width of tunnel opening so it does not apply when a vessel begins a trip with unfished halibut IFQ onboard.

Option: Remove the nine-inch maximum width of the tunnel opening for vessels targeting IFQ sablefish.

Element 5: Pot Limits

Option 1: Change the Pot Limit for Western Yakutat and/or Southeast Outside to

~~¹Suboption a) 160 pots per vessel~~

¹Suboption b) 200 pots per vessel

Suboption c) 300 pots per vessel

Element 6: Gear Retrieval requirements

Option 1: Remove the gear retrieval requirement

Option 2: Modify the gear retrieval requirement to 7 days for the CG all GOA areas

Suboption: 3 days in SEO

Alternative 3: Remove Adak CQE residency requirement for a period of five years. Note: Alternatives 2 and 3 are not mutually exclusive

Amendment¹ (to replace suboption) passed 14-3

Main Motion as amended passed 17-0

Rationale in Favor of Amendment 1

- *While many IFQ vessels may be able to successfully harvest their quota under the current 120 pot limit, it is important to recognize that this is not the case for all operations in the GOA and 200 pots represents more of a compromise for those larger operations. Not all operations will automatically increase to the 200 pot limit level under this Element, but it will provide an important opportunity to improve efficiencies for those operations that can. Concerns about grounds congestion under an increased 200 pot limit are balanced with the modified language contained under Elements 2 and 6 that focus on specific regions where concerns are the greatest.*
- *As noted in public testimony, estimates from those on the grounds state that whale predation is on the order of 30%, which is greater than the current assessment estimate of approximately 17%. An increase in the pot limit will help incentivize the use of pots for those operations that are able, which in turn will decrease the significant level of whale predation that is currently occurring.*

Rationale in Opposition to Amendment 1

- *An increase in the pot limit for WY and SE to 160 would allow for 1-2 more strings of gear to be deployed, which will help with latent time on deck and vessel efficiencies. It was noted in public comment that many IFQ fishermen supported either an increase in pots OR the suboption for 3-day gear retrieval in SE, but not both. The potential for congestion and gear conflicts due to smaller edges and the larger number of QS holders than occur in other areas of the GOA warrants a slow approach to changes and 160 pots was thought to be an adequate incremental step under Element 5. It is important to recognize that not all IFQ organizations and/or fishermen across the GOA are aligned on this Element and that 160 pots is a compromise balance between a pot limit to promote efficiency and gear retrieval requirements to minimize grounds congestion. It is also important to recognize that the majority makeup of the community IFQ sablefish fleet occurs in SE, which accounts for 40% less area when compared to the rest of the GOA.*

Rationale in Favor of Main Motion as Amended:

- *There is widespread support from all IFQ fishermen for the recommended Alternatives and Elements and to further the use of pot gear for IFQ sablefish harvest. The switch to slinky pots especially has made the harvest of sablefish more efficient as well as accessible to vessels of all sizes and classes. The catch per unit of effort continues to increase with changes to the pot configurations, use of escape rings, and potentially increasing the tunnel opening. Overall, actions to further the effectiveness of pot fishing are warranted while also minimizing gear conflicts and recognizing the geographic and socioeconomic differences between regulatory areas and regions.*
- *Regarding Element 1, it is important to allow biodegradable panel on the door latch or tunnel opening so as to not compromise the integrity of the pot mesh while still minimizing ghost fishing by lost pots.*

- *For Element 2 and its modified language, it is important to simplify gear marking requirements by eliminating requirements for extra buoys, radar reflectors, and in the Central/Western Gulf, flagpoles. This recognizes that this extra gear is unnecessary, and flagpoles are at times dragged underwater in the strong currents of the Central and Western Gulf. In response to public comment, the LP markings for all pot sets and the flagpole requirements for both ends of sets in the SE and WY areas are retained. This recognizes that flagpoles make gear more visible and that in the more crowded fishing grounds of SE/WY the enhanced visibility is important to reduce gear conflicts.*
- *For Element 3, allowing the use of jig gear will provide an entry level opportunity for owners of small boats and a diversification option for the existing small boat jig fleet.*
- *Under Element 4, it is important to include the words “unfished halibut IFQ” in this amendment as to not increase any potential for incidental halibut catch. The 9-inch tunnel opening was originally intended as a halibut excluder to reduce incidental catch of halibut. At current configuration with a 9-inch opening, small but legal halibut easily enter groundfish pots. Without the intent to harvest halibut or ability to retain the catch it is important to not encourage a pot configuration that is intended to catch halibut.*
- *Element 6 and its modified language to change the existing gear retrieval requirement for CG from 5 days to 7 days and leave all other regions, especially WY and SE, at status quo recognizes that safety is a priority concern and untended gear in a geographically smaller region such as SE will likely create more gear conflicts. Such conflicts cause snarls and tight hauls and are more likely to result in unsafe conditions and delays that would outweigh having to haul the gear (which is already done in the fishing process) and bring it to town when you leave the grounds.*
- *Regarding gear on the grounds and retrieval requirements, if in the future the FCC allows the use of AIS beacons (or current prototype technology that is legal under the FCC restrictions becomes more accessible), this issue could easily be revisited. Anyone who has been on the ocean can recognize the difficulty in seeing a buoy or flagpole on the horizon. It is common practice to make a radio call on Channel 16 to ask if anyone has gear in the area where you intend to set. If the gear has been left unattended and a radio call is not answered because the vessel is in town, it is highly likely that gear conflicts will occur, especially in the areas most accessible from town that support the fleet of owner operated vessels. The efficiency noted from being able to leave gear on the grounds may create inefficiencies for vessel operators who may have to run an extra 20-50 miles to find a place to set. Preemption of the fishing grounds through untended gear will effectively allow a vessel to “camp out” on a spot for multiple weeks to months by not having to bring their gear into town. In SE, 23% of the vessels are under 49 ft in length and many vessels, including the larger sizes, fish less than the SE quota cap. The ability to fish 5,000 lbs to 50,000 lbs of IFQ sablefish close to ocean entrances is an important aspect of maintaining an accessible fishery and the owner operator provisions, which were instrumental in the creation of the IFQ program. Further, stability objections once associated with the gear retrieval requirement have been largely addressed with slinky pot gear and a vessel should only utilize as much gear as they can transport as was the case when the fishery was strictly HAL. The current option to request a waiver from NMFS to leave gear untended in the event of severe weather or mechanical failure is already in place and should only be considered when such events occur.*
- *Regarding Alternative 3, Adak representatives have indicated that this action is necessary to promote stability and allow time for the community to recover from the impacts of COVID-19 and to attract new opportunities and investments in their local processing plant. The Adak CQE has a history of prioritizing access for its community members and it is anticipated that this will continue as before. Additionally, allowing some temporary flexibility in residency requirements will help prevent the stranding of CQE shares and provide some interim revenue generation to further community stability initiatives.*

C2 RQE Fee Collection

The AP recommends the council adopt Alternative 2, with additions shown in **bold**, as its preferred alternative:

Alternative 2:

Establish a fee collection program for Charter Vessel Operators to fund the Recreational Quota Entity.

Option 1: Charter Halibut Stamp

Administration

- **NMFS will develop regulations to establish the fee requirement for a Charter Halibut Stamp and develop the fee collection system.**
- **The Charter Halibut Stamp will be required for charter vessel anglers 18 years of age and older for each day they intend to harvest halibut on a charter vessel fishing trip in regulatory areas 2C and 3A. This includes charter halibut vessels operated and permitted under the Community Quota Entity (CQE) and Military Morale and Welfare (MWR) programs.**

Fee amount

- **Stamp fees in the first three-years after the implementation of the program cannot exceed the following amounts:**
 - A) One-day stamp - \$20.00**
 - B) Three-day Stamp – \$40.00**
 - C) Seven-day Stamp – \$60.00**
- **After the first three years of implementation, the RQE may increase the fee amounts in each category by up to 10% annually. NMFS will provide the Council with an update on fee increases to the Council.**

Fee payment

- **The Sportfishing Guide Business Owner or their designee (as defined by ADF&G) will be responsible for paying all required fees.**
- **Charter Vessel Guides (as defined by NMFS) will be responsible for ensuring there is a validated halibut stamp on the vessel for each angler subject to the fee for each day of halibut fishing.**
- **Fee payment and charter halibut stamp validation would need to occur prior to departure prior to start of each fishing day.**

In developing these regulations, it is the intent of the Council that NMFS coordinate with the Charter Halibut Committee and the RQE in the development of the stamp requirements and fee collection system and update the Council as appropriate.

Motion passed 17-0

Rationale in Favor

- *In 2016 the Council recommended and in 2018 NMFS issued regulations that authorized formation of a recreational quota entity (RQE) that could participate in the Pacific Halibut and Sablefish Individual Fishing Quota Program in IPHC Regulatory Areas 2C and 3A. The RQE is authorized to purchase and hold a limited amount of commercial halibut quota share that will yield additional pounds of recreational fishing quota on an annual basis to augment the amount*

of halibut available for harvest in the charter halibut fishery. The RQE will provide a mechanism for a compensated reallocation of a portion of commercial halibut quota share to the charter halibut fishery. The regulations associated with the formation of the RQE are intended to promote social and economic flexibility in the charter halibut fishery.

- *This recommended action establishes a funding mechanism for the RQE and is based on industry recommendations through the Charter Halibut Management Committee. Pending Congressional reconciliation, in-depth details regarding some of the mechanics of the funding mechanism were omitted as they will be further developed by the Council, Council Staff, Charter Halibut Management Committee, NMFS staff, and OLE.*
- *A Charter Halibut Stamp (Alternative 2, Option 1) developed by NMFS would be similar to other programs already in place and enforced by ADFG (e.g., ADFG King Salmon Stamp). The use of a stamp instead of an annual user fee would add resolution and use-based equity to fee collection as it would link fee collection to utilization of individual Charter Halibut Permits (CHPs).*
- *Recommended fee amounts are capped at \$20 for a one-day stamp, \$40 for a three-day stamp, and \$60 for a 7-day stamp. It is important to note that these stamps are intended to be valid for consecutive days from the time of initial issuance (regardless of actual angler effort or whether the timeframe encompasses a day of the week closure), which follows ADFG language for other sport-fishing licenses.*
- *Under the proposed recommendations, the sport-fishing guide business owner or their designee (as defined by ADFG) would be responsible for paying all required fees and stamp validation prior to the beginning of any charter fishing fish where the angler has intent to retain Pacific halibut. This would ensure that responsibility for stamp use and proper utilization would be on those who ultimately benefit from its use, which should limit the potential for violations of use or non-issuance.*
- *It is intended for the issuance of the Charter Halibut Stamp to apply to all anglers 18 years of age or older. This ensures that all guided anglers issued a ADFG sportfishing license who intend to retain a Pacific halibut on a guided trip would be required to also possess a valid Charter Halibut Stamp.*

C3 Scallops

The Advisory Panel recommends the Council adopt the 2021 Scallop SAFE report as well as the OFL and ABC as recommended by the Scallop Plan Team and the SSC.

Motion passed 17-0

Rationale:

- *Although the scallop overfished status is “unknown”, the current recommended OFL and ABC levels do not create a conservation concern due to multiple closed areas of known biomass.*
- *The AP appreciates the effort and work by both the Scallop Plan Team and SSC*

C4 CGOA Rockfish

The AP recommends the Council release the analysis for final action and select the following preliminary preferred alternative (shown in **bold** with new language underlined).

Purpose and Need

Since 2007, the Central Gulf of Alaska Rockfish Pilot Program and final Rockfish Program have improved conservation, fish quality, and stability for participants. Program reviews have shown increased vessel accountability, controlled fleet capacity, improved safety, and reduced bycatch. Given changes in the fishery since implementation, several changes to the program regulations would increase flexibility and efficiency, improve functionality, and better ensure the rockfish TACs are fully harvested and landed in Kodiak as intended.

Alternatives

Alternative 1: Status Quo

Alternative 2: Change the season start date and modify the harvesting, processing and cooperative holding caps (options are not mutually exclusive).

Option 1: Change the Rockfish Program season start date from May 1 to April 1.

Option 2: Eliminate the CV cooperative holding cap (30% CQ QS assigned to CV sector).

Option 3: Increase the processing cap to 35 – 40% of the CV quota share pool for sablefish, cod and/or primary rockfish.

Option 4: Revise the vessel aggregated rockfish (POP, northern rockfish and dusky rockfish) harvesting cap by capping only POP harvests at 8% of the CV POP quota share pool.

Motion passed 17-0

Rationale in Favor:

- *All five of the catcher vessel rockfish cooperatives all support Alternative 2 with each of the four options for changing the season start to April 1; eliminating the cooperative holding cap; raising the processing cap from 30% to 40% for primary rockfish, sablefish and Pacific cod; and modifying the harvesting cap to only cap Pacific Ocean Perch. These options will improve flexibility for all Rockfish Program participants including harvesters, processors, and the community of Kodiak.*
- *Under Option 1, changing the season start date from May 1 to April 1 will provide additional flexibility to fully harvest and process the available TACs and to fill in the times of year with low fishery landings to Kodiak. Changing this date to does not require or obligate fishing automatically begin on April 1 but simply provides the opportunity for the cooperatives.*
- *Under Option 2, the analysis points out that the cooperative holding cap is unnecessary and no longer serves a function since the design of the program allows a harvest cooperative to annually associate with any processor it chooses, and a processor can work with more than one cooperative. The processing caps serve as the controls on consolidation, not the cooperative cap. Eliminating the cooperative cap would remove some administrative burden for the cooperative and cooperative manager.*
- *Under Option 3, raising the processing cap to 40% for sablefish, Pacific cod and primary rockfish is necessary to help ensure that all quota is able to be landed. When the original processing cap was implemented in 2012 there were 7 processors active in the fishery but now there are only 4. With the loss of 3 processors, it is difficult to get the entire quota processed*

without exceeding the existing cap. Regulating processing via a limiting cap does not result in more processors but instead strands harvest since processors can't buy more thus resulting in harvesters being unable to find a market to deliver to. The fishery season ends November 15, and if a processor shuts down for the season early for any reason, as one processor did in 2021 and likely will again, it puts further constraints on both the ability to harvest and process the remaining quota.

- *For Option 4, currently the shoreside sector of the rockfish program does not harvest the available quotas for either northern or dusky rockfish. There are 26-28 catcher vessels that typically participate in the program but only a few of these CVs harvest the majority of the northern and dusky rockfish given that these two species are more difficult to catch thus requiring more knowledge and experience. As the analysis notes, removing both northern and dusky rockfish from the harvesting cap will provide both an incentive and the ability for those few CVs that have routinely harvested a larger portion of northern and dusky rockfish to catch more. In addition, the analysis notes that only one to three CVs have approached the harvest cap and based on the participation patterns of the CVs since implementation of the Rockfish Program, revising the vessel use cap for these two species only will likely not contribute to CV consolidation in the fishery.*

D1 BBRKC Info Paper

The AP recommends both short- and longer-term actions to help BBRKC rebuild from a level of serious conservation concern by creating more dynamic adaptive management strategies to protect broodstock and the centers of population abundance, by reducing bycatch and fishing impacts on crab and crab habitat, and by providing habitat and life stage protection measures to enhance recruitment.

¹SHORT-TERM

For the short-term to provide more immediate benefits to the stock, the AP recommends initiating a review of a proposed action to be available in October 2022 to close the RKCSA/RKCSS to additional gears to reduce bycatch and fishing impacts on crab and crab habitat. A proposed purpose and need statement and alternatives are provided below.

Proposed action

The proposed action is to apply additional gear-based closure measures to the RKCSA/RKCSS, an area that continues to be important to BBRKC, to reduce bycatch and fishing impacts on crab and crab habitat.

Purpose and Need

The purpose of this proposed action is to reduce fishing impacts on crab and crab habitat in an area known to be important to BBRKC. This action is needed because the BBRKC stock has declined to a level of serious conservation concern, and the number of female BBRKC has been declining for over a decade to the point where abundance levels forced the closure of the directed fishery. The intent is to restore and sustain the BBRKC stock by reducing impacts on molting and mating crab needed to improve reproduction, by providing protections to improve recruitment, and by building in resilience to changing environmental conditions, predation and fishing pressure. In considering this action, potential fishing impacts to the stock and habitat will be examined to understand the effects of these impacts and to assess proposed closure measures.

Alternatives

Alternative 1 – Status Quo/No Action

Alternative 2 – Close the RKCSA/RKCSS to additional gears to reduce bycatch and fishing impacts on crab and crab habitat.

Option A – Prohibit all gear, except pot gear during directed crab fisheries, from the RKCSA.

Option B - Prohibit pelagic trawl gear from the RKCSA at any time. In years when the directed fishery is closed, prohibit pelagic trawl gear from the RKCSS. This option is consistent with existing requirements for non-pelagic trawl gear.

Option C – In years when the directed crab fishery is closed, prohibit all gears except longline gear from the RKCSA/RKCSS.

In addition,^{end-of+} we recommend the creation of a workgroup that includes crab managers and scientists, along with crab habitat experts, and industry stakeholders from all affected sectors to explore topics, including but not limited to, a primary objective to provide input to Council staff over the summer 2022 to better define the concept of dynamic closed areas to protect crab broodstock and centers of abundance for female and male red king crab during times of low abundance. As a secondary objective, the workgroup would propose strategies to protect important areas for recruitment, such as north of Unimak, around Amak, Black Hills, and potentially others as identified by the workgroup. As a third objective, the workgroup would document the new and existing voluntary measures being taken by each sector to reduce impacts on BBRKC. This is not an all-inclusive list

LONGER-TERM

For the longer-term, the AP recommends further work to investigate:

- a. Creating dynamic closed areas, such as seasonal or annual shifting closed areas in ADFG Registration Area T, as needed, to protect BBRKC broodstock or centers of female or male BBRKC at times of low abundance.
- b. Protecting habitat or life stages to enhance BBRKC recruitment.
- c. Creating more consistency in stock management for the fishery, stock assessment, and bycatch measures by aligning the BBRKC PSC limit boundary with the crab stock management area and stock assessment boundary.
- d. Researching crab movement at different times of year for both females and males, unobserved fishing mortality by all gears, and important crab habitat by life stage.
- e. **³Initiate a robust study of the impact of predation on all crab stocks by analyzing the stomach contents of pacific cod and other Groundfish harvested throughout the Bering Sea / Bristol Bay.**

Amendment 1 (to strike all language between “Short Term” through “In addition”) failed 8-9

Amendment 3 passed 17-0

²The AP recommends analysis of the following:

1. For the directed red king crab fishery, consider:
 1. All red king crab catch be counted towards the quota
 2. Increasing observer coverage (EM or human) – examine range of current rate to 100%
 3. Set a hard cap for the number of female crabs that may be discarded, when the cap is reached, directed fishing ceases
2. For the pot cod directed fishery consider:
 1. prohibiting fishing in Area 512

2. **Increasing observer coverage (EM or human) – examine range of current rate to 100%**
3. **A PSC hard cap for BBRKC for the pot cod fishery (under and over 60 feet) where fishing ceases if the cap is reached**
3. **For both sectors – consider a maximum limit on soak time**
4. **Analyze and report on all sources of BBRKC mortality across all state and federal fisheries.**

Amendment 2 passed 10-7

Main Motion as amended passed 16-0

Rationale in Favor of the main motion as Amended:

- *The Bristol Bay red king crab stock is at a level of serious conservation concern, so much so that the directed fishery is currently closed. While helping females should be top priority given their continued downward trend, males and habitat protections are also of concern to make sure we have a healthy population and opportunity for recruitment. This motion is responsive to the priorities of protecting females, optimizing mating opportunities, and protecting critical spawning habitat. This motion seeks a comprehensive approach and a willingness by all stakeholders to seek solutions for a stock that is in crisis. This motion has both short and long-term components, along with both voluntary, non-regulatory actions and regulatory actions as a backstop given the state of the stock. All sectors have an obligation to help avoid a collapse of RKC like we have seen in the past around Kodiak, Chignik, Adak, Pribilofs, and St. Matthew. We must take action now and encourage continued voluntary actions to help rebuild BBRKC, protect females, encourage recruitment opportunities, and protect important habitat.*
- *The crab sector appreciates that several other sectors have taken voluntary actions since the directed fishery closed to reduce their impacts on BBRKC. For example, the large majority of the pot cod fleet stayed out of the RKCSA this season. Amendment 80 also implemented additional protocols for crab. These actions are important, appreciated, and more responsive and faster than regulatory actions.*
- *Trawl fisheries are occurring during molting and mating, and midwater gear is on the bottom more than previously thought. The RKCSA was created in the late 1990s to protect RKC and RKC habitat from fishing impacts by bottom gear. Evidence like the recent tagging work and summer surveys show the RKCSA continues to be an important area for BBRKC, including females. It is necessary to blend this new information with the purpose of the RKCSA to make it effective, especially given Figure 4-4 which shows increased pelagic trawl gear effort in the RKCSA since 2014; the same time period that the stock has trended downward.*
- *This motion provides a range of alternatives to close the RKCSA/RKCSS, an area that continues to be important to BBRKC, to additional gears to reduce bycatch and fishing impacts on crab and crab habitat. The alternatives would most affect pelagic trawl gear and pot cod but would still allow these fisheries to catch their allocations outside of this discreet box. The alternatives go from most restrictive (Option A) to most liberal (Option C).*
- *In the short-term, the motion calls for creation of a workgroup with crab and crab habitat experts and representatives from all affected sectors with the objectives in the motion as a starting point. The topics are complex and would benefit from getting many sectors working together. The workgroup would explore dynamic closed areas and measures to enhance recruitment opportunities, along with documenting current and new voluntary actions by various sectors. The list of topics for the workgroup is a starting point and not all inclusive, but the workgroup should get started ASAP and come to the October Council meeting with some initial ideas.*
- *Longer term items will hopefully result in some voluntary measures by multiple fleets, and may be able to incorporate emerging scientifically based analyses that look at rotational or time area*

closures. RKCSA borders were drawn over 25 years ago. We have some indication that this may still be a good area for recent red king crab, but recent survey data clearly shows this isn't a static area that restricts the movement of crab – they move around northward, eastward, all over, possibly even south into state waters.

- *There are concerns about the recent history and future of the Bristol Bay red king crab biomass that need to be explored. More analysis and research into the abundance and distribution of, and gear interactions with, red king crab is needed to inform the Council, particularly before implementing spatially dynamic rotating closures. Such closures will require data sharing, and increased observer information or seasonal winter surveys, and considerations of the cost to implement them.*

Rationale in Opposition to Amendment 1:

- *Given that the BBRKC fishery is currently closed, management action must be taken to preserve this future sustainability of this fishery. Although many questions and uncertainties exist, unobserved mortality has been identified as a possible significant contributor in the decline of the BBRKC stock thereby warranting a precautionary approach in the RKCSA for differing gear types. As such, initiating an analysis is worthwhile and appropriate.*
- *The purpose of the RKCSA/RKCSS was to restrict gear that interacts with BBRKC, therefore it is necessary to include gear types beyond non-pelagic trawl. The burden should be on gear types to prove that they are not having negative impacts on BBRKC, a closure can help preserve the stock and help recovery while research occurs.*

Rationale in Favor of Amendment 1:

- *In response to an Emergency Rule request in the fall of 2021, an analysis was produced that focused on the costs/benefits of an action focused on specific modifications to the RKCSA. Given the similarities and overlap of the ER request and the analytical request contained in this motion, it is unlikely that any new information and/or conclusions would be brought forward from the analysis being sought in this motion upon which the Council could base management decisions focused on the closure of the RKCSA.*
- *The current information paper, with its limited scope per Council direction, does not bring forward any new information that has not been previously available to the Council. Given the data presented in the information paper, the bycatch of crab in the pelagic trawl – pollock directed fishery is the lowest of all gear types, and below the PSC limit. Specific to the amount of bottom contact by trawl gear, this information has been available back to at least 2005 with the publication of the 2005 Essential Fish Habitat EIS. Council, and its associated Advisory bodies, review of EFH is an ongoing process with the most recent review and updates beginning in 2022. Per previous EFH reviews, it has been concluded that the amount of bottom contact from pelagic pollock gear is both minimal and temporary.*
- *Specific to unobserved mortality, the information paper states “the SSC noted that including any future estimation of unobserved crab mortality (from both groundfish and directed crab fishing) in a stock assessment would require extensive evaluation to understand how the assessment’s parameters for factors like catchability, natural mortality and reference points would be affected and “unobserved mortality is a source of both assessed and unassessed uncertainty throughout the history of the assessments (e.g., currently attributed to natural mortality), and that the ABC/TAC buffers in place are an appropriate process to account for sources of uncertainty that cannot be explicitly described in the assessment.” To this point, concerns related to accounting for unobserved crab mortality, especially as it relates to molting/mating females, in the pollock fishery will require focused applied research by industry and NMFS in order to be accounted for more precisely and explicitly within the stock assessment and harvest specifications process. There are multiple dynamic factors that affect the net behavior at any given time in the water.*

These factors contribute to the uncertainty in actual contact of the pelagic trawl footrope. The uncertainty of actual contact leads to greater uncertainty of the unobserved mortality from a pelagic trawl in contact with the seafloor. Even as technology improves many of these factors affect the immediate ability to determine the interaction and impact PTR has on RKC.

- *An unobserved mortality rate for BBRKC in pelagic trawling has not yet been identified for pelagic trawl gear. Some studies have addressed this yet have been hindered by the dynamic complexities of observing and quantifying unobserved mortality from PTR behavior and interactions. Seafloor contact alone is not an adequate proxy for unobserved mortality. Determination of the impact pelagic gear contacting the seafloor has on BBRKC requires a connection to be made between gear-on-bottom and both the benthic habitat of RKC and bycatch (observed and unobserved). The best available information can accurately capture where PTR has occurred since 2003 but the ability to draw a conclusion about stock impacts would require the knowledge of where RKC were during the trawl season and the shell condition of those crab as it relates to the molt/mate cycle.*
- *Given both the similarity to a previous request and resulting analysis as well as the fact that the information paper does not bring forward new data, it is difficult to see how the proposed Purpose and Need Statement and Alternatives/Options flow logically from the information paper as is typical in the Council process. The requested analysis of the proposed Alternatives is not going to illuminate anything new, nor is the narrow focus going to create a clear and significant benefit to the BBRKC stock in the future.*
- *Additionally, as noted in public testimony, the pollock fishery is currently restricted by multiple bycatch considerations, particularly those related to chinook salmon which has a regulated hard cap, and avoidance of chinook is a major driver of pollock fishing behavior. Static closure boxes, such as a potentially permanent restriction from fishing in the Red King Crab Savings Area, remove some flexibility that the pollock fishery has to select fishing grounds when considering how to balance pollock CPUE, fish quality, roe rates, and chinook encounter rates.*
- *Many industry sectors recognize the importance of the BBRKC fishery and sympathize with the very challenging situation facing participants and communities, and support research efforts to better understand unobserved mortality in the pelagic trawl fishery. However, initiating analysis to potentially implement static closures is not timely or supported by current fishery data.*

Rationale in Favor of Amendment 2:

- *Consideration of the directed crab fishery and the pot cod sector, both the impacts from and potential management measures for, should be included in any analysis going forward. Given the current state of the BBRKC stock, it is imperative to take a holistic view of all sources of BBRKC mortality and data shows that these two sectors are the biggest sources of BBRKC mortality. Everyone agrees that a healthy Bering Sea red king crab population is the goal. Expanding the original motion to include analysis of specific activities (and potential management measures) related to the two sectors whose removals have the biggest impact on stock population is critical for a comprehensive analytical document that looks at all sources of red king crab mortality and considers steps that could make a real difference in the BBRKC population. Many of the concepts put forward in this amendment many need refinement, including consideration of the overlap between Federal and State jurisdictions, but the intent to encompass all sources of mortality from all fisheries and to include potential management measures beyond closure of the RKCSA.*
- *The directed crab fishery has discarded 15.6 million red king crab in the last ten years, 2.5 million more crab than they retained during that same period. Of those discarded animals, 3.5 million were females with 800,000 of them discarded in the last three years. That's 300,000 more than what the fishery needed to open in 2021. In written public comment last October, a letter from a directed crab fishery participant stated, "I had 15 miles of solid females last year in my*

pots, 500 in every pot. I watched an Amendment 80 vessel tow right through them". From this letter it is gleaned that while fishing for king crab in 2020, he had pots full of female crab. To know he had 500 plus females in each pot he would have needed to pick the pots at least once, and then set them back in the same area. At a 20% discard mortality rate, this results in the mortality of 100 females per pot lift. For every 100 pots that is 10,000 dead females. Despite being a rationalized fishery, this sector has not required and/or implemented voluntary fleet-wide changes to address this issue, but they are doing research and encouraging improved handling protocols.

- *In the pot cod fishery over the last 10 years, 333,129 red king crab were taken as bycatch, which resulted in 176,558 dead red king crab. In the last three years the bycatch was 284,578 crab, which equates to 150,826 dead red king crab. BBRKC bycatch in the pot cod fishery is orders of magnitude higher than that from trawl gear: 4,780 tons of pot cod was landed at the expense of 217,836 crab resulting in a bycatch rate of 231 crab per ton of groundfish. This data does not include the Area O P. cod fishery. By comparison, the trawl pollock CV sector bycatch of red king crab is very minimal, with 164 individual crabs caught between 2008 and today. Looking at the whole pollock fishery, CVs, CP's, and CDQ, the total between 2008 through today is 307 total red king crab have been taken.*

Rationale in Opposition of Amendment 2:

- *Requiring full retention or setting a hard cap on female crabs in the directed fishery is not practicable and would most likely lead to boats being shut down. Additionally, soak times are one of the tools that the crab fishery has to try and decrease mortality.*
- *The State of Alaska manages observer coverage in the crab fisheries so it may not be within the purview of the Council to increase observer coverage.*
- *The pot cod fishery is not currently rationalized so increasing coverage rates would be difficult. A hard cap on the pot cod fishery could also lead to unintended consequences.*
- *Many of the specific recommendations contained within this amendment could be included for discussions within the proposed work group.*

Rationale in Favor of Amendment 3:

- *The degree to which juvenile crab are vulnerable to predation needs to be part of the comprehensive look of those factors potentially impacting mortality and population declines. It is important to include an analysis that addresses predation that groundfish have on all crab at any life stage. This is an ecosystem driver that is important to understanding the recent declines in crab populations, BBRKC and others.*