

ADVISORY PANEL
Motions and Rationale
October 3-7, 2023 - Anchorage, AK

E Staff Tasking

Motion 1:

The AP recommends Council initiate a discussion paper to address an option for sablefish A share IFQ holders to use flow or hopper scales when participating in the sablefish fishery. The paper will explore the potential operational and management impacts of utilizing the scales as an option for accounting for sablefish harvest, outline potential challenges to facilitating their use in the fishery, and consider non-regulatory options to allow for their use.

Motion passed 16-0

Rationale in Favor of Motion:

- *Allowances for use of flow and hopper scales for sablefish could provide flexibility for operators who already carry these scales onboard to apply the harvest accounting method that is most efficient for their respective fishing operations, without compromising catch accounting data.*
- *The motion is responsive to public testimony.*
- *The AP heard comments at the table on the importance of further exploring future non-regulatory options for incorporating the use of flow scales in fisheries. In February 2023, during the BSAI Pot CP Monitoring action, one part of that action was to allow flow scales to be utilized for cod by Pot CPs. Another sector now needing regulatory action, and Council time, to allow the use of a tool that is already in place for other major fisheries (BSAI Pollock CPs) clearly demonstrates there is a need to more broadly allow the use of flow scales for greater efficiency.*

Motion 2:

Following up on the Enforcement Committee's Performance Standard workshop, the AP recommends that the Council ask OLE / staff hold a second workshop prior to the Enforcement Committee holding their February meeting focused specifically on the Council's June motion related to the enforceability of the trawl gear performance standard. The GOA should not be included in this action and the workshop should be focused solely on Bering Sea Aleutian Islands pelagic trawl.

Prior to the workshop, the AP recommends that the Enforcement Committee, with OLE and Council staff support, release a document that lists OLE's concerns with the enforceability of the current performance standard, including analysis as to why those reasons are leading to a lack of enforcement.

Motion passed 14-2

Rationale in Favor of Motion:

- *The AP heard in public comment that it is difficult to craft new solutions when there is not broad understanding of the enforceability of the performance standard.*
- *Prior to the workshop, there was very little information or expectation provided and many participants expressed desired outcomes that may not be in line with the Council's original intent of determining how the performance standard could be enforced.*
- *Some AP members felt the workshop demonstrated little evidence that the current performance standard is not enforceable. OLE's assertion that the lack of citations demonstrates unenforceability is not a credible assumption.*
- *There is not an option for public comment in the Enforcement Committee so the option to hold another workshop prior to the next Enforcement Committee allows those impacted by any potential change in regulation to have meaningful input and conversations.*
- *Including the Gulf of Alaska in the discussion is not in line with initial intent as this is related to a Bering Sea action. Further, the Gulf has different gear rules which could confuse the discussion. The focus should be on the Bering Sea. The intent is not to censor information being shared from the GOA, but it should not be combined when presenting information to the public.*
- *The AP heard comments and public testimony that there were important pieces of data missing in the trawl gear performance standard workshop. For example: Adjustments to data could include: removing all non-AFA, GOA pollock hauls from the presented observer data, include the counts of hauls with pre-sorted crab in the observer data separately (data should not be combined with extrapolated crab numbers from species composition samples), include the total number of AFA/BSAI pollock hauls for the same time series to show the true proportion of hauls with crab for the time series.*
- *The AP also heard comments that the data and slides presented by the enforcement committee did not illustrate why observers have difficulty sampling crab and why OLE felt there should be more observer statements regarding crab. This includes difficulty obtaining crab carapace measurements and that the wording in the performance standard "at any one time" presents challenges with observers knowing what they are supposed to do when they see crab outside of a codend on gear.*
- *AP members noted that written narrative and additional data may help paint a clearer picture to stakeholders in order to ensure a second workshop is more productive and beneficial to all involved.*

Rationale in Opposition to Motion:

- *Utilization of all available information is important in the decision making process. By choosing to not include the GOA, important information on relevant fishing activity, though in a different region, is being dismissed.*
- *There are regions in the GOA that are seeing rebounds of crab stocks and information on fishing activity in relation to those rebounds could be relevant in this discussion.*

Motion 3: Approve minutes from the June 2023 meeting. ***Motion passed unanimously.***