



North Pacific Fishery Management Council

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Advisory Panel MINUTES

JUNE 7-10, 2022 – Sitka, AK

The Advisory Panel met Tuesday, June 7, through Friday, June 10, 2022, at the Centennial Hall, In Sitka, 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

The AP approved the minutes from the April December 2022 meeting.

C1 CGOA Rockfish

The AP recommends the Council take final action and select its preliminary preferred alternative as the final preferred alternative (shown in bold).

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% 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 catcher vessel rockfish cooperatives all support 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. The rockfish fishery is 100% observed and participants deserve the maximum amount of flexibility under a rationalized program, which these discreet program adjustments will achieve. Rockfish stocks will continue to be managed for sustainability in a precautionary manner.*
- *For 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. The EA concludes that moving the fishery opening date is unlikely to have impacts to the process of spawning/parturition and or larval dispersal for RP species.*
- *Under Option 2, the current cooperative holding cap is unnecessary because 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 are the controls on consolidation, not the cooperative cap. Eliminating the cooperative cap will 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 in order for all quota to be able to be landed. When the processing cap was implemented in 2012 there were seven processors active in the fishery and now there are only four. With the loss of three processors on the waterfront, it is difficult to get quota processed without exceeding the existing caps. Regulating processing does not result in more processors, instead it strands harvests since processors can't buy more and harvesters can't find a market to deliver to. The 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 the ability to process the remaining quota.*
- *For Option 4, 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 harvest the majority of the northern and dusky rockfish because these species are more difficult to catch. The analysis notes that removing both northern and dusky rockfish from the harvesting cap will provide an incentive for those few CVs that have routinely harvested a larger portion of northern and dusky rockfish to catch more. In addition, the analysis notes, 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 will likely not contribute to CV consolidation in the fishery.*
- *Concerns were noted with the recommended change under Option 1, specifically the targeting of prespawning fish in deeper waters in April. It is understood that these temporal/spatial and fishery effort concerns, and the available data associated with them, will be incorporated into the currently scheduled Rockfish Program Review such that the effects of this date change can be better understood and evaluated.*

C2 BSAI Pcod Small Boat Access

The AP recommends the Initial Review Draft RIR be released for final action with the following preliminary preferred alternative:

Alternative 2: Option 1: < or = 55' LOA with the suboption to keep B season as a jig gear only fishery.

~~†The AP recommends the Council consider a management mechanism for quota to be reopened to the entire U60 sector at a time and manner at which it would be still practicable and possible to harvest.~~

Amendment 1 failed 5-11

Main Motion passed 15-2

Rationale in Opposition to Amendment 1

- *The addition of the amendment could unnecessarily delay final action given that inseason management is in contact with all fishery participants throughout the season and are aware regarding the timing of the fishery (i.e., when and for how long participants can harvest available allocations). This established process will continue under this recommended change; identifying a more prescriptive approach eliminates the flexibility of inseason management.*

Rationale in Favor of Amendment 1

- *This amendment is intended to address the concern that a significant amount of quota allocated to the new $\leq 55'$ sector would go unharvested. It is unclear how any unutilized $\leq 55'$ quota would be reassigned or made available to the whole U60 fleet. It is important for the analysis to look at a reassignment occurring within a reasonable timeframe in order to be able to harvest stranded fish. The new $\leq 55'$ has four or less active participants and has had two harvesters recently, further making it likely that fish may be left in the water. The larger U60 vessels that participate in the fall need notice and time to harvest available fish as they face weather/safety challenges, season disruption that creates crew retainment hardships, and seasonal plant/processor closures later in the year. The current analysis does not provide a potential time frame for confidence that quota reassignment will occur in a practicable manner.*

Rationale in Favor of Main Motion

- *This action is directly responsive to small vessels to help them stay viable and provide some protection from similar sized vessels with higher capacity. It is important to help ensure that small vessels maintain access to fisheries. In this way, this targeted action is similar to purposefully leaving the trawl C season under the P.cod rationalization program in the water for the under 60' fleet.*
- *Inclusion of the suboption helps to preserve opportunity and maintain safety for the jig sector.*

Rationale in Opposition to Main Motion

- *Currently there is a seamless reallocation of cod with no break in the fishery whereas under Alternative 2, it will be difficult for NMFS to determine when to reallocate cod that will go unharvested. This could potentially strand quota and negatively impact other sectors.*
- *Page 36 noted CVs greater than 56' LOA have harvested 79 percent of the sector's final allocation on average. As such, it does not appear that H&L or pot CVs greater than 56' are harvesting a larger portion of the sector's final allocation over time.*

C3 BSAI Crab

Motion 1

The Advisory Panel reviewed the CPT report and recommends the Council adopt the updated AIGKC SAFE report, as well as approve the 2022-23 AIGKC OFLs and ABCs as recommended by the CPT and SSC.

Motion passed 17-0

Rationale:

- *The AP appreciates the effort and work-product provided by the CPT and SSC as well as the effort by industry to assist with the AIGKC survey.*

Motion 2

The Advisory Panel recommends the Council adopt the following purpose and range of alternatives for rebuilding Bering Sea snow crab.

Purpose & Need

The Bering Sea snow crab (BSS) stock was declared overfished in October 2021, because the estimated spawning biomass was below the minimum stock size threshold specified in the crab FMP. To comply with provisions of the Magnuson-Sevens Act (MSA), a rebuilding plan must be implemented prior to the start of the 2023/2024 fishing season. In addition, the MSA at Section 304(e) provides several considerations to balance while rebuilding a stock as quickly as possible. Those considerations inform the following goals for the Bering Sea snow crab rebuilding plan: (1) to minimize the adverse social and economic impacts associated with rebuilding, including adverse impacts on fishermen and fishing communities, (2) to equitably distribute both the conservation burdens and recovery benefits among fishing sectors, and (3) to protect the quantity and quality of crab and crab habitat necessary to support the stock at healthy levels in the future. This action is necessary to facilitate compliance with the requirements of the MSA to end and prevent overfishing, rebuild overfished stocks, and achieve optimum yield and to be consistent with NOAA's National Catch Share policy for rationalized fisheries which are intended to "help rebuild fisheries and sustain fishermen, communities and vibrant working waterfronts."

Alternatives – Action alternatives must set target rebuilding time frame for the number of years necessary to rebuild the stock to the BMSY level at a probability $\geq 50\%$. The stock will be considered "rebuilt" once it reaches BMSY.

Alternative 1: No action; State harvest strategy with no rebuilding plan (same as listed in Council analysis p.29)

Alternative 2: Rebuilding thresholds (T_{min} , T_{max} , T_{target}) set using an optimistic scenario for natural mortality where T_{min} is less than or equal to 10 years.

Option A: (as fast as possible) No snow crab removals at all ($F=0$).

Option B: (dynamic) Allow the directed snow crab fishery to open based on a revised state harvest strategy to reduce discards and/or with a reduced fishing rate while the stock is rebuilding. Implement bycatch reductions and habitat protections.

- [†](i) Create a dynamic closed area to protect core areas of abundance
- ii) Revise closed area around Pribilof Islands to protect crab and crab habitat
- iii) Remove PSC floor & count bycatch throughout the stocks range towards PSC

Option C: (fishing emphasis) Allow the directed snow crab fishery to open based on the current state harvest strategy while the stock is rebuilding. No changes to bycatch measures or habitat protections.

Alternative 3: Rebuilding thresholds (Tmin, Tmax, Ttarget) set using a pessimistic scenario for natural mortality where Tmin is greater than 10 years.

Option A: (as fast as possible) No snow crab removals at all (F=0).

Option B: (dynamic) Allow the directed snow crab fishery to open based on a revised state harvest strategy to reduce discards and/or with a reduced fishing rate while the stock is rebuilding. Implement bycatch reductions and habitat protections.

- ⁺(i) Create a dynamic closed area to protect core areas of abundance
- ii) Revise closed area around Pribilof Islands to protect crab and crab habitat
- iii) Remove PSC floor & count bycatch throughout the stocks range towards PSC

Option C: (fishing emphasis) Allow the directed snow crab fishery to open based on the current state harvest strategy while the stock is rebuilding. No changes to bycatch measures or habitat protections.

Amendment 1: to strike option B sub i from Alternative 2 & 3 failed 6-11.

Voluntary Measures

The AP requests that each Bering Sea sector with crab mortality (directed crab fishery, Pacific cod sectors, AFA pollock, and A80) present the following to the Council in October 2022 along with reports on Bristol Bay red king crab and thereafter in the annual cooperative reports:

- voluntary measures for implementation in 2023 and beyond to avoid BSS and reduce crab mortality in the non-directed fisheries.
- measures in the directed crab fishery to reduce discard mortality of BSS.
- description of research that would inform development of more flexible and effective spatial management measures; gear modifications to reduce impacts on the BSS stock, or to evaluate unobserved mortality in the trawl sector.

Main Motion passed 14- 3

Rationale in Opposition to Amendment 1

- *In order to successfully rebuild the BSS crab stock and support the directed crab fleet, the rebuilding analysis needs to include as wide a range of Alternatives/Options as possible. A broader range for analysis will help ensure that the Council has the ability to meet the goals of the Purpose and Need Statement for this action.*
- *Dynamic closures should be considered a critical component for the most comprehensive rebuilding plan possible and their potential complexity should not be a reason to exclude them at this time. It is anticipated that the rebuilding analysis will highlight the lack of data and/or data limitations to accomplish this measure, which is important information to have going forward.*

Rationale in Favor of Amendment 1

- *The inclusion of an option related to the establishment of dynamic closures will add a significant amount of complexity to the rebuilding analysis and its implementation timeline, which is established by the MSA. Some of these complexities include: 1) identifying, evaluating the appropriateness (e.g., summer survey data vs. fishery dependent data), and compiling the data*

that exists to inform where, when, and size of closure areas; 2) impacts of closure areas on other PSC species; and 3) economic impacts to all fisheries that operate in the closure areas.

- *Analysis of dynamic closure areas for crab is more appropriate as a stand alone action separate from Council action on the development of a rebuilding plan.*

Rationale in Favor of Main Motion

- *The unprecedented collapse of the BSS stock and fishery requires implementation of the most robust rebuilding plan possible and should include drastic measures given the extreme nature of the crisis being faced. Regardless of complexity, this action warrants significant Council time, dedication, and priority. This motion is directly responsive to public comment as well to the recommendations made by PNCIAC. It is intended to establish a meaningful rebuilding plan that complies with the MSA to rebuild as quickly as possible taking into account the needs of fishing communities while also providing options to rebuild the stock faster through bycatch control measures and habitat protections.*
- *The recommended Purpose and Need statement reflects the requirements of the MSA to develop a rebuilding plan for overfished stocks within two years, as well as requirements to rebuild as quickly as possible while taking into account the needs of fishing communities, sharing the burden of conservation, and providing additional protections for the stock to build a meaningful, robust rebuilding plan.*
- *The SSC is recommending a new snow crab stock assessment model (GMacs) that will help the Council frame rebuilding timeframes and develop a range of alternatives to analyze for. This motion is consistent with recommendations from the SSC to evaluate not only optimistic but also more pessimistic scenarios for natural mortality in the stock assessment given uncertainty and the expectation that climate change may bring more frequent mortality events. Additionally, it is anticipated that in September/October 2022 more detailed information regarding the potential impacts of BSS crab bycatch on rebuilding will be available from the assessment author and CPT. With this information, the Council has the ability to modify the rebuilding alternatives as deemed appropriate at that time.*
- *The recommended action Alternatives differ in the levels of natural mortality assumed in the new GMACS stock assessment model for snow crab. The options under Alternative 2 (optimistic natural mortality scenario) and Alternative 3 (pessimistic scenario) are the same between the two alternatives but represent a range from:*
 - *zero fishing mortality ($F=0$) in Option A,*
 - *a middle option with more dynamic management and restrictions on the directed fishery and bycatch, with habitat protections in Option B, and*
 - *an option with no limits on fishing beyond the state harvest strategy and no changes to bycatch measures in Option C.*
- *Finally, this motion asks for voluntary measures by all sectors that interact with snow crab to come back in October and report on actions they are taking to reduce their impacts on the stock, alongside reports for Bristol Bay red king crab as requested by the Council during their April 2022. Voluntary measures are the fastest way to make changes and take pressure off this overfished stock while the rebuilding plan is under development.*

Rationale in Opposition to Main Motion

- *A rebuilding analysis for BSS is mandated under the requirements of the MSA; however, the inclusion of an option related to dynamic closures will most likely result in the rebuilding analysis imploding from the weight of the complexity (previous crab-related analysis initiated by the Council have experienced this and required the Council to essentially “start over”).*

Additionally, the inclusion of voluntary measures for analysis does not fit in with the overall analytical package (difficult to analyze voluntary measures and their effects on rebuilding) and would be more appropriately considered as a supplemental report to the rebuilding analysis.

C4 Trawl EM

The AP recommends the Council release the document as a Final Review draft with Alternative 2 (electronic monitoring implemented on pelagic trawl pollock catcher vessels and tenders delivering to shoreside processors in the BS and GOA) as the PPA and maintain the current timeline for final action in October 2022. The AP supports the recommendations from the Trawl EM Committee and recommends the analysis focus on the following elements to help guide final policy decisions for the program:

- The partial coverage 1.65% fee pay for EM for those vessels that only participate in the GOA pollock fishery;
- GOA processor costs for housing and feeding shoreside observers be absorbed by the partial coverage monitoring budget within the 1.65% fee; and
- A threshold approach where vessels would be required to use their EM systems for 25% to 50% of all pollock fishing trips (pelagic trawl) in the GOA during a calendar year.

Motion passed 13-0

Rationale:

- *This package will create an effective EM program in the United States' largest fishery by volume, which will incorporate a diverse group of participants and management structures across the two different regions. Implementation of a fully regulated pelagic pollock trawl EM program will provide multiple benefits to the fishery and its participants, including greatly improving the data quality and overall monitoring cost efficiency.*
- *There has been an unprecedented level of stakeholder, agency, and private sector commitment and collaboration that has worked for several years to consistently adjust and adapt the various components of this program to meet the compliance monitoring objectives and needs of the fishery.*
- *The first two bullet recommendations are included to provide equitable treatment across partial coverage fishery participants (fixed and trawl gear EM participants) so that GOA trawl participants who will continue to be assessed the 1.65% fee are not financially burdened when other partial coverage participants are not. Not only will this address equity but it will also allow for cost efficiencies when using the same EM system across multiple partial coverage fisheries. Additionally, GOA processors currently contribute half of the 1.65% partial observer coverage fee and will continue to do so under a regulated program. GOA processors are also making substantial investment into monitoring costs through the existing fee, complying with the CMCP requirements, and observer sampling stations.*
- *The third bullet is included as a new component for analysis based on recommendation made at the Trawl EM Committee and in public comment. It is recommended as a balance between the efficiencies the Agency is looking for in comparison to incentives for GOA pollock trawl vessels to select EM as a monitoring option. The threshold approach is intended to incentivize participation in the program and allow the Agency to plan budgets, while still providing vessels needed flexibility. Under this approach, if a vessel does not meet the participation threshold for pelagic pollock trips, they would not be allowed to participate in the trawl EM program in the GOA for the following year.*

- *The intent of this motion is not to remove any current options for potential policy choices by the Council at the time of final action. Based on stakeholder input during the Trawl EM Committee meeting and in public comment, the three issues identified addressed in the bullets of this motion are the ones most focused on and garnering the most conversation. As such, the Final Review Analysis will benefit from a thorough analytical discussion in order to best inform the Council in October.*

C5 Observer Program

The AP supports the NMFS recommendation to forward the elements of the 2022 ADP to the 2023 ADP.

The AP recommends supporting all four NFWF proposals to 1) sustain the final year of the Trawl EM Exempted Fishing Permit (EFP) and 2) advance new efforts in electronic technologies and monitoring. The Committee noted that the timeline of the NFWF RFP process is earlier than usual this year with a deadline of June 7th, prior to the Council meeting.

Motion passed 15-0

Rationale

- *This motion is directly responsive to FMAC and Agency staff recommendations. The Observer Program was successful in meeting the majority of its established coverage levels for its various monitoring strata. Where the coverage level was less than the targeted level, this is attributable to Covid restraints and impacts.*
- *This motion also reflects previous Council support for NFWF project proposals and encourages the Council to continue to do so.*

D1 Salmon Reports

The AP recommends the Council acknowledge the western Alaska salmon crisis and prioritize progress towards elimination of waste of resources and sustainability of all stocks under changing climate futures in the federal fishery.

1. Initiate a discussion paper to

- Examine ²options for, ~~and feasibility of~~ setting a PSC limit for Bering Sea chum salmon bycatch. This should include a compilation of historic bycatch numbers, recent averages, and the feasibility of an Index (similar to the 3-System Index for Chinook salmon bycatch) for the fall run of Yukon chum salmon, such that the cap is lower when the run size drops below a target or threshold.
- Examine ²options for, ~~and feasibility of~~ lowering the Chinook salmon bycatch cap.
- Examine how industry avoidance measures can be improved, such as excluders, more sophisticated and adaptive avoidance measures, etc.
- ³**Examine the genetic data collected in the Area M state water salmon fishery for chum and include a comparison between the number of chum intercepted in that salmon fishery and the EBS federal pollock fishery.**

2. Take a collaborative approach with Tribes to address this problem, including integrating Traditional Knowledge into decision-making, extensively engaging with subsistence communities, encouraging Tribal Consultation regarding salmon, and fostering partnerships with Tribes such as a working group of Tribes, the Council, AFSC, industry, and other experts aimed at exploring ways to¹:

1. reduce bycatch
2. **improve salmon returns to the rivers of western Alaska.**

Amendment to Amendment 1 passed 15-1

Amendment 1 passed 15- 1

Amendment to Amendment 2 failed 6-9

Amendment 2 failed 8-8

Amendment 3 passed 9- 7

Main Motion, as amended, passed 11 -5

Rationale in Favor of Main Motion as Amended

- *Chinook and chum salmon are critical for food, kinship, and culture. Western Alaska communities are experiencing a salmon crisis throughout the region. Subsistence fisheries throughout the region were closed or severely restricted last year and will likely be the same this year. The people and communities in the region depend on salmon for their physical, cultural, and spiritual survival. This motion seeks to provide equitable and fair access across user groups and is intended to provide for continued participation in subsistence salmon fisheries. It is also responsive to National Standard 4 in that conservation measures should not solely be driven by economic factors.*
- *In 2021, over 530,000 chum salmon were caught as bycatch , which constitutes the second highest bycatch levels since 1991. Chum salmon bycatch has increased dramatically since 2013. In 2020, the number of Chinook caught from the coastal Western Alaska stock was substantially higher than the 10-year average and represented the second highest amount in the last decade. These bycatch levels can not be considered insignificant. Even a 1% impact rate is too high, and a few thousand, or even a few hundred, western Alaska salmon matter to the communities who depend on them.*
- *Urgent action is needed to address the current salmon PSC situation. Given the salmon crisis, it is time to re-examine the current Chinook caps and explore the possibility of establishing a chum salmon cap. At the same time, industry should do everything they can to reduce bycatch below the caps. A discussion paper can also identify what improvements to industry avoidance measures may be possible. While the Council is working on regulatory changes, industry can and should be taking every possible action to reduce bycatch immediately. While industry bycatch reduction measures have resulted in improvements in bycatch levels, these results have not been sufficient to maintain participation by in-river users.*
- *It is critical that Tribes are involved in a collaborative approach to addressing this issue. Everyone must work together to address this issue and find ways to lower bycatch in these times of salmon crisis.*
- *Some AP members in support of the overall motion expressed reservations about aspects of the motion focused on bycatch caps. This was based on data showing environmental factors as the primary cause of wild salmon declines, the very large hatchery composition in bycatch interactions, and the other challenges and tradeoffs with implementing a chum cap and lowering a Chinook cap; however, they felt that a discussion paper at this stage could be a valuable next step for stakeholders. A discussion paper would provide an opportunity to synthesize the most recent reports on salmon genetics, and extract some past analytical work related to chum caps, into one document, allowing stakeholders and decision makers a pathway to determine whether any new information or conditions would warrant a different management framework for chum from what we have currently.*

Rationale in Opposition of Main Motion as Amended

- *The Western Alaska Chinook and chum salmon crisis is a critically important issue. Rivers in the region need 1.7 to 1.9 million chum to return. However, the primary focus of this motion is on hard caps for Chinook and chum salmon in the BSAI pollock fishery, which is only one component of the total Chinook and chum salmon mortality. Bycatch mortality is currently understood to have very minimal impacts on Western Alaska salmon runs.*
- *For Chinook salmon, the current incentive-based program has been and continues to be hugely successful for reducing Chinook salmon PSC in the pollock fishery. Under the incentive-based program, the fleet avoids salmon all the time at all levels of abundance. Lowering the overall hard cap and performance standard will have significant ramifications all the way down to the vessel level and will negatively impact the success of the program by removing the incentive element of Am 91. Vessels and fishermen in the pollock fleet are always avoiding salmon. Avoiding salmon has been first to any fishing efforts for these fishermen. Before a vessel departs the dock or the season starts, captains are talking about where the salmon are and where not to fish. They are looking at historical fishing areas of low and high bycatch and they are in constant communication with fellow fishermen on the grounds to understand where there are areas of less salmon but good pollock. The fishermen are all engaged in communication with each other, seeking the latest technology and tools to use onboard for monitoring and avoiding salmon. All these behaviors are learned and are a result of incentives to avoid salmon. A PSC cap reduction will threaten the utility of the incentive program and the existence/application of these learned behaviors. If the incentives are eroded, the Council risks losing a suite of successful tools and the stable vessel-to-vessel interactions that help avoid and reduce salmon bycatch. As noted by the SSC in their December 2014 minutes, “The benefits of an incentive-based program are particularly true when there are uncertain future fishery conditions and limited information on future Council actions.”*
- *The majority of chum PSC over time has been shown to be from Asia, mostly hatchery fish. Because of this, a chum salmon PSC cap will likely have little positive impact on Western Alaska chum salmon returns. Additionally, previous analyses have demonstrated that a chum salmon PSC cap has a high potential of forcing the pollock fleet into fishing times and areas that result in increased catches of Chinook, potentially pushing the numbers up closer to Chinook threshold limits and caps to the detriment of the incentive program.*
- *The inshore and offshore pollock sectors have put forth non-regulatory tangible plans to address chum salmon PSC reductions for the 2022 B-season and they should be given the opportunity to show success. The Council should wait to take any action on potential chum salmon management measures until after the 2022 B season fishery, when the results of the voluntary measures the pollock fleet has agreed to take to reduce chum encounters can be evaluated.*
- *Regarding the third bullet under item #1, there is concern with how useful the information would be given that the industry is constantly working to improve their avoidance measures. There will likely be a lag due to the pollock industry being very engaged in bycatch avoidance measures at all times with improvements ongoing. It would be more useful to examine improvements in genetics, spatial and temporal distributions of discrete schools of WAK chum, and data gaps that would shed light on the overall health of the salmon returns to Western Alaska river systems.*

Rationale for Amendment 1

- *The original language of the motion focused solely on a reduction in salmon PSC when the ultimate goal should be on improving western coastal Alaska salmon stock status. Based on the extensive information presented in the multiple staff reports, a broader picture encompassing things like disease, predation, and impacts from Asian hatchery salmon releases (and the impact*

of each of these on salmon stock recovery) is needed in order to understand why western Alaska salmon runs have failed and what is the most important aspect to focus on for recovery.

- *The amendment would still include exploring ways to achieve greater reductions in salmon PSC while also being more reflective of the first paragraph of the motion referring to a changing climate change. Limiting the scope to “bycatch only” does not acknowledge that there are multiple causes of salmon decline.*

Rationale in Opposition to Amendment 1

- *Making the scope too broad removes focus from the topic of bycatch. While there may be multiple factors affecting salmon returns and recovery, the management of salmon PSC is within direct control of the Council. As such, focus on PSC reduction should be retained. Topics beyond bycatch reduction should be taken up as a separate action.*

Rationale in Opposition of Amendment 2

- *In public testimony from the At Sea Processor and United Catcher Boats, a number of measures were noted that will be voluntarily undertaken to reduce chum salmon bycatch. These measures mirror the current IPA for remaining under the Chinook hard cap but without the consequences or incentives. This noted effort and plan demonstrates that it is "feasible" for the industry to adapt to the need to reduce chum salmon bycatch. In assessing the options in a discussion paper, most commonly alternative 1 is no action. This alternative could demonstrate that it is not feasible to respond to this request. Leaving the term "options" maintains the intent of the amendment.*

Rationale in Favor of Amendment 2

- *The extensive information presented in the multiple staff reports under this agenda item clearly show that the current Chinook and chum salmon crisis is a complex, multi-faceted problem. One of the main purposes of a discussion paper is to present a broad outline and history of a topic as well as the tradeoffs of any potential action. For this agenda item, a discussion paper would also help the public and Council to identify and define its priorities as they relate to the salmon PSC management. While priority has been placed on the avoidance and minimization of Chinook salmon, it is important to recognize that priorities shift, especially under rapidly changing environmental conditions. As such, it is important for a discussion paper to not presuppose any outcomes. Language requesting an examination of options related to Chinook and chum salmon PSC caps presupposes those outcomes. Substituting language asking for the examination of the feasibility of Chinook and chum salmon PSC caps better reflects the traditional intent of a Council discussion paper.*
- *Broadening the scope of a discussion paper would also allow us to draw on issues and research that will help accomplish goals under MSA.*

Rationale in Favor of Amendment 3

- *The ADF&G staff report included information about the health of chum fisheries around the state. For an accurate discussion of chum salmon PSC management, especially given the 2020 & 2021 poor Y-K returns, it is important to include context of how all sources of mortality may be affecting the status and recovery of Western Alaska chum salmon. There is concern that the Area M fishery is a major contributing factor, and the assessment of that impact should be included in any discussion going forward. The transparency of all chum salmon removals, including those from state water fisheries, should be included in order for the Council to have the best scientific information available for informing any potential management action.*

Rationale in Opposition of Amendment 3

- *While potentially informative, the inclusion of information related to the Area M fishery does not provide data that will lead to a management action under the Council's authority. This information is readily available to the public, and would be more appropriately discussed at a later stage in the process.*

D2 IFQ Committee

The AP recommends the Council undertake analysis of an action to modify the Vessel IFQ Cap regulations under 50 CFR Section 679.42(h)(1) for halibut in IPHC Regulatory Area 4.

The analysis will consider changing the vessel cap regulations in halibut management Area 4 (4A, 4B, 4C, 4D) to set the vessel halibut IFQ cap annually as:

Option 1, a percentage (4, 5 or 6%) of the combined Area 4 halibut IFQ TACs, or

Option 2, 50% more than the Alaska coastwide vessel cap.

²Option 3, apply the above options to Area 4BCD only

The Alaska coastwide vessel cap would continue to apply to poundage harvested in management areas outside Area 4 (except 2C). For vessels fishing in both Area 4 and in areas outside Area 4, the Area 4 vessel cap and the coastwide vessel cap are not additive. (See the rationale below.)

¹Additionally the AP recommends the Council analyze the following options to change the vessel cap for harvest of Area 4B IFQ halibut derived from QS held by a CQE:

^{1,1}Option 1, a percentage (4, 5 or 6%) of the combined Area 4 halibut IFQ TACs, or

^{1,1}Option 2, 50% more than the Alaska coastwide vessel cap.

The action will be reviewed three ²to five years after implementation to determine whether the conditions that necessitated the action continue to exist.

Amendment to amendment 1 to add options 1 & 2 passed 16-0

Amendment 1 passed 16-0

Amendment 2 passed 16-0

Motion as amended passed 16-0

Rationale for Main Motion as Amended

- *The Council's IFQ Committee in May recommended "that the Council initiate an analysis of modified vessel use caps for Area 4 halibut IFQ, with several options suggested." The Committee also recommended moving directly to initial review in hopes of having a permanent rule in place by 2024. It is understood that the initiation of an analysis on vessel caps will potentially allow for emergency vessel cap relief again in 2023 while a permanent solution is developed and implemented.*
- *The vessel halibut IFQ cap (vessel cap) is currently specified annually for all halibut management areas (except 2C) as .5% of the Alaska coastwide halibut IFQ TAC. The current vessel cap in 2022 is 101,490 lbs – down from a decade ago when the vessel cap reached 295,000 lbs. The drastic reduction in halibut TAC and associated vessel cap has led to fewer vessels fishing in the Bering Sea and Aleutian Islands. Data indicates a recent inability to fully harvest halibut quotas in Areas 4A and 4B, and a continuing drop in the number of available harvesting vessels. From 2015 to 2021, the number of vessels harvesting 4A is down by 13%. Vessel participation in 4B is down 42% and 4CD is down by 29% when compared to 2015. When 2021*

vessel participation is compared to earlier years, such as 2010 - 2013, the percentage reductions are far greater.

- *Under revised regulations, the Area 4 vessel cap is expected to be higher than the coastwide vessel cap. If the regulations were revised as suggested, and the Area 4 vessel cap was 4%, for example of the Area 4 IFQ TACs, the Area 4 vessel cap would be 155,520 pounds (see the data below). Those vessels fishing both in Area 4 and in areas outside Area 4 would be permitted to harvest up to the Area 4 vessel cap inside Area 4, but only up to the coastwide vessel cap outside Area 4. The two caps are not additive; a vessel cannot fish up to the vessel cap in Area 4 and also fish up to the coastwide vessel cap in areas outside Area 4. For example, a vessel could harvest the new BSAI vessel cap entirely in the Bering Sea, or a portion (up to the coastwide vessel cap) outside area 4 and the remainder of the new cap in Area 4.*
- *Several conditions affect the availability of appropriate halibut harvesting vessels in the Bering Sea. One is the continuing and worsening problem of whales taking fish off longline hooks in the Bering Sea fisheries, and the need to travel to more remote fishing grounds instead of the shelf edge to efficiently harvest halibut. Most of the recent halibut harvest of 4CD has been around St. Matthew Island, about 450 miles from Dutch Harbor. Second, the steep decline in halibut availability starting in 2011 has meant that some smaller-scale halibut fishing operations have ceased to operate or have diversified into other fisheries. Third, the COVID pandemic caused further reductions in harvesting capacity and the number of vessels that are willing and able to participate in the Bering Sea halibut fisheries.*
- *These three factors have decreased both the availability of the larger longline vessels and the availability of smaller vessels. The local small-boat fleet in St. Paul, for example, has declined by 25% in the last ten years. In Area 4, the cap needs to be more closely aligned to the number of available vessels of a size that can safely navigate the Bering Sea.*
- *Specific to 4C and 4D, in 2022, CBSFA members hold a total of 152,000 pounds of 4C/D halibut IFQ. All that IFQ halibut plus CDQ halibut allocated to CBSFA would normally be harvested on small local vessels in a day-boat fishery. Without a local market for small boat halibut deliveries, quota holders from St. Paul, for instance, will need to harvest IFQ on larger vessels – some of which are already operating at the coastwide cap. Additional cap capacity is clearly needed in Area 4.*
- *With a much lower vessel cap compared to previous years, vessels have sought to be as efficient as possible and may be focusing efforts in the GOA for economic reasons. Bait, fuel and supplies are more expensive in SW Alaska than in some GOA communities, ex-vessel values are significantly lower, and travel to and from the fishing grounds is much more extreme and riskier.*
- *The Committee stated that any new vessel use cap should be designed so that the cap does not affect the sequencing of the areas that an IFQ vessel might fish during a given year. In other words, if a higher vessel use cap exists for fishing in Area 4, vessels that also fish in 2C and 3AB should not be required to complete their fishing in the Gulf of Alaska before entering Area 4, nor should they be required to fish Area 4 first.*
- *The fleet contains a mix of vessels that are based in western Alaska and vessels that fish areas east-to-west, and the Committee wants any action to promote flexibility and avoid the unintended consequences associated with prescribing the time/area of fishing. In addition, halibut processing capacity in parts of the Bering Sea and Aleutian Islands has been and remains problematic, forcing vessels to travel long distances to and from processing locations. The processing plants in St. Paul, Adak, and Atka are not buying halibut again in 2022, creating the need to travel hundreds of miles from the grounds to available markets in Dutch Harbor, Akutan, or King Cove. The caliber of vessel needed to safely prosecute the Area 4 fishery has significantly changed.*

- *Stakeholders again made a request for expedited action waiving vessel caps to apply to the 2022 halibut fishery, and the request was recently acted upon. This expedited action could be extended through 2023 to apply to Area 4 until the implementation of a more permanent action. This request is for a more permanent action, since the approach of seeking temporary regulations is not viable under the emergency action criteria.*

Data

Area 4 Vessel Cap	Pounds
4%	155,520
5%	194,400
6%	233,280

Rationale for Amendment 1

- *The IFQ committee recommended (without objection) the Council take up an analysis of modifying the Area 4 vessel use caps for IFQ halibut. This amendment seeks to treat the CQE 4B holders equitably. Public testimony from 4B CQE representatives outlined hardships identical to the rationale for the main motion. Specifically, limited access to processors, high cost of fuel, safety concerns, and repercussions from COVID mitigation actions.*
- *An emergency rule has been requested and NOAA Fisheries recently issued a final rule to remove limits on the maximum amount of halibut Individual Fishing Quota (IFQ) that may be harvested by a vessel in Area 4B for the 2022 season and this amendment will provide extended relief.*
- *The work associated with this addition would be targeted and minimal and not expected to delay other action(s) or timelines.*

Motion 2

The AP recommends the Council prioritize the IFQ Committee’s recommendation to place the small sablefish release initial review on the Council agenda for action and consider the data provided in the study done by Dr. Knuckey.

Motion passed 16-0

Rationale:

- *The reasons for this motion have been widely addressed in public testimony and by the IFQ committee. Including the consideration of the study done by Dr. Knuckey is noted because of the large discrepancy in the conclusions from NMFS where the same exact data was used. It is worthwhile for staff to reanalyze this data from both lenses.*
- *This motion will also help to align sablefish management and enforcement with the State water sablefish fisheries which currently allows for discards of sablefish of any size*

E Staff Tasking

Motion 1

The AP requests that the Council take the following actions to implement the EAG Facility Use Cap exemption as soon as possible:

1. Separate the EAG Facility Use Cap issue from the AI GKC Start Date issue

2. Accept the Background Document as the Discussion Paper for the EAG Facility Use Cap issue. We believe that the Background document is a complete, functional equivalent of a Discussion Paper.
3. Adopt the attached draft Purpose and Need Statement;
4. Adopt the attached Alternative; and
5. Schedule Final Action as soon as reasonably practicable.

Purpose and Need:

Since the implementation of the BSAI CR program in 2005/2006; the number of active EAG processing facilities has decreased while the number of independent PQS stakeholders has increased; and new market opportunities (particularly but not exclusively markets for Live King crab) are developing. The Council has taken previous action to exempt Custom Processing from the calculation of facility use caps in all other CR program fisheries except GKC and WAI; the Council is now considering extending this exemption to include EAG, with the intent of creating opportunities for increasing the value of the fishery and promoting cooperation amongst stakeholders while also protecting the sustained participation of the affected fishery dependent communities.

Alternatives:

Alternative One: Status Quo

Alternative Two: Strike the following language at 680.7(a)(9):

~~For any shoreside crab processor or stationary floating crab processor east of 174 degrees west longitude to use more than 60 percent of the IPQ issued in the EAG or WAI crab QS fisheries, unless that IPQ meets the requirements described in [§ 680.42\(b\)\(8\)](#).~~

Motion passed 16-0

Rationale:

- *Major stakeholders in this fishery have indicated that the Facility Use Cap is hampering product and market development. These stakeholders include processors, harvesters and the City of Unalaska, where these crab are currently landed and processed. There have been no known objections raised to this request from any stakeholder in this fishery.*
- *Unlike most other rationalized crab fisheries, a significant amount of the Eastern Aleutian Islands Golden King crab processor quota is held by independent individuals and entities that do not own processing plants and therefore they rely on custom processing agreements. The facility use cap severely limits their options for custom processing.*
- *Golden King crab is one of the few crab species robust enough to survive transport to market as a Live product, and the facility use cap restricts the quota holders from working together to further develop this important value-added opportunity.*
- *This action will not impact on the crab program's landing requirements or other community protection measures; it would simply give quota share holders more flexibility to work together and potentially increase the value of Golden King crab to the benefit of all Eastern Aleutian Islands Golden King crab stakeholders.*
- *The Council agreed to take up this issue in June of 2021. Now, a year later, the fishery is about to open with this outdated use cap still in place; at a time when we should be seeking additional value for all crab species.*
- *Finally, the facility use caps for all of the other rationalized crab fisheries have been effectively removed by exempting custom processing agreements. The Golden King crab fishery should be treated the same.*

Motion 2

The AP recommends that the Council request the Secretary promulgate emergency regulations under the authority of Section 305(c) of the Magnuson-Stevens Act to suspend the recent participation requirements for Catcher Vessel Crew (CVC) QS and Catcher Processor Crew (CPC) QS and suspend any revocation of and issue all IFQ for the CVC QS and CPC QS for this upcoming 2022/23 fishing season. The urgency to do this now is the application deadline for the upcoming 2022/23 is June 15th of 2022. This action would not modify other aspects of the CR Program.

The AP also recommends that the Council initiate analysis to modify the CVC QS and CPC QS recent participation requirements with the following purpose and need and alternatives for analysis.

Purpose and Need

The CVC and CPC shares have a participation requirement of one delivery during the previous 4 consecutive years. With the ongoing impacts of the COVID-19 pandemic, now in its third year, many crew members have not been able to comply with the participation requirement. With the unforeseen circumstance of the decline of the BSS stock and potential fishery closures, there will be less opportunity for crew to participate in crab fisheries.

- Alternative 1 - No action
- Alternative 2 - Modify the CVC QS and CPC QS recency requirement
 - Option 1: Restart the recent participation requirement beginning in 2023/24 fishing year. Do not count 2019/20, 2020/21, 2021/22, toward the recent participation requirement.
 - Option 2: Give the Regional Administrator the authority to suspend the CVC QS and CPC QS recent participation requirement.

Motion passed 16-0

Rationale:

- *This request is the result of recent, unforeseen events or recently discovered circumstances. After three years of Covid, with extremely difficult travel and logistics in Alaska, particularly to smaller towns and villages where most fishing activity takes place, it has been difficult to get extra crew on board. This was followed by the unexpected and unforeseen collapse and decline of two crab fisheries, which has significantly impacted the availability of crew jobs.*
- *Crew potentially losing access to quota shares due to resource conditions out of their control is a serious management problem in the fishery.*
- *Stakeholders are awaiting next steps for a rebuilding plan for Opilio and potential management changes in other crab fisheries. There are some very complex decisions forthcoming for the fishery, and considerable uncertainty for crew; this is one immediate action that would preserve critically important access for crew while we gain clarity on the future of the fisheries.*
- *This action can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rulemaking process.*
- *Many crew are currently not eligible to receive IFQ at this point, and at this time next year may lose their QS because of these unforeseen resource events.*
- *Restarting the clock at the 2023/24 season will put everyone on a level playing field again.*

- *Giving the Regional Administrator the authority to address these types of issues in the future, alleviates a lengthy regulatory process and could provide more responsive and critical relief for crew, if warranted by resource conditions.*