

ADVISORY PANEL
Motions and Rationale
June 6-8, 2023 - Sitka, AK

E Staff Tasking

Motion 1

The AP recommends the Council consider a new management program for pot vessels over 60 feet long in the Bering Sea Pacific cod fishery. Options to consider could include rationalization of the fishery based on catch histories or other approaches, opportunities for cooperative fishing strategies, improvements in monitoring and fishery data collection, and establishing incentives to reduce crab bycatch.

Motion passed 15/2

Rationale in Favor of Motion 1

- *Rationalization and other cooperative fishing strategies have been shown to improve monitoring, reduce bycatch, and make fisheries safer. Given issues with the BBRKC stocks and the interactions between those stocks and the BS Pot CVs >60 sector, it's an especially important time to move the improved management of their fishery forward.*
- *The State of Alaska has recently noted that new management of this sector is a State priority for the remainder of the Governor's term, so it's a timely point to move this motion forward. Although it's disappointing that other rationalization programs were left out of the State Priorities, it's important that this one move ahead.*
- *Although the AP heard public comment that there was a lack of consensus by about 20 LLPs, this is a long, slow process and there is still time to find solutions to problems that could potentially result in unanimous support. A lack of consensus among participants when you have the consensus of the majority of participants should never be a reason to not move forward a management program with overwhelming benefits to monitoring and reducing bycatch.*

Rationale in Opposition to Motion 1

- *The motion is not responsive to public comment indicating that a coalition of multiple participants is not interested in a cooperative structure at this time.*
- *A regulatory process to rationalize the fishery should begin only after the fleet has worked out the major issues that currently keep those for and against rationalization apart.*

Motion 2 Kodiak Tanner Crab

The AP recommends the Council initiate a discussion paper on measures to address ongoing concerns about GOA Tanner crab bycatch around Kodiak Island.

The discussion paper should include the following:

- The process for development of 100% Electronic Monitoring protocols and/or 100% observer coverage for trawl vessels to accurately assess Tanner crab interaction, with a emphasis in statistical areas 525702 and 525630 AS WELL AS:
 - The amount of groundfish landed by target and gear type (PTR, NPT, POT) in statistical areas 525702 and 525630 from 2019-2023.
 - The percentage of observer coverage by target and gear type (PTR, NPT, POT) on groundfish landed in statistical areas 525702 and 525630 from 2019-2023.
 - The current tanner crab distribution around Kodiak Island as a whole and specifically in statistical areas 525702 and 525630 as well as the following closure areas as defined in Figure 5 to Part 679 of the CFR:
 - The Marmot Bay Tanner Crab Protection Area
 - The Type I Closure Areas: Marmot Flats Area; Alitak Flats and Towers Areas,
 - The Type II Closure Areas: Barnabas; Chirikof Island Area
- Update and review of the Council’s previous action regarding Tanner crab protections;
- Analyze catch records and develop an economic model regarding the value of the groundfish bottom trawl fisheries and the Tanner pot fishery in the identified statistical areas;
- Review of ADF&G trawl survey data and Tanner crab abundance in identified statistical areas;
- Review of trawl gear and observer coverage currently used in these area;
- Consider time on bottom of pelagic trawls operating in areas closed to bottom trawling, in particular bays associated with high Tanner crab abundance;
- Consider time and area closures and other appropriate measures to protect crab, particularly during vulnerable life stages;
- Assess the following biological information on Tanner crab:
 - Accurate estimates of total fishery mortality in the NPT, PTR, Pot Cod groundfish sectors
 - Improved understanding of preferred habitat at various life stages
 - Improved understanding of critical crab habitat
 - Improved understanding of seasonal movement and habitat use relative to groundfish seasons

Motion passed 10/5

Rationale in Favor of Motion 2

- *This motion is responsive to long standing and continued concerns about Tanner crab bycatch in the trawl sector around Kodiak Island. As noted in testimony, this is not a new concern and it is responsible to revisit this issue and develop mitigation measures.*
- *The directed Tanner crab fishery is managed by the State of Alaska and closes for biological reasons on March 31 to protect molting crab. In contrast there are federally managed groundfish fisheries which allow for bottom trawling in the same areas.*
- *The statistical areas referenced, 525702 and 525630, represent known Tanner crab habitat and is supported by annual ADF&G trawl survey data.*
- *This motion is responsive to concerns about crab bycatch and is supported by the Kodiak Crab Alliance Cooperative (KCAC), which represents the majority of Kodiak area Tanner crab permit holders actively participating in the fishery); the Kodiak Archipelago Rural Regional Leadership Forum (a consortium of community, tribal, municipal, and ANCSA Corporation leaders from the coastal communities of Akhiok, Larsen Bay, Old Harbor, Ouzinkie, Port Lions and Kodiak), the Alaska Jig Association, Alaska Marine Conservation Council, and many other individuals and associations.*
- *The Tanner crab fishery around Kodiak Island is now the biggest in the State and of great importance to the crab fleet. The fishery is designed to benefit community-based fishermen and minimize the impact on crab stocks with low pot limits and daylight only fishing which minimizes exposure of the crab to cold winter nights.*
- *The motion language regarding 100% EM and/or observer coverage when trawling in these statistical areas reflects analysis in the prior 2010 Council action that was never implemented. This may be the best place to start, to improve the data necessary to inform subsequent actions like time and area closures.*
- *The request for biological information was taken from crab biologist's recommendations as a data need from the Alaska Bycatch Taskforce.*
- *Public comment noted a comparative look at the value and harvest of groundfish and the value and harvest of Tanner crab in the statistical areas. An economic comparison between Tanner crab and groundfish in these statistical areas is important to consider the management structures we have in place now.*
- *The Commissioner of ADF&G recently released a list of priorities for the State of Alaska relating to Federal fisheries and a plan to move forward with monitoring and data collection to better understand the impacts of trawl fisheries on Tanner crab. This motion is responsive to that priority.*
- *The motion provides a list of items to develop a discussion paper for the Council to consider. The list is not exhaustive and other welcome ideas are welcome.*

Rationale in Opposition to Motion 2

- *The AP heard testimony that stakeholders in the trawl fisheries welcome a discussion paper that:*
 - *Updates knowledge on crab (king and tanner) distribution around Kodiak, including in key statistical areas 525702 and 525630, as well as in existing non-pelagic gear closure areas as described in Figure 5 of Part 679 (Marmot Bay Tanner Crab Protection Area, and Type I and Type II King Crab closure areas).*

- *Updates information on groundfish harvest, observer coverage for groundfish trips by PTR, NPT, and POT gear as well as associated crab removals from those trips should also be analyzed.*
- *Reviews whether the existing non-pelagic gear closure areas as described in Figure 5 of Part 679 are effective.*
- *However, while trawl stakeholders welcome the above discussion paper, a discussion paper is typically only an information gathering stage to assess potential problems and concerns. It is premature in a motion for the discussion paper to automatically determine that 100% monitoring coverage (observer or EM) is the necessary outcome, even for just specific statistical areas.*
- *In the North Pacific, only fully rationalized or cooperatively managed fisheries require 100% observer coverage and there is no precedent of requiring additional coverage for particular statistical areas. Some AP members noted that the trawl sector has been asking for rationalization for 30 years and would welcome 100% monitoring, but they cannot support increased burden without the management tools and benefits of a slower paced fishery.*
- *AP members noted that static area closures do not always seem to work; there are both king and tanner crab protection areas closed to non-pelagic gear currently in effect around Kodiak that have never been reviewed, and local knowledge indicates that both species of crab have not returned to these areas as an improvement or increase in crab stocks. A review of the effectiveness and relevance of these closures should be included in this discussion paper to determine whether they need to remain going forward.*
- *AP members spoke to the economic importance of "high volume, low value" species to keep processors functioning and communities open. The flatfish fishery has traditionally had great economic importance to the City of Kodiak and the absence of it has been difficult. Any economic model regarding the value of the groundfish trawl fisheries and the tanner pot fishery should not be limited to catch records and should also address the value to shorebased processors and Kodiak's support businesses from activity from each fleet.*
- *An AP member noted that:*
 - *An April 2023 Test fishery consisted of four CVs that completed a total of 13 flatfish trips to test the market and a total of just over 3 million pounds was landed; far short of the average of 37 million pounds landed each year from 2013-2020. During this test fishery, which has finished for the year, 54% of trips (seven of the thirteen trips) had observer coverage; this high coverage rate was randomly achieved since observers are deployed based on gear and not target fishery.*
 - *During the Test fishery 1,024 crab were self-reported by operators as at-sea discards on fish tickets across 4 trips. There were 3 individual crabs that were sampled by observers across 2 trips. No crab were delivered to shoreside processors, and only 3 distinct trips had any crab (either observed, discarded at sea, or delivered). Over 80% of the self-reported crab came from one bad tow, which can happen to anyone.*
- *Some AP members were concerned that some of the public testimony included hearsay from events that the testifiers did not personally witness. An AP member was able to provide more direct experience and data from the reported incident. Rather than trying to propose a solution to a problem or collaborate with the affected trawl sector prior to the meeting, some AP members felt the public testimony and the resulting Motion 2 was more closely aligned to a targeted effort against a particular sector instead of a response to a long term problem.*
- *The prior action on tanner crab referenced in public comment led to restructuring the observer program in recognition that data from all fleets is important to really understand*

what is happening. If action is taken on this agenda item then we should look at all gear types and impacts to the crab stocks both in the federal fisheries by all FFP permitted vessels and all state water fisheries.

- *An AP member noted the areas covered in the motion (525702 & 525630) are some of the heaviest trawled grounds in Kodiak and remain the most productive for ground fish as well as crab due to the removal of predators.*

Motion 3

Approve the minutes from the April 2023 meeting.

Motion passed unanimously.