



**ADVISORY PANEL**  
**Motions and Rationale**  
**June 4; 7-9, 2024 - Kodiak, AK**

REPORT

June 4; 7-9, 2024 – Kodiak, AK

*The Advisory Panel met on Tuesday, June 4, and Friday through Sunday, June 7-9, 2024, at the Kodiak Marketplace in Kodiak, AK. The following members were present for all or part of the meetings:*

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

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

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

**C1 Observer Report**

**Motion**

The AP supports the following recommendations from NMFS and/or the FMAC for the 2025 Annual Deployment Plan (ADP):

Deployment Design:

- 1.) No significant changes to the Deployment Design should be made for the 2025 ADP:
  - a. Continue the proximity allocation method (except trawl EM) and current stratification based on monitoring method/gear type (OB Fixed, OB Trawl, EM Fixed, EM Trawl, Zero-coverage [ $<40$ ft, jig, troll]) and Fishery Management Plan (BSAI, GOA).
    - i. Request that NMFS further describe how the proximity allocation method used in 2024 addresses prior FMAC and Council recommendations to explore a revised hurdle in the 2025 ADP.
  - b. Partial Coverage Trawl EM should maintain a 33% shoreside observer sampling rate

ODDS:

- 1.) Begin work with the PCFMAC to support voluntary efforts by vessel trade associations and the observer provider to better understand the reasons behind trip cancellations and develop an ODDS trip cancellation policy for the 2025 ADP that meets the following objectives:
  - a. Affords the observer provider adequate time to deploy an observer
  - b. Reduces impacts to coverage rates and non-random monitoring
  - c. Will not significantly impede industry

### Fixed Gear EM

- 1.) The Fixed Gear EM selection pool is maintained at 177 vessels but increased as funds are available up to 200 vessels. Placement in the EM pool should prioritize:
  - a. Minimizing data gaps
  - b. Cost efficiency
  - c. Fishing Effort
  - d. Vessel Size

### Trawl EM Implementation

- 1.) The following elements should be required under the regulated program:
  - a. Vessels would be required to opt into the regulated program prior to November 1, 2024 and would be required to have a NMFS-approved Vessel Monitoring Plan (VMP) in place prior to participating in Trawl EM in 2025.
  - b. Vessels would need to transmit a Landing Notice to the shoreside processor through a NMFS-approved system, as detailed in their VMP, prior to each Trawl EM offload.
  - c. EM Hardware service providers would be required to have a NMFS-approved permit prior to the start of the fishing season.
- 2.) NMFS should continue to evaluate shoreside sampling priorities in order to balance observer workloads for both partial and full coverage sectors.
- 3.) NMFS should request collaboration from the EM Service Providers and the Trawl EM EFP permit holders to gain a better understanding of Trawl EM costs (both for EM and shoreside observers) so the Agency can appropriately budget for Trawl EM in the 2025 ADP.
- 4.) If a vessel operator has repeated problems with EM system reliability or video quality, or has failed to comply with the requirements in their Vessel Monitoring Plan, NMFS may disapprove a Vessel Monitoring Plan and the vessel may be removed from the EM pool.

### EM Video Review

The AP reiterates the significant discussion at the FMAC about the timeliness of EM video review and strongly feels that it is essential that a video review strategy be developed which results in timely EM data to inform management and stock assessment, along with providing feedback to vessel operators. The AP supports the recommendations in the Annual Report as follows:

- 1.) NMFS should collaborate with PSMFC to find a video review selection rate and review strategy that will result in EM video review times that result in the most useful information for the most number of trips for a given cost.
- 2.) To maximize data utility, NMFS, in collaboration with PSMFC, should develop specific prioritization rules that can be used to allocate review effort to the fisheries, gear types, times and areas that are the most dependent on EM data.
- 3.) To provide the public and data users confidence that catch estimates from fixed-gear EM fleet are robust to delayed or missing information, NMFS recommends conducting an assessment of impacts of delayed or missing fixed-gear EM data and risks to management and the stocks of not having these data available (e.g. risk of exceeding TAC and PSC, risk of premature or late fishery closures).
- 4.) This information should be included in the 2025 ADP for review by the Council and the AP and implemented in the 2025 fisheries.

EM Development

1.) In addition to the implementation of Trawl EM, NMFS should continue to collaborate with industry partners on EM development and cost efficiency projects. NMFS should work with the FMAC and PCFMAC to coordinate with National Fish and Wildlife (NFWF) grantees to plan for potential upcoming grant proposals.

Other Issues

- 1.) The AP recommends the Council write a letter to request that the agency receive sequestered funds from 2022 and 2023, and to address the possibility of preventing sequestration of funds in the future.
- 2.) The AP recommends NMFS consider expanding the rules on remote observer debriefing as an option. Additionally, the committee encourages further communication from NMFS, both with the committee and observers, on the reasons and criteria for when remote debriefing can occur. This topic should be revisited at a future FMAC meeting.
- 3.) The AP recommends the Agency continue to try to find funding for the proposal to test changes to the observer service delivery model outside of the federal contract, and the AP notes appreciation for the work to date.

**Motion Passed: 21/0**

***Rationale in favor of motion:***

- *The AP motion reflects the NMFS recommendations, as well as some of the FMAC recommendations. No changes from the NMFS and FMAC recommendations were intended.*
- *The Observer Program Annual Report that was received reflects the 2023 fishing year, but significant changes based on the Partial Coverage Cost Efficiencies Analysis were made for the 2024 ADP. Since results from the 2024 ADP are not yet available, the AP didn't consider it had enough information to suggest design changes for the 2025 ADP. As a result, the AP supports the NMFS recommendations for carrying over the 2024 ADP to 2025.*
- *The AP appreciates that during the Observer Program staff presentation, the Agency noted that since the May FMAC meeting, they have already received some preliminary data about trip cancellations from the provider that manages the ODDS call center and will begin exploring that data. The AP reiterated the recommendation to collaborate with the PCFMAC and industry associations to find a trip cancellation policy that meets the objectives as described by the FMAC. While the Observer Program did note that there may be staffing challenges due to the lead ODDS programmer's recent retirement, the AP expressed hope that the changes could still be implemented for use in the 2025 ADP.*
- *The AP noted that if funds are available to increase the Fixed Gear EM selection pool up to 200 vessels, the AP felt that minimizing data gaps, cost efficiency, fishing effort, and vessel size should all be prioritized when making decisions about placement. The AP specifically noted that prioritizing fishing effort (i.e. more quota to harvest) will also inherently provide cost efficiency. Additionally, vessel size should continue to be prioritized so that all other factors being equal, smaller vessels for which carrying an observer would be more burdensome should be prioritized for EM above larger vessels that can more easily carry an observer.*

- *Agency staff noted during the presentation that participating Trawl EM vessels will need to transmit a Landing Notice prior to each trawl EM offload. AP members pointed out that the Proposed Rule indicates that this process would be included in the vessel's VMP (Vessel Monitoring Plan), and Observer Program staff agreed with that interpretation. The AP noted that non-regulatory tools such as VMPs have become an important part of EM programs and describing the NMFS approved method in the VMP is important for being able to change the approved method in-season as needed, or as technology is developed.*
- *The AP appreciates that NMFS recognizes that delays in EM data review is a serious issue and supports that NMFS is taking steps to address it. The AP notes that this has been an annual concern for the past 3-4 years and pointed out that the delays are detrimental to stock assessment and management, and because operators rely on feedback in order to improve behaviors and EM data quality.*
- *The AP noted the discussion at the FMAC in regards to remote observer debriefing, and that the FMAC heard from both observer providers and observers about the cost efficiencies (providers) and job satisfaction (observers) that could be gained by allowing remote debriefings again. The AP supports consideration of increased remote debriefing as it is one way to support observers and observer providers, who are both essential to the management of fisheries under the Council's jurisdiction.*

## **C2 BSAI Crab Specs**

### **Motion**

The Advisory Panel reviewed the CPT report and recommends the Council adopt the 2024 Aleutian Islands Golden King Crab (AIGKC) SAFE report chapter, as well as approve the 2024-25 AIGKC OFL and ABC as recommended by the SSC.

*Motion passed 21/0*

### ***Rationale in favor of motion:***

- *The AP acknowledges the work by the stock author and CPT & SSC review of the AIGKC models.*
- *The AP agrees with the CPT and SSC recommendation for a 25% buffer on the OFL for this assessment and supports the resulting ABC.*
- *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, and the AP echoes the SSC recommendation for continued efforts to include the cooperative data into the models.*

## C4 Small Sablefish Release

### Motion

The AP recommends this amendment advance to final action with the following alternatives and options. **All aspects should apply to both the IFQ and CDQ fixed gear sablefish regulations.** Preliminary preferred alternatives are in bold.

#### Alternatives

Alternative 1: No Action, status quo

Under the No Action alternative, all regulations and FMP language related to a prohibition on discarding sablefish would remain intact. Those regulations include 50 CFR 679.7(d)(4)(ii) and 50 CFR 679.7(f)(11). Additionally, discarding is prohibited in both the BSAI and GOA Groundfish FMPs in the fourth provision under General Provisions section 3.7.1.7, prohibiting discarding of sablefish.

#### Alternative 2: Allow Release of Sablefish in the IFQ Fishery

**This alternative would eliminate (Option 1) or modify (Option 2) the regulatory restrictions that prohibit release of sablefish caught by sablefish IFQ vessels as well as the FMP provision prohibiting discarding.**

~~Option 1: Eliminate the regulatory restrictions that prohibit release of sablefish caught by sablefish IFQ vessels as well as the FMP provision prohibiting discarding.~~

**Option 2: Require retention of sablefish 22 inches total body length or longer (provides for voluntary release of sablefish under 22 inches total body length).**

#### Elements of the Alternatives

Element 1: DMRs

Apply a DMR to released sablefish of:

- ~~1. 5%~~
- ~~2. 12%~~
- ~~3. 16%~~
- ~~4. 20%~~
- ~~5. 25%~~

**6. SSC recommends the DMR through the stock assessment process.**

~~Sub-option: Select different DMRs for pot gear and hook and line gear.~~

Element 2: Catch and Release Mortality Accounting

Sablefish catch and release mortality associated with the IFQ fishery will be accounted for in the stock assessment. ~~The analysis should describe the potential implications of voluntary discards on the sablefish stock assessment, specifications process and catch accounting in the context of other uncertainties.~~

*Option 1: As part of the annual harvest specification process, the application of fixed gear ICAs would be different for full and partial coverage observer categories.*

*Option 2: As part of the annual harvest specification process, the application of fixed gear ICAs would be limited to sablefish IFQ fishing that occurs in the partial coverage observer category.*

### Element 3: Monitoring and Enforcement

The analysis should describe potential monitoring and enforcement provisions that could improve estimates of voluntary and regulatory discards *release and bring it into alignment with other regions that allow release of small sablefish (ADFG, DFO,PFMC).*

### Element 4: Review

#### **Option 1: The ability to release sablefish will be reviewed in**

a) 3 years b) **5 years** c) 7 years following implementation.

~~**Option 2:** The ability to release sablefish will sunset after 5 years following implementation.~~

### *Element 5 Careful Release*

*The AP recommends the development of a careful release requirement for all fixed gear sablefish.*

~~The analysis should include a discussion of selectivity in sablefish pots and whether requiring escape mechanisms meets the objectives of this action.~~ *The AP recommends the Council not specify the requirement for escape mechanisms at this time to allow for continued innovation of sablefish pot gear.*

***Motion Passed: 19/2***

***Rationale in favor of motion:***

- *Small sablefish release has been a consistent priority of the IFQ sector and the IFQ committee for over 5 years, and p. 168 of the analysis states “Implementing a minimum size limit for Alaska sablefish has been considered as a management option for at least the last 40 years.” Many participants in the fixed gear IFQ sablefish fishery would like to see this moved to final action.*
- *Page 6 of the reports states that Alternative 2, Option 2 would have negligible impacts on the sablefish stock. Many fishermen and fishing communities are highly dependent on the economic value of the sablefish fishery and any action to help improve the current situation is warranted, especially with the possibility of continued strong year classes and small sablefish presence in the fishery in future years.*
- *Striking Alternative 2 option 1 creates efficiencies for the analysis and is responsive to public comment.*
- *Including CDQ in this action is appropriate regarding the requirement to manage fixed gear CDQ sablefish consistently with the IFQ fishery.*
- *It is generally understood that the SSC would recommend the sablefish DMR during the annual harvest specifications process. However, some AP members thought it important to point out that the majority of the IFQ sablefish fleet has been moving towards utilization of pot gear, and that staff noted that a 12% DMR may be more characteristic of pots and the 35% may be more characteristic of hook and line fishing. As we continue to see up to 90% of the harvest from pots, some AP members hope the differential DMR for each gear type is taken into consideration.*
- *The application of an ICA is needed to account for sablefish discards in the fishery. Since discards on 100% observed vessels would be directly observed instead of being “estimated”, the adjustment for expected discards would not be necessary. Structuring the ICA options as shown in the motion could allow for discards on 100% observed vessels to reflect the observed data on those vessels.*
- *There is wide support for the adoption of careful release language similar to that used for halibut; p. 29 of the analysis cites regulations which could be used as a template for sablefish careful release. Language for pot gear should be adopted as well, and there are other sablefish pot fisheries with regulatory discards that could be used as examples when drafting that language.*
- *Appendix 4 describes how other regulatory bodies account for the release of sablefish; there are logbook and monitoring requirements that differ across all of these bodies that could be examples for implementation. The IFQ fleet is working on implementing and growing the use of E-logbooks, which would be a good mechanism for release accounting, and all sablefish pot vessels are currently required to use the Daily Fishing Logbook.*
- *The AP does not support specifying the requirement for escape mechanisms at this time because pot gear usage in the IFQ sablefish fishery is in a constant state of adaptation to best suit the fishing practices of each vessel. Larger vessels using coffin style pots are tending to use larger mesh as an escape mechanism, slinky pot users have incorporated a range of escape ring sizes, and some are exploring other options. As this is a newer gear type, it is important not to restrict innovation for best fishing practices. Escape mechanisms could be considered as part of the review process.*
- *The AP supports a 5-year review of this action. Review is a necessary component of any new action and this period of time is sufficient to consider any potential changes that may be needed.*



***Rationale in opposition of motion:***

- *AP members noted reservations about moving to a policy of high-grading fish that the analysis states has no conservation benefit, and could negatively impact the spawning stock biomass (SSB).*
- *Moving to a system of high-grading allows for, and will increase, regulatory/economic discards when fishery policy should be evolving management systems to incentivize full utilization and decreasing discards.*
- *AP members noted that this action may have been better tested as an Exempted Fishing Permit (EFP) to address a lot of the data gaps mentioned by the analysts, including things like gear modification (e.g., escape rings and mesh size variation to test small fish escape prior to being brought to the surface), whale predation, survivability, discard mortality, careful release methods, whether the 22" size is the right number, etc.*
- *Some AP members expressed concern with “catch and release mortality” accounting and enforcement in this action, given the current low observer and EM coverage, and especially since there is no coverage on under-40 foot vessels. Specifically: the tradeoffs required to account for size-selective discards, and potentially biased data collection due to presence/absence of an observer or EM.*
- *Some AP members noted that logbook reporting requirements differ among participants affected by this action, and that voluntary reporting of discards in logbooks may be unreliable without adequate monitoring and enforcement. This causes even more concerns in regards to a voluntary program, and how impacts will be identified and assessed. An expanded monitoring and enforcement section that compares requirements in other regions that release small sablefish may help to improve understanding of the trade-offs.*
- *Some AP members noted the minimal impact that fishery management actions have on the sablefish market, given the complex and global market conditions that exist currently for all seafood, sablefish included. As an example, public comment noted that the sablefish TAC on the Pacific coast will increase to 24,000 mt in 2025, which exceeds the recent retained amounts of sablefish Alaska-wide.*
- *This action may not result in more catch of larger fish, judging from catch in the GOA trawl fishery. Based on Trawl sablefish fishing in the Rockfish program where the average is 2-3lb or 3-4 lb, trawlers are seeing very little larger fish on the grounds.*

## **D1 UFMWG**

### **Motion**

The AP appreciates the work by the UFMWG and review bodies for the report. The AP concludes that the UFMWG report is comprehensive and responsive to SSC and Council defined objectives and end products, and acts as a step towards exploring and addressing the potential impacts of unobserved fishing mortality (UFM) on crab.

The AP recommends that the Council pause the working group until further research products are completed to inform a framework for addressing UFM and task staff with tracking and reporting on the progress of the ongoing research projects related to unobserved fishing mortality.

In the interim, the AP recommends the description of the Research Priority (RP) ID number 809, and others as necessary, be updated to include language that identifies that it addresses the “high priority” research needs as identified by the working group: information for all gear types on bottom contact and footprint of gears along with mortality rates or the quantification of the lethality of each gear type on crab, with a focus on periods of crab molt cycles.

### ***Motion Passed 20/0***

#### ***Rationale in Favor of Motion:***

- *The AP took agenda item D5 (Research Priorities) ahead of item D1 due to time and scheduling. AP members considered that a likely place to suggest prioritization of unobserved fishing mortality was in Agenda item D5 and thus included looking at unobserved fishing mortality in the D5 motion. Therefore, many AP members felt it was not necessary to elaborate further in a motion on D1.*
- *The UFMWG report and following presentation provided a detailed summary of the working group’s discussion surrounding the Council-approved objectives, research priorities and proposed end products, as requested by the Council in June of 2023. These efforts are appreciated and the timeliness is important when considering the current state of Bering Sea and Aleutian Islands crab stocks.*
- *The Working Group identified substantial data deficiencies that preclude any meaningful estimation of UFM and therefore included a comprehensive table outlining the data needed and potential approaches to carry out research. These data gaps and research priorities are an important first step towards tackling the potential impact that unobserved fishing mortality may have on crab. Importantly, a focus on estimating mortality from gear interactions should be prioritized with further attention drawn to molting periods for crab.*
- *The UFM working group was made up, in part, with several SSC members but AP members believed a full SSC review of the report could have provided additional recommendations to the Council within the research priority cycle.*

- *In considering next steps for the working group, the Council could consider whether a public-facing workshop would benefit the informing of UFM estimates prior to or following the acquisition of additional data needs to inform stock assessments and management, but due to the time-sensitive need to fill these data gaps for stock assessments and management, the AP recognizes the time and resources required to conduct such a public workshop has the potential to slow down important field research. Therefore the AP encourages the Council to support the ongoing research and research priorities that have already been identified by the working group and to request periodic progress reports from the UMFWG.*

## **D2 BSAI Crab Program Review**

### **Motion 1:**

The AP recommends that the Council accept the Bering Sea Crab Rationalization Program review.

*Motion passed: 20/0*

#### *Rationale in support of Motion 1:*

- *The AP appreciates the effort and work-product provided by the staff and analysts and believes the document is ready for acceptance by the Council.*
- *The AP did not include the SSC recommendations for small improvements to the document because an SSC report was not presented to the AP. The AP notes it would be helpful to receive SSC reports to help inform our discussions and recommendations.*

### **Motion 2:**

The AP recommends that the Council initiate a discussion paper further evaluating the arbitration regulations in the Bering Sea crab rationalization program, to determine if changes could create additional transparency and predictability, reduce industry costs, and/or respond to lower crab TACs.

The discussion paper should separately analyze whether regulatory uncertainty exists related to the withdrawal of Individual Processor Quota (IPQ) and Individual Fishing Quota (IFQ) applications prior to the issuance of Processor Quota Share (PQS) and Quota Share (QS).

*Motion passed: 20/0*

#### *Rationale in support of Motion 2:*

- *The intent of the motion is not to remove the arbitration program or to look at broad changes to the price formula. The goal is to evaluate whether there are changes to the program, including requiring written records of arbitration findings or changes to the 'baseball' style arbitration rules, that could create additional transparency and predictability, and be more adaptive to low TAC years.*
- *The fishery has changed significantly since implementation, both in respects to the number of harvesters and processors, and the availability of resources, and so it is appropriate to re-evaluate this component of the program to see if changes are needed to meet the needs of harvesters, processors, and communities.*
- *Public and staff comment noted the ambiguity with withdrawal of individual processor and fishing quota applications prior to the share matching process. Given the uncertainties with the crab resource, clarity on this aspect of the program would provide more stability and certainty to participants.*

- *While a discussion paper was suggested as the vehicle to move this request forward, the maker of the motion acknowledged that an ad-hoc or standing committee may be a useful tool to provide input to staff. However, given all the considerations that go into staffing a committee, the maker of the motion didn't think it was appropriate to make such a recommendation.*

### **Motion 3:**

The AP recommends that the Council initiate a discussion paper to consider the following changes to the BSAI Crab Rationalization Program (in no particular order):

- Revise eligibility requirements for receiving c-shares through transfer either as a new entrant or a current c-shares holder buying more to mirror the requirements recently implemented for holding or maintaining active participation requirements for c-shares.
- Increase c-share use caps.
- Relax select sideboards in times of low quota or closed crab fisheries.

### ***Motion Passed 20/1***

#### ***Rationale in Support of Motion 3***

- *The changes outlined in the motion could help build flexibility in the program to address some of the challenges of low quotas and closed crab fisheries. These changes could also encourage new entrants in this fishery, as well as help promote economic stability for harvesters – key objectives of the CR program.*
- *Revising eligibility requirements for receiving C-shares is responsive to public comment, and would “level the playing field” for participants buying c-shares with those that are required for maintaining C-shares. Consideration of this revision was raised too late in the Council process to be added to the recent rulemaking for maintenance of C-shares. Applying the same requirements for new owners could increase flexibility in the program, particularly in times of low quota and closed fisheries; it would provide more opportunities for new entrants or those looking to purchase more C-shares; and it would create consistency for the NOAA Fisheries participation verification process.*
- *Some AP members noted that raising the use caps for C-share holders would allow for increased flexibility in the Program and incentivize new entrants, active fishermen, and investment in C-share quota, but would likely not result in excessive consolidation of Quota Share, as the maximum cap would still be a very small percentage of the overall crab TAC.*

- *Relaxing select sideboards in times of low quota or closed crab fisheries could create opportunity to help keep family businesses and independent harvesters viable. The original purpose of sideboards was so vessels couldn't fish Pacific cod in another region while leasing out Bering Sea crab quota. However, if a Bering Sea crab fishery is closed or at low quota levels, that isn't an issue. Relaxing sideboards in times of low harvest or closed fisheries is in line with creating flexibility in the system to build fishery resilience, particularly as a tool to help protect independent harvesters. In the spirit of increasing flexibility to build resilience and encouraging active fishermen, the analysis should consider options beyond just historical participants in both Bering Sea and Gulf of Alaska fisheries.*
- *An AP member noted concern about relaxing sideboards given that sideboards were created to prevent rationalized fishery participants from harming smaller, unrationalized fisheries. This reservation was not considered significant enough to not support the motion, as the discussion paper should be able to provide information on the potential fisheries that could be impacted by relaxing crab sideboards. Specifically, the paper should include WGOA and CGOA cod fisheries which have small quotas that are currently fully utilized and are also facing significant processing and economic strain. This should include the size of those TACs, participation, and utilization of those TACs as well as season lengths.*

***Rationale in Opposition to Motion 3:***

- *An AP member noted that examining sideboards may be better situated in a broader paper that addresses a dynamic management framework.*

## D3 Central GOA Rockfish Program Review

### Motion

The AP recommends the Council adopt the Central Gulf of Alaska Rockfish Program Review Work Plan as presented with the following expansions within the Table of Contents:

1. In Chapter 4, “*TACs, Allocations, Harvests, Processing, and Transfers,*” expand on the following topics:

Rockfish Program TACS:

- The available quota for each CQ species by sector from the beginning of the RPP (2007) to present.
- The amount of harvest of each CQ species by sector.
- An evaluation of potential reasons why species have not been fully harvested.

Fishery Timing:

- How fishing effort has changed by month from prior to the Rockfish Pilot Program, through the RPP, and to present in the RP over the history of the program.
- Whether less harvest of RP species including northern and dusky rockfish has changed due to less catchability during shoulder seasons.
- A description of how other fisheries have changed that affect annual landings for the port of Kodiak and RP participants (ex: pollock, flatfish, and Pacific cod).

Processing Capacity:

- The change in the number of RP processors operating annually through the history of the RP
- How the number of RP processors receiving deliveries fluctuates by month, each year
- Whether the increase of the RP’s Processing Cap from 30% to 40% in Amendment 113 will be enough to sufficiently address issues with processing capacity in the RP.

2. In Chapter 8, “*Products and Markets,*” expand on the following through the history of the RP:

- An evaluation of product mix changes across the CV and CP sectors
- An evaluation of wholesale pricing by species across the CV and CP sectors
- How rockfish fits into the current global seafood market crisis, including if oversupply exists for rockfish species or if other problems exist due to substitute fish species.

3. In Chapter 12, “*Fishing Vessel Safety*” provide additional context on

- How fishery timing, including increased fishing in the shoulder seasons with poorer weather, affects vessel safety.

4. In Chapter 14, “*Management, Monitoring, and Enforcement,*” provide an expanded background about the current state of monitoring in the fishery to understand why the CV sector is moving toward electronic monitoring. This should include:

- Observer availability and observer cost over the history of the program.

- Efficiency of the present monitoring system.

The AP acknowledges that while final 2024 data may not be available for all data sources and types, they recommend that it be included in the Program Review to the extent possible given the extreme recent changes within the RP.

***Motion Passed 21/0***

***Rationale in Favor of Motion:***

- *The AP appreciated staff's work in developing the Table of Contents for the Program Review Workplan. The AP's motion requests expanded data, background, and context within that framework to highlight the RP's recent challenges, especially with monitoring and processing.*
- *The Central GOA rockfish program (RP) is an important part of the business plan for Kodiak's catcher vessels and processor participants. As a high cost fishery for both harvesters and participants, there have always been unique challenges within the fishery which the Rockfish Program was structured to help alleviate; the current global seafood market crisis has exacerbated these challenges to an untenable point for participants. It's expected that the majority of the C/V sector's primary rockfish quota will go unharvested this year.*
- *The motion is responsive to written public comment from the 5 RP catcher vessel cooperatives and oral comment provided on behalf of the C/P cooperative. The C/P cooperative did not request additional items be added to the Table of Contents, but supported the additions made by the C/Vs.*
- *There were a few details, such as cost recovery fees in light of reduced revenue and how to include support business in community profiles, that came up during the Staff presentation but were not included in the motion since Staff indicated they would provide those details.*



## **D4 BSAI Pacific Cod Pot LAPP**

### **Motion**

The AP recommends the Council adopt the following purpose and needs and alternative for analysis, request staff to create an initial review document using the following Alternatives, Elements, and Options to analyze creating a LAPP catch and allocation program for the Bering Sea and Aleutian Island Catcher Vessel and Catcher Processor sector pot cod fishery vessels and shoreside processors.

#### **Purpose and Need:**

Over the last several years, total allowable catch for Pacific cod in the Bering Sea Aleutian Islands (BSAI) has steadily decreased. The pace of the fishery has contributed to an increasingly compressed season, resulting in decreased ability to maximize the value of the fishery, and negatively impacting all fishery participants (catcher vessels, catcher processors, shoreside processors, and communities). This race for fish also discourages fishing practices that can minimize bycatch and threatens the sustained viability of the fishery. Fishery participants are unable to form durable cooperative fishery-based structures due to the large number of inactive vessels that could enter the fishery. The Council is considering the development of a cooperative-based program for the Bering Sea and Aleutian Island Pacific cod pot fisheries to improve the prosecution of the fishery, with the intent of promoting safety and stability in the harvesting and processing sectors, increasing the value of the fishery, minimizing bycatch to the extent practicable, providing for the sustained participation of fishery dependent communities, and ensuring the sustainability and viability of the resource.

### **BSAI Pcod Pot CV and CP Management**

Alternative 1. Status Quo – No Action Alternative

Alternative 2. Cooperative management program for BSAI pot CVs  $\geq 60'$  and pot CPs

#### **Element 1**

Cooperative Style Systems (May choose separate alternatives for CP and CV). Annual voluntary CV cooperatives in association with eligible processors. Harvesters may change cooperatives on an annual basis and without penalty.

Option 1. One Single Cooperative

Option 2. No limitation on the number of cooperatives that may form. Inter-cooperative formation is allowed.

Sub-option a. No minimum number of LLP licenses is required to form a cooperative.

Sub-option b. A minimum of two LLP licenses are needed to form a cooperative.

Sub-option c. A minimum of three LLP licenses are needed to form a cooperative.

## Element 2

### Initial Allocation to LLP Licenses

#### Catch history to determine eligibility

2.1. Eligibility – Any LLP license assigned to a vessel that made qualifying catch history (legal landings) of targeted pot CV, or pot CP, BSAI Pacific cod during the qualifying years is eligible to receive QS.

Option: Establish a minimum threshold percentage range of 0.25%-1% by LLP holder for eligibility to receive QS. Partial ownership of LLP licenses counts toward the minimum threshold using the individual and collective rule.

2.2. Harvester Allocations – Eligible LLP licenses must be assigned to a cooperative for the cooperative to receive annual BSAI Pacific cod cooperative quota (CQ). The initial allocation of QS will be made to eligible LLP licenses, with each LLP license's QS based on the Pacific cod qualifying catch history (legal landings) of targeted BSAI Pacific cod authorized by that LLP license during the following qualifying years:

- a. Pacific Cod would be allocated based on the catch history of LLPs in the directed BSAI  $\geq 60'$  Pacific Cod Pot Catcher Vessel and Catcher Processor sector with the following year options for consideration: (May choose separate options for CP and CV)

#### Options:

- 2.2.1 2017 through 2023 (7 years)
- 2.2.2 2014 through 2023 (10 years)
- 2.2.3 2009 through 2023 (15 years)

#### Sub-options:

- a. Drop 1 year
- b. Drop 2 years
- c. Drop 3 years
- d. Drop 4 years

2.3. Development and administration of a Reserve Pool funded by (1%, 5%, or 15%) of available Sector allocation, for use by active vessels\* without an LLP. Minimum threshold of legal catch in years selected in Element 2.2.

Options:

- 2.3.1 Threshold of 100 Mt
- 2.3.2 Threshold of 200 Mt
- 2.3.3 Threshold of 500 MT

\*Denotes vessels owned and active in years selected in 2.2.a (above) in which the vessel owner is not designated on an BSAI Pot CV or CP LLP

2.4. Pacific Cod would be allocated in equal shares to every LLP based on:

1. Full sector allocation in an equal share to all active LLPs. This option is mutually exclusive of the option in Element 2.2.

2. A blended allocation:

Options: These options (below) are not mutually exclusive of options in Element 2.2.

Range of:

- 2.4.2.1 10% of available Sector allocation allocated in equal shares to every LLP
- 2.4.2.2. 25% of available Sector allocation allocated in equal shares to every LLP
- 2.4.2.3. 50% of available Sector allocation allocated in equal shares to every LLP
- 2.4.2.4. 75% of available Sector allocation allocated in equal shares to every LLP

2.5. For the initial allocation of QS, qualifying catch history is attached to the LLP license at the time of harvest. If multiple LLP licenses authorized catch by a vessel, in the absence of an agreement provided by the LLP license holder at the time of application, qualifying catch history will be:

Options:

- 2.5.1: Divided equally between those LLP licenses.
- 2.5.2: Assigned to an LLP license by the owner of the vessel that made the catch.
- 2.5.3: Transferred to preferred LLP license agreed to by the LLP license holders.

2.6. Annual CQ will be issued to each cooperative by NMFS based on the aggregate QS attached to LLP licenses that are assigned to the cooperative. NMFS will issue CQ by season and rely on the cooperatives to ensure the seasonal limits are not exceeded. Unused A season CQ may be rolled over to the B season. CQ will not be designated for harvest in a management area (i.e., BS or AI) but may be harvested from either area.

2.7. Allocate both A and B seasons. All groundfish species not allocated to cooperatives will be managed by maximum retainable amounts (MRAs), as under current management.

### **Element 3. Crab Prohibited Species Catch Limits**

Use same qualifying years as allocation under section 2.

Annual crab PSC limits available to the BSAI pot CV and CP Pacific cod sector will be established through the annual specification process as follows:

Options:

3.1: Crab PSC limits will be maintained at the BSAI pot CV and CP limited access sector level.

3.2: Establish separate PSC limits for the BSAI pot CV and CP Pacific cod sectors.

Sub-option 3.2.1: Crab PSC limit will be apportioned based on historical use (using qualifying years selected under Element 2) between the pot CV sector and the pot catcher processor (CP) sector.

Sub-option 3.2.2: Calculate overall PSC limit to the BSAI pot CV and CP cod sectors based on historical use. Divide the Crab PSC limits between CV and CP sectors based on the proportion of BSAI Pacific cod allocated to the pot CV sector and pot CP sector.

3.3: Set crab PSC limits below historical use set in 3.2 above. Reduce by 10%; or 25%; or 35%; or 45%.

Sub-option 3.3.1: Red king crab Zone 1

Sub-option 3.3.2: Red King Crab area 512

Sub-option 3.3.3: C. opilio Bycatch Limitation Zone

Sub-option 3.3.4: C. bairdi Zone 1 and Zone 2

Sub-option 3.3.4 (applicable to any sub-option 3.3 chosen above): Phase in crab PSC limits over

3.3.4.1: 2 years. One half of the total set crab PSC limit reductions implemented each year.

3.3.4.2: 3 years One-third of the total set crab PSC limit reduction implemented each year.

Each cooperative will receive annual CQ of Pacific cod and apportionments of crab PSC limits based on members' qualifying catch histories (and processing histories, if applicable) to be harvested in accordance with the harvest cooperative agreement. The sector's crab PSC limits will be apportioned to cooperatives in proportion to its initial Pacific cod CQ apportionment and will be monitored at the cooperative level, resulting in a prohibition on directed fishing for Pacific cod in a specified management area (crab PSC limits) by that cooperative, if the cooperative PSC limit apportionment is reached. PSC limits are transferable between cooperatives based on the same rules established for Pacific cod CQ. (Refer to Element 6).

#### **Element 4: Gulf of Alaska Protection/Limitation**

Option 4.1: CV Pot and CP pot LLPs and/or Vessels will be sideboarded to their historic participation in the Gulf of Alaska Pacific cod fisheries. (History during the time period selected in 2.2.a.)

Option 4.2: CV Pot and CP pot LLPs and/or Vessels will be sideboard limited to their historic crab bycatch in the Gulf of Alaska Pacific cod fisheries. (History during the time period selected in 2.2.a.)

Sub-option 4.2.1: Set GOA crab PSC limits by reducing historic crab bycatch: 10%; 25%; 35%; or 45%.

#### **Element 5: Processor and Community Provisions**

5.1. No closed class of processors. All processors with an eligible FPP or FFP are eligible to process BSAI Pacific cod CQ under this program.

5.2 Processors that have a history of processing in the BSAI  $\geq$  60' Pacific Cod Pot Catcher Vessel sector will be eligible to receive harvesting QS based on each processor's processing history during the time period selected in 2.a.

5.3 To be harvested, the processor's harvest shares would be assigned to a catcher vessel coop.

- i. When assigning processor harvest shares to a catcher vessel for harvest, priority must be given to non-affiliated vessels.
- ii. Pro-rata split between affiliated and non-affiliated catcher vessels.
- iii. If a processor holding QS does not associate with a cooperative, it does not receive CQ. That processor's CQ will be divided among cooperatives in the same proportion as the processor's CQ assigned to individual cooperatives by the associated processor that year relative to total processor derived CQ that was issued that year.
- iv. If a processor is associated with more than one cooperative during a year, the CQ associated with their FPP or FFP would be divided between the cooperatives in the same proportion as the CQ derived from LLP licenses.
- v. Processing history qualifying years (including any drop year option selected in element 2.2) to receive QS are the same as harvester qualifying years in Element 2.
- vi. Processors that are no longer active (no longer hold an FPP) would not be issued QS. The processing history associated with those processors would be deducted from the total amount of eligible processing history during the qualifying years when calculating the distribution of QS to processors.

#### 5.4. Percentage of CV\* Harvest Shares Allocated to Processors

Options:

1. 5%
2. 10%
3. 15%
4. 25%

\*Only percentage of CV harvest shares. CP LLP while operating in CP mode derived harvest shares are not considered in any allocation to Processors.

### **Element 6: Transferability**

#### 6.1 Harvest shares issued to LLPs

Initially issued QS are attached to pot CV or CP LLP licenses and are non-severable from the LLP licenses. Transfer of an LLP license eligible for this program results in the transfer of any program eligibility and QS associated with the LLP license.

Sub-option 6.1.1: For the LLP licenses: Within ninety (90) days of initial issuance of QS, the owners of the LLP licenses that are associated with CVs or CPs that had engaged in fish transfer agreements during the qualifying periods and whose QS allocation at initial issuance does not exceed the ownership cap in element 7 may transfer the QS between other LLP licenses associated with CP or CV vessels subject to the ownership cap in element 7. After these transfers are approved by NMFS, the BSAI Pacific cod QS will no longer be severable from the LLP license to which it was reassigned unless modification is supported by an operation of law.

Sub-option 6.1.2: CV operation derived QS cannot transfer to CP but CP operation derived can transfer to CV LLP.

#### 6.2. Harvest shares issued to processors:

QS based on processing history are issued as separate permits, and the permit is only transferable to another processor. Permits issued to shoreside processors can only be transferred to other shoreside processors that hold an FPP. The QS is non-severable from the permit except in the case that transfer of the permit to another eligible processor would result in exceeding the use cap under Option 7. In that case, the portion of the QS over the cap is allowed to be severed from the permit and transferred to another eligible processor permit or shoreside processor that holds an FPP.

6.3. Annual Pacific cod CQ and PSC limits (whether derived from harvesting or processing histories) are transferable between CV cooperatives.

i. If more than one CP cooperative is approved: CP Annual Pacific cod CQ and PSC limits (whether derived from harvesting or processing histories) are transferable between CP cooperatives.

6.4. Post-delivery transfers of CQ are permitted, but must be completed by August 1 (i.e., prior to annual CQ expiring).

**Element 7: Ownership and Use Caps** (May choose separate options for Ownership and Use)

7.1 Ownership Caps: 7.2 Harvester-issued QS. Processor-issued QS does not count toward use cap. No person may hold more than the sub-option chosen below of the Pacific cod QS issued:

7.1.1 CV only

- a. 2%
- b. 4%
- c. 6%
- d. 10%
- e. Grandfather provisions. Persons over the cap at the time of QS issuance are grandfathered (can be chosen in combination with any option)

7.1.2 CP Only

- a. 25%
- b. 50%
- c. 75%
- d. No Cap on ownership or use for CP's
- e. Grandfather provisions. Persons over the cap at the time of QS issuance are grandfathered. (can be chosen in combination with any option)

7.1.3 (applies to both 7.1.1 and 7.1.2)

- a. using the individual and collective rule
- b. using 10% ownership threshold or management and control for assigning QS to a holder's/entity's cap.

7.2 Harvest caps: No vessel may harvest more than [the option chosen below] of the annual Pacific cod CQ issued in the fishery.

Options:

- 3%
- 4%
- 5%
- 7%

Sub-option 7.2.1: Vessels over the cap at the time of QS issuance are grandfathered. The grandfather provision is applied to the vessel designated on an LLP license that yields more than 5% of the annual Pacific cod CQ at the time of initial allocation. This grandfather provision is not transferrable if the LLP license is transferred to a new owner.

7.3. Processor-issued QS\* Ownership Caps: No person may hold more than [the option selected below of the Pacific cod QS:

\*This cap refers to any QS initially issued to processors on a processor permit under Element 5.4.

Options:

- a. 15
- b. 25%
- c. Persons over the cap at the time of QS issuance are grandfathered (can be chosen with options a or b)

Sub-option 7.3.1: using the individual and collective rule

Sub-option 7.3.2: using 10% ownership threshold or management and control for assigning QS to a holder's/entity's cap.

7.4 Processor Use Caps: No company may process more than [the option chosen below] of the Pacific cod pot CV CQ.

Option:

- a. 15%
- b. 30%
- c. Persons over the cap at the time of QS issuance are grandfathered (can be selected with options a or b).
- d. No use caps under certain conditions (can be selected with a or b) (<sup>2</sup>e.g., low cod quota **or lack of processing capacity—thresholds TBD**)

## **Element 8. Cooperative Provisions**

Annual cooperative applications must be filed on or before November 1 of the preceding year.

Cooperatives shall be formed by holders of qualified LLP licenses with Pot CV or Pot CP Pacific cod QS. Each LLP license may be assigned to one cooperative. A list of CVs or CP's eligible to harvest a portion of that cooperative's CQ must be identified in the annual cooperative application.

Membership agreements will specify that processor affiliated members cannot participate in any price setting negotiations, except as permitted by antitrust laws.

## **Element 9. Share Duration**

All QS and allowances under this program are revocable privileges that 1) may be revoked, limited or modified at any time; 2) shall not confer any right of compensation to the holder, if they are revoked limited, or modified, and; 3) shall not create or be construed to create any right, title or interest in or to any fish before the fish is harvested by the holder.

The duration of all QS and associated PSC apportionments is 10 years. These permits will be renewed before their expiration, unless revoked, limited, or modified.



## **Element 10. Monitoring**

10.1 CV Only (CPs will remain in full observer coverage category). Monitoring and enforcement provisions will be implemented to track quota, harvest, PSC, and use caps. All CV vessels harvesting CQ will:

- i.) Remain in the trip section pool for partial coverage. Observer coverage rate depends on the full and selection rates in the annual deployment plan
- ii.) Move to full observer coverage category.

This element is not intended to modify the current at-sea observer data transmission requirements for CV or CP vessels for the first 3 years after implementation.

**‘The Monitoring Requirements section of the analysis should provide a description of both observer and electronic monitoring options for the catcher vessel sector. This should include, but is not limited to, a breakdown of the sector’s participation in observer versus the Fixed Gear EM program, observer availability and cost, challenges to utilizing EM in the fishery, and the potential tradeoffs between the two monitoring options.**

Shoreside processors will be required to operate under a NMFS-approved Catch Monitoring and Control Plan. The Council authorizes NMFS to report weekly vessel-level PSC information as authorized under Magnuson-Stevens Act (MSA) Sec 402(b)(2)(A).

## **Element 11. Reporting and Program Review**

Each cooperative shall annually produce a report for the Council describing its membership, cooperative management, and performance in the preceding year including use of CQ derived from processor issued QS.

Per the MSA, a formal detailed review of the program shall be undertaken 5 years after implementation, with additional reviews, at a minimum, each seven years thereafter.

## **Element 12. Cost recovery**

A fee, not to exceed 3% of the ex-vessel value, will be charged on all program landings to cover the actual costs directly related to the management, data collection, and enforcement of the program.

*Amendment 1 passed: 21/0 (include a section on monitoring requirements)*

*Amendment 2 passed: 21/0 (modify language in 7.4 option d)*

*Main Motion as amended 21/0*

***Rationale in Favor of Amended Main Motion:***

- *Multiple issues are simultaneously impacting the sustained viability and rational prosecution of the fishery for all its participants. These factors include: Decreasing Pacific cod TACs, an increase in the number of participating LLP licenses in the CV sector, the potential for additional new participants in the CV sector, a race among existing participants (often in unsafe conditions), resulting in an inability to control bycatch of crab and Increasingly shortened seasons in recent years.*
- *A cooperative rationalization program will allow for greater ability to control bycatch, at the same time a program will expand removing crab predators from the grounds which will aid in the recovery of BBRKC.*
- *A rationalized program will improve product quality and value, promote safety at sea (slow the pace of the fishery) and promote sustainability and viability of the Pacific cod resource.*
- *Rationalized programs can promote stability in the harvesting and processing sectors while also providing opportunities for increased flexibility in fishing plans.*
- *This action is in line with the recommendations from the Alaska Bycatch Review Task Force and this action is a priority for the State of Alaska.*
- *The Pacific cod pot fisheries are the last Olympic style fisheries in the Bering Sea. Rationalizing virtually all other Pcod sectors in the BSAI but leaving out these two sectors is not appropriate. The over 60 Pot Cod fishery is not an entry level fishery. It requires multimillion dollar platforms and expensive gear.*
- *Since this issue was first considered by the Council in 2019, the Council has directed stakeholders to collaborate on a comprehensive framework for analysis. While there is still not 100 percent consensus among stakeholders over allocation issues, the majority of historical participants would like to see the Council analyze a variety of allocation options.*
- *There are no existing rationalization programs where all stakeholders were in complete agreement either at the outset of development or after implementation.*
- *Moving this program forward meets several National Standards, including: National Standard 4 on Fair and equitable allocations, National Standard 5 on Efficiency, National Standard 9 on Bycatch Reduction and National Standard 10 regarding safety at sea.*
- *The proposal is responsive to public comment and the variety of allocation considerations is responsive to all the public comment, and no action is always an option.*
- *When developing the program, the Council is required to consider the basic cultural and social framework of the fishery. This includes policies promoting the sustained participation of small owner-operated fishing vessels and fishing communities that depend on the fisheries, including how the program will impact the less than 60 foot fleet.*
- *As with any development of a program like this, the review should include analysis on impacts to other sectors; specifically on the U60 Pot Cod fleets. U60 participants are concerned about displaced, well positioned fishermen; stacked LLPs being freed up; leasing situations that expand available LLPs; and the ability to “fish down” LLPs in the ground fish fishery.*
- *The purpose of analyses is to provide stakeholders and the public with the data and information necessary to make informed decisions as it relates to their sector. Sectors should not be required to have full consensus on how to handle complex rationalization programs in order to move forward. This motion should provide a well-rounded and robust analysis that reflects the differing viewpoints on how to handle allocation and other issues.*

***Rationale in Favor of Amendment 1:***

- *The AP felt that an analysis should provide a comprehensive look at both observers and electronic monitoring as monitoring options. The discussion paper focused on observers, but some participants participate in Fixed Gear EM. While there are challenges in Fixed Gear EM, there are also challenges in observer availability so summarizing options and tradeoffs early in the process would provide participants with the information they need. It would also provide participants time to make improvements for their sector if they wish to have EM as a voluntary option for monitoring going forward.*
- *The addition of this amendment should not impact Staff workload since much of the requested information is available in the Observer Program Annual Report, Annual Deployment Plan, PSMFC's Alaska Fixed Gear Electronic Monitoring Report for the 2023 Season, and the upcoming Observer Availability paper. While this information is already available, including it in the analysis allows participants to understand how those issues directly relate to their sector to help them make informed decisions.*
- *The AP believes that using EM should be a voluntary choice, and not be made mandatory at this time.*

***Rationale in Favor of Amendment 2:***

- *With uncertainty in the processing sector, the range of processor use caps may constrain processing and therefore harvesting capacity, leading to stranded fish.*
- *The efficacy of processing use caps is unclear in today's economic environment and we have seen issues in several fisheries with constraining use caps leading to stranded quota.*
- *The purpose of this amendment is to allow for flexibility when there are certain circumstances and to ensure that processing use caps do not lead to stranded fish.*
- *Embedding flexibility into the program ahead of time allows for more dynamic management to respond quickly to changing conditions without having to go through a lengthy rulemaking process.*

## D5 Research Priorities

### Motion

The AP appreciates the work by the SSC, SSC Subgroup, Plan Teams, other review bodies, and council staff for all the work to refine and implement the RP selection process and structure.

The AP recommends the Council adopt the Top 12 list of unranked Research Priorities (RPs) as presented and recommended by the SSC.

The AP recommends the description of the Research Priority (RP) ID number 809, and others as necessary, be updated to include language that identifies that it addresses a data gap identified, in part, by the UFM Work Group Report.

**The AP recommends the description of RP ID number 811 read as follows:  
Examine the economic, social, and cultural effects of fisheries and fishery management policy on coastal communities over time (including impacts from fishery policy changes and Tribal citizen and Tribal Nation reliance on, participation in, and impacts of federally managed fisheries) (811).<sup>1</sup>**

The AP recommends the Council adopt the 21 Critical Ongoing Monitoring (COM) priorities identified in 2021 with no changes.

The AP recommends the Council adds the general statement, as presented, to the Critical Ongoing Monitoring category in the Research Priorities definition descriptions write up regarding Traditional Knowledge:

*The Council has adopted the LKTKS Protocol and has committed to incorporating LKTKS information into ongoing management decision making processes when available and relevant. Research focused on ongoing monitoring of the incorporation of LKTKS would increase the transparency and identify gaps in inclusivity of the process. There are numerous ways Traditional Knowledge will strengthen all Research Priorities, including offering new frameworks for analysis; fostering relationships between Indigenous and Western scientific researchers and communities.*

***Amendment 1 passed: 21/0***

***Main Motion passed: 21/0***

***Rationale in Favor of Amended Main Motion:***

- *Past NPFMC Research Priorities (RPs) have resulted in research that produced data that has substantially contributed to the understanding and management of fish populations and their interactions with fleets and dependent communities.*
- *The SSC, SSC Subgroup and other review bodies incorporated public input and worked efficiently to provide the top 12 RPs the AP was shown in the presentation. These RPs identify targeted research essential for compliance with MSA National Standards, and encourage potential funding opportunities.*
- *The Unobserved Fishing Mortality (UFM) Working Group report is an agenda item at this meeting. However, while the AP took up the RP agenda item prior to the UFM Working Group report, the AP notes that many data gaps were identified in that report, and RPs seems to be an appropriate place to signal the continued research efforts that could fill those data gaps and allow for future funding opportunities. While it is understood that some RPs indirectly address some data gaps related to UFM, adding the relevancy to UFM to the description is responsive to discussion and comments by AP members and the public.*
- *Since there was limited time for in-depth review of the Continued Ongoing Monitoring (COM) priorities, the 2021 top COM priorities were retained with no changes for this cycle. It will be important these and the suggestions from the SSC Sub group that were made but unable to be fully addressed, be reviewed and revised in the 2027 Research Priority cycle .*
- *The specific inclusion of the LKTKS Protocol, according to the SSC, didn't fit well as a standalone RP but is important to the process and should be included at least in statement form for the opportunity to include LKTKS in future research.*

***Rationale in favor of Amendment 1:***

- *The SSC member who presented the RP report to the AP indicated during questioning that the inclusion of “coastal” was not meant to be used to the exclusion of non-coastal communities that are affected by NPFMC actions. AP members felt that by striking the word “coastal” it provides support for this intention and to be more inclusive of all of those impacted by RPs, especially those in Tribal/Subsistence groups.*

## **E Staff Tasking**

### **Motion 1**

The AP recommends that the Council adopt the following purpose and need statement to initiate analysis on a list of alternatives for a regulatory amendment:

#### Purpose and Need

Amendment 114 to the GOA FMP to integrate electronic monitoring on pollock catcher vessels established a full retention requirement for vessels operating under the program, which has provided more precise estimates of Pacific ocean perch (POP) incidental catch. The full retention requirement and improved data has created operational conflicts with Maximum Retainable Amount (MRA) regulations and directed fishing calculations.

#### Alternatives

Alternative 1: Status Quo

Alternative 2: Revise the GOA aggregated rockfish MRA by removing POP and:

Option 1: Establish a separate POP-only MRA of 10% for the calculation of directed fishing for pollock.

Option 2: Establish a separate POP-only MRA of 15% for the calculation of directed fishing for pollock.

Option 3: Establish a separate POP-only MRA of 20% for the calculation of directed fishing for pollock.

Alternative 3: Revise the definition of directed fishing at 50 CFR 679.2 for vessels participating in Trawl EM to read:

Option 1: With respect to vessels operating in Trawl EM, vessels deploying pelagic trawl gear are directed fishing for pollock if the amount of pollock is 90% or greater of total catch.

Option 2: With respect to vessels operating in Trawl EM, vessels deploying pelagic trawl gear are directed fishing for pollock if the amount of pollock is 85% or greater of total catch.

Option 3: With respect to vessels operating in Trawl EM, vessels deploying pelagic trawl gear are directed fishing for pollock if the amount of pollock is 80% or greater of total catch.

Alternatives 2 and 3 are not mutually exclusive, but only one option may be selected for each alternative.

***Motion passed 21/0***

***Rationale in Favor of Motion 1:***

- *During the April meeting, the Council directed the Agency to bring back a report on the issue which was included in the NMFS Management Report under B-Reports at this meeting. This motion is responsive to that Agenda item. The AP noted appreciation for the Agency's work on this issue that has outlined a potential path forward.*
- *The AP heard from the Region at this meeting that there is enough information available in the Management Report to move this forward to an Initial Analysis versus a discussion paper. An AP member noted that the maximum retention requirement of Trawl EM has provided more accurate reporting of incidental catch, which also puts participants in conflict with existing directed fishing calculations and definitions.*
- *A range of potential MRA percentages (10%, 15%, and 20%) are included in the alternatives for analysis. Currently, POP accounts for the majority of the catch under the existing 5% aggregated rockfish MRA, so analyzing a 5% POP-only MRA does not appear different than analyzing the status quo, and was not included. The NMFS Management report stated that most incidental POP catch is under 20% per trip, which indicates that 20% is an appropriate top end of the range to be analyzed. A 20% POP MRA would also be consistent with the upper bounds of other species MRAs for which management concerns don't exist.*
- *The AP noted that when the MRA tables were established in the GOA in 1995, the POP stock was overfished and under a rebuilding plan, with a spawning biomass of 70,800 mt. The 2023 GOA POP SAFE document stated that their recommended 9.7% increase to the ABC for 2024 was attributed to the fact that the model has observed six consecutive survey biomass estimates larger than 1 million tons, as well as an increase in survey biomass in 2023 compared to 2021.*
- *An AP Member noted pollock and POP look the same on netsounders and the NMFS winter acoustic survey and that pollock and POP are schooling together in large aggregations never seen before. This is consistent with the fleet's observations over the last several years. While the Aggregated Rockfish MRA has remained 5% in the pollock target since 1995, retention requirements have changed for other sectors.*
- *Rockfish experience barotrauma due to the pressure change and are dead whether they are discarded at sea or retained and delivered. A regulatory amendment would meet the Alaska Bycatch Review Task Force's recommendation supporting incremental measures through the regulatory process to improve bycatch utilization with a particular focus on species that are otherwise marketable, but are caught with non-targeted gear or discards in a directed fishery that are required by regulation.*
- *It was noted that TACs exist for shortraker, rougheye, and other rockfish which incidental catch accrues towards, and which in recent years have been at times constraining; when the TAC of a species is fully harvested it moves to PSC status and all catch must be discarded. In any circumstance in which TACs were to be consistently exceeded the Agency and Council have the discretion through the plan team, SSC, and specification processes to make further management decisions. This potential action does not intend nor should it result in removal of the already existing disincentives to avoid catching POP in the GOA pollock fishery, which is not rationalized.*

- *Several AP members expressed concerns that removing POP from the existing aggregated rockfish MRA calculation could increase incidental catch of the remaining species under the aggregated rockfish MRA. It was noted that an analysis would show any potential impacts such as:*
  - *increased catch of other species;*
  - *existing disincentives for the vessels to catch any rockfish species while targeting pollock;*
  - *the other species of rockfish under the aggregate rockfish MRA are more localized with smaller abundances that would be difficult to increase harvest of even if there were incentives.*

***Rationale in Opposition to Motion 1:***

- *The April AP motion for a discussion paper on this item was not acted on by the Council at that time. At this meeting, concern was raised for skipping the discussion paper step. Considering the action could raise regulatory discards, a discussion paper may provide adequate opportunity for consideration of that aspect. A discussion paper would provide adequate room for these considerations, and going straight to Initial Analysis may be inappropriate at this time.*

**Motion 2:**

The AP requests that a draft copy of the Climate Scenarios Workshop report be circulated to participants to ensure all ideas are captured in the summary synthesis prior to releasing the final report to the Council.

***Motion passed: 21/0***

***Rationale in Favor of Motion 2:***

- *The AP received a high-level overview of the Climate Scenarios Workshop during the E-Agenda item, and appreciates the quick turnaround by staff.*
- *The AP heard that the Workshop report was intended to be finalized for review during the October meeting. AP members were concerned that there could be omissions in the report regarding levels of participation and viewpoints, but there was not a clear path for review prior to finalization of the document. The AP wanted to ensure that key stakeholders and tribes feel their ideas were heard and captured, improving trust in the process.*



**Motion 3:**

The AP recommends that per SSC recommendation, Inflation Reduction Act (IRA) funding be dedicated to fund a postdoctoral position to design and implement modules capturing economic dynamics within a fishery with an initial focus on sablefish.

*Motion passed 21/0*

**Rationale in Favor of Motion 3:**

- *Fishery organizations have commented repeatedly over the past six years on the sablefish stock assessment processes and attempted to communicate concerns about management goals and existing harvest control rules.*
- *In a meeting held on 6/4 by SSC members and stock assessment authors, the new MSE was detailed to the stakeholder groups in attendance and was broadly supported by those in attendance that represented all gear groups and sablefish harvesting sectors.*
- *This motion is in direct response to the April 2024 SSC workshop which focused on using IRA funds to “develop a tool to support Council TAC-setting decisions for stocks experiencing climate-induced variability, with an initial calibration and application for the sablefish fishery.” The SSC discussed at length the value of this work and developed draft Terms of Reference that are included in their April 2024 minutes.*
- *The work to develop an MSE tool for environmental conditions has just begun, but there is not currently a bioeconomic modeling component to this project. This is in response to the SSC request to analyze both environmental and market variability. It is understood that the tool will be developed with applicability to multiple species, with an initial focus on sablefish, per the SSC’s discussion — that a post-doctoral research associate be hired to conduct a bio-economic analysis of sablefish. Once this tool is fully developed for sablefish, it can be expanded to be used for the assessment of all species that are managed by the NPFMC.*

**Motion 4:**

Move to approve the April 2024 minutes.

Motion passed unanimously