

DRAFT
ADVISORY PANEL MINUTES
December 10-13 2013
Anchorage, Alaska

The following members were present for all or part of the meetings (absent ~~stricken~~):

Ruth Christiansen	John Gruver	Andy Mezirow
Kurt Cochran	Jeff Kauffman	Joel Peterson
John Crowley	Mitch Kilborn	Theresa Peterson
Jerry Downing	Alexus Kwachka	Lori Swanson
Tom Enlow	Craig Lowenberg	Anne Vanderhoeven
Jeff Farvour	Brian Lynch	Ernie Weiss
Becca Robbins Gisclair	Chuck McCallum	

Minutes from the October 2013 meeting were approved.

C-1 Charter Halibut

The AP recommends the Council adopt the following management measures for Areas 2C and 3A for 2014:

Area 3A Using the IPHC “blueline” of 1.78 million lb. as a reference point, 1 trip per boat per calendar day and a 2 fish per person bag limit, 1 of which is equal to or less than 29 inches.
If the charter allocation is sufficiently higher than the “blue line” to remove the trip limit: 2 fish, one of which is equal to or less than 29 inches (only).
As needed, the size of the second fish may be adjusted up or down to meet policy goals.

Area 2C Using the IPHC “blue line” as a reference point: U44076 is set to reach the 760,000 lb target assuming the 11% overestimation of removals. The upper limit provides an opportunity for a trophy fish, with the 44-inch limit meeting the charter harvest limit while staying similar to the management measure implemented for the last two years.
As needed, the size of the lower limit would be adjusted up one inch and the upper limit would be reduced to meet policy goals.

Motion passed 20/0.

Rationale:

- These measures reflect the recommendations of the Charter Management Implementation Committee.
- Committee recommendation for 30-inch limit on second fish in Area 3A was modified to correct a mathematical error.
- Multiple variables make it difficult to predict what the actual charter catch will be. In the future this should be easier as the effects of variables can be evaluated.
- Weather and angler demand may result in lower than anticipated catch.
- The goal should be to come in at the limit on an annual basis.

C-2 Round Island Transit Zone

The AP recommends the draft EA/RIR be released for public comment after the inclusion of an additional alternative. As with Alternatives 2 and 3, this new alternative (Alternative 4) would not be mutually exclusive.

Alternative 4 – Exempt vessels with FFPs from the transit restrictions during the April 1 – September 1 time period while engaged in tendering operations for herring and salmon. Insert language in 679.22(a)(4) (page 14 of analysis)

to read: ‘...vessels with a Federal Fisheries Permit under 679.4, *and not engaged in tendering for herring and/or salmon...*’. Tendering would be defined as loading and transporting herring and/or salmon to offload points and returning to the fishing/loading grounds. Possession of a current CFEC tendering permit and a current tendering contract will be considered proof of tendering.

The AP further recommends selecting Alternative 2, option 1 and Alternative 4 for the Preliminary Preferred Alternative. *Motion passed 15/4.*

Rationale:

- The new Alternative 4 will result in tenders operating under the same conditions as they did prior to GOA Amendment 83.
- Alternative 4 is assumed to meet the purpose and need statement because it does not represent a change from the pre-A83 status.
- Alternative 2 option 1 for Amendment 80 vessels will reduce both potential disturbance at Hagemester Island and possible interaction with walrus moving from Round Island into Bristol Bay.
- Alternative 2 option 1 should result in less time and fuel expenditure for offload operations by Amendment 80 vessels.

Minority report: A minority of the AP supported an amendment to remove the new alternative 4 from the PPA. The minority felt that given the information available at this time the new alternative 4 does not appear to meet the purpose of this action of maintaining protections for walrus. We also do not have information about enforcement of this new alternative, and preliminary information indicates there may be enforcement concerns. Therefore the minority did not feel it was appropriate to include this new, unanalyzed, alternative in the PPA. Signed by: Becca Robbins Gisclair, Chuck McCallum, Ernie Weiss, Jeff Kauffman, Theresa Peterson, Joel Peterson, Andy Mezirow

C-3 GOA Rockfish Chinook PSC Cap Rollover

The AP recommends the Council adopt Alternative 5 as the preferred alternative with the change to 150 fish. The revised alternative would read: Roll over all Chinook PSC but 150 fish remaining in the Rockfish Program CV sector Chinook cap on October 1. Any salmon remaining when the Rockfish fishery closes will be released to the other CV non-pollock fishery on November 15. No uncertainty buffer would apply to the Rockfish Program CV sector.

Motion passed 20/0.

Rationale:

- This action follows up on the Council’s previous action under GOA Amendment 95 to establish a rollover for the rockfish program and provide clarity about how/if the uncertainty buffer applies.
- Setting aside 150 fish should accommodate the needs of Rockfish Program vessels through the closure date.
- By providing a rollover vessels in the rockfish fishery will have an incentive to “save” Chinook salmon PSC to prosecute other fall fisheries.

C-4 Grenadier Management

The AP recommends that the Council release the analysis for public review with Alternative 2 as the preliminary preferred alternative for both the BSAI and GOA.

The AP also recommends that the Council request further analysis of how grenadier will be categorized within the ecosystem component and what management and enforcement issues may arise from that decision. *Motion passed 20/0.*

Rationale:

- Grenadiers are well-suited to the definition of an Ecosystem Component contained in the MSA.

- Under the EC category the stock and catch will continue to be monitored.
- Limited experimental catch and marketing is available in this category. Should a true target fishery develop, grenadiers can be moved into the fishery.
- There are some concerns about enforcement actions that may result if grenadiers are included in the 'forage fish' category. It may be more appropriate to create a new category.

C-5 Discussion Paper on Directed Fishing GOA Octopus and EGOA Skates

The AP recommends the Council take no further action on developing directed fishing for the GOA Octopus and EGOA skates fishery at this time.

Rationale:

- There is insufficient information available at this time regarding GOA skates and octopus to move forward with a directed fishery.
- Survey data for octopus is considered unreliable and abundance is not known.
- Catch data for skate and octopus in some areas (649 and 659) is not collected.
- Halibut bycatch has been significant in skate fisheries.
- Small scale exploratory fishing could be done under an EFP.

Motion passed 20/0.

C-6 GOA Groundfish Specifications and Stock Assessment

The AP recommends the Council adopt 2014 and 2015 OFLs, ABCs, and TACs for the Gulf of Alaska as show in Attachment 1. *Motion passed 20/0.*

The AP recommends the Council adopt 2014 and 2015 GOA halibut limits and apportionments contained in the tables in C-6 supplemental (Attachment 2), anticipating implementation of Amendment 95 (PSC reductions) during 2014. *Motion passed 20/0.*

The AP recommends the Council adopt the 2014 and 2015 apportionment of halibut PSC trawl limits in the GOA between shallow and deep-water species as contained in C-6 supplemental (Attachment 2). *Motion passed 20/0.*

The AP recommends the Council adopt the 2014 and 2015 apportionments of 'other hook and line fisheries' annual halibut PSC allowance between hook and line gear catcher vessels and catcher processors in the GOA contained in the C-6 supplemental tables (Attachment 2). *Motion passed 20/0.*

The AP recommends the Council approve the GOA SAFE document. *Motion passed 19/0.*

C-7 BSAI Groundfish Specifications and Stock Assessment

The AP recommends the Council adopt 2014 and 2015 OFLs, ABCs, and TACs for Bering Sea and Aleutian Islands groundfish as shown in Attachment 3. *Motion passed 18/1 with 1 abstention.*

The AP recommends the Council adopt 2014 and 2015 PSC bycatch allowances for the BSAI trawl limited access sector as shown in Table 12 of Attachment 4. *Motion passed 20/0.*

The AP recommends the Council adopt the 2014 and 2015 apportionment of PSC allowances to non-trawl gear, the CDQ Program, Amendment 80, and the BSAI Trawl Limited Access sectors in Table 10 of Attachment 4. *Motion passed 18/0.*

The AP recommends the Council adopt the 2014 and 2015 herring and red king crab Saving Subarea PSC catch allowances for all trawl sectors (Table 11) and PSC allowances for non-trawl fisheries (Table 13) in Attachment 4. *Motion passed 18/0.*

The AP recommends the Council approve the BSAI SAFE document. *Motion passed 20/0.*

C-8 Co-op Reporting

The AP received a report from Council staff (Sarah Marrinan and Jon McCracken). No action was taken.

C-9 BSAI Crab Co-op

The AP received a report from Council staff and the Intercooperative Exchange. No action was taken.

D-1 Crab ROFR

The AP recommends the Council move forward with an analysis to modify the ROFR contract terms in the Bering Sea/Aleutian Islands crab rationalization program FMP to allow for negotiated contracts that apply the right to a subset of assets, including the crab PQS, or PQS and other crab assets, in the subject community.

Alternative 1 – Status Quo: ROFR contract terms in the FMP require the community ROFR holder to purchase all the PQS and all the other assets of a company, if they are included in a proposed sale triggering the ROFR.

Alternative 2 – In ROFR contracts, the right of first refusal applies to all the assets of a company included in a proposed sale (the “underlying agreement”), or to any subset of those assets, as otherwise agreed to by the PQS holder and the community entity.

The AP further recommends the Council consider the following language for a Purpose and Need Statement:

The Bering Sea/Aleutian Islands crab rationalization program recognizes the unique relationship between specific crab-dependent communities and their processors, and has addressed that codependence by establishing community “right of first refusal” agreements as a significant feature of the program.

Crab dependent communities believe the purchase of all the assets of a company (if included in a proposed sale), as currently required under right of first refusal (ROFR) contract terms in the FMP, may be impractical and potentially impossible for small community entities. In addition, processing companies may have ROFR contracts with several communities in which their assets are based.

The communities believe the ROFR contract terms in the FMP should allow for flexibility, so the PQS holder and the community entity may determine through negotiations whether the community entity may purchase a subset of assets, including only the PQS, or the PQS and associated crab assets, in the subject community.

Rationale:

- There is consensus among PQS holders and ROFR holders that this is a reasonable change, to allow for negotiated agreements between parties.
- Moving forward with analysis may allow this action to be rolled into the amendment that will result from the February 2013 Council action on ROFR.

Motion passed 15/0 with 4 abstentions.

The AP recommends the Council request a discussion paper to study the impact of processing IPQ outside the community of origin including through custom processing.

Rationale:

- There was considerable interest from the impacted communities in taking a look at this option.
- It is a good idea to take a look at this option via a discussion paper.

Motion passed 15/0 with 4 abstentions.

D-2 Sablefish Pots

Whale depredation on hook-and line longline gear is increasing in the GOA sablefish IFQ fishery. The additional sablefish mortality associated with whale depredation of longline gear is difficult to quantify, but likely increases total mortality and reduces the viability of the sablefish fisheries and populations.

The AP recommends the Council initiate an analysis using Table 12 in the discussion paper as the framework for options and alternatives. Include an analysis of sablefish pot-free zones, including alternatives of areas east of 140 and east of 147. Also analyze potential impacts of consolidation from the action.

Motion passed 19/0.

Rationale:

- Whale depredation is a significant concern of the GOA sablefish IFQ fisheries and the driving issue for the use of pots and an analysis needs to be advanced quickly,
- Impacts of pots on grounds preemption, safety, and effects on fishing/vessel and community economic impacts need to be fully analyzed prior to advancing regulatory action
- The sablefish gear committee did a good job in identifying issues for analysis and committee recommendations captured in Table 12 of the Discussion Paper identify the significant issues needing further analysis.

D-3 Amendment 80 Review Workplan

The AP appreciates the workplan outline and looks forward to an expanded review. *Motion passed 17/0.*

Rationale:

- The outline and workplan presents a good framework for the review.
- The outline includes the items of interest in a review.

D-6 IFQ Committee Report & Proposals

The AP recommends the Council initiate a regulatory amendment for the PVOA proposal to revise when MRAs are calculated for both CVs and CPs and include all fisheries. *Motion passed 19/0.*

Rationale:

- The proposed action would reduce regulatory discards and waste, and is worth pursuing.
- The proposal is relatively straightforward, therefore it makes sense to move straight to an analysis.
- This should move forward rapidly to align the regulations and practice as quickly as possible.

The AP recommends the Council initiate a regulatory amendment or discussion paper that allows vessel operators to take an observer or electronic monitoring on board the vessel at the vessel's expense to fish IFQ in multiple areas in all halibut and sablefish regulatory areas. *Motion passed 17/1.*

Rationale:

- Advancing this proposal will address an unanticipated consequence of the restructured observer program.
- Under the restructured program there is no opportunity for a vessel to voluntarily carry an observer to fish multiple areas for clean-up fishing.

Minority Report on failed motion to increase vessel caps: A motion to recommend the Council develop a discussion paper increasing the halibut and sablefish vessel caps failed 8/11/1. The minority felt that there is a concern in the Bering Sea and Aleutian Islands for sablefish and Area 4 for halibut but did not feel they had sufficient information on the Gulf of Alaska and that a discussion paper would help identify the areas where there is a concern. Signed by: Anne Vanderhoeven, Ruth Christiansen, Kurt Cochran, Jeff Kauffman, Craig Lowenberg, Joel Peterson, Mitch Kilborn

D-4 Ecosystem Committee

The AP recommends the Council adopt the draft Ecosystem approach recommended by the Ecosystem Committee. *Motion passed 18/0.*

Rationale:

- This draft vision statement and implementation strategy contain many important elements and are worth advancing.

E Staff Tasking

The AP recommends the Council request staff develop a discussion paper reviewing historic participation and the effects of management changes on the various sectors in the Aleutian Islands Pacific cod fishery. *Motion passed 12/5.*

Rationale:

- All sectors have been impacted by the separation of the Bering Sea and Aleutian Islands cod TACs.
- Any additional actions should reflect historic participation by each sector.

Minority Report: The motion requesting that "Council staff develop a discussion paper addressing potential management strategies to ensure participation in the AI Pacific cod fishery by the HAL CP sector and others who have historically participated in the fishery," failed 12-5. The minority of the AP felt a discussion paper aimed at ensuring participation for the HAL CP sector and other historical participants in the AI Pacific cod fishery more appropriately addresses the unintended consequences of separating the BS and AI areas. The HAL CP sector is subject to being effectively eliminated from the AI Pacific cod fishery, and Council action to remedy the impacts on the HAL CP sector should be a top priority. Signed by: Jeff Farvour, Joel Peterson, Craig Lowenberg

AP requests that the Council direct staff to initiate a regulatory amendment to the Halibut Catch Sharing Plan that excludes the military, welfare, and recreation (MWR) CSP permits from the leasing Guided Angler Fish (GAF). *Motion passed 17/0.*

Rationale:

- On Page 23 of this document (http://www.ofr.gov/OFRUpload/OFRData/2013-29598_PI.pdf) it states that the Agency decided to exclude the MWR boats from any leasing restrictions on Guided Angler Fish (GAF). The Catch Share Plan (CSP) imposes a 10% maximum allowance on GAF leases that apply to the rest entire charter fleet. Without correcting this language, the unforeseen circumstance will be the creation of an unfair business advantage for the MWR to obtain unlimited amounts of GAF leases.
- Allowing the military to obtain any GAF lease, sets a precedent about utilization of QS.

- There is a limited amount available and this practice will put the military in direct competition with private industry both charter and commercial fishing industry. There is federal regulation in USC section 10 that strictly forbids this kind of direct competition with private business. Furthermore there is no need for the military to lease QS to offer Morale, Welfare and Recreation to their client's. This goal can be achieved by offering trips within the regulation charter bag limit.

The AP requests that the Council direct staff to initiate an annual review of the Charter Halibut Limited Entry Permit Program. This should include details about angler utilization compared to permit utilization. *Motion passed 17/0.*

Rationale:

- The method of determining qualifications for halibut limited entry program was based on participation based on ADF&G log book reporting. This reporting included captain and crew. As a result, a number "passengers" on CHP's is significantly higher than the actual capacity of the vessels. In addition there are permits that have not been used and this analysis will allow for the determination the annual use of Charter Halibut Permits.
- There are options for management that are currently not available because the data on limited entry permits is limited on the utilization of each permit. When this information is analyzed, it will be likely to determine the behavior of the charter fleet as well as a better understanding of the latent capacity of the charter fleet. This will help determine the effectiveness of management tools such as day of the week closure.

The AP recommends the Council request staff prepare a full discussion paper on the CDQ Pacific cod fishery proposal as a high priority item. *Motion passed 18/0.*

Rationale:

- Recent continued drops in halibut quota make the Pacific cod fishery an important alternative for CDQ vessels.

The AP recommends the Council consider receiving voluntary crab coop reports annually at its April meeting to allow industry and the public to receive the full EDR report and to align with the other fishery reports. *Motion passed 18/0*

Rationale:

- The EDR data will be available and helpful to crab coop before giving their reports
- Crab quota is released in October and therefore an extremely busy time of year.

The AP recommends the Council request staff to prepare a discussion paper on the potential use of DMRs in catch accounting in all groundfish and halibut fisheries. *Motion passed 17/0.*

Rationale:

- All discarded fish are currently assumed to be dead.
- Anecdotal evidence suggests some species may have a relatively high survival rate after discard.
- Assuming 100% mortality of discarded fish may result in overestimating the actual harvest.