

North Pacific Fishery Management Council

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ADVISORY PANEL MINUTES June 2-6, 2015 Sitka, Alaska

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

Ruth Christiansen
Kurt Cochran
John Crowley
Jerry Downing
Jeff Farvour
Becca Robbins Gisclair
John Gruver

Jeff Kauffman
Mitch Kilborn
Alexus Kwachka
Craig Lowenberg
Chuck McCallum
Andy Mezirow
Paddy O'Donnell

Joel Peterson
Theresa Peterson
Sinclair Wilt
Jeff Stephan
Matt Upton
Anne Vanderhoeven
Ernie Weiss

C1 BSAI Crab Management

The AP recommends the Council adopt the OFLs and ABCs for Pribilof Islands Golden King Crab, Western Aleutian Islands Red King Crab, and Aleutian Islands Golden King Crab as recommended by the CPT and SSC. *Motion carried 21-0.*

The AP recommends the Council initiate a discussion paper on removing Red King Crab in the Adak District of Area O east of 179 West from the BSAI King and Tanner Crab FMP. *Motion carried 11-10.*

Rationale:

- Responsive to request from public testimony and ACDC comment letter.
- Removing this area could allow the State of Alaska to take full management responsibility for RKC management.
- A discussion paper could help guide data necessary to establish a fishery in this region.

Minority Report: *A minority of the AP felt that initiation of a discussion paper to remove Adak District red king crab from the Federal BSAI King and Tanner Crab FMP was premature at this time and had the following rationale:*

- *There is no biological information to support a stock split at this time. Specifically, there is currently no way to determine overfished status because estimates for MMB and MSST do not exist. Additionally, there are concerns with a lack of data on abundance, genetics, larval drift, and the appropriate definition of a stock.*
- *In recent years, because of the extreme uncertainty associated with this stock, there was a 75% buffer between the OFL and ABC. Currently, the single OFL is the only management measure available and in place for protection of this stock. Even under a single OFL, separate spatial management is still available, such as through the use of separate ABCs.*

- *An industry supported reconnaissance survey will provide much needed initial information to guide potential future action this issue; therefore, initiation of any action should at least wait until this data is available.*
- *Action taken by the BOF in March 2014 established management measures for a state water Adak District RKC fishery as long as a biomass threshold for opening the fishery was met; therefore, a fishery is possible without action to remove this district from the FMP.*

Signed by: Ruth Christiansen, Jerry Downing, John Gruver, Craig Lowenberg, Andy Mezirow, Paddy O'Donnell, Joel Peterson, Matt Upton, Anne Vanderhoeven, Sinclair Wilt.

C2 BSAI Halibut PSC

The AP recommends the Council adopt Alternative 2, and options as presented below, as the preferred alternative for final action.

Alternative 2. Amend the BSAI Groundfish FMP and Federal regulations to revise halibut PSC limits as follows:

Option 1. Reduce halibut PSC limit for the Amendment 80 sector by:

Suboption 1 reducing the halibut PSC limit to Amendment 80 cooperatives by 45% (*motion to amend to 25% failed 8-13*).

Suboption 2 reducing the halibut PSC limit to Amendment 80 limited access fishery by 60%.

Option 2. Reduce halibut PSC limit for the BSAI Trawl Limited Access Sector by 15% (*motion to amend from 45% carried 11-10*).

Option 3. Reduce halibut PSC limit for Pacific cod hook and line catcher processor sector by 15%.

Option 4. Reduce halibut PSC limit for other non-trawl (i.e., hook and line catcher vessels and catcher processors targeting anything except Pacific cod or sablefish) by 30%.

Option 5. Reduce halibut PSC limit for Pacific cod hook and line catcher vessel sector by 30%.

Option 6. Reduce the CDQ halibut PSQ limit by 20% (*motion to amend from 30% carried 11-10*).

A motion to add the following failed 10-11: These revised halibut measures will sunset after an abundance based management system is in place or within 5 years, whichever comes first.

The final motion as amended passed 11-10.

Rationale for passed motion:

- This action addresses the necessary conservation of the halibut resource as well as the needed equity amongst all halibut user groups. It is responsive to the need to balance the competing National Standards, especially with regard to small coastal communities.

- Total BSAI trawl bycatch mortality in recent years has been greater than the total mortality in the BSAI directed halibut fisheries and halibut PSC levels have not decreased as EBio has declined over the last 15 years.
- Draft TCEY calculations resulting from the above sector reductions make significant strides towards making Area 4 directed halibut fishermen whole but represents a compromise since this motion does not quite preserve the 2014 harvest levels.
- The relationship between bycatch and the directed fishery has changed. The proportion of bycatch has increased from an average of 55% to 77% of total halibut removals in 2014, while directed fishery amounts have decreased from an average of 43% to 21% of total halibut removals in 2014.
- PSC reductions are a blunt tool and it is difficult to determine what is practicable from the groundfish fisheries, but assumptions favor creativity and innovation towards figuring out a way to harvest their available target allocations.
- Smaller reductions for the HAL CP sector, the TLAS sector, and the CDQ sector recognize that these sectors have generally been good performers by operating below their PSC cap.

Minority Report: A minority of the AP did not support the final motion as amended because they felt that, as amended, the motion did not go far enough to reduce bycatch as necessary to provide for harvest for directed users and conservation of the resource. The 31% overall reduction is not sufficient to provide for directed fisheries in Area 4CDE. Reducing bycatch to a level which will provide for directed harvests for the Alaska Native communities of the Pribilof Islands is necessary to meet the United State's trust responsibilities and ensure that tribal fishing rights are satisfied. Directed harvests have been reduced in response to declines in the halibut resource, and action is needed now to reduce PSC as well. Greater reductions in PSC are practicable, and are necessary to ensure sustainable management of the halibut resource. Signed by: Jeff Kauffman, Becca Robbins-Gisclair, Andy Mezirow, Chuck McCallum.

Minority Report: A minority of the AP supported the substitute motion below for the following reasons:

- *These PSC reductions are directly responsive to industry and individual sectors' determination of what is practicable for them, while also recognizing the significant strides towards bycatch reduction that have been achieved to date.*
- *These PSC reductions will serve to constrain the BSAI groundfish fisheries while also avoiding drastic measures that would result in sectors being completely shut down. Given recent events in the GOA, it is necessary to avoid blunt management measures that constrain fleets unnecessarily because addressing one crisis situation often leads to the creation of other crises.*
- *Any level of PSC reductions will promote conservation of the halibut resource by leaving fish, primarily juveniles, in the water to sustain the population.*
- *Significant public testimony supports the development of tying PSC amounts to the abundance of halibut. Inclusion of a sunset clause is intended to maintain Council and IPHC momentum towards this goal.*
- *Significant halibut PSC trawl reductions in the BSAI are likely to shift effort into the Gulf of Alaska, creating additional problems for that unrationalized fishery.*

Signed by: Matt Upton, Ruth Christiansen, Anne Vanderhoeven, Paddy O'Donnell, Mitch Kilborn, Sinclair Wilt, John Gruver, Craig Lowenberg, Jerry Downing, Kurt Cochran.

The AP recommends the Council amend the BSAI FMP and Federal Regulations to revise halibut PSC limits as follows:

- Option 1: Reduce halibut PSC limit for the Amendment 80 sector by:*
Suboption 1: reducing the halibut PSC limit to the Amendment 80 cooperatives by 15%.
Suboption 2: reducing the halibut PSC limit to the Amendment 80 limited access fishery by 50%.
- Option 2: Reduce the halibut PSC limit for the BSAI trawl limited access sector by 10%.*
Option 3: Reduce halibut PSC limit for Pacific cod hook and line catcher processor sector by 10%.
Option 4: Reduce halibut PSC limit for other non-trawl by 10%.
Option 5: Reduce halibut PSC limit for Pacific cod hook and line catcher vessel sector by 10%.
Option 6: Reduce the CDQ halibut PSC limit by 20%.

The AP believes these management measures reduce bycatch to the extent practicable and help provide for the sustained participation of fishing communities.

These revised halibut measures will sunset after an abundance based management system is in place or within 5 years, whichever comes first.

The AP also recommends the Council prioritize their work with the IPHC to improve stock assessments and better integrate information on the impacts of both directed harvest and bycatch on the halibut stock.

The substitute motion failed 10-11.

C3 Observer Program - Supplemental EA

The AP received the report on the Supplemental EA and appreciates having a well written and easy to follow document. The AP agrees with the OAC that the Supplemental EA will be a valuable foundation for future work to improve data quality and reduce bias. *Motion carried 18-0.*

Rationale:

- This motion is in line with recommendations made by the OAC.
- The SEA will serve as a foundation and reference document for improving and building upon the observer program in future, which is a naturally evolving program.
- The SSC did not have any requests or recommendations for the document going forward.

C4 Observer Program - Annual Report

The AP agrees with the OAC's support of the NMFS recommendations on pages 10-13 of the Annual Report as well as their comments regarding logging multiple trips in the ODDS system and exploring the ability to deploy observers by gear or operational type in the 2016 ADP. *Motion carried 18-0.*

Rationale:

- This motion reflects the OAC recommendation; the OAC spent a significant amount of time discussing each of the recommendations presented by NMFS.
- The NMFS recommendations and comments encompass a comprehensive list of potential improvements.
- The MSA requires management of all fisheries and placing emphasis on PSC limited fisheries is not necessary at this time. Looking forward, exceeding ABCs for bycaught species in the IFQ fisheries would not shut down the IFQ fisheries themselves, but could result in the closure of

other fisheries that target the bycaught species. Therefore maintaining coverage on all fisheries is important.

Minority Report: An amendment to add that the partial coverage fleet continue to prioritize accurate and precise PSC estimates in PSC-constrained fisheries failed 7-11. A minority of the AP felt there was a need for more precise estimates to manage PSC. Greater precision could help to prevent closures based on extrapolated numbers. PSC species are fully allocated to other user groups and remain a concern. Signed by: Alexis Kwachka, Chuck McCallum, Becca Robbins-Gisclair, Jeff Farvour, Theresa Peterson, Ernie Weiss, Jeff Kauffman.

C5 Observer Advisory Committee

The AP recommends the Council initiate a discussion paper for a regulatory amendment to revise observer provider insurance coverage requirements. *Motion carried 18-0.*

Rationale:

- This motion reflects an OAC recommendation that has also previously been brought before the Council. With a response from NMFS to a letter submitted by AOI, now is an appropriate time to move forward on this issue.
- Currently, observers are unable to file claims under some categories of coverage even though the provider is paying for insurance coverage.

The AP recommends that the observer coverage on vessels delivering to tenders analysis remain a priority. *Motion carried 17-0.*

Rationale:

- The ability to observe catch delivered to tenders remains a concern, and should be a priority for resolution.
- Prioritizing observer coverage for tender vessel activity is directly responsive to public testimony.

C6 Electronic Monitoring Workgroup Report

The AP recommends that the Council move ahead with an EM alternative using existing technologies in the near term, rather than continue to wait for new technologies. Since technologies will always be evolving, the AP supports a planned approach to introducing new technologies after successfully completing the pilot and operational testing stages. *Motion carried 15-2.*

Rationale:

- Moving ahead on electronic monitoring is necessary for vessels that cannot physically accommodate a human observer, and may also reduce the observer effect that would result from placing observers aboard those vessels.
- Removing observers from these smaller vessels would result in a higher selection rate for those vessels remaining in the partial coverage category of the observer program.
- Since currently collected observer fees from the smaller vessel fleet have not been available for EM development, funds have been difficult to secure for pre-implementation costs; however, affected stakeholders have been successful in finding funding sources to assist with the Council's 2016 and 2017 EM goals and it is important for this type of pre-implementation to continue.

C7 Observer Coverage on BSAI Trawl CVs

The AP agrees with the OAC recommendation to limit the amendment package to AFA vessels only, when fishing in the BSAI, with options to either automatically require full coverage or to allow vessels to choose annually for shoreside deliveries. The AP supports the purpose and need statement provided in the document. *Motion carried 15-2.*

Rationale:

- The provided Purpose and Need statement, along with the recommendations made by the OAC make the intent of this action very clear.
- This motion is responsive to public comment and the need to keep this action moving forward as expeditiously as possible since this fleet continues to pay double for its observer coverage.

C8 Observer Coverage on Small CPs

The Advisory Panel recommends that the Council take final action and adopt the following as its Preferred Alternative.

Alternative 2. Revise the allowances for NMFS to place small catcher/processors into partial coverage. The criterion for placing a catcher/processor in partial coverage is the vessel's production in the basis year as determined under Element 2.

Under this alternative, when a catcher/processor is required to have $\geq 100\%$ observer coverage because of the vessel's participation in a catch share program, the vessel would be ineligible for partial observer coverage under this action.

Element 1: Production threshold for placing a catcher/processor in partial coverage.

Option 2B: average weekly production of 79,000 lbs (35.8 mt)

Element 2. The basis year for placing a catcher/processor in partial coverage is the vessel's production in a standard basis year or alternate basis year. The standard basis year is the fishing year minus two years. If the vessel has no production in the standard basis year, the alternate basis year will be the most recent year that the vessel has any production before the standard basis year going back to 2009.

Element 3: If a catcher/processor has no production in the basis year as determined under Element 2

Option 2. Place the catcher/processor in partial coverage.

Element 4. For a catcher/processor to be in partial coverage,

Option 1. Vessel owner must choose partial coverage for the upcoming fishing year by an annual deadline (otherwise in full coverage).

Element 5. Trawl catcher/processors are ineligible for partial observer coverage (i.e., always in full observer coverage).

Motion carried 17-0.

Rationale:

- Agency staff provided a well written document outlining this issue and this motion carries forward the PPA from April.
- The preferred alternative addresses the Purpose and Need statement and provides a balanced, practical approach between the cost of observer coverage and vessel production for parties that would otherwise be significantly overpaying.
- This action supports entrepreneurial innovation for small vessels.
- Public comment provided by the directly affected parties voiced full support for selection of the PPA.

D1 Research Priorities

The AP received the Research Priorities report from staff and thanks all involved for their continued work on this topic.

D2 WAI Golden King Crab Delivery Exemption (Adak Crab Offload)

The AP recommends the Council accept the draft Purpose and Need Statement and select Alternative 2 as the preliminary preferred alternative for public review. In addition, the AP recommends the Council initiate a discussion paper to analyze the impacts of removing the partial delivery restriction from the Crab Rationalization Program regulations.

Motion carried 20/0.

Rationale:

- This motion is responsive to public testimony and the need to move quickly for the WAG fishery while also recognizing the potential benefits to all Crab Rationalization species.
- This motion is responsive to the recommendations presented in the analysis, including removing a potential enforcement burden by allowing partial offloads for all Crab Rationalization stocks. The prohibition of partial offloads was originally intended to address enforcement concerns regarding undesirable crab being dumped at sea (high-grading); however, the analysis acknowledges that experience with the Crab Rationalization program has shown that this is a highly unlikely event due to other factors such as VMS, port samplers, and the feasibility of discarding large amounts of crab at sea.
- Permitting the option of partial offloads will promote efficiency in all Crab Rationalization fisheries by allowing vessel operators and processors to better accommodate adverse weather and ice conditions.
- NMFS does not anticipate any change to the landing report requirements or impact to the Crab Rationalization program catch accounting system.

E1 Staff Tasking

Due to the current closure in the GOA non-pollock, non-rockfish trawl catcher vessel groundfish fishery, the AP recommends that the Council take the following three actions:

1. Short-term: Request that NOAA work with the Secretary of Commerce to promulgate emergency regulations that would make additional Chinook salmon available to the non-pollock, non-rockfish GOA catcher vessel fishery so that these fisheries can be reopened for the remainder of 2015.
2. Mid-term: Initiate a fast-track regulatory amendment to allow NMFS to reallocate unused Chinook salmon PSC between the GOA Pollock and Rockfish Program catcher vessel and non-Rockfish Program catcher vessel sectors based on pre-determined criteria. Existing reallocation procedures from the Rockfish Program catcher vessel to the non-Rockfish Program catcher vessel sector would not be modified.
3. Long-term: Immediately task staff with the development of a discussion paper to examine the efficacy of the Chinook salmon cap for Amendment 97 (GOA non-pollock fisheries) to determine whether the cap level should be reconsidered. Additionally, this discussion paper should be initiated to examine the breadth and scope of effects of the closure and potential future closures on the Kodiak-based trawl fishery, in particular the effects on the residential processing workforce, dependent industries, and the city of Kodiak infrastructure and the Kodiak community overall. The AP encourages the Council to continue to move forward with the development of a GOA trawl bycatch management program that is presently scheduled for the Council's October 2015 meeting.

(Motion to delete Item #3 failed 7-9).

Motion carried 9-7.

Rationale:

- This is responsive to public comment that clearly articulated the severe economic issues currently being faced in the GOA and the community of Kodiak, including both the harvesting and processing sectors.
- Under emergency action, all available options for how many salmon should be made available and where they should come from will be analyzed as part of an Environmental Assessment with cooperation between industry and NMFS.
- With implementation of Amendment 97, groundfish fishermen were proactive regarding Chinook salmon through the use of excluders, camera work, communication with WGOA fishermen, voluntary catch shares, and communicating on the grounds; however, these tools are limited in scope and utility and long-term bycatch management tools are needed to provide further incentives for successful bycatch reductions.
- The mid-term solution proposed is not seeking any additional salmon beyond the current cap but is a way to provide flexibility within fleets similar to what was recently experienced in the west coast groundfish fishery and their cap of dark-blotched rockfish.
- Information contained in Amendment 97 is not adequate with regard to new salmon genetic information and the economic impacts of groundfish fishery closures. The proposed long-term solution would provide the Council with new information to reanalyze the appropriateness of the adopted Chinook caps, but it does not guarantee or imply any change to the caps.

Minority Report: A minority of the AP did not support the motion which included a reevaluation of the Chinook salmon PSC cap in the GOA non-pollock fishery (Item #3). The cap has not been in place for a full year since implementation. The cap level was set through a thorough analysis and an extensive public process. There are stakeholders that thought the cap was set too high at that time. In terms of emergency regulation (Item #1), there was concern with supporting an action to increase Chinook salmon bycatch without an understanding of what level of additional PSC is being requested and whether that PSC would be rolled over from the pollock fishery or allocated beyond the current PSC caps.

In addition, the reducing salmon bycatch should encompass all salmon bycatch, whether wild Alaska stocks, BC stocks (which are managed under the Pacific Salmon Treaty), or hatchery replacements for wild stocks in the Pacific Northwest. Signed by: Becca Robbins Gisclair, Theresa Peterson, Ernie Weiss, Jeff Kauffman, Alexis Kwachka, Chuck McCallum and Jeff Favour.