North Pacific Fishery Management Council

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FINAL
ADVISORY PANEL MINUTES
February 2-5, 2016
Portland, Oregon

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

Ruth Christiansen	John Gruver	Joel Peterson
Kurt Cochran	Jeff Kauffman	Theresa Peterson
John Crowley	Alexus Kwachka	Jeff Stephan
Dan Donich	Craig Lowenberg	Ben Stevens
Jerry Downing	Chuck McCallum	Matt Upton (Co-Vice Chair)
Angel Drobnica	Art Nelson (Co-Vice Chair)	Ernie Weiss (Chair)
Jeff Farvour	Paddy O'Donnell	Sinclair Wilt

Election of Officers

The Advisory Panel elected Ernie Weiss as Chair and Art Nelson and Matt Upton as co-Vice chairs.

Minutes of the previous meeting were approved without objection.

C1 BSAI Trawl Limited Access Yellowfin Sole Fishery

The AP recommends the Council take no further action on limiting access to the BS yellowfin sole fishery until a BSAI comprehensive rationalization package for all BSAI trawl open access fisheries is initiated.

Motion passed 11-9, with 1 abstention.

Rationale **in Support** of the final motion:

- Restricting access, by defining a specific set of vessels, in only one open access fishery in the BSAI TLAS sector will likely result in negative impacts to the remaining open access TLAS fisheries. As such, a comprehensive package analyzing all current open access TLAS fisheries is more appropriate.
- Halibut PSC is a constant concern for all TLAS fishery participants, especially in light of the 15% reduction being implemented for 2016, and there is currently no data supporting the argument that new entrants in the offshore TLAS fishery has resulted in increased halibut bycatch rates.

Rationale **in Opposition** of the final motion:

- Taking "No Action" until a comprehensive package for all TLAS fisheries threatens the possibility of informal cooperative management efforts of PSC in the YFS TLAS fishery.
- The subset of AFA CPs and non-AFA CVs that are dependent on the YFS TLAS fishery are being negatively impacted by the lack of any limitation on new catcher vessel entrants.
- Not limiting entry into the YFS TLAS fishery will encourage new catcher vessels to enter all of the TLAS fisheries particularly Cod, that are already facing challenges and don't need more capacity.
- The YFS TLAS fishery has closed on TAC and halibut in recent years, and in 2015 the number of the number of catcher vessels doubling – these problems will increase unless action is taken.

The following motion was initially offered, but was ultimately replaced by the substitute motion.
~~AP recommends the Council adopt the following purpose and need statement, and alternatives for analysis to control entry into the Bering Sea yellowfin sole limited access fishery.~~

~~Purpose and need statement~~
~~Historical participants in the Bering Sea yellowfin sole limited access fishery have responded to halibut concerns expressed by the Council through development of agreements that include protocols for avoiding halibut, as well as division of the available halibut among those participants. Entry to the fishery in 2015 is disruptive to those halibut avoidance measures. Reductions in halibut PSC that will take effect in 2016 will further pressure historical participants, as they attempt to control their PSC usage. Limiting entry to the offshore sector will aid historical participants in their efforts to advance the Council's PSC goals.~~

~~Alternatives~~
~~1. No action – existing LLP limits apply~~
~~2. For a catcher vessel to participate in the Bering Sea directed yellowfin sole limited access fishery making deliveries to an offshore processor, that vessel must be assigned an LLP that was used in the directed yellowfin sole fishery to deliver its catch to an offshore processor in at least two years between 2008 and 2015.~~

~~The AP further recommends that the next document include an expanded discussion of the original intent and purpose for the yellowfin sole trawl limited access fishery, and information on the relative dependency of the current vessels engaged in harvesting the resource.~~

C2 GOA Trawl Bycatch Management

The AP recommends the Council move the current suite of alternatives forward for analysis. The AP recommends the analysis further consider:

- Breakout of ownership of LLP's to get a better understanding of stacked licenses on a single vessel.
- A formula to determine the most appropriate method to figure out vessel hold capacity. Review current arrangements in the voluntary coop arrangements in the CGOA Pollock fishery.
- Reevaluate all MRA's and determine appropriate ranges under the alternatives. Consider increasing range to reduce regulatory discards of cod and Pollock.
- How alternative 2 and 3 affect the economic benefits in terms of ownership and non-ownership of target species. Try to get an understanding of the value of target quota.

- Active participation criteria in Alt 3 with 3 landings in each species of cod, Pollock and flatfish. Consider 3 trips in 2 out of 3 species as an option to meet active participation criteria.
- Co-op structure and the ability to have more than one coop of vessels associated with a processor.
- Processor controlled PSC and how the control may impact harvesters.
- Require public reporting of penalty to the Council for exit of processor affiliated co-ops after 2 years.
- Cost of 100% observer coverage to all harvesters participating in the program and explore how EM may help mitigate costs. Break out cost per vessel size. Consider differences in cost between the two alternatives.
- Discussion on sideboards to directed fishing for Sablefish and/or halibut with pots in the GOA, should retention of Sablefish and/or Halibut in pots be allowed in the future. *This final bullet was added without objection.*

Motion passed 13-7.

Rationale **in Support** of the motion:

- The analysis represents a high level look at Alternative 3 and was not structured as a comprehensive review. To remove an alternative without adequate review would make an assumption of outcomes without the ability to develop the alternative. Concerns have been raised which warrant further exploration.
- There are many beneficial outcomes that are presented by Alternative 3 that would benefit from further analysis and would provide a more rational mechanism in which to address the bycatch issue other than monetizing the resource and restricting the benefits that flow from such.
- The two alternatives represent contrasting approaches – one looking forward and one looking back and provide a range of alternatives to consider which complies with NEPA.
- No major issues were raised in the analysis and alternative 3 is consistent with National Standards and Council goals.
- At this juncture it is important to seek further clarification of elements and options in the alternatives and continue to develop a comprehensive packet designed to meet the unique characteristics of the Gulf of Alaska which is responsive to community impacts of traditional catch share models. A program for the Gulf of Alaska should not be modeled after Bering Sea management programs.
- A GOA trawl rationalization program may result in consolidation and lead to excess capacity of vessels that could be converted into pot vessels. The allocation of quota to individuals or companies may provide the capital requirements to purchase Sablefish and Halibut IFQ.
- Need to evaluate the potential for a GOA trawl rationalization program to provide a way for GOA trawl vessels or owners to enter the Halibut and Sablefish IFQ fishery.

Rationale **in Opposition** of the motion:

- Not a single member of the public testified in support of continuing to analyze Alternative 3, indicating there is no industry support for a PSC only allocation formula, the industry was not involved in its development unlike the collaborative approach that resulted in Alternative 2.
- Allocating PSC only, as proposed under Alternative 3, doesn't meet the Purpose and Needs goal to end the race for fish because fishermen will not be able to slow down and coordinate

harvests without risking losing out on all of their target catch opportunities. PSC only allocations destroy the incentive to share information, vessels will benefit if others get shut down for PSC.

- An equal allocation across the fleet that includes latent licenses/vessels or one based on capacity is not equitable because each vessel has a unique history, and dependence, on the trawl fishery that will be negatively impacted by a drastic redistribution.
- Alternative 3 doesn't offer up any community protection measures or port landing requirements.
- The suboptions in Alternative 3 around Chinook and halibut PSC limits should have included analyzing a return to the status quo prior to recent reductions. When the current PSC reductions were adopted, the GOA trawl fleet was promised PSC management tools but alternative 3 is not a LAPP catch share plan and provides no useful tools for managing existing, let alone further PSC reductions. Additionally, for Chinook salmon, new comprehensive genetics research indicates their stock of origin is not from areas of Alaska that were identified as being in crisis.
- NEPA is not only about the inclusion of a broad range of alternatives for analysis. NEPA also encompasses thorough stakeholder inclusion and feedback. Directly affected stakeholders have had the opportunity to review Alternative 3 and have taken the time to respond to its many negative effects. As such, it is entirely appropriate under NEPA to remove Alternative 3 at this time.

C2 Failed Motions

The following motion failed 9-12.

~~The AP recommends that the Council remove alternative 3 as a viable alternative for the EIS for the Gulf of Alaska Trawl Bycatch Management package. The alternative is structurally flawed and does not meet the Council's purpose and need statement for the following reasons:~~

1. ~~Does not take into account allocation criteria that must be considered by the MSA - current and historical participation, employment in the harvesting and processing sector, investment in and dependence on the fishery and current and historical participation of fishing communities.~~
2. ~~Has significant redistribution impacts in both the harvesting and processing sectors with unpredictable consequences for current fishery participants and fishery dependent communities.~~
3. ~~Does not stop the race for fish since quota limited species such as Pollock and cod are not allocated.~~
4. ~~Undermines the ability to achieve OY and expand harvest of underutilized species since PSC will be used first to harvest the "money fish" within a competitive fishery environment with little to no saving for other less valuable fish species.~~
5. ~~Establishes a framework that creates disincentives for harvesters and/or cooperatives to share information to minimize bycatch and discards.~~
6. ~~Creates disincentives and barriers for harvesters and processors to work cooperatively to plan and execute fisheries effectively.~~
7. ~~Introduces additional pressures and instability in the harvesting and processing sectors at a time when whitefish markets are under significant pressure globally.~~
8. ~~Does not address community protection issues such as maintaining traditional delivery patterns or processing consolidation limits.~~
9. ~~Spends staff time and tax payer dollars analyzing an alternative that is broken and not responsive to the purpose and need statement.~~

~~10. The vast majority of industry stake holders do not support this alternative – a top down management approach versus bottom up approach.~~

The motions below were presented as one and clarified as a stand-alone motion. A motion to bifurcate the two ideas, passed 20-1.

~~The AP recommends the Council increase the halibut PSC limit by 15% relative to 2016 limit.~~
Motion failed 4-16.

~~The AP recommends the Council increase the Chinook salmon PSC limit to 35,000 salmon (in non-pollock and non-rockfish CV sector).~~
Motion failed 5-15.

C3 NSRKC OFL/ABC Catch Specifications; Crab Plan Team Report

The AP recommends the Council adopt the Plan Team and SAFE recommendations of 0.71 million lbs for ABC and 0.26 mt for OFL for Norton Sound Red King crab stocks. *Motion passed 20-0.*

C5 Halibut Deck Sorting EFP

The AP recommends the Council proceed with the Halibut Deck Sorting EFP in 2016.

Motion passed 20-0.

Rationale:

- The AP expressed their appreciation for the work of Mr. Gauvin and for the industry partnership's commitment to find ways to reduce their mortality of halibut.
- Many on the AP expressed their preference to avoid halibut bycatch and handling, but acknowledged this is still a step in the right direction.
- Halibut that are obviously dead should not be recorded with a 10% viability for survival.

C6 Observer Coverage on BSAI Trawl Catcher Vessels

The AP recommends the Council adopt Alternative 3, suboption 3 for final action (below).
Motion passed 21-0.

Alternative 3. Allow trawl CVs currently assigned to partial observer coverage to voluntarily choose 100% observer coverage for all fishing in the BSAI.
Suboption 3. Vessels must opt-in to full (100%) coverage by October 15 of the previous year.

Rationale:

- Alternative 3 achieves the Council's objective to relieve the duplicative financial burden of paying for observer coverage twice.
- The Suboption 3 date of October 15 is feasible for both fishermen and NMFS.

C7 Electronic Monitoring (EM) Analysis

The AP appreciates the hard work of the EM workgroup and staff in developing the purpose and need statement and alternatives and approves them for analysis to Integrate EM into the North Pacific Groundfish and Halibut Observer Program.

The Purpose and need statement adequately addresses the issues and notes the goal of the regulations is to add EM as a tool to the North Pacific research program for both longline and pot vessels. The range of the alternatives also adequately captures the structures of potential EM programs and the AP notes that the specific management objectives, selection process and details of the EM program will be developed and modified through the annual ADP process.

Motion passed 21-0.

C8 GOA Tendering Activity

The AP recommends the Council request NMFS staff include an abbreviated version of the Annual Tendering Report during their Annual In-season Management Report in December.

Motion passed 21-0.

Rationale:

- Including the tendering report within the in-season management report is not expected to be an added burden.
- Industry would like a report every year on tendering activities.

C9 Observer Tendering

The AP recommends the Council adopt the following modified Purpose and Need Statement and Alternatives for analysis regarding the deployment of observers on catcher vessels delivering to tender vessels:

Purpose and Need
The Council is concerned that under the new Observer Program the ability of catcher vessels to deliver to tenders introduces a potential bias that affects data quality due to observed fishing activity being unrepresentative of unobserved operations. The Council seeks to correct these unintended consequences by changing how observers monitor and are deployed on groundfish vessels delivering to tenders.

Alternatives
Alternative 1: Status quo
Alternative 2: Request NMFS to evaluate creating a separate stratum in future ADPs for catcher vessels delivering to tenders.
Alternative 3: Tender vessels must enter landing reports into tLandings.

Further, the analysis should include a discussion on: (1) the potential for adjusting observer coverage rates on catcher vessels delivering to tender vessels based on offloads; (2) how far tenders are from shoreside plants; (3) how much poundage of cod/pollock is currently being observed when delivering to

tenders; and (4) how many of the vessels that are delivering to tenders are being selected for observer coverage.

An amendment to the motion to recommend the Council redefine a 'trip' *passed 13-7 with 1 abstention.*

Motion as amended passed 21-0.

Rationale:

- Preliminary analysis of observer data from the restructured observer program indicated the possibility of bias in observer data from catcher vessels delivering to tenders, but additional analysis has not definitively identified a potential for bias in these data. Analysis of the costs and benefits from modifying the ADP to incorporate an addition stratum will help to answer this question.
- NMFS has highlighted concerns about the potential safety of deploying observers from tenders. Specifically, deploying observers from tenders would require the transfer of observers at sea, which can be dangerous and likely not necessary.
- Alternative 3, to revise the fishing trip definition in such a way that it would require catcher vessels delivering to tenders to return to port to both pick up and drop off observers was removed because it is more appropriate at this time, through potential modification to the ADP, to determine any potential data quality concerns. Even if specific data quality concerns are identified, it will be less costly to improve data quality within the ADP process.
- The use of tlandings can improve the data collected from catcher vessels delivering to tenders. and would also improve NMFS's ability to analyze of potential differences between observed and unobserved catcher vessels delivering to tenders.

D1 BSAI Snow Crab Bycatch Data Evaluation

The AP recommends the Council initiate an analysis with the following Purpose and Need Statement and Alternatives for consideration:

Purpose and Need Statement

Prohibited species, including halibut, salmon, and crab, are identified as such because they are integral to the health of Alaskan marine ecosystems and to State and Federal economies. Prohibited species catch (PSC) limits and management areas for crab have been established in recognition of the fact that crab are particularly impacted by bycatch during biologically-sensitive time periods and in specific locations; however, PSC limits for Bering Sea snow crab (C. opilio) have not be examined in nearly 20 years. Since that time, both the biology and management of directed groundfish and crab fisheries has changed significantly. This, in conjunction with the fact that that there are no methods available within the Bering Sea-Aleutian Islands Groundfish Fishery Management Plan to restrict fisheries based on bycatch of crab when the total catch from all sources may not exceed annual catch limits (ACLs) for crab, indicates that a more precautionary approach to PSC management may be warranted. As such, a reexamination of current Bering Sea snow crab PSC management is necessary. Such a reexamination will allow the Council to minimize snow crab PSC mortality to the extent practicable while achieving optimum yield in the directed groundfish fisheries. Such efforts work to maintain a healthy marine ecosystem; ensure long-term conservation and abundance of crab; provide maximum benefit to fishermen and communities that depend on crab and groundfish

resources, as well as U.S. consumers; and comply with the Magnuson-Stevens Act and other applicable State and Federal law.

Alternatives
Alternative 1: Status quo Bering Sea snow crab PSC management [maintain current COBLZ (both area designation and limit amounts) and Northern Bering Sea Research Area]

Alternative 2: Revise the trigger limit percentage for C. opilio PSC to [0.05%; 0.075%; 0.10%] of the annual NMFS total survey abundance for snow crab

Option: Apply trigger limit percentage to total snow crab abundance based on the model-estimated population

Alternative 3: Eliminate the minimum C. opilio PSC cap and revise the current C. opilio maximum cap downward [10%; 20%; 50%]

Additionally, the analysis should include a discussion on each of the following points: 1) the methodology employed to apportion the snow crab PSC limit amongst sectors; 2) what years the snow crab PSC limit was based on results from the NMFS trawl survey and what years the limit was based on assessment model results and the rationale for why these different metrics were used; 3) details on the considerations and assumptions employed by ADF&G regarding snow crab bycatch during the TAC-setting process; 4) the methodology used by groundfish observers to account for snow crab PSC; and 5) the effects of including and not including total allowable (maximum permissable) PSC mortality has upon model population estimates for snow crab.

Motion passed 20-0.

Rationale:

- Crab PSC limits haven't been revised in approximately 20 years. Since that time both the groundfish and crab fisheries have changed significantly.
- Under current regulations, the maximum permissible PSC limit for the trawl sector is equivalent to approximately 25% of the directed fishery TAC in some years.
- While the trawl industry has done a good job of staying significantly under their PSC limits, a more appropriate and precautionary management approach would revise the current limits to more closely match actual usage. This works to minimize potential negative impacts to the directed crab fishery.

The AP recommends the Council initiate a discussion paper to outline the steps and information needed to consider the appropriateness of revising or implementing PSC limits or other management measures to minimize Bristol Bay Red King Crab PSC in directed groundfish fisheries. The paper should be structured utilizing a similar template as was used for snow crab.

Motion passed 20-0.

Rationale:

- Given that snow crab PSC was the starting point for the Council when considering crab PSC management, Bristol Bay red king crab is a logical next step to follow.

D2 Remove WAI RKC Stocks from FMP

The AP recommends that the Council develop a purpose and needs statement to remove the Adak Management District Red King Crab from the Bering Sea and Aleutian Islands King and Tanner Crab Fishery Management Plan and proceed with developing an EA/RIR analysis with the following alternatives:

Alternative 1: Status Quo
Alternative 2: Remove western Aleutian Island Red King Crab in the Adak District from the BSAI Crab Fishery Management Plan.

Motion passed 13-8.

Rationale **in Support** of motion:

- Consistent with previous Council action in removing stocks from the FMP in which "[…] the State of Alaska has a legitimate interest in the conservation and management and for which there is either no directed fishery, a limited incidental or exploratory fishery, or the majority of catch occurs in State waters."
- The WAI RKC fishery has not been prosecuted since the mid 1990's and is not anticipated to open in the near future. The Adak District stock would continue to be managed conservatively under full state jurisdiction. At which time the stock does recover, the action alternative to remove the Adak District from the FMP would set the stage for an earlier and more efficient development of a small boat fishery near Adak and Atka.
- The action alternative is consistent with the criteria established in amendment 24 for twelve other crab stocks that were previously removed from the BSAI FMP; the state has shown a legitimate interest in the conservation and management of the fishery through a BOF action to create an Adak District management plan and through ADFG's recent cooperative survey efforts with the Aleutian King Crab Research Foundation; there has been no directed fishery since the 1990's other than very limited exploratory research; and, reconnaissance surveys indicate that a large part of any future harvest would occur in state waters.
- There is no compelling biological reason to keep the Adak District in the FMP. The observer program will continue to collect and publicize bycatch data from the ground-fish fleet as it does for other non-FMP crab species in the GOA. The state would have access to this data to respond to any issues in the fishery through its GHL setting process. Existing measures to protect habitat, including gear modifications and area closures, would remain in place even if the Adak district was removed from the FMP. The OFLs under the FMP do not provide any protections to the stock that would be lost through state management.
- Removing the Adak District from the FMP should not impose a measureable negative economic impact on the Petrel Bank fishery. The historic catch from the Adak District only contributes to 5 % of the total OFL and its removal would be minor.
- Transferring the Adak District RKC fishery to state management would ensure the continued protection of the crab resource while developing a responsive framework for the potential creation of a small boat crab fishery. If developed in the future, the crab fishery could provide important opportunities for fishery dependent communities in the Aleutians.

Rationale **in Opposition** of motion:

- Currently, the federal OFL is the only protection measure available for what is recognized as an extremely depressed stock even though status determination criteria are unavailable given the extreme lack of data. Further, it remains unclear whether or not WAI RKC is a single stock. As such, the criteria used under Amendment 24 for removing other crab stocks from the federal FMP does not apply towards removal of a portion of a stock and is not appropriate in this case.
- Removing a portion of the WAI RKC stock is a drastic action for what results in no tangible gain in the near term (as noted in public comment). Taking action based on extreme speculation is a poor approach to fisheries management. Given the extreme lack of biological information for this stock, it is more prudent and appropriate to work within the current management structure as opposed to taking an action that would later require a follow-up action to address unintended or unexpected consequences resulting from the original action.
- All of the concerns noted by the original proposers of this action can be adequately addressed under the current federal management structure. This includes an adjustment to both the OFL and ABC (through the CPT and SSC process) to help alleviate any potential constraints were a viable fishery in Adak to occur.
- The efficiency gains for developing a fishery (to help support the community) anticipated through this proposal remain unclear. Keeping the Adak District in the federal FMP does not negate or diminish actions taken by the Alaska Board of Fisheries to establish a red king crab fishery (in both state and federal waters).
- While data collection for bycatch of red king crab in federal groundfish fisheries would continue to occur under the proposed action, the state has no recourse or authority to address or restrict federal groundfish fisheries on the basis of Adak red king crab bycatch. Were the population of WAI RKC to increase, it can be anticipated that bycatch amounts in the groundfish fisheries would also increase. This could ultimately result in harm for a directed Adak fishery if managers were forced to decrease a GHL to accommodate bycatch levels in order to maintain conservative management.

The following substitute motion failed 8-13.
~~The AP recommends the Council take no further action on this agenda item at this time.~~

D3 Halibut/Sablefish IFQ Program Review

The AP received a review of the IFQ program workplan and made the following comments:

> The review should include a short discussion of the underlying authority for the program, and which aspects of the plan would need congressional action to modify, which would require NPFMC FMP amendments, and which are within the discretion of NMFS.

Rationale:

- Program review should examine how entry level opportunities have been affected by crew pay pre and post program in relation to ex-vessel gross.
- Social costs and social equity should be evaluated equally to economic efficiencies throughout the document.

D4 Groundfish Policy and Workplan; Ecosystem Committee Report

The AP received a report on the Groundfish Policy and Workplan and the Ecosystem Committee's report on this item. The AP recommends the Council support the Ecosystem Committee recommendations and agrees it is a good direction to continue using the Groundfish Workplan to meet management objectives. *Motion passed 21-0.*