

North Pacific Fishery Management Council

Dan Hull, Chairman
Chris Oliver, Executive Director



605 W. 4th Avenue, Suite 306
Anchorage, AK 99501-2252

Telephone (907) 271-2809

Fax (907) 271-2817

Visit our website: <http://www.npfmc.org>

ADVISORY PANEL MINUTES

June 6–10, 2017

Juneau, AK

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

Carroll, Shannon	Gruver, John	Peterson, Joel
Christiansen, Ruth	Kauffman, Jeff	Scoblic, John
Cochran, Kurt	Kwachka, Alexis	Stephan, Jeff
Crowley, John	Lowenberg, Craig	Stevens, Ben
Downing, Jerry	McCallum, Chuck	Upton, Matt (Co-Vice Chair)
Drobnica, Angel (Co-Vice Chair)	Nichols, Carina	Weiss, Ernie (Chair)
Donich, Daniel	O'Donnell, Paddy	Wilt, Sinclair

The AP approved the minutes from the April 2017 meeting.

C1 Observer Annual Report

The AP supports the OAC recommendations on the 2016 Observer Annual Report. For the 2018 ADP process, we wish to highlight the following:

- Previous AP statements have expressed that the tendering provisions relative to observer coverage are creating a data bias. We recommend the Council task staff to work with industry groups over the summer to develop both short-term and long-term solutions, including potential regulatory changes.
- When evaluating the “hurdle” thresholds identified by the OAC, consideration should be given by gear type (especially for pot cod). The AP is supportive of identifying minimum coverage targets by gear type, but also recognizes the importance of prioritizing observer coverage in PSC-limited fisheries.
- The importance of a review of the methodology to integrate/optimize EM as part of the ADP by the EM workgroup or a sub-set of the OAC during this initial transition period.

For the 2017 Observer report, the AP requests the following:

- An evaluation of the multi-year trend in lower at-sea monitoring of bottom trawl trips vs. pelagic trawl trips for potential observer effects.
- Inclusion of variance estimates for PSC and other key species.

Motion passed 18/0.

Rationale:

- The first bullets will largely be addressed over the summer by a potential subgroup. The OAC group doesn't meet again until this fall.
- Further progress is needed on the tendering issue for both Pollock and Pacific cod deliveries in the Western Gulf with respect to: understanding the extent of data needs; the feasibility of maintaining separate tender strata in 2018; and long-term solutions to the ongoing source of potential bias with tender deliveries.
- The OAC recognizes the value of a floor level of coverage, but that it may be appropriate to evaluate gear types and their targeted species at different rates because of their variability and potential susceptibilities to biases.
- Because PSC has the ability to shut down other fisheries, accurate data is important.
- There is one year before the fees for EM and the observer program are shared. A first look and dry run would be useful in making sure we are working with industry and identifying efficiencies and how well the programs will work with one another.
- The annual report identifies that the achievement of target rates of coverage between pelagic and nonpelagic trawl are distinct. The data needs to be evaluated separately to evaluate whether the two gears possess potential observer effects/bias.
- Understanding the level of variability in coverage rates by species will allow for a better indication of achievement for the output of the program and aid in future decision making regarding changes in species' target.

C2 Lead Level 2 Observers

The AP recommends the Council select the following for final action:

Alternative 3: Observer Options. Modify the nontrawl LL2 observer coverage requirement. Require vessel to participate in a pre-cruise meeting if requested to do so by NMFS.

Option 3.2: Modify the nontrawl LL2 endorsement to allow sampling experience on trawl CPs to count toward nontrawl LL2 endorsement with an additional training requirement.

Motion passed 17/0.

Rationale:

- This action is intended to address the need to maintain a high standard of observer data quality, and the need to minimize the potential for shortages of LL2 observers and additional costs to industry.
- Council identified Alt. 3, Option 3.2 as its PPA at its April 2017 meeting. The only change from the PPA is the removal of the word "owner" to clarify pre-cruise meeting requirement. Per comments in testimony, concern was raised that the existing language could be interpreted to specifically require an owner of a vessel to participate in the pre-cruise meeting, counter to NMFS' intent for the meeting, as described in the analysis.
- The action is supported by NMFS and industry stakeholders

C3 Halibut IFQ Leasing by CDQ Groups

The AP recommends that the Council take final action and adopt the following preferred alternative and options (**new language in bold and underlined**):

Alternative 2: Allow CDQ groups to lease halibut IFQ in Areas 4B, 4C and 4D in years of low halibut catch limits in regulatory Areas 4B and 4CDE. Any IFQ transferred to a CDQ group under this provision would be added to their available halibut CDQ, intended to be leased from non-residents for use by residents with a halibut CDQ permit and a CDQ hired master permit. No vessel over 51 feet LOA would be eligible to harvest the leased IFQ and vessels would have to comply with IFQ use restrictions.

Option 1: Defining 'low catch limits' for the purpose of allowing leases. Designation of low catch limits is independently determined for Areas 4B and 4CDE. The threshold for designating a year of low halibut catch limit in each area is less than:

Sub-option 1: 1 million pounds for area 4B

Sub-option 2: 1.5 million pounds for area 4CDE

Option 2: Leased Area 4D IFQ may be fished in Area 4E.

Suboption 2: Any **CDQ owned or non-CDQ owned** 4D A Class IFQ leased by a CDQ group may be fished **by a vessel less than or equal to 51 ft LOA** in Area 4E when the abundance threshold in Area 4CDE is triggered.

Option 3: Any Area 4B, 4C, or 4D catcher vessel QS transferred after December 14, 2015 may not be leased as IFQ to CDQ groups under this action for a period of:

Sub-option 1: 3 years

Option 4: No individual halibut QS holder may lease catcher vessel halibut IFQ to any CDQ group, on a consecutive basis, for more than:

Sub-option 1: 2 years

Option 5: Limit the ability to lease Area 4B catcher vessel halibut IFQ to CDQ groups under this action to quota holders that own less than the following total area 4B holdings, inclusive of all class and blocked or unblocked categories:

Sub-option 3: 7,500 lbs

Sub-option 4: Convert pounds in sub-option 3 to 2016 QS units

Option 6: **Annual** [if this option is used by the CDQ group] Reporting Requirement

- 1) The criteria used to select IFQ holders leasing to a CDQ group,
- 2) The criteria used to determine who can receive leased IFQ, and
- 3) The amount and type of IFQ leased.

Motion passed 16/1.

Rationale in Favor:

- This program could provide important temporary relief measures to halibut-dependent CDQ community residents and IFQ holders in times of low abundance.
- The abundance triggers identified in the PPA represent historically low amounts of quota in area 4B and area 4CDE and are not intended to reflect a number that would provide additive

opportunities for CDQ communities or a number representative of a viable fishery, but rather an amount needed to minimize further long term negative impacts to halibut-dependent CDQ communities until quota levels rebound.

- Allowing area 4D IFQ to be fished in area 4E would permit leased quota to be used near coastal communities in times of low abundance and would maximize the effectiveness of the program. Area 4CDE is considered a single stock and the IPHC considers all forms of removals in its assessment and finds no biological basis for separate catch limits in these areas. Fishing patterns of local fleets in CDQ communities are not expected to change under the program.
- The inclusion of area 4D A class owned or leased by CDQ could provide additional flexibility under the program for local small boat fleets to access waters in closer proximity to their communities than the more exposed and remote waters of area 4D. This provision could reduce the impact to the IFQ program by allowing CDQ groups access to IFQ that they already own for their small boat fleets. The additional language under Option 2 clarifies the intent of any leased IFQ to be used by vessels under 51' LOA.
- Restricting the consecutive years that a quota holder may lease out their quota serves to minimize business structuring around leasing opportunities and impacts on transfers that might occur absent the program.
- Limiting the eligibility of the program to QS holders who possess small amounts of quota holdings in area 4B at 2016 QS unit levels, is intended to minimize the impact on, or displacement of existing walk on businesses in Adak. The most liberal option of 7500 lbs. would make available only 12.8% of the total quota pool in 2016 units, but would provide access to a considerable number of individual small quota holders. These smaller units are the most likely to be targeted to supplement the needs of harvesters in Atka in balancing the quota management of CDQ.
- This action creates added flexibility that may or may not be consistent with the goals of the IFQ and CDQ program. A reporting requirement could allow the Council to monitor whether the action meets its intent, as well as the goals of the IFQ and CDQ programs.

Rationale Against:

- Given the diverse and broad human, geographic, social and biological dimensions of this potential action, the minority felt that it is prudent for the Council to require that an in-depth review of this action be performed after 10 years of implementation to determine whether this action achieved its intended purpose, produced unintended impacts or outcomes, or would benefit from some level of modification or adjustment.
- Allowing this leasing exception will further degrade the IFQ program.

[A motion to add Option 7: a 10-year review of the program, failed 8/9.]

C4 Yellowfin Sole Trawl Limited Access Fishery

The AP deliberated three failed motions during their discussion of this agenda item. Following are the results of this discussion.

MOTION #1: Alternative 2 [final motion as amended, failed 7/9]

The AP recommends the Council adopt for final action:

Alternative 2: A catcher vessel may target the BSAI TLAS yellowfin sole fishery and deliver it's catch to a mothership or catcher/processor only if that catcher vessel is assigned an LLP that is credited with at least one trip target landing in the BSAI TLAS yellowfin sole fishery made it a mothership or catcher/processor between:

~~Option 1.1: 2008-2015~~

~~Suboption 1.1.2: in any two years~~

Option 1.2: 2008-2016

Suboption 1.2.1: in any year [motion to amend passed 10/7]

Rationale in Support of 1.2:

Allowing for vessels with at least one year of participation from 2008-2016 to continue to participate in the future will widen the pool of vessels able to harvest YFS TLAS. Requiring 2 years of participation is too restrictive and results in only 3 vessels being eligible.

Rationale in Opposition of 1.2:

One year of participation is too low a threshold and doesn't recognize the dependency of catcher vessels with 6+ years of participation in the fishery. A better approach to allow for new entrants is through suboptions that have threshold to allow more catcher vessels at higher levels of abundance. The AFA CP sector would also be eligible for the fishery, which means 19 vessels could be in the fishery not 3.

Option 2.2 Catcher vessels that do not meet the landings qualification established under Option 1, may target yellowfin sole in the BSAI TLAS fishery and delivery to a mothership or catcher/processor only for that portion of the yellowfin sole TAC assigned to the BSAI TLAS fishery that is equal to or greater than:

~~Suboption 2.2.3: 25,000 mt~~

Suboption 2.2.2: 20,000 mt [motion to amend passed 16/1]

Suboption 2.2.1: 15,000 mt [motion to amend replacing Suboption 2.2.2 with 2.2.1, failed 7/9]

The amount of halibut PSC that may be used by catcher vessels defined under Option 2.2 in the BSAI TLAS fishery may not exceed an amount determined by multiplying the proportional share of yellowfin sole available to those vessels by the amount of halibut PSC assigned to the yellowfin sole fishery.

Rationale in Support of 2.2.1:

- The lower threshold of 15,000 mt rather than 20,000 mt would allow more potential opportunity for ineligible vessels to participate in the YFS fishery when YFS TAC goes up.
- Using the higher threshold of 20,000 is not likely to provide any real opportunity for ineligible vessels.
- During TAC setting there will be an incentive for eligible YFS TLAS participants to keep the TAC below the threshold.
- High uncertainty will deter ineligible vessels from participating – a vessel is unlikely to include YFS in their fishing plan if it's only available 20% of the time.

Rationale in Opposition of 2.2.1:

A 15,000 threshold will create a race for fish for whatever TAC is available above that amount. The 10 vessels eligible to access the set aside will have an incentive to harvest the TAC as quickly as possible to access additional quota. The ineligible catcher vessels would also have an incentive to harvest the TAC as quickly as possible before the eligible catcher vessels took it. The goal for this action is to slow down the fishery, not speed it up. With 10 vessels eligible for the fishery there's no need for an option to allow new entrants at higher TAC levels because all the new entrants, and anyone who has ever fished in the last 10 years is eligible.

Motion to amend by striking entire Option 2.2, failed 5/12.

MOTION #2: To table item C4 [failed 5/12]

The following substitute motion was offered and failed:

The AP recommends the Council table C4 until sometime after the discussion paper on P. cod.

Rationale in Support of Tabling:

- The intention is not to link cod and YFS together but have them move at the same speed.
- All the fisheries are linked together if you do something in one it will have an impact on another.

Rationale in Opposition of Tabling:

All the vessels in the YFS fishery are already participating in the cod fishery and will continue to do so because it's considerably more valuable. The three catcher vessels that have the most years of participation in the YFS can't fish in the GOA, are non-pollock vessels, and can't enter other fisheries beyond those they are already fully participating within. Delaying action will exacerbate the race for fish and negatively impact the stakeholders already in the fishery.

MOTION #3: Take no further action [failed 6/11]

The following substitute motion was offered and failed:

The AP recommends the Council take no further action at this time.

Rationale in Support of No Action:

- The analysis does not show a current problem with halibut PSC or with management of the fishery that substantiates the problem statement or justifies limiting participation at this time.
- The Council is also currently considering the issue of the BS Pcod TLAS fishery and has requested a discussion paper. There is not enough information regarding the interplay between the YFS and Pcod

TLAS fisheries and how vessels with access to both would react to limitations on one or the other, or both.

- Public testimony and staff analysis indicate the problem is with A80 vessels acting as motherships and that no sideboards were put in place when A80 was passed. Rather than directly addressing the issue of A80 vessels acting as motherships or establishing sideboards this action proposes to limit CV participation in the TLAS fishery – a fishery that was set up to allow for continued CV participation.
- If this action goes through, ineligible CVs will effectively be excluded from the fishery: (1) there is no shore-side processing and this is not a real opportunity for CV deliveries; (2) making YFS in excess of a threshold (e.g., 20,000 mt) will not provide real opportunity because excess is not likely to result from the TAC setting process and the unpredictable and sporadic availability of YFS to ineligible vessels makes meaningful participation infeasible.

Rationale in Opposition of No Action:

Taking no action is not responsive to the purpose and need statement’s goal of providing access to historic participants in YFS TLAS, mitigating a race for fish, while also having opportunities for new participants at high TAC levels. The number of catcher vessels in the fishery has tripled in recent years. Current halibut rates would not support a fishery at higher TAC levels. The YFS fishery used to last until November and now is closing in May.

C5 Halibut Abundance-based PSC Limits

MOTION #1 *[Final motion as amended, failed 6/11]*

The AP recommends that the Council adopt the SSC recommendations. The AP also recommends that the ABM Workgroup continue to solicit feedback from stakeholders regarding measurable objectives.

Lastly, the AP recommends that the Council direct the ABM Workgroup to incorporate the following elements and options to guide development of the expanded discussion paper on ABM.

Element 1 – Starting point for PSC limit

- Option 1. A range of 40% above and below 2016 PSC limit (3,515 t).
[motion to amend Option 1 above by replacing 40% with 60%, failed 6/11]
Sub option 1. Use different starting points for each gear group.*

- Option 2. A range of 40% above and below the actual 2016 PSC use
Sub option 1. Use different starting points for each gear group
[Motion to amend by adding Option 2 and Suboption 1 above, failed 7/10]*

Element 2 – Stability of PSC limits

- Option 1. PSC limit varies directly with change in abundance.
Option 2. Limit PSC change to a maximum percentage/year.
Option 3. Change PSC only every x number of years.
Option 4. Use rolling average of index values to smooth inter-annual variability.*

Element 3 – Slope

- Option 1. Slope varies linearly between floor and ceiling.*

Option 2. A non-linear approach that provides a directed fishery preference at low levels of abundance.

Option 3. A non-linear approach that provides flexibility for the groundfish fishery at higher levels of abundance.

The ABM workgroup should provide information on how setting the starting point up to 40% below 2016 halibut PSC limits may or may not have an impact on incentives to reduce bycatch.
[Motion to amend by adding this sentence, passed 17/0]

Rationale in Support of adding sentence:

- SSC provided in-depth input on indices, which seemed sufficient to address the Workgroup's needs in that respect.
- The Workgroup indicated that determining final measurable objectives at this time was not necessary and that they were recording public testimony with respect to these objectives. Consistent with the SSC recommendation, it seemed important to allow for additional public input on the measurable objectives.
- Including direction on the elements and option from p.12 of the discussion paper is responsive to the workgroup's repeated requests for input. Absent input or direction otherwise, the Workgroup indicated that they would be moving forward with the elements and options on page 12.
- The Council, in past actions on this issue, indicated that a control rule is helpful for understanding the strengths and weaknesses of the various indices.
- The SSC and Workgroup indicated that a range of starting points would be essential to moving forward with a control rule that demonstrated the strength and weaknesses of the various indices.
- The inclusion of a range of starting points was meant to provide a greater understanding of the indices; it was not meant to imply that this would be the range ultimately chosen by the Council.
- The inclusion of an element related to the slope was responsive to discussions during the Joint Council/IPHC meeting.
- The removal of floors and ceilings was intended to simplify the work in front of the Workgroup and indicate that the focus of the October meeting should be identifying an index
- The workgroup indicated that absent additional direction on starting points, they would move forward with the October analysis by utilizing the elements and options in the June discussion paper to help illustrate how the draft AMB alternatives may meet the objectives of an ABM program.

Rationale Against adding sentence:

- The upper end of the starting point ranges was insufficient to provide for a directed fishery at low levels of abundance, which is a primary objective of this action.
- We support the Council providing direction to the workgroup and believe direction on a realistic starting point with an adequate range will inform development of an ABM straw man.
- The ranges of starting points in the motion are not balanced. The starting points, based on the 2016 PSC cap, represent more than a doubling of 2016 PSC actual use. On the lower end of the range, a 40% reduction in the PSC limit, equates to about 10% less than current use.

- The range of starting points should surround the current status of the groundfish fishery and actual PSC use. “Extent Practicable” as described in National Standard 9, regarding reduction of bycatch, has achieved a new lower level.
- Full development of abundance indexes should occur before the selection of any starting point.
- Decision makers need to fully understand how individual indices capture segments of the halibut population and how various indices may work with one another before entering an allocation discussion.
- The selection of a starting point or range of starting points at this stage may send a message that an appropriate PSC level should fall within this selected range.

MOTION #2 *[passed 12/5]*

The AP recommends the ABM Workgroup inform the Council of how their future work will take into account:

- (1) differential rates of natural mortality for large and small halibut;**
[Motion to amend: Strike #1 above, WITHDRAWN]
- (2) a range of hypotheses about migration of halibut from the Bering Sea to other areas;**
- (3) the effects of changes in size at age;**

And, how these may or may not affect the ability of ABM to meet Council objectives.

The ABM Workgroup should also provide information to the Council on the extent that indices are correlated to halibut encounter rates in the fisheries that operate under this PSC limit.

The following substitute motion was offered and failed 8/9:

The AP recommends the Council adopt the SSC’s recommendations.

Motion passed 12/5.

Rationale in Support:

- Abundance based management of halibut PSC should address a plausible range of biological assumptions that have policy implications. For example, size-dependent natural mortality assumptions, migration hypotheses, and changes in size at age all may impact the effects of trawl bycatch on the directed fishery.
- A correlation of an indice or combination of indices with the trawl and non-trawl encounter rates that operate under this PSC restriction will help make sure they are positively correlated with what the fisheries (bycatch and directed) encounter. If the working group were to come up with an index that is negatively correlated with the commercial trawl CPUE, the resulting ABM index may not be proportional to the trawl encounter rate and may undo all of changes the fleets have already taken to avoid halibut.

The AP recommends the Council appoint an additional member of the IPHC to the ABM Workgroup.

Motion passed 16/1.

Rationale in Support: This request is reflective of public testimony that suggested that more representation from the entity involved in managing the directed halibut users in the workgroup may assist in providing more clarity as to where we are at in the AMB process relative to policy and science questions.

Rationale Against: The ABM Workgroup has and will continue to work closely with all staff of the IPHC therefore it would be of no added benefit to have an additional member.

The AP requests the Council ask IPHC to update the yield equivalency model. *Motion passed 14/3.*

Rationale in Support: This request is reflective of public testimony and would be helpful in updating our understanding of how a certain portion of bycatch removal is translated back to the directed halibut catch.

Rationale Against: The IPHC data request is a distraction from the important work of advancing ABM.

C6 Squid to Ecosystem Component

For final action, the AP recommends the Council adopt Alternative 2, Option 3 as its Preferred Alternative to move squid in both the BSAI and GOA into the Ecosystem Component category with a maximum retainable amount (MRA) established at 20%.

Further, the AP recommends the Council adopt the following revised Purpose and Need statement as recommended by NFMS on pages 13 and 14 of the Public Review Draft analysis:

Squid are short-lived, highly productive, and an important prey species. No conservation concerns exist for squid populations in the BSAI and GOA. Squid are thought to be substantially more abundant than can be estimated from trawl survey data. Current OFLs for squid are based on average catch calculations that are poorly linked to abundance. Although limited life-history information exists, the best available scientific information suggests that squid biomass estimates are substantial underestimates of true biomass. Squid are currently managed as target species despite being caught only incidentally under status quo, and an annual OFL, ABC, and TAC for the squid complex is specified separately for the BSAI and GOA. While there are no directed fisheries for squid in either the BSAI or GOA, squid bycatch is retained in some fisheries and often utilized to prevent waste. If the total TAC of squid is caught, retention is prohibited for the remainder of the year.

The purposes of this action are to identify the appropriate level of conservation and management required for squid and to accurately classify the squid complex in the BSAI and GOA groundfish FMPs based on the best available scientific information. The revised National Standard 1 (NS1) guidelines include options for classification and management of target and non-target species in FMPs. Options for classification and management of non-target stocks include identification of the species as "non-target species in need of conservation and

management,” or as “non-target ecosystem component species, not in need of conservation and management.”

Motion passed 17/0.

Rationale:

- Adoption of Alternative 2 with a 20% MRA does not create a conservation issue for squid in either the BSAI or the GOA. For several years the Council’s non-target committee, the Plan Teams, and the SSC have at various times recommended that the Council explore moving squids to the Ecosystem Component category with the understanding that as an extremely short-lived and highly productive species group, it is very unlikely that squid could be overfished in the absence of a directed fishery.
- Under Alternative 2, both recordkeeping and reporting of annual squid catch will continue and stock assessments will be updated periodically, as determined appropriate by the AFSC and Council.
- Alternative 2 has the greatest potential to reduce adverse impacts on BSAI chum and Chinook salmon. It would allow the pollock fleet additional flexibility in fishing in areas where rates are good and salmon bycatch is low. Pollock vessels would not have to relocate to other areas (with potentially lower CPUE and higher salmon bycatch) to avoid reaching artificial TAC and ABC levels for squid.
- Maintaining a 20% MRA under Alternative 2 will discourage the targeting of squid while allowing an appropriate level of flexibility. Setting an MRA lower than 20% will reduce the benefits of this action and increase fleet operating costs with no realized conservation benefit to squid.
- Both Alternatives 1 and 3 would continue to set ABC and OFL limits for squid, which would continue to result in the BSAI pollock fleet moving from the most productive pollock grounds to avoid squid bycatch. These alternatives make it more difficult for vessels to balance higher pollock CPUE, lower salmon bycatch, and lower squid catch.

C7 BSAI Crab Harvest Specifications for 3 Stocks and Crab Plan Team Report

The AP recommends the Council approve the OFLs and ABCs for WAIRKC, AIGKC and PIGKC as recommended by the SSC. *Motion passed 17/0.*

Rationale: The AP appreciates the effort and work-product provided by the CPT and SSC.

The AP recommends the Council identify BBRKC bycatch in the groundfish fisheries as a research priority and investigate the following:

- **Whether a low percentage of BBRKC bycatch suggests that bycatch does not currently pose a conservation concern.** [*Motion to add this bullet, passed 18/0*]
- Reasons behind increased bycatch in the groundfish pot fisheries.
- Spatial component to bycatch.
- Whole haul sampling in trawl fisheries in order to better quantify the size/sex of crab bycatch and evaluate the accuracy of model estimates.

- Pelagic trawl gear interaction with king crab.
- **Review** Reevaluate the goals of bycatch caps. [*Motion to replace wording, passed 18/0*]
- Cumulative impact of bycatch over the history of stock assessments and how no bycatch could have changed the look of the stock spatially and temporally.
- ~~Unobserved mortality in the groundfish fisheries.~~ [*Motion to strike last bullet, passed 15/2*]
- **Current handling mortality rates.** [*Motion to add last bullet, passed 18/0*]

Final motion as amended, passed 13/5.

Rationale in Support: The intent of this action is to provide information requested by the CPT (and subsequently SSC) to better inform the assessment process and provide a better understanding of potential bycatch effects.

Rationale Against: Directing additional research work may send a message that the investigation of BBRKC bycatch reduction measures should be a prioritized work item when there is no conservation concern.

D1 Small Sideboard Limits

The AP recommends the Council initiate an analysis for an FMP and regulatory amendment that would: (1) prohibit directed fishing by those vessels subject to AFA and CR Program sideboard limits for those species that do not have large enough sideboard ratios to annually support a direct fishery or for those species that are fully allocated to other programs; and (2) remove the AFA sideboard limit for AFA CPs for Central Aleutian Islands Atka mackerel.

Motion passed 17/0.

Rationale:

- For the species listed in Tables 2-1 through 3-1 of the analysis, the sideboard ratios are not sufficient to support directed fishing under current TAC levels or any reasonably foreseeable increase in TACs or under current allocations. It is also unlikely that the TACs for these species would increase significantly due to the optimum yield limit in the BSAI.
- The 11.5% sideboard limit for CAI Atka mackerel is constrained by the allocation to the limited access sector that was established by the Amendment 80 program.
- Overall, this action would streamline the annual harvest specifications process.

D2 Tanner Crab Habitat Conservation Measures

The AP recommends the Council initiate an expanded discussion paper:

1. Review the Arrowtooth, Shallow Water Flats, Rex Sole and Flathead Sole fisheries in the Observer Program implemented in Non-pelagic trawl (NPT) directed fishing in ADF&G statistical areas 525702, 525630 and the Chiniak gully from 2008-2016. Provide a time series to

understand if the fishing effort is increasing. This may provide data to correlate if fishing effort is effecting crab stocks.

2. Provide a finer resolution of observed Tanner crab bycatch in ADF&G statistical areas 525702, 525630 and the Chiniak gully for NPT and the pot cod fishery between 2008-2016, or a time series that reflects years of low and high abundance.
3. Describe the sampling protocol for Tanner crab when observed to answer the following questions: What happens to crab on the deck when an observer is onboard? Is there a size composition break out? Are discard counts accounted for or is the strata based solely on basket sampling?
4. Under these decreasing observer levels do we have enough confidence in the data to provide adequate variance estimates for Tanner crab bycatch?
5. Review the efficacy of trawl sweeps and the current use in all NPT fisheries in the GOA.

[Motion to add items 6-15 (below) passed 17/0]

6. Review cod catch in the three statistical areas for pot gear (use same years as original motion).
7. Observer coverage in the three statistical areas for pot gear (use same years as original motion).
8. Tanner crab mortality due to ghost fishing of lost pots.
9. Discard mortality estimates for both trawl and pot gear for Tanner crab.
10. Changes in crab abundance within the new Marmot Bay Tanner crab protection area (2014–2016).
11. Comparison of Tanner crab abundance inside and outside the trawl closure areas for total mature (both male and female crab) and male legal crab.
12. Description of ecosystem changes that affect crab stock productivity (i.e., warming water temperatures, ocean acidification, and predator-prey stock composition and relationships).
13. Flatfish catches by operational mode in the CGOA.
14. Observer coverage for NPT gear in the boxes including CPs.
15. Revise Figure 6 and Figure 8. The breaks for the legends are too extreme to understand the abundance. A lower threshold needs to be suggested.
16. Tanner crab bycatch rates and mortality in the longline fishery. *[Motion to add passed 17/0]*
17. Tanner crab bycatch rates in pot cod fishery in state waters. *[Motion to add passed 17/0]*

As this issue develops, the AP requests the Council consider engaging the Joint Protocol Committee.

[Motion to add closing sentence passed 17/0]

Final motion as amended passed 9/8.

Rationale in Support:

- More data refinement on the potential interactions of groundfish fisheries on the crab stock will allow for an increased understanding of potential correlations while highlighting limitations in information.
- A joint protocol committee would allow for better coordination on state and federal issues concerning GOA Tanner crab.
- The expectation in October 2010, was that a comprehensive understanding of the impacts of the Non-Pelagic Trawl groundfish fishery in GOA essential crab habitat would be gained as a result of Amendment 89. This does not seem to have been the case. There exists a need for the

Amendment 89 observer coverage regime to more faithfully adhere to original Council expectations. This element of the GOA management regime is in significant need of review and improvement, should be reworked, made more “robust” and “statistically reliable”, and with an objective of more intensely sampling the NPT operations that have contact with critical benthic habitat in the Amendment 89 coverage areas as originally intended in October 2010 (6 years, 8 months ago).

Rationale Against:

- Reference the points made under the failed substitute motion to take no action.

The following substitute motion was offered and failed 7/10:

The AP recommends the Council take no further action on D2.

Rationale in Support of No Action:

- The discussion paper illustrates that since Amendment 89 there has been a positive change in Tanner crab PSC.
- Elevated sweeps have resulted in a big reduction in unobserved mortality of Tanner crab.
- The trawl catch of Tanner crab PSC has dropped by 17%.
- The request for more observer coverage should be directed at the OAC and the working group.
- Under the new observer program, CPs are 100% observed in this area.
- There are many closed areas (inside 3 miles/state water, crab boxes, and sea lion rookeries) with Tanner crab.
- Warmer water, ocean acidification, and regime shifts have had more of an effect on Tanner crab than trawl.
- BS zone 1 has a threshold of .5%; Zone 2 is 1.5%; the GOA is at .2% Tanner crab PSC.

D3 Allocation Review Triggers

The AP recommends the Council identify the three non-LAPP allocations and seven LAPPs as subject to the allocation policy directive; adopts the LAPP review process for LAPPs; and adopts a 10-year timeframe as the primary trigger criteria along with a secondary trigger based on public-interest for the non-LAPP allocations. *Motion passed 13/0*

Rationale: This motion is responsive to the Council’s findings based on NMFS’ Allocation Policy Directive and ensures that these 10 programs are being thoroughly evaluated.

E1 Staff Tasking

Substitute motion:

The AP requests the Council invite relevant Canadian Department of Fisheries and Oceans’ staff to participate in future Joint IPHC / Council meetings.

Motion to substitute passed 10/3; final substitute motion passed 8/6.

~~The AP recommends that upon continuation of any future joint IPHC meetings, the Council request that the meeting hosts rotate between the NPFMC and Canada's Department of Fisheries and Oceans (DFO).~~

Rationale in Support of original and substitute:

- This request is being made to best facilitate information sharing on the management approaches employed by both organizations for groundfish and halibut.
- Halibut and groundfish are vital resources along the entire west coast so any opportunity for the multiple management bodies to share their respective knowledge, experiences, and actions should be taken.

Rationale Against:

- It is not within the AP's purview to get involved in this level of protocol.
- There is already a DFO representative on the IPHC.

The AP requests the Council consider moving the WGOA groundfish agenda items from October 2017 to December 2017. *Motion passed 14/0*

Rationale:

- This request is responsive to public comments from WGOA fisheries participants.
- The October meeting agenda seems to be crowded, whereas the December meeting outlook appears to have room for these items.