

# North Pacific Fishery Management Council

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## ADVISORY PANEL MINUTES

April 3–6, 2018

Anchorage, AK

The Advisory Panel met Tuesday, April 3 through Friday, April 6, 2018 at the Renaissance Seattle Hotel in Seattle, Washington. The following members were present for all or part of the meetings (absent members are ~~stricken~~):

Carroll, Shannon  
Christiansen, Ruth

~~Cochran, Kurt~~

Donich, Daniel

Drobnic, Angel (Co-Vice Chair)

Gruver, John

Hayden, Natasha

Johnson, Jim

Kauffman, Jeff

Kwachka, Alexis

Lowenberg, Craig

Nichols, Carina

O'Donnell, Paddy

Peterson, Joel

Scoblic, John

Stevens, Ben

Upton, Matt (Co-Vice Chair)

Vanderhoeven, Anne

Weinstein, Samantha

Weiss, Ernie (Chair)

Wilt, Sinclair

*The AP approved the minutes from the February 2018 meeting.*

### **C1 Salmon FMP Amendment for Cook Inlet – Review FMP measure proposals**

The AP recommends the Council adopt the Draft Scope of Work on page 6 of the Salmon Stakeholder Report report.

The AP also recommends the Council adopt the Potential Cook Inlet Salmon Committee Organizing Principles on page 6-7, adding the following under 2. Membership: **“Membership of the committee may change as needed to reflect the needs of the committee as determined by the Council.”**

The AP recommends the Council initiate a formal Call for Nominations to the committee through the newsletter, website, and Board of Fisheries email distribution list.

*Motion passed 19-0.*

#### Rationale:

- Staff did a good job of sorting out the stakeholder comments and setting out a draft scope of work for a stakeholder committee.
- It is appropriate to establish organizing principles for this new committee, as noted by staff, and timely to initiate the call for committee nomination.

### **C2 Scallop SAFE and Plan Team Report – Set OFL/ABC Catch Specifications**

The AP recommends the Council adopt the Scallop SAFE as well as the OFL and ABC as recommended by the Scallop Plan Team and the SSC.

*Motion passed 19-0.*

### **C3 Charter Halibut Annual Permit Registration – Final Action**

The AP recommends that the Council take final action to adopt Alternative 2, Option 1, the Council's preliminary preferred alternative, with Option 4 as revised.

Alternative 2. Implement an annual registration process for transferable and non-transferable charter halibut permits (CHP). A CHP holder must submit the following information to NMFS on an annual basis to register a CHP:

- CHP number,
- CHP holder name (individual or non-individual entity),
- CHP holder address, and
- CHP holder phone number and/ or email address

**If Until** a CHP is **not** registered with NMFS, the CHP would not be valid for use during the applicable fishing year. *[motion to amend passed 20-0.]*

Option 1. CHP ownership (e.g., ownership holdings for the CHP by individual(s), partners, or a corporate entity).

The AP recommends that the Council revise and adopt Option 4 as follows:

**Option 4. NMFS shall include in the CHP annual registration form a voluntary question intended to determine the level of CHP use by an operator who is not part of the CHP ownership structure. This question may will include an option to explain explanation of any terms of compensation for the use by the non-owner.**

*[Motion to amend 1st sentence passed 19-1. Motion to amend 2<sup>nd</sup> sentence passed 19-1.]*

*Final motion as amended passed 20-0.*

#### Rationale:

- Since NMFS issued Charter Halibut Permits in 2011, there has not been a systematic process to track changes and trends in CHP ownership, participation, or latency. It is vital for the Council to have this information to determine if the CHP program requires any necessary changes. An annual registration serves to provide the Council with this information, as well as facilitate retirement of non-transferable permits, improve communication with the fleet, and improve enforcement of CHP usage on the water.
- Including Option 1, information on ownership structure, is important to determine if non-transferable permit holders have changed.
- The inclusion of Option 4 may be important to collect data on how CHPs are used within the charter industry. Its original intention was to collect information on the level of leasing-like activity. Currently, there is no definition of leasing or proposed limitations on leasing-like activity, nor is the purpose of this action to create limitations. For the sole purpose of information collection, it is therefore appropriate to ask for this information to be provided voluntarily.

- The questions structured under Option 4 should be required to be answered, as the intent of the registration is to assess the nuances of how CHPs are being used by non-owners and may help inform future management decisions
- This Alternative does not create a major administrative burden for operators. There are already annual renewal requirements, including guide licenses, coast guard licenses, proof of insurance, & CPR/First Aid certification. One additional, simple requirement can be added to this list without significant inconvenience.
- This motion does not explicitly address revocation of permits in the event of non-registration. There are many reasons why a permit holder may not complete their annual registration and they should not arbitrarily have their permit revoked because they were unaware of the new regulations or opted to only fish salmon during the year.
- Although not identified explicitly as part of the motion, there may be a need to offer a temporary permit option in the case of unforeseen circumstances, as is common in other fisheries.

#### **C4 Mixing of guided and unguided halibut – Final Action**

The AP recommends that the Council adopt Alternative 3, the Preliminary Preferred Alternative, with the following changes (**bold** and ~~strikeout~~):

If halibut harvested using sport fishing guide services is possessed with halibut harvested not using sport fishing guide services on Convention waters in Area 2C or 3A, the IPHC annual **bag and possession limit, size restrictions, ~~and~~ carcass retention regulations, and day of the week closures** ~~management measures~~ for guided sport fishing for the area that the halibut was harvested apply to all halibut onboard the fishing vessel.

*[Amendment to add “and day of the week closures” passed 19-0.]*

*Final motion as amended, passed 18-1.*

#### Rationale:

- The Office of Law Enforcement has raised concerns regarding sport fishing vessels possessing both guided and unguided halibut on a single boat. During boardings, this situation has caused confusion for enforcement officers, who have been unable to efficiently determine whether guided restrictions are met by all guided anglers.
- There are currently no existing regulations limiting or prohibiting mixing of this kind on guided sport vessels, though there are regulations prohibiting mixing of halibut from other fisheries.
- Alternative 3 reduces enforcement concerns while allowing unguided guests the opportunity to fish without the expense of a guide. This alternative also continues to allow crew working on sport vessels the opportunity to fish during free time.
- Under Alternative 3, the Council should adopt the specific guided halibut restrictions relevant to enforcement, including, bag and possession limits, size restrictions and carcass retention.
- While OLE recognizes that the day of the week closure may be enforceable under possession limits, explicitly including this restriction in the action may eliminate confusion with participants

- The guided halibut restrictions should exclude logbook requirements and annual limits which could create catch accounting complications and would rely on the State to make specific, time consuming changes to the state logbook program.
- ADF&G and OLE are already in regular contact with experienced charter operators throughout and after the season to clarify or correct logbook information. There would be even more confusion, and an additional burden on OLE and ADF&G, with a requirement for unguided anglers to complete a logbook page.
- There is a risk that mistakes by unguided anglers completing a logbook page could result in unguided halibut being inaccurately counted as part of guided catch, potentially resulting in double accounting.
- The creation of a new logbook section for only a small subset of anglers places a disproportionately large administrative burden on ADF&G and creates unnecessary complications.

## **C5 Salmon Bycatch and Genetics Reports**

The Advisory Panel received several reports from staff and industry on this agenda item. No action was taken.

## **C6 GOA CV Chinook PSC limit adjustments – Initial Review**

### **AP Motion #1**

The AP recommends the Council revise the alternatives and options as follows (new text is underlined):

Alternative 1. Status Quo

Alternative 2. Increase the Chinook salmon PSC limit for the GOA non-pollock non-Rockfish Program CV sector by:

Option 1: 1,000 fish

Option 2: 2,000 fish

Option 3: 3,000 fish

Option 4: Replace the performance standard/incentive buffer with an annual rollover of any unused Chinook salmon PSC in this sector. NMFS will determine the amount of unused Chinook salmon PSC based on the amount used in the sector relative to the base limit of 2,700 fish. The maximum amount of Chinook salmon PSC that may be rolled over cannot exceed:

Suboption 1: 675 fish (25% of the limit of 2,700 fish)

Suboption 1: 1,350 fish (50% of the limit of 2,700 fish)

Suboption 1: 2,025 fish (75% of the limit of 2,700 fish)

Under option 4, in any year the total amount of Chinook salmon PSC available cannot exceed the base limit plus the amount in the suboption selected.

(Option 4 can be selected in combination with Options 1-3 or as a standalone option.)

Alternative 3. Increase the Chinook salmon PSC limit for the Central GOA Rockfish Program CV sector by:

Option 1: 300 fish

Option 2: 600 fish

Option 3: 900 fish

Option 4: Allow an annual rollover of any unused Chinook salmon PSC in this sector. NMFS will determine the amount of unused Chinook salmon PSC based on the amount used in the sector relative to the base limit of 1,200 fish. The maximum amount of Chinook salmon PSC that may be rolled over cannot exceed:

Suboption 1: 300 fish (25% of the limit of 1,200 fish)

Suboption 1: 600 fish (50% of the limit of 1,200 fish)

Suboption 1: 900 fish (75% of the limit of 1,200 fish)

Under option 4, in any year the total amount of Chinook salmon PSC available cannot exceed the base limit plus the amount in the suboption selected.

(Option 4 can be selected in combination with Options 1-3 or as a standalone option.)

*Motion passed 11-9.*

*The following motions failed:*

- *Amendment to motion to bold Option 4 as a stand-alone as the Preliminary Preferred Alternative, failed 12-8.*
- *Substitute motion: The AP recommends the Council take no further action at this time, failed 11-9.*

## **AP Motion #2**

The AP recommends that the Council release the document for public review. *Motion passed 11-9.*

### Rationale in Support of Main Motion:

- The original Chinook PSC cap was based on incomplete observer data and was set lower than actual historical usage. This has imposed an unreasonable burden on the fleet and has resulted in costly closures that have impacted fishery dependent communities in the Western and Central GOA.
- The variable nature of Chinook encounters combined with the lack of tools that would have otherwise been available to the fleet under rationalization justifies further consideration of cap increases and additional flexibility in rollover options.
- Based on the information in the analysis, Option 4 as a standalone option does not adequately meet the Purpose and Need Statement, but in an effort to provide relief to the GOA non-pollock and rockfish participants while acknowledging concerns of the directed salmon users, combining Option 4 with Options 1-3 may provide better flexibility than selecting each of the Options alone.
- While optics are challenging right now and all users are worried about salmon stocks, the reality remains the same that bycatch is underfunded. Not moving this forward would be irresponsible and unresponsive to the purpose and need identified in this action.

- While it's clear that there's a conservation issue with salmon, it is not good policy to penalize one fishery because another is in a downcycle.
- The cap increase options are very small relative to the total directed salmon removals and the amount of bycaught fish that would have otherwise made it back to SE rivers as adults after natural mortality, interceptions from salmon gear groups and subtracting hatchery stocks is very minimal.
- If the fleet was rationalized, this action may have been unnecessary. NMFS has taken emergency action in the past and will not be able to do so again, Council action is necessary.

Rationale against Amendment to select Option 4 (standalone) as Preliminary Preferred Alternative:

- Selecting the standalone option as the PPA is inconsistent with the new language added into the analysis that allows Option 4 to be selected in combination with Options 1-3.
- Option 4 as a standalone would not provide any flexibility to the fleets in the first year and would only be valuable during the second year if there was a buffer between the cap and PSC usage.

Rationale against Substitute motion:

- Tabling this action is not responsive to the Purpose and Need developed for this action item. The issues facing the GOA non-pollock and rockfish trawl participants persist. Tabling would indicate that the identified issue is no longer significant or necessary. Selecting amongst Alternatives 1, 2, and 3 is a policy decision.

Minority Report:

*The minority of the AP (excluding one) felt that selecting the standalone Option 4 as the Preliminary Preferred Alternative, which would have given more flexibility to the fleet under a rollover provision with no net increase of PSC over any two-year period, would have placed important focus on an alternative that provided the best balance between various stakeholder interests. Highlighting the PPA at this time would have also drawn the attention of salmon stakeholders towards the flexibility option, as most of the public opposition to date has been focused on the cap increase options.*

*The full minority felt that moving the amended motion forward was unresponsive to directed salmon users' concerns regarding the decline of salmon stocks in Southeast Alaska and throughout the Pacific Northwest. Significant money and resources are being spent on conservation measures, habitat restoration and hatcheries and there have been costly restrictions placed on all user groups. The appropriateness of increasing caps is further called into question by concerns regarding the accuracy of bycatch accounting with lower observer rates and that the fleet has been able to work under their existing cap. Some members felt that the purpose and needs should be revised to encompass the salmon conservation issues that have developed since this action was initiated.*

*Data limitations make it challenging to determine the impact that increasing bycatch removals would have on any salmon stock and because we do not know how a small amount of fish could impact stocks of concern, it would be irresponsible to increase PSC caps. Increasing bycatch caps would also not be responsive to the Board of Fish which has expressed concerns about how doing so may impact future negotiations under the Pacific Salmon treaty. This is not just a Southeast or Alaska issue, but something the whole Pacific coast is facing, and we all must participate in efforts to protect Chinook stocks.*

*Signed by: Carina Nichols, Joel Peterson, Natasha Hayden, Samantha Weinstein, Angel Drobica, Jeff Kauffman, Ben Stevens, Alexis Kwachka, Dan Donich.*

## **C7 Co-op Reports (AFA, AM 80, GOA Rockfish, BSAI Crab)**

The Advisory Panel received several industry reports on this agenda item. No action was taken.

## **C8 Halibut retention in BSAI sablefish pots – Initial Review**

The Advisory Panel recommends the Council adopt the revised alternatives, elements and options as follows (changes from original are in bold and underlined or stricken out):

### Halibut Retention in ~~Sablefish~~-Pot Gear in the BSAI

Alternative 1: No action

Alternative 2: Allow retention of legal-sized halibut in **single or longline** pot gear used to fish sablefish IFQ **or CDQ** in the BSAI, provided the IFQ/**CDQ** holder also holds sufficient halibut IFQ/**CDQ** for that IPHC regulatory area.

#### **Element 1: Applies to both single pots and longline pots**

Element ~~21~~: Gear retrieval

Option 1: No gear tending requirements (status quo)

Option 2: A vessel with unfished sablefish IFQ **or CDQ** onboard cannot leave gear on the grounds untended for more than (sub-options 5-10 days)

Element ~~32~~: Limit of 9-inch maximum width of tunnel opening does not apply when vessel has unfished halibut IFQ **or CDQ** onboard

Element ~~43~~: All vessels using pot gear to fish IFQ **or CDQ** are required to use logbooks and VMS.

#### **Element 4: Require escapement mechanism rings in the mesh panels of pots.**

*[Motion to amend to add Element 4 to Alternatives 2 and 3 passed 20-0; motion to amend language in Element 4, replacing 'rings' with 'mechanism', passed 20-0.]*

**Alternative 3: Allow retention of legal-sized halibut in single or longline pot gear used to harvest groundfish in the BSAI, with the exception of in the crab and Pacific cod fisheries, provided the IFQ/CDQ holder holds sufficient halibut IFQ/CDQ for that IPHC regulatory area.**

#### **Element 1: Gear retrieval**

**Option 1: No gear tending requirements (status quo)**

**Option 2: A vessel with unfished IFQ/CDQ onboard cannot leave gear on the grounds untended for more than (sub-options 5-10 days)**

**Element 2: Limit of 9-inch maximum width of tunnel opening does not apply when vessel has unfished halibut IFQ or CDQ onboard**

**Element 3: All vessels using pot gear to fish IFQ or CDQ are required to use logbooks and VMS.**

**Element 4: Require escapement mechanism rings in the mesh panels of pots.**

*[Motion to amend to add Element 4 to Alternatives 2 and 3 passed 20-0; motion to amend language in Element 4, replacing 'rings' with 'mechanism', passed 20-0.]*

**The following applies to either Alternative 2 or 3:**

**The Pribilof Islands Habitat Conservation Zone will be closed to all fishing with pot gear.**

NMFS will include pot gear effort and catch of IFQ species in its annual management report to the Council.

The Council intends to review the effects of allowing retention of halibut in pot gear **three five** years after implementation. *[Motion to amend from 3 to 5 years, passed 20-0.]*

*Final motion as amended, passed 20-0.*

**Rationale:**

- Alternative 3 is responsive to the Council's Purpose and Need Statement and testimony by stakeholders regarding the impacts of killer whale predation on the halibut longline fisheries. This alternative is intended to reduce halibut mortality and wastage and allow for greater efficiency in the prosecution of the fishery.
- Maintaining an element that would prohibit targeting of halibut in pots within the Pribilof Islands Habitat Conservation Zone is responsive to concerns about protecting crab fisheries from bycatch, in particular the Pribilof Island Blue King Crab stock, which remains closed to fishing.
- The program review is intended to ensure that the action addresses the objectives laid out in the Purpose & Needs statement and to determine whether additional adjustments are necessary. Examples of the effects the Council should review after five years include interactions with killer whales, the observer program, stock estimates and unobserved mortality.
- A five-year period for program review would allow time for the fishery to develop so that meaningful information can be extracted from participation.
- Requiring some form of an escapement mechanism in pots may be important to mitigate crab bycatch. Groundfish pot designs in other fisheries should be investigated in analyzing appropriate gear selectivity and biodegradable options for halibut pots.
- The next iteration of the analysis should identify potential gear conflicts between the existing longline fishery and a new directed pot halibut fishery.



## **D1 Halibut Abundance Based Management**

The AP requests a June Council review of structure of the analysis and how the analysts have understood the alternatives. Acknowledge that when the analysis comes back for preliminary review there may need to be an iterative process to provide alterations.

### **Alternative 1.**

Set the values of low, medium and high based on the 20 years from 1996-2016.

#### **Element 1. Indices for abundance**

EBS trawl survey and 4ABCDE IPHC setline survey

#### **Element 2. Control rule: PSC limit responsiveness to abundance changes**

Use a multidimensional continuous control rule.

Option 1: At abundance below starting point (e.g., 2016 use), slope of PSC limit weighted to maintain 4 CDE directed fishery of 1.7 Mlbs. At coastwide stock status below 30%, IPHC 30/20 rule applies.

Option 2 (from the discussion paper Element 5, Option 3): The O26:U26 ratio defines different states of the control rule, to adjust the weighting of the two indices. Weighting would then depend on the composition of bycatch mortality. When the O26 proportion of bycatch goes up, the weighting of the setline survey index goes up.

#### **Element 3. Starting point for PSC limit**

Option 1: 2016 use (2,354 t)

Option 2: 2017 use (1,958 t)

#### **Element 4. Maximum PSC limit - Ceiling**

Option 1: 2015 PSC limit (4,426 t)

#### **Element 5. Minimum PSC limit: Floor/Cliff**

PSC limit goes to zero

IPHC Control Rule: PSC limit is linearly reduced at coastwide 30% stock status; drops to zero at 20% coastwide stock status and below.

The following could be applied to any alternative:

#### **Performance Standard**

Option 1 - 4CDE O26 Performance standard: In Area 4CDE, establish O26 performance standards specific to gear sectors (fixed gear; trawl gear) and indexed to the IPHC 4CDE setline survey.

Performance standard overages by any sector in any year trigger industry response by that sector to reduce O26 bycatch mortality but do not trigger in-season closure. Sequential (two years in a row) performance standard overages or performance standard overages in 3 out of 5 years trigger reduction in overall gear sector (trawl, fixed gear) PSC cap of: 10%; 15%; 20%. Consistent compliance (2 concurrent years; 3 out of 5 years) subsequent to a reduction restores the overall gear sector PSC cap.

NOT mutually exclusive of option 1

Option 2): at abundance below starting point, slope of performance standard weighted to maintain 4 CDE directed fishery of 1.7 Mlbs. At coastwide stock status below 30%, IPHC 30/20 rule applies.

**AP MOTION #2** *[Motion to amend passed 20-0]*

**Alternative 2 - for A80 Trawl Gear** (adds to Council's original layout in Appendix)

**Element 1. Abundance Index and Application**

Option 2: Index trawl gear to EBS Trawl Survey in a linear fashion with **no steps, ramps, cliffs or other features** as a way to determine PSC limits while including independent evaluation of each of the following sub-options:

Sub-Option 1: 3-year rolling average

Sub-Option 2: Annual increase / decrease not to exceed 5%

Sub-Option 3: Annual increase / decrease not to exceed 10%

**Element 2. Starting Point for PSC Limit**

Option 3: 2016 PSC Limit (3,515MT): (1,745MT for A80 Sector)

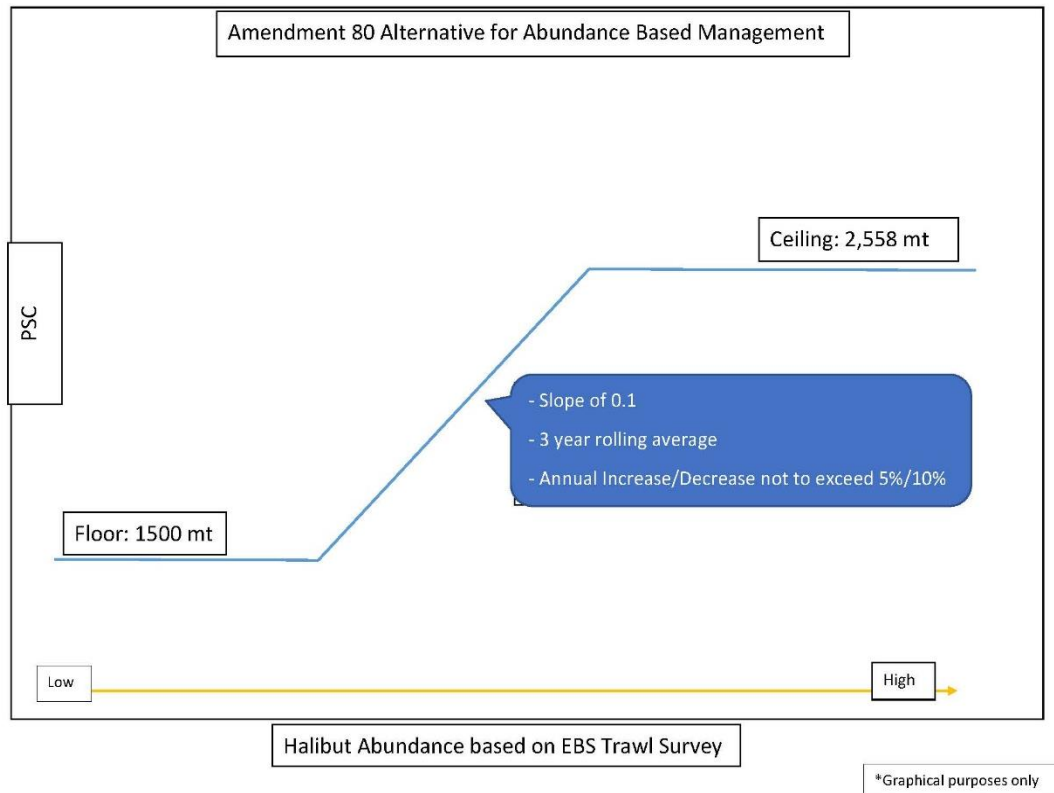
**Element 3. Maximum PSC Limit (Ceiling)**

Option 4: 10% above 2015 PSC Limit (4,870): (2,558MT for A80 Sector)

**Element 4. Minimum PSC Limit (Floor)**

Option 3: Additional Value Specific to A80: (1,500MT for A80 Sector)

**O26 Considerations.** Explore the availability of data to look at the fraction of A80 catch that is O26 in recent years and currently. Once this is known, A80 will evaluate how the tools A80 is currently using to reduce bycatch line up with the current fraction of O26 in our bycatch. From there, A80 will consider what, if anything, can be done to further reduce O26 bycatch as a stand-alone or linked to other ABM measures.



**AP MOTION #3** [Motion to amend passed 20-0]

**Alternative 3 - for BSAI Fixed Gear Groundfish**

For the consideration of additional ABM alternatives, the AP recommends that Council consider the following elements in the next iteration of the document for BSAI fixed gear groundfish.

**Element 1. ABM Index:** Combination of IPHC Area 4 O26 survey and EBS shelf trawl survey (using 2002-2016 time series).

There are multiple options on combining the two surveys as in ABM 4 (primary and secondary; vice versa; multipliers; and weighting. These options should also be included in the analysis.

**Element 2. Control Rule:** Decision Table (hi/low) based on halibut abundance from EBS trawl survey (2002-2016) and IPHC Area 4 O26 survey (2002-2016). PSC cap adjustments to be made pre-season.

- Option on time series: 2007-2016

**Element 3. PSC limit responsive to low abundance of halibut**

- Low EBS halibut abundance (-50%) from either survey triggers proportional (-50%) reduction from existing cap to floor.
- B30 Coastwide halibut control rule triggers going to floor (independent of the two surveys)

**Element 4. Starting Point**

- 2016 limit (710 mt)
- 10% below 2016 limit (639 mt)
- 15% below 2016 limit (604 mt)
- 20% below 2016 limit (568 mt)

**Element 5. Maximum PSC limit (ceiling)**

- 2015 PSC limit (833 mt)
- 2016 PSC limit (710 mt)

**Element 6. Minimum PSC limit (floor)**

- 2002-2016 avg. PSC use = 462 mt
- -50% of 2016 PSC limit = 355 mt

*Example: Note: BSAI H&L previously took a -15% reduction in PSC limit in 2015*

Starting point = .85 of 2016 cap (710 mt) = 604 mt. (-30% reduction from 2015 limit)

Ceiling = 710 mt (existing cap)

Floor = 355 mt (-50% of existing cap)

Goes to floor in the event of B30 (coastwide); or triggered by -50% decline in Area 4 O26 survey (from 2002-2016 avg); or triggered by a-50% decline EBS shelf survey (2002-2016 avg).

Using 2002-2016 time series for both IPHC Area 4 O26 and EBS shelf survey averages.

2002-2016 IPHC Area 4 O26 survey average = 272 net lbs/skate = 1.0.

2002-2016 EBS shelf survey average = 340 M lbs = 1.0.

	<b>IPHC Area 4 O26 survey</b>		<b>EBS shelf survey</b>	<b>PSC limit</b>
<b>PSC ceiling</b>	<b>&gt; = 1.1 (&gt;300 lbs/skate)</b>	<b>Or</b>	<b>&gt; = 1.1 (&gt;374 M lbs)</b>	<b>710 mt</b>
<b>PSC middle (starting point)</b>	<b>&lt;1.1 but &gt; = 0.5</b>	<b>And</b>	<b>&lt;1.1 but &lt;=0.5</b>	<b>604 (-15%)</b>
<b>PSC floor</b>	<b>&lt;0.5 (&lt;121 lbs/skate)</b>	<b>Or</b>	<b>&lt;0.5 (&lt;170 M lbs)</b>	<b>355 (-50%)</b>

To increase up to the ceiling: Either survey value must be greater than or equal to 1.1.

To decrease to the floor: Either survey value drops below 0.5.

In addition to the proposed ABM alternatives above, the AP recommends that Council direct staff to incorporate the following elements in future consideration of ABM alternatives.

1. Analysis of revised time windows for indices. In consideration of alternatives included in the analysis, consider application of the following time windows for the IPHC Area 4 O26 survey and EBS shelf trawl survey:
  - a. 10 yrs (2007-2016)
  - b. 15 yrs (2002-2016)
2. Selection of separate alternatives, options for different gear types. The AP recommends that Council directs staff to facilitate the selection of different ABM alternatives and element options for each gear type. This would include the ability to adopt separate alternatives for

each gear, or if one alternative is selected for all users, the adoption of different control rule options for each gear.

3. Strawman ABM 4. For consideration of additional fixed gear ABM alternatives, carry over for analysis strawman ABM 4. In analysis, AP recommends Council direct staff to consider and analyze additional possible combinations of indices and control rules from indexing fixed gear to both the EBS trawl survey and IPHC setline survey. This includes analyzing the application of the EBS trawl survey as the primary fixed gear index, with the IPHC setline survey the secondary index. Staff may also consider various weighting of the indices, the use of different multipliers and other measures to develop additional fixed gear ABM alternatives.
4. Static PSC. Future evaluations of ABM alternatives should include, for comparison purposes, a range of static PSC limits.

***Final motion, amended to add 2 more alternatives, passed 20-0.***

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

- Alternative 1: These years represent the highest and lowest abundance levels in recent history. They are responsive to Council objectives, and to the need to rationally determine realistic abundance indices.
- Element 1: The EBS trawl survey best represents the abundance of U26 halibut and the 4ABCDE IPHC setline survey best represents O26 abundance. Both indices are needed to construct an appropriate ABM PSC model.
- Element 2: multidimensional: two indices, allowing for weighting of each, and assignment of low, medium and high. Continuous: smoother than the stair-step approach and doesn't make large jumps up or down when changes in abundance occur. It can also allow for changes in the slope based on other considerations.
- Option 1: A minimum directed fishery of 1.7 million pounds allows for the implementation of the Area 4 catch share plan that provides an extra 80,000 pounds to Area 4E at that level and supports more Western Alaska communities. However, at times of very low stock abundance, the directed fishery is first constrained at B30, and then closed entirely at B20.
- Option 2: Given that the size composition of bycatch mortality doesn't exactly match the selectivity of either index perfectly, ABM4 is a good approach. How the secondary index influences the overall PSC limit for each gear type needs to be looked at further. The discussion paper used values that had relatively minor impact – plus or minus 10%. The size composition of actual bycatch mortality may help inform the best way to influence the secondary index.
- Element 3, Option 2: 2016 use was selected because it is closer to current use and reflects how the groundfish fisheries are acting at the current level of abundance with the tools currently available to them. However, 2017 use may be more reflective of the current state of the resource and bycatch usage.
- Element 5: If the directed fishery goes to zero, the bycatch fishery should as well. There is not an OFL level set by the NPFMC for halibut, so this is a default.
- Performance standard, Option 1: The performance standard will incentivize PSC users to minimize O26 bycatch through somewhat of a catch-sharing plan with the directed halibut fishery. Tied directly to the 4CDE setline survey, this approach has the potential to minimize O26 bycatch without shutting down the trawl and fixed-gear sector in the year when the

performance standard is exceeded, as long as PSC is lower than the fixed cap, but may have implications in following years.

- Performance Standard, Option 2: In alignment with the Council's Purpose and Needs Statement of providing for a directed halibut fishery, this option seeks to maintain a directed fishery allocation above 1.7 million pounds in 4CDE, which is slightly above threshold in the NPFMC's catch sharing plan for IPHC regulatory areas 4CDE. When the 4CDE allocation drops below this threshold, communities on the Western Alaskan coast (IPHC Area 4E), do not get 80,000 pounds off the top prior to the percentage split in Areas 4CD&E. This option keeps the sub-areas within 4CDE whole within the Council's catch sharing plan.

*Rationale in support of Motion #2 – A80 Trawl Gear alternative:*

- The EBS trawl survey more closely tracks the size of halibut typically encountered by the A80 sector than the set line survey.
- A starting point of the current PSC limit for the A80 sector reflects the recent 25% halibut reduction, as well as the sector's continued efforts to minimize bycatch, especially in 4CDE.
- The floor, ceiling, rolling average, and limitations on the annual amount of change are meant to provide some stability by preventing radical annual changes in PSC limits, which if needed could be accomplished voluntarily or via emergency rule.
- Looking at the current and past amounts of 026 mortality by the A80 sector, including how that's calculated is important to do before building an ABM program that is driven, at least potentially, by an 026 mortality metric.
- A simple linear control rule provides a useful contrast to more complex multi-dimensional approaches. A high abundance of the halibut in the EBS survey could be pulled downward by the set line survey or broader concerns about the non-BS halibut stocks via the more complex multidimensional approaches

*Rationale in support of Motion#3 - Fixed Gear alternative:*

- This is a simple alternative for purposes of analysis.
- The freezer-longliners will continue efforts to reduce halibut PSC use at all levels of abundance, regardless of the PSC limit.
- This alternative provides assurances of additional actions at low halibut abundance levels.
- This alternative addresses most of the five objectives in ABM management (in the Oct 2017 paper). However, additional options could be developed on combining/weighting the two surveys for fixed gear as the bycatch composition differs from both surveys and other sectors.
- The PSC limit has not been the driving force within the longline sector in achieving reductions. The freezer-longliners have been monitoring encounters and DMR as a group beginning in 1994 (with Janet Smoker – Fisheries Information Services) and now with Sea State.

*Rationale in support of Motion #3 - Broader Action (2nd part of Fixed Gear alternative):*

- A 20-year time window for the IPHC setline survey includes near-record levels of halibut abundance in 1998-2002 that far exceed halibut biomass seen in more recent years. Consequently, a 20-year time window raises 1.0 and may not reflect "normal." Analysis of shorter time windows allow for consideration of alternatives utilizing index values that are more reflective of existing stock levels.

- It's beneficial for Council to have flexibility to select separate ABM alternatives and element options by gear type to arrive at alternatives that best meet the Council objectives for this action. Differences between trawl and fixed gear operations mean that different alternatives and control rules may need to be selected to arrive at the best alternatives. Some ABM alternatives may also result in a change in the apportionment of halibut PSC between fixed and trawl gear. Council should have the ability to adjust control rules, including starting points, to maintain PSC apportionment between gears.
- Neither of the existing indices accurately reflect halibut bycatch composition by the fixed gear fleet. The strawman ABM 4 provides mechanisms for continuing to explore combinations of indices and other tools, such as weighting of indices and multipliers that can produce many different combinations. Continued work to examine different combinations under ABM 4 will be helpful in identifying an ABM alternative that fits for the fixed gear fleet.
- The intention of ABM management is to develop a formal halibut bycatch management structure that improves upon the existing method of utilizing a static PSC. Council and the public should have opportunity to clearly weigh the possible benefit of ABM alternatives against the existing use of a static PSC. The SSC suggested that in addition to the status quo PSC limit (2016) to be included for comparison, the work group include a range of PSC limits to compare with the ABM alternatives.
  - SSC minutes: "One or a small number of alternative (but fixed) PSC levels should be included in the analysis, both for comparison, and to allow investigation of the performance of ABM alternatives relative to differences only in the scale of the starting points."

**AP MOTION #4** *[Motion to amend failed 5-15]*

*It is the preference of the Advisory Panel that should the analysis of ABM reveal an inability to adequately address the needs of the halibut resource, the needs of the various industry sectors or the problem statement, that the ability to separate a potential new starting point from the ABM analysis is an option for potential future Council consideration.*

## **E1 Staff Tasking**

**AP MOTION #1**

The AP recommends the Council initiate regulatory action to address **the following** ~~a backdoor in Amendment 113 and analyze the following alternatives:~~ *[Motion to amend passed 20-0]*

**Problem Statement**

**The Final Rule implementing Amendment 113 established a priority for vessels delivering shoreside by creating the Aleutian Islands Catcher Vessel Set-Aside, among other actions. Further refinement of the regional landing requirements adopted in Amendment 113, which will decrease the risk to the historic share of BSAI cod for communities that depend on shoreside processing in the Aleutian Islands, is needed to achieve the Council's full intent.**

*[Motion to amend adding above Problem Statement and final paragraph at end of motion, passed 20-0]*

**Alternatives**

**Alternative 1:** No Action

Alternative 2: If the Aleutian Islands Catcher Vessel Harvest Set-Aside is in effect, the trawl CV sector may not engage in directed fishing for cod from the Aleutian Islands Unrestricted Fishery until the earlier of March 15 or until the entire Set-Aside is landed.

This prohibition will be removed if less than 1,000 mt of the Aleutian Islands Catcher Vessel Harvest Set-Aside has not been landed by February 28.

Alternative 3:

- 1) Prior to March 21, the A season trawl CV Pacific cod harvests in the Bering Sea and trawl CV Pacific cod harvests in the Aleutian Islands except harvests delivered shoreside west of 170° longitude in the AI shall be limited to an amount equal to the BSAI aggregate CV trawl sector A season allocation minus the lesser of the AI directed Pacific cod non CDQ DFA or 5,000 mt.

Upon the closure under the above provision, directed trawl CV fishing for non CDQ BSAI Pacific cod is prohibited for all trawl CVs vessels except trawl CVs delivering shoreside west of 170° longitude in the AI prior to March 21, unless restrictions are removed earlier under 3 or 4 below.

- 2) Prior to March 15, AI directed Pacific cod non CDQ harvests of any sector other than the CV sector delivering shoreside west of 170° longitude in the AI as defined in 1) are limited to the amount of the AI directed Pacific cod non CDQ DFA above minus the amount set aside from the trawl CV BSAI allocation under 1). Catches of those other sectors under this provision are not subject to the regional delivery requirement.
- 3) If less than 1,000 mt of the AI Pacific cod non CDQ TAC has been landed shoreside west of 170° longitude in the AI by February 28 the restrictions under 1) and 2) shall be suspended for the remainder of the year.
- 4) If prior to November 1, neither the City of Adak nor the City of Atka have notified NMFS of the intent to process non CDQ directed AI Pacific cod in the upcoming year, the Aleutian Islands shoreside delivery requirement and restriction on the trawl CV sector allocation is suspended for the upcoming year. Cities can voluntarily provide notice prior to the selected date.
- 5) **Upon 5,000 mt of AI pacific cod non-CDQ TAC being delivered shoreside west of 170° longitude in the AI, by any catcher vessel in the Federal fishery the delivery restriction shall not be in place.** *[Motion to amend adding #5 passed 20-0]*

Shoreside deliveries are defined as deliveries made to a facility physically located on land.

**Trawl catcher vessels authorized to fish in the AI need to have markets. Vessels wanting to deliver cod to Adak were refused a market in 2018 based on commitments of the plant operator to limit the number of vessels it would accept deliveries from. These relationships and their effects should be explored as part of the Council's analysis.** *[Part of earlier motion for Problem Statement to amend adding this paragraph to end passed 20-0]*

*Final motion as amended passed 19-1.*



Rationale:

- Am 113 was established as a community protection measure in the context of decreasing Aleutian Islands Pacific cod (AI P. cod) TACs and shifts in historical participation. In the first year of the regulation being implemented, a loophole was realized that diminished its original intent.
- Under the existing regulation there is nothing to prevent CVs delivering to motherships from participating in the unrestricted fishery; the harvest of P. cod in this scenario would then accrue towards the aggregate sector allocation. The net effect is a ton per ton reduction in the opportunity of CVs delivering shoreside to participate in the CV set aside.
- This issue was realized in February 2018 when CP-motherships were asked to stand down and voluntarily agreed to do so. This greatly mitigated potential negative impacts, but voluntarily stand-downs are not a long-term solution and this issue needs to be addressed through following regulatory action.
- Alt 2 would simply delay participation in the AI unrestricted fishery by the CV sector until March 15<sup>th</sup>.
- The first part of Alt 3 limits the amount of CV harvest at the aggregate sector level minus the set aside, allowing CV participation in the unrestricted AI TAC, but still preserving the set aside until March 21st. The second part continues to allow full participation in the unrestricted fishery by all non-CV sectors at the beginning of the season but preserves the AI TAC set aside from these sectors.
- Amendment 113 requires that catcher vessels wanting to fish in the AI deliver to shore plants west of 170 degrees subject to certain requirements. However, the shore plants are not required to accept deliveries from catcher vessels wanting to fish in the AI, the resulting limitations on what vessels can deliver to Adak need to be explored by the Council as revisions to Amendment 113 are considered.
- Challenges with market availability are not unique to this program and may be outside the scope of a regulatory fix. An exploration of this issue may be more suitably addressed under a future program review.
- Clarification is needed on the existing regulation as to whether the restrictions under Am 113 are still in place once 5,000 mt is delivered to shoreside plants West of 170 degrees, regardless of whether it was delivered from longliners, trawlers, or pot cod catcher vessels.

**AP MOTION #2**

The AP recommends the Council reconvene the Rural Outreach Committee (ROC). **This should include initiating a call for nominations for committee members and development of a Terms of Reference.**

*Motion to amend adding 2<sup>nd</sup> sentence passed 20-0. Final motion as amended passed 20-0.*

Rationale:

- The Council created the ROC in 2009, which met four times over the following two years but hasn't met since 2011. Many of the management decisions made by the Council have a direct impact on residents of rural communities and the ROC could be an effective vehicle for involving those stakeholders.