

# North Pacific Fishery Management Council

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## ADVISORY PANEL MINUTES June 4-7, 2013 Juneau, Alaska

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

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

### C-1 (b) BSAI Crab - Final OFL/ABC Specifications for 4 stocks

The AP recommends the Council adopt the Crab Plan Team and SSC recommended OFLs and ABCs for the four crab stocks (Norton Sound red king crab, Adak red king crab, Pribilof Islands golden king crab, Aleutian Islands golden king crab). *Motion passed 20/0.*

The AP recommends the Council request a discussion paper to move forward the ACDC proposal to separate out the eastern portion of the Adak red king crab stock from the Crab FMP. Further, the discussion paper should include the bullet points on page 11 of the Crab Plan Team report provided in agenda item C-1(a). *Motion passed 16/4.*

#### Rationale:

- The fishery is in state waters only.
- It would be for the small boat fleet, 60 feet and under with a 10-pot limit.
- It is an area not covered by rationalization.
- The area is adjacent to the state water crab fishery in the GOA; it is just moving the line from 170 degrees to 179 degrees.

*Minority Report on ACDC proposal: The minority felt that initiation of a discussion paper regarding the proposal from ACDC to remove the eastern portion of the Adak red king crab stock from the federal Crab FMP is not warranted at this time. While we do not disagree with the ultimate goal of ACDC's proposal, we do not support it for the following reasons:*

1. *Scientific and stock assessment data to support a directed fishery is significantly lacking for this stock;*
2. *There has been a lack of interest from industry participants to support a cooperative ADF&G survey for this area;*
3. *Establishment of an Adak RKC fishery within state waters (when deemed viable) can be achieved within the existing management framework created under the federal crab FMP;*
4. *The current federal crab FMP affords PSC protections for RKC in federal groundfish fisheries; and*
5. *Limited staff time and resources given other Council priorities.*

*Signed by: Ruth Christiansen, Craig Lowenberg, Joel Peterson, Anne Vanderhoeven*

## C-2 GOA Freezer Longline Pacific cod sideboards

The AP recommends that the Council adopt for final action Alternative 2 with the revised option (in **bold/underline**) as noted below:

Alternative 2 – Remove freezer longline non-AFA crab GOA Pacific cod sideboards

Option: Permanently remove sideboard limits on the affected License Limitation Program (LLP) permits and vessel/Federal Fisheries Permits (FFP) when all GOA FLL endorsed LLP holders notify the NMFS of an agreement to remove the sideboards. The LLP holders would have 3 years from the effective date of the rule to provide notification to NMFS. **The Central and Western Gulf may be considered separately so that cooperative formation and sideboard removal can occur independently in each area.**

*Motion passed 14-6.*

### Rationale:

- The vessel owners in the group have more than twenty five year of continuous history operating HAL C/P's in the GOA Central and Western management areas. The GOA represents a very large percentage of history for side boarded vessels. The GOA HAL C/P Side boarded Vessels have significant and undisputed recent catch history.
- Non-AFA crab side boards are no longer necessary for protection of vessels in the GOA P-Cod fishery following the A-83 sector Splits and the creation of a GOA COOP.
- The removal of the GOA HAL C/P vessels from the GOA was an unintended consequence of 2005 Crab Rationalization and A-83 Sector Splits.
- Sideboard removal and allocative considerations are not related.
- Allocative considerations are outside the scope of this analysis and should be addressed through a COOP and based on historic participation.
- As a condition for sideboard removal all GOA FLL must notify the NMFS.
- Bifurcation of WGOA and CGOA allows for sideboard removal and COOP formation independently without the requirement of an agreement in the other region.

*Minority Report on C-2: The minority supported a substitute motion to select Alternative 2 with the suboption. We will not have meaningful negotiations without each party having incentives to bring this issue to a timely conclusion. The suboption provides cooperative participants a fluid process and mechanism for GOA participants to negotiate. The suboption also provides leverage for all participants to cooperate with each other, and provides long term benefits for GOA dependent fishing operations. The minority felt that the permanent language in the option left the non-nons vulnerable if a co-op dissolves. Signed by: Alexis Kwachka, Tim Evers, Theresa Peterson, Ernie Weiss, Becca Robbins Gisclair, John Crowley, Jeff Farvour*

## C-3 (a) Observer Program Annual Performance Review

The AP recommends the Council approve the recommendations of the Observer Advisory Committee, highlighting the bolded sentence on page 3 which reads, “The OAC believes catch estimation should be the EM priority at least for sablefish and halibut fisheries, noting that the Canadian (logbook) model might be more appropriate for fixed gear cod fisheries and other (more PSC driven) fisheries.” The AP also emphasizes the last paragraph of page 3 regarding the EM workgroup. *Motion passed 20/0.*

Rationale:

- The AP recognizes the importance of good data to fisheries management and the need to develop a cost effective integrated data collection system that is not disruptive to our fishing operations.
- 55% of the vessels in the “vessel selection” pool picked for observer coverage were issued releases due to the impracticality of placing human observers on small vessels.
- EM provides a cost effective strategy for gathering good data from these small boats. The Council EM priority fisheries and monitoring objectives are absent from the EM Strategic Plan.
- For a successful Agency EM Pilot Project, the Agency needs to involve industry in the planning process, and provide a vehicle to advance EM implementation.
- Collection of at sea data should not make small boat operations less economically viable. These operations are important to coastal communities.

*Minority Report: The minority supported an amendment to recommend the Council ask NMFS to prioritize observer coverage for the GOA trawl fleet in the 2014 Annual Deployment Plan. In the GOA, there is a high degree of uncertainty regarding PSC estimates which creates problems for PSC management. Better data will assist all parties in accurately managing PSC. With recent PSC caps and new PSC management in GOA trawl fisheries, it is important to increase coverage in these fisheries because of their high interaction with PSC and the need for timely data and management precision. Signed by: Alexis Kwachka, Joel Peterson, Becca Robbins Gisclair, Ernie Weiss, Theresa Peterson, John Crowley, Tim Evers.*

**C-4 GOA Chinook Salmon Bycatch in non-pollock trawl fisheries**

The AP recommends that the Council adopt the following alternative and options as revised (in **bold/underline**) for final action:

Alternative 2 – **10,000** Chinook salmon PSC limit (hard cap). *[Motion passed 13-7]*

Option 2: Apportion limit by operational type (CV vs. CP).

(a) Apportion proportional to historic average bycatch of Chinook salmon (5-year average)

Option 3: **For the CP sector**, no more than 66% of the annual hard cap limit can be taken before June 1.

Option 4: Separate Chinook salmon PSC limit hard cap to the CGOA **CV** rockfish program **sector**:

(a) 1,500 **from the CV sector’s apportionment**

**Suboption 2: Any time after September 1, the CV rockfish Intercooperative can communicate with the agency to roll over all but 100 remaining CV Rockfish Program Chinook salmon to support other fall non-pollock trawl fisheries**

Alternative 3: Full retention of salmon.

Vessels will retain all salmon bycatch until the number of salmon has been determined by the vessel or plant observer and the observer’s collection of any scientific data or biological samples from the salmon has been completed.

*Motion as amended passed 13/7.*

Rationale:

- A 10,000 Chinook hard cap strikes an appropriate balance between preserving Chinook salmon and preserving the value of the groundfish trawl fisheries.

- Apportioning to sectors by historic PSC addresses the difference between fisheries and is consistent with previous Council actions.
- Divisions within each sector are responsive to requests from those sectors.
- Full retention of bycaught salmon will facilitate the collection of genetic data to help understand the stocks of origin.

*Minority Report: A minority of the AP did not support the motion, and supported an amendment to set the total cap at 6,500. Chinook salmon stocks throughout Alaska are at disastrously low levels and commercial, sport and subsistence fishers are facing drastic reductions in catch—or even complete fisheries closures—at great economic cost. We have little information about the stock of origin of the salmon caught as bycatch. Given the lack of data we should proceed with a precautionary approach and set bycatch limits which will protect struggling Chinook salmon stocks. National Standard 9 requires that we reduce bycatch: setting a bycatch limit at a level that’s only been exceeded once in the past 10 years does not reduce bycatch and is not responsive to the Chinook salmon crisis we’re currently facing in Alaska. Signed by: Tim Evers, Becca Robbins Gisclair, Theresa Peterson, Jeff Farvour, Alexis Kwachka, Chuck McCallum*

### **C-5 (a) Discussion paper on GOA Trawl Bycatch management/roadmap**

The AP recommends that the Council request an expanded discussion paper which reviews the following seven proposals to compare and contrast, discuss how the proposals interact, and review how each proposal meets goals and objectives of the proposed action.

1. GOA Sector Allocation and Catch Share Program submitted by Bonney, Krueger and Reed with the following modifications:
  - On page 3 under I. Sector definitions, change the CP sector to read: **“Catcher processor sector: Those A80 vessels and LLPs and their replacement vessels, defined by Column A of Table 31 CFR part 679.”**
  - On page 3 under II. Sector allocations, add a third bullet to section a. current allocations, to read: Option: A80 PSC sideboards (per table 29 of the GOA harvest Specifications) are maintained.
2. Proposal for a Gulf of Alaska Trawl Bycatch Management program submitted by the community workgroup (AMCC, GOAC3, Weiss, Kwachka, Kubiak).
3. Peninsula Fishermen’s Coalition proposal submitted by Beth Stewart in February 2013.
4. Western GOA Over 60’ Trawl Catcher Vessel Bycatch Management Proposal submitted by United Catcher Boats.
5. A one-pie program that allocates harvest shares to both harvesters and processors.
6. IBQ/MRA program proposal submitted by George Hutchings
7. Groundfish Forum proposal submitted by Susan Robinson.

*Motion passed 19/0.*

#### Rationale:

- It is appropriate to consider a wide array of proposals at this point in the process
- Understanding the differences between these proposals and how they might interact will help inform future decisions.
- A staff analysis will help identify potential issues with these proposals and inform development of alternatives and options.
- It will be helpful to get staff input regarding whether and how the proposals address the stated goals of the program, and whether they are in line with Council authority and MSA requirements.

### **C-5 (b) Initial review on GOA Trawl Data Collection**

The AP recommends that the Council release the document for public review.

Further, the AP recommends that:

- Data collection be handled by a third party.
- The EDRs not include new terms (e.g., excluder) that will require new definitions through regulatory action.
- The data collection program include the one catcher-processor not already included in the Amendment 80 EDR program.

*Motion passed 18/0.*

### **C-5 (c) Tendering report**

The AP recommends that the Council initiate an analysis of prohibiting tendering of trawl-caught fish harvested in one management area to be landed outside that management area.

Option 1 by species

- a) cod
- b) pollock

Option 2 by area

- a) 610
- b) 620
- c) 630

Option 3 by catcher vessel length

- a) Greater than 58 feet

The AP further recommends that the tendering issue in GOA be added to agenda of the Joint Council/Board of Fisheries Protocol Committee meeting on June 12, 2013 and recommends that this issue be fast-tracked.

*Motion passed 19/0.*

#### Rationale:

- Recent changes in tendering patterns and shifts in historical deliveries have raised concerns in Kodiak.
- Additional information on historic and recent patterns will help inform future action.
- All areas are included in the motion to get a broad picture of tendering activity.
- The motion is not intended to foreshadow any prohibition on tendering within Area 610.
- There is concern that tendering by vessels involved in rationalized fisheries may be a spillover effect of rationalization.

*Minority Report on C-5(c): The minority supported an amendment to remove Area 610 from the analysis. The Western GOA has a demonstrated dependence on tendering in the pollock and cod fisheries and any action to address recent changes in the Central GOA should not impact that historical activity. Signed by: Anne Vanderhoeven, Chuck McCallum, Joel Peterson*

## **C-6 LAPP Cost Recovery**

The AP recommends the Council offer the following comments to NMFS on the draft Cost Recovery RIR/RFA Analysis:

- Request NOAA GC seek an opinion from Headquarters that would provide an explanation and reconcile the inconsistent advice given to the different Regional Councils on classification and criteria for LAPP determination.
- Provide clarity in the standard used to calculate incremental costs in each of the programs included in the analysis (e.g., costs related to implement program vs. costs related to concurrent actions including an analysis of the cost savings of LAPP management).
- Review described methods for calculating ex-vessel values to streamline and simplify the collection of necessary information
- Consider a more transparent method for determining costs on an annual basis.
- Consider holding another industry workshop after the revised analysis is prepared, and prior to the October Council meeting.

*Motion passed 17/0 with 1 abstention.*

### Rationale:

- Need to have some clarity regarding what the criteria are for a fishery to be considered a LAPP or not, both for this action and for information for other fisheries.
- More information about how costs are calculated and what the cost differences are between managing pre and post rationalization will be helpful.
- Need clear standards and a transparent method to provide accountability and buy-in for annual costs.
- Holding another industry workgroup prior to the October Council meeting will provide industry another opportunity to provide input based on new information.

## **C-7 Bering Sea Canyons**

The AP recommends that the Council:

1. Draft a letter to NMFS requesting that some of the Deep Sea Coral Research and Technology funds allocated to the region be reprogrammed to include camera drops and analysis of coral in the Bering Sea slope region. This would help verify predictions of localized high coral abundance and characteristics.
2. Ask the AFSC to use analytical tools and data to verify to the extent possible the characteristics (including size and density) and areas of highest coral abundance.
3. Support the Ecosystem Committee recommendation that the AFSC paper increase focus on areas of highest coral abundance on the slope.

*Motion passed 18/2.*

### Rationale:

- The Deep Sea Coral Research and Technology Program was created by Congress to fund research on deep-sea corals.
- There are discrepancies between where the model predicts coral should be found and where they have been found. Further research, including camera drops, will help validate the model for use in any future management actions.

- Camera drops will also provide information on the characteristics of corals beyond the current ‘presence/absence’ provided by the model.

*Minority Report C-7: The minority supported a substitute motion (which failed 4-16) that recommended the Council request that staff develop an expanded discussion paper that identifies alternatives for implementing area closures on the Bering Sea slope and shelf-break, including Pribilof and Zhemchug canyons, that could serve as both long-term habitat protection areas and scientific controls. The minority’s rationale for the substitute motion was:*

1. *The Bering Sea slope and shelf-break are the only major ocean habitat types in the North Pacific that support Federal ground fish fisheries, yet contain no habitat protection measures.*
2. *Some areas of the slope and shelf-break are more vulnerable to fishing impacts than others.*
3. *The Council has received thousands of letters requesting proposals to consider protective measures for these two canyons.*
4. *It is difficult, if not impossible to assess whether this habitat is as productive and diverse as it can or should be since no areas appear to be untouched by fishing and no areas can serve as a scientific control.*

*Signed by: Jeff Farvour, Theresa Peterson, Becca Robbins Gisclair, Tim Evers*

## **D-1 (b) Halibut/Sablefish IFQ discussion papers**

### **BSAI sablefish A-share caps**

The AP recommends that the Council take no further action at this time, but ask for more information on unintended consequences to other quota share holders (GOA A shares and all-area B and C shares) from breaking out only BSAI A shares for an increased use cap, to be presented at a future meeting. The intent is to hold other quota share holders harmless. *Motion passed 18/0.*

### **GOA sablefish pots**

The AP recommends that the Council expand the discussion paper on allowing the use of pot gear for sablefish IFQs in the Gulf of Alaska.

Additional items to address:

- Update on whale depredation and interactions
- Update on whale deterrent work in progress
- Update on Canadian sablefish gear usage and pricing by gear type
- Discussion of pre-emption of fishing grounds due to lost gear
- Gear conflicts between all gear types
- Discussion of shift in predation to halibut
- Review of current literature on whale predation

The AP also recommends that the Council form a gear workgroup representative of all gear types to explore issues surrounding gear conflicts, areas affected, time and area restrictions and usage between pot and longline gear.

*Motion passed 17/0.*

Rationale: The effects of whale depredation and interactions with IFQ sablefish fisheries continues to be a problem and the use of alternative gear types needs further analysis

#### **D-1 (c) Research Priorities**

The AP recommends the Council adopt and move forward the SSC's list and prioritization of Research Priorities. *Motion passed 16/0.*

#### **D-2 Staff Tasking**

The AP recommends the Council forward the PVOA proposal under D-2 to change the time period for calculating MRAs for a discussion paper. *Motion passed 16/0.*

Rationale:

- Changing the time period for calculating MRAs would result in less waste in the fisheries.
- Changing the time period for calculating MRAs would prevent potential unnecessary enforcement actions which likely were not the intent of the existing regulations.
- This concept is worth looking at for both sablefish and halibut IFQ fisheries.

The AP approved the minutes from the April 2013 meeting. *Motion passed 16/0.*