

North Pacific Fishery Management Council

Dan Hull, Chairman
Chris Oliver, Executive Director

Telephone (907) 271-2809



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

Fax (907) 271-2817

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

FINAL ADVISORY PANEL MINUTES October 7-10, 2014 Anchorage, Alaska

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

Ruth Christiansen	Heath Hilyard	Paddy O'Donnell
Kurt Cochran	Jeff Kauffman	Joel Peterson
John Crowley	Mitch Kilborn	Theresa Peterson
Jerry Downing	Alexus Kwachka	Lori Swanson
Jeff Farvour	Craig Lowenberg	Anne Vanderhoeven
Becca Robbins Gisclair	Brian Lynch	Ernie Weiss
John Gruver	Chuck McCallum	Sinclair Wilt

Minutes from the June 2014 meeting were approved.

C1 Observer Annual Deployment Plan

Observer ADP

The AP recommends the Council approve the Annual Deployment Plan for 2015 with the following recommendations of the OAC and in the Executive Summary of the ADP:

- Using trip selection strata to assign vessels in 2015.
- Using two selection strata for 2015: small vessel trip selection and large vessel trip selection.
- Using 12% selection probability for the small vessel trip selection stratum and 24% selection probability for the large vessel stratum.
- Allowing conditional releases in 2015 ~~only~~ for vessels in the small vessel trip selection stratum that do not have sufficient life raft capacity to accommodate an observer.
- Vessels selected by NMFS to participate in EM Cooperative Research will be in the no selection pool while participating in such research.
- Trawl vessels that fish for Pacific cod in the BSAI will be given the opportunity to opt-in to full observer coverage and carry an observer at all times while fishing in the BSAI using the same approach as 2014.
- The Annual Report will include information to evaluate a sunset provision, including information on the potential for bias that could be introduced through life raft conditional release, the costs to an individual operator of upgrading to a larger life raft, and the enforcement disincentives from downgrading one's life raft.

Amendment:

The AP recognizes the need to continue bunk space releases for some vessels and recommends that NMFS refine criteria for those releases. This motion removes the word 'only' from the fourth bullet.
The amendment to the above motion passed 15-5 with 1 abstention

The motion as amended passed 20-0 with 1 abstention.

Rationale:

- Switching to trip selection should improve data quality as it's likely that the number of vessels carrying observers should increase.
- ADP does not assess impacts of eliminating releases on small fishing operations, families and coastal communities.
- Public testimony clearly established that impacts to crew, jobs, community and safety are real.

LL2 Observers

The AP recommends the Council move the fixed gear (FG) LL2 observer discussion paper higher on the priority list with the intent to bring that paper back sooner.

Additionally, to address the immediate problem of freezer longliners being stuck at the dock for lack of available FG LL2 observers, the AP recommends the Council direct NMFS, the BSAI freezer longline fleet and observer providers meet collectively and come back to the Council at an upcoming meeting with short-term solutions. Potential discussion points could include substituting trawl LL2 observers, suspending the FG LL2 requirement for a period of 6 months to replenish the pool, coordinating with the contractor for the restructured program to steer observers who are close to having the experience requirements in to FG assignments, etc.

Motion passed 20-0 with 1 abstention.

Rationale:

- Several freezer longliners were left waiting at the dock to receive LL2 observers this year.
- Because different observer contractors cover the fully observed sector and the restructured program vessels, observers gaining experience in partial coverage are not easily available to vessels in the full coverage sectors.
- We believe if all parties work together, short-term solutions may be developed.

The AP continues to be concerned about the observer effect when vessel operators have the option to deliver to a tender, and recommends the Council explore remedies for this situation.

Motion passed 19-1 with 1 abstention.

Rationale:

- Vessels that make continuous deliveries to a mothership are exempt from taking an observer.
- According to the 2013 Annual Observer Report, 156 vessels made deliveries to tenders, some of which made numerous landings, and only 13 of these trips were observed for the entire Pacific cod and pollock fisheries in the GOA.
- This issue also arises with fixed gear vessels delivering to tenders and will continue to be a concern after the GOA Bycatch Management program is implemented.

C2 EM Workgroup Report

The AP appreciates the work of the EMWG to articulate operational “strawman” EM approaches and the related decision points. The AP recommends the Council ask the EMWG to continue to refine these approaches to inform 2015 field work and study design, and to continue to assign a high priority to implementing an EM alternative for the small boat fixed gear fleet.

The AP notes the need to include “vessel compatibility” in the purpose and need statement and when evaluating alternatives.

The AP supports the goal of EM implementation in 2016, and recommends expanding 2015 field work to support this goal. *Motion passed 19-0.*

Rationale:

- EM is particularly important for improving data quality from small vessels.
- EM will relieve the problems associated with observing vessels that have difficulty carrying a human observer.
- EM will be an important option for many vessels across all sectors.
- Some of the options discussed by the EMWG (e.g., discard chutes) may not be compatible with small vessels.

C3 BSAI Crab SAFE

The AP received a report and no action was taken.

C4 Groundfish Specifications

The AP recommends the Council adopt the proposed Gulf of Alaska groundfish specifications for OFLs and ABCs as recommended by the SSC for 2015 and 2016 and set TACs as shown in Item 5 in the action memo, with proposed TACs from 2015 rolled over for 2015 and 2016. Proposed federal TACs for 2015 and 2016 for Pacific cod have been revised to account for the State cod fisheries. *Motion passed 21-0.*

The AP recommends that the Council set the 2015 and 2016 annual and seasonal Pacific halibut PSC limits and apportionments in the Gulf of Alaska as provided in Tables 9, 10, 11, 12, 13 and 14 for Item 7 in the action memo. *Motion passed 21-0.*

The AP recommends the Council adopt the proposed Bering Sea/Aleutian Islands groundfish specifications for OFLs and ABCs as recommended by the SSC for 2015 and 2016 and set TACs as shown in Item 2, with proposed TACs from 2015 rolled over for 2015 and 2016. *Motion passed 20-0.*

The AP recommends the Council adopt BSAI PSC specifications as shown in Tables 8, 9, 10 and 11. The AP further recommends that the Council adopt Table 9 in Item 3 for ABC reserves for flathead sole, yellowfin sole, and rock sole. *Motion passed 21-0.*

C5 GOA Skate MRA

The AP recommends the Council pick a 7% skate MRA for a PPA. The AP also recommends the Council ask staff to explore DMRs for skates. *Motion carried 21-0.*

Rationale:

- This percentage was recommended by the analysis to achieve the necessary reduction in skate catch.
- Skates are a valuable incidental species for both trawl and longline fishermen.
- Lower MRA numbers would result in unnecessary discards.
- Discard mortality rates are a concern for skates, and across all other species.

C6 MRA Enforcement

The AP recommends the Council move the Change to MRA Enforcement Period Discussion Paper forward for full regulatory review. In addition, the AP also recommends the Council consider the following comments if it chooses to develop a Problem Statement:

- Current regulations (with one exception) governing the maximum retainable allowance (MRA) enforcement period prohibit the retention of species closed to directed fishing in an amount exceeding the MRA percentage of the basis species at any point in time during a fishing trip.
- Non-target species with an MRA, in excess of the MRA need to be immediately discarded or the vessel is in violation, regardless of the condition of the discarded fish.
- The current regulations regarding MRA enforcement at any point during a fishing trip tend to increase regulatory discards, promote “topping off”, and are difficult to enforce at-sea.
- The one exception in regulation is the enforcement period of the MRA for BSAI Pollock for non-AFA vessels, which is on an offload to offload basis.
- The proposed action is to reduce regulatory discards by calculating retention of MRA species at the time of offload while at the same time not increasing the catch of MRA species above the existing MRA.

Motion passed 21-0.

Rationale:

The proposed action will likely:

1. Reduce regulatory discards and incentives for “topping off” which, in turn, will increase retention while not increasing total mortality of species with MRAs;
2. Increase retention and utilization of species with MRAs and result in a positive overall economic impact;
3. Align regulations with existing enforcement practices;
4. Enhance implementation of EM by reducing the number of discards of species that are difficult to identify via video recording;
5. Reduce unnecessary enforcement action. With an increased number of observers being deployed on a larger number of vessels along with the future implementation of EM this action, eliminate the possibility of enforcement action when a vessel inadvertently commits an observed or recorded violation of MRA regulations at sea, irrespective of the percent species composition at the time of offload

Definition of offload: offload means the removal of any fish or fish product from the vessel that harvested the fish or fish product to any other vessel or to shore. 679.20(e)(3)(iii)

Motion passed 21-0.

C7 GOA Trawl Bycatch Management

See **Attachment A**; *motion attached separately to these minutes.*

C8 CDQ Pacific Cod Fishery

The AP recommends that the Council retain the PPA, and add a suboption under Option 3 of the proposal by NMFS, for additional analysis. Final action would thus not be taken at this meeting, but at a subsequent meeting when the additional analysis is complete.

Option 3 as described in the document would become Option 3.1. The new Option, Option 3.2, would remove the use of the beginning and end dates of the official halibut season as dates upon which halibut accounting in the small vessel CDQ Pacific cod fishery switches from halibut PSC to halibut CDQ or IFQ, and back to halibut PSC.

Option 3.2 would instead include the following:

“Each CDQ group participating in the small vessel CDQ Pcod program shall annually determine the date upon which halibut catch accounting for the group’s CDQ Pcod fishery switches from halibut PSC to halibut CDQ (or participants’ IFQ), and the date upon which the halibut catch accounting switches from halibut CDQ back to halibut PSC.

The switch dates shall be provided to NMFS by each participating CDQ group by February 15 annually.”

Motion passed 20-0.

C9 Crab ROFR

The AP recommends Council adopt PPA 2 for final action. *Motion passed 19-0.*

D2 Charter Halibut CATCH Proposal

The AP recommends the Council form a committee of stakeholders to identify the problem and a set of alternatives to address the problem. *Motion passed 10-7 with 1 abstention.*

Minority Report: A minority of the AP did not support a substitute motion, but rather supported a motion to move the CATCH proposal and resulting staff discussion paper forward for development of a formal analysis of a common-pool compensated reallocation mechanism. The original motion supported by a minority of the AP included recommended language for a problem statement and alternatives and options for analysis.

The CATCH proposal is a result of 3 years and \$250,000 in development by the charter sector to bring forward a thorough and thoughtful proposal. The CATCH proposal provides a well-developed framework for a compensated reallocation mechanism that is more responsive to the unique dynamics of the charter sector and the recreational anglers they serve. CATCH is a reasonable option to address allocation splits between the charter and commercial sectors and should be moved forward for analysis. An analysis will provide answers to questions raised by affected stakeholders in response to the proposal and will allow it to move forward rather than languishing in a committee of unknown composition and scope. Signed by: Becca Robbins Gisclair, Heath Hilyard, Jeff Kaufman, Ruth Christiansen, Paddy O'Donnell.

D4 Bering Sea Fishery Ecosystem Plan (FEP)

The AP recommends the Council continue to move forward developing the Bering Sea FEP and that the Ecosystem Committee further explore how the Council's FEP would interact with AFSC ecosystem modeling efforts, and what the appropriate format for the FEP should be, to be most useful.

Motion passed 19-0 with 1 abstention.