

North Pacific Fishery Management Council

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FINAL ADVISORY PANEL MINUTES APRIL 2-4, 2013

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

Ruth Christiansen	Becca Robbins Gisclair	Andy Mezirow
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

Minutes of the February 2013 meeting were approved.

C-2 (a) Final action on BSAI Flatfish Specification Flexibility

The AP recommends the Council adopt Alternative 3, Option 1 for final action.

Motion passed 16/3 with 1 abstention.

Rationale:

- *This action will help achieve OY as well as reducing some of the pressure during TAC setting.*
- *Alternative 3 gives the Council the ability to decide how much of the ABC surplus may be traded, presumably using National Standard 1 criteria which allow adjustment of the ABC for any relevant economic, social, or ecological factor.*
- *Option 1, limiting the number of trades, will limit the burden on NMFS in-season management.*

The following motion failed 8/11 with 1 abstention.

The AP recommends the Council delay final action. The AP recommends a preliminary preferred alternative 3. The analysis needs to further analyze the effects on the CDQ sector of increasing the A80 harvest through flatfish flexibility. This will largely be qualitative:

1. A more thorough review of the fleet's harvest of CDQ allocations in the past is needed, including a more thorough discussion of the reasons for under harvest.
2. A more thorough discussion of the incentives and constraints on A80 fleet capacity, including but not limited to the effects of the Coast Guard reauthorization act of 2010 and alternative compliance on the fleet's current annual harvesting capacity;
3. A poll of A 80 companies to ascertain their level of interest in adding new capacity as opposed to replacing existing capacity and how far along they are in actually building that new capacity.

Further the AP recommends the Council expand the analysis to include a column in Tables 9 and 10 (page 21) showing how many pounds of halibut PSC have been used. Also, a description of how any of the alternatives and options may affect PSC usage.

Minority Report: Minority Report: The minority acknowledged that the additional analysis would be largely qualitative. The analysis simply asserts that increased efficiency and new capacity will offset any expansion in the A80 harvest and continue to make CDQ quotas desirable. But the incentives around fleet capacity need to be more fully identified and articulated before their probable effects on CDQ harvest can be identified. The analysis needs to describe the anticipated effects alternative compliance and the Coast Guard Reauthorization Act of 2010 requirements on this aging fleet before any assertion can be made regarding fleet capacity. Building new, classed vessels does not necessarily lead to increased capacity. There are also many potential pitfalls to adding new capacity as well as likely constraints that are not identified or discussed in any way. Signed by: Anne Vanderhoeven, Jeff Farvour, Neil Rodriguez, Ernie Weiss, Chuck McCallum, Jerry Downing, Becca Robbins-Gisclair and John Gruver.

C-2 (b) Final action on AFA Vessel replacement GOA sideboards

The AP recommends the Council adopt Alternative 2 with the vessel removal provisions as follows, for final action.

Alternative 2 (status quo) – AFA vessel owners are allowed to rebuild or replace their vessels, as provided in the Coast Guard Act. AFA vessel owners may participate in GOA with a replacement or rebuilt vessel as long as the replacement or rebuilt vessel does not exceed the MLOA specified on the GOA LLP groundfish license assigned to the vessel at the time of fishing in the GOA by the vessel. If an AFA vessel owner removes an AFA vessel that is exempt from sideboard limitations, the sideboard exemption is extinguished and the exemption cannot be transferred to another vessel

Vessel removal provisions: Upon removal of an exempt vessel, the sideboard exemption is extinguished and cannot be transferred to another vessel.

Motion passed 15/5.

Rationale:

- *This motion allows for a vessel owner to comply with the AFA vessel replacement provision of the Coast Guard Act, vessel owners may now replace, rebuild, or remove a vessel from the fishery.*
- *Vessels that remain in the GOA fishery will still be constrained by the current regulations that AFA vessels are operating under:*
 - *300,000 lb daily trip limit,*
 - *sideboard restrictions*
 - *125 ft MLOA*
 - *cannot exceed MLOA on LLP*
- *Vessel owners will be able to rebuild or replace vessels that will more efficient, safer, optimal platforms for operating in the adverse conditions that they face on a daily basis while fishing in either the Bering Sea, Aleutian Islands or Gulf of Alaska fisheries.*

C-3(a) Steller Sea Lion EIS - Initial review; select PPA

The AP recommends the Council accept the SSLMC recommended PPA for the EIS, with the following clarifications for the measures for the pollock fishery in Table 1 on page 7 of the action memo:

- 2nd column (Area 543 Closures) should read, “Critical habitat closed except an area outside of 0-3 nm haulouts and 0-**20** nm from rookeries at Shemya, Alaid, and Chirikof.”
- 4th column (Area 542 Closures), first entry should read, “Critical habitat closed 0-**20 nm** at rookeries and haulouts west of 178 degrees W. long.
- The last entry under the 3rd, 5th and 7th columns (Catch and Participation Limits for Areas 543, 542 and 541) should be reworded so that it’s clear that the percentages are of the overall ABC that can be taken in the A season.

The AP also concurs with the comments on the Draft EIS noted by the SSLMC on pages 4-5 of their minutes provided in the notebooks. *Motion passed 19/1.*

C-3(c) BSAI Pacific cod ABC/TAC Split

The AP requests that the Council move forward an analysis of community protection measures in the Aleutian Island Pacific cod fishery to mitigate the combined impact of the re-direction of excess processing capacity by rationalized sectors into the AI cod fishery and impacts of the BSAI cod split in the context of the SSL protection measures in the AI cod fishery.

The analysis should include an option that would allocate the Directed Fishing Allocation (after CDQ and ICA) for areas 541 and 542 to CVs with a regionalized delivery requirement to shoreplants in the Aleutian Island management area. In the event that no shoreplant is operating in AI area or insufficient capacity is available, the regional shorebased delivery requirement would be waived.

This option would maintain the current P. Cod sector allocation percentages in the Bering Sea only. Area 541/542 would be a CV only allocation. (Area 543 would be CP or MS only as per the preliminary preferred alternative under the SSL EIS.)

If the 541/542 DFA exceeds:

- 2,500 tons
- 5,000 tons
- 10,000 tons

CPs would be allowed to harvest up to 50% of any additional DFA tonnage after April 30th.

Additional alternatives would include Alternatives 2 and 3 from the SSL EIS for Pacific cod, updated to the most current year.

Motion passed 14/6.

Rationale:

- *Establish community protection for Adak and Atka*
- *Promote stability in the region by minimizing the race for fish between user groups.*
- *Simplify management measures for RAM (less stranded fish)*

Minority Report: *A minority of the AP felt that it is premature to address allocative issues in the Aleutian Islands Pacific cod fishery, and that when addressed this should be a separate action from the BSAI cod split. The SSL EIS and BiOp are still under development and the resulting actions are unknown. Further, the Board of Fish is considering an increase in the state water cod GHJ which may address some*

community concerns. Until these actions are resolved, the need for and impacts of the proposed allocations cannot be determined and sectors with significant history may be severely harmed. Signed by: Ruth Christiansen, Andy Mezirow, Joel Peterson, Lori Swanson and Anne Vanderhoeven.

C-4 Scallop SAFE

The AP recommends the Council approve the Scallop SAFE report and set the ACL/ABC to 1.161 million lbs of shucked meats per the SSC and Plan Team recommendations. *Motion passed 20/0.*

C-5 Initial Review/Final Action on CQE halibut/sablefish block restrictions

The following motion failed 10/10:

The AP finds the Council document provides a good foundation for Council action and for informing the public and recommends that the Council adopt Alternative 2, Option 1.

Rationale FOR giving CQE's the opportunity to purchase any size blocks:

- *Allows greater flexibility to a program having difficulty gaining traction.*
- *Keeps restrictions in place – limited to ten blocks of halibut, five blocks sablefish per management area.*
- *To grow, CQEs will eventually need to sell smaller D shares in favor of larger blocks, maintaining individual entry level purchase availability.*
- *Increasing available quota in communities for residents will preserve culture, increase financial opportunities.*
- *The CQE's do not have a competitive advantage in the market place as shown by the fact that they have not purchased much quota. The ability to purchase small blocks is not going to suddenly give the CQE's the feared huge competitive advantage either.*
- *Option 2 is not acceptable because as a group the CQE communities have had a significant loss of halibut quota since the implementation of the program and this would lock the group into that depressed state. Each community wants to hold on or increase the quota holdings they have and being forced to buy small blocks only from CQE community members is too limiting.*
- *The ultimate goal of the CQE program is private, not public, ownership of the resource through anchoring access to the halibut and sablefish fisheries permanently in the community so that residents who want to go out and fish halibut or sablefish can always find an opportunity to do so.*

Rationale AGAINST expanding the CQE program:

- *Increases competition between two disenfranchised groups, entry level and communities, for fishing quota and opportunity.*
- *Goes against an IFQ program goal to maintain an owner-operated fleet, and turns it into a leasing program.*
- *Proposed action goes beyond the problem that initiated this action.*

D-1 (a) Preliminary review analysis to create vessel transit lane near Round Island

The AP recommends the Council create a workgroup to develop other alternatives to address comments from the SSC, Enforcement Committee and stakeholders. The workgroup should include: agencies, tender operators, the Am 80 fleet, the Walrus Commission and local communities potentially affected by changes in vessel traffic. *Motion passed 20/0.*

The AP recommends the Council re-state the Purpose and Need Statement to allow analysis of a new alternative for dropping the "no FFP" (Amendment 17) requirement for vessels transiting the Walrus Protection Areas. *Motion passed 14/6.*

D-1 (b) Discussion paper on Bering Sea sablefish TAC specifications

The AP recommends that the Council encourage industry stakeholders to work together to identify additional potential management approaches to reallocate unused sablefish trawl allocations to increase yield under the OY. Industry should report their suggested management approaches to the Council at the October 2013 meeting for consideration and analysis. *Motion passed 20/0.*

D-1(c) Expanded discussion paper on Retention of 4A halibut in BSAI sablefish pots

The AP recommends that the Council send a letter to the IPHC recommending the proposed action. *Motion passed 20/0.*

Rationale:

- *Fishermen holding halibut IFQ while targeting sablefish with pots in the identified area should have the ability to retain the halibut to reduce regulatory discards. The action will increase conservation of the halibut resource through reduced discard mortality.*

D-2 Staff Tasking

The AP recommends the Council initiate a discussion paper on BSAI Chinook salmon including the following:

- Status of Alaska Chinook salmon stocks, including subsistence and commercial fishery restrictions and whether escapement goals have been met.
- Updated genetic stock identification information from 2010-2011 and 2012 if available.
- An updated AEQ analysis utilizing the most recent genetic stock identification information. The AEQ analysis should include an estimate of the impacts to each specific stock grouping of bycatch at the current cap levels: 47,591 and 60,000.
- An analysis of bycatch performance under the current Amendment 91 incentive plan agreements in 2011 and 2012.
- Information about the numbers and rates of bycatch taken by month over the most recent 10 year time frame.
- Availability and feasibility of abundance indicators which could be used to design an abundance based cap (e.g. run forecasts, previous years run assessments, juvenile abundance indicators).

Motion passed 11/9.

Rationale:

- *Conditions have changed significantly since Amendment 91 was adopted: Chinook salmon stocks throughout Western Alaska have declined dramatically, with federal fishery disasters declared for 2008-2012 for the Yukon River and 2011-2012 for the Kuskokwim River.*
- *Recent genetic stock identification based on improved sampling indicates a higher proportion of Western Alaska stocks in the bycatch than previously thought (73% in 2010 and 2011).*
- *While we do not know the cause of the current Chinook salmon declines, in-river fisheries have been severely restricted and amounts necessary for subsistence have not been met on the Yukon or Kuskokwim Rivers in recent years and we must responsibly manage other sources of mortality such as bycatch.*

- *Under the current conditions of Chinook salmon abundance a few hundred more fish makes a difference and a few thousand more fish could mean making escapement goals.*
- *Given the changed conditions it is imperative on us as managers to take a look at the current state of the runs and the bycatch impacts and investigate possible solutions.*

The AP recommends the Council develop a discussion paper on the issue of tendering of trawl-caught groundfish in the Western, Central, and West Yakutat areas of the Gulf of Alaska. *Motion passed 20/0.*

The AP recommends that the Council initiate a review of the Charter Halibut Permit (CHP) program with particular attention to the practice of transferring Non-Transferable CHP's in Areas 3A and 2C. *Motion passed 20/0.*

The AP recommends that the Council send the Area O red king crab proposal as presented by ACDC to the Crab Plan Team for review at its upcoming meeting. *Motion passed 20/0.*

The AP respectfully requests that any agenda items regarding the newly restructured observer program also be included on the AP's agenda. *Motion passed 20/0.*