



NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

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Action Memo

File Number:REP 14-077

Agenda Date10/6/2014

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John Henderschedt, Acting Chairman
Chris Oliver, Executive Director

SUBJECT:

Executive Director's Report (including MSA/legislative update; discussion of joint meeting with IPHC)

BACKGROUND

New Council staff

I am pleased to announce that we have a new Council staff member joining us in November. Mr. James Armstrong will be our new Plan Coordinator/Fisheries Analyst, coming to us with several years of experience, including stock assessment scientist with the North Carolina Division of Marine Fisheries, and for the past 12 years as Fishery Plan Coordinator at the Mid-Atlantic Fishery Management Council. Jim holds a Bachelor of Science in Marine Biology from the University of North Carolina and a Master of Science in Fisheries and Wildlife Science from North Carolina State University. He will be attending the Plan Team meetings this November and you all will get to meet him at our December Council meeting.

Most of you have seen the recent posting for a Finance Officer for the Council. With the pending retirement of Gail Bendixen next May, I am seeking to bring someone on board very soon in order to overlap with Gail's remaining time on staff, as we have two critical processes underway: (1) preparation and submittal of our new five-year federal funding package (including statement of work and budgets), which begins in 2015, and (2) our next biennial financial audit in the spring of 2015. Regarding the five-year award package, which is due by the end of November, my intent is to engage the Council's Finance/Executive Committee between now and that time to get input on the budget, statement of work, and related application materials.

Magnuson-Stevens Act Reauthorization/other legislation

Things have been relatively quiet on the legislative front, aside from a revised bill distributed by Senator Begich in mid-July, which solicited comment by early September. That draft bill, and my comment letter on behalf of the Council (attached as **September 2014 Council MSA comment letter (1)**) were distributed to you in a Council mailing in September. My comments, reviewed by our Acting Chairman, were limited to issues covered in our previous comments on the original Senate draft (May 2014 and reviewed by the Council in June 2014), or which did not appear to be controversial based upon on-going MSA discussions by our Council or long-standing Council positions on MSA reauthorization. In summary, this version of the Senate bill was very responsive to previous comments submitted by our Council and numerous other agencies and organizations.

In early September a separate bill was introduced by Senator Rubio - the 'Florida Fisheries Improvement Act', which is primarily aimed at issues in the Gulf and South Atlantic regions, but which contains provisions applicable to all Councils. However, it appears that the provisions which are applicable to all Councils (for example, webcasting of Council and SSC meetings; stock rebuilding adjustments; capital construction fund adjustments; NAS study of allocations in mixed use fisheries; improving data collection) are identical to provisions in the July 18 draft Begich bill, and therefore do not warrant additional comment beyond those already submitted in response to the Begich bill.

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Separate from legislation specific to MSA reauthorization, the Council also submitted comments on two other pieces of draft legislation over the summer: (1) a draft bill titled “North Pacific Fisheries Convention Implementation Act”, to implement the North Pacific Fisheries Commission RFMO, to which the Council is a participant (Mr. Hull is our designated representative to that Commission process). See attached **Council comment on NPFC legislation (2)**; and, (2) a draft bill which would codify the amendment 80 allocations - see **Council comment on Am80 legislation (3)**. The latter comment letter became the subject of a FOIA request, asking for all drafts of that comment letter and any emails or other correspondence between myself and Council members, or among Council members, pertaining to the drafting of that letter.

Related to FOIA requests I want to apprise the Council of two important things: (1) the Council office is only required to provide materials/correspondence over which we have “possession and control”, which of course includes any emails between myself and Council members. It does NOT include emails or other correspondence which may occur between and among individual Council members; and, (2) because of the extremely complex process involved in responding to FOIA requests through NOAA’s FOIA office, responding to such FOIA requests takes an extraordinary amount of staff time. The specific FOIA request mentioned above subsumed approximately three full days of my time. A separate FOIA request this summer, for every document and correspondence related to the Council’s consideration of the Bering Sea canyons issue over the past three years, required approximately three full weeks of collective Council staff time. As an aside, Council staff time and materials devoted to responding to FOIA requests are not included in the calculation of FOIA fees assessed to the requester, because Council staff are not federal employees; however, that may be somewhat of a moot point given that less than 2% of overall NOAA FOIA costs (estimated in the tens of millions of \$ annually) are actually charged to FOIA requesters - over 98% of agency costs related to these FOIA requests are waived.

Meeting with IPHC

In late July we received a letter from the International Pacific Halibut Commission (IPHC) requesting a meeting with the Council in the fall of this year to discuss a “coordinated (total) mortality management framework” (attached as **July IPHC letter to Council (4)**). After discussions with both our Council leadership and with Dr. Leaman, we responded that such a meeting would be more productive in the spring of next year, following the IPHC’s annual meeting (and their decisions relative to the new approach being considered for total mortality accounting, including U26 halibut), and following the Council’s initial review, and availability of, our analysis of proposed halibut PSC reductions in the BS/AI groundfish fisheries (attached as **August Council letter to IPHC(5)**). In late September we received a letter requesting that we meet with the IPHC in December of this year, partly so that such discussions could inform the Council’s February deliberations “prior to the Council concluding its deliberations on bycatch management” (see attached **September IPHC letter to Council (6a) and IPHC Management Report (6b)**). The IPHC letter suggests that such a meeting could be accomplished in about two hours. Although the Council will not be concluding its deliberations in February, as that is only initial review of the analysis, we need to respond to the Commission’s request for a meeting in December. I also believe, regardless of the timing, that it is important that we develop a clear, mutual understanding of the context, expectations, and potential outcomes of such a joint meeting.

Cooperative Research/S-K funding

To introduce this item, I first want to mention the recent West Coast Fisheries Leadership and Sustainability Forum (headed by John Henderschedt) held September 3-5, titled “Co-Management and Cooperative Research”. I was in attendance at that Forum, along David Witherell and a number of North Pacific Council members (Mr. Tweit, Mr. Dersham, Mr. Long, Mr. Cross, Ms. Kimball, and Mr. Merrill). This forum facilitated a very informative and productive discussion on co-management and cooperative research, and sparked a timely discussion of how Councils might play a more active role in promoting and facilitating cooperative research particularly. The discussion is timely because we recently received invitation to comment on NMFS’

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solicitation for Saltonstall-Kennedy (S-K) grants (see attachment, **S-K Funding Priorities(7)**), as well as invitation to comment on, or facilitate, NMFS' FY 2015 Cooperative Research Request for Proposals (see attachment, **FY2015 Cooperative Research RFP(8)**).

Regarding the S-K proposal cycle, the formal solicitation will be announced this October, but we received the draft priorities in mid-September, with a comment deadline of September 26. I distributed this announcement but did not receive any specific comments; however, the agency did utilize each of the eight Councils' research priorities when developing their draft S-K priorities. I did not provide any specific comment because the draft priorities looked good to me, and were couched broadly enough to cover a wide spectrum of potential proposals. Once the formal announcement is posted we can use our website and other avenues to assist with distribution to potential applicants.

Regarding the cooperative research RFP, I also received notice of that solicitation in mid-September, with proposals due by October 31, 2014. We have posted this announcement on our website and distributed it to industry associations on our mailing list. Total funding is unknown at this point but awards will range from 20k to 200k, and at least one of the principal investigators on any project proposal must be a NMFS employee. This program is specifically designed to address the MSA section 318 provisions for cooperative research, and thus must meet the research priorities contained within section 318 (and which are listed in the attachment). Proposals must be addressed to the regional NMFS cooperative research coordinator, which in our case is John Clarey at the Alaska Region.

Council member training

The annual new Council member training, now mandatory under provisions of the MSA, will be October 28-30 in Silver Spring, Maryland (agenda attached as **Council member training agenda (9)**). Mr. Kineen is the only Council member from the North Pacific attending this year. Myself or other staff periodically attend these meetings in order to stay up to speed on Council training materials. Though I will be unable to attend this year, Diana Evans from our staff will be in attendance.

Upcoming Board of Fisheries work session

The Alaska Board of Fish will be meeting next week, October 15-16, in Juneau, Alaska at the Centennial Hall Convention Center for a work session which will include agenda change requests (ACRs) of relevance to the Council. No regulatory action will be taken at this meeting, but the BOF will consider whether to consider these ACRs at a future meeting. These will be covered in more detail under the ADFG agency report.

Petition for emergency rulemaking

On September 16 we received a petition requesting the Council (and/or the Secretary of Commerce) to take emergency action to reduce the overall BSAI pollock fishery chinook salmon PSC cap from 60,000 to 20,000 fish, and the performance standard from 47,591 to 15,000 fish, for the remainder of the 2014 season. This **Petition for emergency action(10)**, submitted by Tanana Chiefs Conference and Association of Village Council Presidents, is attached. Regulations governing **criteria for emergency actions(11)** are also attached. Given that the pollock fishery is now closed for the 2014 fishing season, the timing and effect of any such action would be moot, though the Council could choose to discuss the emergency rule process in general terms.

Other recent activities of staff and/or Council members

During the week of August 18-22 David Witherell and myself represented our Council at the CCC working group which is working on revisions to the 'Operational Guidelines' for our fisheries management process (Mr. Henderschedt was also involved as meeting facilitator). This process was one of the initiatives launched in response to the IG audit of the fisheries regulatory process (NMFS and Councils) two years ago.

During the week of Sept 8-12 I participated as part of the State Department delegation at the annual

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U.S./Russia Intergovernmental Consultative Committee (ICC) Meeting in Vladivostock, along with members of the Bering Sea Fisheries Advisory Board (which includes a number of our Council members, and Mr. Hull was in attendance). It was a very interesting and productive meeting, with discussions on a number of issues of mutual interest including reciprocal enforcement and research agreements. Of particular interest was (1) discussion of cooperative research activities in the northern Bering and Chukchi seas (which coincides with the NPRB Arctic research program being developed), and a commitment to follow up with a meeting of the respective scientists early next year at the AFSC, and (2) significant progress made on the IUU (illegal, unregulated, unreported) fishing enforcement agreement between U.S. and Russia, with the hope of finalizing that agreement in the near future.

On Friday September 19 I had an opportunity to meet with David Kennedy, NOAA's Deputy Undersecretary charged with oversight of 'all things Arctic' for NOAA, who was in Anchorage for the U.S. Arctic Research commission meeting and a tour of NOAA's Alaska facilities. We discussed a myriad of issues, including most of our Council's high profile issues, and we talked at length about NMFS/NOS Arctic initiatives, particularly those related to marine protected areas (MPAs) and/or coastal and marine spatial planning (CMSP), as well as the international Arctic Council initiative to establish a "Pan-Arctic MPA network" within the context of an international Arctic agreement (recalling that the broader definition of Arctic includes the Bering Sea and Aleutian Islands), and how that initiative juxtaposes with NOS's ongoing efforts to establish a national MPA inventory. Mr. Kennedy expressed interest in attending a North Pacific Council meeting at some point in the near future, and I invited him to participate in a discussion with our Council in either December or February (or anytime he is available), to provide us with his view of Arctic policy and strategy, NOAA's role in that process, and discuss various ways in which our Council can engage as productive partners in that regard. In July David Witherell and I also had the opportunity to meet with NOAA Fisheries AA Eileen Sobeck, while she was in Anchorage with Dr. Balsiger on NOAA business. We discussed many of the same topics, as well as budget issues associated with NMFS research/stock assessment and with the regional Councils' funding.

During the week of September 22-26 I represented the Council at the fall meeting of the North Pacific Research Board (NPRB) held in Seward, Alaska. The agenda for the meeting is attached - **NPRB draft agenda (12)**. Among the major items we addressed were the 2015 general RFP and the developing Arctic Program RFP. The Arctic research program has \$6 million tentatively devoted to it and will focus on the northern Bering and Chukchi Seas. That RFP will be finalized next spring. The NPRB is interested in partnering more closely with our Council, and has requested time on our December agenda, under our 'B' agency reports, to inform the Council more specifically of the NPRB's overall research mission, and individual programs within that overall mission.

Later this month, October 16 to 26, the North Pacific Marine Science Organization (PICES) will be meeting in Yeosu, Korea for their 2014 Annual Meeting. While I declined an invitation to attend that meeting, I note that both Pat Livingston and Gordon Kruse (of our SSC) will be in attendance, and I consider them to be excellent representatives of our Council for purposes of this important, international scientific conference.

In late June David Witherell met with Alaska Seafood Marketing Institute (ASMI) representatives and provided a presentation to a visiting German trade group on our fisheries management process. I have also been invited to participate as part of a panel discussion at the upcoming Fish Expo in late November (along with ASMI Director Micheal Cerne and ADFG Commissioner Cora Campbell), focusing on seafood sustainability.

Diana Evans recently gave a presentation on North Pacific Fishery Ecosystem Plans for the Aleutian Islands and the Bering Sea, at the Lenfest Task Force meeting in Seattle, which took place September 3-5 (**Lenfest FEP fact sheet(13)**). The task force will be coming up with national recommendations on fishery ecosystem planning over the next two years. Council member John Henderschedt is on the Advisory Panel for the Task Force, and a distribution list has been set up for those interested in further information, at <http://eepurl.com/dsPqD>.

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Steve MacLean joined Dr. Chris Rooper (NMFS) aboard the *F/V/ Vesteraalen* from August 8 - August 22 for the Eastern Bering Sea slope and canyons coral survey. The cruise departed Dutch Harbor, Alaska on August 9, and arrived in St. Paul Island, Alaska on August 21 after surveying 142 transects in the eastern Bering Sea slope and Bering, and Pribilof Canyons (you will hear more about this under the B-2 NMFS Management report).

Sam Cunningham attended a NMFS-led allocation workshop in Seattle (September 23-24). Agency, science center, and council staff attendees from all regions discussed current case studies and academic research on allocation of fishing privileges among sectors, with a focus on recreational and commercial users of a managed species. The organizers are using this and other workshops to develop guidance material at the request of the Council Coordination Committee (in response to NMFS' general initiative to review existing fisheries allocations).

Dr. Diana Stram, along with Dr. Jim Ianelli, has co-authored two scientific papers recently accepted for publication in the ICES Journal of Marine Science - "Estimating impacts of the Pollock fishery bycatch on western Alaska chinook salmon", and "Evaluating the efficacy of salmon bycatch measures using fishery-dependent data". Congrats Diana!

Events this week

National Saltwater Recreational Fisheries Policy workshop: Tuesday, October 7, 5:30 to 7:00 pm in the Aleutian Room. Ms. Danielle Rioux from NOAA Fisheries headquarters will be conducting a public workshop seeking input on the agency's development of a national policy which outlines a set of principles to guide actions and decisions over the long term. A **Recreational Fisheries Policy Discussion Guide(14)** prepared by NMFS is attached, along with the most recent **Recreational Fisheries Policy powerpoint presentation (15)** utilized in other workshops. Ms. Rioux is also scheduled to make a brief presentation to the Council on this policy development as part of the B-2 NMFS Management Report on Wednesday morning, October 8. Council members may provide input on this policy individually during the workshop, or collectively as a Council under the B-2 agenda item.

Steller Sea Lion Critical Habitat Meeting: NMFS staff will hold a public meeting Wednesday, October 8, beginning at 5:30 pm in the Aleutian Room to elicit external scientific information related to the designation of Steller sea lion critical habitat under the Endangered Species Act. NMFS is considering revisions to the critical habitat designation to take into account new information that has become available since NMFS designated critical habitat in 1993, including the 2013 delisting of the eastern Distinct Population Segment (DPS). At a minimum NMFS will need to modify the critical habitat designation to remove areas that may have been essential to the conservation of the eastern DPS but are not essential to the conservation of the western DPS. NMFS will also consider whether other revisions are appropriate. This will be the second of two meetings that NMFS is holding to elicit external scientific information. NMFS requested in a Federal Register notice that parties interested in making a presentation at Wednesday's meeting submit an abstract by September 22, but NMFS also will try to accommodate other people who want to present relevant scientific information at the Wednesday meeting. Again, the purpose is to bring pertinent scientific information to NMFS's attention. NMFS will provide future opportunities for public comment on the essential features of sea lion critical habitat, what geographic areas should be identified as critical habitat, the economic impacts of identifying critical habitat, etc.

Bering Sea Fisheries Ecosystem Plan public hearing: The last of the public hearings on the proposed Bering Sea Fishery Ecosystem Plan is scheduled for Thursday, October 9th, from 5:30-7pm. A flyer is attached (**Bering Sea FEP flyer(16)**) that identifies the type of input that is being sought from the public. In conjunction with the previous hearings in Nome and Seattle, this will contribute to your discussion of whether to move forward with developing an FEP for the Bering Sea, scheduled for later this week under agenda item D4.

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On Friday, October 10, beginning at 5:30 pm, the Alaska Arctic Policy Commission will conduct a listening session in the Dillingham/Katmai Room. They are seeking public input on their draft Implementation Plan, which can be accessed at www.akarctic.com <<http://www.akarctic.com>>. That Plan contains recommendations that fall into four strategic lines of effort: (1) addressing the response infrastructure gaps in Alaska's Arctic; (2) strengthening an Alaska Arctic science and research agenda; (3) supporting healthy communities; and, (4) promoting economic development of Alaska's Arctic resources.

On Monday, October 13, ADF&G will host its annual BS/AI crab-industry meeting (see attachment **BS/AI annual crab industry meeting(17)**) beginning at 9:00 am in the Council office's conference room (Room 205 Old Federal Building on 4th Avenue).

Northwest Passages, Inc., on behalf of the Rasmuson Foundation and the Alaska Humanities Forum, is producing a documentary on Mr. T (Clem Tillion), so you will likely see some cameras filming parts of our Council process here this week. Marla Williams is coordinating this project and she will also be looking for folks to interview who have worked with Clem over the years.

On Thursday, October 9, Senator Mark Begich has requested time for a brief address to the Council on current fisheries issues and status of legislation. That is tentatively scheduled for 4:45 pm.