



## B1 Executive Director's Report

June 2019

### Action Memo

#### **Buck Laukitis and Theresa Peterson's Last Meeting**

This is the last Council meeting for Mr. Laukitis and Ms. Peterson, who were not re-nominated for a second 3-year term. Mr. Laukitis served as chair of the Halibut and Sablefish IFQ Committee, and led the Council in the development of changes to the IFQ program, including allowing pot gear to be used in the directed BSAI halibut fishery. Ms Peterson served as co-chair of the Ecosystem Committee and the Community Engagement Committee, and led the Council in making changes to provide for sustained participation of fishing communities. Both Council members brought an active fishermen's perspective to Council decision making, and they will be greatly missed. On behalf of the Council, I want to thank both of you for your contributions to the Council, and I hope that you will continue to participate in the fishery management process!

#### **Staff Changes**

Dr. Elizabeth Figus has decided to move on from her fishery analyst position with the Council to pursue other adventures in Southeast Alaska. We all wish you the best your future endeavors Elizabeth! A vacancy announcement was posted in April with a closing date of May 24. We anticipate interviewing promising candidates after the June Council meeting.

#### **Terry Quinn Passes Away**

Dr. Terry Quinn II passed away on May 3 in the presence of family and friends (obituary [attached](#)). I have been informed that a memorial service in Juneau has tentatively been planned for August 10<sup>th</sup>. I will pass along additional details when I get them. As you may know, Dr. Quinn has been a member of the Council's Scientific and Statistical Committee (SSC) since 1986, and he received special recognition for his long service at the Council's 40<sup>th</sup> Anniversary Celebration. Terry was an outstanding SSC member and professor at the University of Alaska. He provided scientific advice and guidance not only on our SSC, but to many students over the years. This is a huge loss for all of us, and I will miss his friendship, wisdom, and enthusiasm for the Council process.

The SSC will be honoring his memory at their meeting this week as well. The SSC chair has received a new SSC gavel, engraved with the words "In Memory of Terry Quinn II". It is my hope that, in the future, when confronted with scientific uncertainty or other confounding matter, SSC members will ask, "What would Terry do?", and then proceed to develop practical and useful recommendations to the Council and staff.

#### **October Meeting Logistics**

We have been planning for the October 2019 Council meeting in Homer, Alaska. The following provides a summary of the meeting schedule and logistics.

### Agenda and Meeting Location

- A preliminary draft agenda and schedule is attached, and will be further discussed during Staff Tasking.
- The SSC will stay at the Land's End Resort (at the end of the Homer Spit) and meet from Monday-Wednesday in the Quarter Deck room, and on Thursday will continue to meet to work on their minutes in the small conference room at Land's End (which will also serve as the staff office).
- The AP will stay and meet near downtown Homer at the Best Western Bidarka Inn, which is about 6 miles from the Land's End Resort, and meet from Tuesday through Saturday.
- The Council will stay at the Land's End Resort and meet from **Thursday-Wednesday** in the Quarter Deck room.
- We have reserved the conference room in the Best Western on Monday (before the AP meets there) for a tentative meeting of the Cook Inlet Salmon Committee or a Salmon FMP outreach event, if so desired.

### Transportation

- There is regular flight service to Homer (through Anchorage on Ravn Alaska airline), and you should be able to book this on a single itinerary/confirmation code from your departure city through Alaska Airlines EZBiz.
- Taxi service is available to facilitate travel from the airport, among the two meetings locations, and to get to restaurants around town. We also plan on having staff drivers meet most incoming flights on Sunday evening, Monday and Wednesday.
- Car rentals in Homer are somewhat limited. Rental cars in Homer for the Chair and Vice Chairs of the SSC, AP, and Council are authorized to provide each group with some means of transportation. Shannon has already contacted the rental agency to reserve these cars. Pioneer Car Rentals at the airport is offering a 20% discount for anyone who rents a car to attend our meeting.
- Rental cars from Anchorage are authorized for all Council members who choose to drive rather than fly (it is a scenic 4-hour drive) from Anchorage to Homer.
- Staff will rent a couple of vans to help shuttle people between the Land's End Resort and the Best Western during the meetings. There is also Taxi service available.
- We will hire a shuttle service to provide transportation to and from any receptions that may be planned.

### Other Details

- All Council and SSC lunches will be catered as there are very few restaurants open in October near the Land's End hotel. The hotel's restaurant will be open, however. The AP can take advantage of the several very good restaurants within walking distance of the Best Western.
- There will be internet available at both meeting locations, but we strongly suggest that everyone download the full agenda briefing packet before arriving at the meeting.
- In planning for other committee meetings (when you get to the staff tasking agenda item at this meeting), please note that meeting space is limited.
- A Homer visitors guide, with a full list of accommodations (including hotels, B&Bs, and cabin rentals), restaurants, and activities, is available here: <https://www.homer.alaska.org/request-a-visitor-guide.html>
- Note that there will be rooms available for the public in the Land's End and the Best Western, as well as other nearby hotels (including the newly constructed Aspen Suites, which is within walking distance to the Best Western).

## Legislative Update

On April 10, the “Forage Fish Conservation Act” was introduced to the US House of Representatives by Rep. Debbie Dingell (D-Mich) and Rep. Brian Mast (R-Fla.). The Bill is posted here: <https://www.congress.gov/116/bills/hr2236/BILLS-116hr2236ih.pdf>. It is still early in the process, and the bill will be reviewed by the U.S. House Committee on Natural Resources and its Subcommittee on Water, Oceans, and Wildlife, and possibly subject to hearings before it goes to the House floor for a vote. I understand that the Senate is also moving ahead with a similar bill. The Council may wish to provide input on this draft legislation,, as we recently received an email request for Council comments on the bill from a staffer on the Senate Committee on Commerce, Science, and Transportation, Subcommittee on Science, Ocean, Fisheries, and Weather.

The bill would amend MSA to create a new definition for forage fish, require assessment and management considerations for forage fish, and limit new fisheries from developing until ecological importance is evaluated. States would maintain management of forage fish within their jurisdictions (e.g., Pacific herring).

Based on my read of the legislation as currently drafted, I don't see anything that raises any immediate concerns for the conservation and management program in the North Pacific. Our existing management program for forage fish appears to meet the definition, requirements, and intent of this bill. However, there are several aspects of the bill that require close monitoring, particularly if the wording gets changed as it moves through the legislative process, or following passage into law, the interpretation is broadened in the regulatory guidelines developed by the Secretary for implementing new forage fish provisions. For example, pollock, cod, and other groundfish are not considered as forage fish in this draft of the bill, as they are not low trophic level species throughout their life cycles. Section 4 defines the term 'forage fish' to mean:

"(A) any fish that *throughout its life cycle* -- (i) is at a low trophic level, (ii) contributes significantly to the diets of other fish, marine mammals or birds; and “(iii) serves as a conduit for energy transfer to species at a higher trophic level; or  
(B) any other fish specified as a forage fish for purposes of this paragraph in a fishery management plan or amendment that is transmitted by a Council and approved by the Secretary in accordance with section 304(a)."

Modification of this wording in the final rule could greatly affect the Council's ability to meet its responsibilities under the MSA.

Most, if not all, of the forage fish species in the North Pacific that meet this definition (smelt, capelin, sand lance, laternfish, etc.) are already protected by our forage fish regulation that prevents directed fishing (with a 2% MRA). Forage fish are part of the ecosystem component category, and based on Council direction are subject to catch monitoring and assessment. It is not clear how this bill would interact or conflict with the ecosystem component category, but this could be a concern, depending on how the new language is interpreted. For example, if ecosystem component species are technically considered as unmanaged species under the FMP, it is not clear if the bill would require the SSC and Council to set catch limits under our FMP.

To summarize, there are two primary issues with this bill that could impact the Council's ability to fulfill its responsibilities under MSA and effect conservation and management of marine resources and resource users.

- The draft bill needs to retain the distinction between low trophic level prey throughout their life and fish that are prey at the juvenile stages of their life. Otherwise, many groundfish species

would be considered forage fish, and the fishery would no longer be able to harvest the optimum yield specified in the Groundfish FMPs.

- The bill could be clarified that *unless subject to a directed fishery*, the SSC and Council should not be required to make recommendations for forage fish (OFLs, ABCs, TAC), which is in direct conflict with the current regulations, the Groundfish FMPs, and guidance on the ‘ecosystem component’ category.

A short summary of existing forage fish management and protection measures in the North Pacific is **attached**.

## **Pebble Mine EIS Comments**

The public comment period has been extended and will run from March 1, 2019 through July 1, 2019. Attached is a draft comment letter based on Council deliberations in April. The Council may wish to provide additional input on the comment letter at this meeting.

## **NPRB Advisory and Science Panel Nominations**

The North Pacific Research Board is seeking Advisory and Science Panel members. NPRB has posted an announcement that it is seeking applications to serve on its Science Panel (3 seats) and Advisory Panel (1 seat – Arctic). Nominations and self-nominations are due by June 20. The announcement is here:

<https://www.nprb.org/news/detail/immediate-release-nprb-seeks-nominations-for-advisory-science-panels-by-jun>

## **2019 MMPA List of Fisheries published**

NMFS recently published the final rule (attached) with the List of Fisheries (LOF) for 2019, as required by the Marine Mammal Protection Act (MMPA). The LOF for 2019 reflects new information on interactions between commercial fisheries and marine mammals. NMFS classifies each commercial fishery on the LOF into one of three categories under the MMPA based upon the level of mortality and serious injury of marine mammals that occurs incidental to each fishery. The classification of a fishery on the LOF determines whether participants in that fishery are subject to certain provisions of the MMPA, such as registration, observer coverage, and take reduction plan requirements.

For 2019, no changes were made to the categories for fisheries in the North Pacific. The only changes were that additional mammal species were added to the list of species incidentally killed or injured in some fisheries (see page 22061).

## **CCC Meeting Report**

Chairman Kinneen, Mr. Tweit, Dr. Balsiger, Mr. Merrill, Ms. Evans and I attended the Council Coordination Committee meeting in Charleston SC on May 14-16. The meeting agenda and briefing materials can be found here: <http://www.fisherycouncils.org/ccc-meetings/may-2019> A number of important topics were discussed including budgets, implementing National Standard 1 guidelines, development on NOAA Fisheries Regional Strategic Plans, voting recusal and financial disclosure regulations, SOPP updates and review process, Best Scientific Information Available guidance, continued council member and staff development, and updates from the CCC committees. A few key items of immediate interest to the North Pacific Council include:

- The Council received a 3.9% increase in total funding for 2019, the largest annual increase in our grant funding since 2010. The President's budget for 2020 includes an additional increase in the Regional Councils baseline budget, but the \$190 million cut to the NOAA Fisheries Budget may negatively affect our total funding if enacted in 2020.
- Mr. Tweit was appointed to be the Chair of the CCC Regional Fishery Management Forum Workgroup. The Workgroup will be developing a proposal to hold a 2021 workshop for continued education of existing Council members, along the lines of what the Fishery Leadership and Sustainability Forum used to host.
- I reported as Chair on the progress of the CCC Legislative Committee. The CCC approved new consensus statements regarding stock rebuilding, stock assessment and survey data, and aquaculture. Tom Nies, NEFMC Executive Director was appointed as Vice-Chair of the committee.
- The NPFMC will host the 7th National Meeting of the Scientific Coordination Subcommittee in 2020. A 3-day meeting of SSC members from across the eight regional councils is proposed to address 3 topics: 1) How to incorporate ecosystem indicators into the stock assessment process, 2) Developing information to support management of interacting species in consideration of ecosystem-based fishery management (EBFM), and 3) How to assess and develop fishing level recommendations for species exhibiting distributional changes. The proposal, as approved by the CCC, is **attached**.
- The CCC re-established the Electronic Monitoring Workgroup to continue to develop and resolve issues associated with EM. PFMC Executive Director Chuck Tracy was appointed Chair of the workgroup.

## Joint Staff Meeting

On April 23-25, 2019, the staffs of the Council and the Sustainable Fisheries Division at NMFS Alaska Regional Office, along with attorneys from NOAA General Counsel, Karla Bush from ADFG Extended Jurisdiction, and Jennifer Ferdinand, Director of the FMA Division at the AFSC, met in Juneau, AK, to work on ensuring effective coordination and collaboration on mutual issues. This is the third joint meeting that the Council and NMFS staffs have held since 2012, and they have been very effective opportunities for coordinated work on improving the way we jointly achieve our shared mission. We are fortunate to have a strong working relationship among our organizations in Alaska, something that not all regions in the country enjoy. At this meeting, we focused on clarifying issues related to the Council process, "action planning" (working collaboratively on management actions from Council initiation to eventual implementation), the template we use for writing Council management analyses, including how we capture how our actions comply with the National Standards, and more effective ways to communicate science, especially through visual tools. It was a very constructive meeting, and the several 'get to know a different side of you' ice breakers that were peppered throughout helped to ensure we all learned something new about each others' working styles and preferences.

## Recent Council activities

- Dr. Balsiger and I attended the Rasmuson Fisheries Research Center Board meeting in Anchorage on Monday April 29.
- Mr. Mezirow attended the North Pacific Research Board Meeting as the designated Council representative on April 30 – May 1, 2019. He was also elected to be the Board Chair. Congratulations Andy!

## Recent Staff activities

- Dr. Figus participated on a teleconference of the EM Information Steering Committee on April 10.
- Mr. MacLean participated at the Alaska SeaLife Center Advisory Committee meeting on April 11.
- Ms. Schmidt attended a federal grants training conference in Seattle on April 30 – May 1
- Ms. Evans participated on the inaugural meeting of the Bering Sea Fishery Ecosystem Plan Team, held on May 6-7 in Seattle.
- Dr. Stram attended the IPHC MSAB meeting May 6-7 where the goals and objectives and preliminary results from the IPHC Management Strategy Evaluation were reviewed.
- Dr. Stram moderated a session at the Wakefield symposium on Cooperative Research, held in Anchorage May 7-9.
- Dr. Figus made a presentation to the US Arctic Research Commission on May 8 about the Council's ongoing work on indigenous knowledge and traditional knowledge.
- Dr. Figus and Ms. Henry made presentations on the Council process to students from the University of New Haven (CT) and Berea College (KY) who travelled to Alaska to learn about Arctic science and resource management on May 29-30.
- Ms. Marrinan and Mr. McLean met with a Russian delegation on May 23, as part of a trip organized by the Anchorage International Rotary Club. The group was interested in learning more about Alaska's fishing industry, fishing regulations, monitoring, and protecting wildlife and marine ecosystems.
- Ms. Cleaver participated at the first Ecosystem and Socioeconomic Profiles Workshop held in Seattle May 29-31. The basic goals of the first workshop were to 1) introduce the ESP process and products through a newly applied example (GOA pollock), 2) generate a list of metrics and indicators operationally available for producing ESPs (includes contacts and schedule for production), 3) determine priority stock assessments for producing ESPs, 4) determine representatives to assist lead authors for creating the priority ESPs, and 5) produce a workshop report/tech memo.

## Committee Meetings

The Ecosystem Committee will meet Tuesday June 4, to review the draft workplans for the Bering Sea FEP actions. A report from the meeting will be discussed during Agenda Item D-6.

The Fishery Monitoring Advisory Committee met May 20-21. You will receive a report of the Committee meeting under Agenda Item C-3.

The Enforcement Committee met on Tuesday, June 4 to review safety at-sea considerations relative to the crab partial deliveries action, and to receive a report on the compliance and enforcement chapter of the annual observer report. Committee recommendations will be presented during the applicable agenda items.

The Community Engagement Committee met April 29 and again on Tuesday June 4. A report from the meeting will be discussed under Agenda Item D-8.

## Events this week

On Wednesday evening beginning at 6 pm, the Alaska Longline Fishermen's Association is hosting a reception at Halibut Point State Recreation Site, which is about 4 miles north of downtown Sitka (see attached flyer). It will be a great opportunity for people to thank Mr. Laukitis and Ms. Peterson for their service on the Council. Everyone is invited to attend. There will be a shuttle bus, and staff will have a few vans to transport people from the hotel to the reception and back. Because this is an outdoor event, right on the beach and exposed to the wind, please dress appropriately.

On Thursday evening, from 5:30 – 7 pm, NMFS is hosting a recreational halibut fishing roundtable discussion, and all persons interested in this topic are encouraged to attend and participate. The event will take place in the AP meeting room.

Council Lunches – Council lunches will be catered on Wednesday, Thursday, and Monday, and served in Harrigan Hall. On Friday, Saturday, and Sunday, Council members/staff are on their own to enjoy the local food establishments for lunch. We may want to break a little early for lunch on these days to beat the cruise ship crowds. Shannon will distribute a list of nearby restaurants that serve lunch.