

Executive Director's Report

CCC meeting/MSA reauthorization

In mid-May the Council Coordination Committee (CCC) met in Virginia, hosted by the Mid-Atlantic Fishery Management Council. Attached you will see the webpage for this meeting, which includes the agenda. Also attached you will see a DRAFT summary of CCC actions which occurred at the meeting. A significant portion of the CCC meeting was spent on MSA reauthorization issues, for which there were various CCC workgroups established which provided draft recommendations for CCC consideration. A number of these recommendations were adopted, while others did not achieve full consensus and may be the subject of further consideration through a CCC legislative workgroup. In the summary of CCC actions you will see, in a number of places, reference to “adoption of the text from the CCC workgroup” – this is currently being compiled by MAFMC staff for a CCC letter on MSA reauthorization. As soon as that is available I will distribute so that you can see the full net results of the CCC discussions and recommendations. In addition to MSA issues, the CCC discussed and took positions on a number of other issues unrelated to the MSA process, including formation of a habitat workgroup; development of comments on the allocation review issue; response to the recent Oceana bycatch report; further development of the revised operational guidelines; ecosystem management; and, further development of guidelines for a national SSC under the auspices of the CCC (see DRAFT attachment – MSA reauthorization – CCC Discussion).

To summarize our Council's ongoing input to the MSA reauthorization process, you recall that (1) in February we reviewed and discussed the December 2013 draft House bill from Congressman Hastings, and responded with specific comments to Mr. Hastings in a letter dated April 3, 2014; (2) the Senate subcommittee, chaired by Senators Begich and Rubio, introduced a draft bill in early April, just prior to our April Council meeting – in early May I provided initial staff comments on that draft bill to Senate subcommittee staff, who have requested all comments on that draft by June 2. Those comments were distributed to you and are also attached here. We are expecting a revised Senate bill sometime in June or early July; (3) on May 23, a revised House bill was introduced (distributed to you and attached here) – this appears to be a relatively streamlined bill and appears to be responsive to most of our comments from our April 3 letter on the original House draft bill.

At this meeting, the Council could provide me with any additional feedback you may have on the draft Senate bill (in order to provide that feedback to Senate subcommittee staff ASAP), or wait until we see a revised Senate draft, at which time we could develop a more organized Council response. Regarding the revised House bill dated May 23, 2014, I have developed the following summary and initial staff comments (staff comments in *italics*):

Initial staff review of May 23, 2014 House of Representatives Draft Bill

‘Strengthening Fishing Communities and Increasing Flexibility

In Fisheries Management Act’

Flexibility in Rebuilding

- Replaces the 10 year rebuilding timeframe with “may not exceed the time the stock would be rebuilt without fishing occurring plus one mean generation...” (with exceptions such as when fishing is not a factor, or when unusual circumstances make rebuilding improbable without significant economic harm)
- Establishes overall time period as “short as practicable” (rather than “possible”).
- Allows for use of alternative rebuilding strategies such as harvest control rules and fishing mortality-rate targets
- Allow for termination of a rebuilding plan if determined that the original determination (of depleted) was in error.

These changes appear consistent with previous Council comments (and CCC recommendations) supporting such flexibility.

Modifications to Annual Catch Limits (ACLs)

- ACLs would not be required for short-lived species (less than 18 months generally) or for ecosystem component species (defined as a stock of fish that is a non-target, incidentally harvested stock of fish in a fishery, or a non-target, incidentally harvested stock of fish that a Council or the Secretary has determined (a) is not subject to overfishing, approaching a depleted condition or depleted; and (b) is not likely to become subject to overfishing or depleted in the absence of conservation and management measures).
- Allows for consideration of changes in ecosystem and economic needs of fishing communities (but still retains ABC cap as determined by SSC)
- Allows for ACLs to be set for stock complexes and/or for 3 years duration (but must have ACL for each year of those 3 years).

ACLs are not currently required for ecosystem component species. Defining EC with reference to ‘non-target stock’ could be confusing given how targets and non-targets are defined in North Pacific fisheries (based on catch composition, which means all major stocks may be a non-target at certain times, while ACLs must be set prior to the fishing year). While this would not likely change how we set ACLs in the North Pacific, clarification may be achieved by deleting the words “in a fishery” to accomplish the apparent intent (which may already be accomplished by recent east coast court rulings, or change “non-target” to “not generally retained”).

Distinguishing between Overfished and Depleted

- Establishes definition for ‘depleted’ (...that the stock or stock complex of fish has a biomass that has declined below a level that jeopardizes the capacity of that stock or complex to produce maximum sustainable yield on a continuing basis).
- Replaces the term ‘overfished’ with ‘depleted’ everywhere that terms exists.
- Clarifies that agency’s annual report on status of fisheries shall distinguish between fisheries that are depleted as a result of fishing, and those that are depleted as a result of factors other than fishing, and whether the fishery is the target of directed fishing.

This distinction makes sense, and may address species like Pribilof Island blue king crab, in combination with adjustments to the rebuilding requirements (i.e., time period can be exceeded in cases where rebuilding is determined to not be effective only by limiting fishing activities, though it does not explicitly exempt such a situation from a rebuilding plan). This is consistent with previous Council (and CCC) comments.

Transparency and public process (including NEPA)

- Requires Council AND SSC meetings to be either live Webcast, video-taped, transcribed, or audio recorded.
- Incorporates additional requirements for fisheries impact statements developed to support FMPs or plan/regulatory amendments; i.e., incorporates NEPA-based requirements for environmental impact analysis, cumulative impact analysis, and reasonable range of alternatives DIRECTLY into the MSA process. Councils will develop, subject to approval by the Secretary, specific procedures for compliance with this section.

Council already provides live Webcast of meetings and searchable audio transcripts. This provision would require us to do likewise with SSC meetings. If Council chooses to develop written transcripts, then the Act’s requirements for “detailed minutes” would be moot and could be deleted (or interpreted that written transcripts would satisfy that requirement). Regarding NEPA, this language would incorporate relevant NEPA requirements (and process) into the MSA and thereby effect NEPA compliance. This language is consistent with previous Council positions on NEPA and is very similar to that adopted and proposed by the CCC at our May 2014 meeting in Virginia.

Limitations on future catch share programs

- Defines the term ‘catch share’ (any program that allocates a specific percentage of the TAC for a fishery, or specific fishing area, to an individual, cooperative, community, processor, representative of a commercial sector, or regional fishery association..., or other entity).
- Establishes referendum requirements for 4 east coast Councils.

Definition of 'catch share' program does not appear to include sector allocations. Referendum requirements do not affect North Pacific Council.

Establishment/reporting on fee collection

- Requires annual report (to Congress and to Councils) from Secretary detailing how funds were spent in previous year on a fishery-by-fishery basis.

This is consistent with long-standing requests from Council and affected industry sectors.

Data collection (Electronic monitoring)

- Requires the Secretary (within 12 months of the enactment of the Act) to issue regulations governing the use of electronic monitoring, including minimum criteria, objectives, or performance standards for EM. Regulations would be developed in consultation with the Councils, and would be subject to public comment prior to finalizing.
- Councils may then amend FMPs to incorporate EM as an alternative to human observers, if Council determines that such will yield comparable data collection and compliance results.
- Legislation recognizes and authorizes EM pilot projects in the interim period.

Could expedite the development of specific regulations/operational parameters for EM, but does not mandate use of EM by Council. Allows Councils the option to amend FMPs for specific EM implementation.

Data Confidentiality

- Numerous 'clerical' changes including replacement of term "limited access program" with the term "catch share program", and inclusion of EM in context of observer information.
- Prohibits the use of vessel specific or aggregate vessel information for purposes of coastal and marine spatial planning, unless the Secretary obtains written authorization from the person on whose vessel the information was collected.
- Provides definition of 'confidential information' (including "commercial or financial information the disclosure of which is likely to result in harm to the competitive position of the person that submitted the information...").

The net effect of these changes is difficult to ascertain, but do not appear to create any major changes of concern (with possible exception to disallow use of information for CMSP purposes – see CCC comments and 'law of unintended consequences'). In defining 'confidential information', it may be difficult (and subjective) to determine whether disclosure will result in harm to the competitive position of the person submitting. Per the Council's April comments on

the original draft, this draft (1) does allow observer/EM information to be used for enforcement, and (2) retains the language allowing the NPFMC to allow disclosure of weekly summary bycatch information....without vessel identification.

Asset Forfeiture Funds and Data Poor Fisheries

- Retains language from earlier draft which allows use of asset forfeiture funds for State and cooperative research for data poor fisheries stock assessments.
- Retains language from earlier draft which defines data poor fisheries and requires Councils to identify data poor fisheries and prioritize them.

Same comments as with earlier draft – we support recognition of data poor stocks and increased assessments for those stocks, noting the tradeoffs between that and decreasing funds for enforcement and investigative activities by NOAA Office of Law Enforcement. Also note that funds can only be used in region in which they were collected.

North Pacific Fishery Management Clarification

- Date change in section 306(a)(3)(C) by striking “August 1, 1996”.

This will close the loophole which could theoretically allow unrestricted salmon fishing in the EEZ areas removed from the Council’s FMP. Strongly support this change to allow regulation of fishing vessels by the State of Alaska.

Limitation on harvest in North Pacific directed Pollock fishery

- Amends the American Fisheries Act to allow the NPFMC to change the harvest cap (currently 17.5%) to as much as 24%.

Recent staff/Council member activities

At the Lowell Wakefield Fishery Symposium “Finding Creative Solutions to Global Fishery Bycatch Issues” on May 13-16, 2014 in Anchorage, Jane DiCosimo presented a talk and a poster. The talk, coauthored with Darrell Brannan and Sam Cunningham, was entitled, “Management approaches to improve target catches under reduced Pacific halibut bycatch limits in the Gulf of Alaska.” Her poster was entitled, “Comparison of Prohibited Species (Bycatch) Management Programs in North Pacific Groundfish Fisheries.” She plans to submit two manuscripts for publication in the symposium proceedings. Dr. Gordon Kruse organized the symposium, and Doug McBride and Jane served on the scientific steering committee. Dr. Diana Stram and Diana Evans also attended parts of the symposium. Diana Stram coauthored a talk that was presented by Dr. Jim Ianelli, entitled, “The Biological Consequences of Bycatch Measures on Salmon and Pollock.” Dr. Steve Martell et al. presented “Implications of bycatch, wastage, post-release

survival and size-limits on MSY- and SPR-based reference points in the Pacific halibut fishery;” it is also posted as background information under the D-1 agenda. Several NMFS AFSC scientists and North Pacific commercial fishing representatives also gave great presentations and posters (some interesting examples are attached).

In late April, Jane DiCosimo, Dr. Loh lee Low (AFSC) and Dr. Jason Gasper (AKRO) traveled to Seoul and Busan, South Korea as part of a delegation organized by the AFSC and the government of Korea. Each gave presentations to staffs of the Ministry of oceans and fisheries and national fisheries research and development institute on the Council quota setting process, stock assessment process, catch accounting system, and Observer program, respectively. This was Jane’s second invitational trip to exchange information on fisheries management under a joint protocol between the governments of the US and South Korea.

In late April I participated in the University of Washington Bevan Series conference on Magnuson-Stevens Act reauthorization, as a speaker and panelist. A number of Council members and other North Pacific fisheries representatives were also in attendance. The proceedings of that conference should be available soon and I will distribute them at that time.

In early May, Council members Ed Dersham, Bill Tweit, Craig Cross, and John Henderschedt, along with Jane DiCosimo, attended the May 2014 Fisheries Sustainability and Leadership Forum in Beaufort, NC. This year’s east coast Forum title was “Identifying, Communicating, and Managing for Recreational Objectives.” The west coast Forum coming up in September in San Diego, CA will focus on co-management and cooperative research.

Also in early May, Steve MacLean attended the annual meeting of the Marine Mammal Commission, at the invitation of their Executive Director Dr. Rebecca Lent. Discussions at that meeting focused on domestic and international marine mammal bycatch issues, emerging Arctic considerations, and fisheries management programs in the context of minimizing marine mammal interactions.

In mid-May Council staff and Council members (Sam Cunningham, Ed Dersham, and Nicole Kimball) traveled to Sand Point and King Cove as part of a Council outreach initiative to meet with western GOA fishermen, processors, and other regional representatives. The goal was to help inform them on the Council’s GOA trawl bycatch management program, and provide information to assist them in developing their positions relative to possible inclusion in that program.

MAFAC request for nominations

Attached you will find a Federal Register notice soliciting nominations for the Marine Fisheries Advisory Committee (MAFAC) to fill four upcoming vacancies. Nominations are due by **July 7** for three-year terms beginning this fall. MAFAC is an advisory committee to the Secretary of

Commerce (NOAA) and makes recommendations on the development of national-level regulations, policies, and programs. While seats on the MAFAC committee are not specifically designated, the four upcoming vacancies include representatives from an environmental organization (1), aquaculture (1), and commercial fishing interests (2).

National Saltwater Recreational Fisheries Policy

In April Council member Ed Dersham attended the NOAA Recreational Fishing Summit. One of the outcomes from that summit was a commitment by NOAA Fisheries to develop a National Saltwater Recreational Fisheries Policy. Attached you will see a flyer describing this effort, along with a schedule of ‘town hall’ meetings being held around the country to garner input on development of this policy. Russ Dunn, National Policy Advisor for NOAA on this program, will be coming to Anchorage during our October meeting for an Alaska town hall meeting.

ASMI international trade reception

The Alaska Seafood Marketing Institute (ASMI) is hosting a reception focusing on collaboration with State and Federal fisheries managers, welcoming top seafood trade members from Germany. I have been asked to help spread the word and encourage attendance (please see attached flyer). The reception is open to all interested fisheries managers and fishing industry participants and will be held Tuesday evening, June 10, beginning at 6:30 pm at the Hotel Captain Cook Club Room. So if you are in Anchorage, or overnighting in Anchorage, after our Council meeting please attend! Council staff will be meeting with ASMI representatives and visiting representatives from Germany on the following Wednesday to discuss our North Pacific management programs.

Joint Protocol Committee meeting

On May 21 Council and Board of Fish members participated in a meeting of our Joint Protocol Committee. The primary focus of that meeting was on coordination relative to our GOA trawl bycatch management initiative and the Board’s consideration of proposals for State water Pollock fisheries. A summary of that meeting is attached, reflecting a positive information exchange and the need for continued coordination as these initiatives develop further. It is likely that we will schedule another JPC meeting (or perhaps a joint meeting of the full Council and Board) following the Council’s actions on GOA trawl bycatch management this fall.

Update on Norton Sound crab research project

The NMFS Alaska Regional Office and Crab Plan Team have emphasized the need for research to improve scientific understanding of potential effects of offshore marine mining activities on Norton Sound red king crab and on their habitat. An ongoing, joint project (Alaska Regional Office, Kodiak Lab, and Alaska Pacific University) will develop methods needed to generate

data for future predictive modeling of mining effects on Norton Sound Red King Crab. This study will address components of all five research priorities listed in the Alaska Essential Fish Habitat Research Plan. They include: coastal areas facing development, characterize habitat utilization and productivity, sensitivity impact and recovery of disturbed benthic habitat, validate and improve habitat impacts model, and seafloor mapping. Mabel Baldwin-Schaeffer is a graduate student working on this project and is here to provide the Council with a brief overview.

Events this week

On Thursday evening, June 5, there will be an open-to-all reception at Old St. Joe's, organized by Council staff and the Norton Sound Economic Development Corporation, along with assistance from the Nome Chamber of Commerce. This reception is being held to honor our outgoing Council Chairman Eric Olson, so please bring your favorite 'Eric moments' and join us in roasting and toasting him!