



NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

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Action Memo

File Number: REP 15-135

Agenda Date 6/1/2015

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Dan Hull, Chairman
Chris Oliver, Executive Director

SUBJECT:

Executive Director's Report (Draft NS1 Comments/Legislative updates; Fisheries Forum Information Network report)

New Staff

I am pleased to introduce our newest staff member, Shannon Gleason, who will take over a variety of duties as Administrative Assistant for the Council. Shannon will provide direct Administrative support to myself and David as well as work with Maria, Peggy, and the rest of the staff on other office duties. She will also take over from Maria as primary Administrative support for the Council during its meetings. Shannon holds a B.A. degree in Anthropology (International Cultural Immersion) and a Master's degree in Applied Linguistic Anthropology, both from Northern Arizona University.

Legislative Update (as of May 26, 2015)

The Council's newly formed Legislative Committee is scheduled to meet Tuesday, June 2, to receive an update on pending legislation, and potentially develop comments for Council consideration at this meeting (agenda **attached**). A summary of current legislation and associated information follows:

North Pacific Fisheries Convention (NPFC): Last year the Council reviewed and provided comment on implementing legislation for the NPFC, which was introduced by Senator Begich (July 3, 2014 comment letter **attached**). A revised version of this legislation was introduced by Senator Sullivan in mid-May of this year, and passed unanimously out of the Senate Commerce Committee on May 21. This version of the bill appears to address all of the concerns expressed by our Council (and others) and is expected to go to the full Senate for consideration later this year (bill **attached**). Because this version of the bill addresses previous Council comments (including Commissioner status for the three relevant Councils, Advisory Body composition and funding, deletion of the requirement for MOUs with each Council, and imposition of Convention management measures in domestic waters) I do not believe any further comment is necessary, other than to express support for the current version of the bill (per request from Senator Sullivan's office).

Magnuson-Stevens Act (MSA) reauthorization: In April of this year the Council reviewed HR1335 introduced by Congressman Young (comments **attached**). On April 30 of this year a revised version of this bill passed out of the House Natural Resource Committee (Committee print **attached**). This version of the bill was largely responsive to this issues raised in our April 21st comment letter, including re-instatement of paragraph 7 in the expanded fisheries impact statement section (the collective intent of which is to incorporate NEPA environmental impact analysis within the MSA, and thereby constitute compliance with NEPA). This version of

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the legislation also includes a provision allowing the NPFMC to implement a pollock harvest cap at up to 24% (currently 17.5%). The Council had no comment on this provision in our previous review of the bill. This version of the bill also contains a provision mandating an Arctic CDQ allocation (not less than 10%), IF the Council allows commercial fishing in this area.

The next step for HR1335 is to go to the House Floor for consideration on June 1, where several additional amendments will be introduced for consideration (email summarizing these amendments, and request for Council comments, **attached**). A total of eight amendments will be considered (also **attached**), and the major provisions of each are summarized as follows (based on my best understanding, given page and line number mismatches), with my initial comments in *italics*:

1. From Mrs. Dingell (MI) - appears to eliminate language necessary to fully allow NEPA provisions to be incorporated into MSA, and thereby satisfy NEPA requirements. *This would moot the intent of the new sections as recommended by the Council Coordination Committee.*
2. From Mr. Farr (CA) - allows use of vessel information for purposes of 'restoring fisheries habitat', as well as national security. *No comment.*
3. From Mr. Keating et al (MA) - allows expanded use of funds from Asset Forfeiture Funds. *No comment.*
4. From Mr. Lowenthal (CA) - allows for a process to decommission oil and gas rigs in the Gulf of Mexico related to red snapper conservation. *No comment.*
5. From Mr. Young (AK) - (1) adds requirement for review of LAPP programs, that following formal 5/7 year review of such programs, Council develop formal schedule for action to be taken within two years - *appears to require formal schedule in the event Council determines modifications are necessary*; (2) additional language requiring SOC to develop plan and schedule for fisheries stock assessments - *similar to provisions in previous 2014 MSA bills which we did not oppose*; (3) adds language which would require use of information from non-governmental sources, and be considered 'best scientific information available', if it meets guidelines established by SOC in consultation with Councils/SSCs - *a similar provision was contained within Senator Begich's 2014 draft legislation and we expressed concern with such provisions, and recommended removal of that section, or requiring preparation of a report rather than establishing binding guidelines, and development of plans to address deficiencies where appropriate*; (4) requires SOC, in consultation with Councils, to submit a report to Congress, within one year, that requires assessment of cost effectiveness of various monitoring methods (for example, human observers vs EM) - *no comment.*
6. From Mr. Graves (LA) - transfers management of red snapper to States in the Gulf of Mexico - *No comment.*
7. From Mr. Wittman (VA) - appears to allow use of alternative harvest controls (vs ACLs) in recreational fisheries - *No comment.*
8. From Mr. Huffman (CA) - as a substitute amendment - would introduce the 'Fisheries Economy Improvement Act', a short, streamlined bill which contains several (primarily non-controversial)

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provisions contained in other bills, but does NOT contain many other provisions such as those related to flexibility in rebuilding/ACLs, or NEPA streamlining. *No comment.*

Because of the timing of our Legislative Committee and our Council meeting, and given that consideration by the House of HR1335 and potential amendments is scheduled for June 1, it will obviously make sense to see the outcome of the June 1 House review prior to formulating any additional Council comments. I have been assured by Congressional staff that formulation of such comments will remain relevant to further consideration of HR1335 by the House, and eventually by the Senate, over the next several months.

Other MSA/related legislation: In mid-May Senator Rubio (FL) introduced a bill to the Senate Commerce Committee titled "Florida Fisheries Improvement Act" (**attached**). This bill is aimed at Gulf of Mexico red snapper issues, but contains several provisions which would apply to all Councils (alternative harvest controls for recreational fisheries; requirements for webcasting of Council and SSC meetings; flexibility in rebuilding schedules; changes to capital construction fund; requirement for National Academy of Science to develop guidance for allocations in mixed-use fisheries; requirements for SOC to develop plan for stock assessments for all managed fisheries; requirement for SOC to develop a report on incorporation of information from non-governmental sources. *No comment at this time - unsure of timing/next steps for this bill.*

On May 13, 2015 Congressman Don Young and Congressman Jaime Beutler sent a letter to NOAA Undersecretary Kathryn Sullivan requesting clarification of NOAA GC's views with regard to harvester/processor fisheries cooperatives in our Gulf of Alaska Trawl Bycatch Management Program, including how the MSA does or does not allow such cooperative formation, and legislative suggestions on how to expand MSA authority to allow the Council to consider such cooperative linkages (letter **attached**). As of May 26, NOAA has not responded formally to this request. Congressman Young's office is interested in any Council input on this issue as they consider potential MSA amendments during the reauthorization process.

In a related development, Report language from the FY2016 House CJS Appropriations Bill contains the following statement - **Fisheries Cooperatives - The Committee understands that the NPFMC may consider the possibility of authorizing fishery cooperatives between harvesters and their historic processors modeled after the GOA Rockfish Pilot Program. NMFS is directed to report on the status of this possible initiative to the Committee by November 1, 2015 including a list of any possible barriers.**

Finally, on May 19 a Statement of Administration Policy was issued by the Executive Office of the President, Office of Management and Budget, stating that the Administration strongly opposes HR1335, and would recommend Presidential veto of that bill if presented (statement **attached**).

CCC issues

The annual Council Coordination Committee will be held during the week of June 22-25, hosted by the Gulf of Mexico FMC in Key West, FL. Legislative issues, including MSA reauthorization, will be a major agenda item for that meeting. The CCC will also discuss NS1 guidelines and the potential for a CCC comment letter on the proposed rule, prior to the June 30 deadline for comments. We will receive updates/reports from a number of CCC Working Groups (Allocation Working Group, NEPA Working Group, Habitat Working Group) and discuss

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the formation of a MSA/Legislative Working Group. The full agenda for this meeting is **attached** for your reference.

NS1 guidelines

On January 20 NMFS published a proposed rule (**attached**) to revise the national standard 1 (and 3 and 7) guidelines, and at our April meeting we received a presentation from Wes Patrick (NMFS HQ) on the proposed revisions. A working group of Council and NMFS staff developed initial comments on the proposed rule (**attached**) which were reviewed by the SSC at the April meeting. An SSC subgroup is scheduled to meet on Tuesday, May 26 to facilitate development of formal comments from our SSC. Their report is **attached**. At this meeting the SSC will finalize their comments, and the Council is scheduled to review the SSC comments (as well as comments from the Staff Working Group) and develop Council comments for submittal to NMFS by the June 30 deadline for comments. Following the SSC report from this meeting, Mr. Armstrong and I will draft a comment letter for Council consideration under 'Staff Tasking'. Also **attached**, for reference, is a comment letter from the Pacific Fishery Management Council. The Council Coordination Committee (CCC) may also develop additional comments at its meeting later this month.

NPRB Arctic Program

The North Pacific Research Board (NPRB) has issued a request for pre-proposals relative to its new Arctic Integrated Ecosystem Research Program (see **attachment**). Pre-proposals are due by July 31. NPRB will review pre-proposals this fall and intends to invite full proposals in early October, with an anticipated deadline of January 15, 2016. And BTW, congratulations to Dan Hull who was elected Chair of the NPRB at their recent spring meeting!!!

Recent Staff activities

The 30th annual Lowell Wakefield Symposium, titled "Tools and Strategies for Assessment and Management of Data-Limited Fish Stocks", was held May 11-15 in Anchorage, AK. Our Council was once again one of the sponsors of this symposium, and both David Witherell and Jim Armstrong served on the Steering Committee and were session moderators during the symposium. In late April Jim also attended the Technical Subcommittee of the Canada-U.S. Groundfish Committee in Sidney, B.C. David participated as a member of the NPRB Science Panel in late April.

David and Chris (as well as Council members Tweit, Dersham, and Cross) attended the East Coast Fisheries Forum May 7-8 in Beaufort, NC, which was titled "Risk-based Management and Management Strategy Evaluation". Among the presenters at that Forum were Dr. Ian Stewart (IPHC) and Dr. Jim Ianelli (AFSC).

Staff Economists Sam Cunningham, Jon McCracken, and Sarah Marrinan attended the North American Association of Fisheries Economists (NAAFE) meeting in Ketchikan, AK May 20-22, where they collaborated on a presentation by Sarah titled "The Privilege to Process Pacific Cod: Community Protection versus Economic Efficiency in the National Standards", borrowing from their collective experience over the years with the AI cod allocation issue.

Sam Cunningham also attended the Kodiak Fisheries Workgroup's GOA Trawl Bycatch Management Roundtable in Kodiak, AK May 12, where he provided background information to the group and a look ahead

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to potential next steps by the Council.

Steve Maclean attended the "Third Meeting of Scientific Experts on Fish Stocks in the Central Arctic Ocean" April 14-16, as well as the "Research Coordination Meeting between U.S. and Russian Scientists for the Northern Bering Sea/Arctic Region" April 16-17, both in Seattle, WA. The latter meeting is associated with the U.S. Russia ICC bilateral treaty forum, and its initiative for joint research with the Russian Federation.

Events this week

On Thursday evening, June 4, there will be a community reception (open to all) at the Sitka Sound Science Center, beginning at 6 pm. Please join us there for food and drinks, and an opportunity to recognize Ed Dersham for his many years of service on the Council, as this will be his last Council meeting. This will also be Becca Robbins-Gisclair's last meeting on the Advisory Panel, as she has changed employment (Chairman Hull will make an interim appointment after this meeting to fulfill the remainder of Becca's term, through the end of this year).

FFIN update

The Fisheries Leadership and Sustainability Forum, formerly headed by John Henderschedt, has developed an interactive, on-line community to build connections and support the exchange of ideas and information within the fisheries management community. The Fisheries Forum Information Network (FFIN) is designed to help fisheries management professionals including Council members, Council staff, and other agency staff share information and resources between management regions. Katie Latanich, Forum Co-Director, is here and will provide the Council with a short overview of the program.