



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

October 3, 2022

Agenda B-2: NMFS Management Report

Status of Actions Report Online

Updated daily at: <https://www.fisheries.noaa.gov/sites/default/files/akro/amendments.pdf>

Progress on Rulemaking

Highlights on progress since the June 2022 meeting include:

- Emergency Rule to temporarily suspend the active participation requirements for Bering Sea and Aleutian Islands Crab Rationalization Program C shares published on July 15, 2022. **Effective: July 15, 2022 through January 11, 2023.**
- **Attachment 1** provides additional detail.

Inseason Management Report

Attachment 2 provides additional detail.

AKR 5 year Strategic Plan

Released on September 2, 2022, the [Strategic Plan for the Alaska Regional Office](#) of NOAA Fisheries identifies our vision and maps out a strategy to focus energy and resources on areas of emphasis and improvement over the next five years (2022 through 2027). Alaska Regional Administrator Jon Kurland further explains the plan in this [message](#). We appreciate the NPFMC's engagement in this process and have incorporated their feedback into the development of our strategic objectives.

Petition for Emergency Rulemaking to Close the Red King Crab Savings Area and Subarea to All Fishing Gears

On September 28, 2022, NMFS received a request from the Alaska Bering Sea Crabbers to undertake emergency rulemaking under section 305(c)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to close the Red King Crab Savings Area and the Red King Crab Savings Subarea to all fishing gears from January 1, 2023 to June 30, 2023. We sent a letter on September 29, 2022, offering the Council an opportunity to review and provide input on this request. If the Council does not choose to review this request, NMFS will independently review it consistent with section 305(c)(1) of the MSA.

EDR Adjustments Updates

Dr. Brian Garber-Yonts, Alaska Fisheries Science Center, will provide an update on non-regulatory changes to Economic Data Reporting (EDR) requirements as requested by the Council as part of the [February 2022 final action](#). The proposed changes cover both the EDR forms and data validation methods. EDR instructions have been revised to eliminate reference to third-party audits, while describing the data validation process using language emphasizing the



importance of providing the best available information without submitters incurring undue burden. All EDR forms have been streamlined by pre-filling portions that collect information that tends not to change from year to year. Further streamlining has been done by removing portions of EDR forms that collected duplicative data that is available from other data collection systems, such as E-landings. The presentation will also discuss how these changes are responsive to recommendations from stakeholder outreach workshops, the SSPT report, and direct consultations with EDR submitters.

National Saltwater Recreational Fisheries Policy

NOAA is revising its National Saltwater Recreational Fisheries Policy. The Policy serves as a platform to help the public understand NOAA Fisheries' perspectives and approaches to recreational fisheries issues.

The current version of the Policy was developed in 2015. This revision to the Policy is in response to the need to adapt to a changing climate and evolving needs of recreational fisheries and anglers. It is also greatly informed by the perspectives shared at the [2022 National Saltwater Recreational Fisheries Summit](#).

NOAA Fisheries is requesting input on revising the Policy during the public comment period of August 1 - December 31, 2022. [This NOAA Fisheries website](#) provides a means for the public to submit feedback on any changes or updates to the Policy. The website also shows dates for public meetings and webinars.

Crab Rationalization Cost Recovery Fee Percentage

The fee percentage will be 2.23 percent for the 2022/2023 crab fishing year ([87 FR 41292](#), July 12, 2022). This is an increase by approximately 1.14 percentage points from the 2021/2022 crab fishing year fee percentage of 1.09 percent ([86 FR 35756](#), July 7, 2021).

Crab C Shares Emergency rule - Update

Effective July 15, 2022 through January 11, 2023, NOAA fisheries issued an emergency rule to temporarily suspend the active participation requirement for captains and crew holding crew quota or C shares under the Bering Sea and Aleutian Islands (BSAI) Crab Rationalization Program (CR Program) ([87 FR 42390, July 15, 2022](#)). NOAA Fisheries invited public comments to be submitted through August 15, 2022. Three comment letters were received, two from individuals and one from a trade association representing independent crab harvesters who commercially fish for king, snow (opilio), and Tanner (bairdi) crab with pot gear in the BSAI CR Program. The two individuals submitted comments in opposition to the emergency rule and the trade association submitted a comment letter in support of the emergency rule. The full text of the comments received may be accessed at: <https://www.regulations.gov/docket/NOAA-NMFS-2022-0067>.

The Council has initiated action to analyze potential changes to the C share participation requirements; however, due to the time needed for the Council to analyze and NMFS to implement a potential change to regulations, the current active participation requirement is unlikely to be modified in regulations prior to the start of the 2023/2024 crab fishing year on July 1, 2023. NOAA Fisheries encourages all Crab C share holders to review the information and examples published on its [website](#) and in this [BSAI Crab C Share Active Participation Bulletin](#)

regarding the participation requirements that will apply to Crab C share holders for the 2023/2024 crab fishing year. NMFS encourages C share holders who, without the emergency rule, would have otherwise had their IFQ withheld or QS revoked in the 2022/2023 crab fishing year to participate in the fishery this year to avoid a similar situation in the upcoming 2023/2024 crab fishing year.

The most recent and up to date information about the Council's requests for emergency and expedited rulemaking is available on our website at:

<https://www.fisheries.noaa.gov/alaska/commercial-fishing/north-pacific-fishery-management-council-requests-emergency-actions>.

IFQ Medical Transfer Limitation

In June, the Council endorsed the NMFS action to not count medical transfers approved in 2020, 2021, or 2022 toward the use restriction of any three of the past seven calendar years. For efficiency in the rulemaking process, regulation changes to implement this have been combined into the IFQ Omnibus rulemaking package. Due to a high number of medical transfers used during the COVID-19 pandemic, NMFS recommended this action to provide flexibility for QS holders to utilize the medical transfer provision in future years. A total of 288 QS holders have utilized the medical transfer provision in 2022 for a total of 551 individual transfers (data through September), a 4-fold increase in number of QS holders from the 67 participants in 2021.

Draft 2023 ADP budget and status update

Each year the Annual Deployment Plan (ADP) describes how NMFS intends to assign at-sea and shoreside fishery observers and electronic monitoring (EM) to vessels and processing plants engaged in halibut and groundfish fishing operations in the North Pacific during the upcoming calendar year. The ADP outlines the science-driven method for deployment of observers and EM systems to support statistically reliable data collection. NMFS is developing an integrated evaluation of the partial coverage category, with a target date of being fully implemented into the 2024 ADP. At the June Council meeting, NMFS recommended and the Council supported maintaining the stratification and allocation strategy from the 2022 ADP into the 2023 ADP. This will enable staff to work on the integrated analysis. NMFS anticipates having a similar budget for partial coverage in 2023 as in 2022. The Final 2023 ADP with the final budget and resulting coverage rates will be provided to the Council under B reports in December 2022. For more information on the 2023 ADP see [slides 1-8 in the presentation](#) to the Council's Partial Coverage Fishery Monitoring Committee (PCFMAC) and the PCFMAC report posted under agenda item D5.

Observer Provider Insurance Final Rule

On August 8, 2022, NMFS issued a final rule to establish a uniform, nationally consistent minimum insurance standard that would apply in regional regulatory programs that authorize an observer provider to deploy a person in any mandatory or voluntary observer program and that specify responsibilities of authorized providers (87 FR 54902, September 8, 2022).

Discovery of first invasive green crab population in Alaska

The NMFS Habitat Conservation Division (HCD) has been partnering with the Metlakatla Indian Community to monitor for the invasive green crab since 2020 using traps and piloting eDNA sampling. On July 19, 2022 a team from HCD, Sealaska Heritage Institute, and the Metlakatla Indian Community Department of Fish and Wildlife visited sampling sites on Annette Island and conducted carapace beach surveys. Our Sealaska Heritage Institute intern made the first discovery of a green crab carapace with subsequent discovery of additional carapaces, dead and live crab in Tamgas Harbor and Smugglers Cove on Annette Island, representing a population of over 100 crabs. This is the first population of invasive green crab discovered in Alaska.



The Metlakatla Indian Community Department of Fish and Wildlife has also been collecting eDNA samples on Annette Island. We received preliminary eDNA results from the US Army Corps of Engineers (USACE) lab in Vicksburg, Mississippi. Twenty-four out of 37 eDNA samples were positive, representing 8 sites of which one has been confirmed with green crab presence from traps and carapace beach surveys. These results are encouraging for eDNA being a valuable tool to use with other sampling methods to assess the extent of green crab invasions in southern southeast Alaska. With these detection results we are planning to collect and analyze additional samples from Annette Island with our partners at the Metlakatla Indian Community Department of Fish and Wildlife.

Green crabs degrade eelgrass beds, prey on shellfish, and compete with native crabs. Additional outreach and partnering is mobilizing as a result with multiple agencies looking to increase combined monitoring, outreach, and planning efforts.

Photo 1: A carapace and whole dead invasive green crab discovered in Tamgas Harbor, Annette Island.

Photo 2: Location of discovery of invasive green crab on Annette Island, Tamgas Harbor. Note extensive eelgrass bed.



Please refer to the following references for additional information:

ADFG website:

https://www.adfg.alaska.gov/index.cfm?adfg=invasiveprofiles.europeangreencrab_characteristics

NOAA Fisheries AKR website:

<https://www.fisheries.noaa.gov/alaska/habitat-conservation/look-out-invasive-crab>

NOAA Fisheries AKR web article on discovery:

<https://www.fisheries.noaa.gov/feature-story/green-crab-detected-alaska-first-time>

Update on the proposed IPOP gold mine near Nome

The USACE has denied a permit for the proposed IPOP gold mine. The USACE determined that the proposed dredging of 4.8 million cubic yards of nearshore estuary at Bonanza Channel near Nome fails to comply with Section 404 of the Clean Water Act; in particular, the proposed project is not the least environmentally damaging practicable alternative. Additionally, they determined that the issuance of a permit would not be in the public interest with regards to recreation. USACE provided appeal options and process information to the applicant.

The proposed scope of work included dredging and placing fill in vegetated wetlands and estuarine nearshore environments that are designated essential fish habitat (EFH) for important subsistence, commercial, and recreational fishery resources. Total impacted area from the proposed mining plan would have been approximately 195 acres of waters of the U.S., including wetlands, from the dredging and disposal of approximately 4.8 million cubic yards of material (estimated to have a bulked volume of approximately 5.1 million cubic yards).

We completed our EFH consultation with the USACE for the proposed IPOP mine with a letter dated March 23, 2022. We recommended that the proposed mine not be permitted because of the potential for substantial adverse impacts to Pacific salmon EFH. We noted that the project had the potential to have substantial adverse impacts to the marine tidal estuary, including submerged aquatic vegetation, migratory routes and transition zones that are important to EFH for Council-managed species. NMFS was one of several resource agencies that objected to the proposed project.

Tribal Engagement Update

Outreach: NMFS SF staff have begun conversations with Alaska tribes and tribal associations to better understand how NMFS can improve tribal consultations and outreach. NMFS is planning to hold additional tribal engagement sessions to supplement forthcoming Council meetings and/or fishery management actions. We would like to hold additional engagement meetings with Alaska tribes and tribal partners outside of the Council process to provide a forum to explain our role in the development of fishery management actions and to hear from Alaska tribes and tribal associations on fishery management processes and issues. NMFS envisions engagement meetings could include discussing issues of particular importance to tribes, soliciting feedback and comments, and then reporting the results of such meetings to the Council. When an engagement meeting is not held prior to a Council meeting, NMFS plans to send out an informative newsletter that covers much of the same content that would be addressed in a meeting. A newsletter specific

to items that will be covered at this Council meeting was sent out on September 6 and is posted on the [NMFS webpage](#).

Consultations: NMFS has not engaged in formal tribal consultation since the June 2022 Council meeting. However, joint DOI/NOAA tribal consultations will occur in Bethel and Fairbanks on October 5 and 7. NMFS is also in the process of scheduling one additional consultation toward the end of October in response to a letter received from a coalition of tribes on a suite of tribal concerns. NMFS's response to that letter can be found [here](#).

For further information on NMFS Sustainable Fisheries tribal engagement activities please contact Kelly Cates at kelly.cates@noaa.gov.

Bull Kelp Listing Petition

On September 1, 2022, NMFS received a petition ([Link to the petition](#)) from the Center for Biological Diversity to list bull kelp (*Nereocystis leutkeana*) across its range along the Pacific Coast under the U.S. Endangered Species Act. NMFS is evaluating the petition to determine if the petition presents substantial scientific or commercial information indicating that listing of bull kelp may be warranted. [See this link for more information on how NMFS evaluates listing petitions.](#)

Initiation of 5-Year Review for the North Pacific Right Whale

On March 29, 2022, NMFS announced its intent to conduct a 5-year review of the endangered North Pacific right whale (*Eubalaena japonica*) (87 FR 17991). NMFS is required by the ESA to conduct 5-year reviews to ensure that listing classifications of species are accurate. The 5-year review must be based on the best scientific and commercial data available at the time of the review. NMFS requested submission of any such information on the North Pacific right whale from the public until May 31, 2022. Information was received from three parties and NMFS is in the process of completing the 5-year review, with hope to have it released to the public in early 2023. [Link to Notice.](#)

90-Day Finding on a Petition to Revise the Critical Habitat Designation for the North Pacific Right Whale

NMFS received a petition ([Link to the petition](#)) from the Center for Biological Diversity and Save the North Pacific Right Whale. The petition asks NMFS to include additional areas in a revised critical habitat designation to encompass a key migratory point and provide connectivity between two essential foraging grounds. Specifically, this petition seeks to connect two existing critical habitat units by extending the Bering Sea unit boundary westward and southward to the Fox Islands, through Unimak Pass to the edge of the continental slope, and eastward to the Kodiak Island unit. NMFS published a positive 90-day finding on July 11, 2022 that a revision to critical habitat may be warranted and solicited public comments until September 12, 2022. NMFS is currently conducting a review of critical habitat using the information submitted in public comments and the best available science. A 12-month finding is expected to be published in March 2023. [See this link for more information on how NMFS evaluates listing petitions.](#)

Issuance of Final 5-year Review for the Cook Inlet DPS of Beluga Whale

On Monday, September 26, 2022, NMFS announced the release of the [latest 5-year status review for the Cook Inlet Beluga Whale \(*Delphinapterus leucas*\) Distinct Population Segment \(DPS\)](#).

NMFS has concluded that no change in listing status is warranted at this time and therefore the Cook Inlet beluga whale DPS should remain listed as endangered.

ESA Status Review for Sunflower Sea Stars

On August 18, 2021, NMFS received a petition from the Center for Biological Diversity to list sunflower sea stars (*Pycnopodia helianthoides*) as threatened or endangered under the Endangered Species Act. In Alaska, sunflower sea stars occur throughout Southeast Alaska, Southcentral, and the eastern Aleutians. On December 27, 2021, NMFS published a 90-day finding that the petition presents substantial scientific information indicating that the petitioned action may be warranted. NMFS initiated a status review of the species to determine whether listing under the ESA is warranted and solicited relevant information through February 25, 2022. We anticipate that the status review and listing determination will be announced and published in the *Federal Register* by the end of the year. The petition and NMFS's 90-day finding are available at [this website](#). Additional details are available in this [webstory](#). [See this link for more information on how NMFS evaluates listing petitions](#).

List of Fisheries

The [Draft 2023 List of Fisheries \(LOF\)](#) was published in the *Federal Register* on September 9, 2022. The LOF categorizes fisheries according to their likelihood of interacting with marine mammals. It is published every year, although there are not always changes. For Alaska, there are no category changes proposed from the finalized 2022 LOF. However, there are several other minor changes being proposed in the form of additions, removals, and stock name updates of the "Marine Mammal Species and Stocks Incidentally Killed or Injured" assigned to various Alaskan fisheries. For those fisheries listed as Category II, vessel operators are required to hold a Marine Mammal Authorization Program (MMAP) certification onboard while fishing, to carry observers when required, and are subject to take reduction plans if one is deemed necessary and there are funds to support it.

Revising the Conservation Plan for Northern Fur Seals

NMFS informed the Council via a May 20, 2021, letter that we are revising the 2007 Conservation Plan for the Eastern Pacific Stock of Northern Fur Seal pursuant to section 115(b) of the Marine Mammal Protection Act. NMFS presented information on the revisions and reorganization of the conservation actions of the plan jointly with the Aleut Community of St. Paul Island regarding comanagement activities to the Ecosystem Committee on January 25, 2022. Revisions are ongoing, but have been delayed due to the departure of staff. NMFS continues to work with our comanagement partners on new content and review of this revision to the conservation plan. We now aim to complete the revised conservation plan by spring 2023.

AKR Staff Changes

Josh Keaton began serving as the Acting Assistant Regional Administrator (ARA) for Sustainable Fisheries Division (SFD) on August 29th. Josh will serve in this role until the permanent ARA position is filled. Josh came to SFD in 2001 after working as groundfish observer and has extensive knowledge of Alaska fisheries. In his time with us, Josh has obtained a master's degree in Geographic Information Systems and has pursued leadership experiences including an executive leadership program, acting supervisor role within NOAA, and leadership roles outside of NOAA. Josh became the SFD Monitoring Branch Chief two years ago.

Dr. Anne Marie Eich is the Alaska Region's new Assistant Regional Administrator for Protected Resources. Anne Marie has been with NOAA Fisheries for 11 years and with AKR for 8 years working on federal fishery management and policy implementation. She has been the SFD Deputy ARA since mid-2020 and chief of the SFD Ecosystem Branch since 2018. Anne Marie has been on a temporary detail assignment since May 8th as the acting ARA for Protected Resources. Anne Marie earned her PhD in Biology from the University of Alabama at Birmingham, a Masters in Biology from Georgia Southern University, and a Bachelor's degree from the University of Alabama.

Since June 2022, **Jennifer Watson** has been serving as Acting Deputy SFD ARA and **Doug Duncan** has been serving as the SFD Acting Ecosystem Branch Chief. In September 2022 **Stephanie Warpinski** started serving as the SFD Acting Monitoring Branch Chief.

Josh Moffi joined the SFD, Ecosystem branch on August 15. Since 2018, Josh has been a Regulatory Specialist, Biologist with the USACE at JBER. He has a BS in Marine and Freshwater Biology from the University of Guelph, in Ontario, Canada. Additionally, he brings experience from a broad portfolio of Federal, State, and University work, including protected species observing in Alaska and ESA consultations. He also has experience as a North Pacific Fisheries Observer. Josh will be the new AKR lead for seabird bycatch issues and a regulation writer.

Mike Pearson started working for the Restricted Access Management (RAM) Division on Monday, August, 29th. Mike is responsible for a wide variety of permitting services and supervision of RAM's team of Permit Assistants. This is a newly established position and part of a reorganization of RAM to include branches for both technical and records service and permitting.

Dr. Skylar Bayer joined the Habitat Conservation Division on Monday, September 26th. Skylar is a marine ecologist with expertise in shellfish population dynamics, conservation, science communication, and more. Skylar is joining us from the northeastern US where she held a faculty position at Roger Williams University's Shellfish Program and studied scallops and their fishery in Iceland as a Fulbright Scholar in 2021. Prior to that she was a postdoctoral research associate with the NMFS Milford Lab and a Knauss Marine Policy Fellow. Skylar has a PhD in Marine Biology from the University of Maine, an MS in Biological Oceanography from the MIT/Woods Hole Joint Program, and a BS in Marine Biology from Brown University.

Hiring actions in progress:

Alaska Region Tribal Liaison position was advertised as a Program Support Specialist located in Juneau, AK with an open period from August 26 through September 22, 2022.

Sustainable Fisheries Assistant Regional Administrator position was advertised as a Supervisory Fish and Wildlife Administrator located in Juneau, AK with an open period from September 9 through September 22, 2022.

Sustainable Fisheries Ecosystem Branch Chief position was advertised as a Supervisory Fishery Management Specialist located in Juneau, AK with an open period from September 9 through September 22, 2022.

Deputy Regional Administrator position will be advertised as a Supervisory Fish and Wildlife Administrator located in Juneau, AK and posted on USA Jobs soon.