



North Pacific Fishery Management Council

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Meeting Summary

249th Plenary Session
North Pacific Fishery Management Council
May 15, 2020 – Webconference – Adobe Connect

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Attachments

Timelog

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The time log is included as a reference attachment for names, dates and times of each agenda item, and the newsletter is included to provide details of the agenda items and the meeting as a whole.

The North Pacific Fishery Management Council met via Adobe Connect Friday, May 15, 2020. The following Council members and Council staff attended the webconference.

Council Members

Dr. Jim Balsiger/Glenn Merrill
National Marine Fisheries Service

Kimball, Nicole
Appointed

Rachel Baker (for Doug Vincent-Lang) *Alaska*
Department Fish and Game

Kinneen, Simon, **Chair**
Appointed

Cora Campbell
Appointed

Steve Marx (for Curt Melcher)
Oregon Department of Fish & Wildlife

Craig Cross
Appointed

Andy Mezirow
Appointed

Kenny Down
Appointed

Bill Tweit (for Kelly Susewind), **Vice Chair**
Washington Department Fish & Wildlife

Dr. Dave Hanson
Pacific States Marine Fisheries Commission

LCDR Yvonne Yang (for RADM Matthew Bell Jr)
United States Coast Guard

John Jensen
Appointed

Council Staff

Armstrong, Jim
Cleaver, Sara
Cunningham, Sam
Davis, Maria
Evans, Diana (DD)
Fey, Mike (PSMFC)

Gleason, Shannon
Haapala, Kate
Henry, Anna
La Belle, Sarah
MacLean, Steve

Marrinan, Sarah
McCracken, Jon
Schmidt, Nicole
Stram, Diana
Witherell, Dave (ED)

A Approval of Agenda and Review of Emergency Rule Criteria

A1 The Council approved the agenda without objection.

Mr. Witherell reminded the Council that for the Special Council Meeting in May, the Council limited public testimony to written statements only. Oral testimony was not taken on any agenda item at the May 2020 Council meeting.

Mr. Merrill also noted that per standing agency policy, NMFS would vote no on any emergency rules in order to preserve its opportunity to review the rule, and that this vote should not be interpreted as a policy decision being made by the agency during this meeting.

A2 Emergency Rule Criteria – Glenn Merrill, NMFS AK Region

B1 IFQ Transfer Provisions of the Halibut & Sablefish IFQ Program

Council Staff: Sam Cunningham
Presenter: Stephanie Warpinski (NMFS)

Action Required: Determine whether to request that NMFS implement emergency regulations or interim measures in response to an emergency.

***Summary:** On April 7, 2020 NMFS received a letter from halibut and sablefish IFQ fishery stakeholders requesting emergency action to respond to the challenges posed by the COVID-19 pandemic. The Council has chosen to review the emergency request and provide recommendations for NMFS and the Secretary of Commerce to consider as they respond, consistent with Section 305(c) of the MSA.*

Ms. Baker made the following motion which was seconded by Ms. Campbell:

The Council requests the Secretary promulgate emergency regulations under the authority of Section 305(c) of the Magnuson-Stevens Act to allow the temporary transfer of halibut and sablefish IFQ for all quota share holders for the remainder of the 2020 fishing season. This action does not modify other aspects of the IFQ Program.

VOTE ON MOTION: Motion passed 10/1 (Mr. Merrill voting in opposition) on May 15, 2020, at 12:57 p.m.

B2 Charter Halibut Management Measures in Area 2C and 3A for 2020

Council Staff: Sarah Marrinan
Presenters: Kurt Iverson (NMFS AKR), Sarah Webster (ADFG)

Action Required: Review proposal and comment letters and determine whether to recommend a change to the IPHC

Summary: NMFS received the B2 proposal from members of the charter halibut sector in Area 2C and 3A in response to the cancellation of cruise ship sailings, travel restrictions, and impacts of COVID-19. The proposal includes two requests. The first is to amend the established 2020 charter halibut management measures for Area 2C and 3A in light of the expected reduction in fishing effort this summer. The second request is that a mechanism be established to rollover any unused 2020 charter allocation in Area 2C and 3A to supplement 2021 catch limits.

Mr. Mezirow made the following motion which was seconded by Mr. Tweit:

The Council recommends to the International Pacific Halibut Commission (IPHC) the following management measures for IPHC regulatory Area 2C.

- In Area 2C, maintain the one halibut daily bag limit and implement a reverse slot limit with an upper limit of 80 inches and a lower limit of 45 inches (U45O80) for charter anglers for the remainder of the 2020 season.

The Council recommends to the International Pacific Halibut Commission (IPHC) the following amended management measures for IPHC regulatory Area 3A.

- In Area 3A, maintain a daily bag limit of 2 halibut, one of any size and a second fish of less than 32"; No annual limit and no daily closures. Maintain the limit for 1 trip per halibut charter vessel per day and 1 trip per charter halibut permit per day. These management measures would be in place for the remainder of the 2020 season.

The Council is very concerned about the impacts of COVID-19 related travel and health restrictions on the Charter fleet, and requests that the International Pacific Halibut Commission expedite the promulgation of this change as expeditiously as possible.

Ms. Baker made the following amendment which was seconded by Mr. Jensen:

(delete the following in ~~strike through~~, add additional language in **bold**)

- In Area 3A, maintain a daily bag limit of 2 halibut, one of any size and a second fish **of equal to or** less than 32"; No annual limit and no daily closures. Maintain the limit ~~for~~ **of** 1 trip per halibut charter vessel per day and 1 trip per charter halibut permit per day. These management measures would be in place for the remainder of the 2020 season.

VOTE ON AMENDMENT: Amendment passes with no objection on May 15, 2020 at 2 p.m.

VOTE ON AMENDED MOTION: Motion passed 10/1 (Dr. Balsiger voting in opposition) on May 15, 2020, at 2:20 p.m.

The Council took no action related to the proposals second request, to rollover any unused 2020 charter allocation from Regulatory Area 2C or 3A to the 2021 season. A Council member stated that it would be premature to take this action before there is an understanding of the unfished charter allocation remaining for 2020. Establishing a rollover mechanism prior to the fishing season could also incentivize a greater level of unfished allocation which may have otherwise been harvested in 2020.

C2 Request to Waive Halibut & Sablefish Caps in Bering Sea & GOA

Council Staff: Anna Henry

Action Required: Determine whether to request that NMFS implement emergency regulations or interim measures in response to an emergency.

***Summary:** The Council received two separate letters requesting exemptions from vessel limitations (vessel caps) in the IFQ fishery for the remainder of the 2020 season. The requests cite a potential lack of harvesting capacity and difficult economic conditions as fewer vessels operate this season due to health concerns and low prices. The letters are posted on the electronic agenda under C2.*

Ms. Baker made the following motion which was seconded by Mr. Mezirow:

The Council requests the Secretary promulgate emergency regulations under the authority of Section 305(c) of the Magnuson-Stevens Act to remove vessel use cap regulations under 50 CFR Section 679.42(h)(1) for IFQ halibut harvested in IPHC regulatory Areas 4B, 4C, and 4D for the remainder of the 2020 IFQ fishing season. This action does not modify other aspects of the IFQ Program.

VOTE ON MOTION: Motion passed 10/1 (Mr. Merrill voting in opposition) on May 15, 2020, at 3:40 p.m.

C3 Increase Annual Halibut & Sablefish IFQ Rollover Cap

Council Staff: Sam Cunningham

Action Required: Determine whether to request that NMFS implement emergency regulations or interim measures in response to an emergency.

***Summary:** The IFQ Program includes an administrative adjustment policy (underage/overage provisions) that allows quota share holders to have a margin for error in how they harvest their annual allocation of IFQ pounds. The policy was included in the original IFQ Program due to the fact that harvesting an exact number of allocated pounds is difficult and the Council did not want to incentivize discarding or high-grading fish as an IFQ permit holder approaches the full amount of their annual limit. On April 26, 2020, the Council received a stakeholder request to increase the amount of an individual's halibut and sablefish IFQ that can be rolled over to the following year if uncaught. The submitter requests that the existing 10% cap on IFQ underage rollovers be adjusted to 30% for the 2020 season and to 20% for the 2021 season. The rollover cap would revert to 10% in 2022.*

Ms. Kimball made the following motion which was seconded by Mr. Mezirow:

The Council takes no further action at this time.

VOTE ON MOTION: Motion passed with no objection on May 15, 2020, at 3:56 p.m.

C4 Request for Year-Round Halibut and Sablefish Seasons

Council Staff: Sarah Marrinan

Action Required: Review proposal and determine whether to provide recommendations to the IPHC on changing season dates.

***Summary:** Proposal C4 is a request to extend the halibut and sablefish commercial Individual Fishing Quota (IFQ) seasons to a year-round fishery, in addition to supporting the proposal to increase the current adjustment policy of 10% of unused halibut and sablefish IFQ for use in the next season (Proposal C3). The proposer advocates for this action to relieve some of the financial pressure on harvesters and processors, who have been experiencing constrained markets, as well as incurring additional costs in order to take precautions to avoid the spread of COVID-19.*

Ms. Baker made the following motion which was seconded by Mr. Mezirow:

The Council takes no action at this time.

VOTE ON MOTION: Motion passed with no objection on May 15, 2020, at 4:15 p.m.

D Other Business

Mr. Witherell previewed changes planned for the virtual Council meeting scheduled for June 2020. The Council took no action under this agenda item.

THE COUNCIL ADJOURNED ON FRIDAY, MAY 15, 2020 AT 4:29 P.M.



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TIME LOG

NPFMC May Special Meeting – 249th Plenary Session
Meeting held via web conference Adobe Connect
Friday, May 15, 2020
12 p.m. – 5 p.m. Alaska Time

A REPORTS – Approval of Agenda and Review of Emergency Rule Criteria

5/15/2020 12:00 PM Call to Order
5/15/2020 12:05 PM **A1 Motion** – Approval of the Agenda
5/15/2020 12:06 PM **A2 Emergency Rule Criteria** - Glenn Merrill

B1 Request to modify IFQ transfer provisions of the Halibut and Sablefish IFQ Program

5/15/2020 12:20 PM **B1 Presentation** – NMFS staff, Stephanie Warpinski
5/15/2020 12:41 PM **B1 Ms. Baker Motion**

B2 Request Regarding Halibut Charter Measures in 2C and 3A

5/15/2020 12:57 PM **B2 Presentation** – NMFS staff, Kurt Iverson
5/15/2020 1:07 PM **B2 Presentation** – ADFG staff, Sarah Webster
5/15/2020 1:36 PM **B2 Mr. Mezirow Motion**
5/15/2020 2:09 PM Break

C2 Request to Waive Halibut and Sablefish Vessel Use Caps in Bering Sea and GOA areas

5/15/2020 2:31 PM **C2 Presentation** – NPFMC staff, Anna Henry
5/15/2020 2:56 PM **C2 Ms. Baker Motion**

C3 Request to Increase IFQ End-of-Year Rollover Provisions

5/15/2020 3:41 PM **C3 Presentation** – NPFMC staff, Sam Cunningham
5/15/2020 3:52 PM **C3 Ms. Kimball Motion**

C4 Request to Extend the Halibut and Sablefish Season to Year-Round Fishery

5/15/2020 3:59 PM **C4 Presentation** – NPFMC staff, Sarah Murrinan
5/15/2020 4:16 PM **C4 Ms. Baker Motion**
5/15/2020 4:29 PM Meeting adjourned

May 2020 Newsletter

First Virtual Council Meeting

The Council held its first virtual meeting May 15, 2020. Council members called in via telephone in order to participate, and staff presentations were available online through the Adobeconnect meeting platform and accessible through links on the Council's [website](#). Attendees could listen in as they would during a regular Council meeting – either through their computer or through the Adobeconnect app on a phone. As always, all meeting materials were posted through links on the Council's [eAgenda](#).



Motions were posted in real time on Adobeconnect, and also posted on the Council's eAgenda while the Council deliberated. All public comment for this meeting was submitted beforehand through the Council's online commenting portal on the eAgenda.

The Council will also hold its June meeting virtually through Adobeconnect, with the added component of the public able to provide public comment over the phone during the meeting. The intent is also to use webcams for Council members and presenters during discussion and deliberation. The SSC and the AP will also be using the same platform and format. The meeting link will be the same throughout all of the June meetings: <https://npfmc.adobeconnect.com/june2020>. Detailed instructions for the public for joining and how to give public comment will be posted on the Council's eAgenda and website. Staff contact is npfmc.admin@noaa.gov.

IFQ Transfer Provisions

The Council considered a NMFS analysis of three proposed options to modify IFQ Program temporary transfer provisions. The first two options would have altered the application of the existing medical transfer provision. The third option – selected by the Council – is a **recommendation for an emergency action to allow the temporary transfer of IFQ for all quota share holders for the remainder of the 2020 fishing season**. The recommended action would not modify other aspects of the IFQ Program such as area designation, vessel size designation, use (ownership) caps, and vessel caps.



The Council recognized that travel restrictions, health mandates, and other logistical and operational challenges posed by the ongoing public health emergency present management problems for the IFQ

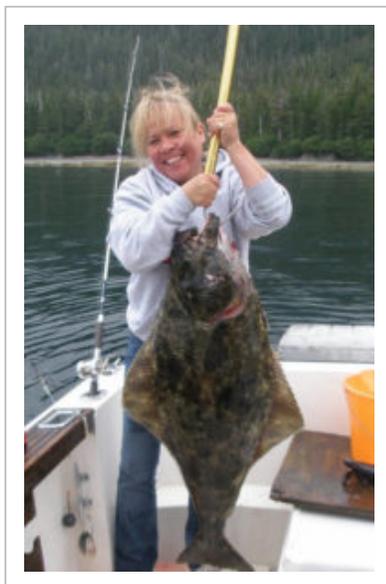
fisheries. The Council concluded that increased flexibility to temporarily transfer IFQ pounds would reduce the amount of anticipated forgone harvest and would accommodate the wide variety of operational plans that IFQ owners and vessel operators use to harvest halibut and sablefish. The Council further noted that existing hired master provisions and medical transfer provisions leave out a portion of IFQ holders who might be affected by the challenges of actively prosecuting the 2020 fishery. The Council’s recommendation also considers potential risks to individuals who are involved in the fishery but are not quota share holders. As a result, the Council chose the broadest temporary transfer provision in order to mitigate economic, social, and public health concerns. The broad temporary transfer option was also the least administratively burdensome for NMFS to implement as an emergency rule.

Staff contact is Sam Cunningham.

Charter Halibut Management Emergency Action

At the May Special Council meeting the Council took action to recommend less restrictive charter halibut management measures for International Pacific Halibut Commission (IPHC) Regulatory Area 2C and 3A for the remainder of the 2020 fishing season. The Council requests that the IPHC call an intersessional meeting to consider this recommended change for emergency action.

This decision was in response to a proposal received from Area 2C and 3A charter representatives related to the impacts of the COVID-19 pandemic on the charter halibut fishery. Within the proposal, charter representatives submitted two requests. The first request was to relax the established Area 2C and 3A charter halibut management measures (e.g. bag limits and size restrictions) for 2020. Significant charter cancellations and a large reduction in angler interest is likely to result in lower than expected levels of charter fishing effort than analysis suggested in December of 2019. Relaxing management measures are expected to provide some additional market opportunity for this struggling sector while still keeping each Regulatory Area under its allocation as established by the Catch Sharing Plan.



The Council recommended the following changes for Regulatory Area 2C and Area 3A for the remainder of the 2020 season:

	Current management measures in 2020	Recommended management measures for the remainder of 2020
Area 2C	One-fish daily bag limit with a reverse slot limit; halibut that is 40 inches or less or 80 inches or more (U40/O80)	One-fish daily bag limit with a reverse slot limit; halibut that is either 45 inches or less or 80 inches or more (U45/O80)

Area 3A	<p>A two-fish bag limit, one fish of any size, and one fish with a 26-inch size limit</p> <ul style="list-style-type: none"> ◦ An annual limit of four fish ◦ Prohibition on halibut retention by charter vessel anglers on all Tuesdays and all Wednesdays ◦ One trip per vessel and per CHP each day 	<p>A two-fish bag limit, one fish of any size, and one fish with a 32-inch size limit</p> <ul style="list-style-type: none"> ◦ No annual limit ◦ No day of the week closures ◦ One trip per vessel and per CHP each day
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These measures were chosen based on the Alaska Department of Fish and Game’s analysis which demonstrated different levels of reduced effort necessary to keep the charter sector under their catch limits for 2020. For Area 2C, a reverse slot limit with an upper limit of 80 inches and a lower limit of 45 inches is expected to be a conservative approach to relaxing charter management measures. Given the vast majority of the 2C charter anglers are non-Alaskan residents, many of whom arrive in Alaska via cruise ship, it is expected that cancellation of cruise ships, travel restrictions and general aversion to travel will significantly reduce fishing effort in this area, likely beyond this magnitude. The Council’s recommended changes for Area 3A address the need to decrease the uncertainty in removals that would result from allowing 2-fish of any size and increase the likelihood of remaining within the Area 3A allocation, while also accounting for the expectation of reduced charter fishing effort.

The Council did not choose to link the change in management measures to State of Alaska mandated travel restrictions as was proposed by the charter representatives. While these travel restrictions will likely have an impact on the tourism economy in Alaska, including the charter halibut sector, other factors such as cruise ship cancellations and widespread concerns about public health will likely continue to limit travel into the summer of 2020. Moreover, it may be operationally difficult to link these management processes, particularly if mandates are modified rather than removed or if they are removed and reinstated throughout the year. Management measures that switch multiple times in the season may be difficult to enforce and increase the likelihood of non-compliance.

The charter representatives’ second request was for a rollover of unused charter allocation from 2020 to 2021 in regulatory Area 2C and 3A. The Council is not recommending a rollover of unused 2020 charter allocation at this time. This issue may be reconsidered depending on the extend of charter allocation that remains unfished in 2020. However, the IPHC Secretariat’s comments made clear that this is an allocative issue by nature as projected harvests that are not completely taken in 2020 will be factored into the stock assessment and population dynamics in the subsequent year.

Staff contact is Sarah Marrinan.

The Council passed a motion requesting that the Secretary promulgate emergency regulations to remove vessel use cap regulations for IFQ halibut harvested in IPHC regulatory Areas 4B, 4C, and 4D for the remainder of the 2020 IFQ fishing season. This action does not modify other aspects of the IFQ Program. The Council determined that due to health concerns and logistical challenges associated with the global pandemic, vessel capacity is uncertain in IPHC regulatory Areas 4B, 4C and 4D and this action will reduce the risk that a portion of the harvest is foregone due to limited vessel capacity. This request for emergency regulations does not extend to vessel caps in other IPHC Areas or the sablefish fishery as requested in one of the stakeholder letters received by the Council. The Council determined that current circumstances do not meet emergency criteria in sablefish or halibut outside of Areas 4B, 4C and 4D because fewer vessels have operated at or near vessel caps in these areas in previous years. Additionally, substantial public comment against waiving vessel caps in sablefish and other halibut Areas, suggested that any action in these areas would benefit from the advance notice, public comment and deliberative consideration of impacts to participants, as afforded under the normal rulemaking process. The Council was clear that it strongly supports vessel caps in the IFQ Program and this emergency request represents a rare circumstance that does not indicate support to consider changing vessel caps in the future.



Staff contact is Anna Henry.

IFQ Rollover Increase & Season Extension

The Council considered two emergency IFQ fishery modifications that would have (1) temporarily increased the 10% cap on the year-to-year rollover of uncaught IFQ pounds, and (2) extended the IFQ Program to a “year-round” fishery. **The Council chose not to take action on either proposal at this time.** The Council indicated that it does not plan to revisit the proposals unless the issue is brought back to the Council by stakeholders as the 2020 fishery and the effects of the pandemic unfold.



In both cases, the Council reviewed 2020 harvest rates to-date and determined that modifying the IFQ season at this point would be premature. The Council also noted that mechanisms to account for unharvested 2020 IFQ pounds in future catch limits exist in both the stock assessment and the harvest specifications processes.

Staff contacts are Sam Cunningham and Sarah Marrinan.

