



E Staff Tasking

February 2021 Council Meeting

Action Memo

Council Staff: David Witherell, Diana Evans

Action Required:

1. Review Committees and Plan Teams
2. Receive balance of Ecosystem Committee report
3. Provide direction on tasking priorities and scheduling

BACKGROUND

Committees and Plan Teams

Membership

Attached is the updated Council committee list reflecting changes since December 2020.

Meeting status

Committee and Plan Team meetings that are currently anticipated in December through the first half of next year, at this point all likely to occur virtually, include:

- **Scallop Plan Team** – February 17, 2021
- **Social Science Planning Team** – March 4, 2021
- **Bering Sea Fishery Ecosystem Plan Taskforce on Local Knowledge, Traditional Knowledge, and Subsistence** – March 16-17, 2021
- **IFQ Committee** – March 25-26, 2021
- **Ecosystem Committee (T)** – March 2021
- **Enforcement Committee (T)** – late March 2021
- **Executive Committee** – March/April 2021
- **Partial Coverage Fishery Monitoring Advisory Committee (PCFMAC)** – April 2021
- **BSAI Crab Plan Team** – May 17-21, 2021
- **Fishery Monitoring Advisory Committee (FMAC)** – May 2021
- **EM Trawl Committee** – May 2021

Ecosystem Committee

The Council's Ecosystem Committee met on January 26 to review updates on the BS FEP (reported under Agenda item D3) and to receive updates on deep-sea coral research, EBFM operationalization at the AFSC, marine invasive species prevention best practices, and to plan the Council's second Ecosystem Workshop. The report is posted under this agenda item, and staff coordinator Steve MacLean is available to present the report if desired.

Pacific Sablefish Transboundary Assessment Team (PSTAT) project

We also want to alert the Council to an upcoming workshop that may be of interest to North Pacific sablefish stakeholders. Tentatively planned for April 27-29, 2021, the Pacific Sablefish Transboundary Assessment Team (PSTAT) is organizing a workshop for stakeholders from the US and Canada to learn more about their sablefish management strategy evaluation project and to provide feedback on the MSE goals and objectives.

The Pacific Sablefish Transboundary Assessment Team (PSTAT) is a scientific collaboration between scientists from the Northwest Fisheries Science Center, the Alaska Fisheries Science Center, the Department of Fisheries and Oceans Canada, and the Alaska Department of Fish and Game. Sablefish are assessed and managed separately by these four collaborating partners of PSTAT. However, tagging programs and tag recovery data show that sablefish move between these management regions and this movement may lead to greater uncertainty or bias in the assessment estimates of biomass. The goal of this collaboration is to develop a spatial MSE framework and movement models for Northeast Pacific sablefish using data from all regions and determine if scientific advice to managers may be improved.

Exact details about the workshop dates and agenda are being finalized, and additional details will be available through the NPFMC website as they are available. Dr. Diana Stram can provide further information as requested.

Tasking and Scheduling

Posted on the eAgenda are updated versions of tasking documents that are normally included as background material for staff tasking: the 3-meeting outlook, Council staff responsibilities, groundfish workplan update, and status of Observer Program and IFQ projects.

We continue to plan for online meetings for April and June of 2021, and we will continue to monitor prevailing COVID-19 conditions to determine when we can meet in person again (hopefully by October?). There are some substantial logistical (as well as COVID) considerations to developing a meeting model that combines in person meetings as well as remote participation of any kind – whether as testifiers, presenters, or members. For example, we need sound system equipment that allows for two-way broadcast, something we do not currently have; excellent internet support, which can be challenging in Alaska coastal communities; larger meeting space that allows for appropriate social distancing; and to plan for the COVID restrictions under which hotels may be operating based on local emergency orders. We are and have been researching all of these issues, but the time horizon to put in place such a plan for June, even if so desired, is very tight, assuming that we would need to let people know a final decision by 4-6 weeks before the June meeting. We intend to have a better outline for the Council in April as to what resuming in person meetings might look like.

Assuming then that we are meeting virtually, we have had some interest in changing the June meeting dates (currently June 7-11 and 14-18), to end the meeting earlier. The two ways we could do this would be a) move the meeting a week earlier, or b) hold the Council meeting over the weekend and end on Wednesday.

- Change meeting dates to June 1-4 (Tues-Fri) and June 7-11. Under this scenario, the AP and SSC would meet for 4 days only, starting Tuesday, June 1st, which is the day after Memorial Day, and the Council would meet the following week. Downsides: under this scenario, we would need to manage agenda items on the June agenda to keep within the shorter meeting timeframe. We should also notify people as soon as possible, as members have not planned to keep these dates free for the Council meetings.
- Change meeting dates so that the SSC and AP still meet June 7-11, and the Council meets June 11-16, beginning on Friday, continuing through the weekend, and ending Wednesday June 16. Downsides: in addition to the fatigue induced by 10 days straight of all-day online meetings, we have also found that it takes longer to turnaround AP and SSC reports in virtual, because

members are not traveling and thus have home/life obligations in the evenings and weekends that prevent them from finishing and reviewing reports. Under this scenario, we would likely schedule a report-writing day mid-week for the SSC (which also shortens their available agenda time), and the Council would likely still have to take action on some issues without AP/SSC recommendations, or at least with skeletal recommendations and no accompanying rationale. Also, we have some technical caution about meeting on weekends, as that is generally when updates are pushed out that can cause substantial delays with the meeting platform. A modification to this option could be for the Council to meet on only one of the weekend days, rather than both, which would push the scheduled meeting dates to June 17th.

Draft April 2021 agenda

A preliminary April 2021 agenda is posted to the eAgenda for your review. Please note that this draft is for discussion purposes, and will be revised after this meeting. Consistent with our current practice for virtual meetings, we are planning 7 hour meeting days and not meeting over the weekend in April, with the SSC and AP meetings overlapping during the first week. The agenda item that must be taken up in April is scallop harvest specifications.

Public Comment

Several written public comments have been submitted under this agenda item, and many of them reference requests for Council emergency action in 2021. Should the Council choose to consider any of these emergency requests, we have posted the NMFS policy guidelines on the use of emergency rules to the Council eAgenda, and a brief summary is provided below.

Section 305(c) of the Magnuson-Stevens Act provides authority for rulemaking to address an emergency. Under that section, a Council may request emergency rulemaking if it finds an emergency exists. NMFS's Policy Guidelines for the Use of Emergency Rules provide that **the legal prerequisite for such rulemaking is that an emergency must exist, and that NMFS must have an administrative record justifying emergency regulatory action and demonstrating compliance with the Magnuson-Stevens Act and the National Standards**. Emergency rulemaking is intended for circumstances that are "extremely urgent," where "substantial harm to or disruption of the fishery would be caused in the time it would take to follow standard rulemaking procedures." The guidelines include three criteria that define an emergency:

1. Results from recent, unforeseen events or recently discovered circumstances;
2. Presents serious conservation or management problems in the fishery; and
3. Can be addressed through emergency regulations for which the immediate benefits outweigh the value of advance notice, public comment, and deliberative consideration of the impacts on participants to the same extent as would be expected under the normal rule making process.