



NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

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Action Memo

File Number: REP 16-001

Agenda Date 2/1/2016

Agenda Number: B1

Dan Hull, Chairman
Chris Oliver, Executive Director

SUBJECT:
Executive Director's Report

Halibut/IPHC meeting

Chairman Hull and I will be attending the annual meeting of the IPHC in late January, to address the Council's halibut management Framework document, and to provide input on several other issues including our recommended charter halibut management measures for the 2016 fisheries in Areas 2C and 3A and our request to allow retention of halibut in GOA sablefish pot fisheries. Our annual management letter to the IPHC which details these and other issues is **attached**. Dr. Leaman will be providing the Council an agency report from the IPHC (B-6), and we anticipate further IPHC input under the halibut management Framework agenda item (C-4).

Pursuant to the Council's December motion on the halibut management Framework, Chairman Hull did establish a Council halibut management Committee, consisting of three Council members (Hull, Kinneen, and Cross) and the three U.S. halibut Commissioners (Balsiger, Kauffman, and Alverson). We were unable to coordinate an initial meeting of this Committee prior to the IPHC annual meeting, but are anticipating it would meet this spring, perhaps in conjunction with our April Council meeting in Anchorage. Potential formation of a broader 'Joint Protocol Committee', which could include Canadian Commissioners, is pending feedback from the IPHC.

Regarding the Council's action in December to form an interagency staff working group to pursue abundance-based PSC approaches, we have formed that workgroup consisting of Diana Stram (NPFMC), Bruce Leaman (IPHC), Rachel Baker (NMFS Region), Jim Ianelli (NMFS AFSC), Dana Hansleman (NMFS AFSC), and Carey McGilliard (NMFS AFSC). An initial organizing teleconference was held on January 19, and an initial report to the Council (and SSC) is scheduled for our April 2016 Council meeting. The discussion paper developed by Dr. Steve Martell will be incorporated within the workgroup's consideration.

SSC and Plan Team nominations

Dr. Ian Stewart (**letter and resume attached**) has been nominated for the Council's Scientific and Statistical Committee to replace Dr. Steve Martell as the IPHC's representative on our SSC. If approved by the Council, Dr. Stewart would begin SSC service at our April 2016 meeting.

Ms. Miranda Westphal (**letter and resume attached**) has been nominated by ADF&G to serve on the Council's BSAI Crab Plan Team to replace Heather Fitch. Ms. Westphal is now the BSAI area biologist within the Commercial Fisheries Division, overseeing management of crab, groundfish, scallop, and subsistence

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fisheries.

Dr. Ken Goldman (**letter and resume attached**) has been nominated by ADF&G to serve on the Council's Scallop Plan Team, to replace Rich Gustafson. Dr. Goldman serves as the Groundfish and Shellfish Research Biologist for the Central Region out of Homer.

Mr. Ben Williams (**letter and resume attached**) has also been nominated by ADF&G to serve on the Scallop Plan Team, to replace Greg Rosenkranz. Mr. Williams is a fisheries scientist within the department with various duties, including serving as the statewide scallop biometrician.

The SSC will review these Plan Team nominations and provide recommendations to the Council during this meeting. The Council will discuss the nominations in Executive Session.

Legislative update

NOTE: THE FOLLOWING MATERIALS AND ATTACHMENTS WILL ALSO SERVE AS THE BRIEFING MATERIALS FOR THE COUNCIL'S LEGISLATIVE COMMITTEE (**agenda attached**), MEETING ON TUESDAY, FEBRUARY 2, FROM 9:00 AM TO NOON IN THE PARLIAMENT ROOM

NOAA's draft guidance for review of catch share programs

In October 2015 NOAA released the document "Draft Guidance for Reviews of Catch Share Programs (CSPs)", and requested comments by November 20 (**attached**). Based upon significant concerns expressed by several of the regional fishery management Councils, NOAA agreed to postpone finalizing this guidance until further discussion by the Council Coordination Committee (CCC) which meets in late February 2016. NOAA also requested initial comments from the Councils by the end of January, in order to prepare for the pending CCC meeting. My initial comments (**attached**), are based on extensive discussions with both Council and NMFS Region staff, as well as other Council Executive Directors. I am providing them for review by the Legislative Committee and Council, in the event you wish to formulate further input that we could bring to the pending CCC meeting, where we expect this to be a major agenda item for discussion.

Update on review of recusal determinations

In August 2015 our Council requested (and the CCC concurred) NOAA to review the regulations pertaining to Council member recusal determinations. That letter, including the memo requesting CCC discussion, is **attached**. The gist of the request was for NOAA to consider revising the regulations, or consider policy guidance which would rectify what we viewed as an erroneous interpretation of the existing regulations with regard to calculating a Council member's financial interest. This issue could also potentially be resolved through the MSA reauthorization process. The agency committed to such an internal review and is expected to update the CCC on their findings later this month. In the meantime, on January 11, 2016, Senator Sullivan sent a letter to Dr. Sullivan (NOAA Administrator) urging resolution of this issue (**attached**). We are expecting an update from the agency at our upcoming CCC meeting.

Magnuson-Stevens Act reauthorization

The Senate Commerce Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard is scheduled to hold an oversight hearing on Thursday January 28, under the general topic of MSA reauthorization. However,

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It is my understanding that this hearing will be limited to one small panel of NOAA representatives to focus on the history of the Act and National Standard 1 revisions. Later this month, during the week of our CCC meetings in Washington, D.C., Chairman Hull and I have scheduled meetings with our Alaska Congressional delegation (Senator Sullivan, Senator Murkowski, and Congressman Young), as well as with staff from the Senate and House Subcommittees, where we hope to learn more regarding the timing for further MSA reauthorization efforts.

North Pacific Fisheries Convention

A hearing by the House Natural Resources Subcommittee on Water, Power, and Oceans is tentatively scheduled for March 1, 2016, which is the week following our CCC meeting in D.C. This hearing will focus on proposed implementing legislation for both the North Pacific Fisheries Convention (for which Chairman Hull is our Council's representative on that delegation) and the South Pacific Fisheries Convention. It is anticipated that we (Mr. Hull) will be invited to testify at that hearing. You will recall that we have commented extensively on earlier versions of proposed implementing legislation for the NPFC. In July 2014 we sent comments to Senator Begich (**attached**) which expressed a number of concerns with the implementing legislation that was originally introduced for the NPFC. In 2015, Senator Sullivan introduced legislation which passed out of the Senate Commerce Committee and which appeared to address all of the concerns expressed by our 2014 comment letter. Upon request from the Senator's office, we expressed our general support for that version of the legislation (June 2015 letter **attached**). In late July 2015, Congressman Young introduced HR 3269 on the House side, which is essentially identical to the Sullivan bill on the Senate side.

In January 2016, the House Resources Subcommittee staff released a discussion draft bill (**attached**) titled "Pacific Fisheries Conventions Act of 2015", which would combine implementing legislation for both the North (Title I) and South (Title II) Pacific Fisheries Conventions. Upon review, Title I appears to be essentially identical to the 2015 Sullivan bill which passed out of the Senate Commerce Committee, and Congressman Young's HR 3269, though it is possible there could be changes to this discussion draft prior to the March 1 scheduled hearing. If there are no major changes, it is likely that our testimony at the hearing would be quite concise, based on our previous review and support of the Sullivan bill. One issue which continues to be a source of contention is the size of the delegation proposed in these bills (i.e., the number of U.S. Commissioners and Advisors). Currently the bill includes Commissioner status for the Chairs (or designees) of the North Pacific, Pacific, and Western Pacific Councils, as well as an 11 member Advisory Committee. A summary of the major provisions of the discussion draft was provided to us as part of our legislative liaison contract with Mr. Dave Whaley (**attached**).

Other informational items

For your information, and to provide examples of some of the work products being developed by Mr. Whaley for the eight regional fishery management Councils, I have included **three attachments**. The first two are monthly updates from November and December 2015, and the third is a summary of the December 18, 2015 Consolidated Appropriations Act with regard to key fisheries related provisions.

Staff/Council member activities since December

Sam Cunningham (NPFMC staff) accompanied Council representatives Dan Hull and Nicole Kimball to Sand

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Point, AK for an outreach meeting regarding GOA Trawl Bycatch Management. The meeting was attended in person by 18 trawl participants, one processing plant manager, and several Aleutians East Borough representatives. Three individuals from King Cove, AK participated by phone, as did two individuals in Anchorage and one in Seattle. Council representatives worked through the current set of alternatives and answered stakeholders' questions. The outreach team received comments on the fleet's priorities as well as feedback on each of the four alternatives under consideration. Staff has provided a meeting summary document under the C-2 agenda item.

Myself and other Council staff, beginning in November and continuing in December and January, have had several meetings with representatives from the Government Accounting Office (GAO), regarding their review of NOAA's climate science strategy (August 2015), and their study of NOAA's state of knowledge about the existing or expected impacts of climate change on fisheries in our region. Our input into their study has been coordinated with our NMFS Alaska Region and AFSC partners, and will likely be further informed by ongoing initiatives including the climate vulnerability assessment and development of a regional climate science strategy.

Diana Stram organized a crab modeling workshop in January 2016, the results of which will be reviewed by the SSC at this meeting. Under agenda item C-3, Dr. Stram can provide the Council a brief overview of this workshop. Dr. Stram also participated (January 22) in the annual meeting of the Alaska Sea Life Center's Scientific Advisory Committee.

Steve Maclean attended the Alaska Eskimo Whaling Commission annual meeting in December, providing information to the Commission regarding bycatch mitigation measures in the BSAI, after concerns about an entangled bowhead whale near St. Lawrence Island.

Sarah Marrinan participated in the Alaska Sea Grant workshop, Fisheries Access for Alaska - Charting the Future, in early January. I also understand other members of the Council family were in attendance, including Nicole Kimball and Duncan Fields.

Events this week

Mid-water Trawlers Cooperative is hosting a reception on Wednesday evening from 5:30-7:30 pm at the London Grill (downstairs in the Benson Hotel). The reception is open to all.