



E Staff Tasking

October 2021 Council Meeting

Action Memo

Council Staff: David Witherell, Diana Evans

Action Required: 1. Review Committees and Plan Teams
2. Provide direction on tasking priorities and scheduling

BACKGROUND

Committees and Plan Teams

Membership

Attached is the updated Council committee list reflecting changes since June 2021. In the June 2021 newsletter, the Council issued two calls for nominations, for a partial coverage observer representative on the Council's **Partial Coverage Fishery Monitoring Advisory Committee (PCFMAC)**, and for an additional EM service provider for the **Trawl EM Committee**. Neither vacancy was filled as the Council did not receive nominations for these vacancies.

Meeting status

The following Committee and Plan Team meetings that are currently anticipated for the rest of the year and early next. All meetings in 2021 will be virtual.

- **Charter Halibut Management Committee** – October 26-27, 2021, and December 6, 2021
- **BSFEP Local Knowledge/Traditional Knowledge/Subsistence (LKTKS) Taskforce** – November 8th and 10th, 2021
- **BSAI and GOA Groundfish Plan Teams** – November 15-19, 2021
- **BSAI Crab Plan Team** – January 10-14, 2022
- **Ecosystem Committee** – January 25, 2022 (T)
- **BSFEP Climate Change Taskforce (CCTF)** – January 2022 (T)
- **PCFMAC** – February 2022 (T)

Second Council Ecosystem Workshop

In June, the Ecosystem Committee minutes reported on progress with planning a second Council Ecosystem Workshop. At that time, the suggested target was that it be a day and a half workshop held in conjunction with the April 2022 Council meeting. Given the change in the trajectory of the pandemic since that time, and the recognition that social interaction among workshop participants will be key to its success, the Committee subgroup working on planning is now recommending a new **target date for the workshop, to be held in conjunction with the October 2022 Council meeting** (likely during the week of October 3-7, 2022). The Ecosystem Committee will report back to the Council at the February meeting with a developed proposal, but wanted the Council calendar to reflect these tentative dates in order to notify interested participants who may need to plan for travel in their 2022 budget.

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.

Analytical staff capacity

As identified in the Executive Director's report, the Council's analytical staff will be operating at reduced capacity for the immediate future, with two departing staff members. While we are actively recruiting to replace at minimum one analyst, the Council should be aware that our existing analytical capacity is fully subscribed or oversubscribed with ongoing analytical projects and committee/Plan Team responsibilities. As such, any new tasking will necessitate clear discussions about priority, and as staff adjust to the Council's priorities, the timeline for some existing issues may be delayed.

Update on OECM paper

In April 2021, the Council requested staff prepare a comprehensive review of marine managed areas off Alaska, and summarize whether the Council's existing area closures and other measures meet the IUCN criteria for Other Effective Area-based Conservation Measures (OECM). Staff work to address this request is also contributing to a CCC subcommittee looking at this issue from the national perspective. A separate attachment under this agenda item provides an update on this review.

Draft December 2021 agenda

A preliminary December 2021 agenda is posted to the eAgenda for your review. Please note that this draft is for the purpose of discussion and feedback, and it will be revised after this meeting. As announced in September, the meeting will be held virtually. As currently envisioned, there are relatively few agenda items planned for the December agenda, as we anticipate that completing final groundfish specifications, annual charter halibut measures, and final action on the BSAI halibut ABM action will take the majority of available time. The SSC and AP are both scheduled to meet December 2-3rd and 6-8th, and the Council is scheduled for December 8-10th and 13-15th, with the 16th available to continue as necessary.

Specific to BSAI Halibut ABM, the public comment period for the Draft EIS prepared to support for that action is currently open. NMFS is accepting public comments until October 25, 2021. Submit all electronic public comments via the Federal eRulemaking Portal by going to <https://www.regulations.gov> and entering [NOAA-NMFS-2021-0074] in the Search box. NMFS and Council staff will summarize comments received on the draft EIS and present them as part of the December 2021 Council agenda item.

Planning for upcoming meetings

A separate attachment discussing considerations for upcoming Council meetings is posted to the eAgenda for your review. We are planning for return to in-person Council meetings beginning in 2022, and have been evaluating all the factors that form part of that decision, including opportunities for remote participation (for example, testimony), and potential accommodations for COVID protocols.

Public Comment

Ten written public comments have been submitted to the Council, and are available on the eAgenda.

Among the comments, there is a request for emergency action. To help the Council evaluate the request, we have attached the NMFS Emergency Rule Policy Guidelines, which can be summarized as follows. 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.