



NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

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Action Memo

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Agenda Date 6/6/2016

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Dan Hull, Chairman
Chris Oliver, Executive Director

SUBJECT:
Executive Director's Report

Legislative Update

There has been no movement on Magnuson-Stevens Act (MSA) reauthorization, and it remains unclear whether there will be any movement this year. Regarding the implementing legislation for the North Pacific Fisheries Convention (NPFC), there has been considerable movement over the past two months. On May 17, the U.S. Senate passed S.1335 (**attached**), the 'Ensuring Access to Fisheries Act', Title I of which addresses the North Pacific Fisheries Convention, and which is consistent with the previous Senate version (introduced by Senator Sullivan) which addressed all of the primary concerns expressed by our Council, relative to earlier proposed legislation. It includes Commissioner status for the North Pacific, Pacific, and Western Pacific Councils, and also establishes a large, permanent Advisory Committee. It provides for funding of this Advisory Committee, and a separate section also provides for funding of advisors for the Bering Sea Fisheries Advisory Body (BSFAB) to the U.S./Russia ICC, and for the North Pacific Anadromous Fish Commission (NPAFC).

On the House side, H.R. 4576 contains similar provisions, but is still being negotiated within the House Resources Committee. Two of the primary sticking points for resolution continue to be (1) the number of Commissioners to the Convention, and (2) the size, and cost implications, of the Advisory Committee. It is anticipated this will be resolved soon, and that the House can approve some version of this implementing legislation before the summer is over.

CCC meeting

The agenda for the May 24-26 Council Coordination Committee is **attached** for your reference. Myself, Chairman Hull, Vice-chairman Tweit, and David Witherell were in attendance. A brief summary of the status of major issues warranting Council attention follows:

In April I provided to you a comment letter on the proposed rule for establishment of a standardized bycatch reporting methodology (SBRM), with comments due April 25. Our major concerns were that this rulemaking would require considerable work to accomplish what we are, in essence, already doing through our comprehensive catch accounting system (CAS). The agency acknowledged receipt of our comments, and intends to proceed with a final rule at some point, so no further discussions occurred at the CCC meeting. Stay tuned.

In January we provided extensive comments on the Agency's "Draft Guidance for Conducting Reviews of

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Catch Share Programs'. You will recall that we (and other Councils) had significant concerns regarding the scope and resource requirements of what was being proposed in that draft guidance, and we requested further discussion at our CCC meeting prior to NMFS finalizing that guidance. I am pleased to report that the Agency was quite receptive to these collective Council comments, and the revised guidance (**attached**) represents a vast improvement over the original version. However, there are some areas of the revised guidance that continue to generate some serious concerns. We have until the end of this month to provide additional comments, and I will be drafting an additional comment letter for Council review at this meeting (**attached**) to address these specific, lingering concerns.

On May 23, the day prior to the CCC meeting, NMFS released its final Policy Directive on ecosystem-based fishery management (EBFM), and the accompanying draft EBFM 'roadmap', which is intended as a national level implementation plan for EBFM (both documents **attached**). They are seeking Council comments by mid-July, prior to releasing the document for further public comment. Based on initial discussions at the CCC meeting, the Councils shared a general concern that this 'roadmap' is creating an additional, large substructure within the agency, with attendant resource demands, which could represent a tremendous workload for the Councils, Regional Offices, and Science Centers to accomplish what we are already accomplishing without a specific 'roadmap'; i.e., writing a large check at the national level that we may be expected to cash at the regional level. Because we have not had a chance to conduct a detailed review at the staff level, and because of the potential significance of this document, we have made an informal request to the Agency to extend this comment deadline for the Councils, in order to allow us to vet the document through our Ecosystem Committee and allow for meaningful Council review at our October meeting. Depending on the response from the Agency, I will be drafting an initial comment letter (with general comments) this week, with the expectation of the opportunity to prepare more detailed comments following review by the Ecosystem Committee and the Council (**attachment pending**).

With regard to the conflict of interest/recusal issue, and in particular the policy they apply with regard to the attribution of fishing company/entity ownership, we again discussed this issue with NOAA Fisheries leadership, including the Office of General Counsel. The bottom line is that they do not intend to change the way they apply the attribution standard, and any level of ownership will continue to result in all of the landings of that entity accruing in the conflict of interest calculation. While this is a disappointing outcome to this issue, the Agency did commit to making the process for recusal determinations more transparent and expeditious.

The CCC received a report from the organizers of the Essential Fish Habitat (EFH) Summit which occurred in mid-May in Annapolis, MD. This Summit was attended by Bill Tweit, David Witherell, and Steve Maclean, and was organized by the Fisheries Leadership and Sustainability Forum. Mr. Tweit may have additional comments on this issue for Council consideration.

At the request of the Western Pacific Fishery Management Council, due to their concerns over a potential expansion of closed areas as Marine National Monuments, the eight Council Chairs signed a resolution (intended for the White House) noting the success of the regional fishery management Council process, and recommending that if any designations are made under authorities such as the Antiquities Act of 1906, that fisheries management measures be developed, analyzed, and implemented through the MSA process (resolution **attached**).

And just in this week, received on June 1, the DRAFT 140 page "Ocean Noise Strategy Roadmap", for which

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comments are due July 1 (executive summary **attached**). I have not reviewed this document, but expect it to be of minimal direct relevance to our fisheries; however, I will have staff take a look at this document, in the event there are any implications to our fisheries, particularly with regard to marine mammals or other protected species. We are also anticipating soon another document which will be of relevance to our process - NMFS National Economic Guidelines on Impact Analysis - so stay tuned for that one as well.

Plan Team and SSC nominations

We have a number of Plan Team nominations to review: (1) The State of Alaska has nominated Mr. Ben Williams for the Gulf of Alaska groundfish Plan Team, to replace Kristin Green who has taken a new position within the department. Ben is a fisheries scientist with statewide responsibilities for groundfish and scallop fisheries, and is currently completing his PhD; (2) The IPHC has nominated Dr. Allan Hicks for the Bering Sea/Aleutian Islands groundfish Plan Team, to replace Dr. Ian Stewart who now serves on our SSC; and, (3) NOAA Fisheries headquarters has nominated Dr. Patrick Lynch for a one-year appointment to the Gulf of Alaska groundfish Plan Team. Dr. Lynch is the National Stock Assessment Coordinator and would bring considerable modeling and other expertise to the Plan Team. Their nomination letters and resumes are **attached**, and will be reviewed by the SSC at this meeting.

We also received a nomination letter from the USFWS (**attached**) to appoint Dr. Lew Coggins to the SSC. Dr. Coggins has been serving recently as an alternate for Dr. Terry Quinn (who was on sabbatical), and the Council has previously reviewed and approved his resume and credentials. His appointment would fill a long-vacant USFWS seat on our SSC.

IPHC issues update

Following on our discussions at the April meeting, Chairman Hull has provided a response to the February 25 letter from the IPHC regarding development of our Halibut Framework and associated issues. Our response letter is **attached**, and focuses on continued coordination with the IPHC on such important issues as our discard mortality rate (DMR) initiative and our abundance-based PSC initiative (public workshop is planned for September 12 to review the discussion paper being prepared by our inter-agency workgroup). Our letter also acknowledges the need for improved communication, likely through annual joint meetings with the full Council and Commission, rather than through a separate joint protocol committee. Council staff will be updating the Halibut Framework over the summer, to incorporate Council direction from February and April, address some of the IPHC comments on the research section, and to generally reorganize the document prior to Council review in October.

Since our April Council meeting, Chairman Hull has also participated in meetings of the IPHC's Management Strategy Advisory Board (MSAB) and can provide an update on that process at this time.

BSAI FMP Summaries and Community Profiles

In the arena of public information and outreach, over the past several months we have been working on two publications (**attached**) which should be of interest to many: (1) Amendment Action Summaries for our BSAI Groundfish FMP, which contains summary information for each of our 123 (to date) plan amendments. I believe these will be very useful reference documents, for the public as well as for our own analysts. Kudos to our Alaska Sea Grant fellow Matt Robinson for organizing and completing this project; (2) Fishing

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Communities of Alaska Engaged in Federally Managed Fisheries, developed by Michael Fey (PSMFC) with assistance from our staff and Northern Economics, provides a region-by-region summary of coastal community involvement in federally managed fisheries, with more detailed information on the communities with the most significant participation in these fisheries. We believe this document will also be a useful reference for both the public and analysts working on North Pacific fisheries issues.

Some key vacancy announcements

Two key vacancy announcements in North Pacific fisheries were recently posted, and are **attached**: (1) the Executive Director position at the North Pacific Research Board (NPRB) is open for applications until June 24, and (2) the Federal Fisheries Coordinator position at ADF&G has been posted and is open for application until June 30.

Events this week

There are a number of events happening this week. On Wednesday evening, June 8, we will be holding a reception to honor a few outgoing Council members - Mr. Dave Long, Captain Phil Thorne, and Kodiak's own Duncan Fields who is completing his 9th year as a Council member. This event is being co-sponsored by the Council, the Kodiak Island Borough, the City of Kodiak, and the Kodiak Chamber of Commerce, and begins at 6 pm at the Afognak building on Near Island. Shuttles will be available beginning at 5:40 pm. See **attached** flyer.

On Thursday, June 9, the University of Alaska Fairbanks and Alaska Sea Grant will be hosting a reception at the Kodiak Seafood and Marine Science Center (formerly the FITC), beginning at 5:30 pm. New SFOS Dean Brad Moran will be on hand, along with UA VP for Workforce Programs Fred Villa, and Sea Grant Director Paula Cullenberg. There will be a tour of the facility and a brief presentation on current and future program initiatives, along with food and beverages. Flyer **attached** for more information.

On Friday, June 10, Linda Kozak has organized a showing of the Discovery Channel's "Mighty Ships" series featuring the F/V Northern Leader, which will also be at the Afognak building on Near Island. Dinner will be served and will feature, of course, Alaskan longline caught Pacific cod, beginning at 5:30 pm. Show time is 6 pm. This is an RSVP event - please see **attached** flyer for details.

On Saturday, June 11, from 5:30 to 8 pm, numerous groundfish industry groups have organized a "Groundfish Parade and Festival", to be held on Oscar's dock on the far side of the main harbor. The event will feature free food and games for kids and adults. Raffle proceeds will be donated to the Brother Francis Shelter and to the Kodiak food bank. Flyer **attached** for more information.