



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

December 3, 2021

Agenda B-2: NMFS Management Report

Status of Actions Report Online

Updated daily at: <https://www.fisheries.noaa.gov/sites/default/files/akro/amendments.pdf>

Progress on Rulemaking

Highlights on progress since the June 2021 meeting include:

- Final Rule to Implementing Amendment 14 to the Fishery Management Plan for the Salmon Fisheries in the Exclusive Economic Zone (EEZ) Off Alaska (Salmon FMP) published on November 3, 2021. Effective date: **December 3, 2021**.
- The comment period for the draft environmental impact statement (DEIS) for the Bering Sea and Aleutian Islands halibut abundance-based management of Amendment 80 prohibited species catch limit closed on **October 25, 2021**. Staff prepared a Comment Summary Report, available on the Council's December agenda under C2 BSAI Halibut abundance-based management (ABM).
- Comment period for the proposed rule to remove GOA sablefish IFQ pot tag and notary requirements ended on **November 5, 2021**.
- Comment period for the proposed 2022 and 2023 BSAI harvest specifications for Groundfish ends on **January 3, 2022**.
- Comment period for the proposed 2022 and 2023 GOA harvest specifications for Groundfish ends on **January 5, 2022**.
- **Attachment 1** provides additional detail.

Regulatory Correction

An error has been identified in Table 10 and Table 11 to Part 679. These regulatory tables were revised twice in 2020 and in the second rule, several footnotes were inadvertently omitted. These footnotes were originally added by the [final rule implementing Amendments 119/107](#) that required full retention of all rockfish caught by catcher vessels in the BSAI and GOA using hook-and-line, pot, or jig gear and specified at § 679.20(j). NMFS is preparing to publish a correcting amendment in the **Federal Register** to revise these tables in the eCFR.



Observer Provider Insurance – Proposed Rule

On November 22, 2021, NMFS published a proposed rule to establish a uniform, nationally consistent minimum insurance standard that would apply in regional regulatory programs that authorize an observer provider to deploy a person in any mandatory or voluntary observer program and that specify responsibilities of authorized providers. NMFS has concluded that this action is necessary to clarify the types of insurance that are appropriate to address the financial risks that observer coverage presents in any federally managed fishery that is subject to observer coverage. The proposed rule is available at <https://www.federalregister.gov/d/2021-25367>. Comments are invited through **January 21, 2022**.

Annual Deployment Plan for Observers and Electronic Monitoring

The final 2022 Annual Deployment Plan (ADP) for Observers and Electronic Monitoring (EM) in the Groundfish and Halibut Fisheries off Alaska is posted under the B-2 Agenda Item. Key aspects of the deployment plan are provided in the executive summary of the final ADP.

The North Pacific Observer Program is the largest observer program in the country and covers vessels in both partial coverage and full coverage. In the full coverage component of the program, every trip is monitored by 1 or 2 observers and the vast majority of groundfish harvest is covered by this portion of the program. In 2022, NMFS expects to monitor 3,012 trips, consisting of an estimated 17,936 days, in the full coverage component of the program. In comparison, NMFS estimates that 990 trips and 4,579 days will be monitored for catch accounting in the partial coverage category.

The ADP focuses on the partial coverage portion of the program because data from monitored trips are used to make estimates for unmonitored trips, which requires a deployment design to ensure that data are representative. The 2022 budget for EM and observer deployment in the partial coverage component of the program is \$5.22M, which sustains the fixed-gear EM program at \$1M and funds at-sea and shoreside monitoring by observers. Consistent with current public health mandates in the state of Alaska, at-sea observers will be deployed from all ports, as opposed to the limited selection of ports from which observers were deployed during the end of 2020 and the beginning of 2021.

The fixed-gear EM pool will consist of 171 vessels approved by NMFS. Three vessels that participated in fixed-gear EM during 2021 requested to be removed from EM and were replaced by 3 vessels new to EM for 2022. An additional 7 vessels requested to be in the EM pool but were not approved by NMFS due to the inefficiencies of having hardware committed to vessels with very minimal fishing effort. These vessels may be good candidates for mobile EM systems currently being tested. The trawl EM pool is composed of all vessels fishing under an Exempted Fishing Permit (EFP) to evaluate the efficacy of EM on pollock catcher vessels using pelagic trawl gear in the Bering Sea and Gulf of Alaska. In 2022, 79 vessels are expected to participate in Trawl EM.

The deployment rates (rounded to the nearest whole number) for partial coverage strata in 2022 are—

- No Selection – 0%

- Hook-and-line – 19%
- Pot – 17%
- Trawl vessels not participating in the EM EFP – 30%
- Fixed-Gear EM – 30%
- Trawl EM EFP–100% at-sea EM; plus: 30% shoreside monitoring in GOA or 100% shoreside monitoring in BS

Cost recovery Fee Percentages

On November 30, 2021, NMFS published a notice providing the cost recovery fee percentages for the American Fisheries Act (AFA), Aleutian Islands Pollock (AIP), Amendment 80 (A80), and Community Development Quota (CDQ) Programs.

The fee percentage for the Amendment 80 program rose from 1.19% to 1.43%; the increase was a function of lower fishery ex-vessel value (-14.5%) and higher management and enforcement costs (3.4%) relative to 2020.

The fee percentage for the CDQ program decreased marginally from 0.84% to 0.83%. Both value and costs were slightly lower for 2021 relative to 2020.

The AFA Inshore sector percentage increased from 0.23% to 0.25%. Fishery ex-vessel value increased (7.7%) and management costs also increased (27.1%) resulting in a marginal increase in the fee percentage. Management cost increases are due to contract costs and more time spent on data management.

There were no pollock harvests in the Aleutian Islands Pollock program in 2021, therefore the fee percentage is 0%.

Integrated Fisheries Application (IFA) Project

Numerous AKR staff and contractors in the Restricted Access Management Program, Information Services Division, and Sustainable Fisheries Division are engaged with project managers to develop an Integrated Fisheries Application (IFA). The primary goal of the IFA project is to streamline the fisheries management processes through the entire fishery lifecycle, and to create business processes for managing new permitting programs and changes to existing ones. This strategically aligned project will provide improved software tools, streamline process workflows, and ensure that we are using the appropriate business rules for all of our fishery permitting programs. We are in the process of developing a stakeholder engagement and communication plan to involve fishery participants that will be our external users of the new IFA. We will be using a phased approach to rollout the new application to users and will be providing periodic updates to over the coming 12 to 24 months.

At this time, the IFA team has completed the discovery phase where we gained organizational buy-in from AKR leadership, identified subject matter experts (SME's), developed an engagement process between the business owners and programmers, defined the initial scope of the project and identified key constraints and risks. We have also conducted large, business process event mapping

sessions to gather requirements with SME's on all of the region's permitting programs and related processes such as cost recovery and groundfish allocations. Currently, a core design team has been formed and is composed of NMFS development staff along with NOAA contract staff as they conduct bounded context mapping of each management program which we understand to be the first stage of the software design process.

Aquaculture Opportunity Area Identification Process

NOAA continues to work to implement Aquaculture Opportunity Areas (AOAs), as required by the May 2020 Executive Order (EO) on *Promoting American Seafood Competitiveness and Economic Growth*.

On November 16, 2021, [NOAA released two Atlases](#) compiling the best available science to inform the identification of AOAs in the Gulf of Mexico and Southern California. NOAA previously identified these regions for their potential to host sustainable commercial aquaculture development in the United States. Areas in the Atlases will have characteristics expected to support multiple types of aquaculture industries including finfish, shellfish, seaweed, or some combination.

NOAA would like to thank the stakeholders that joined listening sessions, provided public comments, and met with our staff as we work to determine the next region(s) of the country to focus our science-based, inclusive process to identify AOAs. NOAA is evaluating available resources in regional and headquarters offices to determine next steps and a timeline for moving forward in areas where interest was expressed during the public comment period. We remain committed to identifying AOAs as a science-based public process driven by stakeholder input.

Tribal Consultation Update

In response to public testimony by tribal member or representatives to the Council at its October 2021 meeting, NMFS invited testifiers to participate in two engagement sessions. NMFS has organized two virtual engagement opportunities to discuss halibut and salmon bycatch issues. The first virtual discussion session was held on November 29th to discuss halibut bycatch and the second will occur on January 11th, 2022 to discuss salmon bycatch. For further information about these sessions, contact Obren Davis at obren.davis@noaa.gov.

In addition, NMFS staff, including Acting RA Doug Mecum, participated in a tribal consultation with members the Aleut Community of St. Paul Island and the Aleutian Pribilof Islands Association on November 24, 2021. A member of the Aleut Community of St. George Island was present but was not there to formally represent them. Representatives of these groups provided their perspectives and recommendations for the halibut ABM action, and NMFS provided information about the Council process, NMFS's decision-making process associated with fishery management actions, and the potential timeline for ABM implementation.

Alaska Regional Office fisheries Tribal Consultation information is available at: <https://www.fisheries.noaa.gov/alaska/consultations/alaska-fisheries-tribal-consultation-documents-and-workgroup>.

GAF Report

NMFS finalized the 2021 annual report on the use of Guided Angler Fish (GAF) in the charter halibut sector. The halibut Catch Sharing Plan authorizes annual transfers of commercial halibut individual fishing quota (IFQ) as GAF to qualified charter halibut permit holders for harvest by charter vessel anglers in Areas 2C and 3A. Using GAF, charter operators may offer charter anglers the opportunity to harvest up to two halibut of any size per day.

GAF use declined significantly in 2020, but returned to approximately 2019 levels for 2021. It is notable that the largest proportion of unused GAF since 2014, the first year of the program, occurred in 2021. The lease prices for GAF did increase, averaging \$5.20 per pound of IFQ. GAF use continues to be more common in Area 2C, where the majority of GAF permits are issued. However, self-leases of GAF, where a CHP holder transfer their own IFQ to GAF, are a more common arrangement in Area 3A. GAF Annual reports are available at: <https://www.fisheries.noaa.gov/resource/document/guided-angler-fish-gaf-program-annual-reports>.

List of Fisheries

The [Draft 2022 List of Fisheries \(LOF\)](#) was published in the Federal Register on August 9, 2021. The LOF is published every year, although there are not always changes. For 2022, there is one category change proposed for the AK Bering Sea/Aleutian Islands Pacific rockfish trawl fishery to be downgraded from a category II (occasional interactions with marine mammals) to a category III (remote likelihood of/ no known interaction interactions with marine mammals). The AK Bering Sea, Aleutian Island rockfish trawl fishery had previously been classified as category II, based solely on a killer whale, GOA, BSAI transient mortality in 2012, however, there have been no recent incidences of M/SI between this fishery/stock. Aside from this change, there are several other minor changes being proposed in the form of additions, removals, and stock name updates of the "Marine Mammal Species and Stocks Incidentally Killed or Injured" assigned to various Alaskan fisheries.

The Protected Resources Division will contact the affected industry representatives to let them know of the change. List of Fishery Category II vessels are required to hold a Marine Mammal Authorization Program (MMAP) certification onboard while fishing, to carry observers when required, and are subject to take reduction plans if one is deemed necessary and there are funds to support it.

Update on the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea (Doughnut Hole Convention)

The virtual Annual Conference for the Central Bering Sea Pollock (Doughnut Hole) Convention recently concluded. The annual report will be provided to the Council as soon as it is available.

NEPA

Implementing regulations for the National Environmental Policy Act (NEPA) were revised in 2020 (40 CFR Part 1500) and include time and page limits for Environmental Assessments (EA) and Environmental Impact Statements (EIS) initiated under the updated regulations. Janet Coit, Assistant Administrator for NOAA Fisheries, has renewed a blanket waiver for such time and page limits for a one-year period from November 6, 2021 through November 5, 2022. The renewed waiver applies to all EAs and EISs initiated during that time period to support fishery management actions developed by the regional fishery management councils (Councils) pursuant to the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), as well as several other specified circumstances outside the purview of the North Pacific Fishery Management Council.

The MSA authorizes the eight Councils to develop and recommend fishery management actions under statutory timelines initiated by Council action (section 304) that are neither controlled by NOAA nor the NEPA. Imposing time limits under NEPA to Councils' MSA actions would conflict with the Councils' statutory authorities. The renewed waiver has been granted to allow NMFS to develop a process that will satisfy the regulatory time limit requirements without infringing on the Councils' authorities under the MSA.

Staff Changes

Dr. James W. Balsiger, Alaska Regional Administrator, retired on November 30, 2021. To honor Jim's 46 years of service, the Regional Administrator Conference Room on the 4th floor of the Juneau Federal Building has been renamed in his honor.

During a virtual celebration on Monday November 29, 2021, Assistant Administrator Janet Coit, Deputy Assistant Administrator (DAA) for Regulatory Programs Sam Rauch, DAA for Operations Paul Doremus, and Chief Science Advisor Cisco Werner from headquarters, as well as West Coast Regional Administrator Barry Thom and Pacific Islands Regional Administrator Mike Tosatto spoke to Jim's long and storied career, his contributions to fisheries management, marine resource protection, and habitat, and his championing of NOAA Fisheries employees.

During his tenure, Jim held numerous leadership positions in NOAA Fisheries, including serving as Acting Assistant Administrator 2008-2010. He has been the regional administrator for the Alaska Regional Office since 2000.

Robert (Doug) Mecum is the Acting Regional Administrator while NOAA Fisheries works toward selecting a new regional administrator for the Alaska Region. Doug has been with the Alaska Region since 2005. Before that, he was Director of the Division of Commercial Fisheries for the Alaska Department of Fish and Game. He has served on many fisheries-related commissions and committees, including the North Pacific Fisheries Management Council, North Pacific Research Board, Pacific Salmon Commission, North Pacific Anadromous Fish Commission, Pacific States Marine Fisheries Commission, the Exxon Valdez Oil Spill Trustee Council, and the Marine Stewardship Council.

Jennifer Mondragon will serve as Acting Deputy Regional Administrator starting January 1, 2022. Jennifer has worked for the Alaska Region since 2005 and has been a Supervisory Resource Management Specialist leading the catch analysis and data quality branch in the Sustainable Fisheries Division since 2007. She has also played a crucial role in the development and continuation of our AKR's Change Strategy Initiative.

Sustainable Fisheries

Transfer - Dr. Joseph Krieger has taken a new position within NOAA's Great Lakes Environmental Research Laboratory. We wish him well in his new position.

Inseason Management Report

Mary Furuness and Steve Whitney will provide the comprehensive end-of-year report.

Attachment 1 -- Status of Regulatory Actions

Changes since Oct 2021 are noted in **Bold Red** EOC = End of Comment Period

Action Status	Lead Council and SF Staff	Date of Council Final Action	Start Regional Review	Received by GCAK	Transmittal Date of Action to NMFS HQ for Review	Notice of Availability (FMP) Published in <i>Federal Register</i>	Proposed Rule Published in <i>Federal Register</i>	Final Rule or Notice of Approval Published in <i>Federal Register</i>
FMP Amendments								
Amendment 14 (Salmon) Cook Inlet Approved: August 12, 2021	Armstrong Duncan	December 2020	PR: 3/05/21 FR: 08/18/21	PR: 3/05/21 FR: 08/20/21	PR: 5/12/21 FR: 10/08/21	May 18, 2021 86 FR 26888 EOC:7/19/21	June 4, 2021 86 FR 29977 EOC: 7/6/21	Nov 3, 2021 86 FR 60568 Effective: 12/03/21
Regulatory Amendments								
Remove GOA sablefish IFQ pot tag and notary requirements	A.Miller	N/A	PR: 8/31/21 FR: 11/12/21	PR: 8/31/21 FR: 11/12/21	PR: 9/17/21 FR: 11/22/21	N/A	Oct 6, 2021 86 FR 55560 EOC:11/5/21	
Gulf of Alaska; Proposed 2022 and 2023 Harvest Specifications for Groundfish	Cleaver Davis	December 2021	PR: 10/18/21	PR: 10/21/21	PR: 11/15/21	N/A	Dec 6, 2021 86 FR XXX EOC: 1/5/22	
Bering Sea and Aleutian Islands: Proposed 2022 and 2023 Groundfish Harvest Specifications	Stram Whitney	December 2021	PR: 10/19/21	PR: 10/22/21	PR: 11/17/21	N/A	Dec 3, 2021 86 FR 68608 EOC: 1/3/22	
Amendment 121 to BSAI FMP and Amendment 110 to GOA FMP to Reclassify Sculpin; Correction to Tables 10 and 11 to Part 679	Smith	N/A	FR: 11/30/21	FR: 12/1/21		N/A		

Other <i>Federal Register</i> Notices								
Cost Recovery Fee Notice for A80, AFA, CDQ, and AIP for 2021	Jahn	N/A	11/22/21	11/22/21	11/23/21	N/A	N/A	Nov 30, 2021 86 FR 67921 Effective: 11/30/21