



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

December 5, 2017

## **Agenda B-3: NMFS Management Report**

### **Status of Actions Report online**

Updated daily at: <https://alaskafisheries.noaa.gov/sites/default/files/reports/amendments.pdf>

### **Progress on Rulemaking**

Highlights on progress since the June 2017 meeting include:

- Final rule implementing Amendment 48 to the FMP for Bering Sea/Aleutian Islands (BSAI) King and Tanner Crab – Community Development Quota (CDQ) ownership use cap attribution. **Published: November 9, 2017, Effective: December 11, 2017.**
- See Attachment 1 for additional detail.

### **Observer and Electronic Monitoring Annual Deployment Plan**

The final 2018 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. A more detailed description of the annual deployment plan is provided in the final report; key aspects of the deployment are summarized here:

- NMFS has approximately \$1M of Federal funding and additional anticipated funding from external sources such as the U.S. National Fish and Wildlife Foundation to provide EM for all 141 eligible fixed-gear vessels that requested to be in the EM selection pool for 2018. Of the 141 vessels in the EM selection pool, 69 vessels are new to the EM program and do not have an EM system installed, and 72 vessels are previous participants that have EM systems installed. We will be working closely with vessel operators and the EM service providers to review and approve vessel monitoring plans over the coming months.
- The available budget for observer deployment in 2018 was set to \$5.54M. NMFS estimates 4,394 observer days can be deployed in 2018 and expects that 1,058 trips will be observed in the partial coverage category.
- NMFS has elected to implement an observer deployment allocation strategy of 15% plus optimization based on discarded groundfish and halibut and Chinook for all strata. This



allocation strategy is precautionary with respect to avoiding bias and providing data across all gear types. The method provides a balance between the minimizing variability of discard estimates and prioritization of PSC-limited fisheries and the need to reduce gaps in observer coverage in the partial coverage category.

- In developing this final ADP, NMFS considered the Council's recommendation. Since the draft ADP, NMFS has projected decreased effort in all observer deployment strata due to the anticipated reduction in Pacific cod harvests in the BSAI and Gulf of Alaska and removed fixed-gear vessels in the EM selection pool. These changes resulted in new estimates in the allocation weighting and predicted coverage rates from those presented in the draft ADP. Appendix C of the final ADP provides a comparison between the NMFS selected and Council recommended deployment approach. For reference, the NMFS recommended approach results in coverage rates of 20% in the trawl stratum, 16% in the pot stratum, and 17% in the hook-and-line stratum, compared to the Council's recommended approach that would have resulted in a 19% coverage rate in the trawl stratum, a 10% coverage rate in the pot stratum, and a 20% coverage rate in the hook-and-line stratum.
- The deployment rates for strata in 2018 are—
  - No Selection – 0%
  - EM – 30%
  - Trawl – 20%
  - Hook-and-line – 17%
  - Pot – 16%
  - Tender trawl – 17%
  - Tender Pot – 17%

We will continue to work with the Council, and the Observer Advisory Committee (OAC) to ensure that input from the Council, OAC, and the public can be incorporated into the 2019 ADP. We welcome comments on how we can continue to improve the process of incorporating input in the 2019 ADP process.

### **Update on Regulatory Reform and Streamlining**

On July 7, 2017, NMFS and National Ocean Service published a joint Federal Register notice to solicit public input on identifying existing regulations and processes that, among other things, may be outdated, unnecessary, ineffective, and/or can be further streamlined in a manner consistent with law. The public comment period closed on August 21, 2017. The notice and public comments can be found online at: <https://www.regulations.gov/docket?D=NOAA-NMFS-2017-0067>.

NMFS has summarized the comments received by the regional councils as well as their constituents and provided those to the councils. Based on public comments, NMFS is requesting that each Council develop a process to review their regulations, and provide a brief description of the process by December 15, 2017. Council and NMFS staff have had an initial discussion and propose that the first step in the process would be for NMFS and Council staff to conduct an initial review of regulations and provide a list of potentially outdated and and/or ineffective

regulations for additional review and consideration by the Council and the public for review at the April Council meeting. Given the complicated nature of our regulations we believe that an initial review of staff can most efficiently identify regulations. After this initial review, and input by the Council and public, the Council and NMFS would submit a list of outdated, unnecessary, and/or ineffective regulations. NMFS has requested that this list be provided by July 2, 2018.

### **Notice of Availability of the National Standards Analysis for the IFQ Hired Master Final Rule**

NMFS will publish a Notice of Availability in the *Federal Register* in mid-December 2017 to request public comment on an analysis of the 2014 final rule that restricted the use of hired masters in the sablefish and halibut IFQ fisheries. The final rule prohibited initial quota share recipients from using a hired master to harvest IFQ derived from sablefish and halibut catcher vessel quota share received by transfer after February 12, 2010. The Council recommended the final rule to maintain progress toward predominantly owner-onboard IFQ fisheries.

NMFS prepared the analysis in response to a November 16, 2016, order from the United States District Court, Western District of Washington (Fairweather Fish, Inc. *et al.* vs. Pritzker *et al.*, Case No. 3:14-cv-05685-BHS). The Court remanded the final rule to NMFS for further consideration of the National Standards in section 301(a) of the Magnuson-Stevens Act. NMFS completed this consideration after evaluating the information used to prepare the final rule, information presented to the Court, and the best scientific information available relevant to the impacts of the final rule. NMFS has determined that the final rule is consistent with the National Standards as required by the Magnuson-Stevens Act, subject to further consideration after public comment.

### **Notice of Intent for Scoping to Prepare an Environmental Impact Statement for Abundance-Based Management (ABM) for Halibut Bycatch**

At the October 2017 meeting, the Council directed NMFS to initiate scoping for preparation of an Environmental Impact Statement (EIS) for the proposed action to develop abundance-based halibut PSC limits in the BSAI groundfish fisheries. The Council and NMFS have determined the preparation of an EIS may be required because abundance-based halibut PSC limits may have effects on target and bycatch species and their users that are uncertain or unknown and may result in significant impacts on the human environment not previously analyzed. Thus, NMFS and the Council are initiating scoping for an EIS in the event an EIS is needed.

NMFS will publish a Notice of Intent in the *Federal Register* in mid-December 2017 to initiate the EIS scoping process and request comments from the public to assist the Council in determining the appropriate range of management alternatives for the EIS. The notice will request information from the public on the range of alternatives to be analyzed, and on the environmental, social, and economic issues to be considered in the analysis. The notice also invites the public to participate and provide input at Council meetings where the proposed action for abundance-based halibut PSC limits is developed and evaluated. Written comments generated

on the Notice of Intent will be provided to the Council and incorporated into the EIS for the proposed action.

### **Update on Alaska Groundfish and Halibut Seabird Working Group**

The Alaska Groundfish and Halibut Seabird Working Group formed as a result of the 2015 Biological Opinion on effects of the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish fisheries on short-tailed albatross. The working group is tasked with reviewing information for mitigating effects of the groundfish fisheries on short-tailed albatross and other seabirds. The working group met in-person for the first time on September 21-22, 2017 in Juneau to discuss two topics: 1) explore emerging seabird bycatch mitigation technologies, and 2) determine which seabirds (if any) the working group should focus on besides albatross.

The working group identified the following priorities (in no particular priority): quantifying seabird bycatch in the trawl fisheries, seabird bycatch mitigation measures in the trawl fisheries, use of EM to report seabird bycatch, best practices for estimating and reporting bycatch of rare species or events such as seabird bycatch, vessel-specific bycatch mortality, emerging seabird mitigation technologies, determining if there are additional seabird species that the working group focus on besides albatross (as long as the team can determine that doing that will not come at a cost to advancing work on albatross), and outreach. The Council will have the opportunity to coordinate with the working group on these priorities at future workgroup meetings.

Detailed notes from the meeting are available from Anne Marie Eich, [annemarie.eich@noaa.gov](mailto:annemarie.eich@noaa.gov).

The working group sought additional representation from ADF&G on the Working Group. Forrest Bowers will fill this role.

### **Seabird Cable Strike Mitigation Workshop**

In November, NMFS hosted a 1.5-day workshop with approximately 40 participants (fishers, scientists, and managers) to identify effective, practical mitigation measures to reduce seabird-cable strike mortality in the catcher-processor West coast hake and Alaska trawl fisheries. Participants learned about the scope and scale of the seabird cable strike problem and existing mitigation measures being used effectively elsewhere in the world. Participants identified mitigation measures that showed good potential for field testing, pending available resources. NMFS intends to summarize the results of the workshop as a NOAA Technical Memorandum or Processed Report. This trawl workshop was partly funded by a NMFS National Seabird Program grant submitted collaboratively by the Northwest Fisheries Science Center, Alaska Regional Office, and the Alaska Fisheries Science Center.

### **Cost Recovery Fee Percentages**

On November 30, 2017 we published a notice that providing the cost recovery fee percentages for the AFA, Aleutian Islands pollock, Amendment 80, and CDQ Programs (<https://www.gpo.gov/fdsys/pkg/FR-2017-11-30/pdf/2017-25800.pdf>). As some of you have noticed, fee percentages for most of these programs increased this year. This is largely due to

the fact that fees collected in 2016 covered only a portion of the Federal fiscal year, and numerous management costs that accrue during the start of the calendar year were not eligible for cost recovery in the 2016 fee collection. As we did last year, we will provide the Council with a detailed cost recovery report for these and our other cost recovery programs at the February Council meeting.

### **Staff Changes**

Rachel Baker, undoubtedly one of Sustainable Fisheries' hardest working, dedicated, and competent staff is leaving us for new challenges in Headquarters later in December. Rachel will be taking over the HQ Sustainable Fisheries Management and Coordination branch that leads national level efforts on a range of allocation policies and other management issues. Rachel will return for a brief reunion tour to participate in the annual IPHC meeting in January.

As most of you know, Rachel has been invaluable to all of us as the leader of our catch share branch. Rachel started with SF in 2008 and quickly and masterfully applied her many of years of expertise gained working for the New Zealand Ministry of Fisheries and the State of Alaska's Extended Jurisdiction Division. Rachel has been our expert in all of our major and minor allocation management decisions over the last 9 years, and in particular is the go-to person for all things halibut – the halibut and sablefish IFQ Program, Charter management, the IPHC process, and most recently the halibut abundance-based management initiative.

I can't overstate how much I appreciate and will miss Rachel's incredible talent, patience, and willingness to undertake whatever needs to be done. Luckily, she will continue to be a great resource for us in her new position. I hope all of you take time at this meeting to thank Rachel and wish her well in her new position.

### **Inseason Management Report**

Mary Furuness will provide the year-end Inseason Management Update.

### Attachment 1 -- Status of Regulatory Actions

Changes since October 2017 are noted in **Bold Red**  
EOC = End of Comment Period

Action Status	Lead Council, SF, and GCAK 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>
<b>FMP Amendments</b>								
Amendments 48 (KTC) Community Development Quota (CDQ) Ownership Attribution <b>Approved: October 31, 2017</b>	Marrinan Warpinski Watson	April 2017	PR: 4/26/17 FR: 9/26/17	PR: 5/2/17 FR: 10/2/17	PR: 7/28/17 <b>FR: 10/26/17</b>	Aug. 3, 2017 82 FR 36111 EOC: 10/2/17	Aug. 22, 2017 82 FR 39743 EOC: 9/21/17	<b>Nov. 9, 2017</b> <b>82 FR 52011</b> <b>Effective: 12/11/17</b>
Amendments 115 (BSAI), 105 (GOA), 49 (KTC), 13 (Salmon), 2 (Arctic) EFH Omnibus	MacLean Mackey Meyer	April 2017	<b>PR: 12/1/17</b>					
Amendment 116 (BSAI) LLP endorsement for BSAI trawl limited access yellowfin sole directed fishery	McCracken Mansfield Smoker	June 2017	PR: 9/29/17	<b>PR: 10/4/17</b>				
Amendment 117 (BSAI) 106 (GOA) Reclassifying squid to ecosystem component	Stram Mackey Sullivan	June 2017	<b>PR: 11/21/17</b>	<b>PR: 11/21/17</b>				

Regulatory Amendments								
Authorizing a Recreational Quota Entity (RQE) to hold halibut QS	Marrinan Iverson Lepore	October 2016	PR: 5/16/17	PR: 5/23/17	PR: 9/6/17	N/A	Oct. 3 2017 82 FR 46016 EOC: 11/17/17	
Authorizing Area 4 IFQ transfer (leasing) to CDQ groups	Marrinan Warpinski Smoker	June 2017	PR: 10/2/17	<b>PR: 10/19/17</b>		N/A		
Modify Nontrawl Lead Level 2 observer requirements	Evans Miller Meyer	June 2017	PR: 9/11/17	PR: 9/13/17	<b>PR: 11/29/17</b>	N/A		
Bering Sea and Aleutian Islands 2018 and 2019 Harvest Specifications for Groundfish	Stram Whitney M. Watson	- NMFS -	<b>PR: 10/17/17</b>	<b>PR: 10/20/17</b>	<b>PR: 11/20/17</b>	N/A		
Gulf of Alaska 2018 and 2019 Harvest Specifications for Groundfish	Armstrong Davis M. Watson	- NMFS -	<b>PR: 10/13/17</b>	<b>PR: 10/15/17</b>	<b>PR: 11/20/17</b>	N/A		

