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To: Bill Homka, Marjorie Veeder, Clay Darnell, Michelle Price:

From: Frank Kelty, Fisheries Consultant

Re: Fishery Activities Memo on the April North Pacific Fishery Management Council Meeting Anchorage Alaska.

I attended the North Pacific Fishery Management Council (NPFMC) April meeting in Anchorage last week via Zoom. It was a long five-day meeting that finished late on Monday night. The AP panel started on Tuesday April 4th I listen in on that panel for two day as they struggled with the C-2 Salmon bycatch issue. The basically supported the Salmon Bycatch Committee purpose and need statement and moved forward and basically listed the of Alternatives and Options listed in the Salmon Bycatch Committee report as a substitute motion with no consensus on the issues contained in Alternative 2. The substitute motion passed the AP 16-1.

The Council started up on Thursday April 6, 2023, the morning session was filled with the federal and state agencies reports. And the Pollock Cooperatives salmon bycatch reports. I will attachment a few of the agencies reports for your review with this memo. The Council during the late afternoon session acted on the following.

D-1 SSC Report on the Rapid Environmental change workshop: the Council support the SSC report on the rapid change in the northern Bering and southern Chukchi seas. Identifying ecosystem responses and effects on the management of Federal water fisheries, and supports the authors working with Council staff to produce a plain language summary of the workshop. The Council approves of the SSC recommendations to form a sub-group of Council members and SSC members to developed a road map for continued work on this issues.

The Council adjourned right at 500PM because the St Paul Marine Sanctuary (PRIME) meeting was taking place in that their room at 530PM. I listened in on the NOAA Roundtable on the Prime St Paul Marine Sanctuary issues. The meeting went for 2 hours the NOAA staff from Hawaii did another overview of the program and how it is supposed to work, staff stated that nothing has been decided as of yet except that the nomination has been put in place. During the question and answer period NOAA personal took a lot of hard question from the many people that testified against the sanctuary moving forward, some of the questions focused on the lack of a boundary information why the public has been notified well in advance that this moving forward and the need for more interaction with stakeholders on the process. It sounded to me

that it was 3 out of four were against this sanctuary designation being moved forward. Mayor Tutiakoff testified against designation on behalf of the City and OC, as did Vice Mayor Robinson representing the Q-Tribe and I testified on behalf of myself also opposed to this sanctuary designation moving forward. I think the NOAA staff was surprised by the amount of opposition to the sanctuary.

On Friday morning the Council started out on Cook Inlet Salmon FMP

C-1 Cook Inlet Salmon FMP Amendment: the council spent about two hours on this issue this is on the Federal Water Cook Inlet salmon fishery . This is being driven by the Ninth Circuit Court ruling against NMFS. The Council felt none of the 4 Alternatives were appropriate.

Alt 1. was no action not viable.

Alt 2. would have required Federal management with assistance by the State of Alaska the State of Alaska refused to participate.

Alt 3. was total federal management in federal; waters in the EEZ. The Council did not support that option.

Alt 4. was to keep the federal waters in the EEZ closed to commercial salmon fishing they couldn't support that due to the federal court ruling on the issue.

It appears the federal government will move forward with the implementation management of salmon in the federal waters of the EEZ in Cook Inlet.

C-2 Chum Salmon bycatch: This was the main issues at the Council this meeting for the Council for rest of Friday the Council took six hours of staff reports on Chum and Chinook genetics, Pollock IPA Bycatch reports, Seashare food bank report, Salmon Bycatch Committee reports and a lengthy AP report. The Council decide late on Friday to start public testimony on Saturday morning.

On Saturday there were 47 people signed up to testify with most of the testifiers were from the AYK region. They gave heartfelt testimony on the lack of salmon to eat, and the opportunity even to fish for the last four years on the river systems of the AYK region and the impacts it has had on there people. They demanded action be taken now to reduce salmon bycatch in Area M and in the Bering Sea Pollock fishery some even supported zero bycatch as an option to be analyzed along with very PSC limits that would shut down the Pollock fishery in short order. Industry representative and harvesters processors and community members that depend of the Pollock fisheries for their lively hoods gave strong testimony on the low bycatch rates in the fishery about trying to avoid chum salmon, gear modification, real time monitoring that do and will continue to work on. I testified on behalf Mayor Tutiakoff on the impacts if the Pollock fishery was closed, or if very low Chum caps were put in place that could shut down the fishery. I reminded them about the crab closures we are already facing and that a Pollock closure would devastate Unalaska just like the Red King Crab collapse in the

1980 had. I reminded that that Unalaska had used the revenues from the fisheries to improve the quality of life in the community assisted are local non-profits and that we had a many very expensive capital projects that we have committed to fund. The Council passed a very extensive Purpose and Need statement and then went to work on the Alternatives. On Saturday afternoon, Alternative 1. Was the no action alternative.

Alternative Two was the overall bycatch PSC limit for Chum salmon had two options.

Option 1. Set Chum salmon PSC limit range to be based by PSC data. Which broke down the limit by four Pollock fishing sectors. Option 2 had a step-down PSC limit triggered by the three AYK river systems Yukon, Kuskokwim and Kwiniuk. PSC limits would be triggered Chum index areas fail to meet index thresholds they would become more restrictive by fishing sectors.

Alternative 3 Bycatch PSC Limits for Western Alaska Chum Salmon.

Option 1: Western Alaska chum salmon PSC limit (range to be informed by PSC data) PSC limits are apportioned among CDQ, catcher processor, mothership and inshore sectors based on historical total bycatch by sector. The inshore limit is further apportioned among the inshore cooperatives. The CDQ limit is further apportioned among the CDQ groups. Reaching a limit closes the pollock fishery to which the limit applies.

Option 2: Weighted, step-down Western Alaska chum PSC limit triggered by a three-river chum index (Kwiniuk (or index developed for Norton Sound area), Yukon, Kuskokwim) that is linked to prior years' chum abundance/ANS/escapement and weighted to account for variance in stock sizes across river systems. PSC limits would be triggered and in effect when one or more Western Alaska chum index areas fails to meet index thresholds. As more areas fail to meet index thresholds, chum PSC limits would step-down and become more restrictive. PSC limits are apportioned among CDQ, catcher processor, mothership, and inshore sectors.

Alternative 4: Additional regulatory requirements for Incentive Plan Agreements (IPAs) managed by either NMFS of or within IPA Cooperatives.

Option 1: Require a chum salmon reduction plan agreement to prioritize avoidance in genetic cluster areas 1 and 2 for a specified amount of time based on two triggers being met: 1.) an established chum salmon incidental catch rate and 2) historical genetic composition (proportion) of Western Alaska chum salmon to non-Western Alaska chum salmon.

Option 2: Additional regulatory provisions requiring Incentive Plan Agreements to utilize the most refined genetics information available to further prioritize avoidance of areas and times of highest proportion of Western Alaska and Upper/Middle Yukon chum stocks. The analysis should provide information to inform a reasonable range of PSC limits and an index under the action alternatives including: the bullets that can read in

motion I will provide with this memo. This motion passed unanimously to go out for further analysis by NMFS and Council staff to be seen again in the fall.

C-3 Scallop SAFE report and ABC/OFL specifications The Council approves the scallop SAFE report and adopts the OFL of 1.284 million pounds (582 t) and the ABC of 1.156 million pounds (524 t), as recommended by the SSC. The TAC will be set by the ADFG.

C-4 Scallop FMP amendment: The Council adopts the following Purpose and Need statement and preferred alternative for final action.

Purpose and Need: For two decades stable harvest specifications and conservative Guideline Harvest Levels have been established for scallops. Given the lack of assessment modeling approaches, the Council supports increased flexibility in assessment frequency to reduce the burden on staff and review resources and to provide more time for the development of new assessment methods. The Scallop Fishery Management Plan (FMP) requires that a Stock Assessment and Fishery Evaluation report be produced annually, and an FMP amendment is required to accommodate an alternative assessment cycle.

Alternative 2: Revise the Scallop FMP to remove the requirement for annual specifications. Include in the FMP text the circumstances identified in the Analysis for when it is appropriate to use a multi-year approach.

C-5 Greenland Turbot Longline Pots: The Council selects as its preferred alternative: Alternative 3: Authorize the use of longline pot gear only for vessels in the HAL CP sector when directed fishing for Greenland turbot in the Bering Sea subarea. Option 1. Exemption from the 9-inch maximum tunnel opening restrictor. (The 9-inch maximum tunnel opening requirement does not apply to longline pots used to directed fish for Greenland turbot in the Bering Sea subarea.

D-2 Local Knowledge, Traditional Knowledge, and Subsistence Taskforce Report

The Council supports and commends the work of the Local Knowledge, Traditional Knowledge, and Subsistence (LKTKS) Taskforce. The Council approves releasing the draft LKTKS Protocol and associated on-ramp recommendations from the LKTKS Taskforce for a 50-day public review period. The Council approves an additional LKTKS Taskforce meeting to review Council analytical staff input, the SSC and Council's April input, and the public comments received from the 50-day review period, and to recommend any modifications for final review by the Council. At final review, the Council also requests information about additional capacity and resources that may be needed for successful implementation of specific onramps.

D-3 Bering Sea Climate Change Taskforce (CCFT): The Council understands the utility of a Climate Scenario Planning workshop as the final work product of the CCTF. The Council supports CCTF plans for scoping the workshop and expects that the Council/SSC subgroup may assist the CCTF in determining workshop topics as the subgroup develops the roadmap to use assessment and climate science to increase

adaptive management capability. It is the Council's intent to provide tribal entities, fishery stakeholders, and the public with a clear understanding of how the CCTF efforts contribute to the Council's effort to build capacity to address climate change challenges.

Staff Tasking Motion 1: Revisions to Council Statement of Practices and Procedures:

The Council adopts the revised Statement of Organization, Practices, and Procedures (SOPP), labeled "April 2023 DRAFT for Council review" as posted on the agenda, with the following additional revisions (additions shown in bold, deletions in ~~strikeout~~):

Page 33, in Attachment 1, NPFMC Policy on Addressing Allegations of Harassment of Council Employees

SECTION 4. PROCEDURES. .01 Reporting Allegations of Harassment c. Any Council process participants (e.g. Council Member, NOAA employee, or others participating in the Regional Fishery Management Council process, aside from Council employees) who observe or receive a report of harassment of a Council employee should to must report the incident to the Council Executive Director, Deputy Director, chair or vice-chair as soon as possible. .02 Acting on Reported Allegations of Harassment. a. A supervisor or Council member who receives an allegation that a Council employee has been harassed (whether the allegation is received from the employee or from another person on their behalf) must immediately⁴ report the allegation, in writing, to the designated point of contact. Failure by the supervisor or Council member to report the allegation could result in disciplinary or adverse action against the supervisor or Council member for failure to adhere to the provisions of this Policy.

Pages 37-38, in Attachment 2, NPFMC Policy on Addressing Allegations of Harassment of Process Participants other than Council Employees

SECTION 4. PROCEDURES.

Reporting Council Process Participants who observe, experience, or receive a report of harassment, including but not limited to sexual harassment or assault, should report the matter as soon as possible to an appropriate official. Swift reporting allows appropriate law enforcement authorities, the NOAA National Marine Fisheries Service (NMFS), or the Council, as appropriate, to take measures to ensure that offensive behavior stops, the harasses needs are addressed, and action is taken against the offender. Council Process Participants who observe or are subject to harassment by any Council member, Council employee, or other Council Process Participants may report incidents in a variety of ways, including but not limited to: • The Council Executive Director or Deputy Director; • The Council chair or vice-chair; • Appropriate law enforcement authorities, as needed.

Staff Tasking Motion 2: Crab Crew Share Clarifications For the upcoming June 2023 Crab C share recent participation req.: Initial Review; the Council requests staff to analyze ways to provide an exemption for C share QS holders who were unable to fish during the covid years and due to recent closed or low TAC crab fisheries, including

closed and low TAC crab fisheries in the future, while maintaining the concept of active participation.

- The Council requests staff to develop options that would allow NMFS to reissue any CVC or CPC QS that NMFS has revoked based upon a failure to meet recent participation requirements in recent years under NMFS implements a final rule resulting from this action.

- The Council recognizes the complexes identified by staff and requests staff provide further information in the analysis on different ways to achieve the purpose and need for this action, including establishing thresholds under which exemptions from active participation may be warranted (for example Alt 1, Option 1 proposed by the AP), and not allowing C share QS that are associated with a closed fisheries to be revoked. In other words, CVC or CPC QS that are held in open and closed fisheries where the only open crab fishery is limited by low TAC.

To assist in the analysis staff would analyze the effectiveness of:

- o Suspending the recent participation requirement after the pandemic and beginning in 2023/24 only count fishing years where at least 15, 20, 25, or 30 BSAI crab vessels fish. Also analyze not counting 2019/20, 2020/21, 2021/22, through 2023/2024 toward the recent participation requirement.

- o Analyze giving the Regional Administrator the authority to suspend the CVC QS and CPC QS recent participation requirement in years of low BSAI crab quota where few vessels' fish or due to other unforeseen circumstances (e.g., a pandemic)

- o Expand participation requirements for non-initial issues to match the requirements of initial issues. In other words, "within the previous three years, participate in a BSAI crab trip OR participate as crew in at least 30 days of fishing in a commercial fishery off Alaska" for all CVC QS and CPC QS

- o Not revoking any CVC or CPC QS associated with a closed fishery.

- o Reissue any CVC QS and CPC QS that were revoked between July 2023 and the effective date of the proposed action.

- The Council requests staff identify potential criteria that the Council could select to guide future decisions by the Regional Administrator to suspend the CVC QS and CPC QS recent participation requirement.

- The Council will review this information at the June meeting and may revise the P & N and alternatives and options at that me

Regards

Frank Kelty

Attachments:

1. D-1 Report on SSC Report on the Rapid Environmental change workshop
2. C-1 Cook Inlet Salmon FMP
3. C-2 Chum Salmon Bycatch
4. C-3 Scallop OFL-ABC
5. C-4 Scallop FMP
6. C-5 Greenland Turbot LL Pots
7. D-2 Local and Traditional Knowledge Subsistence Taskforce Report
8. D-3 Bering Sea Climate Change Taskforce
9. Staff Tasking Motion 1: Revisions to the Council Standard Organization Practice and Procedures
10. Staff Tasking Motion 2 Crab Crew Share Clarifications
11. Salmon Bycatch Committee Report to NPFMC March 2023