



MEMORANDUM

To: Phil Zavadil, City Manager

Cc: Jacob Mercurief, Mayor
Simeon Swetzof, Fisheries Advisor

From: Mateo Paz-Soldan

Date: September 20, 2021

Re: Report to City Council re Fishery Issues

The following is a summary of the main fishery issues affecting Saint Paul at the North Pacific Fishery Management Council (NPFMC or Council), the State of Alaska, and the U.S. Congress in 2020 and 2021.

1. **Magnuson-Stevens Reauthorization (MSA):**

A draft MSA bill was introduced by Congressman Huffman (D-CA) in late July 2021 that could result in many important changes to the nation's fisheries management framework. Saint Paul has been an active participant, both on its own and in coalition with Alaska Fishing Community members, in recommending changes to the MSA and several members of the community were quoted in the media rollout of the bill. The draft's proposals include:

- Providing for two Alaska Native seats on the NPFMC.
- Increasing diversity and representation of underrepresented groups on council bodies.
- Directing the councils to focus on climate change issues in fisheries management plans, including increased funding for initiatives to reduce impacts of climate change and identification/protection of essential fish habitats.
- Changes to Section 312 regarding fisheries disaster declarations that are designed to speed up consideration of disaster requests as well as allow tribal governments to make such requests directly.
- Changes to Section 303A which would make Limited Access Permit Programs (LAPPs) and Regional Fishery Associations (RFAs) more effective and usable by community entities wanting to acquire/hold fish quota for community members.

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- Amending National Standard 9 concerning bycatch, by removing the language “to the extent practicable” from NS9 with the intention of making it a stronger tool for councils to reduce bycatch.

Hearings on the draft MSA bill are expected in the House of Representatives in the Fall. The bill’s fate at this stage is uncertain given the 50/50 make up of the Senate and opposition from Senator Cantwell (D-Washington) who is chair of the Senate Commerce Committee. However, many of the bill’s proposals and ideas have begun circulating in policy-making circles and are already having a positive impact.

2. **Alaska Fishing Communities (AFC):**

Since its establishment in early 2020, AFC has had a significant impact both on the NPFMC’s decision-making as well as in securing changes to the MSA framework. AFC’s main objectives include providing for sustained community participation, reducing bycatch, increasing representation of underserved groups on council bodies, and adapting fisheries management to climate change.

Saint Paul has driven much of AFC’s efforts and the successes of this coalition are evident on a number of fronts which include:

- Helping to secure many of the proposed changes in the MSA.
- Raising awareness at the NPFMC about the lack of Alaska Native representation and the impacts of NPFMC decision-making on Native and rural villages.
- Focusing the NPFMC on provisions in various fishery actions such as ABM and cod trawl CV that are beneficial to communities and small boat fisheries.

Saint Paul’s investment of time and effort in AFC is clearly having an impact and is beneficial to its interests in fisheries management.

3. **Halibut Abundance-Based Management ABM):**

One of the main focuses of Saint Paul’s/AFC’s efforts at the NPFMC has been to bring the 6 year long halibut ABM effort to a conclusion. This includes protecting the halibut resource and providing the fishermen of Saint Paul and area 4CDE with a viable directed fishery.

ABM has been a controversial and divisive action with many legal implications around the authorities of the IPHC and the NPFMC, and the meaning of concepts reflected in the MSA’s National Standards such as Optimum Yield, Best Available Science, Equity in Allocations, Sustained Community Participation and Reductions of Bycatch to the extent practicable.

ABM is tied up for Final Action at the December 2021 meeting. The Draft Environmental Impact Statement which will be the documentary and scientific basis of

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the action was released on September 8th and is being reviewed by Saint Paul and other stakeholders.

In a nutshell, the current action involves:

- a modified Purpose and Needs Statement adopted at the October 2020 meeting;
- a Look-Up Table concept for the action alternatives; and
- a move away from the past modeling used in the analysis.

The modeling process had been contentious and critiqued repeatedly by the SSC and stakeholders due to the flawed assumptions that were derived from it such as: 1) there is little conservation benefit from the ABM action; or 2), little benefit to the directed halibut fishermen. These flawed conclusions were being used by the A-80 sector to support no further action on ABM. It is therefore important to address these prior to and during Final Action.

The Saint Paul team which includes the City, CBSFA, and St. Paul Tribe representatives have provided testimony on this action repeatedly and have countered A-80 trawler arguments that further reductions of halibut bycatch are not practicable by arguing that all of the MSA national standards must be weighed equally and that the Council should focus instead on the legal ‘defensibility’ of an action from the point of view of ‘equitability’ under NS4, ‘sustainability’ in community participation under NS8, as well as ‘practicability’ under NS9.

Another important area of Saint Paul’s focus has been the EIS’ Social Impact Assessment (SIA) which covers the issues of dependency of the mostly Native 17 halibut-dependent communities affected by this action. Saint Paul has provided important testimony on the need to properly balance the national standards and take into account environmental justice considerations and NS4 guidelines regarding Native American rights and treaty obligations.

Regarding next steps, the Saint Paul team is reviewing the DEIS and will submit comments before the end of the 45 day comment period which lasts until October 25th. From October 25th to November 16th, NMFS and Council staff will prepare an analysis of the comments received. These comments are to be posted by November 19th. Then Final Action is planned for the week between December 6 and 14th. The expectation is that rulemaking on this action will take place throughout 2022 and the final regulations would be in place by January 2023.

4. Crab Fishery Issues:

The crab industry is reeling from news that the Bristol Bay Red King Crab Fishery (BBRKC) will be closed next season and that the Bering Sea Snow Crab Fishery (BSS) may be cut by as much as 70% from last year’s 45 million lbs.

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The NPFMC's Crab Plan Team is meeting the week of September 13 to 17 to discuss the situation and evaluate the reasons for these precipitous declines (warmer water/climate change; increased predation; bitterness disease).

Saint Paul is coordinating closely with other stakeholders including the crab harvesters to determine the next steps which include:

- Action at the NPFMC to reduce crab bycatch and identify and protect critical crab habitat areas;
- Explore the need for Emergency Action under Section 305; and,
- Assess need for a fishery disaster declaration under Section 312 of the MSA.

Regardless, the next few months promise to be very busy in determining a way forward in response to the dire situation of the crab stocks.

5. **BSAI Pacific cod Trawl Catcher Vessel LAPP:**

CBSFA has been active in NPFMC efforts to develop a limited access permit program in the BSAI Pacific cod Trawl CV sector. The purpose of this action, which started in October 2019, is to create a cooperative-based program to improve the prosecution of the fishery; promote safety and stability in the harvesting and processing sectors, increase the value of the fishery, provide for the sustained participation of certain fishery dependent communities, and ensure the sustainability and viability of the resource.

This is a comprehensive action with many components, which if structured properly, could be beneficial to some communities and to bycatch reduction efforts. The St. Paul team has been active in coalition with other coastal Alaska interests in supporting provisions that would:

- **Reduce halibut by 25% and crab PSC by 35%, both critical species to St. Paul.** While not as ambitious as many would have liked, it is an opportunity to reduce PSC. The Saint Paul team had attempted to restore an option under Element 3 to manage halibut PSC through the ABM/Look Up Table methodology being developed by the NPFMC in the ABM action, but this effort did not succeed at the AP or the NPFMC.
- **Allocate harvest shares to processors thereby benefitting host communities.** While Saint Paul does not have commercial history harvesting and processing cod and its level of engagement in this fishery is considered minimal, there is potential for cod processing through the Trident plant should the necessary infrastructure issues (outfall and/or fish meal plant) be addressed in the future. Element 5 of this Action would potentially award up to 30% of the harvester shares that will be

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created by this action to processors. The thinking is that communities with shoreside processing plants will benefit most from provisions such as these which maximize benefits to processors.

- This element as currently constructed would allow shore-based processors, who have history in the cod fishery, to migrate their cod processing activities intracompany from one community to another. This could benefit Saint Paul should opportunities to process cod locally arise as climate conditions change and cod stocks migrate north. Given discussions among participants, a 20% level of harvester shares being issued to processors is a more likely outcome.
- **Allow for gear conversion from trawl into cleaner PSC gear types.** Elements 9 and 14 of this action would allow previously identified (through an application process) CVs using pot gear to catch trawl quota even if they are not members of the cooperative. The St. Paul team and others have indicated that this element will offer greater flexibility to cooperatives in reducing bycatch using trawl gear as well as result in increased market value of cod given the greater quality of cod caught with pots.

Final Action is scheduled for October 2021.

6. Emergency Actions in Response to COVID-19 Pandemic:

In 2020, as the COVID-19 pandemic enveloped the nation and impacted the prosecution of various fisheries, the St. Paul team undertook major efforts at the NPFMC, and with the support of NMFS, the State of Alaska, and the Alaska congressional offices to secure emergency actions under Section 305 of the Magnuson-Stevens Act to:

- temporarily modify IFQ transfer provisions of the Halibut and Sablefish IFQ Program; and
- waive IFQ vessel use caps for IPHC regulatory areas 4A, 4B, 4C, and 4D.

These emergency actions were pursued in coalition with similarly situated fishermen associations and in Saint Paul's case were designed to temporarily allow CBSFA to consolidate halibut IFQ and CDQ on a few larger catcher vessels, thereby avoiding the need for the local small boat fleet and crews to pursue the 2020 summer halibut IFQ and CDQ fishery. The concern was that without these emergency measures, it would be necessary to bring to Saint Paul, plant workers to process the halibut as well non-resident crews. This would unnecessarily expose the fishery and the community to COVID, with potentially deadly consequences to the residents given its limited health-care equipment.

The NPFMC recommended both of these actions and they were subsequently approved by NMFS. Both actions were renewed again in April 2021 for the 2021 season. The outcome of these actions has been extremely positive for Saint Paul and its fishermen, as their IFQ and CDQ halibut were caught, and local fishermen were compensated under a mitigation program. Most importantly, the community was kept safe from COVID infection in both 2020 and 2021.

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7. NPFMC Committees and Task Forces:

The City, CBSFA, and the Tribe have been active on various NPFMC committees and task forces which feed input and recommendations into the Council's decision-making and management process. Recent actions include:

- Council adoption of a recommendation by the Community Engagement Committee (CEC) to appoint a Tribal Liaison at Council Staff level to liaise with tribal governments and communities on fishery issues of concern. A related development is the appointment by the Alaska Fisheries Science Center (AFSC) of a Native liaison.
- At the June 2021 meeting, the Council directed the Bering Sea FEP Team to incorporate the input from the Ecosystem Committee and the SSC, and continue to work as outlined in their presentation, including the development of ecosystem indicators to guide an Ecosystem Health or Evaluation Report. The NPFMC further recommended continued coordination with the BS FEP Action Module task forces and supported the milestones and timeline developed for the Climate Change Task Force workplan. The Council further authorized a joint meeting of the FEP Team and the Ecosystem Committee in spring 2022 to coordinate and provide input to the Council.
- Concerning the work of the Ecosystem Committee (EC) recommendations, the Council agreed with the EC for staff to finalize plans for briefings on fur seal co-managers and requested that the EC receive an update at the October 2021 meeting from NMFS regarding an update of the Northern Fur Seal Conservation Plan.
- At the April meeting the Council reviewed a number of reports by staff regarding Economic Data Reporting; the Social Science Planning Team; and the Alaska Fisheries Science Center, all of which are important foundational efforts to develop and provide information to the Council on community dependence on various fisheries.
- The SSPT for example has identified a number of changes to the Crab Rationalization and A-80 EDR forms that may reduce the burdens and increase the clarity and quality of data collection derived from the EDRs.

All for now.