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## WHAT AAFA IS DOING FOR YOU – 2020

This new format is designed to be more user friendly and more conscious of your time. It will be submitted on a monthly basis and will be a living document in the sense that we will be adding to (or deleting from) it throughout the course of the month. Text which is new for a given month, will be presented in **red** so that you won't be burdened with rereading content previously published.

Through **October 22, 2020**

### **The Ocean-Based Climate Solutions Act (“the Act”)**

- On October 20, the Act was introduced. The full text is 324 pages – and can be found [here](#).
- There are a number of provisions which are concerning, could be concerning, and are likely supportable. AAFA is in the process of preparing a detailed analysis for four of the Titles of primary concern:

Title II - Marine Protected Areas

Title III - Offshore Energy

Title IV - Climate-Ready Fisheries, Efficient Fishery Vessels and Buy American Seafood

Title VIII - Strengthening Marine Mammal Conservation

These will be shared as they are finalized.

### **COVID-19**

It goes without saying that COVID-19 has, is having, and will have profound impacts on the fishing industry. For purposes of this part of the Report – I will break down what has transpired by various groupings.

Industry response:

- On March 24 an industry letter (with over 180 signatures) was to a wide range of folks in DC – including Congress, Dept of Commerce and the White House.
- Saving Seafood created a website (which is being updated as necessary) designed to keep industry (and others informed) about all things COVID-19. It is available [here](#).
- During the month of April many letters were sent to Congress seeking additional funds for “fishery participants” ranging for anywhere between \$4B to \$20B. Supposedly another stimulus package is in the works in DC.
- The HEROES Act, which passed out of the House in May, included another \$100M for fishery participants. Should the Senate take up this up, we expect the number to increase.
- A recent webinar put on by the National Sea Grant Law Center provides guidance and ideas about how you can (and/or should) consider addressing instances where you (or a crew member) is infected.

Legislative response:

- On March 27, The CARES Act (H.R. 748) was signed into law.
  - §12005 outlines ASSISTANCE TO FISHERY PARTICIPANTS. In short, \$300M has been appropriated to “provide assistance to Tribal, subsistence, commercial, and charter fishery participants affected by the novel coronavirus (COVID–19), which may include direct relief payments.” As of the date of this Report, Guidance for how these funds will be distributed has not yet been released. AAFA was contacted by folks at the Southwest Fisheries Science Center as they are working to gather information to help inform the Dept of Commerce’s Guidance. For your convenience,
  - On May 7 we learned of the specific dollar amounts allocated to the various states. Washington was allocated \$50M, California - \$18.35M and Oregon - \$16M. While we know the specific dollar amounts – we do not know how this will be distributed by the States. As a reminder – in order to qualify for assistance, you will have to be able to show a “economic revenue losses greater than 35 percent as compared to the prior five-year average.” We are still awaiting further guidance from NMFS or the States on how this will be determined (ie – monthly revenues v annual revenues, etc).
  - The States have not yet finalized how those funds will be dispersed. We are engaging with the State of California as it struggles with a spending plan with limited guidance from the federal government.
  - There are two other Sections within the CARES Act which may prove helpful to AAFA members: The Paycheck Protection Program (§1102) and the Emergency EDIL Grant Program (§1109). I have reviewed each of these programs and they are loans, offered by the SBA, which can be forgiven over time. Each of these are very specific to an individual borrower – so your best bet is to talk to an SBA Loan Rep with your current bank. As of today, there are still funds available under the Paycheck Protection Program. On June 6, “The Paycheck Protection Program Flexibility Act,” was signed into law enabling the fishing and seafood industries greater access to the program’s relief assistance.
  - Additional stimulus may be forthcoming. In July, the Senate indicated the potential for another \$500M in fisheries relief. There are ongoing efforts to get this number increased in the House.

#### Regulatory response:

- NMFS: Has waived some observer requirements. A coalition of fishery groups are working to have that waiver extended and expanded beyond what is currently in place – waiver at the discretion of the Regions. Within the West Coast Region, two waivers have been sought and none granted. The PFMC is in the process of finalizing a letter to NMFS requesting the waiver be extended to all fisheries where observers are required until the Federal Government relaxes its Social Distancing Guidelines.
- California: stepped up for California fishermen at the April PFMC meeting.
- The PFMC has since devoted a page on its website for dissemination of information re COVID-19. See - <https://www.pcouncil.org/the-cares-act-and-other-fishing-assistance-related-to-covid-19/>.
- The State of Alaska implemented Health Mandate 017 (Protective Measures for Independent Commercial Fishing Vessels) which was a topic of the April 30 AAFA webinar. Requirements of this Health Mandate were extended indefinitely on May 27.
- AAFA will monitor developments in Ca, Or and Wa as well as any protocols in place by any offloaders.
- The SBA expanded PPP coverage to commercial fishing boat owners or operators whose crewmembers are regarded as independent contractors or otherwise self-employed for certain federal tax purposes. Check with your lender.
- In early August, the Pacific States Marine Fisheries Commission approved the CARES Act spend plans for both the State of Oregon and State of California. You should have received an application in the mail from Pacific States. It is important to note – fishermen in California and/or Oregon **have until September 8, 2020 to submit your completed application. If you have not yet received**

**your application mailed to you – please follow up with either CA DFW or OR DFW to make sure they have your proper mailing address.** The spend plans for Oregon and California differ in some ways. Consult the [Oregon Spend Plan](#) or [California Spend Plan](#) for specific details. Below we summarize the key points for each.

- **Pacific States will be mailing out the checks for California qualifying applicants by the end of October. Oregon qualifying applicants can expect checks to be mailed sometime in the fall of 2020. I don't believe Washington State has had their spend plan approved yet.**

### **North Pacific Albacore – Management Strategy Evaluation (“MSE”)**

- We don't envision any work on the MSE until later this year (at the earliest) after the Stock Assessment is finalized.
- The model runs on the MSE are expected to be done by the end of the year. An in-person meeting is planned for early 2021 (with NPA stakeholders) to discuss the results.

### **US – Canada Pacific Albacore Treaty**

- AAFA participated in two US Government Treaty-related calls during the month of January. (1) The postponed 2019 annual Pacific Albacore Treaty consultation; and (2) A call with Dave Hogan clarifying items contained in our May 2019 letter seeking additional information from the Canadian Govt.
- AAFA in communications with Dept of State and Commerce seeking clarification on outstanding Treaty related issues: Proposed MPA off West Coast of Canada and 2019 fishery data.
- AAFA was represented at the March PFMC meeting where the Treaty was discussed. AAFA's concerns were included in the [Highly Migratory Species Advisory Subpanel's Statement](#). The Council, generally, supported the HMSAS Statement and encouraged the State Department representative to address them.
- AAFA had a sit-down discussion with the State Department representative and conveyed our concerns.
- AAFA signed on to an industry letter to the State Department seeking only a one-year regime given uncertainty surrounding (1) border issues; (2) the 2020 Stock Assessment; (3) status of the Pacific Offshore area of Concern; and (4) ongoing matters re a US vessel which had its catch seized last year. To date – there has been no formal response to this letter.
- The 2020 Data Working Group call was held on April 22. AAFA was well represented on the call and asked a number of pertinent questions which may result in additional data sets being considered in the future.
- On May 7, AAFA sent a letter to Dave Hogan indicating our displeasure that the March 19 industry letter had not yet been responded to.
- A call has been scheduled for May 12 where the State Dept will provide an update on the renewal of the reciprocal fishing and port access regime under the U.S.-Canada Albacore Treaty.”
- In May we learned the State Department, against industry's wishes, is moving forward with a planned three-year regime under substantially the same terms. AAFA is considering its options moving forward; but clearly the process is broken.
- AAFA had a meeting with Assistant Administrator for NOAA Fisheries to discuss the Treaty and express concern about the negotiation process this year.

### **UN Intergovernmental Conference on Marine Biodiversity of Areas Beyond National Jurisdiction – ABNJ/BBNJ**

- The 4<sup>th</sup> Session of the Intergovernmental Conference has been scheduled for this Spring. An updated draft of the ABNJ Text is available at - <https://undocs.org/en/a/conf.232/2020/3>
- AAFA submitted written comments to and participated in a public meeting on BBNJ for U.S. stakeholders on February 25, 2020.

- The 4<sup>th</sup> Session (which was scheduled to take place in March/April) has been postponed. As of today, it has not been rescheduled.
- On September 10, the President of the Conference announced, “Intersessional work on BBNJ will be conducted virtually from September to December 2020 hosted through a dedicated MS Teams platform. The intersessional work may take the form of webinars or online discussion forums.” AAFA and its partners on this endeavor will remain engaged, this includes tracking and working on potential federal legislation which would guide the U.S. towards adopting the BBNJ Agreement.

### **Domestic Management – PFMC**

- AAFA participated in the January 23 and 24, TNC/PFMC workshop entitled, *Developing Future Scenarios for Climate Change in the California Current Ecosystem*. This is part of the Council’s Climate and Communities Initiative under its Fishery Ecosystem Plan. It was made clear that this scenario planning will not result in any immediate regulations; but is designed to describe possible responses to events which may occur in the future. While some of the items covered were surely climate related (warming oceans and sea level rise) others were not (trade policies, changing values, etc).
- The June PFMC will be held via webinar. At present, the only HMS item on the Agenda will be International Management. AAFA will ensure the PFMC is made aware of the Treaty regime extension.
- AAFA has representation participate in the June PFMC meeting. Among the topics of interest: (1) A HMSAS comment on increasing number of small vessels opportunistically operating as commercial fishermen; and (2) International Management of HMS – which focused on the 2020 Stock Assessment and a review of the Treaty negotiation processes.
- **AAFA had representation at the September PFMC meeting. The Council received a report from members of the HMS MT that showed no significant increase in the number of small vessels (< 30 feet) operating as commercial fishermen. You can see that [report here](#). Other items discussed included the Aquaculture component of the May 7 Executive Order and the designation of Southern California as an Aquaculture Opportunity Area and offshore wind.**

### **Wind farms off the West Coast**

- Representative from west coast membership of RODA are working to establish lines of communication with the Southwest Fisheries Science Center and the West Coast Region of NMFS.
- AAFA is reviewing the February 7 Notice of Availability published by the California Energy Commission (“CEC”) entitled, “Outreach on Additional Considerations for Offshore Wind off the Central Coast of California.” The CEC recently extended the public comment period for this until July 31 pending additional engagement and stakeholder outreach.
- Two meetings which AAFA will attend: March 9 – BOEM (“Bureau of Ocean Energy Management”) California Intergovernmental Renewable Energy Task Force Meeting; and April 2 - BOEM Oregon Intergovernmental Renewable Energy Task Force Meeting.
- The April 2<sup>nd</sup> BOEM Oregon meeting was postponed and has not yet been rescheduled. This meeting took place on June 4. It was supposed to discuss the BOEM Oregon Offshore Wind Energy Data Gathering and Engagement Plan. RODA submitted comments in advance of the webinar critical of both the Draft Plan and the processes to date. See - <https://rodafisheries.org/wp-content/uploads/2020/06/200602-BOEM-OR-TF.pdf>. A number of fishing industry representatives were on the call and spoke out against the process. Comments were provided on behalf of AAFA.
- AAFA is now a member of [RODA](#).
- AAFA learned of a proposed floating offshore wind demonstration project located offshore of Vandenberg Air Force Base near Lompoc, CA. We believe this will be in State waters.
- AAFA remains engaged on Offshore wind as efforts to develop these continue to move forward.
- It does appear the Call Area off Morro Bay which has historic importance to the albacore fleet has been removed from consideration.

- AAFA, as a member of RODA, participated in a call with PFMC leadership about offshore wind and the need for the Council to pay close attention to this.
- There are a number of webinars upcoming on offshore wind and AAFA will be monitoring those and reporting back. Two of these may be of specific interest to AAFA members:
  - RODA, NMFS and BOEM are hosting workshops on October 15, 16 & 31 “to collectively share completed, ongoing, and planned research relevant to offshore wind and fisheries.” You can register for any of those dates here - <https://rodafisheries.org/portfolio/synthesis-of-the-science/>
  - On August 31 OPC and CEC announced two webinars (Sept 23rd and 25th) specific for the fishing industry to discuss recent activities relating to offshore wind energy planning off the Central Coast. If you want to attend either of these, please contact Mike Conroy for instructions on how to register
- We expect efforts to fast-track these to increase in the coming months. AAFA will remain at the forefront of engaging with appropriate government agencies in an effort to ensure that siting decisions are made that will minimize, to the extent practicable, impacts to our fisheries.
- **During September and October, the Schatz Energy Research Center held a series of five webinar workshops on the feasibility of offshore wind energy development on California’s north coast. They were recorded and can be viewed on the Schatz website - <https://schatzcenter.org/wind/>. Aside from the 1<sup>st</sup> workshop, the remaining 4 were very informative.**
- **AAFA participated in the above webinars and an AAFA Consultant was a panelist during the recent RODA, NMFS and BOEM workshop.**

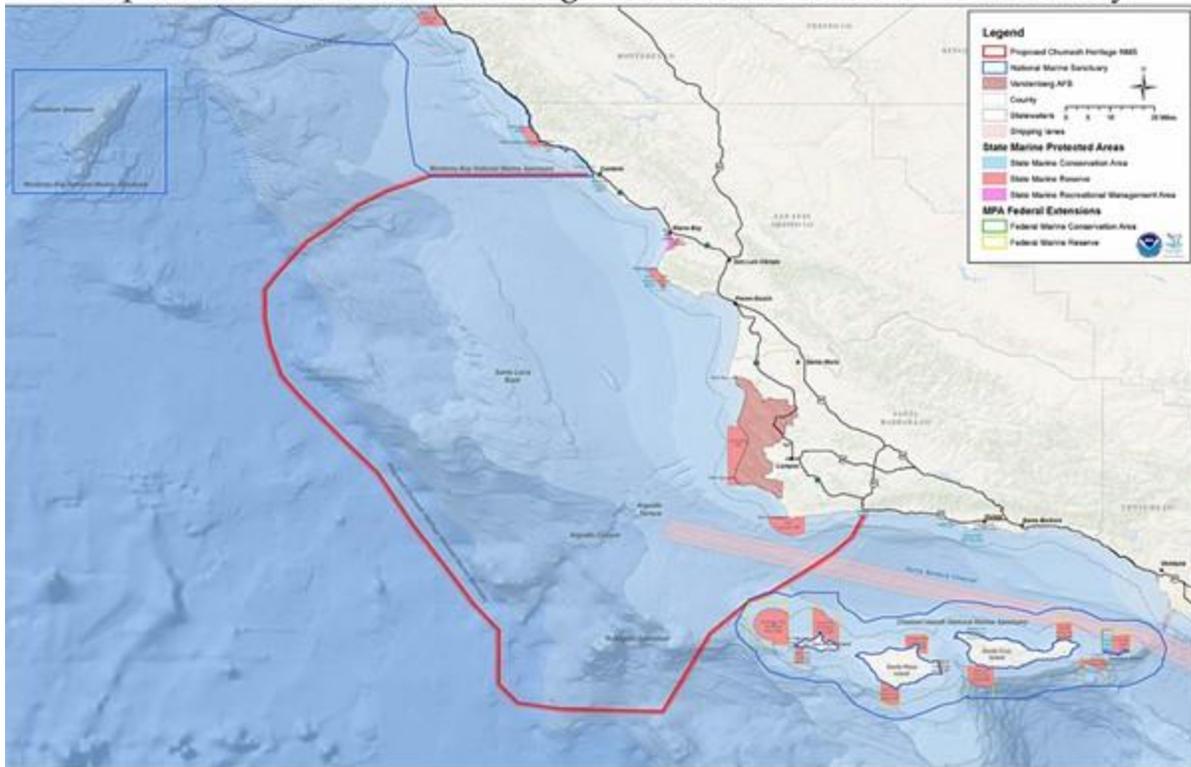
#### **POSSIBLE IUU North Pacific Albacore Harvest**

- The USCG has created a form which allows you provide report observed incidents of illegal behavior you encounter in your travels. While the form is labelled as being specific to the Treaty, that is not the case. I strongly advise keeping a few copies of this form on your boat – or have it readily accessible on your vessel’s computer. The impression I got from the USCG is that there is an increased effort to go after high seas fishery violators (individual vessels and the nations they are flagged under). Make sure the AAFA office receives any copies of forms you submit.
- There is a planned call with USCG, NMFS and industry stakeholders to address this and AAFA will be participating. This call is scheduled for May 18.
- The May 18 webinar included members from the USCG, NOAA and industry. It included a wide range of topics including enforcement efforts on the high seas, technological efforts to detect and identify IUU fishing activities, ability of AAFA (and other industry) vessels to report potential IUU activities, and some additional science of albacore migratory patterns. You recently received an email from Tim Frawley “asking for the assistance of commercial anglers in documenting observations of 1) net-marked fish and 2) foreign fishing vessels” If you encounter a fish with net marks – you are asked to report it here: <https://netmarkedalbacore.com/>.
- **The USCG issued its IUU Fishing Strategic Outlook. AAFA remains engaged with the USCG on potential Illegal, Unreported and Unregulated fishing for North Pacific Albacore.**

#### **The Chumash Heritage National Marine Sanctuary**

- This was added here under the assumption it will be a recurring item through October of this year.
- In 2015, an area off the coast of Morro Bay was nominated to be a national marine sanctuary. The nomination will expire in October of this year (by law, a nomination must be acted upon within 5 years from submission or it expires). The picture below shows the area under consideration.

## Proposed Chumash Heritage National Marine Sanctuary



- During the May 27 webinar, AAFA offer verbal comments opposing the nomination remaining in inventory after October of this year.
- AAFA submitted a comment letter requesting the Chumash Heritage National Marine Sanctuary be removed from the National Marine Sanctuary inventory.
- **The Sanctuary was allowed to remain in the Inventory. AAFA will continue to track this should the designation process begin.**
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### **Other items which arose previously and continued through **October 22.****

This section will appear monthly and highlights issues, etc that aren't likely recurring items

- [California Assembly Bill 3030](#). AAFA and other industry groups signed a letter opposing this bill, unless amended to have no impacts on fisheries managed under state or federal law. This bill died in appropriations. I cannot express how much of an upset this was – it was described (in more than one place) as David upending Goliath. This was surely a collective effort as commercial fishing groups partnered up with the sportfishing fleet, the recreational fleet and a whole slew of others. This will likely come back again when the State legislature reconvenes again next year. **On October 7, Governor Newsom signed an [Executive Order](#) which incorporated some of the elements of AB 3030. The EO calls for creating the California Biodiversity Collaborative to inform and assist in the implementation of the EO. AAFA Consultant, Mike Conroy has been told he will be invited to sit on the Collaborative.**
- On September 9, the Secretary of Agriculture announced the U.S. Department of Agriculture (USDA) will provide approximately \$530 million to support the U.S. seafood industry and fishermen impacted by retaliatory tariffs from foreign governments. Tuna is one of the species covered. The program provides direct support to U.S. commercial fishermen who have a valid federal or state license or permit to catch seafood who bring their catch to shore and sell or transfer them to a legally permitted or licensed seafood dealer; or if the catch is processed at sea, it is sold by the same legally permitted entity that harvested or processed the product..

- For each pound of albacore (or other tuna) you sold to a permitted entity, you are eligible to receive \$0.13/pound.
- The application period began on September 14 and is open until December 14.
- A webinar will be given on September 22 (see - <https://globalmeetwebinar.webcasts.com/viewer/event.jsp?ei=1372014>)
- You must apply through your local USDA service center. Everyone I have spoken to reports the employees are both very helpful and very informed. To find your local USDA service center – see <https://www.farmers.gov/coronavirus/service-center-status>
- The forms you will need include the following:
  - Form [CCC-916](#) (the main application form) – [instructions for completing](#) that form.
  - CCC-902, Farm Operating Plan for Payment Eligibility (Note: only Parts A and B are required). If an [entity look here](#) (since I doubt there will be anyone claiming as an individual I don't link that form; but you can Google it)
  - [CCC-901](#), Member's Information (if applicable, such as for corporations, general partnerships, trusts, etc.)
  - [CCC-941](#), Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information
  - [CCC-942](#), Certification of Income from Farming Ranching and Forestry Operation (optional, if the applicant certifies 75 percent or more of the adjusted gross income is derived from farming, ranching, forestry, seafood production, or related activities; this is only required if the applicant certifies on the CCC-941 their AGI exceeds \$900,000)
- There are a number of good resources available online to answer questions that may be particular to your situation.
  - The Seafood Tariff Relief Program Webpage - <https://www.farmers.gov/Seafood>
  - The FAQ sheet (which is updated regularly) - <https://www.farmers.gov/seafood/strp-faq>
- If you need help completing your application – you can call the USDA Call Center at 877-508-8364 for one-on-one assistance.
- If you haven't yet completed the Application in addition to the websites linked above, there are some recorded webinars which are very informative:
  - ✓ Introductory [webinar](#) describing the STRP -
  - ✓ October 20, 2020 [webinar](#) put on by Monterey Bay Fisheries Trust and USDA going through the forms -
  - ✓ For additional instructions on how to fill out the STRP forms, view the Alaska USDA webinar by clicking [here](#).

- The California Air Resource Board announced they will soon (early 2021) be proposing changes to the Airborne Toxic Control Measure for Commercial Harbor Craft. This includes changing the definition of "Harbor Craft" to include commercial fishing vessels. Under the draft regulatory language, commercial fishing vessels that operate in California Regulated Waters that do not have an engine that meets U.S. EPA certified Tier 2 or higher emission standards, will have to acquire such an engine by the dates outline below:

<b>Engine Model Year</b>	<b>Compliance Date</b>
1987 and earlier	12/31/2030
1988 – 1997	12/31/2031
1998 and later	12/31/2032

- The USCG has implemented a new work instruction for commercial fishing vessels considered to be high-risk, defined as any vessel 50-feet or more in length, built before 2013, and operating beyond three nautical miles (3NM) from shore. The work instruction strongly urges high-risk commercial fishing vessels to pass a dockside safety exam on a 2-year vice 5-year exam cycle.

- AAFA is communicating with the US Trade Representative and White House in an effort to ensure the European Union does not enact tariffs against US harvested Albacore as the result of a World Trade Organization dispute.

This is the current schedule of upcoming meetings (as of 10/22)

- November 10 – IATTC Scientific Advisory Subcommittee (SAS) and General Advisory Committee (GAC)
- November 13 – 20: PFMC Meeting
- November 30 – Dec 4 – IATTC Meeting
- December 8 – 15: 17th Regular Session of the Commission (WCPFC)

For those meetings where North Pacific albacore will be discussed, AAFA will have representation.