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WHAT AAFA IS DOING FOR YOU – 2022 AAFA MEMBERSHIP VERSION

The start of a new year – 2022. We expect the following will be items worthy of attention: offshore wind off all three states, 30 x 30 initiatives federally, in some states and internationally, albacore management, treaty regime, MSC standards and how those may impact fisheries, etc.

Through **December 10, 2022**

Hope everyone had a safe and successful season. **AAFA was and continues to be involved with many vital issues. It is amazing AAFA's core goal and founding principle is marketing, but it has added the management/involvement of so many challenges facing fishermen and families.** Now that the “offseason” approaches, there will likely be a number of things that come up in the next 6 or so months that will require some attention. In no particular order: (1) The US-Canada Treaty, (2) Offshore wind, (3) Harvest Control Rule discussion and decisions, (4) MSC recertification, (5) **social and human rights issues in fisheries**, and likely more things!

AAFA Professional Management Arm

In addition to the Board of Directors, AAFA formed a group known as the Professional Management Arm. See - [Professional Management Arm \(PMA\) - American Albacore Fishing Association](#). The information contained on that link is in the process of being updated. PMA is focused on providing advice to the Board on issues that may have an impact on the operation of the fishery. This is a chance for any AAFA member to ensure they are made aware of potential issues and the ability to participate in a relatively small group to ensure your voices and concerns are heard as the Board considers AAFA’s positions and/or actions. PMA is always seeking enthusiastic individuals who wish to have a say in the future of your fishery. There is no set schedule of meetings; but rather it meets as necessary as potential items arise. Issues that will likely be at the forefront of PMA discussions this year will be offshore renewable energy, potential management of the fishery, the US-Canada albacore Treaty, and international efforts related to biodiversity beyond national jurisdiction. If you are interested in volunteering – please contact Joshlyn at Admin@AmericanAlbacore.com. If you have questions about PMA or want to learn more – please contact Mike at Mike@wecofm.com.

COVID-19 – second round of fisheries assistance

- California – **Checks were mailed on December 1st. If you applied and did not get a check yet – contact the DFW as instructed on the link that follows.** See - [California CARES Act Information – Fisheries Relief \(psmfc.org\)](#)
- Oregon – **Oregon’s Round 2 CARES Act relief has closed.** See - [Oregon CARES Act Information – Fisheries Relief \(psmfc.org\)](#)

- Washington - The application period closed at 11:59 pm (PST) on Friday, October 14th, 2022. See - [Washington CARES Act Information – Fisheries Relief \(psmfc.org\)](https://www.psmfc.org/washington-cares-act-information-fisheries-relief)

North Pacific Albacore – Management Strategy Evaluation (“MSE”) & Future Management of the Fishery

- NMFS hosted a virtual U.S. stakeholder meeting on April 5, 2022, to discuss harvest strategy options with a focus on preparing to potentially propose management objectives, limit, and target reference points to the IATTC. Both the IATTC and WCPFC came to agreement on a harvest strategy for North Pacific albacore based on the MSE. The agreement(s) require development of harvest control rules in 2023.

Marine Stewardship Council (MSC)

- We are getting quotes from contractors who will work with the certificate holders in seeking recertification. As you know – both the North Pacific and South Pacific albacore fisheries (AAFA & WFOA) are MSC certified. The agreements facilitated by the IATTC and WCPFC should be helpful in addressing conditions which have been placed on the certificates in recent years.

US – Canada Pacific Albacore Treaty

- We just completed the final year of the most recent three-year regime.
- AAFA participated in the US-Canada Data Working Group Call on April 20. The data didn't reveal any surprises. It is anticipated that bilateral consultations will begin in June of this year regarding a future Regime.
- AAFA participated in the US-Canada Treaty Consultation meeting on June 7. By and large it was a review of information provided during the Data Working Group Call.
- On October 31, shortly before the PFMC's November meeting, the Canadian Government submitted a letter which contained proposed revisions to the Annexes. See - <https://www.pcouncil.org/documents/2022/11/g-2-supplemental-attachment-4-letter-from-canada-department-of-fisheries-and-oceans-re-proposal-on-a-pacific-albacore-tuna-treaty-access-regime-beyond-2022.pdf/>. In short, the Canadian government proposed the following changes:
 - Annex C:
 - Increase the number of Canadian vessels allowed to access the US EEZ to 110
 - Allow Canadians to fish in the US EEZ until October 31
 - Annex A:
 - Modify the replacement vessel rules to provide flexibility
 - Ensure timely and better data is shared by and between the parties

Suffice to say this was not well received by US based industry. The HMSAS requested the Council forward its recommendation that each of these was unacceptable except the modification to Annex A which requires better data reporting. AAFA offered in person testimony at the meeting and the Council agreed with AAFA's position – as reflected in the HMSAS statement. See PFMC decision document for the November 2022 meeting - [November 2022 Decision Summary Document - Pacific Fishery Management Council \(pcouncil.org\)](#)

- The Canadian Government hosted an in-person Treaty Consultation on November 8 in Vancouver, BC. AAFA was present in person as well as participated virtually. Dave Hogan, U.S State Department, was the delegation lead and did a great job in communicating the US position as it relates to the requested changes in the Annexes. The meeting adjourned early.
- On December 9, State Department hosted a follow-up meeting with U.S stakeholders to report out on the conversation and to discuss and review the next steps. More on this surely to follow.

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

- The fourth UN Intergovernmental Conference was held in March of this year. At the conclusion of the Conference, “delegates decided to hold a fifth session [by the end of the year] with the goal of finalizing a new treaty and stressed the need to facilitate greater participation to allow all countries and communities to have a say in how marine resources existing outside of national jurisdiction should be shared.”
- On May 30, a Further revised draft text of an agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction was published – see [IGC 5 - Further revised draft text final \(un.org\)](#).
- The fifth Session of the Intergovernmental Conference on BBNJ took place in August. AAFA participated in a US Stakeholder call on July 26. **The fifth Session of the Intergovernmental Conference on BBNJ adjourned on August 26 with plans to resume in February of 2023.**

Domestic Management – PFMC

- **As noted above, the PFMC did have a discussion on the US-Canada Albacore Treaty. The Council also adopted the HMSAS suggestion related to the upcoming WCPFC meeting. Namely, the Council recommended to the US Delegation to the WCPFC that it adopt the harvest strategy for North Pacific albacore proposed by the WCPFC Northern Committee (NC) at the upcoming 19th Regular Session.**

International Management

- During the recently completed IATTC meeting, a [Resolution presented by the US, Canada and Japan](#) was adopted which identified a harvest strategy for North Pacific Albacore. AAFA and WFOA worked together to ensure any language creating harvest control rules was removed until next year when industry had a chance to review and make recommendations.
- The NC held a virtual met October 3 – 5. AAFA attended and participated in the meeting. Although there was an effort to have the NC include harvest control rules in their recommended measure to be forwarded to the Western and Central Pacific Fisheries Commission, the NC opted to adopt a recommendation that largely mirrored the IATTC Resolution. See - [DRAFT Harvest Strategy for North Pacific Albacore Fishery \(16Sep\) - Rev.02 \(Adopted\) | WCPFC Meetings](#).
- **As expected, the WCPFC adopted the Northern Committee’s recommendation. We have been contacted by the NMFS West Coast and Pacific Island Regional Offices about the feasibility of scheduling a US stakeholder meeting in February to begin the discussions on a Harvest Control Rule. They hope to be able to report to the PFMC during its March meeting.**

Wind farms – Generally

- RODA’s 2021 year-in-review is available here: [Year in Review \(rodafisheries.org\)](#)
- There are a number of lawsuits which resulted from the permitting of the Vineyard Wind Project. One was filed by RODA and challenges a number of actions which resulted in the permitting. Another filed on behalf of six (I think) commercial fishermen, trade associations, and a shoreside businesses.
- On June 23rd, BOEM published [DRAFT Guidelines for Mitigating Impacts to Commercial and Recreational Fisheries on the Outer Continental Shelf Pursuant to 30 CFR Part 585](#).
- NOAA and BOEM jointly announced an effort to acquire and use the best available information and knowledge in its decision making, BOEM is improving its processes for identifying future offshore wind energy sites. The Bureau will apply these changes to ongoing planning efforts in the Gulf of Mexico, Central Atlantic and Gulf of Maine, and off the Oregon coast. BOEM will employ a spatial model that analyzes entire marine ecosystems to identify the best areas for wind energy sites in the above locations. The model is being designed and developed by NOAA’s National Centers for Coastal Ocean Science

(NCCOS). We have seen how the NCCOS model is being used by BOEM in documents submitted for the Central Atlantic and Gulf of Mexico.

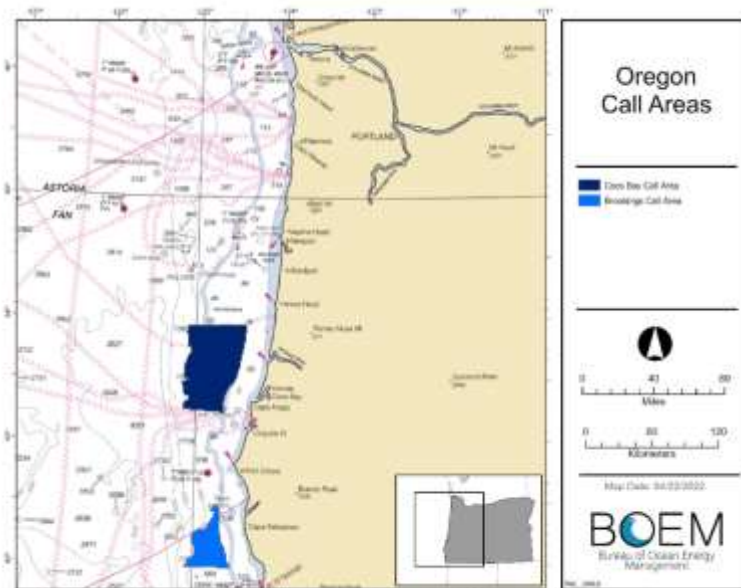
- There is truly a lot going on under this topic. However, not all of it is bad.
 - In November, Bloomberg published a news story about [May 13 letter from NMFS Office of Protected Resources to BOEM](#) highlighting the very real possibility that offshore wind will have negative impacts on the North Atlantic Right Whale. While that is an east coast whale that is listed under the Endangered Species Act, there are a number of ESA-listed whales on the west coast who may be similarly impacted.
 - On November 24, a study was published that showed [offshore wind farms impact the marine ecosystem](#).
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Wind farms off the California Coast

- There are two Wind Energy Areas (WEA) which have been designated off California.
- [Humboldt WEA](#).
 - In mid-January BOEM published a [Draft Environmental Assessment for the Humboldt WEA](#) (Draft EA).
 - It is expected that BOEM will allow the lease sales for the Humboldt WEA to go forward as planned in the Fall of 2022.
 - The California Coastal Commission conditionally concurred on both WEAs earlier this year.
- [Morro Bay WEA](#)
 - The Final EA for the Morro Bay WEA was published on October 5.
 - On April 19, the Small Business Administration convened a workshop to hear from folks whose small business may be impacted by the Morro Bay WEA. AAFA was represented on this call.
- On May 31, BOEM published a [Proposed Sale Notice](#) for the two Wind Energy Areas (Humboldt and Morro Bay) off the California Coast.
- On August 11, the California Energy Commission (CEC) adopted its Final Report on Offshore Wind Planning Goals for 2030 and 2045. It established goals of 2-5 GW by 2030 and 25 GW by 2045. AAFA consultant, Mike Conroy, was on a panel during a recent (June 27) CEC meeting arguing against increasing the 2030 goals beyond those numbers.
- On December 6 & 7 BOEM auctioned off 582 square miles off the California coast. In total, the lease sales brought in \$757 Million (or roughly \$2,061/acre). This compares unfavorably to the \$4.37 Billion brought in by the February lease sales off New York (or roughly \$9,000/acre). Four of the five winning bidders are foreign based companies. Once the leases are signed, the winning bidders will be able to conduct site assessment and site characterization activities. In issuing its conditional consistency determination, the California Coastal Commission required the establishment of a Fisheries Working Group. AAFA was present at a meeting on December 8 where the Working Group was discussed. It is hoped AAFA will have presence on the Working Group.

Offshore Renewables off the Oregon Coast

- In January, 2022 BOEM issued its [Data Gathering and Engagement Summary Report for Oregon Offshore Wind Energy Planning](#).
- On April 28, BOEM published in the Federal Register the Call Areas off Oregon – see <https://www.regulations.gov/document/BOEM-2022-0009-0001>. In total, the areas cover roughly 1,200 square miles. By comparison, the two WEAs off California encompass 582 sq miles. The map of the three Call Areas off Oregon follows:



- To note – the Southern border of the Brookings Call Area is roughly 51 miles above the Northern border of the Humboldt WEA.
- BOEM has indicated that it intends to engage with participants in fisheries who may be impacted. We will share dates of those meetings when they are scheduled.
- AAFA and WFOA submitted a joint comment letter in response to the Call For Information. It is expected that BOEM will announce Wind Energy Areas off the Oregon Coast later this year.
- As noted above, BOEM has indicated it will be utilizing a spatial suitability model to assess areas within the Call Areas which are the least conflicted. These will then be published as Draft Wind Energy Areas (WEAs). This is a change in BOEM’s process. We expect this will delay the identification of those draft WEAs until the first quarter of 2023.

Offshore Renewables off the Washington Coast

- There have been two unsolicited lease request submitted for federal waters off the State of Washington. BOEM is still reviewing the lease applicant’s ability to perform under the lease request. The two requests are as follows:
 - [Olympic Wind](#) – 292 sq miles (See page 10 of the ULR for a map of the area)
 - [Cascadia Wind](#) – 403 sq miles (See page 13 of the ULR for a map of the area)
- **On December 14, the Washington Coastal Marine Advisory Council is meeting. There are three items on the agenda which may be of interest to folks in Washington:**
 - **A presentation on the Hecate Offshore Wind project (estimated for 10:45am)**
 - **And two items discussing WCMAC's offshore wind technical committee (estimated for 1:10 and 1:20pm)**

The Agenda and Draft Principles of Engagement can be found here - [12.14.2022 DRAFT WCMAC Meeting Materials.pdf \(wa.gov\)](#)

Other items through **December 10, 2022**

- The commercial fishing exemption under California’s AB5 expires at the end of the year. AAFA consultant has been working with friendly legislators in Sacramento to get that exemption extended for another three years. AB 2955 was signed into law by Governor Newsom signed this into law in August.
- The USFWS published the Congressionally mandated *Feasibility Assessment: Sea Otter Reintroduction to the Pacific Coast*. This could impact other fisheries AAFA members participate in in Northern California and Oregon.

- The US Coast Guard publish its Draft Pacific Coast Port Access Route Study in August. The public comment deadline was initially October 25; but that has been extended until November 8. The [following link](#) will take you to a website that shows the proposed Fairways off the US West Coast, provides a link to the Draft Study, and has recordings workshops the USCG held on the Draft Study. On December 7th, a Magistrate Judge in the 9th Circuit found that the 2017 NMFS Biological Opinion on the USCG's implementation of Traffic Separation Schemes in California was not in compliance with the Endangered Species Act. See - <https://www.courthousenews.com/environmental-advocates-win-case-alleging-pacific-coast-shipping-routes-threaten-whales/?fbclid=IwAR2XJRrsBwWqbyExVRErasuhs-CQJKvYO3Q360IHpwStqRFqcd2x2VQIYo>. It remains to be seen if and/or how this may impact the USCG efforts on establishing voluntary offshore and onshore fairways under the PAC PARS.
- On October 20 a news article was published entitled [World's largest no-fishing zone benefits fish and fishermen](#). There is a segment of the scientific community which disagrees with this study – expect to see some counter articles in the not too distant future. For example, “But for spillover to have resulted from the closed area the abundance in the closed area would have needed to increase considerably due to the removal of fishing effort. This is essentially impossible for yellowfin tuna (which showed the strongest effect) because there was almost no catch of yellowfin in the area before closure, averaging only 64 MT per year from 2010-2015.”
- On October 28, a news article highlight that a US fishing tuna vessel was cited for violation of the Jones Act – namely employing a paper captain. See - [U.S. Coast Guard Busts Another Tuna Boat for Jones Act Violations \(maritime-executive.com\)](#). On December 8 additional information, including the name of the vessel and its owner were published. See - [Vessel owner prosecuted in Coast Guard's 'paper captain' crackdown | National Fisherman](#)
- In early November a news article was published which opined that at least 6% of fishing vessels turn off their tracking devices. See - <https://www.theguardian.com/environment/2022/nov/02/at-least-6-percent-global-fishing-likely-as-ships-turn-off-tracking-devices-study>.
- On November 8, NOAA announced membership in the American Fisheries Advisory Committee. This Committee will be responsible for making recommendations for Saltonstall-Kennedy priorities and grant award funding. See - [NOAA Announces Membership for the American Fisheries Advisory Committee | NOAA Fisheries](#)
- On November 18, U.S. commercial fishing industry leaders and participants submitted recommendations to the White House Office of Science and Technology Policy (OSTP) to inform the development of a U.S. Ocean Climate Action Plan (OCAP). [AAFA was a signatory to this letter](#).

At present – the only known meeting scheduled which may impact AAFA is the March Pacific Fishery Management Council meeting scheduled to begin on or about March 4. The meeting will be held in Seattle, Wa and at present it is unknown if the HMS advisory bodies will meet in person or remotely.