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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 **August 13, 2020**

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.**

Oregon CARES Act Spend Plan

- Eligible applicants must be home-based in Oregon (but note special rules in the Spend Plan):
 1. Commercial Harvesters – which is typically the commercial fishing vessel license holder
 2. Commercial Processors – typically wholesale fish or bait dealers (often referred to as first receivers, who purchase directly from commercial fishers and report on fish tickets to ODFW)
 3. Mariculturist
 4. Recreational charter and guide business

- 5. Fishing gear/tackle/bait retailers – provided 2/3rds of annual revenues from sales for marine or anadromous fisheries
- Eligible claims: Business must have participated in marine fisheries between March and May as well as the prior five years, or at least the prior two years (2018 and 2019) if the business was not established until after 2015.
 - Must have experience and 35% loss of gross revenues in 2020 compared to past 5 yrs (or 2 if new business)
 - Must include ALL fisheries you participate in when calculating gross revenues.
 - Time frame for calculating impacts to gross revenues is between 2/1/20, and 6/30/20
 - Must use same weekly/monthly timeframe
 - Note special rule for participants in the Dungeness crab fishery
- Direct payments will be made to individual businesses based on COVID-19-related losses scaled to available funds. Eligible applicants will certify, through affidavit and documentation, their relative (>35%) and absolute (\$) loss of revenues for their fishery-related business due to COVID-19 in 2020 compared to average revenue for the five prior years (at least two years for new businesses) for the same time period. How much funds an applicant receives will be contingent upon the total number of applicants which qualify (ie can show the 35% threshold). If total claimed losses exceed \$15,98M available funds, a cap will be placed on the maximum disbursement allowed per applicant to help level disbursements, and disbursements re-scaled accordingly. If total claims are less than available funds, a second round of applications may be solicited for a subsequent time period.
- Application materials – can be found [here](#).
- If you have questions, please email: cares@psmfc.org or call: 1-877-695-3457

California CARES Act Spend Plan –only including the commercial fishing part

- Eligible applicants must:
 - have possessed a valid commercial fishing license or fish business license, at the close of the 2019/20 fishing season
 - Certify you are a Fishery Participant eligible to receive assistance
 - Certify funds will be used “to address fishery-related direct or indirect losses”
 - Certify you are over 18 years of age
 - Certify a minimum 35% loss of revenue due to COVID-19 from the prior five-year average (2015-2019) during the period of 1/1 – 6/30/20 from commercial fishing (note special rules for business in existence for less than 5 years)
 - Certify you are a California resident and that you are only seeking CARES Act funds in California
 - Certify you have timely submitted all required landing receipts, logbooks, etc
 - Certify the sum of all CARES Act funding, any additional COVID-19 related Federal financial aid, and traditional revenue, including state unemployment, does not exceed the average annual revenue earned across the previous five years
- Disbursement methodology
 - If you otherwise qualify, you will receive a refund of any permit/license fees paid – this is your baseline.
 - All eligible applicants will then share equally in the amount remaining from the \$18.35M after payment of baseline payments to all qualifying applicants.
- Questions from prospective applicants should be directed to: CARESfisheriesInfo@wildlife.ca.gov.

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 4th 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 4th Session (which was scheduled to take place in March/April) has been postponed. As of today, it has not been rescheduled.

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.

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 California Intergovernmental Renewable Energy Task Force Meeting; and April 2 - BOEM Oregon Intergovernmental Renewable Energy Task Force Meeting.
- The April 2nd 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.

POSSIBLE IUU North Pacific Albacore Harvest

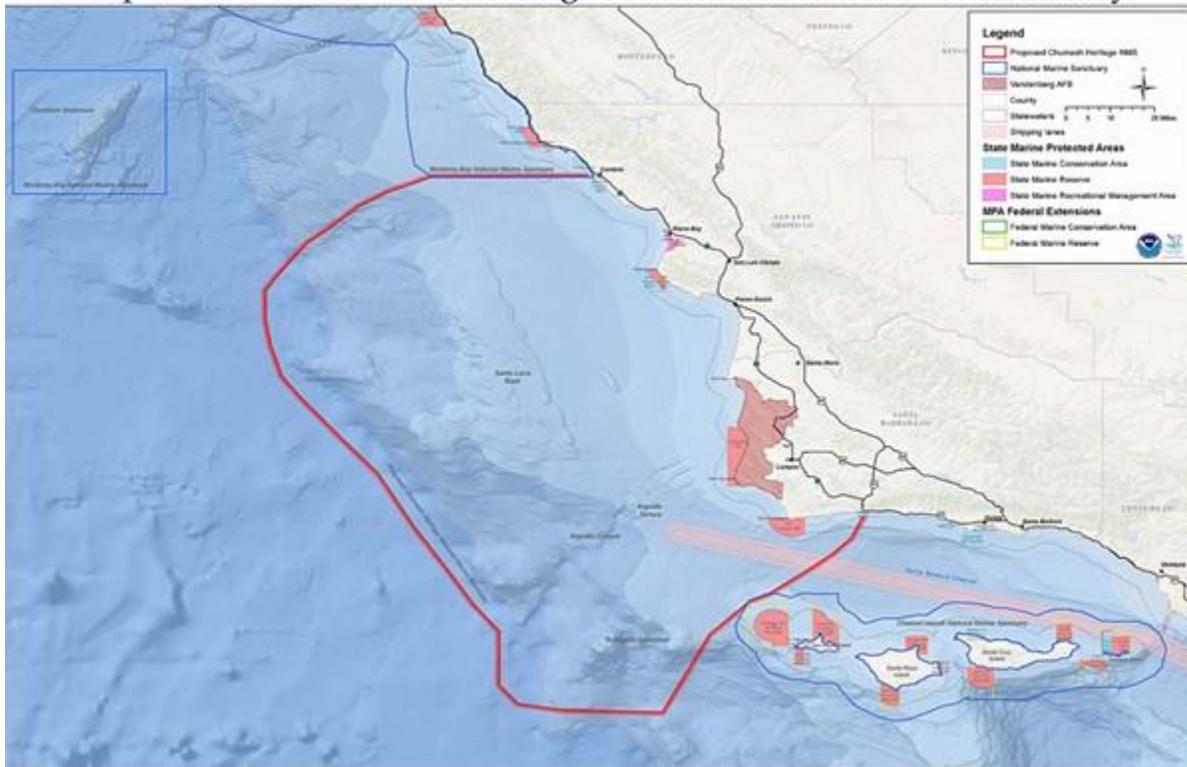
- The USCG has created a form which allows you provide report observed incidents of illegal behavior you encounter in your travels. While the form is labelled as being specific to the Treaty, that is not the case. I strongly advise keeping a few copies of this form on your boat – or have it readily accessible 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 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.

Other items which arose previously and continued through **August 13.**

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

- Executive Order on Promoting American Seafood Competitiveness and Economic Growth: On May 7, the President issued the preceding Executive Order. While we have not yet had an opportunity to fully digest how this will help AAFA members; it does appear to be VERY pro-aquaculture. After having more carefully reviewing this E.O., it will primarily benefit aquaculturists. It does have some specific items for wild-capture fisheries; but those merely repeat activities which were already underway or previously requested. The PFMC will be reviewing the reducing regulatory burden element of this EO during its September meeting
- [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. Thus far the author and sponsors are unwilling to offer said amendments. This bill passed the Assembly in mid-June and has moved on to the Senate. As of today, it has not yet been scheduled for Committee. AAFA and a large coalition of commercial and recreational fishing groups and other wildlife dependent activities are opposing unless amended. AAFA's consultant, along with the incoming Chair of the PFMC, have been trying to get the sponsors to agree on Amendments which take into account the vast protections already incorporated into the state and federal fisheries management frameworks. **This bill was originally scheduled to be heard in the Senate Natural Resources and Water Committee on August 5. Due to a lack of time, the bill was not heard on that date; but was carried over the August 12. In the lead-up to this hearing we spoke with all of the Senators in that Committee and felt pretty good about it possibly not coming out of Committee. Senator Hueso, from the San Diego area, who had told us he was opposed ended up voting in favor of passing the bill out of Committee. He did express serious reservations on the Committee floor and asked the Author to incorporate amendments which would alleviate the fears and concerns of fishing interests. Next up is the Appropriations Committee and a likely hearing on the 19th. The bill's inherent vagueness makes quantifying the fiscal impact difficult to estimate – which may work to our benefit, or provide any bill supports cover when voting to move it through. Opposition continues to grow and includes a diverse and wide-ranging group of industries and stakeholders. If this bill passes, it wont be due to a lack of opposition.**
- On May 29 the Executive Summary of the Stock Assessment of Albacore in the North Pacific Ocean in 2020 (Preliminary Results) was released. Apparently, our fears of the stock being overfished or subject to overfishing were unfounded. Low catches in recent years are being attributed to recruitment failures in 2014 – 2016. **As expected, the ISC approved this during its July Plenary meeting**

Upcoming meetings:

- All previously scheduled international meetings have been delayed. AAFA will be in attendance at the upcoming IATTC Science Advisory Committee meeting (June 16) to hear the presentation on the North Pacific albacore stock assessment. The IATTC plenary, which was supposed to be held in August, may be moved until November.
- The PFMC will be meeting, via webinar, in September; **and AAFA will be represented**