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WHAT AAFA IS DOING FOR YOU - 2019

This new format, approved by the Board in April, 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.

AAFA had representation at the recently completed Northern Committee (“NC”) meeting which was held in Portland Oregon Sept 3 – 6. The NC is a subcommittee of the Western and Central Pacific Fisheries Commission (“WCPFC”) and focuses primarily on North Pacific albacore, Pacific Bluefin tuna and swordfish.

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

- Process began in 2015 and AAFA has been participating since then.
- Participated in webinars, calls and meetings about the MSE process
- Dr. Steve Teo, NOAA scientist with the Southwest Fisheries Science Center, will be attending the General Meeting in San Diego to go over MSE.
- Dr. Teo and Dr. Desiree Tommasi gave a lengthy presentation on the results of the first round of the MSE model run. While it was confusing, in parts, the conversation that accompanied the presentation helped clarify.
- Moving forward, these results will be presented to both the Inter-American Tropical Tuna Commission (“IATTC”) and the Northern Committee (“NC”) of the Western and Central Pacific Fisheries Commission’s (“WCPFC”) this summer and fall.
- Based on feedback received the MSE model will be tweaked and the next round of results are expected at the end of 2020 or beginning of 2021.
- Paying attention to the MSE for Pacific Bluefin tuna – which recently started – in order to gain insights to what strategies are proposed/considered for a fishery that is already saddled with severe management restrictions due to a low spawning stock biomass.
- AAFA offered comments on the 1st Round results when it was presented at the June PFMC meeting in San Diego. Spoke, at length, to one of the modelers and began laying the groundwork for learning more about the inputs (and assumptions) which are part of the Model. Without understanding these, it will be difficult to properly evaluate the results.
- AAFA participated in the Northern Committee’s presentation on the NPA MSE

US – Canada Pacific Albacore Treaty

- Current regime expires at the end of 2019. Bilateral discussions likely to be scheduled for the Spring of this year.
- Catch reporting from the U.S. is behind schedule.
- The Data Exchange for 2018 season took place on April 17. Representatives from the AAFA Board, PMA, Staff and Consultant were on the call. A number of questions resulted from the Data Exchange, which were further flushed out in a call with WFOA on April 24.
- AAFA and WFOA jointly sent a letter to Dave Hogan (from US State Department) seeking clarification on the questions raised during the Data Exchange. To date, we have received no response.
- The USCG, in its report to the PFMC in June stated the following, ““Two Canadian tuna trollers were boarded while fishing in the U.S. EEZ during 2018 with no violations detected. Additionally, the presence of multiple vessels authorized to harvest albacore in the U.S. EEZ was documented by USCG cutters and patrol aircraft throughout the reciprocal access season. All Canadian vessels observed were determined to be in compliance with applicable Treaty provisions.”
- We learned the Treaty will be an Agenda item during the November PFMC meeting – which will be held in Costa Mesa, Ca. As details about that meeting are made know (what date the Treaty will be discussed), we will share them.

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

- Following up U.S. Stakeholder discussions and the UN Conference last September, AAFA remains a participant in the process. AAFA’s current position, which aligns with WFOA, American Tunaboat Association and the Hawaiian Longline Association, is that fisheries should be exempted from any coverage under ABNJ as there are already international bodies responsible for ensuring the sustainability of fishery resources – namely the Regional Fishery Management Organizations (“RFMOs”).
- Participated in U.S. Stakeholder calls leading up to the second session of the Conference (began on March 25).
- The Council Coordination Committee (“CCC”), which gathers representatives from all of the Nation’s Fishery Management Council’s, met in May and were given a presentation on ABNJ. Depending on the outcomes of the CCC meeting, AAFA may be offering comments at the June PFMC meeting.
- The third UN Intergovernmental Conference on ABNJ will take place in August of this year. AAFA will continue to build relationships with the State Dept, PFMC, and other industry groups to ensure our concerns are heard and clearly understood.
- AAFA provided comments at the June PFMC meeting and suggested the Council invite representatives from the US Delegation to the UN to either the September meeting (Boise, Id) or more appropriately, the November meeting (Costa Mesa, Ca).
- The *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 posted on the UN’s website (<https://undocs.org/en/a/conf.232/2019/6>)

- We participated in the August 7 information session meeting held by the State Dept. This meeting had a greater fishing industry presence than in previous years. AAFA submitted a letter commenting on ABNJ Draft text Agreement, which we have attached to this report.
- **Still awaiting a response from the U.S. Government which provides our position on ABNJ.**
- **We did receive a response from the State Department to the comment letter submitted by AAFA on the ABNJ Draft Text Agreement. It is attached to this report.**

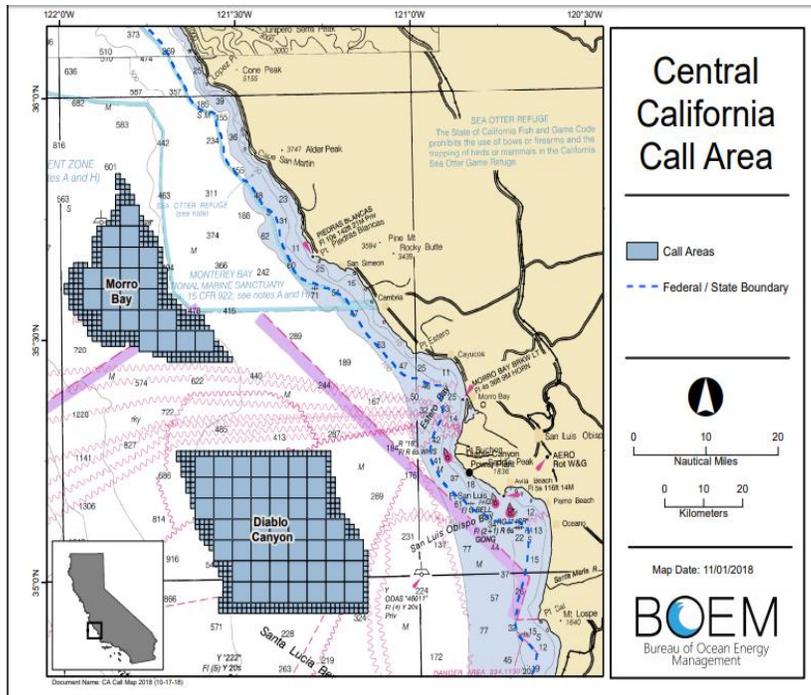
Domestic Management – PFMC

- We have a representative attending each PFMC meeting where North Pacific albacore may be on the Agenda. Although, no AAFA members currently sit on the Highly Migratory Species Advisory Subpanel, AAFA consultant Mike Conroy does.
- Continued presence at meetings (domestic and international) where issues which could impact the albacore fishery are planned for discussion.

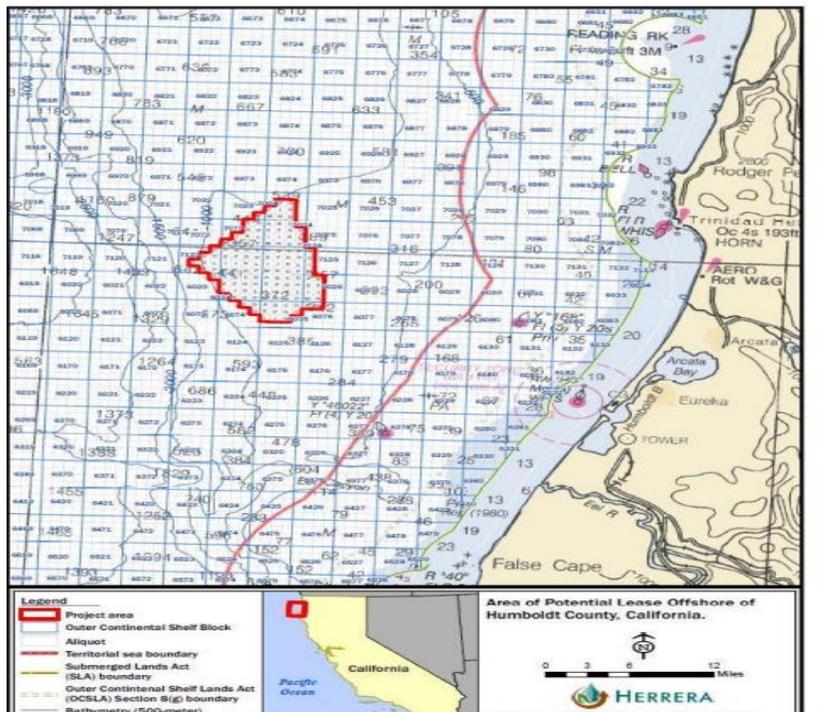
Wind farms off the California Coast

- In January, Mike submitted a public comment on the Bureau of Ocean Energy Management (“BOEM”) federal register notice seeking input on the three areas off the California Coast which could support offshore wind energy: His comment focused on historic importance of the areas to the albacore fishery.

Two Central California Call Areas:



Northern California Call Area:



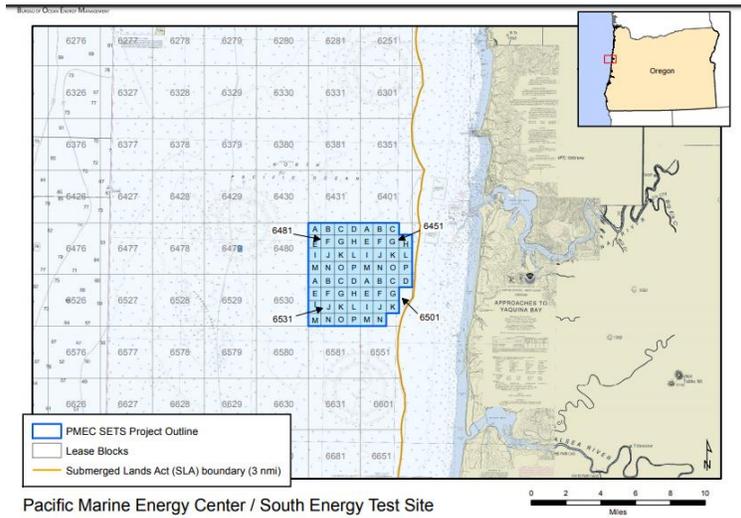
- BOEM has not yet published its response to the comments received.
- On May 3rd, the California Legislature’s Joint Committee on Fisheries and Aquaculture held a hearing, in Eureka, entitled *California’s Fisheries and Wildlife: Can they co-exist with Offshore Wind Energy Development?* Panels were made up of: Federal, State and Local govt officials, Wind energy industry representatives, environmental organization representatives, and local fishing industry representatives. While nothing was settled, it is clear that the State wants wind farms, the Federal Govt wants wind farms, and the local Govts in the impacted areas want wind farms. Our job – ensure that the fishing industry’s voice is heard and that adverse impacts to the albacore fishery are minimized to the extent possible.
- The Responsible Offshore Development Alliance (“RODA”) was established to by a broad membership-based coalition of fishing industry associations and fishing companies with an interest in improving the compatibility of new offshore development with their businesses. AAFA is having discussions with RODA about expanding their scope of coverage to the West Coast. They have expressed an interest and are currently considering best path forward.
- There has been a lot of news and activities regarding wind farms off the East Coast; but nothing on proposed wind farms off the West Coast.
- The Executive Director of RODA was in Portland during the NC meeting. We met with her and hope to be instrumental in ensuring an expanded role for RODA on the west coast. This is more imperative given the next item.

Offshore Renewables off the Oregon Coast (new item)

- The BOEM Oregon Intergovernmental Renewable Energy Task Force noticed a public meeting for September 27 in Portland, Oregon which will discuss, amongst other things, “to begin offshore wind planning in southern Oregon where the wind resource is the strongest in the State.

If you are from Oregon and available to attend – here is the meeting information (Agenda to be provided later) - <https://www.boem.gov/Task-Force-Meeting-7/>. Note – due to a scheduling conflict, our consultant will be unable to attend.

- An offshore wave-energy pilot project is still planned for off Newport, Ore. Here is a map of the proposed location. I note, this area will not likely have direct impacts on the albacore fishery; but it could have serious impacts to D Crab, Salmon and other fisheries.



Other items which arose previously and continued through June 10.

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

- California Assembly Bill 5 (AB 5)

- This would codify the Ca Supreme Court's holding in *Dynamex Operations West, Inc. v. Superior Court of Los Angeles* (2018) 4 Cal.5th 903. This address the distinction between employee and independent contractor. AAFA is working with the State Legislature and other fishery representatives/groups in an effort to ensure commercial fishing operations can continue to label crew as independent contractors – vs employees.
- On August 12 this Bill passed the Senate Appropriations Committee but was then immediately placed in the Suspense file. We believe this was done to allow the author to work with a number of groups which are seeking exemptions. We are working with other fishing groups and their lobbyists in an effort to secure an exemption for commercial fishing. AAFA submitted a comment to Assemblywoman Gonzalez (author) on this matter.
- On August 30, AB5 was pulled out of the Suspense File and immediately passed out of Committee. The Bill's original author then issued a press release indicating that some Amendments had been agreed to. Most importantly, for our purposes, commercial fishermen are exempted from AB5.

- MSC Certification - two items arose related to the MSC Certification:

- *Certificate Holder Forced and Child Labour Policies, Practices and Measures.* This was submitted before the August 31 deadline.

- *Surveillance Audit* – MRAG (current MSC contract) is conducting the surveillance audit as required under MSC. Between August 29 and September 4, we had our surveillance audit. During the final client meeting (9/4 in Portland) we learned the audit revealed no problems

Upcoming meetings:

- AAFA will have representation at the upcoming PFMC meeting in Boise, Idaho (Sept 11 – 18)
- AAFA will have representation at the upcoming PFMC meeting in Costa Mesa, Ca (Nov 14 – 20)



United States Department of State

Washington, D.C. 20520

Mr. Tim Thomas
President
American Albacore Fishermen's Association
4364 Bonita Road, Box 311
Bonita, California 91902

Dear Mr. Thomas:

Thank you for your letter on August 14, 2019, sharing the views and concerns of the American Albacore Fishermen's Association regarding the Intergovernmental Conference (IGC) on an international legally binding instrument 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 (BBNJ). The State Department appreciates your interest in this issue and is committed to pursuing the best possible outcome for the United States in the negotiations.

The Department appreciates the fishing industry's and other stakeholder's views on BBNJ, including concerns about the draft treaty text. The United States has maintained its position throughout the negotiations that the BBNJ instrument should not undermine the processes and mandates of regional and sectoral organizations, including regional fisheries management organizations with competence over tuna and other highly migratory species.

The draft treaty text was prepared by the President of the IGC based on her understanding of members' views, and there are provisions in the current draft that the United States does not support. The negotiating process does not operate by consensus and many of the other member States are supportive of this draft. The United States is engaging in the BBNJ negotiations with a view to ensuring its provisions are consistent with U.S. interests and objectives related to the conservation and sustainable use of marine resources. The U.S. position on the eventual agreement will depend on the content of the agreement.

The Administration appreciates the importance of the tuna fishing industry to the United States and are taking that and other stakeholder interests into account when setting U.S. positions for the negotiations. We will continue to engage meaningfully with industry and other stakeholders to receive views and to ensure that U.S. Government positions are understood.

Please do not hesitate to contact us if we can be of any further assistance.

Sincerely,

Evan T. Bloom
Director
Office of Ocean and Polar Affairs

Cc: NOAA (Drew Lawler and Alexa Cole)