

April 7, 2020

Chris Oliver
Assistant Administrator for Fisheries
National Marine Fisheries Service, NOAA
Silver Spring, MD

Sent by email to <chris.oliver@noaa.gov>

Dear Mr. Oliver:

The undersigned leaders of the halibut and sablefish fishery stakeholders have been meeting for the last ten days to discuss the challenges facing the IFQ fisheries in Alaska during the COVID-19 pandemic. The fishermen intend to do all they can to get the fish out of the water, but they want to do so with the least risk to the health of the IFQ holders, the vessel owners and crews, and the communities of coastal Alaska.

This letter defines the problems we face, and proposes alternate solutions that could lessen the risks. We need your help.

Background:

In late March NOAA provided template language for health care providers to include in "Block F" of the Application for Medical Transfer (MT) of IFQ form for Quota Share holders requesting a medical transfer because of Covid-19 concerns. NMFS suggested language reads:

"I recommend my patient not participate in the 2020 IFQ halibut/sablefish fishery due to high risk for exposure to COVID19. The CDC guidance maintains that the best way to prevent illness is to avoid exposure to the virus through social distancing, this is critically important for my patient, as he/she is in the high-risk category for severe illness from COVID19.

My patient has one or more of the following underlying higher risk health factors (choose one or more but not all):

- *Age*
- *Lung disease*
- *Asthma*
- *High blood pressure*
- *Diabetes*
- *Immunocompromised*
- *Pregnant*
- *Heart disease*

In light of these factors, Mr/Ms Smith should not participate in the IFQ fishery this year due medical concerns related to the Coronavirus and his/her status in the higher risk for severe

illness category. Please consider this request for a medical transfer to minimize risk associated with unnecessary travel and potential exposure to COVID-19."

Problem Statement:

The Alaska halibut and sablefish IFQ catcher vessel fleet largely consists of smaller vessels with limited medical kits and medical training aboard and no practical way to isolate sick crewmembers or QS holders apart from the rest of the crew. Crews may range from 1-6 people. Access to medical care may be complicated by the highly remote locations of these fisheries, prolonged USCG response time, and limited shore-based medical facilities. Local communities have varied options for housing and medical care, ranging from remote villages that may have a Community Health Aide, to larger towns with clinics and hospitals. Lodging options for quarantine are highly variable and likely limited in all Alaska fishing communities. During the COVID-19 pandemic, "it is recommended that fishing vessels minimize crew changes and discontinue the practice of moving between vessels during the course of work." Dr. Jarris, MD, Discovery Health

While NMFS criteria are helpful, they consider only the IFQ holder and do not more broadly include the health of the vessel crew or the communities they fish from as considerations for a medical transfer during this pandemic. They also do not consider the increased risk of creating new vectors for the spread of COVID-19 due to inter and intra state travel that may be necessary for QS holders to harvest their IFQ, nor the economic cost of the newly imposed travel restrictions and quarantine mandates issued by the State of Alaska.

Finally, NMFS current interpretation that Medical Transfers "*apply only to individuals who are not otherwise eligible to use hired masters*" is based on CFR 50 679.41(d)(2)(ii)(B) which states that individuals requesting a MT "*not qualify for a hired master exception under paragraph (i)(1) of this section.*" CFR 50 Sec. 679.41(i)(1)(iii) allows a QS holder to NOT be onboard a vessel when his or her IFQ is fished if that individual "*is represented by a hired master employed by that individual and permitted in accordance with Sec 679.4(d)(2).*"

Many QS holders may be eligible for hired master exceptions but have not utilized them in the past and are not able to rapidly switch their business model to incorporate a hired master during a medical emergency, thus are not able to comply with this requirement. NMFS current interpretation of this section is overly restrictive in assuming that all QS holders eligible to use a hired master can utilize one. This significantly limits the utility of the MT provision for some QS holders, and thus may impact public health during this pandemic.

Proposed Solutions to address the COVID-19 Crisis:

Option 1: NMFS could expand their MT template language to include additional criteria that address the health of crew and communities as related to COVID-19, and revise their policy on denying MTs to individuals who otherwise qualify for hired skippers. During this pandemic, such criteria might include:

- The IFQ holder has certified that the vessel on which s/he fishes has crew that indicate they have one or more of the identified risk factors;

- The IFQ holder has certified that the vessel's COVID-19 control policy is predicated on minimizing crew turn-over and outside contact during the fishing season;
- The IFQ holder has certified that the vessel operates out of a community with limited health resources;
- The IFQ holder has certified that under existing regulations they cannot harvest their IFQ utilizing a hired master during this medical emergency.

Option 2: If NMFS is unwilling to change their policy due to a perceived lack of expertise on what public health considerations should factor into a medical transfer, the State of Alaska or the State of Washington could identify the appropriate risk criteria to write in Block F to protect public health interests, and identify a State designee from the Department of Health to sign the document as the health care provider of record. Under this option, NMFS would still need to temporarily revise their hired master exclusion so all B, C and D Class IFQ QS holders are eligible for medical transfers.

Option 3: Request an Emergency Rule that adds COVID-19 to the limited exceptions for temporary transfer of IFQ which currently include Category A IFQ, qualified military service, surviving beneficiaries, and IFQ transfer to CDQ groups during years of low abundance. This will allow all QS holders use of the Temporary Transfer of IFQ during the COVID-19 crisis. Under this option, vessel size classes, limits on at-sea processing and restrictions on corporate leasing would all remain in place.

To summarize, the ideal solution would achieve the following objectives:

1. Fast-Tracked Implementation.
2. Allow All QS holders temporary transfer of IFQ for the 2020 season while preserving the vessel class and other provisions associated with catcher vessel QS.
3. Reduce travel to and from Alaska communities and preserve social distance within Alaskan communities to the greatest extent possible.
4. Provide fishing operations harvest flexibility.
5. Reduce costs and time burden of mandatory quarantines for individuals traveling to harvest their QS. Note: Current Quarantine Protocol could result in a time requirement of 30-40 days in order to harvest QS of any amount (15-day pre-travel quarantine, 15-day quarantine upon arrival to port of harvest, fishing time 0-10 days)

Thank you for your consideration of our concerns and possible solutions. We are available at any time to answer questions(contact emails attached), and look forward to working with you to achieve our common goals of contributing to the economic well being of the State and the Nation by harvesting fish, while preserving the physical well being of fishermen and Alaska communities in these difficult times.

Sincerely,

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