

## Executive Director's Report

### SOPPs etc.

Due to the recent press of other business, I have postponed finalization of Council SOPPs revisions to the February 2012 meeting, as well as further updates to you on the potential acceptance of electronic comments and/or late comments on Council agenda items and minimum logistical requirements for Council meetings. Please note that we have received a number of late comments for this meeting, and we are still getting them this week, which are in a folder kept for the record, but which have not been copied and distributed. I hope to also report to you on the FY 2012 budget outlook, as we will be discussing Council allocations with NOAA leadership later this month. Given the overall reductions to NOAA's budget, we are still hopeful that the Councils will be level funded, or at least suffer only a minimal reduction.

### Recent Congressional Hearing on Proposed MSA Amendments

As you know I was invited to testify last week at a hearing of the House Natural Resources Committee on potential amendments to the Magnuson-Stevens Act. For your reference I have included copies of my full written comments as submitted to the Committee (Item B-1 (a)), as well as the eight Bills which were the primary focus of the hearing (Item B-1(b)). I am uncertain as to the speed at which possible reauthorization might occur, or as to the breadth of issues such a reauthorization might include; however, as you will see from my written testimony, there are some very significant issues covered within the eight Bills currently on the table. As this process unfolds I believe we all need to keep a very close eye on these issues, as some of the proposals in these Bills (while perhaps well-intended) have the potential to impart significant, negative impacts on the Council process overall. As an example, I will point to the provisions in H.R. 1646 which would require the determination of direct or indirect impacts of \$50,000 or more, on more than 25 'small businesses', before the agency could enact a 'fishery closure'. I urge you to read the details of that provision, contemplate the practicality of such an exercise, and consider the myriad ways that such a provision could impact the fishery management process.

### National Ocean Council/CMSP/etc.

I do not have any new information on the progress of the Coastal and Marine Spatial Planning (CMSP) initiative, and the formation of regional planning bodies, or other mandates of the President's Executive Order. I was just made aware of a stakeholder call on Tuesday, December 6 focused on the new NOC data and information portal (ocean.data.gov), intended to support development of the regional planning processes (Item B-1(c)). I have also recently learned that the Alaska Ocean Observing System (AOOS) has received a NOAA grant for their proposal to develop data integration and visualization tools that could be used to support CMSP or other regional decision-making processes. This 1.5 year project will focus on the northern Bering and Chukchi Seas and will kick off in January 2012. Council staff have been involved as collaborators with AOOS on this project and have met with AOOS to provide input on their proposal with the intent that it will benefit ongoing Council management initiatives (for example, the Northern Bering Sea Research Plan, the Bering Sea Habitat Conservation Area, and considerations relative to our Arctic FMP), irrespective of the specific CMSP applications.

### Managing our Nation's Fisheries III ?

In recent updates to you I have mentioned the potential for another major fisheries conference, patterned after the 2003 and 2005 national conferences which were primarily organized by the North Pacific Council. In discussions with other Council and NOAA Fisheries leadership at recent meetings of the Council Coordination Committee (CCC), we have tentatively agreed that another such conference might be in order; however, it looks like the timing of such a conference will likely be in 2013, rather than the fall of 2012. The Pacific Fishery Management Council will be taking the lead this time, but North Pacific Council staff, as well as our Council Chair, will be closely involved as members of the Organizing Committee. We intend to have further discussions on planning for this national conference at our interim CCC meeting, which will be in Washington D.C. January 25-26, 2012.

### NPFMC Crab Modeling Workshop

Based on recommendations of our SSC, and concurrence by the Council, we will host another crab modeling workshop January 9-13 2012 at the Alaska Fisheries Science Center. The primary focus will be on the developing Tanner crab model and associated rebuilding strategies, and the Aleutian Islands Golden King Crab model. Details on the workshop are included under Item B-1(d).

### Halibut Bycatch/Harvest Strategy Workshop

In June of this year the Council directed me to work with the IPHC to organize a workshop to examine halibut growth and migration, and implications relative to halibut bycatch management measures being contemplated by this Council. Recognizing the necessity of close cooperation with the IPHC, myself and other Council staff have met a number of times over the past few months with IPHC staff (Dr. Leaman and Mr. Williams) to develop a common understanding of the focus, content, format, and timing of such a workshop. Item B-1(e) is a workshop description based on these discussions with the IPHC staff. Because a review of the IPHC stock assessment was recently conducted by the CIE, the IPHC staff did not feel that this workshop warranted a general focus on the overall stock assessment process, but they agreed that the Council and industry could benefit from a workshop discussion, and better understanding of how migration and growth are considered in the overall halibut harvest strategy, and how halibut bycatch in our groundfish fisheries are factored into the overall harvest strategy. To that end we developed the attached workshop description. At the same time, the IPHC has been working directly with a group of groundfish industry representatives with a similar goal of achieving a better understanding of halibut bycatch and its impacts on halibut stock dynamics, a process which I understand will take through March of 2012.

Given this ongoing process, and the staff workloads associated with the annual IPHC meeting next year, we have identified a tentative date of April 24-25 for the proposed workshop. Recognizing a desire by the Council to schedule final action on the GOA halibut PSC reductions for the March/April Council meeting, it **may be possible** to move the workshop up to the mid-March timeframe (March 13-14), although such timing would be at the expense to the ongoing IPHC staff work with the groundfish industry group, and would imply a more tightly focused scope for the workshop. In my discussions with members of the groundfish industry recently, it appears to me that their expectations for the proposed workshop are broader than that contained in the attached workshop description, and perhaps broader than what is acceptable to the IPHC staff, given the desired timeframe for this workshop. I am eager to get feedback from the Council at this meeting so that we can organize a workshop that is responsive to the Council's intent, and is useful to the workshop participants and attendees.

### Recent ICES publication by Ianelli et al

Item B-1(f) is a recent publication in the ICES Journal of Marine Science – “Evaluating management strategies for eastern Bering Sea walleye pollock (*Theragra chalcogramma*) in a changing environment”, which evaluates the consequences of alternative climate scenarios and potential trend of reduced recruitment for pollock in the Eastern Bering Sea. Results indicate that if the relationship between warmer conditions and lower pollock recruitment hold, status quo management with static reference points and current ecosystem considerations will result in much lower average catches and an increased likelihood of fishery closures. In this document alternative reference point calculations (e.g., a change in carrying capacity) and control rules have similar performance under stationary recruitment relative to status quo, but may offer significant gains under the changing environmental conditions. These issues relate to Steller Sea Lion RPAs (which close directed fishing on prey species when they fall below 20% of “unfished” levels) and the current set of ABC/OFL control rules. Future modifications to management strategies (and the FMP) could be implied in order to address consequences of potential changes in the environment. This is informational at this time for the Council, but it is these type of considerations that are envisioned as we develop potential amendments to the ACL requirements to further address uncertainty. Scientists at the AFSC are currently developing analyses relative to the uncertainty aspect, and we expect a report on those analyses in the fall of 2012.

### BSIERP Management Strategy Evaluation Workshop

The Bering Sea Project (<http://bsierp.nprb.org/>) is developing complex coupled oceanographic and biological models of the Eastern Bering Sea, with specific focus on pollock, Pacific cod, and Arrowtooth flounder and their fisheries. This fully integrated model provides a unique tool to compare stock assessment methods (including applications of multi-species models). Additionally, trade-offs among different management control rules can be tested and evaluated given alternative climate scenarios. To draw the attention of this work to the Council in their role as managers, a two-day workshop was held on 27 & 28 October 2011 at the Alaska Fisheries Science Center, Seattle. The objectives of the workshop were to:

1. Provide an update on the Forage and Euphausiid Abundance in Space and Time (FEAST) model. This encompasses the suite of coupled models from climate to fisheries and is used as the “operating model” for the management strategy evaluations.
2. Outline the economic and management models which can be linked to the FEAST model.
3. Identify priority management strategies for evaluation.
4. Review the suite of climate scenarios to explore.
5. Develop OFL and ABC control rules using multi-species models.

Two Council members and several Council staff attended the workshop and provided much needed feedback to the modelling group. The outcome of the workshop was that two multispecies control rules using  $B_{msy}$  (or analogous proxy) were devised that can be applied in both the ECOSIM and MSMt methods. These are being developed further and will be presented in some form to the Council’s SSC in February, and to the Council itself at your discretion, either in February or at some subsequent meeting.

### Recent Letters From Congressional Delegation

For your information, Item B-1(g) contains four letters from our Congressional delegation which have recently been sent and copied to the Council: (1) letter to Dr. Lubchenco requesting start-up funding for our restructured observer program; (2) letter to the Secretary of Commerce requesting an extension of the comment period for Amendment 88, the GOA rockfish program; (3) letter to Dr. Lubchenco requesting that the agency provide guidance to the Councils regarding implementation of its catch share policy,

specifically with regard to fishing communities and regional fishing associations; and (4) letter to Dr. Lubchenco from Senator Begich regarding the halibut CSP timeline, and expressing support for the Council's finalization of a CSP.

#### Council member training

FYI, NMFS held the annual Council member training last week in Washington D.C. We had no new members requiring training, but I simply wanted to apprise you of the agenda (Item B-1(h)). Jane DiCosimo of our staff once again participated in the training program. Another FYI, for those of us who are sometimes confused by the NOAA Fisheries Service (NMFS) organizational structure, Item B-1(i) is a current organizational chart for the primary line offices within NMFS HQ.

#### Draft NOAA Enforcement Priorities

Item B-1(j) is an announcement of NOAA's draft FY 2012 enforcement priorities, with a comment period open until January 9, 2012. The document is fairly broad and generic in scope, and we did not have a meeting of our Enforcement Committee this week, so it may not be something the Council wishes to comment on, but I wanted to bring it to your attention nevertheless. \

#### Fisheries Forum 'a la Carte'

I have reported to you previously, and you have heard from individual Council members, on meetings and activities of the Fisheries Forum, an organization now led by our very own John Hendershedt. I wanted to bring to your attention recent correspondence from the Fisheries Forum (Item B-1(k)), offering their expertise and services in the form of a 'menu' of selected themes, in this case focusing on aspects of CMSP. If the Council is interested in any of these services as the CMSP process develops I can work with Mr. Hendershedt to explore these options. At this time I simply wanted to bring to your attention the opportunities being offered through the Fisheries Forum.

#### 3-mile line and the NOAA Nautical Charts

In November I received follow-up correspondence relative to the issue of recent revisions to the 3-mile line, how and when those revisions get reflected in nautical charts, and the implications to management and enforcement of Council and State fishery regulations. Item B-1(l) is the letter for Mr. Kevin Baumert, U.S. Department of State and Chair of the U.S. Baseline Committee, along with minutes from their most recent meeting. At that recent meeting it would appear that the Committee has approved eight of the nine proposals from the State of Alaska Department of Natural Resources, and Mr. Baumert specifically refers to "the third full paragraph on page 2 of the minutes" to describe the link between Baseline Committee Decisions and federal or state agency use of those decisions prior to broader publication on NOAA charts. I understand that NMFS has recently discussed the implications of the Baseline Committee actions and is prepared at this meeting to provide the Council with further explanation.

#### AVCP Resolutions

I wanted to make you aware of two resolutions recently approved by the Association of Village Council Presidents (AVCP) relating to Council management: (1) resolution 11-10-07 requesting the Council and NMFS to designate a 50 mile subsistence buffer zone from Kuskokwim Bay, and (2) resolution 11-10-08 requesting a permanent ban on trawling in the Northern Bering Sea Research Area. Item B-1(m) contains the specific resolutions.

### Request from Bering Sea Fisheries Research Foundation

Item B-1(n) is a recent letter from the Bering Sea Fisheries Research Foundation (BSFRF) with suggestions to the Council for improving the transparency and general understanding of the Crab Plan Team processes, including peer review of SAFE chapters and attendant models, inclusion of a 'glossary of terms', better descriptions of the timelines of the assessments, and standardization of the SAFE chapters across species. I have not discussed these recommendations with our staff or any Crab Plan Team members, but it would seem that some of the suggestions would be relatively easy to accomplish, while other suggestions (such as peer review of the SAFE chapters prior to consideration by the Plan Team) would be more difficult to accomplish and also involve a significant policy determination. I recommend that the Council allow me the opportunity to discuss these recommendations with our staff and Crab Plan Team chair, and come back to you at the February meeting with suggestions on how to respond.

### Cooperative Research Opportunities

Section 318 of the 2006 MSA reauthorization requires the Secretary, in consultation with the Regional Fishery Management Councils, to establish a cooperative research program to address needs identified under Section 318, as well as other needs as appropriate. Item B-1(o) is a description of the process for solicitation of proposals and allocation process recently developed by the agency. Please note that this framework was issued on November 7, that I received this information on November 30, and that the deadline for submission of 2012 proposals was December 5. A second round of RFPs is scheduled for mid-2012, which would be for 2013 funding. At this time it appears that the process is quite internalized within the agency, in terms of who develops, submits, reviews, and approves proposals, and it is quite unclear to me how this process works, in terms of Council input and in terms of the opportunity for potential industry partners to participate in this program. I intend to work with the agency to gain a better understanding of this process, because it does appear to represent a great opportunity for cooperative research in the North Pacific and other regions. At this time I simply wanted to get this on the radar screen for the Council and for the fishing industry, and I hope to follow up asap with more information.

### Letter to Board of Fish RE Proposal #43

The State of Alaska Board of Fisheries met last week, and among the proposals being considered is #43, which would prohibit the use of commercial bottom gear in Prince William Sound from May 15 through September 1. Because we were unaware of this proposal until recently, and therefore have not had any opportunity to provide possible input to the Board under our Protocol Agreement, our Council Chairman wrote a letter on behalf of the Council requesting that the Board not take any affirmative action on this proposal until we could provide input, either through the Council or through our Joint Protocol process. The letter and proposal are attached as Item B-1(p). We have tentatively scheduled a meeting of the Joint Protocol Committee for March 19, 2012, primarily to discuss GOA Pacific cod management issues. Council and ADFG staff will have additional detail on those issues, including results of the Board's October meeting, under the C-1 agenda item.

### BOBLME Calling

That stands for Bay of Bengal Large Marine Ecosystem. Please refer to Item B-1(q), which is an email exchange with the Regional Coordinator of the BOBLME Project, and just to let you know that your Aleutian Islands Fishery Ecosystem Plan is being used as a template for an eight-country effort to develop a similar plan in the Bay of Bengal. Obviously I think this reflects well on our Council and on all those who worked so hard to develop our AIFEP. Congratulations!

Testimony of Mr. Chris Oliver, Executive Director

North Pacific Fishery Management Council

Before the Committee on Natural Resources

United States House of Representatives

December 1, 2011 in Washington, D.C.

Good morning Chairman Hastings and members of the Committee, and thank you once again for the opportunity to testify regarding potential amendments to the Magnuson-Stevens Fishery Conservation and Management Act (MSA). I offer a perspective from the North Pacific region, as a representative of the North Pacific Fishery Management Council. Neither the Council nor those with a stake in the North Pacific fisheries have reviewed these comments; therefore, they represent my best attempt to speak for those interests, based on my previous testimony before this Committee and on my 22 years of experience with the Council process in Alaska.

The 2006 amendments to the MSA comprised a very ambitious, comprehensive, and powerful set of new requirements for fisheries management, primarily aimed at rebuilding and conserving fisheries through the mandate of Annual Catch Limits (ACLs) and the reliance on best scientific information in that pursuit. The 2006 amendments were not without pain and costs to the fishing industry, as is evidenced by the introduction of various Bills aimed at modifying some of those provisions. The 2006 amendments to the MSA also put in place numerous requirements for the development of Limited Access Privilege Programs (LAPPs), requirements which also apply to many of the 'catch share' programs being considered, or being developed, by Regional Fishery Management Councils around the U.S. Catch share type programs, including sector allocations, license limitation programs, and individual transferrable quotas (ITQs), while not appropriate for all fisheries, do represent a critically important tool for fisheries management, and have been used extensively in North Pacific fisheries. Catch shares in the North Pacific have been developed through an extensive, and inclusive, public process. We do not want to lose catch shares as a management option in our tool box.

As a general comment, I believe that whatever Bills do pass, they need to be as specific in their direction and intent as possible. An example of general provisions resulting in substantial revisions to North Pacific fishery management (and nationwide), is in fact the implementation of ACLs required under the 2006 MSA reauthorization. Recall that the 2006 additions to the MSA which implemented the ACL requirements were but a few sentences of statutory text (largely patterned after long-standing North Pacific practices), but that the implementation of the ACL requirements resulted in 98 pages of 'guidelines', or regulatory text, from the National Marine Fisheries Service. We are still in the process of addressing the provisions of the 2006 MSA reauthorization. In the case of the North Pacific, we had to undergo significant amendments to our Fishery Management Plans (FMPs) to comply with the letter of the ACL regulations, even though we have been successfully managing fisheries with strict annual catch limits for 30 years. The guidelines as written also require us to develop additional amendments to our FMPs to more explicitly address uncertainty in stock status, even though we have robust stock assessments for most species, and uncertainty levels are incorporated in our stock assessments and setting of ACLs. Finally, despite the lengthy and detailed guidelines which were developed, there is still debate

over how to account for fish taken in research, stock assessment, and cooperative research under exempted fishing permits (EFPs).

There are certainly instances where the implementation of the ACL amendments has complicated, or even negatively impacted, some fisheries in the North Pacific. We have relatively poor information on overall Pacific octopus biomass, due to the difficulty in assessing this species, but we have enough information to establish a 'stock assessment' and are compelled to establish an ACL. This ACL is based largely on historical, incidental harvest information, life history characteristics, and stomach content analysis of Pacific cod, rather than a robust stock assessment, and has recently resulted in closures of fisheries which take octopus incidentally. This example underscores the need for robust stock surveys and assessments, which we recognize as a major component of several of the Bills under consideration. Another example worth citing, relative to rebuilding requirements, is that of Pribilof Island Blue King Crab. While we have no overfished groundfish stocks in the North Pacific, this crab stock is considered overfished and in need of a rebuilding plan, even though no directed fisheries have occurred for nearly two decades, and the species is only occasionally taken as bycatch in other fisheries. We are facing the prospect of curtailing certain groundfish fisheries, because this is the only source of mortality we can affect, even though our analyses and models indicate that the expected bycatch savings will not positively effect, or affect, rebuilding success.

I cite these examples as recognition that the ACL and rebuilding requirements are not perfect and some adjustments to these requirements may well be in order. Overall however, because we have long been operating under this general paradigm in the North Pacific, and because we have the benefit of robust stock surveys and stock assessments for most species, we have not experienced the types of negative impacts that other regions appear to be having in complying with ACLs. In that vein, while we understand the need for some flexibility in the application of ACLs and rebuilding requirements, we believe it will be imperative to consider such changes cautiously, to not dilute the basic intent and benefit of ACLs, and to not lose ground in our success at rebuilding overfished stocks where rebuilding is feasible. To that point, any reauthorization of the MSA should include a primary focus on developing adequate stock assessments for all of our fisheries, and maintaining robust stock assessments where they already exist, so that ACLs are set at the appropriate level in the first place.

#### H.R. 594 Coastal Jobs Creation Act of 2011

Generally, this Bill represents a potentially positive approach to cooperative research opportunities. While the laudable goal appears to be job creation in the shorter term, it also provides funding and processes which could ensure fisheries jobs in the longer term, notably by providing opportunities to enhance stock assessment information across all of our fisheries. I believe that the focus of many of the Bills under consideration at this hearing is to alleviate job losses experienced in many of our fisheries – the key question is how to create or maintain jobs by building and sustaining our fisheries, rather than creating or saving short-term jobs by dismantling otherwise successful management programs. Another aspect of this Bill that we in the North Pacific note with interest is the ability to use provisions of this Bill to fund observer deployment. The North Pacific Groundfish Observer Program is a fundamental underpinning of our management program, and is primarily funded by the fishing industry at a cost of over \$15 million per year.

There are a couple notes of caution I would like to raise in the context of this Bill. First, it will be expensive, at the proposed \$80 million per year, and we caution against this funding coming at the expense to existing, on-going, mission critical activities such as NOAA's existing stock assessment activities, in the North Pacific or in other regions. Secondly, the Bill calls for the Secretary (NMFS presumably in this case) to develop guidelines (regulations presumably) within 30 days to implement this program. In my experience with development of guidelines and/or regulations, 30 days represents an

impossible timeline to develop the kind of guidelines which would be required for this program. Finally, because the devil is indeed in the details, the provisions of this Bill should be made as specific as possible in order to facilitate development of the guidelines, and to minimize the potential for the guidelines to be more complex than necessary.

#### H.R. 1013 Strengthen Fisheries Management in New England Act of 2011

I have no comment on this Bill specifically, as it pertains explicitly to the New England region. However, if provisions of this Bill were extended beyond the New England region we would have serious concerns, due to the potentially negative impacts on NOAA's enforcement mission. Please refer to my comments on H.R. 2610 in this regard.

#### H.R. 1646 American Angler Preservation Act

A number of significant concerns are raised by this Bill, and I will address them section by section.

##### Section 2 - Improving Scientific Review:

This section proposes the introduction of the term "risk neutral" with regard to scientific advice. Risk and uncertainty are implicit in any stock assessment and attendant ACL determination, and the insertion of this term could lead to further confusion, or subjectivity, in attempting to define this term.

This section constrains a Scientific and Statistical Committee (SSC) from making an ACL recommendation which is 20% smaller or larger than the previous ACL, unless that recommendation has been approved in a peer-review process conducted exclusively by non-governmental entities. This is problematic from a number of angles. First and foremost, the 2006 MSA reauthorization went to great lengths to recognize the SSC as the appropriate forum for establishing annual acceptable biological catch (ABC, or effectively, ACLs for purposes of this discussion), in fact going even further to explicitly recognize an SSC as the appropriate body for satisfying the peer review requirements of the Data Quality Act. During the 2006 reauthorization we argued vigorously against additional peer review requirements because of the scientific credibility of our Plan Team and SSC review processes in the establishment of ACLs. This provision would seem to discount the role of our SSCs, as was imbued upon them in the 2006 reauthorization.

To preclude an ACL from deviating by more than 20% is an arbitrary constraint which has the potential to either (1) result in excessive harvest rates if the science indicates that a reduction of 20% or more is warranted, or (2) result in great financial loss to fishermen and communities, and be contrary to National Standard 1 (using the best scientific information available and attaining optimum yield from the fishery), if conditions warrant an increase of greater than 20%. Some fisheries in the North Pacific are among the most well understood, best assessed stocks anywhere in the world (Pollock for example) and it is not uncommon to have changes in stock biomass and attendant ACLs which approach, or even exceed, 20%. We believe that our SSC is the appropriate 'gatekeeper' for ABC determinations and do not believe that an additional peer review process is warranted or advisable.

Further, it is not clear how the members of such a peer review would be chosen, whereas the Council process provides an effective means to vet scientific experts and ensure adequate representation of scientific perspectives on our SSCs. This proposed Bill does not define the specific qualifications for 'non-governmental entities', who would select the reviewers, and when such selection process would occur (relative to the timing of setting ACLs each year). Practically, there are a limited number of



available experts who are not already engaged in the Council process, either as SSC members, industry, or environmental representatives.

### Section 3 Extension of the time period for rebuilding certain overfished fisheries

I earlier cited the example of Pribilof Island Blue King Crab, a fishery which has not been subject to any fishing for nearly two decades, and for which restrictions of any fishing activities (even closing fisheries which might take this species as bycatch) are not predicted to effect, or affect rebuilding. Certain provisions of this section would provide relief for these situations, and by the example listed above, we recognize the need and desire for some flexibility in the current rebuilding strictures. However, the various provisions regarding alternative time frames to rebuild collectively generate some concern, in that they appear to relax many of the existing constraints on both the minimum and maximum time frames for rebuilding overfished stocks, which may jeopardize the ability to successfully rebuild some stocks. Relaxing the constraint on the minimum time frame to rebuild could add confusion to the calculation of the relative available range of rebuilding times, as currently the calculation of the minimum time frame to rebuild ( $T_{min}$ ) is based on an assumption of no fishing (i.e., the substitution of the term 'practicable' for the term 'possible'). On the other hand, relaxing some of the constraints on the maximum time frame to rebuild seems reasonable for some fishery situations. We only note that it may be difficult (and somewhat subjective in some cases) for the Secretary to make the determinations listed in the proposed Bill, and that such provisions be considered cautiously.

### Section 5 – Approval of Limited Access Privilege Programs

This section appears to be targeted to specific regions, which do not include the North Pacific, and we support the clarity that these provisions would not apply to the North Pacific. It is unclear whether certain 'catch share' programs, such as sector allocations, would fall under the provisions of this section, but in any case we would strongly oppose any such provisions for fisheries in the North Pacific. The 2006 amendments to the MSA provided numerous constraints on the development of LAPPs, and compelled the Councils to vigorously analyze and consider the impacts of any LAPP program before adoption. Maximum flexibility for program design, tailored to the specific aspects of each fishery, is key to successful development of LAPP or other catch share programs. Termination of LAPP programs after some arbitrary time period, particularly where transferability is allowed, will likely result in significant disruption to the fishery, its fishermen, and related communities.

### Section 6 - Certification Required for Fishery Closure

The overall purpose of this section is challenging to ascertain, but there are several aspects of this section that are problematic and cause great concern: 1) the definition, or lack of definition, of the term 'closure'; 2) the required determination of direct and indirect impacts on entities; 3) the aspects that would need to be certified by the Secretary to enact a fishery closure; and, 4) Secretarial review of existing closures.

- 1) **Definition of closure.** Closures may be defined in many ways, and in the North Pacific, there are literally hundreds of closures that NMFS effects in-season, on an annual basis. Examples include closure of a fishery due to reaching its catch limit in-season; closure of a fishery for catch of any species which has exceeded its OFL; area closures for conservation reasons; closure for reaching a catch limit of a prohibited species. Another interpretation of the term 'closure' in this section may mean not allowing a fishery to open at all in the beginning of the year, presumably due to ACL and/or rebuilding requirements. If this certification requirement is intended to pertain to anything other than the latter (not opening an annual fishery), there are significant concerns with the ability of NMFS to manage multiple fisheries, gear types, seasons, and areas simultaneously, on a timely basis, so as to avoid exceeding the allowable catch limits. Currently in the North

Pacific, NMFS annually manages 'closures' for a variety of reasons including species-specific catch limits, prohibited species bycatch catch limits on target fisheries, area-closures to protect habitat, bycatch and target stocks, and in-season actions when the OFL of a single target species is reached thus requiring any fishery which catches that as bycatch to be closed. Requiring this type of certification for each of these closures would make sustainable management of the fisheries in the North Pacific entirely impossible. Regardless of the intended breadth of the term 'closure', we have significant concerns with the practical ability to determine direct and indirect effects as called for in the proposed Bill.

- 2) **Determination of indirect or direct effects of at least \$50k on more than 25 small businesses.** The wording of this section appears to require an extremely impractical, if not impossible, mission. First it would require someone, somehow to identify each and every small business in the U.S., or region of the U.S., that might be related to a particular fishery, a monumental task in itself. Secondly, someone would next have to conduct a full financial audit of each and every one of those businesses in order to determine whether a \$50,000 affect would occur to at least 25 of them (setting aside for the moment the subjective determination and quantification of 'indirect' impacts). Such a determination by nature would be speculative (projecting whether a closure would directly or indirectly affect more than 25 businesses), would likely not provide valuable information as to the impact of the proposed closure, and could not likely be done in any timeframe that would be relevant to any proposed closure. The monetary costs of even attempting to conduct such a determination can only be speculated, but would likely be extreme.
- 3) **The three certification requirements for a closure.** While there is clear merit to the intent of certifying the three aspects included here, there is an inherent complication in requiring both B and C (i.e., both an updated peer review within the preceding three years AND was developed with at least models subjected to outside peer review). In the North Pacific, we have annually peer-reviewed stock assessments for all stocks; however, not every assessment has gone through an external peer-review process, nor do all stock assessments employ age-structured models (e.g., for some assessments, based on the information available, catch limits are based on estimates of mortality multiplied by survey biomass, or catch limits are recommended based upon average catch levels over a specified time frame). Only age-structured assessment models are typically the focus for external peer review due to the more complicated nature of these assessments, in contrast to more simplistic assessments (based upon either survey biomass only or average catch calculations). Changing the wording of B and C to indicate an 'or' in lieu of an 'and' would allow for the intent of the certification without unnecessary disruption for assessments that are annually peer reviewed within our current process but are not priorities for external peer review. An example of an assessment that would meet B but not C in the North Pacific is that for the Gulf of Alaska Atka Mackerel - that assessment is annually peer reviewed but, due to a lack of a reliable biomass estimates for the stock, specifications are established based upon average catch and not any form of age-structured model. Under regulations to protect the endangered Steller Sea Lion population, this directed fishery is annually closed. Because no external review (of alternative models) has been conducted on this assessment (per requirement 'C') this assessment would not qualify for the Secretarial certification, which would in turn result in the fishery being opened to directed fishing, in violation of the Endangered Species Act. Further, and to reiterate earlier comments, we do not support requirements for outside peer review in any case given the robust nature of our current scientific review process (i.e., our SSC, with optional outside peer review in specific cases, at the discretion of the Council or the Secretary).
- 4) **Secretarial review of existing closures.** Again recognizing the extreme hardships implied by many fishery closures, and the merit in carefully examining such closures, it is difficult to ascertain the practical effect of this section, as a retrospective exercise. Once again the definition

of the term 'closure' is critical, and the intent of this section needs to be clarified. Does this mean any closure at all, or any closure for which a fishery has not subsequently been re-opened? As described in comments above, the ability to definitively measure every direct and indirect impact on small businesses and communities overall, and identify specific and potential job losses, is extremely limited and subjective. Estimations may be possible, but the specific provisions (and criteria) in this section would not appear to allow for subjective, non-definitive estimation. Crafting regulations to implement these provisions would likely be an extremely daunting task.

#### H.R. 2304 Fisheries Science Improvement Act of 2011

This proposed Bill appears to promote the development of better stock assessment information, and allow certain flexibility in rebuilding for stocks that are overfished. As it is written, it would not appear to affect stocks in the North Pacific; however, it may be important to clearly differentiate and define the terms 'stock survey' and 'stock assessment'. In the North Pacific, there are several species, including octopus, sharks, and squid, for which there is no specific stock survey (nor any specific, reliable survey instrument), but there is a stock assessment performed annually, based on historical catch numbers, life history parameters, stomach content analysis of predator species, and limited biomass information. Based on this stock assessment, octopus for example has a relatively low ACL and has recently constrained fisheries which take octopus incidentally. Depending on how these terms are defined it may be possible that provisions of this proposed Bill would affect management of these species, and perhaps a few others in the North Pacific. The definition of 'ecosystem stock' is more narrow than that contained in the ACL guidelines, and it is unclear what the intent and affect of this definition would be. Finally, the provision requiring the Secretary to conduct a stock assessment for an overfished fishery appears well intended; i.e., we need better stock assessments to determine appropriate ACL levels and rebuilding schedules.

#### H.R. 2610 Asset Forfeiture Fund Reform and Distribution Act of 2011

As written, it appears that this Bill would change the distribution of funds collected from fines, penalties and forfeitures for violations of the MSA and any other marine resource law from Federal and State agencies to States only. Specifically, the amendment would remove the asset forfeiture fund as a source of revenue from the NOAA Office of Law Enforcement (OLE) and instead would distribute these funds solely to States for such activities as fishery research, stock assessments, data collection, at-sea and shoreside monitoring of fishing, and compensation for the costs of analyzing the economic impacts of fishery management decisions to name just a few.

Based on my understanding of how NOAA OLE functions in the North Pacific, the impacts of this proposed Bill are potentially significant. The amendment could severely hamper the investigation process of federal fishery violations and ultimately reduce the effectiveness of enforcement of MSA regulations in the North Pacific. Currently, OLE in the North Pacific region relies significantly on the asset forfeiture fund to pay for travel associated with investigating fishery violations. Unfortunately, these travel costs contribute a significant portion of the costs associated with fishery violation investigations because of the remoteness of the North Pacific communities and ports. Absent the asset forfeiture fund, travel associated with investigating fishery violations will be reduced significantly or in some cases eliminated altogether. Current procedures would be to send an OLE officer to the community or port to investigate the fishery violations. This would allow OLE officers assigned enforcement duties to focus on enforcement only. Instead, already stretched OLE officers normally assigned enforcement duties will now be tasked with conducting investigations in addition to their enforcement duties, thereby reducing the effectiveness of fishery enforcement in the North Pacific.

Case in point, the investigative actions by NOAA OLE against the 140' fishing vessel Bangun Perkasa, recently seized by the U.S. Coast Guard for use of high seas drift nets, were funded entirely from the asset

forfeiture fund, so without this source of the revenue OLE could not afford to investigate these violations which could jeopardize enforcement of illegal high seas fishing in the North Pacific region.

Using some portion of the funds for stock assessment augmentation is a positive aspect of this Bill. Perhaps sponsors of this Bill would consider some portion of the Asset Forfeiture Fund being retained for use by NOAA OLE for investigative activities.

#### H.R. 2753 Fishery Management Transparency and Accountability Act

This Bill would require live video and audio broadcast of Council, SSC, and CCC meetings on each Council's website, and written transcripts posted within 30 days of the meeting. We endorse the point of this legislation, and making the Council process more accessible, and in fact already do most of what is being proposed (live broadcast of Council meetings, complete audio files, posting for public access). However, we oppose the specific provisions for the following reasons:

In the North Pacific, we currently live stream audio of Council meetings when possible. In more remote locations of Alaska, internet access may not be available, or broadband too limited for live broadcast based on our experience (including our most recent meeting experience!).

Thirty days may be too short of a time to get written transcripts prepared, and transcribing is a very expensive and time consuming task. The North Pacific Council and its SSC meets 5 times per year. Council meetings last for 7 days, and SSC meetings for 3 days. Full audio files of Council meetings are available to the public, in an easily searchable time/date stamped format. Transcripts would be redundant and unnecessarily expensive.

The SSC provides scientific advice, not policy advice, and written transcripts would tend to suppress the full expression of scientific opinions. As noted at the first national SSC workshop, "*Most SSCs provide scientific advice based on a summary of their deliberation. The general consensus was against the practice of using verbatim transcripts. SSC deliberations are a dynamic process and statements made by SSC members could be quoted out of context under the transcript format. The transcript approach is likely to discourage open discussion especially in the current litigation environment.*"

Council Coordination Committee (CCC) meetings are already being broadcast, and in most cases a full audio and written transcript is developed.

#### H.R. 2772 Saving Fishing Jobs Act of 2011

While this Bill appears to be directed at regions other than the North Pacific, I can assert that we would adamantly oppose these kind of provisions being applied to the North Pacific region. Consistent with previous testimony before this Committee, and consistent with my earlier comments, we believe that the LAPP provisions of the 2006 MSA reauthorization provide the necessary flexibility for Councils to initiate LAPP programs, as well as the necessary constraints on that development. We do not believe the Councils' discretion in this regard should be constrained by additional petition requirements. Further, requirements to terminate such a program, particularly where transferability is allowed, will likely be very disruptive. A reduction in eligible vessels and/or fishermen is inherent in most LAPP programs, and setting an arbitrary termination criteria (for example 15% decrease in eligible fishermen) may negate the otherwise positive benefits of the program for which it was originally established. One example of the tradeoffs inherent in any LAPP program is the exchange of numerous, part-time jobs for fewer, full-time, higher paying jobs.

## H.R. 3061 Flexibility and Access in Rebuilding American Fisheries Act of 2011

### Section 2 – Extension of Time Period for Rebuilding

This section contains provisions very similar to H.R. 1646, therefore please refer to my specific comments on that proposed Bill, with regard to rebuilding flexibility.

### Section 3 – Committee reports

This section would require SSCs to submit a comprehensive annual report to the Council regarding the quality of the science, aspects of uncertainty, and how the SSC used the science in its determinations. These requirements (with one notable exception) are inherent in our current SSC process and are largely already contained in the detailed minutes of our SSC meetings. The notable exception, and the one provision which should not be part of the SSCs consideration in setting ACLs is section (a)(VI), which would require the SSC to provide “a description of the social and economic impacts of the committee’s recommended management measures and whether such measures are consistent with the national standards set forth in section 301(a)(8)”. The 2006 MSA reauthorization explicitly empowered the SSCs with recommending acceptable biological catch levels, and left to the Council the myriad policy decisions of balancing other factors to recommend appropriate management measures. These factors are included in the biological, economic, and social impact analyses prepared for every Council recommendation, and which are required by the MSA and various other statutes. The SSC does not, and should not, make policy recommendations beyond the setting of ABC, which should be done independent of other considerations, based on the best scientific information on a particular fish stock.

### Section 4 – Annual catch limits

The provisions to allow Secretarial suspension of ACLs may provide beneficial flexibility in some instances, though it will likely be very difficult (and potentially subjective) to determine “a level of uncertainty that is insufficient to ensure that the FMP is inconsistent with 301(a)(8)”. The ability of this section to achieve its intended results will likely be very dependent upon the specific guidelines, or regulations, to implement these provisions.

### Section 6 – Fishery/Annual Impact Statements

This section appears to comprise a well-intended attempt to assess, in a programmatic fashion, the overall impact of an FMP on fishermen and communities. However, most FMPs (certainly those in the North Pacific) are a culmination of numerous plan and regulatory amendments, developed cumulatively over the 35 year history of the Councils. Fishery impact statements, inclusive of economic and social impacts are developed for each of these incremental management actions, some with estimated dollar impacts and some more qualitatively, but each also attempting to estimate cumulative impacts. Making a programmatic assessment will be more challenging than simply summing the results of these various plan and regulatory amendment analyses. Periodically we compile a programmatic Supplemental Environmental Impact Statement (an SEIS, under NEPA requirements) which assesses the cumulative impact of our groundfish FMPs, but this would be a daunting, resource-intensive undertaking on an annual basis, and does not necessarily generate a full understanding of every adverse impact of every aspect of an FMP, nor a specific dollar amount of that impact. Substantial fiscal and human resources, above and beyond those currently available to the Councils, would be required to address these provisions of H.R. 3061. Our most recent SEIS was 7,000 pages long and took over two years to compile (please see additional comments below regarding streamlining of statutes).

Subsection (k) of this section mandates the Secretary to “take such actions as may be necessary to mitigate any adverse impacts identified in the annual impact statement...”. This appears to be a very open-ended mandate and would appear to grant the Secretary vast authorities which may be in conflict with other Council authorities under the MSA. This open-ended authority should be clarified in some manner to avoid confusion or conflict at some point in the future, and not be left to the total discretion of the Secretary through ‘guidelines’ or regulations.

#### Other Issues

As Congress considers these and other potential amendments to the MSA, we would like to reserve the ability to offer additional comments and input to that process. There are two issues I would like to highlight at this time

#### Reconciling MSA and NEPA

The 2006 reauthorization contained a provision intended to streamline the NEPA process as it pertains to fishery management actions promulgated under the MSA. This Congressional mandate has yet to be achieved, and any new reauthorization should attempt, once again, to reconcile the redundancy between these two Acts, and minimize the procedural inefficiencies which currently encumber the process. As I have stated in previous testimony to this Committee, we are not interested in ‘exempting’ the Council process from the environmental protection and conservation intent of the National Environmental Policy Act (NEPA), but believe that the process can be much better served by incorporating key provisions of NEPA within the MSA, and making the MSA the guiding Act for fisheries management in the U.S. If Congress wishes to pursue this issue further in any reauthorization process, I will of course stand ready to offer additional, detailed suggestions on this issue.

#### Date change to allow for State management

In the absence of an FMP, the State of Alaska’s inability to act against unregistered vessels in EEZ waters could be addressed by a change to the MSA. MSA § 306(a)(3)(C) allows the State to regulate a fishing vessel that is not registered with the State and that is operating in a fishery in the EEZ off Alaska, if no FMP was in place on August 1, 1996, for the fishery in which the vessel is operating. In addition, the Secretary and the Council must find that Alaska has a legitimate interest in the conservation and management of the fishery. Modification to §306(a)(3)(C) by removing the phrase “on August 1, 1996” could provide the State with the authority to regulate non-State registered vessels commercially fishing for salmon, or any other specified species, in the EEZ. While it is clear that the intent of Congress is to provide Alaska with the authority to regulate non-State registered vessels in the absence of an FMP and that the Secretary and Council recognize the State’s legitimate interest in the fishery, the relevance of the August 1, 1996, date to this authority is not clear. We are in the process of amending our Salmon FMP in the North Pacific, which largely defers management to the State of Alaska, and this date change would allow the State of Alaska to fully regulate these fisheries, within the 3-mile line and in the EEZ, while retaining appropriate levels of Secretarial oversight.

In closing, I appreciate once again the opportunity to provide my perspectives on these important fishery management issues, look forward to answering any questions you may have, and look forward to working with you to develop amendments which appropriately address the issues before us.

112TH CONGRESS  
1ST SESSION

# H. R. 594

To promote coastal jobs creation, promote sustainable fisheries and fishing communities, revitalize waterfronts, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2011

Mr. PALLONE (for himself and Ms. PINGRIE of Maine) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To promote coastal jobs creation, promote sustainable fisheries and fishing communities, revitalize waterfronts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled;*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Coastal Jobs Creation  
5 Act of 2011".

1 **SEC. 2. PURPOSE.**

2       The purpose of this Act is to provide employment op-  
3 portunities for coastal communities by increasing support  
4 for—

- 5           (1) cooperative research and monitoring;
- 6           (2) the revitalization of coastal infrastructure;
- 7           (3) recreational fishing registry programs;
- 8           (4) marine debris removal; and
- 9           (5) restoration of coastal resources.

10 **SEC. 3. COASTAL JOBS CREATION GRANT PROGRAM.**

11       (a) **ESTABLISHMENT.**—The Secretary of Commerce  
12 (in this Act referred to as the “Secretary”) shall use funds  
13 made available under this Act to implement a Coastal Jobs  
14 Creation Grant Program using the authorities listed in  
15 subsection (b). The Secretary shall expend such funds as  
16 quickly as possible consistent with prudent management.

17       (b) **AUTHORITIES.**—The authorities referred to in  
18 subsection (a) are authorities under the following laws:

19           (1) Section 306A of the Coastal Zone Manage-  
20 ment Act of 1972 (16 U.S.C. 1455a).

21           (2) Section 315(e) of the Coastal Zone Manage-  
22 ment Act (16 U.S.C. 1461(e)).

23           (3) Section 204 of the Coral Reef Conservation  
24 Act (16 U.S.C. 6403).



1           (4) Section 12304 of the Integrated Coastal  
2 and Ocean Observation System Act of 2009 (33  
3 U.S.C. 3603).

4           (5) Section 318 of the Magnuson-Stevens Fish-  
5 ery Conservation and Management Act (16 U.S.C.  
6 1867).

7           (6) Section 401(g) of the Magnuson-Stevens  
8 Fishery Conservation and Management Act (16  
9 U.S.C. 1881(g)).

10          (7) Section 3 of the Marine Debris Research,  
11 Prevention, and Reduction Act (33 U.S.C. 1952).

12          (8) Section 408 of the Marine Mammal Protec-  
13 tion Act of 1972 (16 U.S.C. 1421f-1).

14          (9) Section 311 of the National Marine Sanc-  
15 tuaries Act (16 U.S.C. 1442).

16          (10) Section 205 of the National Sea Grant  
17 College Program Act (33 U.S.C. 1124).

18          (c) ACTIVITIES.—Activities funded under the Coastal  
19 Jobs Creation Grant Program shall include the following:

20           (1) Cooperative research to collect and compile  
21 economic and social data related to recreational and  
22 commercial fisheries management.

23           (2) Cooperative research to identify habitat  
24 areas of particular concern and for habitat restora-  
25 tion and conservation.

1           (3) Improving the quality and accuracy of infor-  
2 mation generated by the Marine Recreational Fish-  
3 ery Statistics Survey.

4           (4) Establishment and implementation of State  
5 recreational fishing registry programs.

6           (5) Training and deploying observers authorized  
7 or required under the Magnuson-Stevens Fishery  
8 Conservation and Management Act (16 U.S.C. 1801  
9 et seq.).

10          (6) Preservation or restoration of coastal re-  
11 sources identified for their conservation, rec-  
12 reational, ecological, historic, or aesthetic values.

13          (7) Redevelopment of deteriorating and under-  
14 utilized working waterfronts and ports.

15          (8) Research and monitoring within the Na-  
16 tional Estuarine Research Reserve System, the Na-  
17 tional Marine Sanctuary System, and coral reef eco-  
18 systems, and under the National Sea Grant College  
19 Program.

20          (9) Implementation of local strategies developed  
21 by State or Federal agencies to conserve coral reef  
22 ecosystems.

23          (10) Research to develop, test, and deploy inno-  
24 vations and improvements in coastal and ocean ob-  
25 servation technologies.

1           (11) Cooperative research to collect data to im-  
2 prove, supplement, or enhance fishery and marine  
3 mammal stock assessments.

4           (12) Cooperative research to assess the amount  
5 and type of bycatch and to engineer gear types de-  
6 signed to reduce bycatch.

7           (13) Reducing and preventing the occurrence  
8 and adverse impacts of marine debris on the marine  
9 environment and navigation safety.

10         (d) FUNDING CRITERIA.—The Secretary may not  
11 make funds available under this Act for a proposed project  
12 unless the project, to the maximum extent practicable—

13           (1) provides the greatest employment opportu-  
14 nities for coastal communities and benefits commer-  
15 cial and recreational fishing industries;

16           (2) replicates or builds upon a successful local,  
17 State, Federal, or tribal project;

18           (3) utilizes existing fishing community infra-  
19 structure, including idled fishing vessels;

20           (4) supports research and monitoring that im-  
21 proves science-based management decisions; or

22           (5) contributes to restoring, protecting, or pre-  
23 serving coastal and ocean ecosystems.

24         (e) GUIDELINES.—Within 30 days after the date of  
25 enactment of this Act, the Secretary shall develop guide-

1 lines necessary to implement the Coastal Jobs Creation  
2 Grant Program.

3 **SEC. 4. AMENDMENT OF MAGNUSON-STEVENS FISHERY**  
4 **CONSERVATION AND MANAGEMENT ACT.**

5 Section 401(g) of Magnuson-Stevens Fishery Con-  
6 servation and Management Act (16 U.S.C. 1881(g)) is  
7 amended by redesignating paragraph (4) as paragraph  
8 (5), and by inserting after paragraph (3) the following new  
9 paragraph:

10 “(4) FUNDING.—The Secretary, subject to the  
11 availability of appropriations, shall enter into con-  
12 tracts with, or provide grants to, States for the pur-  
13 pose of establishing and implementing a registry  
14 program to meet the requirements for exemption  
15 under paragraph (2).”

16 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

17 To carry out the Coastal Jobs Creation Grant Pro-  
18 gram there is authorized to be appropriated to the Sec-  
19 retary of Commerce \$80,000,000 for each of fiscal years  
20 2012 through 2016, of which no more than 5 percent may  
21 be used each fiscal year for administrative expenses of  
22 such program.

○

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1013

To amend the Magnuson-Stevens Fishery Conservation and Management Act to provide the New England Fishery Management Council additional resources to address research and monitoring priorities established by the Council.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2011.

Mr. KEATING introduced the following bill; which was referred to the  
Committee on Natural Resources

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## A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to provide the New England Fishery Management Council additional resources to address research and monitoring priorities established by the Council.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Strengthen Fisheries  
5 Management in New England Act of 2011".

1 **SEC. 2. PURPOSE.**

2       The purpose of this Act is to strengthen and improve  
3 fisheries research (including cooperative research) and  
4 monitoring in the waters off New England by providing  
5 the New England Fishery Management Council additional  
6 resources to address research and monitoring priorities es-  
7 tablished by the Council.

8 **SEC. 3. ASSET FORFEITURE FUND.**

9       Section 311(e) of the Magnuson-Stevens Fishery  
10 Conservation and Management Act (16 U.S.C. 1861(e))  
11 is amended—

12           (1) in paragraph (1), by inserting “and except  
13 as provided in paragraph (2)” before the first  
14 comma;

15           (2) by redesignating paragraph (2) as para-  
16 graph (3); and

17           (3) by inserting after paragraph (1) the fol-  
18 lowing new paragraph:

19           “(2) The Secretary or the Secretary of the  
20 Treasury shall make available to the New England  
21 Fishery Management Council, on an annual basis,  
22 all sums received by the United States as fines, pen-  
23 alties, and forfeitures of property for violations of  
24 any provision of this Act or any other marine re-  
25 source law enforced by the Secretary from violations  
26 occurring in the area over which the Council exer-

1 cises fishery management jurisdiction, to fund re-  
2 search (including cooperative research) and moni-  
3 toring priorities established by the Council includ-  
4 ing—

5 “(A) fishery research and independent  
6 stock assessments, including cooperative re-  
7 search;

8 “(B) conservation gear engineering;

9 “(C) at-sea and shoreside monitoring;

10 “(D) fishery impact statements; and

11 “(E) other priorities established by the  
12 Council as necessary to rebuild or maintain sus-  
13 tainable fisheries, ensure healthy ecosystems,  
14 and maintain fishing communities.”.

15 **SEC. 4. EFFECTIVE DATE.**

16 The amendments made by the Act shall apply with  
17 respect to sums received on or after the date of enactment  
18 of this Act.

○

112TH CONGRESS  
1ST SESSION

# H. R. 1646

To amend the Magnuson-Stevens Fishery Conservation and Management Act to preserve jobs and coastal communities through transparency and accountability in fishery management, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2011

Mr. RUNYAN introduced the following bill; which was referred to the  
Committee on Natural Resources

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## A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to preserve jobs and coastal communities through transparency and accountability in fishery management, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "American Angler Pres-  
5 ervation Act".



1 **SEC. 2. IMPROVING SCIENTIFIC REVIEW.**

2 Section 302 of the Magnuson-Stevens Fishery Con-  
3 servation and Management Act (16 U.S.C. 1852) is  
4 amended—

5 (1) in subsection (g)(1)(B)—

6 (A) by inserting “(i)” after “(B)”;

7 (B) by inserting “risk neutral” before “sci-  
8 entific advice”; and

9 (C) by adding at the end the following:

10 “(i) A scientific and statistical committee  
11 may not provide a recommendation to increase  
12 or decrease an annual catch limit by 20 percent  
13 or greater unless the recommendation has been  
14 approved in a peer review process conducted ex-  
15 clusively by non-governmental entities.”; and

16 (2) in subsection (h)(7)—

17 (A) by striking “and” after the semicolon  
18 at the end of subparagraph (B); and

19 (B) by adding at the end the following:

20 “(D) be submitted to Congress; and”.

21 **SEC. 3. EXTENSION OF TIME PERIOD FOR REBUILDING**  
22 **CERTAIN OVERFISHED FISHERIES.**

23 Section 304(e) of the Magnuson-Stevens Fishery  
24 Conservation and Management Act (16 U.S.C.  
25 1854(e)(4)) is amended—

26 (1) in paragraph (4)(A)—

1 (A) in clause (i), by striking "possible"  
2 and inserting "practicable"; and

3 (B) by amending clause (ii) to read as fol-  
4 lows:

5 "(ii) not exceed 10 years, except in  
6 cases where—

7 "(I) the biology of the stock of  
8 fish, other environmental conditions,  
9 or management measures under an  
10 international agreement in which the  
11 United States participates dictate oth-  
12 erwise;

13 "(II) the Secretary determines  
14 that such 10-year period should be ex-  
15 tended because the cause of the fish-  
16 ery decline is outside the jurisdiction  
17 of the Council or the rebuilding pro-  
18 gram cannot be effective only by lim-  
19 iting fishing activities;

20 "(III) the Secretary determines  
21 that such 10-year period should be ex-  
22 tended to provide for the sustained  
23 participation of fishing communities  
24 or to minimize the economic impacts  
25 on such communities, provided that

1 there is evidence that the stock of fish  
2 is on a positive rebuilding trend;

3 “(IV) the Secretary determines  
4 that such 10-year period should be ex-  
5 tended for one or more stocks of fish  
6 of a multi-species fishery, provided  
7 that there is evidence that those  
8 stocks are on a positive rebuilding  
9 trend;

10 “(V) the Secretary determines  
11 that such 10-year period should be ex-  
12 tended because of a substantial  
13 change to the biomass rebuilding tar-  
14 get for the stock of fish concerned  
15 after the rebuilding plan has taken ef-  
16 fect; or

17 “(VI) the Secretary determines  
18 that such 10-year period should be ex-  
19 tended because the biomass rebuilding  
20 target exceeds the highest abundance  
21 of the stock of fish in the 25-year pe-  
22 riod preceding and there is evidence  
23 that the stock is on a positive rebuild-  
24 ing trend;” and

1           (2) in paragraph (7), in the matter preceding  
2           subparagraph (A), by inserting after the first sen-  
3           tence the following: "In evaluating progress to end  
4           overfishing and to rebuild overfished stocks of fish,  
5           the Secretary shall review factors, other than com-  
6           mercial fishing and recreational fishing, that may  
7           contribute to a stock of fish's overfished status, such  
8           as commercial, residential, and industrial develop-  
9           ment of, or agricultural activity in, coastal areas and  
10          their impact on the marine environment, predator/  
11          prey relationships of target and related species, and  
12          other environmental and ecological changes to the  
13          marine conditions."; and

14           (3) by adding at the end the following:

15           “(8) If the Secretary determines that extended  
16           rebuilding time is warranted under subclause (III),  
17           (IV), (V), or (VI) of paragraph (4)(A)(ii), the max-  
18           imum time allowed for rebuilding the stock of fish  
19           concerned may not exceed the sum of the following  
20           time periods:

21           “(A) The initial 10-year rebuilding period.

22           “(B) The expected time to rebuild the  
23           stock absent any fishing mortality and under  
24           prevailing environmental conditions.

1           “(C) The mean generation time of the  
2           stock.

3           “(9) In this subsection the term ‘on a positive  
4           rebuilding trend’ means that the biomass of the  
5           stock of fish has shown a substantial increase in  
6           abundance since the implementation of the rebuild-  
7           ing plan.”.

8   **SEC. 4. DEADLINE FOR DISASTER DECLARATIONS.**

9           Section 312(a)(1) of the Magnuson-Stevens Fishery  
10          Conservation and Management Act (16 U.S.C. 1861a) is  
11          amended—

12                 (1) by inserting “(A)” after “(1)”;

13                 (2) by redesignating subparagraphs (A) through  
14                 (C), respectively, as clauses (i) through (iii); and

15                 (3) by adding at the end the following:

16                 “(B) When acting on the request of the Governor of  
17                 an affected State or a fishing community, the Secretary  
18                 shall make the determination not later than 60 days after  
19                 the date on which the Secretary receives the request.”.

20   **SEC. 5. APPROVAL OF LIMITED ACCESS PRIVILEGE PRO-**  
21                 **GRAMS.**

22                 (a) INITIATION BY ELIGIBLE FISHERMEN.—Section  
23                 303A(c)(6)(D) of the Magnuson-Stevens Fishery Con-  
24                 servation and Management Act (16 U.S.C. 1853a(c)(6))  
25                 is amended to read as follows:

1           “(D) NEW ENGLAND, MID-ATLANTIC,  
2 SOUTH ATLANTIC, AND GULF INITIATION.—

3           “(i) IN GENERAL.—In the case of a  
4 fishery under the authority of the New  
5 England, Mid-Atlantic, South Atlantic, or  
6 Gulf of Mexico Fishery Management Coun-  
7 cil, a fishery management plan or an  
8 amendment to a fishery management plan  
9 that would establish a limited access privi-  
10 lege program to harvest fish may not take  
11 effect unless—

12           “(I) a petition requesting devel-  
13 opment of such a program is sub-  
14 mitted in accordance with clause (ii)  
15 and certified under clause (iii); and

16           “(II) the proposed plan or  
17 amendment has been approved by a  
18 vote of two-thirds of eligible fishermen  
19 in the fishery for which the program  
20 would be established.

21           “(ii) PETITION.—A group of fisher-  
22 men constituting more than 50 percent of  
23 eligible fishermen in a fishery may submit  
24 a petition to the Secretary requesting the  
25 development of a limited access privilege

1 program for the fishery. Any such petition  
2 shall clearly state the fishery to which the  
3 limited access privilege program would  
4 apply.

5 “(iii) CERTIFICATION BY SEC-  
6 RETARY.—Upon the receipt of any such  
7 petition, the Secretary shall review all of  
8 the signatures on the petition and, if the  
9 Secretary determines that the signatures  
10 on the petition are those of more than 50  
11 percent of eligible fishermen in the fishery  
12 for which the program would be estab-  
13 lished, the Secretary shall certify the peti-  
14 tion.

15 “(iv) DEFINITION OF ELIGIBLE FISH-  
16 ERMEN.—For purposes of this subpara-  
17 graph, the term ‘eligible fishermen’ means  
18 holders of permits issued under a fishery  
19 management plan.”.

20 (b) TERMINATION AFTER FIVE YEARS.—Section  
21 303A of the Magnuson-Stevens Fishery Conservation and  
22 Management Act (16 U.S.C. 1853a) is amended by adding  
23 at the end the following:

24 “(j) TERMINATION.—A limited access privilege pro-  
25 gram for a fishery under the authority of the New Eng-

1 land, Mid-Atlantic, South Atlantic, or Gulf of Mexico  
2 Fishery Management Council shall terminate at the end  
3 of the five-year period beginning on the date that the pro-  
4 gram is established unless at least two-thirds of eligible  
5 fishermen (as defined in subsection (c)(6)) in the fishery  
6 to which the program applies approve the continuation of  
7 the program.”.

8 **SEC. 6. CERTIFICATION REQUIRED FOR FISHERY CLOSURE.**

9 (a) SECRETARIAL REQUIREMENTS.—

10 (1) CERTIFICATION REQUIREMENT.—Section  
11 303 of the Magnuson-Stevens Fishery Conservation  
12 and Management Act (16 U.S.C. 1853) is amended  
13 by adding at the end the following:

14 “(d) CERTIFICATION REQUIRED FOR FISHERY CLO-  
15 SURE.—(1) The Secretary may not implement a closure  
16 of a fishery that would have a direct or indirect affect of  
17 at least \$50,000 on each of more than 25 small businesses  
18 that do business related to the recreational, charter, or  
19 commercial fishing industries involved in the fishery being  
20 closed, unless the Secretary certifies that—

21 “(A) the closure is the only option avail-  
22 able for maintaining the fishery at a sustainable  
23 level;



1           “(B) the stock assessment for the fishery  
2           has been updated and peer reviewed within the  
3           preceding 3-year period; and

4           “(C) the stock assessment was developed  
5           using at least 2 models that were subjected to  
6           outside peer review by non-governmental enti-  
7           ties prior to such use.

8           “(2) In this subsection, the term ‘small business’  
9           means any business that has had gross revenues of less  
10          than \$500,000 per year for a minimum of three years.”.

11          (2) APPLICATION TO EXISTING CLOSURES.—

12          The Secretary shall—

13                 (A) review any fishery closure for which  
14                 notice was published in the Federal Register  
15                 within the 2-year period preceding the date of  
16                 enactment of this Act, and—

17                         (i) within the 60-day period beginning  
18                         on such date of enactment, make the cer-  
19                         tification described in the amendment  
20                         made by subsection (a)(1) with respect to  
21                         such closure; or

22                         (ii) within the 90-day period begin-  
23                         ning on such date of enactment, review  
24                         and implement options other than closure

1 for maintaining the fishery at a sustainable  
2 level;

3 (B) review the effects of each such closure  
4 on coastal communities, including—

5 (i) the direct and indirect impact of  
6 the closure on all affected small businesses  
7 in such communities;

8 (ii) the job losses as a result of the  
9 closure that have already occurred in such  
10 communities; and

11 (iii) the job losses as a result of the  
12 closure that are expected to occur in such  
13 communities within the 1-year period be-  
14 ginning on the date the review is initiated;  
15 and

16 (C) report to Congress on the actions  
17 taken under the amendment made by sub-  
18 section (a)(1) or this paragraph for each such  
19 closure.

20 (b) REPORT TO CONGRESS.—The Secretary shall re-  
21 port to Congress by not later than 120 days after the date  
22 of enactment of this Act on—

23 (1) the number of fishery closures that were es-  
24 tablished within the 5-year period preceding such  
25 date of enactment;

- 1 (2) the reason for each such closure;
- 2 (3) the duration of each such closure;
- 3 (4) the impact of each such closure on coastal
- 4 communities; and
- 5 (5) the expected duration of each such closure.

6 (c) DEFINITIONS.—In this section:

7 (1) FISHERY.—The term “fishery” has the  
8 meaning given that term in section 3 of the Magnu-  
9 son-Stevens Fishery Conservation and Management  
10 Act (16 U.S.C. 1802).

11 (2) SECRETARY.—The term “Secretary” means  
12 the Secretary of Commerce, acting through the Na-  
13 tional Oceanic and Atmospheric Administration.

14 (3) SMALL BUSINESS.—The term “small busi-  
15 ness” means any business that has had gross reve-  
16 nues of less than \$500,000 per year for a minimum  
17 of three years.

○

112TH CONGRESS  
1ST SESSION

# H. R. 2304

To amend the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 to provide the necessary scientific information to properly implement annual catch limits, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2011

Mr. WITTMAN (for himself, Mr. MILLER of Florida, Mr. ROSS of Arkansas, Mr. LATTA, Mr. SHULER, Mr. LANDRY, Mr. SOUTHERLAND, Mr. CASSIDY, Mr. BOUSTANY, Mr. HEINRICH, Mr. BOREN, Mr. HUNTER, Mr. GUINTA, Mr. FLEMING, Mr. BONNER, Mr. RIGELL, Mr. DUNCAN of South Carolina, and Mr. HARRIS) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 to provide the necessary scientific information to properly implement annual catch limits, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Fishery Science Im-  
5 provement Act of 2011".

1 SEC. 2. IMPROVEMENT OF SCIENTIFIC DATA FOR ANNUAL  
2 CATCH LIMITS.

3 (a) SCIENTIFIC DATA REQUIRED FOR ANNUAL  
4 CATCH LIMITS.—

5 (1) IN GENERAL.—Section 104(b) of the Mag-  
6 nuson-Stevens Fishery Conservation and Manage-  
7 ment Reauthorization Act of 2006 (16 U.S.C. 1853  
8 note) is amended—

9 (A) in paragraph (1)(B)—

10 (i) by striking “2011” and inserting  
11 “2014”; and

12 (ii) by striking “and” after the semi-  
13 colon;

14 (B) in paragraph (2), by striking “and”  
15 after the semicolon;

16 (C) by redesignating paragraph (3) as  
17 paragraph (5); and

18 (D) by inserting after paragraph (2) the  
19 following:

20 “(3) shall not apply to a fishery for any stock  
21 of fish for which—

22 “(A) a peer reviewed stock survey and  
23 stock assessment have not been performed dur-  
24 ing the five-year period that ends on the date  
25 of enactment of the Fishery Science Improve-  
26 ment Act of 2011; and

1           “(B) the Secretary determines that over-  
2           fishing is not occurring;

3           “(4) shall not apply to a fishery for any stock  
4           of fish that is an ecosystem stock; and”.

5           (2) DEFINITION OF ECOSYSTEM STOCK.—Sec-  
6           tion 104 of the Magnuson-Stevens Fishery Con-  
7           servation and Management Reauthorization Act of  
8           2006 (16 U.S.C. 1853 note) is amended by adding  
9           at the end the following:

10          “(e) DEFINITION OF ECOSYSTEM STOCK.—In this  
11          section, the term ‘ecosystem stock’ means a stock of fish  
12          that the Secretary determines—

13                 “(1) is a nontarget stock; and

14                 “(2) is not overfished or likely to become over-  
15                 fished.”.

16          (b) STOCK ASSESSMENT FOR OVERFISHED FISH-  
17          ERIES.—Section 304(e)(2) of the Magnuson-Stevens Fish-  
18          ery Conservation and Management Act (16 U.S.C. 1854)  
19          is amended—

20                 (1) by striking “(2) If the Secretary” and in-  
21                 serting “(2)(A) If the Secretary”; and

22                 (2) by adding at the end the following:

23                 “(B) Not later than 270 days after the Sec-  
24                 retary makes a determination described in subpara-  
25                 graph (A), the Secretary shall perform a stock sur-

1 vey and stock assessment of each of the stocks that  
2 are overfished in the fishery and transmit the as-  
3 sessment to the appropriate Council.”.

○

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2610

To amend the Magnuson-Stevens Fishery Conservation and Management Act to reform procedures for the payment of funds from the asset forfeiture fund, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 21, 2011

Mr. FRANK of Massachusetts (for himself, Mr. JONES, Mr. TIERNEY, Mr. GUINTA, Mr. MARKEY, Ms. PINGREE of Maine, Mr. KEATING, Mr. LYNCH, Mr. COURTNEY, Mr. MICHAUD, Mr. MCINTYRE, Mr. PALLONE, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to reform procedures for the payment of funds from the asset forfeiture fund, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Asset Forfeiture Fund  
5 Reform and Distribution Act of 2011".



1 **SEC. 2. ASSET FORFEITURE FUND REFORM.**

2 (a) IN GENERAL.—Section 311(e) of the Magnuson-  
3 Stevens Fishery Conservation and Management Act (16  
4 U.S.C. 1861(e)) is amended—

5 (1) by striking “(1) Notwithstanding” and in-  
6 serting “(1)(A) Notwithstanding”; and

7 (2) in paragraph (1)—

8 (A) by striking “may pay from” and in-  
9 serting “shall use each of the”; and

10 (B) by striking “(16 U.S.C. 3371 et  
11 seq.)—” and all that follows through the end of  
12 the paragraph and inserting the following: “(16  
13 U.S.C. 3371 et seq.), to make a payment, in  
14 the amount of the sum received—

15 “(i) if the violation occurred in a State, to such  
16 State;

17 “(ii) if the violation did not occur in a State,  
18 to the State in which the vessel involved in the viola-  
19 tion is homeported; or

20 “(iii) if the violation did not occur in a State  
21 and did not involve a vessel, to the State which is  
22 most directly affected by the violation.

23 “(B) Amounts paid to a State under subparagraph  
24 (A) shall be used for research and monitoring activities  
25 as determined appropriate by the head of the agency of

1 the State that is responsible for management of marine  
2 fisheries. Such activities may include—

3           “(i) fishery research and independent stock as-  
4           sessments, including cooperative research;

5           “(ii) socioeconomic assessments, including so-  
6           cioeconomic conditions of fishing communities;

7           “(iii) data collection, including creation of an  
8           information system that will enable timely audit and  
9           transmission of data for utilization by researchers  
10          and other collaborating institutions;

11          “(iv) compensation for the costs of analyzing  
12          the economic impacts of fishery management deci-  
13          sions and to analyze potential methods to provide  
14          targeted compensation to fisherman that have been  
15          harmed by such management decisions;

16          “(v) at-sea and shoreside monitoring of fishing;

17          “(vi) preparation of fishery impact statements;  
18          and

19          “(vii) other activities that a Regional Fishery  
20          Management Council of which the State is a member  
21          considers to be necessary to rebuild or maintain sus-  
22          tainable fisheries, ensure healthy ecosystems, provide  
23          socioeconomic economic assistance, or maintain fish-  
24          ing communities.”.

1 (b) RULE OF APPLICATION.—The amendments made  
2 by subsection (a) shall apply with respect to amounts re-  
3 ceived under section 311(e) of the Magnuson-Stevens  
4 Fishery Conservation and Management Act (16 U.S.C.  
5 1861(e)) after September 30, 2011.

6 (c) TRANSITION RULE.—

7 (1) IN GENERAL.—The Secretary may use any  
8 amount received as a fisheries enforcement penalty  
9 before October 1, 2011, to reimburse appropriate  
10 legal fees and costs to a covered person in an  
11 amount not to exceed \$200,000 per covered person.

12 (2) TIMING.—

13 (A) SUBMISSION OF APPLICATION.—A cov-  
14 ered person seeking reimbursement of appro-  
15 priate legal fees and costs under paragraph (1)  
16 shall submit to the Secretary an application for  
17 such reimbursement—

18 (i) in the case of a covered person de-  
19 scribed in paragraph (4)(B)(i), not later  
20 than December 31, 2011; and

21 (ii) in the case of a covered person de-  
22 scribed in paragraph (4)(B)(ii), not later  
23 than 1 year after the date on which the  
24 Secretary directed that such covered per-

1 son shall receive a remittance of a fisheries  
2 enforcement penalty.

3 (B) DETERMINATION.—Not later than 60  
4 days after receiving an application under para-  
5 graph (1), the Secretary shall make a final de-  
6 termination on whether to provide such reim-  
7 bursement and the amount of any such reim-  
8 bursement.

9 (3) REMAINING FUNDS.—The Secretary shall  
10 use—

11 (A) 80 percent of the amounts described in  
12 paragraph (1) remaining after all reimburse-  
13 ments have been made under such paragraph,  
14 for fishery stock assessments in the fishery  
15 management region that the Secretary deter-  
16 mines to be appropriate; and

17 (B) 20 percent of such amounts to make  
18 payments to States in accordance with section  
19 311(e)(1) of the Magnuson-Stevens Fishery  
20 Conservation and Management Act (16 U.S.C.  
21 1861(e)(1)).

22 (4) DEFINITIONS.—In this subsection:

23 (A) The term “appropriate legal fees and  
24 costs” means the legal fees and costs incurred  
25 by a covered person—

1 (i) that the Secretary determines were  
2 appropriately incurred by the covered per-  
3 son in successfully challenging a fisheries  
4 enforcement penalty; and

5 (ii) that were incurred not later than  
6 30 days after the date on which the Sec-  
7 retary directed that such penalty shall be  
8 remitted to the covered person.

9 (B) The term "covered person" means—

10 (i) a person that the Secretary di-  
11 rected shall receive a remittance of a fish-  
12 eries enforcement penalty in the Decision  
13 Memorandum; or

14 (ii) a person that—

15 (I) received a Notice of Violation  
16 and Assessment issued on or after  
17 March 17, 1994, for a fisheries en-  
18 forcement penalty that was settled or  
19 otherwise resolved prior to February  
20 3, 2010;

21 (II) paid such fisheries enforce-  
22 ment penalty;

23 (III) submitted a complaint prior  
24 to May 7, 2011, seeking remittance of  
25 such civil penalty; and

1 (IV) the Secretary directed shall  
2 receive a remittance of a fisheries en-  
3 forcement penalty or a portion of such  
4 remittance.

5 (C) The term "Decision Memorandum"  
6 means the Secretarial Decision Memorandum  
7 issued by the Secretary on May 17, 2011, enti-  
8 tled "Decisions regarding Certain NOAA Fish-  
9 eries Enforcement Cases Based on Special Mas-  
10 ter Swartwood's Report and Recommenda-  
11 tions".

12 (D) The term "fisheries enforcement pen-  
13 alty" means any fine, penalty, or forfeiture of  
14 property imposed for a violation of the Magnu-  
15 son-Stevens Fishery Conservation and Manage-  
16 ment Act (16 U.S.C. 1801 et seq.) or of any  
17 other marine resource law enforced by the Sec-  
18 retary, including the Lacey Act Amendments of  
19 1981 (16 U.S.C. 3371 et seq.).

20 (E) The term "Secretary" means the Sec-  
21 retary of Commerce.

1 **SEC. 3. LIMITATION ON ADMINISTRATIVE LAW JUDGES IN**  
2 **THE NATIONAL OCEANIC AND ATMOSPHERIC**  
3 **ADMINISTRATION.**

4 (a) **IN GENERAL.**—Subject to subsection (b), the Ad-  
5 ministrator of the National Oceanic and Atmospheric Ad-  
6 ministration (referred to in this section as “NOAA”) may  
7 not assign any proceeding required to be conducted in ac-  
8 cordance with sections 556 and 557 of title 5 to an indi-  
9 vidual who has served as an administrative law judge for  
10 NOAA for a period of five or more years if such pro-  
11 ceeding pertains to the same fishery management region  
12 to which the majority of such proceedings that the indi-  
13 vidual presided over within the period pertained.

14 (b) **REASSIGNMENT AFTER FIVE YEARS.**—Sub-  
15 section (a) does not apply to an individual who has not  
16 served as an administrative law judge for NOAA within  
17 a five-year period ending on the date of the assignment  
18 described in such subsection.

19 **SEC. 4. DEFINITION OF FISHERY MANAGEMENT REGION.**

20 In this Act, the term “fishery management region”  
21 means a region under the jurisdiction of a Regional Fish-  
22 ery Management Council established under section 302 of  
23 the Magnuson-Stevens Fishery Conservation and Manage-  
24 ment Act (16 U.S.C. 1852).

○

112TH CONGRESS  
1ST SESSION

# H. R. 2753

To amend the Magnuson-Stevens Fishery Conservation and Management Act to provide Internet access to Regional Fishery Management Council meetings and meeting records, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2011

Mr. JONES introduced the following bill; which was referred to the Committee on Natural Resources

---

## A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to provide Internet access to Regional Fishery Management Council meetings and meeting records, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Fishery Management  
5 Transparency and Accountability Act".



1 SEC. 2. INTERNET ACCESS TO REGIONAL FISHERY MAN-  
2 AGEMENT COUNCIL MEETINGS AND MEETING  
3 RECORDS.

4 Section 302(i)(2) of the Magnuson-Stevens Fishery  
5 Conservation and Management Act (16 U.S.C. 1852(i)(2))  
6 is amended by adding at the end the following:

7 “(G) Each Council shall make available on the  
8 Internet website of the Council—

9 “(i) a live broadcast of each meeting of the  
10 Council, of the science and statistical committee  
11 of the Council, and of the Council coordination  
12 committee established under subsection (1), that  
13 is not closed in accordance with paragraph (3);  
14 and

15 “(ii) complete audio, complete video if the  
16 meeting was in person or by video conference,  
17 and a complete transcript of each such meet-  
18 ing—

19 “(I) by not later than 30 days after  
20 the conclusion of the meeting; and

21 “(II) for 3 years after the conclusion  
22 of the meeting.”.

○

112TH CONGRESS  
1ST SESSION

# H. R. 2772

To amend the Magnuson-Stevens Fishery Conservation and Management Act to permit eligible fishermen to approve certain limited access privilege programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2011

Mr. RUNYAN (for himself, Mr. JONES, and Ms. ROS-LEHTINEN) introduced the following bill; which was referred to the Committee on Natural Resources

---

## A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to permit eligible fishermen to approve certain limited access privilege programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Saving Fishing Jobs  
5 Act of 2011".

1 SEC. 2. APPROVAL OF CERTAIN LIMITED ACCESS PRIVI-  
2 LEGE PROGRAMS.

3 (a) ELIGIBILITY TO SIGN PETITION.—Section  
4 303A(c)(6)(B) of the Magnuson-Stevens Fishery Con-  
5 servation and Management Act (16 U.S.C.  
6 1853a(c)(6)(B)) is amended by striking “For multispecies  
7 permits” and all that follows through “this subpara-  
8 graph”.

9 (b) INITIATION BY ELIGIBLE FISHERMEN UNDER  
10 CERTAIN COUNCILS.—Section 303A(c)(6)(D) of the Mag-  
11 nuson-Stevens Fishery Conservation and Management Act  
12 (16 U.S.C. 1853a(c)(6)(D)) is amended to read as follows:

13 “(D) NEW ENGLAND, MID-ATLANTIC,  
14 SOUTH ATLANTIC, AND GULF INITIATION.—

15 “(i) IN GENERAL.—In the case of a  
16 fishery under the authority of the New  
17 England, Mid-Atlantic, South Atlantic, or  
18 Gulf of Mexico Fishery Management Coun-  
19 cil, a fishery management plan or an  
20 amendment to a fishery management plan  
21 that would establish a limited access privi-  
22 lege program to harvest fish may not take  
23 effect unless—

24 “(I) a petition requesting devel-  
25 opment of such program is submitted

1 in accordance with clause (ii) and cer-  
2 tified under clause (iii);

3 “(II) the Council makes available  
4 to eligible fishermen an estimate of  
5 the amount of the fee that would be  
6 collected under section 304(d)(2) if  
7 such program were established; and

8 “(III) not earlier than 90 days  
9 after the estimate required under sub-  
10 clause (II) has been made available,  
11 the proposed plan or amendment is  
12 approved by a vote of two-thirds of el-  
13 igible fishermen in the fishery for  
14 which the program would be estab-  
15 lished.

16 “(ii) PETITION.—A group of fisher-  
17 men constituting more than 50 percent of  
18 eligible fishermen in a fishery may submit  
19 a petition to the Secretary requesting the  
20 development of a limited access privilege  
21 program for the fishery. Any such petition  
22 shall clearly state the fishery to which the  
23 limited access privilege program would  
24 apply.

1                   “(iii) CERTIFICATION BY SEC-  
2                   RETARY.—Upon the receipt of any such  
3                   petition, the Secretary shall review all of  
4                   the signatures on the petition and, if the  
5                   Secretary determines that the signatures  
6                   on the petition are those of more than 50  
7                   percent of eligible fishermen in the fishery  
8                   for which the program would be estab-  
9                   lished, the Secretary shall certify the peti-  
10                  tion.

11                  “(iv) DEFINITION OF ELIGIBLE FISH-  
12                  ERMEN.—For purposes of this subpara-  
13                  graph, the term ‘eligible fishermen’ means  
14                  holders of permits issued under a fishery  
15                  management plan.”.

16 **SEC. 3. TERMINATION OF CERTAIN LIMITED ACCESS PRIVI-**  
17 **LEGE PROGRAMS.**

18                  Section 303A of the Magnuson-Stevens Fishery Con-  
19                  servation and Management Act (16 U.S.C. 1853a) is  
20                  amended by adding at the end the following:

21                  “(j) TERMINATION.—

22                         “(1) IN GENERAL.—The Secretary shall termi-  
23                         nate a limited access privilege program established  
24                         after the date of the enactment of the Saving Fish-  
25                         ing Jobs Act of 2011 for a fishery under the author-

1       ity of the New England, Mid-Atlantic, South Atlan-  
2       tic, or Gulf of Mexico Fishery Management Council,  
3       on the first date on which the Secretary determines  
4       that the number of eligible fishermen in the fishery  
5       in a year is at least 15 percent less than the number  
6       of eligible fishermen in the fishery in the year pre-  
7       ceding the year in which the program was estab-  
8       lished.

9           “(2) DEFINITION OF ELIGIBLE FISHERMEN.—

10       In this subsection, the term ‘eligible fishermen’ has  
11       the meaning given the term in subsection  
12       (c)(6)(D)(iv).”.

13       **SEC. 4. FEES RECOVERED FOR CERTAIN LIMITED ACCESS**  
14           **PRIVILEGE PROGRAMS.**

15       Section 304(d)(2) of the Magnuson-Stevens Fishery  
16       Conservation and Management Act (16 U.S.C.  
17       1854(d)(2)) is amended by adding at the end the fol-  
18       lowing:

19           “(D) In the case of a fee collected under sub-  
20       paragraph (A) for a limited access privilege program  
21       established under section 303A(c)(6)(D) after the  
22       date of the enactment of the Saving Fishing Jobs  
23       Act of 2011—

1           “(i) the fee shall be in an amount suffi-  
2           cient to recover all costs of such program, in-  
3           cluding observer costs; and

4           “(ii) the 3-percent limitation in subpara-  
5           graph (B) shall not apply with respect to such  
6           fee.”.

○

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3061

To amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized time period for rebuilding of certain overfished fisheries, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2011

Mr. PALLONE (for himself, Mr. JONES, Mr. ANDREWS, and Mr. FRANK of Massachusetts) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To amend the Magnuson-Stevens Fishery Conservation and Management Act to extend the authorized time period for rebuilding of certain overfished fisheries, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Flexibility and Access  
5 in Rebuilding American Fisheries Act of 2011".



1 **SEC. 2. EXTENSION OF TIME PERIOD FOR REBUILDING**  
2 **CERTAIN OVERFISHED FISHERIES.**

3 Section 304(e) of the Magnuson-Stevens Fishery  
4 Conservation and Management Act (16 U.S.C.  
5 1854(e)(4)) is amended—

6 (1) in paragraph (4)(A)—

7 (A) in clause (I) by striking “possible” and  
8 inserting “practicable”; and

9 (B) by amending clause (ii) to read as fol-  
10 lows:

11 “(ii) not exceed 10 years, except in  
12 cases where—

13 “(I) the biology of the stock of  
14 fish, other environmental conditions,  
15 or management measures under an  
16 international agreement in which the  
17 United States participates dictate oth-  
18 erwise;

19 “(II) the Secretary determines  
20 that such 10-year period should be ex-  
21 tended because the cause of the fish-  
22 ery decline is outside the jurisdiction  
23 of the Council or the rebuilding pro-  
24 gram cannot be effective only by lim-  
25 iting fishing activities;

1           “(III) the Secretary determines  
2           that such 10-year period should be ex-  
3           tended to provide for the sustained  
4           participation of fishing communities  
5           or to minimize the economic impacts  
6           on such communities, provided that  
7           there is evidence that the stock of fish  
8           is on a positive rebuilding trend;

9           “(IV) the Secretary determines  
10           that such 10-year period should be ex-  
11           tended for one or more stocks of fish  
12           of a multi-species fishery, provided  
13           that there is evidence that those  
14           stocks are on a positive rebuilding  
15           trend;

16           “(V) the Secretary determines  
17           that such 10-year period should be ex-  
18           tended because of a substantial  
19           change to the biomass rebuilding tar-  
20           get for the stock of fish concerned  
21           after the rebuilding plan has taken ef-  
22           fect; or

23           “(VI) the Secretary determines  
24           that such 10-year period should be ex-  
25           tended because the biomass rebuilding

1 target exceeds the highest abundance  
2 of the stock of fish in the 25-year pe-  
3 riod preceding and there is evidence  
4 that the stock is on a positive rebuild-  
5 ing trend;” or

6 (2) in paragraph (7), in the matter preceding  
7 subparagraph (A), by inserting after the first sen-  
8 tence the following: “In evaluating progress to end  
9 overfishing and to rebuild overfished stocks of fish,  
10 the Secretary shall review factors, other than com-  
11 mercial fishing and recreational fishing, that may  
12 contribute to a stock’s overfished status, such as  
13 commercial, residential, and industrial development  
14 of, or agricultural activity in, coastal areas and their  
15 impact on the marine environment, predator-prey re-  
16 lationships of target and related species, and other  
17 environmental and ecological changes to the marine  
18 conditions.”; and

19 (3) by adding at the end the following:

20 “(8) If the Secretary determines that extended  
21 rebuilding time is warranted under subclause (III),  
22 (IV), (V), or (VI) of paragraph (4)(A)(ii), the max-  
23 imum time allowed for rebuilding the stock of fish  
24 concerned may not exceed the sum of the following  
25 time periods:

1           “(A) The initial 10-year rebuilding period.

2           “(B) The expected time to rebuild the  
3 stock absent any fishing mortality and under  
4 prevailing environmental conditions.

5           “(C) The mean generation time of the  
6 stock.

7           “(9) In this subsection the term ‘on a positive  
8 rebuilding trend’ means that the biomass of the  
9 stock of fish has shown a substantial increase in  
10 abundance since the implementation of the rebuild-  
11 ing plan.”.

12 **SEC. 3. COMMITTEE REPORTS.**

13           (a) REPORT ON SCIENTIFIC AND STATISTICAL COM-  
14 MITTEE PROCESS.—Section 302(g)(1)(B) of the Magnu-  
15 son-Stevens Fishery Conservation and Management Act  
16 (16 U.S.C. 1852(g)(1)(B)) is amended—

17           (1) by striking “(B) Each” and inserting  
18 “(B)(i) Each”; and

19           (2) by adding at the end the following:

20           “(ii) Each scientific and statistical committee  
21 shall submit to its Council each year a report on the  
22 process and information used in providing the sci-  
23 entific advice described in clause (i). The report  
24 shall include—

1           “(I) an evaluation of the quality and quan-  
2           tity of the available scientific and biological in-  
3           formation relating to such advice;

4           “(II) a description of the quality of each  
5           stock assessment used to develop the commit-  
6           tee’s recommendations;

7           “(III) a description of the information  
8           used to develop the committee’s recommenda-  
9           tions for acceptable biological catch;

10           “(IV) a description of any uncertainty con-  
11           sidered and incorporated into the committee’s  
12           recommendations;

13           “(V) a justification of any variation be-  
14           tween maximum sustainable yield and the com-  
15           mittee’s recommendations for allowable biologi-  
16           cal catch;

17           “(VI) a description of the social and eco-  
18           nomic impacts of the committee’s recommended  
19           management measures and whether such meas-  
20           ures are consistent with the national standard  
21           set forth in section 301(a)(8); and

22           “(VII) recommendations for—

23           “(aa) decreasing the level of uncer-  
24           tainty in the committee’s recommenda-  
25           tions;

1                   “(bb) improving the quality and quan-  
2                   tity of available scientific and biological in-  
3                   formation; and

4                   “(cc) ensuring current and future con-  
5                   sistency between management measures  
6                   and the national standard set forth in sec-  
7                   tion 301(a)(8).”.

8           (b) PUBLICATION OF COMMITTEE REPORTS.—Sec-  
9           tion 302(g)(1) of the Magnuson-Stevens Fishery Con-  
10          servation and Management Act (16 U.S.C. 1852(g)(1)) is  
11          amended by adding at the end the following:

12                   “(H) Each Council shall submit to the Sec-  
13                   retary and shall make available to the public any re-  
14                   ports or other information provided by its scientific  
15                   and statistical committee.”.

16   **SEC. 4. ANNUAL CATCH LIMITS.**

17           (a) CONSIDERATION OF DATA ON RECREATIONAL  
18           FISHERMEN.—Section 303(a)(15) of the Magnuson-St-  
19           vens Fishery Conservation and Management Act (16  
20           U.S.C. 1853(a)(15)) is amended by striking “specifica-  
21           tions, at a level” and all that follows through “account-  
22           ability.” and inserting “specifications, that—”

23                   “(A) results in specification of such limits  
24                   at a level such that overfishing does not occur  
25                   in the fishery;

1           “(B) requires the Council to consider any  
2           data collected pursuant to section 401(g) in de-  
3           termining such limits; and

4           “(C) includes measures to ensure account-  
5           ability.”.

6           (b) AUTHORITY TO SUSPEND ANNUAL CATCH LIM-  
7           ITS.—Section 304 of the Magnuson-Stevens Fishery Con-  
8           servation and Management Act (16 U.S.C. 1854) is  
9           amended by adding at the end the following:

10          “(j) AUTHORITY TO SUSPEND ANNUAL CATCH LIM-  
11          ITS.—The Secretary may suspend the application of an-  
12          nual catch limits to a fishery for any period in which the  
13          Secretary determines that—

14                 “(1) the fishery is not overfished or approach-  
15                 ing a condition of being overfished;

16                 “(2) any stock of fish in the fishery previously  
17                 affected by overfishing is rebuilt; and

18                 “(3) the scientific advice relating to such an-  
19                 nual catch limits provided by the scientific and sta-  
20                 tistical committee of the Council with jurisdiction  
21                 over the fishery is based on a level of uncertainty  
22                 that is insufficient to ensure that the fishery man-  
23                 agement plan for the fishery is consistent with the  
24                 national standard set forth in section 301(a)(8).”.

1 SEC. 5. FISHERY IMPACT STATEMENTS; ANNUAL IMPACT  
2 STATEMENTS.

3 (a) IMPACT ON COASTAL BUSINESSES.—Section  
4 303(a)(9) of the Magnuson-Stevens Fishery Conservation  
5 and Management Act (16 U.S.C. 1853(a)(9)) is amended  
6 by—

7 (1) redesignating subparagraphs (B) and (C) as  
8 subparagraphs (C) and (D), respectively; and

9 (2) inserting after subparagraph (A) the fol-  
10 lowing:

11 “(B) coastal businesses that are dependent  
12 on the recreational and commercial fishing in-  
13 dustries;”.

14 (b) ANNUAL IMPACT STATEMENT.—

15 (1) IN GENERAL.—Section 302(h) of the Mag-  
16 nuson-Stevens Fishery Conservation and Manage-  
17 ment Act (16 U.S.C. 1852(h)) is amended—

18 (A) in paragraph (7)(C), by striking “and”  
19 after the semicolon at the end;

20 (B) by redesignating paragraph (8) as  
21 paragraph (9); and

22 (C) by inserting after paragraph (7) the  
23 following:

24 “(8) on an annual basis, prepare, in consulta-  
25 tion with the Council’s fishing industry advisory



1 committee, and submit to the Secretary an annual  
2 impact statement that contains—

3 “(A) a description of whether each fishery  
4 management plan under the jurisdiction of the  
5 Council is having or is projected to have any  
6 adverse economic impact on recreational and  
7 commercial fishermen and other coastal busi-  
8 nesses that are dependent on the fishery; and

9 “(B) an estimate of the dollar amount of  
10 any such impact; and”.

11 (2) ACTION BY SECRETARY.—Section 304 of  
12 the Magnuson-Stevens Fishery Conservation and  
13 Management Act (16 U.S.C. 1854), as amended by  
14 section 3(b), is amended by adding at the end the  
15 following:

16 “(k) MITIGATION OF ADVERSE IMPACT.—

17 “(1) IN GENERAL.—The Secretary shall take  
18 such actions as may be necessary to mitigate any  
19 adverse impacts identified in the annual impact  
20 statement submitted under section 302(h)(8).

21 “(2) REPORT TO CONGRESS.—The Secretary  
22 shall submit to Congress each year a report that in-  
23 cludes—

1           “(A) a description of the effects of any  
2 mitigation efforts implemented under this sub-  
3 section during the previous year; and

4           “(B) recommendations for the improve-  
5 ment of Federal fisheries programs to promote  
6 sustainable fisheries and economic vitality in  
7 recreational and commercial fishermen and  
8 other coastal businesses that are dependent on  
9 the fishery.”.

10 **SEC. 6. STUDY ON RECREATIONAL FISHERIES DATA.**

11           Section 401(g) of the Magnuson-Stevens Fishery  
12 Conservation and Management Act (16 U.S.C. 1881(g))  
13 is amended by adding at the end the following:

14           “(5) STUDY ON PROGRAM IMPLEMENTATION.—

15           “(A) IN GENERAL.—Not later than 60  
16 days after the enactment of this paragraph, the  
17 Secretary shall enter into an agreement with  
18 the National Research Council of the National  
19 Academy of Sciences to study the implementa-  
20 tion of the programs described in this section.

21           The study shall—

22           “(i) provide an updated assessment of  
23 recreational survey methods established or  
24 improved since the publication of the

1 Council's report Review of Recreational  
2 Fisheries Survey Methods (2006);

3 "(ii) evaluate the extent to which the  
4 recommendations made in that report were  
5 implemented pursuant to paragraph  
6 (3)(B); and

7 "(iii) examine any limitations of the  
8 Marine Recreational Fishery Statistics  
9 Survey and the Marine Recreational Infor-  
10 mation Program established under para-  
11 graph (1).

12 "(B) REPORT.—Not later than 1 year  
13 after entering into an agreement under sub-  
14 paragraph (A), the Secretary shall submit a re-  
15 port to Congress on the results of the study  
16 under subparagraph (A)."

○

**Subject:** Join us for a stakeholder call introducing ocean.data.gov Tuesday, December 6 at NOON

**From:** National Ocean Council <OSTP-NOC@ostp.eop.gov>

**Date:** 12/2/2011 9:22 AM

**To:** "Boatman, Mary C." <Mary\_C.\_Boatman@ostp.eop.gov>

You are invited to participate in a stakeholder call on Tuesday, December 6<sup>th</sup> at NOON focused on the new National Ocean Council data and information prototype portal, ocean.data.gov. Ocean.data.gov provides discovery and access to Federal data to support ocean, coastal, and Great Lakes regional planning processes. Right now, the portal contains over 50 Federal data sources from 8 Federal agencies and will be bringing you more in the future. We also are providing a registry for tools, a technical community of practice, and a compilation of regional efforts.

We would like your feedback and input as we further develop ocean.data.gov and build the more comprehensive portal

We are planning on expanding our data offerings, adding map building capabilities in concert with geoplatform.gov, and working with regional groups to enhance the capabilities. We would like your feedback and input as we further develop ocean.data.gov and build the more comprehensive portal

Please join us to learn more about ocean.data.gov and how you can join us as we build this into the premiere site for ocean, coastal, and Great Lakes data to support regional planning.

To learn more about ocean.data.gov, please join us on December 6<sup>th</sup> at NOON by calling 1-800-230-1092; passcode 227472.

Due to a limit on the number of phone lines, please RSVP by responding to this email by

## **NPFMC Crab Modeling Workshop**

January 9-13<sup>th</sup>, 2012

Alaska Fisheries Science Center

### **Background**

The North Pacific Fishery Management Council is sponsoring a technical crab modeling workshop to provide feedback to stock assessment authors on issues associated with model development, for the developing Tanner crab model and associated rebuilding strategies for the forthcoming rebuilding plan and the Aleutian Island golden king crab model. While the focus of the workshop will be primarily on these 2 models, one other issue will be addressed with respect establishing a set of guidelines for estimating the pdf of the OFL for purposes of setting the maxABC according to the Council's maxABC control rule. The goal in all cases is to provide an opportunity to have constructive deliberations on assessment approaches and data analysis prior to SSC and subsequent Crab Plan Team (CPT) review later in the spring.

### **Format**

Discussion of these models will be limited to the topics on the agenda and will focus on technical aspects of developing the models. This meeting will be open to the public. The workshop will be conducted in a manner consistent with the format of Council Plan Teams. Steve Martell (UBC) will Chair the meeting and together with Diana Stram (Council staff) will prepare the meeting report and recommendations of the invited participants. The chair will allow public input following discussion and comments from invited participants to the extent possible. Consensus recommendations of the participants will be reflected in the meeting report. Non-consensus recommendations will be reflected to the extent possible in the discussion of the meeting report.

The format of the assessment review is intended to be a split-format review of both models. Model documentation must be provided at least 2 weeks in advance of the meeting (no later than December 23<sup>rd</sup>), with the authors expected to come to the meeting with a series of scenarios and questions for consideration at the workshop. Model code will also be provided to a sub-set of the participants as identified by the Chair at the same time as the model documentation. Models are intended to be run real-time during the meeting to best facilitate feedback and problem-solving during the workshop week.

### **Topics**

1. Tanner crab model development
2. Aleutian Islands golden king crab model development
3. Tanner crab rebuilding plan projection scenarios, proposed area closures
4. OFL pdf guidelines

## **Participants**

The following invited participants (not yet confirmed) include members of the Council's CPT and SSC, and additional experts:

Steve Martell (UBC)-Chair	Jack Turnock (AFSC-Seattle) -presenter
Lou Rugolo (AFSC-Seattle) -presenter	Bob Foy (AFSC-Kodiak)
Shareef Siddeek (ADF&G -Juneau) -presenter	Jim Ianelli (AFSC-Seattle)
Martin Dorn (AFSC-Seattle)	Doug Pengilly (ADF&G -Kodiak)
Karla Bush (ADF&G-Juneau)	Buck Stockhausen (AFSC-Seattle)
Teresa A'mar (AFSC-Seattle)	Jie Zheng (ADF&G-Juneau)
Anne Hollowed (AFSC-Seattle)	Ginny Eckert (UAF-Juneau)
Bill Gaeman (ADF&G-Kodiak)	Dana Hanselman (AFSC-Juneau)
Diana Stram (NPFMC)	Grant Thompson (AFSC-Seattle)
André Punt (Univ. Washington)	Doug Woodby (ADF&G Juneau-SSC member)
Gordon Kruse -(UAF-SSC member)	Farron Wallace -(WADFW-SSC member)
Terry Quinn (UAF-SSC member)	<i>Adtl or alternate SSC members- TBD after</i>
Dave Sommerton (AFSC)	<i>December mtg</i>
Bill Clark (IPHC-ret.)	

## **Draft Agenda:**

Mon 9<sup>th</sup> am -overview/intro and objectives; Tanner crab model overview and scenarios

Mon 9<sup>th</sup> pm – AIGKC model overview and scenarios

Tues 10<sup>th</sup> am –OFL pdf discussion

Tues 10<sup>th</sup> pm- report back on alternative scenarios for AIGKC and Tanner

Wed 11<sup>th</sup> (all day) -continue work/discussion of AIGKC run and Tanner runs

Thur 12<sup>th</sup> am- continue work/discussion of AIGKC run and Tanner runs

Thurs 12<sup>th</sup> pm – Tanner crab projections model for rebuilding, discussion of rebuilding alternatives and proposed area closures

Fri 13<sup>th</sup> am-overview of Tanner model and rebuilding and AIGKC results and plans for may

Fri 13<sup>th</sup> pm-Review main workshop recommendations; adjourn by 3pm

## **NPFMC/IPHC Workshop on Halibut Bycatch Estimation, Halibut Growth and Migration, & Effects on Harvest Strategy**

**November, 2011 DRAFT**

### **Background**

The North Pacific Fishery Management Council (Council) is evaluating proposed reductions to the halibut prohibited species catch (PSC) limits for trawl/longline fisheries in the Gulf of Alaska (GOA). Part of the evaluation should include an estimate of the impacts of halibut bycatch mortality levels on yield (CEY), exploitable and spawning biomass, and the dynamics of the halibut stock. In response to this need, the IPHC staff provided an analysis on these metrics, which was included both in the Council analysis and as an appendix to the GOA Halibut PSC Limit EA/RIR.

Halibut bycatch mortality impacts are a combination of both the level of bycatch mortality and its cumulative impact on yield and spawning biomass, both in total and area-specific based on estimated halibut movements. That is, bycatch impact is not just an issue of halibut biology (movement, growth, mortality), it is also an issue of the *amount* of bycatch mortality, and both components require analysis and evaluation.

On migration, the IPHC staff is preparing a white paper detailing the current understanding of halibut movements, including sources of information and analyses. This white paper may inform the Council's discussion of what the area-specific impacts of bycatch might be, given the available data and assuming the existing bycatch data are accurate. This white paper is anticipated to be made available sometime this winter, and would also be a subject of the workshop discussion. Implications of slow growth currently being observed in halibut, including the relationship to current minimum size limits, would also be a subject of discussion at the workshop.

On bycatch estimation, there is broad agreement that the current levels of bycatch in the GOA are poorly understood, partly because of necessary extrapolations to vessels not subject to observer coverage, and are not subject to high confidence intervals. Recognizing that the groundfish observer program in the GOA is being restructured to address these deficiencies, and to provide better use of available observer coverage, a review and assessment of bycatch estimation at this workshop could be very informative to that restructuring process. It could also be informative to the Council's desire to explore more comprehensive bycatch management measures (e.g., IBQs or similar 'rationalized' approaches). The importance of the absolute level of bycatch mortality is that the Commission staff uses that estimate as one of the elements to calculate the appropriate harvest rate for the halibut stock. Essentially, the harvest rate for the stock is reduced to account for the amount of bycatch mortality that is estimated to occur. If that estimate is too low by a substantial amount, it means that the Commission's harvest rate, and the consequent yield taken from the halibut stock, is incorrect and the stock is being overexploited. However, regardless of uncertainties in total bycatch estimation in any given year, a primary goal of this workshop is to understand the impacts of *a given amount* of bycatch (for example, the current halibut PSC caps) on the IPHC's yield management strategy.

Discussions within the Council, between the Council and the Commission staffs, and between the contracting parties to the Commission would all benefit from a joint understanding of halibut bycatch mortality and its impacts. In addition, the Council desires to better understand the Commission's current view of halibut migration and halibut growth in order to understand both the total and the area-specific impacts of halibut bycatch mortality on halibut stock biomass, yield, and productivity, and the relevance of halibut PSC limits. At its June 2011 meeting, the Council requested a jointly sponsored workshop with IPHC to examine the current understanding of halibut movements and growth.

## **Workshop Outline**

Commission and Council staffs therefore propose that a public workshop be held to review the methodology and accuracy of the estimation of halibut bycatch in trawl/longline groundfish fisheries off Alaska, and the impacts of any given amount of halibut bycatch on the halibut stock, both in general and from the Commission's best understanding of area-specific impacts. The staffs believe that the workshop focus should be broader than the GOA because halibut movement is a coastwide phenomenon and the Council has stated its intent to review halibut PSC limits in the Bering Sea/Aleutian Islands (BSAI) in the future. The workshop would be jointly funded by the IPHC and the Council, and could replace the proposed SSC review of halibut migration (originally scheduled for February 2012).

Tentative dates for the workshop have been identified as April 24-25, 2012 due to current IPHC, NPFMC, and NMFS meeting schedules and staff tasking, the need to develop background documentation and analyses of bycatch estimation, and ongoing interactions between IPHC staff and scientists contracted by the groundfish industry regarding halibut growth, migration, and harvest strategy, which are all subjects of the proposed workshop. The latter, which will extend from mid-February through March 2012, is intended to develop a joint understanding of halibut bycatch and its impacts on halibut stock dynamics and yields. Neither the workshop nor the meeting report would be available to inform the Council on its selection of a preferred alternative for revising GOA halibut PSC limits, which is scheduled for early April 2012 in order to be implemented in mid-2013, although the significant details of bycatch impact on the halibut stock were included in the September EA/RIR as noted. The workshop would be held in Seattle. It may be possible to move the timing of the workshop to mid-March, recognizing the specific scope of this workshop (to address our understanding of Council intent), but such timing would be at the expense to the seemingly broader industry/IPHC staff initiatives described above.

The workshop would be comprised of up to eight short summary presentations from agency science staffs and possibly, invited industry representatives, with a scientific panel that would be charged with providing a review of the discussion and its findings. The presentations, which would summarize documents that would be available prior to the workshop, would occur on Day 1. Day 2 would be reserved for comments, questions, and summary. The panel would include 1-2 staff each from IPHC, the NMFS Alaska Fisheries Science Center, the Council's SSC, DFO, and Dr. S. Martell and Mr. T. Jagielo, the independent scientists contracted by the industry. Also discussed has been the inclusion of 1-2 international bycatch experts and an independent moderator.

Suggested workshop presentations may include the following (in no specific order):

1. British Columbia trawl fishery bycatch reduction programs for halibut and groundfish (DFO)
2. West Coast trawl fishery halibut bycatch reductions through IBQs (NMFS/NWR)
3. Halibut bycatch estimation in the GOA and BSAI (NMFS/AKR, NPGOP)
4. Impacts of halibut bycatch removals on directed fishery CEY/catch limits (IPHC)
5. Incorporating halibut bycatch impacts within IPHC harvest policy (IPHC)
6. Current understanding of halibut migration (IPHC)
7. Current understanding of halibut growth and related minimum size limits (IPHC)
8. Obstacles to reducing halibut bycatch in AK groundfish fisheries (Industry)
9. Public comments/questions
10. Panel comment/questions
11. Concluding comments from panel



# Evaluating management strategies for eastern Bering Sea walleye pollock (*Theragra chalcogramma*) in a changing environment

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Ianelli, J. N., Hollowed, A. B., Haynie, A. C., Mueter, F. J., and Bond, N. A. 2011. Evaluating management strategies for eastern Bering Sea walleye pollock (*Theragra chalcogramma*) in a changing environment. – ICES Journal of Marine Science, 68: 1297–1304.

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The impacts of climate change on fish and fisheries is expected to increase the demand for more accurate stock projections and harvest strategies that are robust to shifting production regimes. To address these concerns, we evaluate the performance of fishery management control rules for eastern Bering Sea walleye pollock stock under climate change. We compared the *status quo* policy with six alternative management strategies under two types of recruitment pattern simulations: one that follows temperature-induced trends and the other that follows a stationary recruitment pattern similar to historical observations. A subset of 82 Intergovernmental Panel on Climate Change climate models provided temperature inputs from which an additional 100 stochastic simulated recruitments were generated to obtain the same overall recruitment variability as observed for the stationary recruitment simulations. Results indicate that *status quo* management with static reference points and current ecosystem considerations will result in much lower average catches and an increased likelihood of fishery closures, should reduced recruitment because of warming conditions hold. Alternative reference point calculations and control rules have similar performance under stationary recruitment relative to *status quo*, but may offer significant gains under the changing environmental conditions.

**Keywords:** climate models, eastern Bering Sea walleye pollock, fisheries management, harvest strategies.

## Introduction

The task of applying the best available information to fisheries management advice involves a number of challenges. Among these challenges is estimating how environmental interactions affect stock dynamics and communicating uncertainty in a way that is useful for management decisions (Basson, 1999; A'mar *et al.*, 2009; Holt and Punt, 2009; Perry *et al.*, 2010; Prager and Shertzer, 2010). These issues are of particular concern for the Bering Sea walleye pollock (*Theragra chalcogramma*; hereafter referred to as pollock) stock (Wespestad *et al.*, 2000; Ianelli, 2005; Jurado-Molina *et al.*, 2005; Mueter *et al.*, 2007, 2011).

Eastern Bering Sea (EBS) pollock fishery catches have averaged 1.2 million tonnes annually since 1980 and represent the largest fishery in the United States by volume (NMFS, 2009a). Their management has gradually transitioned from foreign and joint venture to a fully domestic fishery under management plans established by the North Pacific Fishery Management Council (NPFMC; Witherall *et al.*, 2000; Livingston *et al.*, 2011). The management guidelines have evolved into a set of rules that are reviewed during each annual assessment cycle for near-term management guidance. Periodically, the overarching long-term management strategies are re-evaluated within the context of single-species assessments and an array of external factors affecting fishery impacts (e.g. total removals, bycatch, and market constraints; NMFS, 2004, 2009b). Additionally, there is a

2.0-million tonne optimum yield (OY), which sets the upper limit of the total annual groundfish extraction from the EBS.

As knowledge of the functional relationship between climate variability and fish production improves, analysts are beginning to account explicitly for environmental trends because of climate change in Alaska groundfish fisheries (Hollowed *et al.*, 2009). Mueter *et al.* (2011) evaluate hypotheses on processes linking climate variability to EBS pollock recruitment. They provide evidence that summer ocean temperature may serve as a proxy for factors affecting pollock recruitment. Schnute *et al.* (2007) challenged the scientific community to design tools to evaluate fishery management strategies. Here, we present an approach to evaluating a hypothetical relationship to project the consequences of climate change (acknowledging other sources of variability) and compare that with a scenario based on the stationary historical patterns of recruitment.

## Methods

The Intergovernmental Panel on Climate Change (IPCC) scenarios (IPCC, 2007) were downscaled to the EBS ecosystem. Following Wang *et al.* (2010), retrospective studies were conducted to identify models that perform poorly for the EBS region, and these models were excluded from consideration. This involved evaluating the fit to the spatial pattern, temporal scale, and

magnitude of variance of the sea surface temperature (SST). According to the methodology described by Mueter *et al.* (2011), the selected models resulted in 82 different time-series of future EBS SSTs that range from 7 to 11°C (Figure 1). Projections from these models are treated as plausible future temperature patterns.

Management scenarios are derived based on the professional judgement of the authors and informal interviews with members of the fishing community. Tompkins *et al.* (2008) highlights the importance of engaging stakeholders when developing planning scenarios for responses to climate change. Informal interviews were done over the course of one year to gain insights of expected responses to anticipated changes in the economy (shifting fuel prices, worldwide demand for whitefish, and catch efficiency) and societal preferences regarding conservation. A qualitative assessment of the impacts of changes was conducted to identify seven management scenarios described in Table 1.

Pollock stock status was projected with a model used for groundfish stocks in US waters off Alaska. This model was designed to implement the Fishery Management Plan as modified under Amendment 56 (Anon., 1999). Inputs include estimated begin-year numbers-at-age in the terminal year (here 2010), age-specific schedules for selectivity, maturity, natural mortality, and mean weights for each fishery and for the population at time of spawning. The time-series of simulated future recruits were computed using two different methods: (i) from predictions of recruitment based on climate (SSTs) via the functional relationship

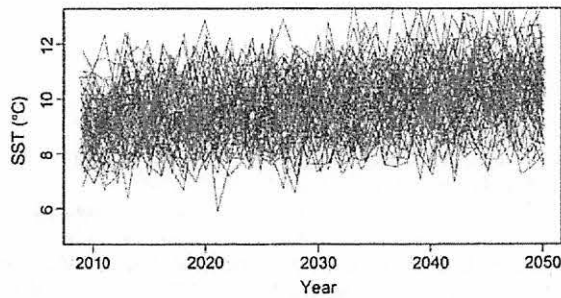


Figure 1. Time-series of future SSTs over the EBS based on the selected 82 climate change models (from Mueter *et al.*, 2011).

established by Mueter *et al.* (2011; Figure 2), and (ii) from the historical patterns of recruitment (i.e. with mean and variance estimated for simulations via the inverse Gaussian distribution; Figure 3).

For the *status quo* policy (as applied here), the first step to determining the catch level in year *t* required determining  $F_t$ , the fishing mortality as a function of spawning biomass ( $B_t$ ):

Stock status :  $B_t/B_{msy} > 1$

$$F_t = F_{msy},$$

Stock status :  $0.05 < B_t/B_{msy} \leq 1$

$$F_t = F_{msy}(B_t/B_{msy} - 0.05)(1 - 0.05)^{-1},$$

Stock status :  $B_t/B_{msy} < 0.05$

$$F_t = 0.0,$$

where  $B_{msy}$  is a reference biomass for pollock where the unfished spawning contribution is reduced to 27% of expectation per

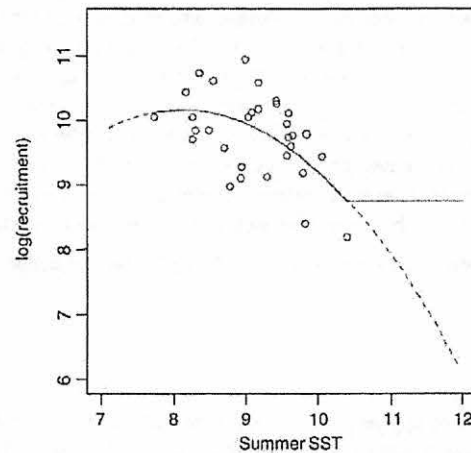


Figure 2. Summer temperature effect used to model the relationship between climate change models and pollock recruitment (from Mueter *et al.*, 2011). The dashed line represents the estimated functional form and the solid line the assumption used for the simulations.

Table 1. Comparisons of alternative management strategies evaluated under the two future recruitment scenarios.

Policy abbreviation	Name	Effect of modification
Status quo	Status quo	–
Adj B47%	Adjust fishing mortality at stock sizes $> B_{msy}$	Begin ramping fishing mortality downwards as biomass drops below 1.143 $B_{msy}$
20-year $B_0\%$	Compute $B_0$ based on recent 20-year mean recruitment	$B_{20\%}$ changes dynamically with recent 20-year period (changing carrying capacity affects Steller sea lion rule)
wtd $B_0\%$	Compute $B_0$ weighted by recent recruitment to spawning <sup>a</sup>	$B_{20\%}$ changes dynamically with recent recruitment and expected contribution to spawning biomass (changing carrying capacity affects Steller sea lion rule)
Low cap	Low cap	Limit the maximum level of pollock removals to 1.3 million tonnes
High cap	No cap	Allow catches to be unconstrained during the periods of high biomass (set TAC = ABC and ignore 2 million tonne catch limit)
Const F	Constant fishing mortality	As in policy above, but also ignore any adjustments in fishing mortality rates as stock drops below target and $B_{20\%}$ levels

<sup>a</sup>Computed as spawning biomass per recruit multiplied by  $\bar{R}_t = \sum_{a=1}^{25} \phi_a w_a N_{t-a+1,1} e^{-\sum_{j=1}^{a-1} M_j} \left( \sum_{a=1}^{25} \phi_a w_a e^{-\sum_{i=1}^{a-1} M_i} \right)^{-1}$  (after A'mar *et al.*, 2009).

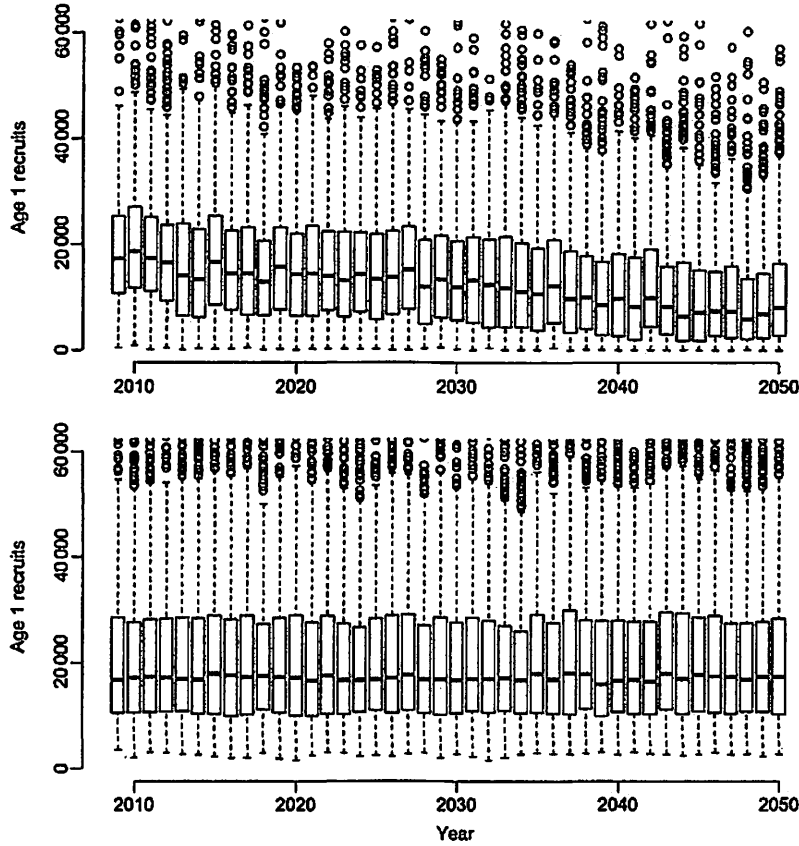


Figure 3. Simulated pollock recruitments as projected using the climate relationship (top panel for the 82 climate models selected, with 10 Monte Carlo simulations for each year and model) and assuming stationary future recruitment levels (bottom panel; also for the 820 simulations evaluated).

recruit (Ianelli *et al.*, 2009). Catch in mass by year was determined from the Baranov catch equation:

$$C_t = \sum_{a=1}^{15} w_a N_{a,t} \frac{F_{a,t}}{Z_{a,t}} (1 - e^{-Z_{a,t}}),$$

where  $N_{a,t}$  is the begin-year numbers-at-age  $a$ , in year  $t$ ,  $w_a$  the mean body-mass-at-age for pollock (in the fishery), and the age-specific fishing mortality follows a separable form ( $F_{a,t} = s_a F_t$ ) and  $Z_{a,t} = M_a + F_{a,t}$ , with  $s_a$  the selectivity-at-age and  $M_a$  the assumed age-specific natural mortality age (Ianelli *et al.*, 2009). The next step was to constrain the fishing mortality such that it must result in catches of no more than 1.5 million  $t \text{ year}^{-1}$ . This level approximates the adjustment in TAC when the sum of other groundfish acceptable biological catches (ABCs) exceeds the OY of 2 million tonnes. For example, in 2004, the pollock ABC was 2.56 million tonnes and the TAC was 1.492 million tonnes.

Numbers-at-age in future years are given as:

$$\begin{aligned} N_{a,t} &= N_{a-1,t-1} e^{-Z_{a,t}} \quad 1 < a < 15 \\ N_{15,t} &= N_{14,t-1} e^{-Z_{14,t}} + N_{15,t-1} e^{-Z_{15,t}} \\ N_{1,t} &= \bar{R}_t e^{6t} \quad e_t \sim N(0, \sigma_E^2), \end{aligned}$$

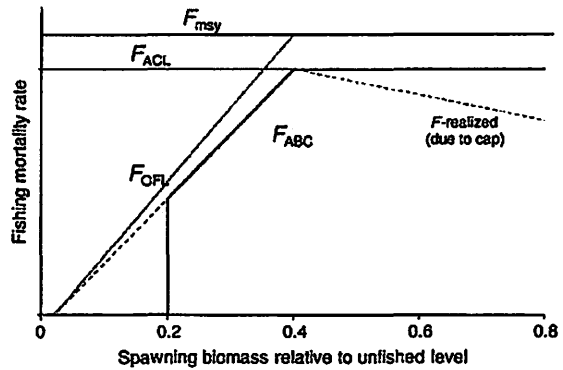


Figure 4. Schematic of harvest control rule currently affecting ABC or annual catch limit (ACL) for Alaska groundfish species like pollock (thick line). Note that this schematic indicates that  $B_{msy}$  is 40% of the unfished expected spawning biomass.

where  $\bar{R}_t = e^{9.7886 - 1.763 \text{ SST} - 0.6626 \text{ SST}^2}$  for the scenario where the climate model effects (Mueter *et al.*, 2011) are included and otherwise  $\bar{R}_t$  is set as constant over time and equal to the historical level of recruitment as estimated in Ianelli *et al.* (2009). The subscript  $E$  designates whether or not the climate effects are included and the

variance term of recruitment was set so that the total recruitment variability equalled  $0.67^2$  for both recruitment generation scenarios.

Spawning biomass is tracked by projecting numbers-at-age from begin-year abundances and applying the age-specific maturity,  $\phi_{a,t}$ , for female pollock:

$$B_t = \sum_{a=1}^{15} \phi_a w_a N_{a,t} e^{-0.25 Z_{a,t}},$$

assuming peak spawning occurs on 1 April. Finally, should the spawning biomass ( $B_t$ ) fall below 20% of unfished stock size, as

**Table 2.** Comparisons of alternative management strategies evaluated under the two future recruitment scenarios.

Indicator	Weight
Stock status	
Spawning stock level	2.0
Number of years stock falls below $B_{20\%}$	1.0
Fishery	
Catch variability	0.5
Interannual catch variability	1.0
Mean catch	1.5
Number of years that fishery closes	3.0

**Table 3.** Qualitative assessment of economic and societal changes in 2050.

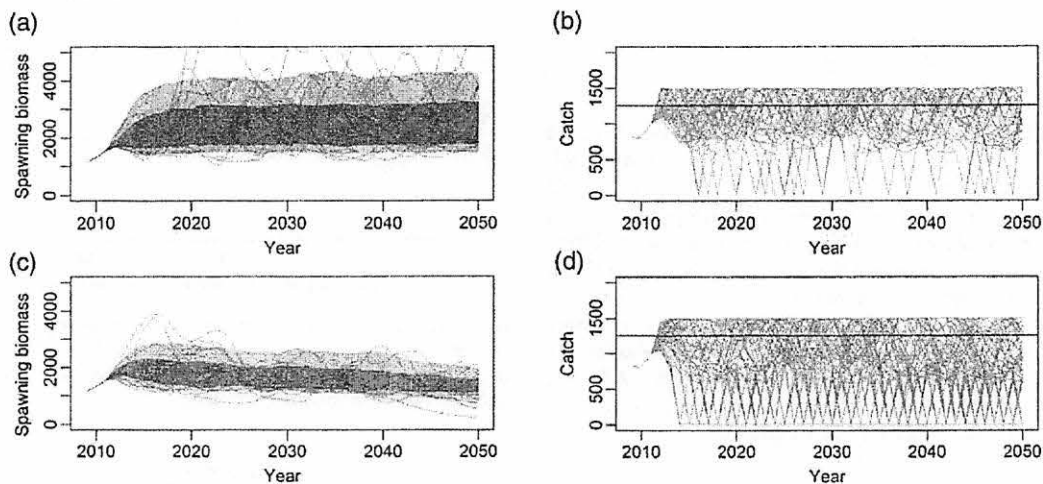
Factor	Outcome
Competition from whitefish aquaculture	Increase
Fuel price	Increase
Demand for whitefish from population increase	Increase
Conservation concerns to restrict resource use	No change
Uncertainty in stock assessment	Decrease
Acceptance of climate change impacts on carrying capacity	Increase

part of the Steller sea lion forage management measure, the directed fishery for pollock must be curtailed. Schematically, the effect of combining the species-specific control rule with externalities described for Steller sea lion considerations and overall ecosystem removals (the 2 million tonne cap) illustrates how fishing mortality is constrained in Figure 4.

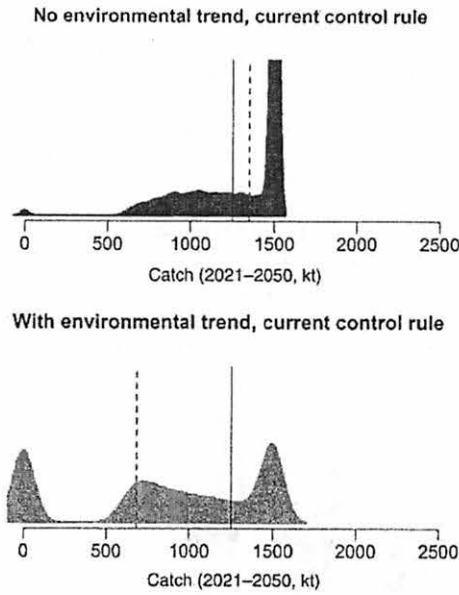
The alternative management strategies are described as deviations from the *status quo* in Table 1. Briefly, they include the following policies: “Adj  $B_{47\%}$ ” adjusts the fishing mortality downwards as biomass approaches the “target” size (as opposed to after the stock is below that level; Dorn *et al.*, 2005); “20-year  $B_{0\%}$ ” and “wtd  $B_{0\%}$ ” are two policies that allow for gradual changes in carrying capacity such that the unfished stock size can change (and consequently the absolute level of  $B_{20\%}$  for Steller sea lion management); “low cap” changes the upper limit of pollock TAC from 1.5 to 1.3 million tonnes; “high cap” removes the upper limit on catch (because of OY constraint) completely; and “const  $F$ ” is a policy that sets the fishing mortality rate to be constant for all levels of stock size.

### Policy evaluation

For each harvest strategy, a variety of fishery indicators was computed for comparison. These included the simulation distributions of spawning-stock biomass, the number of years where the spawning biomass falls below  $B_{20\%}$ , mean catch, the number of years that the fishery would be closed, the overall catch variability, and the between-year catch variability. These statistics are compared for alternative policies and provide a way to evaluate risks, trade-offs, and the robustness of these harvest strategies. Results from these Monte Carlo simulations are presented graphically for the different policies and recruitment scenarios over time and summarized using violin plots—a modified type of box plot that provides improved insight on multimodal results (Hintze and Nelson, 1998). It can also be informative to provide a scoring system, so that indicators can be aggregated and policies more easily compared. Here, the indicators can be categorized as being



**Figure 5.** Projected pollock spawning biomass and catch under the current harvest control rule with stationary environmental conditions (a and b) and under the 82 IPCC models selected for EBS SSTs (c and d). For the spawning biomass figures (a and c), the shaded swatches represent 25th and 75th percentiles (dark shade) and 10th and 90th percentiles (light shade). In the catch figures (b and d), the individual lines represent results from a single Monte Carlo trial and the straight horizontal line represents the historical average catch (1964–2009).

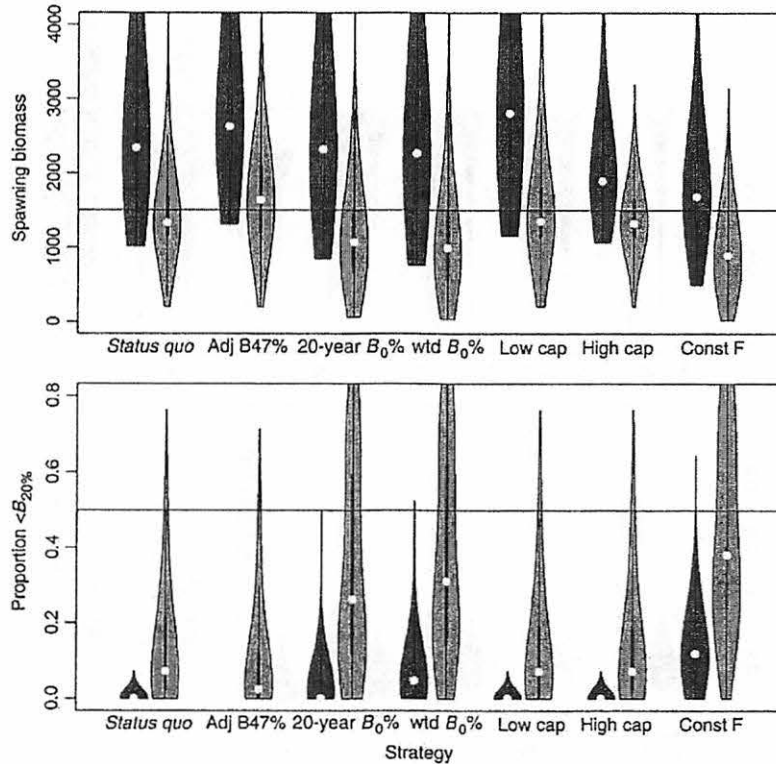


**Figure 6.** Relative frequency (kernel-smoothed) of individual Monte Carlo simulations of pollock catch under the current harvest control rule with stationary environmental conditions (top panel) and under the 82 IPCC models selected for EBS SSTs (bottom panel). The vertical solid line represents historical mean yields (1964–2009) and the dashed line the mean value from the simulations.

related to either stock size or fishery yield. To illustrate how policies can be compared, an example application with subjectively specified weights was given (Table 2). Scores were computed for each policy by multiplying their rank (such that a higher value indicated a better performance) by the weights for each of the indicators, summing the values, then normalizing over all policies so the scores average 1.0.

**Results**

The qualitative assessment of the expected direction of change in economic and societal factors is summarized in Table 3. Competing economic factors are expected to make the net prediction for economic conditions neutral to somewhat positive as market competition from aquaculture and increasing fuel and other inputs costs is offset by the increased demand for whitefish, because of population growth and economic development. These factors are likely to continue to provide an incentive for at-sea fisheries, even under scenarios of very high fuel costs. Conservation concerns are unlikely to increase because the stocks in the Bering Sea are managed conservatively. However, given population fluctuations generally, it is expected that new conservation concerns will arise and will have to be addressed. Should stock assessment uncertainty decrease substantially in future, managers may be inclined to relax the 2 million tonne overall groundfish limit. For pollock in particular, improved precision would reduce the buffer between the ABC (the upper limit of the TAC) and the



**Figure 7.** Relative frequency of individual Monte Carlo simulations of 2010–2050 spawning biomass (top panel) and proportion of times that spawning biomass fell below  $B_{20\%}$  (bottom panel) under alternative harvest strategies with stationary environmental conditions (densities on left) and under the 82 IPCC models selected for EBS SSTs (densities on right). Horizontal lines are for reference relative to the 2009 value (top panel) and 50th percentile (bottom panel).

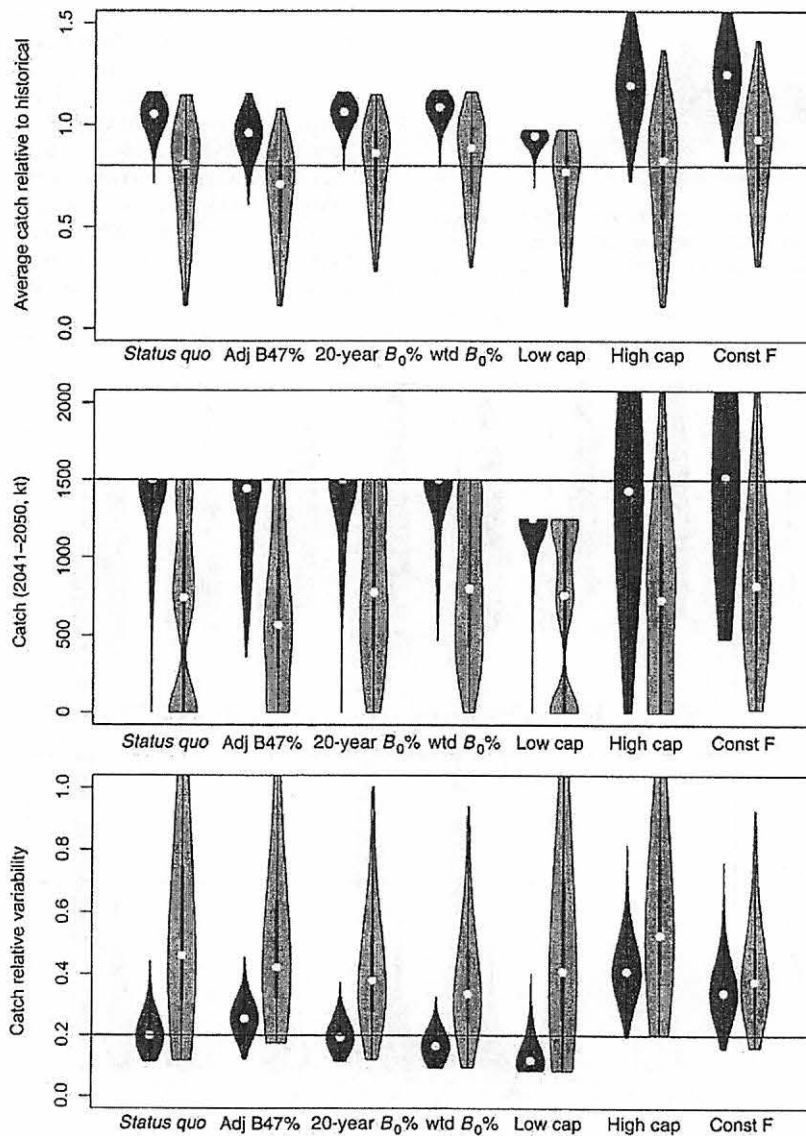
overfishing level (set to equal the projected yield at  $F_{msy}$ ). This buffer is currently in place to account for uncertainty in  $F_{msy}$  estimates.

For simulated projections of the current control rule, the time-series of spawning biomass and catches varied substantially, but the impact of the climate change scenario indicates an overall decline in pollock biomass and lower catch levels (Figure 5). Comparing the relative frequency of simulated catches with the current management policy with environmental effects reveals that future catch is likely to be much lower than historical levels and simulations assuming stationary environmental conditions (Figure 6).

Comparing the statistics over the seven different policies with and without stationary recruitment provides the ability to evaluate

whether alternative policies can consistently outperform the *status quo* policy. For example, the distribution of simulated spawning biomass and the proportion of simulations that dropped below the  $B_{20\%}$  level for the climate change simulations failed to improve substantively over the *status quo* policy (Figure 7). However, alternative harvest strategies that allowed for changes in carrying capacity (by changing the period over which  $B_0$  is calculated—catch policies “20-year  $B_0\%$ ” and “wtd  $B_0\%$ ”) provided slightly better catch levels and lower variability (Figure 8).

To examine the indicators in an integrated way, the example factor weights (Table 3) were applied. Because the indicators could be categorized as either a measure of stock condition or fishery production indicators, comparing these with the combined



**Figure 8.** Relative frequency of individual Monte Carlo simulations of 2010–2050 average catch (top panel), catch in the last 10 years of the simulation (middle panel) and catch variability (bottom panel) under alternative harvest strategies with stationary environmental conditions (densities on left) and under the 82 IPCC models selected for EBS SSTs (densities on right). Horizontal lines are simply for reference to facilitate comparisons.

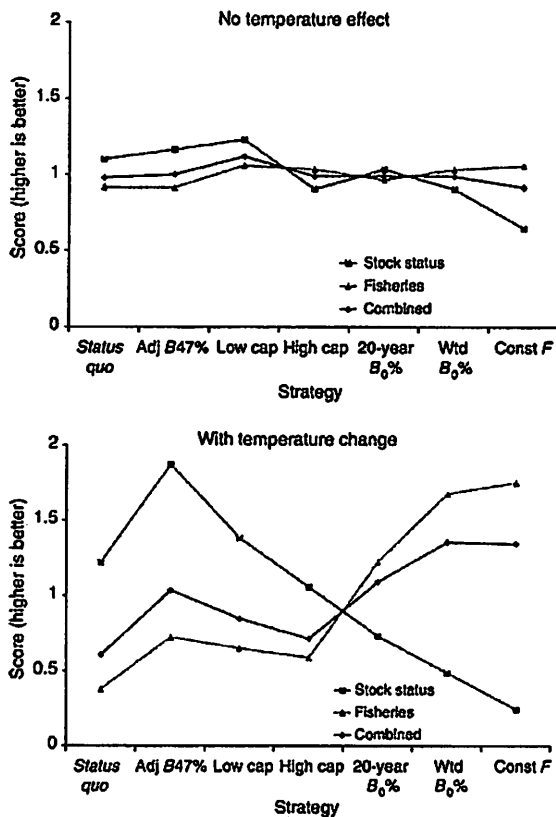


Figure 9. Normalized scores by "stock status" and "fisheries" categories and combined for different policies assuming stationary pollock recruitment pattern (top panel) and for simulations with recruitment that is affected by temperature (bottom panel).

scores is revealing. For the projections that assumed climate change and a temperature effect on recruitment, some strategies outperformed the *status quo* compared with the stationary recruitment assumption (Figure 9). However, for these example weightings, under no temperature effect, the benefits of changing the harvest strategy were relatively minor.

## Discussion

This study presents a simple evaluation of how harvest control rules under a regime with lower mean recruitment will likely result in an increased likelihood that the stock will decline and that fishery production will decrease. This type of evaluation provides a quick way to evaluate critical environmental conditions against alternative tactical harvest policies. We provide a suite of indicators for stakeholders to consider, following the approach applied in southern bluefin tuna (Kurota *et al.*, 2010), and provide an integrated approach for combining indicators such that weights can be elicited by stakeholder involvement (Lane and Stephenson, 1998; Perry *et al.*, 2010). This integrated approach to applying weights to performance indicators could be developed as part of a full-decision theoretical approach to risk aversion, such as that presented by Thompson (1999).

In this study, the evaluations ignored the impact of generating new data from an operating model and conducting a full feedback loop where data were simulated from each year and assessment

models were rerun (Smith, 1994; Fulton *et al.*, 2007; A'mar *et al.*, 2008). However, for the purposes of evaluating the impact of possible future recruitment scenarios under different harvest scenarios, the projection model approach provides insight on trade-offs of the different approaches without the added complexity of how the assessment process may or may not introduce long-term biases. The approach presented here makes several simplifying assumptions, including the assumption that pollock production is primarily driven by bottom-up forces that can be appropriately indexed by summer temperature. There are many examples where control mechanisms that were identified in one regime may no longer apply when it changes (Hollowed *et al.*, 2009). To caution against the use of a spurious relationship, we conducted a careful analysis of the data before use in the stock projection (Mueter *et al.*, 2011). We also note that mechanistic and realistic models that are more complex are under development and that these models provide support for the mechanism used in this analysis. However, given the uncertainty in our current knowledge of complex ecosystem dynamics, there is no guarantee that increased model complexity will result in predictions that are more accurate (Adkison, 2009; Stow *et al.*, 2009). The example presented here should be viewed as a first approximation of climate change effects on the pollock fishery.

The process used to select harvest strategies could be improved considerably. Our approach relied heavily on the professional judgement of the authors and qualitative information from interviews. A more comprehensive approach would be to develop worldwide models of fish markets (Mullon *et al.*, 2009), though it should be noted that significant uncertainty is likely to persist in these markets and models. Merino *et al.* (2010) extended their evaluation of global market conditions to account for climate change impacts on small pelagic fisheries and fishmeal. Dichmont *et al.* (2008) evaluated the economic impacts of trawling on the benthos. Their approach could be adapted to the current study by accounting for the extent of fishing effort required to catch the TAC in simulations. However, this would require a means to incorporate the impact of fuel prices on the performance of different fishing sectors.

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**Congress of the United States**  
Washington, DC 20510

November 30, 2011

The Honorable Jane Lubchenco  
Under Secretary of Commerce for Oceans and Atmosphere  
United States Department of Commerce  
1401 Constitution Avenue, N.W., Room 5128  
Washington, D.C. 20230

Dear Dr. Lubchenco:

Observer data is necessary to fulfill NOAA's responsibility to manage fisheries in our nation's marine waters. In an effort to improve its Groundfish Observer Program, the North Pacific Fishery Management Council (NPFMC) took action in October 2010 to expand the program to previously unobserved fleets and provide the agency flexibility to deploy observers in a manner which satisfies standards for randomized placement. The program is expected to improve baseline data to support future decision making and requirements for annual catch limits and accountability measures.

The direct costs of deploying fishery observers under the NPFMC's Groundfish Observer Program have been industry-funded, pay-as-you go. The restructured program will also be funded by industry but requires start up funds to transition from the current program. Lacking federal funding in the first year, fishermen would have to pay for coverage under the existing program while being assessed a fee to support future observer coverage under the new program. It would also delay implementation of the new program for at least one year and prolong expected improvements in catch and bycatch estimates and annual catch limit management.

You have made commitments to fund observers in other regions while they transition to catch share programs. We are concerned funding observers in these other regions might jeopardize your ability to provide start up funds for the restructured North Pacific Groundfish Observer Program. This would impose an unwarranted burden on fishermen in Alaska's small boat and 60-foot to 125-foot vessel fleets.

We believe \$3.8 million in start up funding for the North Pacific Groundfish Observer Program is essential to transition to the improved program. The NPFMC has embraced science-based decision making in managing fisheries resources off Alaska and this program is expected to advance the quality of data informing their management

The Honorable Jane Lubchenco  
November 30, 2011  
Page 2

decisions. We urge you to provide adequate funds to North Pacific Groundfish Observer Program.

Thank you for your consideration of this request.

Sincerely,

  
Lisa Murkowski                      Mark Begich                      Don Young  
United States Senator              United States Senator              Congressman for All Alaska

Cc: Mr. Eric Schwaab, NOAA Assistant Administrator for Fisheries  
Mr. Chris Oliver, Executive Director, North Pacific Fishery Management Council

# United States Senate

WASHINGTON, DC 20510

October 12, 2011

The Honorable Rebecca Blank  
Secretary of Commerce  
1401 Constitution Avenue NW  
Washington, DC 20230


Dear Secretary Locke,


I am writing to request an extension of the comment period previously conducted by the National Marine Fisheries Service in regards to the proposed amendment allocating rockfish harvest privileges.

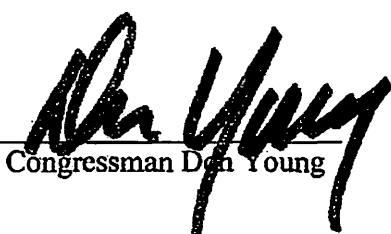
The proposed Amendment 88 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska may have drastic economic effects on processing plants in Kodiak, Alaska. This amendment could also set a precedent for fishing law and affect other types of Alaskan fish such as Pollock and cod. For these and other reasons, it is important to ensure input from all community and industry shareholders. Therefore, I would appreciate if the National Oceanographic and Atmospheric Administration would extend the comment period.

Thank you for taking the time to review my request, and I look forward to your response.

Sincerely,

  
\_\_\_\_\_  
Senator Lisa Murkowski

  
\_\_\_\_\_  
Senator Mark Begich

  
\_\_\_\_\_  
Congressman Don Young

# Congress of the United States

Washington, DC 20515

November 3, 2011

Dr. Jane Lubchenco  
Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator  
National Oceanic and Atmospheric Administration  
U.S. Department of Commerce  
1401 Constitution Avenue, NW  
Room 5128  
Washington, D.C. 20230

Mr. Eric C. Schwaab  
Assistant Administrator for Fisheries  
National Oceanic and Atmospheric Administration  
1315 East West Highway  
Room 14636  
Silver Spring, MD 20910

Dear Under Secretary Lubchenco and Assistant Administrator Schwaab:

We are writing to request the National Marine Fisheries Service (NMFS) provide guidance to Regional Fishery Management Councils (RFMCs) regarding the implementation of its Catch Share Policy.

Catch share programs are a fisheries management tool that, based on experience, are expected to provide economic and environmental benefits in some fisheries. However, concerns have been raised that catch shares could also have impacts on fishing communities, such as consolidation of fishing effort and quota, and potential disproportionate impacts on smaller fishing communities. The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSA 2006) authorized the development of community associations to mitigate such impacts, including Fishing Communities and Regional Fishing Associations. In addition, related tools have since emerged, including Community Fishing Associations and bycatch risk pools.

Several catch share programs are currently being developed across the country as deemed appropriate by RFMCs. Realizing there is no one-size-fits-all approach to addressing such concerns, we encourage NMFS to provide additional guidance to RFMCs on potential options to help local fishing communities adapt to catch share programs, including:

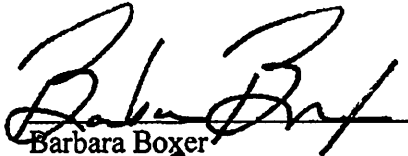
1. Strategies for the RFMCs to involve fishing communities at an early stage in the decision-making process to determine if catch shares and/or community associations are appropriate and ensure that the diverse needs of different communities are addressed.

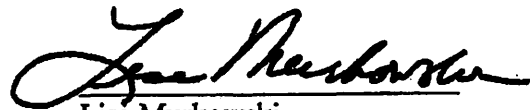
2. Suggested approaches for the development of community associations or other mechanisms to retain local jobs and fishing heritage in traditional fishing-dependent communities.
3. Mechanisms for monitoring the economic and environmental impacts of catch shares following their implementation, so that best practices can be identified and adjustments can be made as needed.
4. Cost-effective monitoring techniques (such as vessel monitoring systems combined with video monitoring) to help smaller-scale fishermen adjust to the monitoring requirements of catch shares.

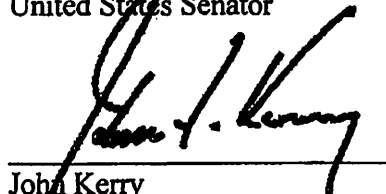
Fishing is an important economic driver in many of our nation's coastal communities, and protecting this resource is even more essential now than ever as our nation struggles to rebound from the economic downturn. We ask that NMFS provide the necessary guidance during the implementation of its Catch Share Policy to ensure a vibrant future for our local fishing economies.


Thank you for your consideration of this vital issue affecting our fishing communities.

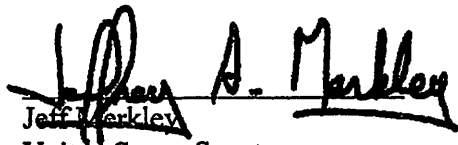
Sincerely,

  
Barbara Boxer  
United States Senator

  
Lisa Murkowski  
United States Senator

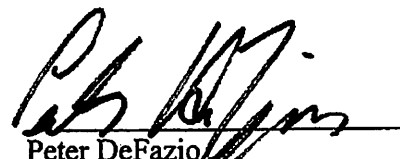
  
John Kerry  
United States Senator

  
Ron Wyden  
United States Senator

  
Jeff Merkley  
United States Senator

  
Mark Begich  
United States Senator

  
Mike Thompson  
Member of Congress

  
Peter DeFazio  
Member of Congress

# United States Senate

WASHINGTON, DC 20510

November 14, 2011

The Honorable Jane Lubchenco  
Administrator  
National Oceanic and Atmospheric Administration  
1401 Constitution Avenue, N.W., Room 5128  
Washington, D.C. 20230

Dear Dr. Lubchenco:

With the decision to delay implementation of the Alaska halibut charter Catch Sharing Plan (CSP) due to the volume of public comments received, many Alaskans have asked about the process which will take place to finalize this longstanding issue. I request an expected timeline of steps which will be taken toward finalizing the CSP and consideration of interim measures which may be needed for managing the 2012 fishery.

The halibut fishery is an important part of Alaska's economy, including both commercial fishermen and charter operators who cater to recreational fishermen. Both sectors play major roles in the economies of coastal communities throughout Southeast Alaska and the central Gulf of Alaska.

While concerns remain over aspects of the CSP and the public responded with literally thousands of comments which must to be reviewed, I believe a plan is ultimately needed to resolve this issue. Such a plan should share the burden of conservation of this valuable resource as well as the benefits of healthy stocks among all users.

I support action by the North Pacific Fishery Management Council to finalize a plan and any interim actions needed to protect the halibut resource, whether by the Council or the International Pacific Halibut Commission. In addition to seeking a timeline for finalization of the CSP, I request your support for adequate staff time to address this task.

Both the commercial and recreational fishing sectors are important to Alaskans and the state's economy. Years of divisiveness between these sectors needs to be resolved. Thank you for your attention to this matter.

Sincerely,



Mark Begich  
United States Senator

Cc: Mr. Eric Schwaab, Assistant Administrator, National Marine Fisheries Service  
Mr. Chris Oliver, North Pacific Fishery Management Council  
Dr. Bruce Leaman, International Pacific Halibut Commission

# Council Member Training Agenda

Crowne Plaza Hotel  
Lincoln Room  
Silver Spring, MD 20910  
November 29 - December 1, 2011

## Day 1 November 29

<u>Time</u>	<u>Min.</u>	<u>Subject</u>	<u>Presenter</u>
8:00	30	Breakfast	
8:30	5	Introductions Goals and Purposes of Council Training Review of Training Manual, Logistics (MSA Sec. 302 (k)(1)(H))	<b>MODERATORS:</b> <i>Bill Chappell</i> <i>Tara Scott</i> Office of Sustainable Fisheries
8:35	15	Welcome and Opening Remarks	<i>Alan Risenhoover</i> Director, Office of Sustainable Fisheries
<b>MODULE 1: COUNCIL'S ROLE AND RESPONSIBILITIES</b>			
8:50	40	Introduction to the Magnuson-Stevens Act (MSA) Establishment of the Councils (MSA Sec. 302 (k)(1)(E)) <b>TAB C</b>	<i>Marian Macpherson</i> Office of Sustainable Fisheries
9:30	60	Council Process and Development of Fishery Management Plans (MSA Sec. 302 (k)(1)(B) and (G)) <b>TAB D</b>	<i>Jane DiCosimo</i> North Pacific Fishery Management Council
10:30	15	Break	
10:45	60	Conflict of Interest and Disclosure Provisions, Rules of Conduct, Lobbying Restrictions, and Other Legal Requirements of All Council Members (MSA Sec. 302 (k)(1)(E)) <b>TAB E</b>	<i>Dana Jacob</i> Office of the Assistant General Counsel for Administration
11:45	90	Lunch on your own	
1:15	45	Legal and Regulatory Requirements & Building an Administrative Record (MSA Sec. 302 (k)(1)(F)) <b>TAB F</b>	<i>Katie Renshaw</i> General Counsel, Fisheries
2:00	45	Group Activity on Council Members' Role and Responsibilities	<i>Jane DiCosimo</i> <i>Marian Macpherson</i>

**MODULE 2: MSA & OTHER APPLICABLE LAWS**

2:45	45	Magnuson-Stevens Act and 10 National Standards (MSA Sec. 302 (k)(1)(E)) <b>TAB G</b>	<i>Marian Macpherson</i> Office of Sustainable Fisheries
3:30	15	Break	
3:45	45	National Environmental Policy Act (NEPA): (MSA Sec. 302 (k)(1)(F)) <b>TAB H</b>	<i>Steve Leathery</i> NMFS National NEPA Coordinator
4:30	30	Essential Fish Habitat (EFH) and Deep-Sea Coral Authorities (MSA Sec. 302 (k)(1)(E)) <b>TAB I</b>	<i>Tom Bigford</i> Office of Habitat Conservation
5:00	15	Discussion; Questions; Recap; Announcements	Moderators
5:15		Adjourn	



# Council Member Training Agenda

Crowne Plaza Hotel  
Lincoln Room  
Silver Spring, MD 20910

November 29 - December 1, 2011

## Day 2 November 30

<u>Time</u>	<u>Min.</u>	<u>Subject</u>	<u>Presenter</u>
7:45	30	Breakfast	
8:15	15	Welcome from the Assistant Administrator of NOAA Fisheries	Eric Schwaab Assistant Administrator of NOAA Fisheries
8:30	5	Expectations for Day 2	Moderators
8:35	25	DAY 1 REFRESH	Moderators
9:00	45	Protected Resources <ul style="list-style-type: none"> <li>o Endangered Species Act (ESA) TAB J</li> <li>o Marine Mammal Protection Act (MMPA) (MSA Sec. 302 (k)(1)(F)) TAB K</li> </ul>	Marta Nammack Helen Golde Office of Protected Resources
9:45	30	Protected Resources Group Activity	Marta Nammack Helen Golde
10:15	15	Break	
<b>MODULE 3: SCIENCE BEHIND FISHERIES MANAGEMENT</b>			
10:30	60	Stock Assessments: The Science of Fisheries (MSA Sec. 302 (k)(1)(A)) TAB L	Rick Methot Office of Science and Technology
11:30	45	Stock Assessment Exercise	Rick Methot
12:15	90	Lunch on your own	
1:45	60	Annual Catch Limits (ACL) and Accountability Measures (MSA Sec. 302 (k)(1)(B) and (E)) TAB M	Regina Spallone Office of Sustainable Fisheries
2:45	30	ACL Group Activity	Regina Spallone
3:15	15	Break	
3:30	30	Design and Use of Catch Shares under the MSA (MSA Sec. 302 (k)(1)(B) and (I)) TAB N	Kelly Denit Office of Sustainable Fisheries
4:00	30	Ecosystem-Based Fisheries Management (MSA Sec. 302 (k)(1)(H)) TAB O	Kenric Osgood Office of Science and Technology

**MODULE 4: OTHER FACTORS AFFECTING MANAGEMENT DECISIONS**

4:30	30	International Fisheries Issues Impacting Councils (MSA Sec. 302 (k)(1)(H)) <b>TAB P</b>	<i>Jean-Pierre Plé</i> Office of International Affairs
5:00	30	Discussion; Questions; Mock Council Assignments; Announcements	Moderators
5:30		Adjourn	

# Council Member Training Agenda

Crowne Plaza Hotel  
Lincoln Room  
Silver Spring, MD 20910

November 29 - December 1, 2011

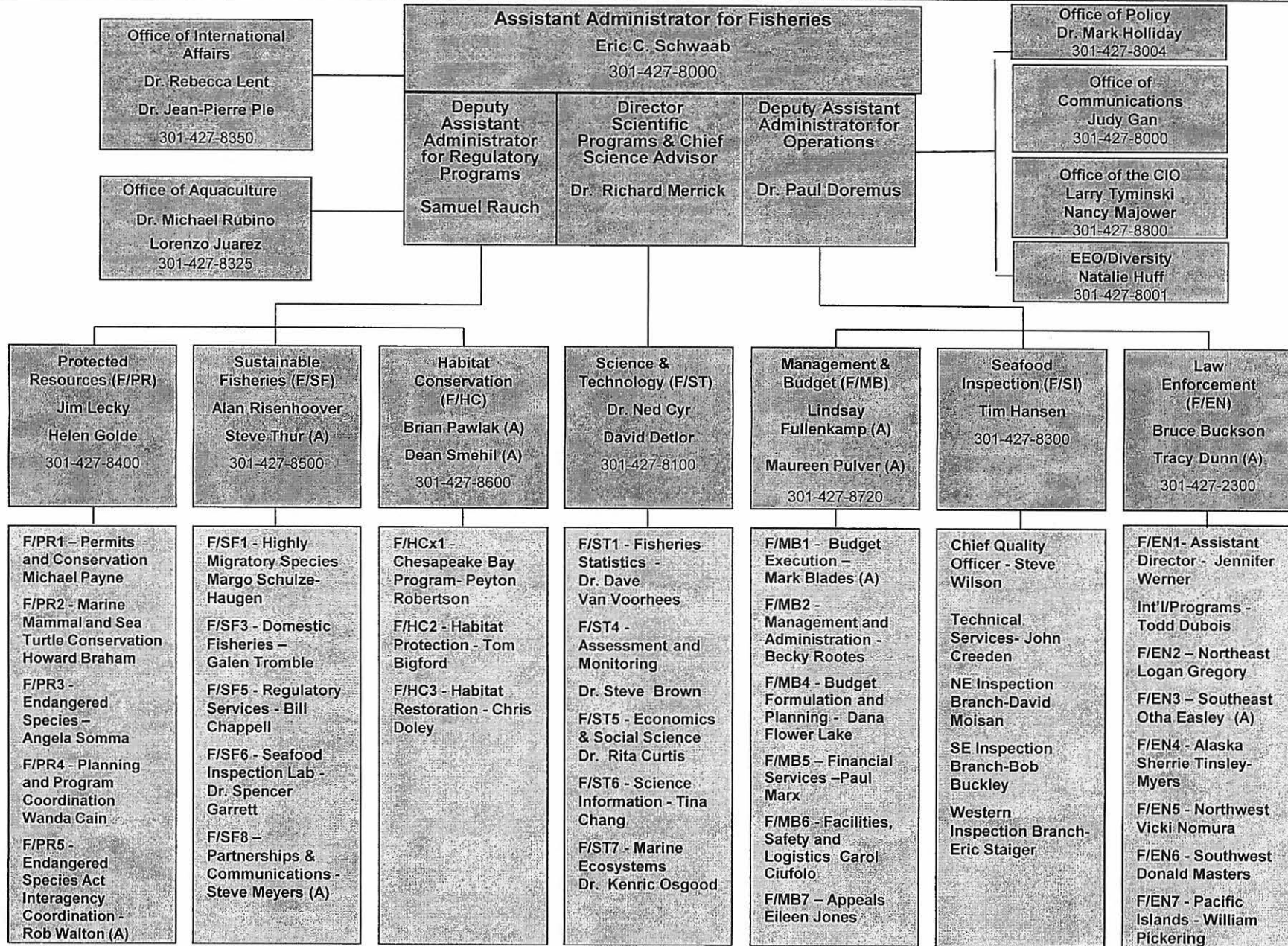
## Day 3 December 1

### MODULE 4 OTHER FACTORS AFFECTING FISHERIES MANAGEMENT DECISIONS

<u>Time</u>	<u>Min.</u>	<u>Subject</u>	<u>Presenter</u>
8:00	30	Breakfast	
8:30	5	Expectations for Day 3	Moderators
8:35	10	DAY 2 REFRESH	
8:45	30	Recreational Fisheries Data Improvements & Policy Discussion (MSA Sec. 302 (k)(1) (I)) TAB Q	<i>Russ Dunn</i> National Policy Advisor for Recreational Fisheries
9:15	40	Economic Analysis (MSA Sec. 302 (k)(1)(C)) TAB R	<i>Rita Curtis</i> Office of Science and Technology
9:55	40	Guidance for the Use of Social Science in Fishery Management (MSA Sec. 302 (k)(1)(C)) TAB S	<i>Trish Clay</i> Northeast Fisheries Science Center
10:35	10	Break	
10:45	30	Catch Shares Group Activity	<i>Kelly Denit</i>
11:15	45	Federal Tribal Trust Responsibilities in the Context of the MSA (MSA Sec. 302 (k)(1)(D))TAB T	<i>Dr. Gary Sims</i> Northwest Regional Office
12:00	75	Lunch on your own	
1:15	45	Fisheries Enforcement NOAA/USCG (MSA Sec. 302 (k)(1)(E) and (H)) TAB U	<i>Bruce Buckson</i> Director, Office of NMFS Enforcement  <i>LCDR Dan Schaeffer</i> Fisheries Enforcement U.S. Coast Guard
2:00	30	Putting It All Together TAB V (MSA Sec. 302 (k)(1)(G))	<i>Marian Macpherson</i> Office of Sustainable Fisheries
2:30	15	Break	
2:45	90	Mock Council Meeting	Moderators
4:15	15	Summary; Wrap Up	Moderators
4:30		Adjourn	

# NOAA FISHERIES SERVICE

12-5-11



**Subject:** FY2012 Enforcement Priorities - Draft Report Posted  
**From:** NOAA Fisheries Service <Laurel.Bryant@noaa.gov>  
**Date:** 11/8/2011 12:50 PM  
**To:** chris.oliver@noaa.gov

NOAA Fisheries Service header

External Affairs  
November 8, 2011

**NOAA's Enforcement Priorities FY2012 - Draft Report Posted Online**

FishWatch logo

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[www.fishwatch.gov](http://www.fishwatch.gov)

Greetings!

Thanks to those of you who could join our stakeholder call today to outline NOAA's Draft Enforcement Priorities document, which will be open for a 60-day comment period ending January 9, 2012.

As mentioned on the call, we have experienced some web-server difficulties today and understand that NOAA's General Council website has been affected. We are redirecting everyone to the Office of Law Enforcement website where the Draft Enforcement Priorities document is posted along with instructions, guidelines and timelines for submitting comments.

We hope this is helpful and look forward to your comments. If you have any questions, please contact **Lesli Bales-Sherrod** at Lesli.Bales-Sherrod@noaa.gov or 301-427-2300.

Regards,  
Laurel Bryant  
NOAA Fisheries Communications and External Affairs  
Laurel.Bryant@noaa.gov

Forward email



This email was sent to [chris.oliver@noaa.gov](mailto:chris.oliver@noaa.gov) by [laurel.bryant@noaa.gov](mailto:laurel.bryant@noaa.gov) |  
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NOAA - Fisheries Service | 1315 East West Highway | Silver Spring | MD | 20910



# Draft NOAA Enforcement Priorities

November 8, 2011

## NOAA's Mission, Vision, Long-Term Goal, and Objectives

The mission of the National Oceanic and Atmospheric Administration (NOAA) is to understand and predict changes in climate, weather, oceans, and coasts; to share that knowledge and information with others; and to conserve and manage coastal and marine ecosystems and resources. Meeting this mission requires not only state-of-the art science and management programs, but also a fair, effective, and comprehensive compliance and enforcement programs. NOAA is establishing priorities to guide its enforcement programs in support of NOAA's Mission, Vision, Long Term Goals, and National Marine Fisheries Service objectives.

NOAA's enforcement programs operate primarily under the following provisions of the Next Generation Strategic Plan:

- NOAA's Mission: Science, Service, and Stewardship  
*To conserve and manage coastal and marine ecosystems and resources*
- NOAA's Vision: Resilient Ecosystems, Communities, and Economies  
*Healthy ecosystems, communities, and economies that are resilient in the face of change.*
- NOAA's Long Term Goal: Healthy Oceans  
*Marine fisheries, habitats, and biodiversity are sustained within healthy and productive ecosystems*
- NOAA and Fisheries Objectives  
*Recovered and healthy marine and coastal species  
Sustainable fisheries and safe seafood for healthy populations and vibrant communities*

## Background on the FY 2012 Priority-Setting Process

During the fall of 2010 the NOAA Fisheries Office of Law Enforcement and the NOAA Office of the General Counsel for Enforcement and Litigation solicited recommendations from the fishery management councils, interstate fishery commissions, interested stakeholders representing public, private, and non-governmental organizations, and other entities within NOAA Fisheries on setting annual priorities at the national and regional level.

This solicitation for recommendations developed following the summer of 2010 NOAA National Enforcement Summit that brought together more than 60 stakeholders from the commercial and

recreational fishing industries, non-governmental organizations, and state and federal enforcement officials to focus on how NOAA can better manage marine resources through fair, consistent, and transparent enforcement of natural resource laws.

NOAA was particularly interested in recommendations from all interested parties on how the agency can develop national and regional priorities that reflect:

- The potential effect and/or threat of non-compliance to the resource (high, medium, low);
- The status of the resource (e.g., endangered, threatened, depleted, overfished, overfishing occurring, etc.);
- Efforts to improve compliance;
- Opportunities for deterrence;
- Support for catch share programs;
- How enforcement allocates resources for requirements outside specific priorities;
- Best use of available resources

## **Summary of Stakeholder Recommendations Received**

The recommendations received from stakeholders generally fell into the two broad categories:

- *Sustainable fisheries (Magnuson-Stevens Act and associated statutes)*
- *Protected resources and places (Endangered Species Act, Marine Mammal Protection Act, and National Marine Sanctuaries Act)*

Recommendations related to sustainable fisheries included:

- *Protecting overfished stocks and stocks where overfishing is occurring*
- *Improving economic vitality for fisheries community*
- *Leveling the playing field through compliance assistance and effective enforcement*
- *Expanding and enhancing partnerships with the international community*
- *Monitoring to facilitate compliance*
- *Designing and implementing improved enforcement services to address catch share programs*
- *Enforcing fishery closures in support of Annual Catch Limits*
- *Enforcing gear restrictions*
- *Supporting observer programs*
- *Enforcing catch and fishing effort reporting requirements*
- *Enforcing import restrictions/requirements*

Recommendations related to Protected Species and places included:

- *Improving compliance with use of turtle excluder device (TED) regulations throughout the Southeast United States*



- *Improving compliance with speed restrictions along the East Coast of the United States to protect endangered North Atlantic right whales*
- *Improving compliance with regulations designed to protect marine mammals and endangered species, habitat, and protected places, particularly the National Marine Sanctuaries through both expanded compliance assistance programs and expanded effective enforcement monitoring and action.*
- *Expanding and enhancing partnerships with the international community to protect marine mammals and endangered marine species.*

## **Draft NOAA Enforcement Priorities**

NOAA is establishing enforcement priorities to meet NOAA's mission, guide its planning, and focus the use of its enforcement assets relative to marine resources. This planning will focus on federally regulated fisheries and protected species and places identified within NOAA's priorities. Enforcement priorities will focus the use of resources while providing the flexibility and capability to respond to other enforcement requirements as conditions and circumstances dictate. While NOAA will focus its enforcement efforts on the identified priority areas, to assure deterrence, it will continue to enforce all the laws for which it is responsible.

NOAA is identifying its proposed enforcement priorities through a consultative process within NOAA and with external stakeholders. Once established, absent unexpected circumstances, enforcement will dedicate resources to address performance targets affecting the identified priorities. The priority-setting process, including opportunities for public input, will be undertaken annually.

## **National Priorities**

### **National Priority 1: Support Sustainable Fisheries and Safe Seafood**

Domestic demand for safe seafood and recreation opportunities continue to grow. These demands will far exceed domestic supply from wild stocks. This places a premium on effective management of natural fish stocks. NOAA's legal responsibilities in this regard encompass management of more than 500 fish stocks or stock complexes under the Magnuson-Stevens Act. Implementing management strategies that rebuild and manage fish stocks, maintain access to fisheries, and improve opportunities for aquaculture can build and sustain economically robust coastal communities and contribute to long-term food security for the Nation. Management efforts, such as catch share programs, include monitoring to evaluate their impact on stock status, while improved socioeconomic data collection will allow managers to evaluate and improve the social sustainability of recreational and commercial fishery programs. Increasing compliance and ensuring enforcement of needed regulations is an important part of meeting NOAA's goal of sustainable fisheries. Equally, NOAA must strengthen the enforcement of fishery regulations concerning international imports and exports.

International trade in fishery products directly affects the economics of domestic fisheries through unregulated and unreported harvests, mislabeled product and can introduce unsafe product into U.S. markets. Illegal, unregulated and unreported fishing disadvantages the U.S. high seas fishing fleet and decimates migratory stocks important to U.S. markets and the commercial industry.

To meet the needs of the fishing industry and consumers, NOAA's enforcement programs will prioritize:

- Implementing effective compliance and enforcement plans to support catch share management
- Monitoring fishery product imports for compliance with domestic regulations and international treaty obligations.

While compliance and enforcement plans to support catch share management is a National priority, NOAA will continue to enforce traditional non-catch share management as well.

## **National Priority 2: Support Recovered and Healthy Marine and Coastal Species and Healthy Habitats**

The wide range of human and natural impacts on marine, estuarine and diadromous (fish that migrate between marine and freshwater) species has led to listing of many of these species as threatened or endangered under the Endangered Species Act, with petitions to list additional species received every year. NOAA has statutory responsibility for such listed species as well as for most marine mammals under the Marine Mammal Protection Act. As human populations increase and the impacts of global climate change are realized, ensuring the recovery and long-term health of all these species is an important goal for the Nation. To ensure the sustainability and resilience of these species and the ecosystems that support them, NOAA, Federal, State, tribal and local agencies, non-governmental organizations, and industry require science-based policy guidance, economic incentive programs, and sound regulations and enforcement. NOAA is working in partnership with other Federal, State, local and tribal agencies, non-governmental organizations, and stakeholder groups to ensure that recovery and conservation plans are robust, useful and implemented. The international dimensions of this objective require participation in international species management for anadromous fish (fish that live in the ocean mostly and breed in fresh water), endangered species, and marine mammals.

Additionally, the conservation and protection of key marine and estuarine areas is important to sustaining marine resources. While an increasing range of uses will allow coastal communities to create diverse economies, care must be taken to ensure continued access to coastal areas, sustained ecosystems, maintained cultural heritage, and limited cumulative impacts. The National Marine Sanctuaries Act plays a pivotal role in protecting these areas. The 13 sanctuaries and four marine national monuments encompass more than 150,000 square miles of U.S. ocean and Great Lakes waters. Protected within these areas are important habitats like breeding and feeding grounds of whales, sea lions, sharks, and sea turtles; coral reefs; kelp forests; and historic shipwrecks.

To ensure the protection of protected species and places, NOAA's enforcement programs will prioritize the following:

- Enforcement services supporting National Marine Sanctuaries.
- Protection of marine mammal and endangered species through monitoring and enforcement actions in support of by-catch reduction regulations, gear restrictions, and closed areas.

## **Supporting Priorities**

In support of the national priorities outlined above, and to benefit NOAA's resource-based mission goals, NOAA's enforcement programs will also support these two additional national priorities that cut across all regions and programs:

- Compliance assistance – As the commercial and recreational fishing industries have developed, and as fishery managers have worked to afford them the maximum opportunities, regulations have become more complicated. As a result, more effort is required to help the fishing industry understand and follow regulations that support the long-term sustainability of marine resources and the economic activity those resources support.
- Observers – Observer programs provide critical scientific data on fish stock status, bycatch, and fish harvest interactions with protected species. Observer programs require enforcement support to maintain safe work environments that support accurate, objective data collection and reporting.

## **Regional Priorities**

Regional priorities vary with the specific resources, activities, and threats across the country. What may be a high priority in one region may not be a priority in another. For example, endangered salmon do not exist in all regions, so while they may be a priority in the Northwest and Southwest the protection of other species such as sea turtles, monk seals, or North Atlantic right whales may be priorities elsewhere. Equally, fish stocks, fishing gear, and management programs are not identical across the country. Thus, NOAA's enforcement programs must tailor their priorities appropriately. It is important to point out that NOAA will continue to seek to improve compliance with and enforce all marine statutes and regulations. Simply not listing a specific stock of fish or area as a priority below does not mean enforcement actions will not be taken – all regulations must be enforced. Additionally, circumstances – an oil spill, implementation of new regulations – may require that NOAA depart from these priorities to ensure marine resources are protected. In sum, the priorities below will help NOAA focus its enforcement assets on the areas that will most benefit the marine resources for which it is responsible.

Listed below are regional priorities in support of each national priority. Examples given under each priority are not meant to be exhaustive, rather only illustrative.

## **Regional Priorities Supporting Sustainable Fisheries and Safe Seafood**

- Focus resources on overfished stocks and stocks experiencing overfishing. Examples of this priority include:
  - Northeast Region: The illegal harvest or sale of highly migratory species, such as bluefin tuna
  - Southeast Region: Monitoring the red snapper and grouper catch share programs
  - Northwest and Southwest Regions: Quota share deficits under the catch share program and noncompliance with trip and cumulative limits
- Expand contact with the regulated communities including compliance support, monitoring and inspections of regulated activity to identify problems, deter violations and detect violations requiring enforcement action. Examples include:
  - Alaska Region: Selling recreationally caught fish, such as halibut
  - Pacific Islands Region: Violations of international treaties or agreements regarding tuna fisheries
  - Northwest and Southwest Regions: Monitoring for restricted gear types in groundfish conservation areas
- Focus enforcement services to support commercial and recreational catch reporting in support of annual catch limit monitoring. Examples include:
  - Northeast Region: Noncompliance with trip and cumulative limits under catch share programs for Northeast Multi-species or other fisheries
  - Northwest Region: Mislabeling of seafood imports such as king crab
  - Southwest Region: Implementation and monitoring of the tuna tracking and verification program

## **Regional Priorities Supporting Recovered and Healthy Marine and Coastal Species and Healthy Habitats**

- Expand compliance assistance, monitoring and enforcement actions to improve compliance with regulations to protect endangered species. Examples include:
  - Southeast Region: Turtle excluder device regulations in the South Atlantic and Gulf of Mexico
  - Northeast and Southeast Regions: Expand programs to gain compliance with speed restrictions in Northern right whale seasonal management areas
  - Northwest and Southwest Regions: Habitat protection and inadequate water flow and/or barriers to fish passage in streams that impact migration or spawning
- Expand enforcement services provided to support National Marine Sanctuaries. Examples include:
  - Northeast Region: Fixed gear (lobster traps, gillnets) violations within sanctuaries
  - Northwest, Southwest and Pacific Island Regions: Unlawful discharges or groundings of vessels within sanctuaries
  - Southeast Region: Protection of coral reefs within sanctuaries

- **Expand compliance assistance to the whale watching/marine mammal viewing industry to reduce illegal vessel/person/marine mammal interactions. Examples include:**
  - **Alaska Region: Violations involving injury or potential injury to marine mammals, such as a vessel-whale collision**
  - **Northwest and Southwest Regions: Unlawful interactions with Orca whales and harassment or killing of sea lions**
  - **Pacific Islands Region: Harassment or killing of monk seals and illegal interaction with humpback whales**

**FISHERIES**  
Leadership & Sustainability  
**FORUM**

Dear Colleague,

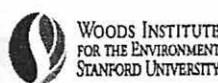
In an effort to leverage the work and investment in the semi-annual forums in support of regional council efforts, the Fisheries Leadership & Sustainability Forum is pleased to announce **“Fisheries Forum a la Carte.”** The idea behind this new format is that by offering a “menu” of themes for which the Fisheries Forum has already identified topic experts, hosted presentations, and developed learning and discussion tools, we can share elements of the Forum that are timely and relevant to your council. A Fisheries Forum a la Carte presentation can be designed to fit your timing and content needs and can take the form of a short workshop, an evening presentation during a council meeting, or as part of a council or committee meeting agenda.

This new format will complement and not replace the Fisheries Forum’s semi-annual multi-day workshops. Our goal is to serve as a resource and provide learning opportunities to aid Council members and staff in their role as fishery managers. If this approach proves effective, we will develop additional “menus” reflecting both past work and future projects. Our choice of coastal and marine spatial planning (CMSP) as a “first course” reflects our focus on the topic at our September 2011 West Coast Forum and the timeliness of the themes.

Please find below a “menu” of themes from that forum. For more detailed information (2011 West Coast Forum’s agenda, summary of proceedings, videos and PDF versions of the presentations, and a report entitled “The Role of the Regional Fishery Management Councils in Multi-Sector Spatial Planning: Exploring existing tools and future opportunities”), please visit the Fisheries Forum [website](#). If you believe that one or more might be especially useful to your council, please contact [Meghan Jeans](#) or [John Henderschedt](#). We would be happy to discuss with you timing, format, and how a presentation might be tailored to address particular challenges in your region. Depending on the scope of the presentation, Fisheries Forum may be able to provide this support at little cost to your council.

**Coastal and Marine Spatial Planning and the Role of Regional Fishery Management Councils in Multi-Sector Spatial Planning**

- Management Tools to Support Multi-Sector Spatial Planning – Explore existing management tools and strategies that may offer regional fishery management councils an opportunity to provide input into spatial planning and permitting decisions for other ocean uses.
- Data Portals and Decision Support Tools – Gain familiarity with the current status of regional and national data portals and the potential use of decision support tools. Presentations can be focused on the relationship of these tools to stakeholders, analysts, decision-makers, or all three.



# FISHERIES

Leadership & Sustainability

## FORUM

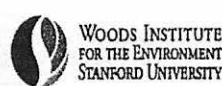
- Information & Data Needs for CMSP – Learn about the types of information and data that fisheries managers can provide to help inform spatial management and engage constructively in the multi-sector decision-making process. Consider what data needs might be particularly important to your region.
- Scientific Principles & Governance Framework for CMSP – Explore the characteristics, goals, and principles of CMSP from a scientific and governance perspective.
- Ecosystem & Policy Context for CMSP – Examine the big picture considerations that have led to a focus on CMSP as a tool for achieving ecosystem-based management.

We encourage you to consider whether one or more of these themes may be useful to your council as it works to engage in multi-sector ocean planning. Please feel free to contact us with any questions and/or requests. We look forward to future collaborations!

Very best regards,



John Henderschedt  
Executive Director





**United States Department of State**  
*Washington, D.C. 20520*

November 11, 2011

North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Avenue, Suite 306  
Anchorage, AK 99501-2252

**RECEIVED**  
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Dear Mr. Oliver,

I am following up on my letter to you of March 24 concerning the Baseline Committee's consideration of proposals made to revise certain bay-closing lines, including those for Kachemak and Uyak bays in Alaska. At that time, I noted that I would be pleased to keep you apprised of the Committee's work, including the outcome of the Committee's review with respect to the closing lines for Kachemak and Uyak bays.

On July 28, the Baseline Committee met and considered the nine proposals received from Alaska's Department of Natural Resources (DNR) to revisit previous bay closing line decisions of the Committee. The Committee considered Alaska's proposals to be well reasoned and agreed with eight of the nine proposals, including those relating to Kachemak and Uyak bays. On September 30, the Baseline Committee again met and approved the "minutes" of the July 28 meeting. Those minutes are attached and provide additional information regarding the Committee's consideration of DNR's proposals.


With regard to NOAA charts containing depictions of Committee decisions, NOAA's representative to the Baseline Committee from the Office of Coast Survey has advised that the Committee's recent decisions will appear in future editions of NOAA charts, which may be printed several years from now. New chart editions are prioritized based on navigation safety needs rather than the Baseline Committee's updates to maritime limits, which are made on a different schedule. The attached minutes describe further the link between Baseline Committee decisions and federal or state agency use of those decisions prior to broader publication on NOAA charts (see e.g., third full paragraph on page 2).

The attached minutes have also been communicated to DNR, and the Committee will continue to be directly in touch with the DNR regarding any concerns it may have



relating to decisions of the Baseline Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Baumert", with a long, sweeping flourish extending to the right.

Kevin A. Baumert  
Chair, U.S. Baseline Committee  
U.S. Department of State  
Office of the Legal Adviser  
202-646-1646

CC: Dr. Jane Lubchenco, NOAA Administrator

MEMORANDUM

TO: Members of the Baseline Committee

FROM: Kevin Baumert – Department of State (L/OES)

SUBJECT: Minutes of the Meeting of July 28, 2011

DATE: September 30, 2011

1. The Baseline Committee met at 9:30 am, Thursday, July 28, 2011, in room 6421 of Main State to consider the items set forth in the attached agenda dated July 26, 2011. The following members were present:

Kevin Baumert, State L/OES, Chairman  
David J. Sullivan, State L/OES  
Brian Melchior, State OES/OPA  
Brian Van Pay, State OES/OPA  
Joanna Brinkman, DOJ/ENRD  
Meredith Westington, NOAA/OCS  
Suzanne Bass, NOAA/GCOS  
Stacy Nathanson, NOAA/GCF (by phone)  
Steve Venckus, USCG/CG-0941  
Bronwyn Douglass, USCG/CG-0941  
Aundrea Taplin, Navy, Code 10  
Doug Vandegraft, DOI/BOEMRE  
Phyllis Leslie, DOI/SOL  
Odin Smith, DOI/SOL (by phone)  
Kathryn Benz, EPA (by phone)  
Betsy Valente, EPA (by phone)  
Mary Queitzsch, EPA Region 10 (by phone)

2. Review of Alaska proposals to revise bay closing lines

The Committee considered nine proposals from Alaska's Department of Natural Resources (DNR) to revisit bay closing line decisions made at the Baseline Committee meetings of February 7 and 28, 2006. The Committee considered these proposals in light of the analysis and recommendations of the Department of State (attachment 1). The Committee considered Alaska's proposals to be well reasoned and agreed with eight of the nine proposals, namely those relating to Uyak (AK option 1), Akun, Portage, Kalekta, Kachemak (AK option 1), Aniakchak-Amber, Chignik-Castle, and Imuya Bays. With regard to Alaska's proposal to revise the Port Dick closing line, the Committee reviewed a memo from NOAA which outlined the chart history for Port Dick and agreed to retain the closing line coordinates approved at the February 7, 2006 Committee meeting, which are consistent with Baseline Committee's May 3, 1988 decision, with slight

adjustments to accommodate larger scale depictions of baselines on 16645 (01/12/02, 18<sup>th</sup> ed., 1:82,662). The Committee also reaffirmed past Committee practice to select the most seaward option in cases where more than one legally viable solution was presented. The Committee left the details for determining specific headland coordinates to both State and NOAA geographers.

Subsequent to the Committee meeting, final coordinates were determined from the large scale, most recent edition NOAA charts that have not changed since 2006. The coordinates for the following five closing lines are included in these minutes: Uyak Bay, Akun Bay, Aniakchak and Amber Bays, Imuya Bay, and Portage Bay. (These are referred to as "Category 1", below.) With regard to Portage Bay, although the Committee reviewed and approved baselines on the 2004, 10<sup>th</sup> edition chart on February 28, 2006,<sup>1</sup> there were no changes to the baseline between that chart edition and the 11<sup>th</sup> edition, which was issued in 2005. Revised coordinates for the Portage Bay closing line are taken from the 11<sup>th</sup> edition of chart 16570.

Revised coordinates for the following four bays are not included in these minutes: Kachemak Bay (16645), Kalekta Bay (16528), Chignik and Castle Bays (16566), and Port Dick (16645). (These are referred to as "Category 2", below.) This is due to the fact that new chart editions have been released since 2006 with significant baseline changes, and the Committee has not yet reviewed those charts. In light of updated chart editions, the Committee will need to fine-tune these closing line coordinates at its next meeting.

It is noteworthy that some of the Baseline Committee's 2006 decisions have already been printed on NOAA charts, and that the Committee's decisions from this meeting may not be reflected on NOAA charts for several years. Since the primary purpose of NOAA charts is safe navigation, new chart editions are typically printed after significant changes in shoreline or hydrography. Changes in U.S. maritime limits/boundaries are not a main driver for a new chart edition. Although individual federal (or state, if applicable) agencies are free to choose whether to enforce the 2006 or 2011 versions of the closing lines based on their laws, the Committee's Law of the Sea Convention perspective with regard to NOAA charts is reflected in its 2008 revised Coast Pilot section on maritime zones, which states: "The lines shown on the most recent chart edition take precedence."

The following are further details on the Baseline Committee's decisions for each closing line. With the exception of Port Dick, in each case the Committee reviewed AK's proposal in light of the in-depth analysis done by the Department of State prior to the meeting and agreed in principle to AK's proposal. Closing line identification numbers (e.g., "C2722" for Uyak Bay-Spiridon Bay) have been included in order to improve NOAA's internal tracking of Baseline Committee decisions.

Category 1 (no chart changes since 2006):

- **Uyak Bay** (*Revision to the February 7, 2006 Minutes, Uyak Bay-Spiridon Bay*)

In 2006, the Baseline Committee designated a more landward closing line from Bear Island in the south (from 16599\_3, Sep 2004 edition, 1:20,000) to a cape near Chief Pt.

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<sup>1</sup> Note: An error in the February 28, 2006 minutes indicated that the Committee reviewed the 2005, 11<sup>th</sup> edition.

in the northeast (from 16597, Mar 2005 edition, 1:80,000). The revised closing line, which should be derived from charts 16598 (S headland) and 16597 (N headland), continues to impact the 3nm limit line.

Subsequent to the Committee meeting, NOAA noted a discrepancy at Cape Kuliuk (N headland) on same scale, overlapping charts 16598 and 16597. NOAA recommends using slightly older edition chart 16598 (Oct 2004 edition), since it contains the most accurate depiction of the baseline. The next edition of chart 16597 will be brought into agreement with 16598. Revised coordinates are as follows:

C2722: Uyak Bay-Spiridon Bay (Length=11.774 nm)			
57-39-52.452N	154-11-42.594W	16598	(S of Wolcott Reef)
57-48-07.970N	153-56-04.187W	16598	(Cape Kuliuk)

With regard to the status of maritime limits depicted on NOAA charts, the closing line could appear on charts 16598, 16597 (full line, except the very southern connection to the mainland), and 16580 (small scale, traditional "boundary chart"). The Baseline Committee's 2006 decision has been applied to the January 2008 edition of chart 16580 only. Chart 16580 is not slated for a new edition until sometime after FY13. New editions of 16597 and 16598 have not been issued following the 2006 Committee decision; therefore, the 2011 Committee revisions will appear on future charts (slated for sometime after FY13).

- **Akun Bay** (*Revision to the February 28, 2006 Minutes*)

In 2006, the Baseline Committee designated a more landward closing line from the traditional line connecting Billings Head (N headland) to a point north of Round Head (S headland). The revised closing line, which coincides more closely to the pre-2006 line, continues to impact the 3nm limit line.

C2723: Akun Bay (Length=4.863 nm)			
54-16-52.701N	165-28-48.086W	16531	
54-12-44.231N	165-24-28.554W	16531	

With regard to the status of maritime limits depicted on NOAA charts, the closing line could appear on charts 16531 and 16520 (small scale, traditional "boundary chart"). The Baseline Committee's 2006 decision has been applied to the August 2008 edition of chart 16520 only. Chart 16520 is not slated for a new edition until sometime after FY13. The closing line could also appear on large scale, source chart 16531 (2002 edition), but it won't be printed until FY13 or FY14.

- **Aniakchak and Amber Bays** (*Revision to the February 28, 2006 Minutes*)

In 2006, the Committee agreed to two new closing lines for Aniakchak Bay and Amber Bays. Neither of these closing lines impacted the 3nm line, so no charting actions took

place following the 2006 decision. The Committee's decision at this meeting, which treats the two bays as a single double-headed bay, will impact the 3nm line. There have been no updated editions of chart 16568 since the Committee's 2006 decision, and the revised closing line will appear for the first time on a future new edition of chart 16568, slated for printing after FY13.

C2724: Aniakchak and Amber Bays (Length=10.948nm)  
56-45-41.375N 157-12-07.898W 16568  
56-38-27.881N 157-27-01.756W 16568

- **Imuya Bay** (*Revision to the February 28, 2006 Minutes*)

In 2006, the Committee agreed to a new closing line for Imuya Bay, and that closing line impacted the 3nm line. The revised Committee decision is slightly seaward of the 2006 decision and takes into account a low water extension to the mainland at the southern headland. The revised closing line continues to impact the 3nm limit line and will appear for the first time on a future new edition of chart 16568, slated for printing after FY13. There have been no updated editions of chart 16568 since the Committee's 2006 decision.

C2725: Imuya Bay (Length=3.784 nm)  
57-14-59.717N 156-20-16.324W 16568  
57-11-18.442N 156-18-46.798W 16568

- **Portage Bay** (*Revision to the February 28, 2006 Minutes, Portage Bay-Kanatak Lagoon*)

In 2006, the Baseline Committee designated a more landward closing line from the pre-2006 line connecting Cape Kanatak (N headland) to Cape Igvak (S headland). The Committee redrew the closing line using the first and seaward-most location of the headlands using the 45 degree test.

Upon closer inspection following the Baseline Committee meeting, NOAA discovered an incorrect reference in the February 28, 2006 minutes. The minutes state that the Committee review and approved the baseline from chart 16570, 11<sup>th</sup> edition from 2005; however, internal NOAA records indicate that the Committee reviewed and approved the 10<sup>th</sup> edition from 2004. It's unclear why the 2005 edition was not reviewed at the 2006 Committee meeting, but there were no significant baseline changes between the 2004 and 2005 editions. Due to the lack of real changes, NOAA does not recommend reviewing the full baseline again for the 2005 edition, but coordinates pertaining to the revised Portage Bay decision are drawn from the 11<sup>th</sup>, 2005 edition chart.

C2726: Portage Bay-Kanatak Lagoon (Length=5.950 nm)  
57-32-01.201N 155-54-46.000W 16570  
57-27-02.225N 156-00-45.623W 16570

With regard to the status of maritime limits depicted on NOAA charts, the closing line could appear on charts 16570 and 16580 (small scale, traditional “boundary chart”). The Baseline Committee’s 2006 decision has been applied to the January 2008 edition of chart 16580 only. Chart 16580 is not slated for a new edition until sometime after FY13. New edition of 16570 has not been issued following the 2006 Committee decision; therefore, the 2011 Committee revision will appear on future charts (slated for sometime after FY13).

Category 2 (new charts since 2006 and significant baseline changes):

- **Kachemak Bay** (*Revision to the February 7, 2006 Minutes*)

The Committee agreed to AK’s proposal (option 1), but deliberated without making a decision on the proper application of the *bisector angle test*, which is used to determine closing line coordinates when there is a gently curved shoreline with no obvious natural entrance point. Application of the bisector test requires tangents to be drawn based on the general direction of the coast on both the seaward and landward sides. At the point of intersection of these two tangents, a line bisecting the angle formed by the intersection is drawn to the low-water line of the shore. Where this line meets the low-water line, the natural entrance point is found. After further review, Alaska’s application of the bisector test was acceptable.

Subsequent to this Committee meeting, NOAA reports that new editions of chart 16645 (source chart) and 16640 (small scale, traditional “boundary chart”) with LW changes is slated for release in early FY12. NOAA has prepared a pre-release version of the chart containing the latest shoreline and hydrographic data updates for review and redrawing of maritime limits by the Baseline Committee prior to publication. The Committee should review baseline changes as well as revised closing line coordinates at its next meeting.

With regard to the status of maritime limits depicted on NOAA charts, the closing line could appear on charts 16645, 16647, 16661 (just N tip at Anchor Point), and 16640 (small-scale, traditional “boundary chart”). The Baseline Committee’s 2006 decision has been applied to the July 2010 edition of chart 16645 only.

- **Kalekta Bay** (*Revision to the February 28, 2006 Minutes*)

The Committee agreed to AK’s proposal, which was further discussed in the context of the State Department’s recommendation memo to the Committee. For charting reasons, NOAA requested, and the Committee agreed, to anchor the closing line to the mainland at Cape Kalekta rather than to the small island adjacent to the mainland. This represents a small deviation from the Alaska proposal, but will make the separation from internal and territorial sea waters clearer in future chart products.

The revised closing line continues to impact the 3nm limit line. A new chart edition has come out since the last Baseline Committee review in 2006. There is also a new edition pending for FY12.

- **Chignik and Castle Bays** (*Revision to the February 28, 2006 Minutes*)

The Committee agreed to AK's proposal. A new chart edition has come out since the last Baseline Committee review in 2006. There are major changes to the LW line that merit closer inspection of the baseline.

- **Port Dick** (*Revision to the February 7, 2006 Minutes*)

As mentioned above, the Committee agreed to retain its 2006 decision. NOAA reported that a new edition of chart 16645 with LW changes is slated for release in early FY12. NOAA has prepared a pre-release version of the chart containing the latest shoreline and hydrographic data updates for review and redrawing of maritime limits by the Baseline Committee prior to publication. The Committee should review baseline changes as well as revised closing line coordinates at its next meeting.

## 2. Next Steps for Alaska

The Committee took note of the fact that the Alaska proposals pertained to only two Committee meetings in 2006, and that it was possible that additional proposals would be forthcoming. The Chairman noted that the State Department expected to be able to work informally with Alaska DNR officials on any future concerns they may want to raise with the Committee, and that future minutes of Committee meetings would be distributed to Alaska DNR as a matter of course. The need to review baselines in the context of NOAA's chart revision cycle was discussed. The Committee also considered that review of Cook Inlet baselines may be warranted independently of NOAA's chart revision process.

## 3. Review of Baseline Changes on Chart 83484 – American Samoa

The Committee last reviewed this chart on July 7, 2007. On April 1, 2010, NOAA released a new edition of this chart that included minor low water line changes as well as a major datum shift for Swains Island and Rose Atoll. The Committee approved new coordinates for Swains and Rose to reflect a datum shift from local astronomic datum to WGS 84. The Committee did not revisit the closing lines around Tutuila Island, but expressed concerns about consistency in light of the AK re-evaluations. Closing lines will be taken up at the next Committee meeting.

4. Transboundary Electronic Navigational Charts (ENCs) with Canada: administration areas and accompanying informational text

NOAA presented a proposal to the Committee regarding the application of maritime zones on electronic navigational charts (ENCs), particularly those covering the transboundary area between the U.S. and Canada. The Committee reviewed the proposal and agreed to the application of a new Administration Area (ADMARE) on U.S./Canada transboundary ENCs as well other NOAA-produced ENCs. The new ADMARE covers the U.S. territorial sea, internal waters, and land areas. The Committee agreed that the ADMARE would have an "INFORM" tag that states: "This area covers land, internal waters, and territorial sea. For more information, please refer to the Coast Pilot." In light of technical issues related to depictions across varying map scales, the Committee understood that, at this time, it is not possible to depict the territorial sea as a distinct area on ENCs.

Consistent with previous Committee decisions, NOAA will depict the contiguous zone (from 12nm to 24nm) and EEZ (from 12nm to 200nm) on ENCs. In addition, for the U.S./Canada transboundary ENC, NOAA will depict a Caution Area where we have a maritime boundary dispute with Canada. In line with the Committee's views at its February 5, 2008 meeting and recorded in a U.S./Canada charting agreement, the INFORM tag for that area of overlapping claims will read: "This area is disputed by the United States and Canada."

5. Revision of Federal Register Notice of US EEZ and maritime boundary limits: status

Brian Melchior advised the Committee of the progress made in revising the Notice, which was last revised in 1995. He will be working with NOAA's National Geodetic Survey to resolve geodetic datum problems for the EEZ coordinates around Puerto Rico, and possibly other U.S territories. He will then work with the relevant offices within NOAA and BOEMRE to complete the conversion of all the coordinates into the WGS worldwide datum. Expected completion is early 2012.

6. Baseline Committee workflow and NOAA chart production schedule

Due to time constraints, the Committee was not able to cover this agenda item, except to the extent that it overlapped with agenda item 2, above.

7. Any other business

The Committee tentatively agreed that the next meeting would be either September 26 or 30. In light of subsequent conflicts, the next meeting will be held on September 30.



# AVCP

ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS  
P.O. BOX 219 • BETHEL, ALASKA 99559 • PHONE 543-3521

**RECEIVED**  
NOV 21 2011

47<sup>TH</sup> ANNUAL CONVENTION  
BETHEL, ALASKA      OCTOBER 11-13, 2011

## RESOLUTION 11-10-07

**TITLE:    A RESOLUTION REQUESTING THE NORTH PACIFIC FISHERY  
MANAGEMENT COUNCIL TO DESIGNATE A FIFTY-MILE  
BUFFER FROM THE OUTER MOST LAND MASS OF THE  
KUSKOKIM BAY FOR THE PROTECTION OF SUBSISTENCE  
RESOURCES AND HABITATS IN COASTAL AND NEAR SHORE  
COMMUNITIES FROM BOTTOM FISH TRAWLING**

**WHEREAS** The Association of Village Council Presidents, Inc. (AVCP) is the recognized tribal organization and non-profit Alaska Native regional corporation for its fifty-six member indigenous Native villages within Western Alaska and supports the endeavors of its member villages; and

**WHEREAS** AVCP fully supports its member villages in all aspects of their self-determination, health and well-being; and

**WHEREAS** Practicing a Customary and Traditional Subsistence Way of Life is a Basic Fundamental Human Right for Alaska Natives; and

**WHEREAS** Many of our Villages derive their Subsistence Food Sources from the sea in close proximity to our communities; and

**WHEREAS** The entire destructive bottom trawler fishery has historically fished in close proximity to our coastal communities interfering the essential food sources for halibut, seals, walrus, whales and other important and essential subsistence food sources; and

**WHEREAS** Eye witnesses, based on personal interviews, have seen ocean vegetation including sea lettuce, sea weed, and other forms of bottom sea life which are essential to the marine ecosystem disrupted in the wake of trawlers operating off the coastal communities; and

**WHEREAS** Trawlers, in addition to the effects of global warming, may create irreparable harm to the food chain in the Bering Sea ecosystem which will likely be detrimental to subsistence food sources; and

**WHEREAS** Buffer zones are important for the protection of ecosystems important to our subsistence food resources; and

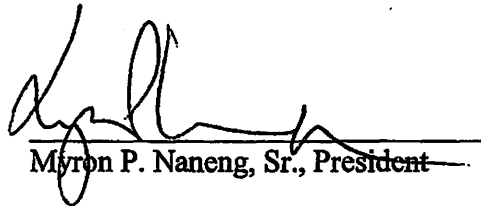
**NOW THEREFORE BE IT RESOLVED THAT;** by the delegates to the 2011 Association of Village Council Presidents, Inc., that AVCP request the North Pacific Fishery Management Council; the National Oceanic and Atmospheric Administration, and the National Marine Fisheries Service to designate a fifty-mile subsistence buffer zone off the furthest land mass from the Kuskokwim Bay while providing maximum protection for Community Development Quota Programs (CDQ) already in existence.

**ADOPTED** by the Association of Village Council Presidents during its Forty-Seventh Annual Convention held at Bethel, Alaska, this 12th day of October, 2011 with a duly constituted quorum of delegates.

**CERTIFIED:**



**Raymond J. Watson, Chairman**



**Myron P. Naneng, Sr., President**

**PASSED.**

# AVCP

ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS  
P.O. BOX 219 • BETHEL, ALASKA 99559 • PHONE 543-3521

47<sup>TH</sup> ANNUAL CONVENTION  
BETHEL, ALASKA      OCTOBER 11-13, 2011

## RESOLUTION 11-10-08

**TITLE:      RESOLUTION TO ESTABLISH A PERMANENT BAN ON  
INDUSTRIAL COMMERCIAL TRAWLING IN THE NORTHERN  
BERING SEA RESEARCH AREA**

WHEREAS The Association of Village Council Presidents, Inc. (AVCP) is the recognized tribal organization and non-profit Alaska Native regional corporation for its fifty-six member indigenous Native villages within Western Alaska and supports the endeavors of its member villages; and

WHEREAS AVCP fully supports its member villages in all aspects of their self-determination, health and well-being; and

WHEREAS AFN Petitions to establish a **Permanent Ban** on Industrial Commercial Trawling in the Northern Bering Sea Research Area (NBSRA); and

WHEREAS The AFN Believe this effort is in accord to the Executive Order; **STEWARDSHIP OF THE OCEAN, OUR COASTS; AND THE GREAT LAKES** and true to the Purpose and Policy Established by the White House which states;

Section 1. Purpose: This order establishes a national policy to ensure the protection, maintenance, and restoration of the health of ocean, coastal, and Great Lakes ecosystems and resources.

Section 2. Policy states; (i) protect, maintain, and restore the health and biological diversity of ocean, coastal, and Great Lakes ecosystems and resources; the policy continues to state; (ii) improve the resiliency of ocean, coastal, and Great Lakes ecosystems, communities, and economics; and finally; (iii) bolster the conservation and sustainable uses of land in ways that will improve the health of ocean, coastal, and Great Lake ecosystems; and

WHEREAS The Northern Bering Sea Research Area is home to Alaska's abundant marine wildlife. It is central to the health and diversity of the Alaska Native Diet, which consists of the five species of salmon, marine mammals, migratory birds and other resources; and

**WHEREAS** by definition, the NBSRA stretches north of Saint Matthew Island into the waters of Wales and into Norton Sound. It stretches 81,693 square miles according to Bob R. Lauth of the National Marine Fisheries Service (See attached map). NBSRA was established by the North Pacific Fisheries Management Council motion as part of the Bering Sea Habitat Conservation Measures action, BSAI Amendment 89-June 2007. St. Lawrence Island has limited exclusion of BBSRA; and

**WHEREAS** Josh Eagle's report Taking Stock of Regional Fishery Management Council revealed the "North Pacific fisheries discard more than 300 million pound of bycatch annually"; and

**WHEREAS** another quote that speaks volumes regarding the fact our oceans are endangered states; "Overfishing is a growing problem. About 60 percent of the fish types tracked by the Food and Agriculture Organization of the United Nations (FAO) are categorically as full exploited, overexploited, or depleted" (Kurlansky 1997); and

**WHEREAS** The Call to establish the Northern Bering Sea No Trawl Zone is an Effort to Avert a Debacle that is occurring across the world with the Overharvest of Fish and other Marine Life; and

**WHEREAS** Kurlansky's Cod uses a quote from Will and Ariel Durant that exemplify the biological competition that sums up the concern of the Alaska Federation of Natives; "So the first biological lesson of history is that life [is a] competition. Competition is not only the life of trade, it is the trade of life-peaceful when food abounds, violent when the mouths outrun the food. Animals eat one another without qualm; Civilized men consume one another by due process of the law"; and

**WHEREAS** The Magnuson-Stevens Fishery Conservation Management Act (MSA), the National Standard's For Fishery Conservation and Management explicitly lean heavily toward industrial commercial fishing; and

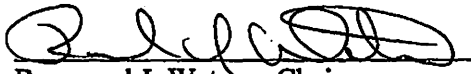
**WHEREAS** While the National Standard's cites the importance of conservation, the language pertaining to conservation is inadequate and weak at best. Of the ten National Standards found in Section 301, the phrase; "Where practicable" is referred to half a dozen times that relate to conservation. It provides for loose interpretation and was used frequently by industrial commercial fishing representatives at the North Pacific Fisheries Management Council during discussion of bycatch of Chinook Salmon over the last two years; and

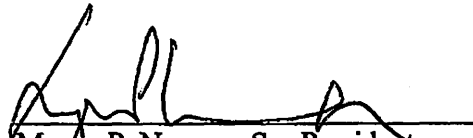
**NOW THEREFORE BE IT RESOLVED THAT;** The Association of Village Council Presidents call for a Permanent Ban on Industrial Commercial Trawling in the Northern Bering Sea Research Area; and

**BE IT FURTHER RESOLVED THAT; The Association of Village Council Presidents staff advocate and work with the White House, Congress, Congressional Staffers, NGO's and NCAI to Permanently Ban Industrial Commercial Trawling in the Northern Bering Sea Research Area.**

**ADOPTED by the Association of Village Council Presidents during its Forty-Seventh Annual Convention held at Bethel, Alaska, this 12th day of October, 2011 with a duly constituted quorum of delegates.**

**CERTIFIED:**

  
Raymond J. Watson, Chairman

  
Myron P. Naneng, Sr., President

**PASSED.**

**BSFRF**

Bering Sea  
Fisheries  
Research  
Foundation



BERING SEA FISHERIES RESEARCH FOUNDATION

23929 22<sup>ND</sup> DR SE, BOTHELL, WA 98021

FORGING COOPERATIVE RESEARCH PARTNERSHIPS IN THE BERING SEA

November 17, 2011

Mr. Chris Oliver  
Executive Director  
North Pacific Fishery Management Council  
605 West 4<sup>th</sup>, Suite 306  
Anchorage, AK 99501

Re: Improving transparency/understanding at CPT/SSC for Crab SAFE

On behalf of the Bering Sea Fisheries Research Foundation (BSFRF), we submit this letter with a number of suggestions for improving the transparency and general understanding of the scope of work completed by the NPFMC Crab Plan Team at their seasonal meetings. As the science advisors to the BSFRF, we bring these suggestions after participating and attending the CPT and SSC meetings regularly over the last several years.

Through correspondence with several agency personnel and during our recent meeting at the AFSC regarding the general sense of confusion and concern that emerged during this Sep-Oct CPT (Seattle) and SSC (Dutch Harbor) meetings, a number of problems were brought to light. A few of these we note in particular were; author errors in SAFE chapter documents brought to the CPT which influenced OFL/ABC calculations, no provision of CPT-selected model details which are required to understand model results within the overall assessment, stock management and TAC setting process, and assessment author's subjective selection of preferred model with little explanation. While we understand that AFSC prefers to address these problems internally, we continue to believe that some external peer review of the SAFE document is needed before submission to the CPT. However, setting the more challenging issue of external review aside for the moment, in this letter we limit our focus to three important items that, with your assistance, can help the industry and other public meeting participants make better sense of survey and model outcomes and help BSFRF advisors gain a clearer understanding of trends in stock abundance.

The three items are a GENERAL GLOSSARY OF TERMS, a TIMELINE OF ASSESSMENT and STANDARDIZATION OF SAFE CHAPTERS; these items will

improve the clarity and consistency of both the CPT-written SAFE Introduction and the independently authored chapters within the Crab SAFE document.

### GENERAL GLOSSARY OF TERMS

To the extent practicable, the CPT SAFE should provide a glossary of terms that is brief but clear for a number of quantities routinely used during meetings and within the Crab SAFE. These quantities are listed in multiple tables and are frequently misquoted, mislabeled or misunderstood during CPT discussions by both CPT members and the public. For example, "survey biomass" should be understood to refer to weight of a size/sex crab category directly from the NMFS summer survey. The mix of terms "survey," "model," and "estimated" in SAFE chapter labels and discussions should be consistently defined. It is essential to clearly distinguish between measured or observed quantities and model estimated quantities.

The following terms should be addressed in the glossary with species specific definitions if necessary: Mature male biomass (for each species defined by size or as a function of a size specific schedule), mature female biomass, estimated survey mature male biomass, estimated survey mature female biomass, estimated retained catch, modeled survey biomass, survey abundance of mature males, modeled/estimated survey abundance...of mature males/females, etc.

This is not a complete list of items that are cause for confusion. SAFE chapter/stock assessment authors should take direction from the Council/CPT to build their respective glossary items that are clearly and consistently described. Lastly, the NOAA technical memorandum that summarizes the summer survey should provide consistent overlap with some quantities in SAFE chapters. The terms "legal," and "mature," should be consistently used, per species where appropriate, and should reference the same size range<sup>1</sup> in the survey reports and assessment chapters. While the glossary is specific to crab SAFE chapters there should be consistency with the NMFS summary of the survey as well.

### TIMELINE OF ASSESSMENT

A description of the timeline for determining status of stocks and management timing<sup>2</sup> for Bering Sea crab species per annum and/or season should be clearly described. The industry knows when the directed crab fisheries are executed, when crab bycatch occurs in other Bering Sea fisheries and when the summer survey is conducted. The overall timeline of the assessment needs to be more clearly understood including descriptions of why the different crab quantity measurements

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<sup>1</sup> We understand there may be differences in immature/mature crab quantities where model estimates apply a maturity function rather than a size threshold.

<sup>2</sup> Management timing would explain more of the process of the agencies and Council, when peer review and meetings occur to approve changes and how those changes are implemented into the annual or seasonal management of the crab fisheries.

have time-sensitive characteristics. For example; descriptions of when survey data is incorporated into the model, when mature male biomass at time of mating is estimated, and at what points during the assessment calendar are critical crab quantities estimated.

This timeline should include but not be limited to the following elements;

- Survey timing (when it occurs, when is data available, any anomalies, delays, etc.)
- Model timing (when estimates are calculated and the time to which they apply)
- Status timing (when stock status is official w/ implications for overfished, rebuilt, etc.)
- Management timing (meeting descriptions, when approval of items occurs, etc.)

#### STANDARDIZATION OF SAFE CHAPTERS

We acknowledge the efforts to standardize crab stock assessment reporting that were addressed at a recent workshop (Feb 2009<sup>3</sup>). There has been progress in reporting consistency but we note there is still needed improvement in some SAFE chapters. We realize this responsibility lies with each chapter author(s) and their reviewers and encourage them toward following the guidelines set out and for keeping each year's assessment updated, accurate and fresh.

Other important suggestions we offer are more specific in nature. There has been ongoing and at times confusing discussion and transition between numbers and weight of crab quantities; abundance should consistently refer to numbers of crab and biomass should consistently refer to weight of crab. For consistency sake, we suggest that the NOAA tech. memo. survey summary report both abundance and biomass so that stakeholder understanding of trends reported in numbers in prior years can be maintained. This will also help with how everyone tracks information as it flows into the model, as crab grow and die in numbers not by weight. For biomass, there has been a continual discussion of units – this should be finalized and all SAFE chapter authors should follow the same policy. For example, one chapter of the September draft SAFE document used "lbs," "mt," and "t" at different portions of the text and figures/tables. We understand that the agency scientists mostly prefer to report quantities in metric tons for scientific consistency. While this is not our preference in an industry where all functional quantities are pounds, we can deal with the conversions but do request that some key tables and figures continue to be published in both metric tons and pounds and that all quantities be clearly labeled.

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<sup>3</sup> [http://www.fakr.noaa.gov/npfmc/PDFdocuments/resources/SAFE/Appendix\\_CrabWKSHPreport909.pdf](http://www.fakr.noaa.gov/npfmc/PDFdocuments/resources/SAFE/Appendix_CrabWKSHPreport909.pdf)  
Appendix C is a 13 page outline provided for guidance to SAFE chapter authors.



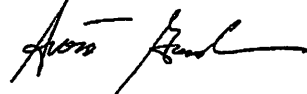
In closing, we understand many of the challenges that CPT members face in completing their work in a timely and accurate manner. Importantly, ongoing collaboration on cooperative research projects for the improvement of science in managing crab stocks continues to be our underlying goal. Our suggestions here are intended to be taken as positive criticism toward the improvement of transparency and better overall understanding. We look forward to any questions you may have regarding these suggestions and to how they may prove to be important tools for all parties involved.

Sincerely,

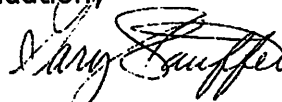
On behalf of the Bering Sea Fisheries Research Foundation;



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## National Cooperative Research Framework for Internal Allocation Process

November 7, 2011

### Introduction:

The agency's cooperative research provides both targeted data and opportunities for hands-on, face-to-face interactions between fishermen and scientists from NMFS, other management agencies and academia. Cooperative research is essential to leveraging the knowledge, tools, techniques, skills, and experiences that fishermen possess that would otherwise be unavailable to our scientists. It also fosters better understanding and increased acceptance of our science by these vital stakeholders.

### Legislative Background:

The Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA) under Section 318, requires the Secretary of Commerce (Secretary), in consultation with the Fishery Management Councils, to establish a cooperative research program to address needs identified under this Act and under any other marine resource laws enforced by the Secretary. According to the MSRA, this program will:

1. be regionally based;
2. be developed and conducted through partnerships among Federal, State, and Tribal managers and scientists (including interstate fishery commissions), fishing industry participants (including commercial charter or recreational vessels for gathering data), and educational institutions;
3. promote and encourage efforts to utilize sources of data maintained by other Federal agencies, State agencies, or academia; and
4. be funded on a competitive basis and based on regional fishery management needs.

Section 318 also identifies priority areas that should be addressed by projects conducted under the cooperative research program. Priority areas include:

1. collecting data to improve, supplement, or enhance stock assessments, including the use of fishing vessels or acoustic or other marine technology (Section 318(c)(i));
2. assessing the amount and type of bycatch or post-release mortality occurring in a fishery (Section 318(c)(ii));
3. conducting conservation engineering projects designed to reduce bycatch, including avoidance of post-release mortality, reduction of bycatch in high seas fisheries, and transfer of such fishing technologies to other nations (Section 318(c)(iii));
4. identifying habitat areas of particular concern as well as conducting projects relevant to the conservation of habitat (Section 318(c)(iv)); and
5. collecting and compiling economic and social data (Section 318(c)(v))

In addition, MSRA Section 408 (a)(4) requires the agency "to conduct research, including cooperative research with fishing industry participants, on deep sea corals and related species, and on survey methods."

Any proposal aligning with the priority areas identified above in the MSRA statute are appropriate for submittal in this process.

**Funds Available:**

Current funding available for this portion of the agency's cooperative research enterprise is set at approximately \$1,500,000.0 and will be drawn from the National Cooperative Research Budget Line, is contingent on final appropriations for a given fiscal year. This total available funding *can* be adjusted at the onset of the fiscal year or upon final appropriations—at the discretion and consensus of the Cooperative Research Working Group (CRWG). Individual proposals may seek funding up to a maximum in \$300,000.0 total. The remaining funds of the National Cooperative Research Budget Line will be allocated through regional spend plan development.

**Announcement and Time Table:**

For FY12, the Office of Science & Technology Director will issue a call for proposals to the Science Center Directors, Regional Administrators, and the CRWG on November 7, 2011. Proposal submission will be due on December 5, 2011. Evaluation of all proposals is to be completed by December 16, 2011. Proposal selection conference call will be completed by December 22, 2011.

For FY13, the Office of Science & Technology Director will issue a call for proposals to the Science Center Directors, Regional Administrators, and the CRWG on July 2, 2012. Proposal submission will be due on August 3, 2012. Evaluation of all proposals is to be completed by August 17, 2012. Proposal selection will be completed by August 24, 2012.

**Evaluation Criteria:**

1. **Importance, relevance, and applicability: (25 Points)** This criterion ascertains whether there is intrinsic value in the proposed work and/or relevance to NOAA, Federal, regional, state, or local activities. Proposals should provide a clear definition of the problem, need, issue, or hypothesis to be addressed.

Proposals should describe their relevance to cooperative research program themes above and detail how the data gathered from the research will be used to enhance the understanding of the fishery resource or contribute to the body of information on which management decisions are made.

2. **Technical/scientific merit: (25 Points)** This criterion assesses whether the approach is technically sound and/or innovative, if the methods are appropriate, and whether there are clear project goals and objectives. Proposals should provide a clear definition of the approach to be used, including descriptions of field work, theoretical studies, and laboratory analyses to support the proposed research.
3. **Overall qualifications: (10 Points)** This criterion assesses whether the applicant and team members possess the necessary education, experience, training, facilities, and administrative resources to accomplish the project. Proposals should provide adequate justification as to how the project is likely to achieve its stated objectives. Projects should demonstrate support, cooperation, and/or collaboration with the fishing industry.

4. **Project costs: (20 Points)** This criterion evaluates the budget to determine if it is realistic and commensurate with the project needs and time frame. Cost-effectiveness of the project will be considered.
5. **Outreach and education: (10 Points)** This criterion assesses whether the project involves a focused and effective education and outreach strategy regarding NOAA's mission to protect the Nation's natural resources. Proposals should provide identification of anticipated benefits, potential users, and methods of disseminating results.
6. **NMFS-wide applicability/implementation: (10 Points)** This criterion assesses the proposal's applicability across more than one region. This encompasses shared priorities, the transfer of methodologies/technologies, lessons-learned, and effective leveraging of resources.

Note: The criteria above will be reassessed in FY13.

**Proposal Submission:**

Each NMFS region can submit up to 5 proposals total. Each set of regional proposals must be ranked by the respective NMFS region. Rankings are to be based on regional priorities developed by the regional cooperative research coordinators in collaboration with Fishery Management Councils/Marine Fishery Commissions, as well as through the solicitation of stakeholder input using a variety of methods including: workshops, regional and area outreach forums, trade-show booths and presentations, websites, one-on-one interactions (whether with industry, association, or community leaders), etc. The respective Science Center regional cooperative research coordinator will be responsible for submitting the ranked suite of proposals for consideration from each NMFS region. The ranked suite of proposals submitted must be a shared product of both the Science Center and Regional Office for each NMFS region. Proposal deliverables should not be predicated on multi-year funding (i.e., proposal are one year only).

**Proposal Format:**

Proposals should be in Times New Roman with 12 point font in MS Word format. Additionally, proposal should be no longer than five pages and include the following information:

Project Title

Regional/Science Center

Principal Investigator(s)

Background and Justification

Methodology

Linkage to MSRA priority area(s)

National applicability/implementation that cuts across multiple regions: Proposals should address a cross-cutting concern and/or demonstrate novel approaches that can be applied agency-wide to improve agency science or business practices (e.g., survey design, contracting, education, outreach, etc.)

**Detailed Budget (including intended use of funds and recipients)**

- Information on Scalability (i.e., Is there the possibility for reduced funding scenarios for this proposal that would still allow for some or most of the proposal's objectives to be achieved with meaningful results? If so, what are those reduced funding scenarios?)
  - Leveraged Sources of Funding (i.e., matching funds from other Federal sources (e.g., intra-agency, NOAA, DOC, other Federal agencies) or external (e.g., industry, non-governmental organizations, state agencies, etc.)
- Literature Cited (as necessary)

Note: Figures, illustrations, graphics and other images are considered to be part of the proposal; these are NOT to be submitted as separate files or documents. All images are considered part of the proposal narrative and count toward the 3 page limit.

**Proposal Evaluation Process:**

The formal evaluation process will be carried out by National Cooperative Research Coordinator and 'Core Member' participation of the CRWG (see CRWG Terms of Reference). Each NMFS region will provide a single evaluation for each proposal based on the evaluation criteria above. If there is both a Science Center and Regional Office Core Member for a given NMFS region, their criteria scores should be averaged to produce a single consolidated evaluation. NMFS Regions cannot evaluate their own suite of proposals. This holds true for joint projects submitted by two or more NMFS regions. The National Cooperative Research Coordinator will also conduct an evaluation and will always ensure that there are at least (3) evaluations for each proposal. For unusual circumstances (e.g., if all 6 regions submit a united proposal), the National Coordinator will establish an outside review panel.

**Proposal Selection Process:**

Once all evaluations are compiled and scores assessed, projects with the top averaged scores based on available funding will be recommend for funding. The CRWG will then convene a conference call to review the final scores, address any proposals with equal scores, and make final selections. Any ties for proposals with the same score are settled by a consensus vote with (1) vote per NMFS region. If the consensus vote results in a tie, the National Cooperative Research Coordinator in consultation with the NMFS Office of Science & Technology Directorate will break the tie. Throughout both the evaluation and selection processes, the respective NMFS region cooperative research coordinator(s) is responsible for addressing any questions that may arise from proposals and/or briefing other CRWG members as needed. Selected projects will be submitted to the Office of Science & Technology Directorate for final review.

**Headquarters Coordination:**

Due to the regional nature of many science and monitoring needs and the corresponding structure of the agency, NMFS regions are the most optimally-positioned unit within the agency to engage stakeholders and carry out the bottom-up approach. Nonetheless, to provide additional oversight and help ensure that a broad science spectrum is considered, "Additional Participants" (see CRWG Terms of

Reference) of the CRWG will be included in all phases of the process to monitor and provide additional information as needed.

# Cooperative Research Working Group Terms of Reference

November 7, 2011

## Agency Needs

Cooperative research is an important scientific approach that allows National Marine Fisheries Service (NMFS) scientists, managers, and stakeholders to work together to resolve outstanding issues related to the underlying ecosystem dynamics of federally managed fisheries in support of stock assessment, bycatch reduction, and other science-management research needs. NMFS science centers and regional offices are involved in a variety of successful cooperative research programs, and the demand for such programs is high. NMFS is committed to ensuring a vigorous cooperative research enterprise. There are several key research and development areas — such as innovative monitoring tools and gear technology advancement — that well designed and targeted cooperative research projects can and should support during the transition to Annual Catch Limits (ACLs).

By establishing the Cooperative Research Working Group (CRWG), the NMFS Science Board recognizes the need for the agency and its scientists and managers to demonstrate leadership in ensuring cooperative research as an integral part of the business of collecting data to support stock assessment and management activities.

## Mission

**Enhance the data upon which fishery management decisions are made as well as to improve communication and collaboration among partners by:**

- Provide a forum for national coordination of cooperative research activities and use of cooperative research results.
- Develop funding allocations for national cooperative research funds to augment regional cooperative research programs.
- Coordinate policy development to enhance regional cooperative research programs.
- Enhance communication and outreach to showcase the benefits and successes of regional cooperative research activities.
- Conduct national outreach activities to enhance regional outreach efforts on cooperative research activities.

## Legislative Background

Section 318 of the MSRA, requires the Secretary of Commerce (Secretary), in consultation with the Fishery Management Councils, to establish a cooperative research program to address needs identified under this Act and under any other marine resource laws enforced by the Secretary. According to the MSRA, this program will:

1. be regionally based;
2. be developed and conducted through partnerships among Federal, State, and Tribal managers and scientists (including interstate fishery commissions), fishing

- industry participants (including commercial charter or recreational vessels for gathering data), and educational institutions;
3. promote and encourage efforts to utilize sources of data maintained by other Federal agencies, State agencies, or academia; and
  4. be funded on a competitive basis and based on regional fishery management needs.

Section 318 also identifies priority areas that should be addressed by projects conducted under the cooperative research program. Priority areas include:

1. collecting data to improve, supplement, or enhance stock assessments, including the use of fishing vessels or acoustic or other marine technology (Section 318(c)(i));
2. assessing the amount and type of bycatch or post-release mortality occurring in a fishery (Section 318(c)(ii));
3. conducting conservation engineering projects designed to reduce bycatch, including avoidance of post-release mortality, reduction of bycatch in high seas fisheries, and transfer of such fishing technologies to other nations (Section 318(c)(iii));
4. identifying habitat areas of particular concern as well as conducting projects relevant to the conservation of habitat (Section 318(c)(iv)); and
5. collecting and compiling economic and social data (Section 318(c)(v))

In addition, MSRA Section 408 (a)(4) requires the agency "to conduct research, including cooperative research with fishing industry participants, on deep sea corals and related species, and on survey methods."

### **Core Membership**

- Each NMFS region is required to have *at least* one representative with a maximum of two derived from the Center and Regional Office.
- One representative from the NMFS Office of Science and Technology (required).
- All representatives must be NMFS employees.
- The Chair is elected from and by the core membership of the CRWG, subject to approval by the NMFS Science Board.
- The Chair will preside for a maximum of 3 years with a one-year renewal for special circumstances.
- Provided the nominee is willing, the Chair shall be elected by a simple majority.
- For the purposes of electing a chair, each NMFS region has a maximum of two votes. In cases where there is only one regional core member, both votes are conferred to that single representative.
- Successive chairs are to come from different NMFS regions.
- The new Chair is nominated at the Annual Meeting and begins their term at the beginning of the new fiscal year.



## **Additional Participants**

- For additional input and advice on cooperative research issues, participation and consultation will be provided by the following:
  - NMFS Bycatch Reduction Engineering Program (BREP) representative
  - The NMFS Office of Sustainable Fisheries' Highly Migratory Species Division
  - The NMFS Office of Protected Species
  - The NMFS Office of Habitat Conservation
  - The NMFS Sea Grant Liaison
- Experts invited on an *ad hoc* basis.

## **Meeting Schedule**

- One meeting per year, between July and September with *preference* for the meeting to be held at NMFS headquarters in Silver Spring, Maryland.

## **Committees**

- Committees or study groups shall be established as necessary to address specific needs or achieve specific tasks.
- Such committees may include persons who are not Members, but all committees will include at least one Member.
- Such committees may include persons who are not Members, but all committees will include at least one Member.
- The CRWG may terminate committees at will.
- Committees will submit a written report to the CRWG, following completion of the assigned task.

## **Responsibilities**

### **Core Member Responsibilities**

- At the minimum, one Member from each NMFS region must be present at each meeting.
- Submit an annual accounting and progress report to the Chair prior to the Annual meeting.
- Conduct tasks as assigned by the Chair.
- In addition to communiqués from the Chair, Members are responsible for disseminating CRWG decisions and information to their respective Center/Regional Office, including informing or briefing their respective Center Director/Regional Administrator on all important issues, particularly proposed spending plans. If there is only one Member representing a region, then it is incumbent on the Member to inform both the Center and Regional Office.
- Consult and coordinate with the appropriate Fishery Management Councils and Fisheries Commissions on their regional cooperative research programs.
- Member from the Office of Science and Technology will organize and schedule meetings. Additionally, this Member will serve as Meeting Rapporteur to record meeting minutes and action items.

## **Chair Responsibilities**

- Report to Science Board and others as needed.
- Collate annual accounting and progress report and submit to the Office of Science and Technology Director and Member.
- Participate in the NOAA Strategic Execution and Evaluation (SEE) process as required.
- Disseminate CRWG decisions and information to Science Center Directors.

## **Working Group responsibilities**

Specific responsibilities of the CRWG include:

### Provide National Coordination

- Develop and implement operational guidelines to enhance regional cooperative research programs and provide consistency, where possible.
- Provide a forum to develop solutions to regional and national issues.
- Provide guidance on peer review and use of cooperative research results to support the NOAA and NMFS mission and goals.
- Serve as a point of contact between NMFS management and the regional cooperative research programs.

### Funding Allocation

- Develop funding allocations in annual spending plans for distribution of funds based on the approved budget and spending plan process.
- Coordinate and oversee competitive proposal process.
- Facilitate the timely distribution of funds to enhance implementation of cooperative research activities in all NMFS regions.

### Coordinate Policy Development

- In coordination with the Legislative Affairs Office, conduct Congressional briefings in conjunction with regional cooperative research programs and stakeholders.
- Provide coordination with other national initiatives that may impact cooperative research, including NMFS regional and national fishery grant programs where applicable.
- Represent cooperative research in NOAA and NMFS budget processes and strategic planning activities.

### Enhance Communication

- Compile and distribute information on regional cooperative research programs to showcase the benefits and successes of cooperative research activities to constituent groups, fishery managers and scientists, and other organizations with an interest in fisheries research.
- Communicate information regarding the agency's cooperative research activities to constituent groups.

**Conduct Outreach Activities**

- Enhance outreach for cooperative research activities in coordination with the Office of Constituency Affairs, regional outreach programs, and Sea Grant Extension. Promote educational activities such as constituent workshops, seminars, etc.
- Provide long-term support for the agency’s cooperative research website as well as regional sites to house information on cooperative research opportunities and other relevant information.

**Decision Making Process**

- For the purposes of voting on issues, each NMFS region has a maximum of two votes. In cases where there is only one regional core member, both votes are conferred to that single representative.
- Issues are decided by majority vote.

**Duration**

The CRWG is intended to be a long-term standing committee of the NMFS Science Board to support cooperative research activities.

**Cooperative Research Working Group  
Cooperative Research Working Group Membership List  
Effective as of 9/8/2010**

<b>Employee Name</b>	<b>NMFS Office/Center or Agency/Affiliation</b>
John Hoey	Chair
Members:	
John Hoey	Northeast Fisheries Science Center
Ryan Silva	Northeast Regional Office
Guy Davenport	Southeast Fisheries Science Center
Dax Ruiz	Southeast Regional Office
John C. Clary	Alaska Fisheries Science Center
Patty Burke	Northwest Fisheries Science Center
Suzanne Kohin	Southwest Fisheries Science Center
Craig Heberer	Southwest Regional Office
Gerard DiNardo	Pacific Islands Fisheries Science Center
Scott Bloom	Pacific Islands Regional Office
Lee Benaka	Office of Sustainable Fisheries
Jackie Wilson	Office of Sustainable Fisheries HMS
Kristy Long	Office of Protected Species
Tom Hourigan	Office of Habitat Conservation
Terry Smith	Sea Grant Liaison

# North Pacific Fishery Management Council

Eric A. Olson, Chairman  
Chris Oliver, Executive Director



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November 28, 2011

Mr. Karl Johnstone, Chairman  
Alaska Board of Fisheries  
P.O. Box 115526  
Juneau, AK 99811-5526

Dear Mr. Johnstone:

I am writing to you with regard to Proposal 43, which I understand may be considered by the Board at your upcoming December meeting, and which would prohibit commercial bottom gear inside three miles in the Prince William Sound Area. Because the Council only recently became aware of this proposal, and because the Council will not meet again until after the December Board meeting, we will be unable to address this proposal through our typical Joint Protocol processes, unless the Board delays consideration of this proposal. After consulting with our Protocol Committee members (Ed Dersham and Dave Benson) I am writing to request that the Board delay any affirmative action on this proposal until we are able to provide further Council input.

Per recent discussions by the Board on Gulf of Alaska Pacific cod management issues, our Executive Directors are scheduling a meeting of the Joint Protocol Committee next spring, tentatively scheduled for March 19. We look forward to that meeting and suggest that this proposal be added to that agenda for discussion, unless the Board determines in December to not advance the proposal for further consideration.

Thank you for your consideration of this request. Please contact me or Mr. Chris Oliver, the Council's Executive Director, if you have any questions or concerns with this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric A. Olson".

Eric A. Olson  
Chairman

CC: Ms. Monica Wellard

**ALASKA BOARD OF FISHERIES**  
**December 2-7, 2011**  
**PRINCE WILLIAM SOUND AND UPPER COPPER RIVER**  
**UPPER SUSITNA RIVER FINFISH**

**PROPOSAL 43 - 5 AAC 28.230. Lawful gear for Prince William Sound Area. Restrict summer use of commercial bottom gear within three miles of shore as follows:**

Commercial bottom gear is prohibited within 3 miles of any shoreline between May 15<sup>th</sup> and September 1<sup>st</sup>.

**ISSUE:** The current commercial bottom gear practices throughout the peak sport-fishing season have caused a depletion of fish resources for individual anglers. The current commercial practices, which made fishing safer for commercial fishermen, it now transferring additional risk to individual and subsistence fishermen since near shore depletion of the resource has forced anglers and subsistence fishermen to travel farther and farther to access fish resources. A viable option to prevent near-shore depletion is to limit commercial bottom gear no closer than 3 miles from any shoreline between May 15<sup>th</sup> and September 1<sup>st</sup>.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Anglers will continue to take unnecessary risk to catch fish and expend more resources. Fish stocks near local communities will continue to suffer a decline.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?** Yes. Quality of the public fish resources will rebound near local communities for personal consumption and reduce personal risk to the general public.

**WHO IS LIKELY TO BENEFIT?** Consumptive anglers and subsistence users.

**WHO IS LIKELY TO SUFFER?** Commercial users will be slightly inconvenienced by this change but will still be able to harvest public resources as they did prior to current management system.

**OTHER SOLUTIONS CONSIDERED?** Restrict bottom gear fishing all together between May 15<sup>th</sup> and September 1<sup>st</sup>. Assumed to be too restrictive at this time.

**PROPOSED BY:** Prince William Sound Charter Boat Association (HQ-F11-040)  
\*\*\*\*\*

**PROPOSAL 44 - 5 AAC 28.265. Prince William Sound Rockfish Management Plan. Increase the rockfish bycatch allowance to sidestripe shrimp and sablefish from 10 to 30 percent as follows:**

During sablefish and sidestripe shrimp fisheries, all rockfish in excess of 30 [10] percent, round weight, of all sablefish and sidestripe shrimp on board the vessel, must be weighed and reported

**Subject:** Re: BOBLME calling  
**From:** Chris Oliver <chris.oliver@noaa.gov>  
**Date:** 11/27/2011 9:59 AM  
**To:** Chris O'Brien <chris.obrien@boblme.org>  
**CC:** Diana Evans <Diana.Evans@noaa.gov>, David Witherell <David.Witherell@NOAA.gov>

I don't see any problem with that Chris. I am pleased that our FEP is going to be useful to you in your BoB project! Please contact me or Diana Evans if we can be of further assistance.  
-Chris

On 11/26/2011 4:40 PM, Chris O'Brien wrote:

Dear Chris

This is not a major, and I do not want to distract you from other work.

I just wanted to inquire whether there might be any copyright issues relating to the AI FEP.

We would like to copy the look/format and use similar section headings to develop a Bay of Bengal FEP.

Later in Dec is okay, if we need to discuss.

CO'B

**From:** Chris Oliver [<mailto:chris.oliver@noaa.gov>]  
**Sent:** 27 November 2011 07:18  
**To:** Chris O'Brien  
**Subject:** Re: BOBLME calling

Hi again, I am under a tight deadline this weekend and Monday for writing testimony for congressional hearing coming up later this week (and on travel to Washington DC starting Tuesday), then engaged in a council meeting the following week. What is the time difference so that we can set up a time to talk that works? It would also be useful to have our lead staff on this issue join that conversation (Ms. Diana Evans). I could talk briefly on Monday, and at length if we can set up a time in mid-December.

-chris

On 11/24/2011 3:40 PM, Chris O'Brien wrote:

thanks Chris

---

Ph. +66 76 391861

Fax. +66 76 391864

Mob. +66 844 395210

Visit our website: [www.boblme.org](http://www.boblme.org)



*Eight countries, connected by one ecosystem,  
working together to secure its future.*



- two phone options below; or ping me and I will call

CO'B

**From:** Chris Oliver [<mailto:chris.oliver@noaa.gov>]

**Sent:** 24 November 2011 09:31

**To:** Chris O'Brien

**Subject:** Re: BOBLME calling

Will get back to u friday

Chris

Sent from my iPhone

On Nov 23, 2011, at 3:58 PM, Chris O'Brien <[chris.obrien@boblme.org](mailto:chris.obrien@boblme.org)> wrote:

Dear Chris

just tried to phone - would like to discuss aspects of your FEP for the Aleutian Islands.

I am coordinating an eight country fisheries ecosystem project in the Bay of Bengal and I am very interested in creating a similar document.

Please ping me and I can phone.

sincerely

CO'B

---

Dr Chris O'Brien

Regional Coordinator

Bay of Bengal Large Marine Ecosystem Project

C/- Andaman Sea Fisheries Research Development Center

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Makham Bay, T.Vichit

A.Muang Phuket 83000

Thailand

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Mob. +66 844 395210



Re: BOBLME calling

Visit our website: [www.boblme.org](http://www.boblme.org)

<image001.png>

No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 10.0.1411 / Virus Database: 2092/4034 - Release Date: 11/23/11

No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 10.0.1411 / Virus Database: 2092/4041 - Release Date: 11/26/11