

# Public Testimony Sign-Up Sheet

Agenda Item     All B Reports    

	NAME (PLEASE PRINT)	AFFILIATION
1	Robert Alanson (B-2 NMFS) ←	FUWA Tim Henkel DSKU
2	Linda Rozak (B-2)	Kodiak Vessel Owners
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person "to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

## Executive Director's Report

### MSA Update

There are a few areas where I can provide updated information for you at this time, recognizing that a national level workshop on MSA implementation was hosted by NMFS last week in Washington, D.C., but I do not know whether and how the results of that workshop will be captured. In attendance from our Council were David Witherell, Eric Olson, Dave Benson, Bill Tweit, Sam Cotton, Jim Balsiger, and Sue Salvesson. David provided a nice presentation for one of the panel discussions on our process for annual catch limits (attached as Item B-1 Supplemental). We of course have submitted comments previously with regard to annual catch limit provisions, wanting to ensure that whatever guidelines are developed do not adversely impact the way we do business in the North Pacific.

Regarding Limited Access Privilege Program (LAPP) provisions, NOAA Fisheries published a request for comments, with a deadline of September 30, seeking input on which of the LAPP provisions require clarification and/or guidance in a pending proposed rule (Item B-1(a)). As is the case when something like this occurs between Council meetings, I conferred with the Council Chair and then submitted some general comments last week prior to the deadline (Item B-1(b)). Essentially my comments questioned the need for formal regulations (or guidelines with force of regulation) which could unnecessarily restrict Council flexibility to craft programs based on regional and fishery-specific needs. This is a position we, and other Councils, have taken in the past regarding interpretation of various LAPP provisions. Item B-1(c) is a memorandum submitted to NOAA HQ from our own NMFS Region office which offers very similar comments.

Regarding the potential revised NEPA process, the July 12 deadline for publication of a proposed revised procedure has come and gone. We are told that NOAA HQ is still working with the Council on Environmental Quality (CEQ) to craft a proposed procedure for public comment, though we have indication that they (the Administration) are not supportive of the 'strawman' which was provided in February by the subcommittee of the Council Coordination Committee (CCC). We have been assured that the CCC subcommittee will be afforded an opportunity to review the proposed procedure before it is published for comment.

Regarding Section 109, which requires the Secretary to establish regionally-based pilot programs for marine education and training in the Western and North Pacific, focused on coastal community residents and Native populations, I have been involved in initial discussions with NMFS Region/Center, University of Alaska, Sea Grant, and the State of Alaska about how this program might unfold. While there are numerous initiatives already in existence, which we hope to coordinate and leverage relative to the Section 109 requirements, there will likely be some need to focus on a few key elements at least initially, especially given lack of specific funding to support the Section 109 mandates. I hope to be able to report on further progress in this area, and what our next steps might be, at the December meeting.

Regarding the Western and Central Pacific Fisheries Convention and associated MOU to specify the roles of the Councils with respect to participation in U.S. delegations, I have been coordinating with the Pacific Council, Western Pacific Council, NMFS, and State Department to develop that MOU. We are still in the drafting stages, though I can tell you this is primarily an issue for the other two Councils, and our Council would have a very limited role in this forum. I have no further details of note on various other MSA provisions, that I am able to report at this meeting, though I have provided a summary of status from NOAA's MSA website as Item B-1(d).

## Comments on HR 21

Also during the hiatus between Council meetings, we were requested along with the other seven regional fishery management Councils to submit comments on proposed legislation under HR21 (otherwise known as the Oceans Conservation, Education, and National Strategy for the 21<sup>st</sup> Century Act, or the Big Oceans Bill). You may recall a Council mailing in August which included the letter of request from Congressman Don Young. HR21 is a very ambitious piece of legislation which has the potential to significantly alter the way we do business, and significantly alter the role of the Councils. While there are some positive aspects to the bill, the creation of several additional layers of bureaucracy and new authorities over ocean (and fisheries) management have the potential to divert limited resources which are already fully subscribed, and in my opinion derail our ongoing responsible management practices. Item B-1(e) is a letter in this regard which was signed by all eight Councils in response to Mr. Young's request.

## MSC certification sought for flatfish

Item B-1(f) is a letter we received last week from the H&G Workgroup (on behalf of the Best Use Coalition) notifying the Council of its intention to seek Marine Stewardship Council (MSC) certification for the Bering Sea and Gulf of Alaska flatfish fisheries. They wanted to inform the Council of this initiative, noting that our staff will likely be involved to some extent in terms of supplying information on these fisheries to the MSC certification team.

## National Bycatch Report

Item B-1(g) is a recent letter from Dr. Hogarth regarding the development of the National Bycatch Report. We have received presentations previously on this from Dr. Karp, who heads the Steering Committee, and we will get another update from Dr. Karp in December, so this is just informational at this time.

## Events this week

On Tuesday evening the World Wildlife Fund (WWF) hosted a seminar on climate change with some noted speakers, and hopefully many of you had an opportunity to attend this session. Item B-1(h) is a one-page flyer describing the seminar and schedule for additional presentations this week to other agencies and organizations.

Tonight (Wednesday, October 3) at around 5:30 pm in the Aleutian Room NOAA Fisheries will hold a listening session related to its preparation of an updated National Habitat Strategy. Item B-1(i) is correspondence from Jon Kurland relating to this listening session as well as an additional background document relative to tonight's listening session.

Tomorrow night (Thursday, October 4) at around 5:30 pm in the Aleutian Room there will be an open presentation from Greenpeace representatives regarding their submersible work in the Bering Sea this summer. The session is open to all interested persons.

## Executive Session on Friday

We will have an Executive Session over the lunch hour on Friday to hear the results from KPMG on our required biennial audit.



# NOAA FISHERIES FEATURE

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## MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT REAUTHORIZED

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### What are Limited Access Privilege Programs (LAPPs)

In the MSA, the term "limited access privilege"

(A) means a Federal permit, issued as part of a limited access system under section 303A to harvest a quantity of fish expressed by a unit or units representing a portion of the total allowable catch of the fishery that may be received or held for exclusive use by a person; and

(B) includes an individual fishing quota; but

(C) does not include community development quotas as described in section 305(i).

### We are seeking your input

The National Marine Fisheries Service (NOAA Fisheries) is soliciting public comment on what guidance is needed for the LAPP provisions found in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (MSRA). NOAA Fisheries especially seeks comments describing any questions on the application of the LAPP provisions and input on what topics in MSA section 303A need interpretation.

Section 303A of the MSA contains provisions and requirements associated with the use of LAPPs. Subject to these provisions and requirements, much of the responsibility to develop a LAPP that best meets the needs of a specific fishery is left to the Regional Fishery Management Councils (Councils). In order to provide guidance that clarifies these provisions and requirements, NOAA Fisheries invites comments that will help it identify the topics that should be included in a proposed LAPP rule.

The Councils and others have already raised questions of interpretation about many LAPP requirements. For example, the MSA allows the Councils to develop such things as eligibility criteria for participation in a LAPP and procedures for allocating harvest privileges among participants in the fishery. Yet questions have been raised on whether certain entities are qualified to acquire or hold privileges.

### Examples of questions that have been posed

Guided by the relevant provisions, what should be the requirements or limits on holding privileges?

What criteria should be used to determine whether businesses are "substantially dependent on a fishery"?

What factors should the agency use to determine if a Regional Fishery Association's sustainability plan is "acceptable"?

How should the Councils and agency determine when it is necessary and appropriate under section 303A(c)(5)(C), to "assist ... entry level and small vessel owner-operators, captains, crew and fishing communities" to acquire privileges?

What activities should be included in the categories of cost recovery and should they be standardized across different LAPPs?

Further identification of any other questions would help NOAA Fisheries draft a proposed rule that helps ensure an orderly, efficient and consistent application of the LAPP provisions and requirements across different regions without compromising Council flexibility or innovation. Accordingly, this request invites the public to identify any other issues and concerns related to application of the new LAPP provisions.

Please note that guidance on conducting New England and Gulf of Mexico referenda mentioned in MSA

section 303A(c)(6)(D) is being developed separately. Therefore, NOAA Fisheries is not seeking comments on referenda in this request.

#### **Addressing Government Accountability Office (GAO) recommendations**

NOAA Fisheries expects that the proposed rule will also address various GAO recommendations on Individual Fishing Quota (IFQ) programs, such as improving program management, protecting fishing communities, facilitating new entry into IFQ fisheries, and recovering costs. These recommendations are found in a series of GAO reports that are linked below.

[GAO-03-159 Individual Fishing Quotas: Better Information Could Improve Program Management](#)

[GAO-04-277 Individual Fishing Quotas: Methods for Community Protection and New Entry Require Periodic Evaluation](#)

[GAO-05-241 Individual Fishing Quotas: Management Costs Varied and Were Not Recovered as Required](#)

#### **How your comments will be used**

NOAA Fisheries will use the comments received in response to this request to help develop the proposed rule. The proposed rule is intended to guide the fishery management councils (Councils) and NOAA Fisheries regional offices in developing and implementing LAPPs.

NOAA Fisheries will review the comments received in response to this request; evaluate legal, technical and policy implications; frame options and recommendations; and issue guidance, as appropriate, through a public participatory process.

#### **How to provide your comments**

Send comments to Alan Risenhoover, Director, Office of Sustainable Fisheries, NMFS, Attn: LAPP Guidance. Comments may be submitted by:

- Mail: 1315 East-West Highway, SSMC3, Silver Spring, MD 20910
- Fax: 301-713-1193
- E-mail: [LAP.Guidance@noaa.gov](mailto:LAP.Guidance@noaa.gov)

#### **Deadline for comments**

Comments must be received on or before September 30, 2007.

#### **Other sources of information**

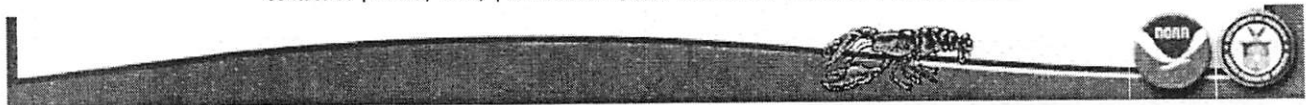
[Magnuson-Stevens Fishery Conservation and Management Act, as amended through January 12, 2007](#)

[LAPP Clearinghouse](#)

Questions? E-mail us at [cyber.fish@noaa.gov](mailto:cyber.fish@noaa.gov) or call (301) 713-2341.

For more information about fisheries management, visit NOAA Fisheries' [Office of Sustainable Fisheries](#).

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# North Pacific Fishery Management Council

John Bundy, Vice Chair/Acting Chairman  
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September 25, 2007

Mr. Alan Risenhoover  
Director, Office of Sustainable Fisheries  
National Marine Fisheries Service  
1315 East-West Highway, SSMC3  
Silver Spring, MD 20910

ATTENTION: Comments on LAPP Guidelines

Dear Mr. Risenhoover:

Pursuant to NMFS' request for comments and the September 30 deadline, I wish to submit some general comments regarding the development of LAPP guidelines or rulemaking, pursuant to the legislation contained in the recent Magnuson-Stevens Act (MSA). Because our Council has not had the opportunity to meet and discuss more specific comments within the timeline allowed, I am submitting some general comments which reiterate a long-standing, oft-stated Council position relative to these issues. In essence, while I realize that there may be some provisions in the legislation which beg further definition or clarity, the majority of the provisions provide ample guidance, as written, for Councils to develop LAP programs suited to the specifics of each region and each fishery within each region. I strongly encourage the agency to resist the temptation to attempt to narrowly constrict regulations, or guidelines which hold the force of regulation, which could limit each Councils' flexibility to design programs which reflect the subtleties of each fishery under consideration.

The MSA legislation contains numerous LAPP provisions which dictate the issues which must be addressed by a Council in designing such a program, and which dictate a process by which the Council makes decisions on each of those provisions. However, the legislation leaves considerable latitude for the Council process to make specific decisions with regard to each major provision which must be taken into consideration. Presumably it was the intent of Congress to provide such flexibility to the Council process in designing these programs. To create national level regulations, or guidelines, which prescribe a one-size-fits-all solution to many of these complex considerations would be contrary to the apparent legislative intent, and would be a disservice to the Council process which is specifically designed to address these issues on a regional, fishery-by-fishery basis.

It appears that the majority of the LAPP provisions in the MSA can be interpreted and defined through the existing Council process. Further, any program developed and submitted by a Council must undergo Secretarial review relative to the requirements of the MSA, and that process will provide ample opportunity to assess whether the LAP program meets the provisions of the Act. I encourage you to take a minimalist approach with regard to publication of regulations in this regard, and to limit such guidance to only those items which are clearly in question at a national level, and which can benefit from a national level interpretation. I believe the vast majority of the LAPP provisions do not meet such criteria and can best be addressed without further regulations or guidelines. Further, I would encourage the agency to

Risenhoover  
September 25, 2007  
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make sure that any guidance issued is just that – guidance – and not binding in regulation. While some may wish to limit the Councils' flexibility in terms of LAPP development, I do not believe that was the intent of Congress. Conversely, I believe it was the intent of Congress to provide maximum flexibility, which I believe can best be achieved with minimal regulatory guidelines. Thank you for the opportunity to comment on this important issue.

Sincerely,



Chris Oliver  
Executive Director

CC: NPFMC Council members  
Dr. Bill Hogarth  
Senator Ted Stevens  
Senator Lisa Murkowski  
Congressman Don Young  
Regional Fishery Management Councils




**UNITED STATES DEPARTMENT OF  
National Oceanic and Atmospheric Administration**

*National Marine Fisheries Service  
P.O. Box 21668  
Juneau, Alaska 99802-1668*

AGENDA B-1(c)  
OCTOBER 2007

September 19, 2007

MEMORANDUM FOR: Alan Risenhoover  
Director, Office of Sustainable Fisheries

FROM: Robert D. Mecum   
Acting Administrator, Alaska Region

SUBJECT: Limited Access Privilege Program Guidance Regulations.

Alaska Region staff appreciate the opportunity to comment on the need for regulatory guidance to interpret specific provisions of Section 303A of the Magnuson Stevens Act (MSA). To prepare these comments, Alaska Region staff reviewed the request for comment information provided on the LAPP Clearinghouse website and other information concerning limited access privilege programs (LAPP) management. If you have additional questions or comments please contact Glenn Merrill at 907-586-7228.

**SUMMARY**

We do not believe rulemaking is required to define or clarify provisions within Section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) at this time. The specific requirements described in Section 303A should be developed on a regional basis by the fishery management councils (councils) and NMFS regional offices. The degree of variability in fisheries, regions, Councils, and resources does not lend itself to a uniform regulatory approach for implementing LAPPs. Provisions in Section 303A of the MSA preserve regional management decision making. We do support efforts to assist councils and the regional offices in the development of LAPPs through informal workshops among regional office and council staff to provide a forum for information exchange as councils develop LAPPs.

**RATIONALE**

The North Pacific Fishery Management Council (NPFMC) and the Alaska Region have developed LAPPs that are tailored to the specific conditions of each fishery. Section 303A appears to encourage this tailor-made approach for LAPPs by indicating that the "relevant Council" in each region shall develop those requirements, particularly in Section 303A(c), (d), (e) and (g). It is not clear that additional guidance in regulation would enhance the process of developing LAPPs in the North Pacific, and could have the unintended effect of undermining efforts to establish LAPPs by creating criteria that contravene those developed by the NPFMC.

As an example, the NPFMC has developed all of its LAPPs to promote safety, conservation and management, and social and economic benefits (Section 303A(c)(1)(C)). However, the manner





and degree to which each specific LAPP accomplishes these goals varies. Some LAPPs such as the BSAI Crab Rationalization Program promote fishing safety as a primary goal due to the improvements that LAPPs can provide to these particularly dangerous fisheries, whereas the Amendment 80 LAPP for trawl catcher/processors clearly promotes safety, but will promote conservation goals even more strongly through the bycatch reduction measures implemented under this LAPP. Establishing a specific set of criteria that must be met for each LAPP in order for that LAPP to be considered to “promote” these goals may not comport with the specific conditions in a fishery.

As a further example, the NPFMC, in coordination with the Alaska Region has developed a set of procedures to encourage the participation of representatives from fishing communities. The NPFMC has also developed criteria that generally define specific fishing communities that could be considered when allocating resources under a LAPP (Section 303A(c)(3)). Establishing new guidelines in addition to those already developed would not aid the NPFMC in defining these communities. In a worst case scenario, guidance regulations could undermine the considerable time and effort expended in defining these communities if the regulatory guidelines do not coordinate with those already developed. Additionally, some aspects of Section 303A may not be applicable in all regions. As an example, one council and regional office may find it useful to develop regional fishery associations that can hold quota share on behalf of members (Section 303A(c)(4), whereas other councils and regions may design LAPPs without allocations to regional fishery associations. National guidelines that would require allocations to regional fishery associations could limit the flexibility desired in specific regions.

Given the extensive use of LAPPs in the North Pacific, and the long record of providing careful and well-reasoned decision making when developing LAPPs, additional regulatory guidance interpreting specific provisions of Section 303A that is developed outside of the council process could add additional complexity. Limits on holding privileges, the determination of businesses that are “substantially dependent on a fishery,” the determination of “entry-level” fishermen and the need for assistance, and the specific data collection, and monitoring and enforcement costs that are subject to cost recovery are likely to vary substantially among fisheries and regions. National guidance in regulation is not likely to reduce the variations in these fisheries, nor improve the necessarily different approaches and recommendations made by the various councils as they develop LAPPs. Furthermore, publishing guidance regulations that can be broadly interpreted while providing the councils substantial flexibility could add confusion without providing any clear guidance.

However, it may be useful to provide some informal non-regulatory guidance on how different regions may consider and address the various mandates provided in Section 303A. At the recent Fish Con conference in Portland, a number of regional staff expressed a desire to improve coordination among regions as LAPPs are developed. It may be helpful to make Council or regional staff available to other councils and regions as they develop LAPPs for their fisheries. Such an approach would encourage efficient sharing of information on design features and encourage each council and regional office to develop LAPPs based on lessons already learned without compromising the flexibility councils and regions have under Section 303A. Such an approach could be less complicated and more flexible than trying to craft a regulatory framework that can effectively encompass the varied fisheries and approaches to LAPPs in each region.

**MSRA Reauthorization Tracking: by Task Update (30 items)  
As of September 7, 2007**

Task	Due date	Status	Additional Information
<b>Annual Catch Limits (1 item)</b>			
Establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability. The amendment made by subsection (a)(10)—(1) shall, unless otherwise provided for under an international agreement in which the United States participates, take effect— (A) in fishing year 2010 for fisheries determined by the Secretary to be subject to over fishing; and (B) in fishing year 2011 for all other fisheries; and (2) shall not apply to a fishery for species that have a life cycle of approximately 1 year unless the Secretary has determined the fishery is subject to overfishing of that species; and (3) shall not limit or otherwise affect the requirements of section 301(a)(1) or 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a)(1) or 1854(e), respectively).	01/01/10	On Track	<p>* Annual Catch Limits must be in place for overfished stocks by 1/01/10. However, the task tracked here is GUIDELINES to be provided to NMFS/Councils to establish a mechanism for specifying annual catch limits. The deadline to have those guidelines in place is November, 2007.</p> <p>A Notice of Intent published on 2/14/07 (72 FR 7016). The public comment period is closed.</p> <p>Scoping meetings are complete. A summary of comments received may be viewed at: <a href="http://www.nmfs.noaa.gov/msa2007/catchlimits.htm#publiccomments">http://www.nmfs.noaa.gov/msa2007/catchlimits.htm#publiccomments</a></p>
<b>Bycatch (1 item)</b>			
The Secretary, in cooperation with the Councils and other affected interests, and based upon the best scientific information available, shall establish a bycatch reduction program, including grants, to develop technological devices and other conservation engineering changes designed to minimize bycatch, seabird interactions, bycatch mortality, and post-release mortality in Federally managed fisheries. The section specifies program requirements.	01/12/08	On Track	NMFS is working to present Program details at future Workshops.
<b>Conflict of interest (1 item)</b>			
On January 1, 2008, and annually thereafter, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on action taken by the Secretary and the Councils to implement the disclosure of financial interest and recusal requirements of this subsection, including identification of any conflict of interest problems with respect to the Councils and scientific and statistical committees and recommendations for addressing any such problems.	01/12/08	On Track	NMFS will prepare guidance for the Councils on what information to collect for the annual report to Congress.

Task	Due date	Status	Additional Information
<p><b>Council Liaison (1 item)</b></p> <p>The MA Council, in consultation with the NE Council, shall submit a report to the Senate Committee on Commerce, Science, and Transportation - (1) describing the role of council liaisons between the MA and NE Councils, including an explanation of council policies regarding the liaison's role in Council decision-making since 1996; (2) describing how management actions are taken regarding the operational aspects of current joint FMPs, and how such joint plans may undergo changes through amendment or framework processes; (3) evaluating the role of the NE and the MA Council liaisons in the development and approval of management plans for fisheries in which the liaisons or members of the non-controlling Council have a demonstrated interest and significant current and historical landings of species managed by either; (4) evaluating the effectiveness of the various approaches developed by the Councils to improve representation for affected members of the non-controlling Council in decision-making, such as use of liaisons, joint management plans, and other policies, taking into account both the procedural and conservation requirements of the MSA; and (5) analyzing characteristics of NC and FL that supported their inclusion as voting members of more than one Council and the extent to which those characteristics support RI's inclusion on a second Council (the MA Council).</p>	10/12/07	On Track	The MA Council is preparing this report. NMFS will provide assistance as requested.
<p><b>Deep Sea Coral Report to Congress (1 item)</b></p> <p>The Secretary, in consultation with the Councils, shall submit biennial reports to Congress and the public on steps taken by the Secretary to identify, monitor, and protect deep sea coral areas, including summaries of the results of mapping, research, and data collection performed under the program.</p>	01/12/08	On Track	
<p><b>Ecosystem Research (1 item)</b></p> <p>Requires Sec., in consultation with the Councils, to undertake and complete a study on the state of science for integration of ecosystem considerations in regional fisheries management. The study should build upon the recommendations of the advisory panel (established under Section 406 of MSA). Stipulates what must be included in study.</p>	07/12/07	Delayed	NMFS plans to conduct a workshop in Nov 2007 with participation from the Councils, NMFS Science Centers and the Ecosystem Principles Advisory Panel. A report will be prepared for delivery to Congress in May 2008.
<p><b>Environmental Review Process - NEPA (1 item)</b></p> <p>The Secretary shall, in consultation with the Councils and the Council on Environmental Quality, revise and update agency</p>	01/12/08	Delayed	The National Marine Fisheries Service solicited public comment through April 20, 2007, on the environmental review provisions required by the Magnuson-

Task	Due date	Status	Additional Information
<p>procedures for compliance with the National Environmental Policy Act (42 U.S.C. 4231 et seq.). Specifies requirements of the procedures. First part of schedule specifies when revised procedures are to be proposed. Proposed rule shall provide 90 days for public comment.</p> <p>Requires that the Secretary promulgate final procedures for compliance with the National Environmental Policy Act (42 U.S.C. 4231 et seq.) no later than 12 months after the date of enactment.</p>			<p>Stevens Fishery Conservation and Management Reauthorization Act (MSRA). For more information, see: <a href="http://www.nmfs.noaa.gov/msa2007/docs/notice_to_public_5.pdf">http://www.nmfs.noaa.gov/msa2007/docs/notice_to_public_5.pdf</a> A summary of the public comments received has been posted on the website. See: <a href="http://www.nmfs.noaa.gov/msa2007/publiccomments.htm">http://www.nmfs.noaa.gov/msa2007/publiccomments.htm</a></p>
<b>Experimental Fishing Permits (1 item)</b>			
<p>Requires Sec., in consultation with the Councils, to promulgate regulations that establish an expedited, uniform, and regionally-based process for issuance of experimental fishing permits.</p>	07/12/07	Delayed	<p>A proposed rule is expected in late-Sept.</p>
<b>Fishery Science (1 item)</b>			
<p>Secretaries of Commerce and Education shall collaborate to study if there is a shortage of individuals with post -baccalaureate degrees in fisheries science and shall submit a report to congress detailing the findings and recommendations of the study.</p>	09/12/07	Delayed	<p>The NMFS Office Of Science and Technology has contracted with the American Fisheries Society to determine if there is a shortage of individuals with post -baccalaureate degrees in fisheries science. A survey of over 80 fishery-related departments in higher learning institutions in the U.S. was distributed in July 2008. The report of survey results is expected to be available by early 2008.</p>
<b>Framework 42 (1 item)</b>			
<p>The Secretary of Commerce shall conduct a unique, thorough examination of the potential impact on all affected and interested parties of Framework 42 to the Northeast Multispecies FMP and report the Secretary's findings. The report shall include a detailed discussion of the provisions specified in the section.</p>	02/12/07	Completed	<p>See: <a href="http://www.nmfs.noaa.gov/msa2007/Framework42ReporttoCongressFinalFinal.pdf">http://www.nmfs.noaa.gov/msa2007/Framework42ReporttoCongressFinalFinal.pdf</a></p>
<b>Hurricane (2 items)</b>			
<p>The Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on— (1) commercial and recreational fisheries in the States of Alabama, Louisiana, Florida, Mississippi, and Texas; (2) shrimp fishing vessels in those States; and (3) the oyster industry in those States.</p>	07/12/07	Completed	<p>This report has been submitted to Congress and may be viewed at: <a href="http://www.nmfs.noaa.gov/msa2007/implementation.htm">http://www.nmfs.noaa.gov/msa2007/implementation.htm</a></p>
<p>The Secretary of Commerce shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the impact of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma on habitat, including the habitat of shrimp and oysters in those States.</p>	07/12/07	Completed	<p>This report has been submitted to Congress and may be viewed at: <a href="http://www.nmfs.noaa.gov/msa2007/implementation.htm">http://www.nmfs.noaa.gov/msa2007/implementation.htm</a></p>

Task	Due date	Status	Additional Information
<p><b>International fisheries (3 items)</b></p> <p>Amends the High Seas Driftnet Fishing Moratorium Protection Act to require the Secretary, in consultation with the Sec of State, to provide to Congress, a biennial report that includes— (1) the state of knowledge on the status of international living marine resources shared by the U.S. or subject to treaties or agreements to which the U.S. is a party, including a list of all such fish stocks classified as overfished, overexploited, depleted, endangered, or threatened with extinction by any international or other authority charged with management or conservation of living marine resources; (2) a list of nations whose vessels have been identified under section 609(a) or 610(a), including the specific offending activities and any subsequent actions taken pursuant to section 609 or 610; (3) a description of efforts taken by nations on those lists to comply take appropriate corrective action consistent with sections 609 and 610, and an evaluation of the progress of those efforts, including steps taken by the U.S. to implement those sections and to improve international compliance; (4) progress at the international level, consistent with section 608, to strengthen the efforts of international fishery management organizations to end IUU fishing; and (5) steps taken by the Secretary at the international level to adopt international measures comparable to those of the U.S. to reduce impacts of fishing and other practices on protected living marine resources, if no international agreement to achieve such goal exists, or if the relevant international fishery or conservation organization has failed to implement effective measures to end or reduce the adverse impacts of fishing practices on such species.</p>	01/12/09	On Track	<p>Project Manager and team to write sections of the biennial report were identified in March '07. An advance notice of proposed rulemaking and request for public comments was published June 11 (72 FR 32052-5; <a href="http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/E7-11254.pdf">http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/E7-11254.pdf</a>) to solicit public comments on a procedure for certifying IUU fishing flag states and a procedure for certifying flag states whose fishing vessels are responsible for unacceptable levels of bycatch of protected living marine resources. Notice of three public input sessions was published (72 FR 33436): July 2 in Silver Spring, MD; July 5 in Long Beach, CA; and July 5 in Seattle, WA). These certifications are required elements of the biennial report. Target date for publication of a proposed rule is October '07 and for a final rule May '08.</p>
<p>The Secretary shall publish a definition of the term 'illegal, unreported, or unregulated fishing' for purposes of this Act, including in the definition, at a minimum—(A) fishing activities that violate conservation and management measures required under an international fishery management agreement to which the United States is a party, including catch limits or quotas, capacity restrictions, and bycatch reduction requirements; (B) overfishing of fish stocks shared by the United States, for which there are no applicable international conservation or management measures or in areas with no applicable international fishery management organization or agreement, that has adverse impacts on such stocks; and (C) fishing activity that has an adverse impact on seamounts, hydrothermal vents, and cold water corals located beyond national jurisdiction, for which there are no applicable conservation or management measures or in areas with no applicable international fishery management organization or agreement.</p>	04/12/07	Completed	<p>Definition published in the Federal Register on April 12, 2007, at 72 FR 18404-5. See: <a href="http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/07-1830.pdf">http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/07-1830.pdf</a></p>

Task	Due date	Status	Additional Information
<p>The Secretary, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, shall designate a Senate-confirmed, senior official within the National Oceanic and Atmospheric Administration to perform the duties of the Secretary with respect to international agreements involving fisheries and other living marine resources, including policy development and representation as a U.S. Commissioner, under any such international agreements.</p>	01/12/09	Targets/Miles tones Being Established	
<b>Joint Enforcement Agreements (2 items)</b>			
<p>Requires NMFS and Coast Guard to transmit a joint report to Congress on feasibility, value, and cost of using GMDSS (or other similar data system) for fishery management, conservation, enforcement, and safety purposes with the Federal government bearing the capital costs of any such system; the cumulative impact of existing requirements for commercial vessels; whether such data systems would overlap existing requirements or render them redundant; how data from systems could be integrated; how to maximize data-sharing opportunities between State and Federal agencies; and an assessment of the development, purchase, and distribution of systems to regulated vessels.</p>	04/12/08	On Track	On Track
<p>The Secretary shall implement data-sharing measures to make any data required to be provided by this Act from satellite-based maritime distress and safety systems, vessel monitoring systems, or similar systems—  (A) Directly accessible by State enforcement officers authorized under subsection (a) of this section; and  (B) Available to a State management agency involved in, or affected by, management of a fishery if the State has entered into an agreement with the Secretary under section 402(b)(1)(B) of this Act.</p>	10/12/09	On Track	On Track
<b>King/Tanner Crab (1 item)</b>			
<p>Sec. Comm shall amend the FMP for the BSAI King and Tanner Crabs for the Northern Region (as that term is used in the plan) to authorize—(A) an eligible entity holding processor quota shares to elect on an annual basis to work together with other entities holding processor quota shares and affiliated with such eligible entity through common ownership to combine any catcher vessel quota shares for the Northern Region with their processor quota shares and to exchange them for newly created catcher/processor owner quota shares for the Northern Region; and (B) an eligible entity holding catcher vessel quota shares to elect on an annual basis to</p>	04/12/07	Completed	<p>AMENDMENT APPROVED.</p> <ul style="list-style-type: none"> <li>• NOA published 2/5/07 - 72 FR 5255</li> <li>• Comment period ended: 4/6/07</li> <li>• Amendment was approved by NMFS on 4/12/07</li> </ul>

Task	Due date	Status	Additional Information
<p>work together with other entities holding catcher vessel quota shares and affiliated with such eligible entity through common ownership to combine any processor quota shares for the Northern Region with their catcher vessel quota shares and to exchange them for newly created catcher/processor owner quota shares for the Northern Region.</p>			
<p><b>LAPP - Referenda Guidelines (1 item)</b></p>			
<p>Within 1 year after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006, the Secretary shall publish guidelines and procedures to determine procedures and voting eligibility requirements for referenda and to conduct such referenda in a fair and equitable manner.</p>	01/12/08	On Track	<p>This project was discussed at the Gulf Council meeting on June 4: <a href="http://www.gulfcouncil.org/Beta/GMFCWeb/downloads/committee%20schedule-607.pdf">http://www.gulfcouncil.org/Beta/GMFCWeb/downloads/committee%20schedule-607.pdf</a> and at the New England Council on June 19: <a href="http://www.nefmc.org/calendar/index.html">http://www.nefmc.org/calendar/index.html</a> Proposed procedures are expected to be published in mid-September.</p>
<p><b>Marine Recreational Fisheries Information (1 item)</b></p>			
<p>1. Sec. Comm, in consultation with reps of the rec fishing industry and experts in statistics, technology, and other appropriate fields, shall establish a program to improve the quality and accuracy of information generated by MRFS. The program must take into account the 2006 NRC report "Review of Recreational Fisheries Survey Methods." Identifies the goal of the program and what it shall include. The Sec. must complete the program and implement the improved MRFS by January 1, 2009. Within 24 months of establishment of the revised MRFS program, requires Sec. to submit a report to Congress describing progress toward achieving the program goals and objectives.</p>	01/12/09	Targets/Milestones Being Established	<p>To develop an improved recreational fishing data collection program, an Executive Steering Committee was established and met for the first time in March. Members include fisheries managers and scientists from NOAA Fisheries, the interstate marine fisheries commissions, and the regional fishery management councils. Executive Steering Committee has established the Operations Team. OT has begun to set milestones and timelines for issue-specific work groups. The OT estimates making the program proposal available for public comment by July, 2008 See: <a href="http://www.st.nmfs.noaa.gov/RecSurveyUpgrade/RecSurveyUpgrade.html">http://www.st.nmfs.noaa.gov/RecSurveyUpgrade/RecSurveyUpgrade.html</a> The recreational registry task (Item 2) does not have an associated statutory deadline but it is being tracked with data collection task because the registry information is associated with the data required for the MRFS task.</p>
<p>2. Creation of National Registry Program for Marine Recreational Fishing. The "Sec. Comm shall establish and implement regionally based registry program for recreational fishermen in each of the 8 fishery management regions. Program shall not require a fee before January 1, 2011 and shall provide for (a) registration (including identification and contact information) of individuals who engage in recreational fishing in EEZ, for anadromous species, or for Continental Shelf fishery resources beyond EEZ and (b) if appropriate, the registration (including the ownership, operator, and identification of the vessel) of vessels used in such fishing. Secretary shall exempt from registration under the program recreational fishermen and charter fishing vessels licensed, permitted, or registered under laws of a State if Secretary determines information from State program is suitable for the Secretary's use or is used to assist in completing marine recreational fisheries statistical surveys, or evaluating the effects of proposed conservation and management measures for marine recreational fisheries."</p>			

Task	Due date	Status	Additional Information
<b>Overcapacity (1 Item)</b>			
<p>Subject to the availability of funds, the Secretary shall, within 12 months after the date of the enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 submit to the Congress a report—</p> <p>(i) Identifying and describing the 20 fisheries in United States waters with the most severe examples of excess harvesting capacity in the fisheries, based on value of each fishery and the amount of excess harvesting capacity as determined by the Secretary;</p> <p>(ii) recommending measures for reducing such excess harvesting capacity, including the retirement of any latent fishing permits that could contribute to further excess harvesting capacity in those fisheries; and</p> <p>(iii) potential sources of funding for such measures.</p>	01/12/08	On Track	<p>The NMFS Office of Science and Technology is conducting capacity assessments for fisheries in each region during April – August 2007. As each region's report is completed, it is delivered to the NMFS Office of Sustainable Fisheries (SF). To date, 6 out of 8 regional reports have been delivered, and the remaining two reports have an estimated delivery date of 10 September 2007. SF will work with the Councils on ranking the fisheries and developing management strategies for addressing the overcapacity issue.</p>
<b>Pacific Groundfish (1 item)</b>			
<p>Requires the Pacific Fishery Management Council to develop a proposal for an appropriate rationalization program for the Pacific trawl groundfish and whiting fisheries, including the shore-based sector of the Pacific whiting fishery. In developing the rationalization proposal, the Pacific Council must fully analyze alternative program designs, assess the proposal's impact on conservation and economies of the communities, fishermen, and processors participating in the groundfish trawl fisheries, including the shore-based sector of the Pacific whiting fishery. Requires the Pacific Council to submit the proposal and related analysis to Congress within 24 months of enactment.</p>	01/12/09	On Track	<p>- Trawl rationalization issues were discussed by the Groundfish Allocation Committee, a PFMC subcommittee, on Tuesday, May 15 and Wednesday, May 16. Intersector allocation issues were discussed on Thursday, May 17. See: <a href="http://www.pcouncil.org/events/2007/gac0507.html">http://www.pcouncil.org/events/2007/gac0507.html</a></p> <p>- A report from the GAC was provided for consideration by the Council at its June 2007 meeting in Foster City, California.</p> <p>The June 2007 Council agenda can be found here: &lt;<a href="http://www.pcouncil.org/bb/2007/0607/A4.pdf">http://www.pcouncil.org/bb/2007/0607/A4.pdf</a>&gt;</p> <p>The GAC report to the Council can be found here: &lt;<a href="http://www.pcouncil.org/bb/2007/0607/E8b_GAC.pdf">http://www.pcouncil.org/bb/2007/0607/E8b_GAC.pdf</a>&gt;</p>
<b>Salmon Recovery Plan (1 Item)</b>			
<p>The Secretary of Commerce shall complete a recovery plan for Klamath River Coho salmon and make it available to the public. Within 2 years of enactment, and annually thereafter, the Sec. is required to submit a report to Congress on the actions taken under the recovery plan and other law relating to the recovery of Klamath River Coho salmon and how these actions are contributing to its recovery; progress on restoration of salmon spawning habitat, including water conditions that relate to salmon health and recovery (with emphasis on the Klamath River and its tributaries below Iron Gate Dam); the status of other Klamath River anadromous fish populations, and actions taken by the Sec. to address the 2003 National Research Council's recommendations regarding monitoring and research on Klamath River salmon stocks.</p>	01/12/09	On Track	<p>A presentation was made at the PFMC the week of April 2nd, 2007.</p> <p>A notice of availability of the recovery plan was published in the Federal Register on July 10, 2007 (72 FR 37512). The recovery plan is available at: <a href="http://swr.nmfs.noaa.gov/salmon/MSRA_RecoveryPlan_FINAL.pdf">http://swr.nmfs.noaa.gov/salmon/MSRA_RecoveryPlan_FINAL.pdf</a></p>



Task	Due date	Status	Additional Information
<p><b>Secretarial Action on State-waters fishing (1 item)</b></p> <p>The Secretary of Commerce shall determine whether fishing in State waters—</p> <p>(A) without a New England Multispecies groundfish fishery permit on regulated species within the multispecies complex is not consistent with the applicable Federal fishery management plan; or</p> <p>(B) without a Federal bottomfish and seamount groundfish permit in the Hawaiian archipelago on regulated species within the complex is not consistent with the applicable Federal fishery management plan or State data are not sufficient to make such a determination.</p> <p>If the Secretary makes a determination that such actions are not consistent with the plan, the Secretary shall, in consultation with the Council, and after notifying the affected State, develop and implement measures to cure the inconsistency pursuant to section 306(b).</p>	03/12/07	Completed	<p>Analyses completed and are available at:  <a href="http://www.nmfs.noaa.gov/msa2007/implementation.htm">http://www.nmfs.noaa.gov/msa2007/implementation.htm</a></p>
<p><b>Training (2 items)</b></p> <p>Requires the Sec., in consultation with the Councils and the National Sea Grant College Program, develop a training course for new Council members. Training course shall be made available to new and existing Council members and staff from the RO's and RSC's of NMFS, and may be made available to committee or advisory panel members as resources permit.</p> <p>Council members appointed after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 shall complete a training course that meets the requirements of this section not later than 1 year after the date on which they were appointed. Any Council member who has completed a training course within 24 months before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 shall be considered to have met the training requirement of this paragraph.</p>	07/12/07	Completed	<p>New member Council training is scheduled for the week of October 15, 2007. A syllabus of the training program is available at:  <a href="http://www.nmfs.noaa.gov/msa2007/implementation.htm">http://www.nmfs.noaa.gov/msa2007/implementation.htm</a></p>
<p>Council members appointed after the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 shall complete a training course that meets the requirements of this section not later than 1 year after the date on which they were appointed. Any Council member who has completed a training course within 24 months before the date of enactment of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 shall be considered to have met the training requirement of this paragraph.</p>	01/12/09	On Track	<p>New member training has been scheduled for the week of October 15, 2007.</p>
<p><b>Tsunami (4 items)</b></p> <p>The National Weather Service, in consultation with other relevant Administration offices, shall transmit to Congress a report on how the tsunami forecast system under this section will be integrated with other United States and global ocean and coastal observation systems, the global earth observing system of systems, global seismic networks, and the Advanced National Seismic System.</p> <p>The National Weather Service, in consultation with other relevant</p>	01/12/08	On Track	<p>View NWS charter here:  <a href="http://www.ppi.noaa.gov/weather_water/TsunamiPage.html">http://www.ppi.noaa.gov/weather_water/TsunamiPage.html</a></p> <p>View Indian ocean tsunami warning system program here:  <a href="http://www.lotws.org/ev_en.php?ID=1267_201&amp;ID2=DO_TOPIC">http://www.lotws.org/ev_en.php?ID=1267_201&amp;ID2=DO_TOPIC</a></p> <p>View NWS charter here:</p>
<p>The National Weather Service, in consultation with other relevant</p>	01/12/10	On Track	<p>View NWS charter here:</p>

Task	Due date	Status	Additional Information
Administration offices, shall transmit a report to Congress on how technology developed under section 806 is being transferred into the program under this section.			<a href="http://www.ppl.noaa.gov/weather_water/TsunamiPage.html">http://www.ppl.noaa.gov/weather_water/TsunamiPage.html</a> View Indian ocean tsunami warning system program here: <a href="http://www.lotws.org/ev_en.php?ID=1267_201&amp;ID2=DO_TOPIC">http://www.lotws.org/ev_en.php?ID=1267_201&amp;ID2=DO_TOPIC</a>
The Administrator shall establish a process for monitoring and certifying contractor performance in carrying out the requirements of any contract to construct or deploy tsunami detection equipment, including procedures and penalties to be imposed in cases of significant contractor failure or negligence.	04/12/07	Completed	View NWS charter here: <a href="http://www.ppl.noaa.gov/weather_water/TsunamiPage.html">http://www.ppl.noaa.gov/weather_water/TsunamiPage.html</a> View Indian ocean tsunami warning system program here: <a href="http://www.lotws.org/ev_en.php?ID=1267_201&amp;ID2=DO_TOPIC">http://www.lotws.org/ev_en.php?ID=1267_201&amp;ID2=DO_TOPIC</a>
Comptroller General of the U.S. shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives that (1) evaluates the current status of the tsunami detection, forecasting, and warning system and the tsunami hazard mitigation program established under this title, including progress toward tsunami inundation mapping of all coastal areas vulnerable to tsunami and whether there has been any degradation of services as a result of the expansion of the program; (2) evaluates the NWS's ability to achieve continued improvements in the delivery of tsunami detection, forecasting, and warning services by assessing policies and plans for the evolution of modernization systems, models, and computational abilities (including the adoption of new technologies); and (3) lists the contributions of funding or other resources to the program by other Federal agencies, particularly agencies participating in the program.	01/31/10	On Track	View NWS charter here: <a href="http://www.ppl.noaa.gov/weather_water/TsunamiPage.html">http://www.ppl.noaa.gov/weather_water/TsunamiPage.html</a> View Indian ocean tsunami warning system program here: <a href="http://www.lotws.org/ev_en.php?ID=1267_201&amp;ID2=DO_TOPIC">http://www.lotws.org/ev_en.php?ID=1267_201&amp;ID2=DO_TOPIC</a>



September 18, 2007

Honorable Don Young  
2111 Rayburn HOB  
Washington, DC 20515

Dear Congressman Young:

Per your August 20, 2007 letter of request to each of the eight regional Council Chairs, we offer the following comments relative to proposed HR21. These comments carry the full support of all eight Regional Fishery Management Councils (Councils). Rather than a Title-by-Title assessment, we believe that stating our comments generally may provide a more useful response. While this legislation appears well-intended, and contains some potentially positive provisions (such as an organic act to formalize NOAA's structure, and a funding mechanism for marine resource management), we cannot support HR21 in its current form. In general the proposed bill would create several additional layers of bureaucracies and possibly conflicting authorities, which in fact could lead to decreased efficiencies in ocean governance, deterioration of current initiatives towards ecosystem-based management, and exacerbation of litigation-based resource management. We further believe that major provisions of HR21 (those which establish multiple layers of bureaucracies with potential regulatory authority over fisheries management) run counter to some of the key provisions of the recently amended Magnuson-Stevens Act, which was the result of several years of discussion and debate around many of the same issues being addressed in HR21.

While we do not directly manage all aspects of the marine environment, the regional Councils authorized under the Magnuson-Stevens Act currently engage in managing not only fisheries, but fishery interactions with habitat, marine mammals and seabirds, coastal communities and associated development, and numerous other aspects of the marine environment that collectively equate to an ecosystem-based management approach. Several of the Councils have developed, or are developing, Fishery Ecosystem Plans (FEPs) for the areas under their jurisdiction. There are also initiatives for regional collaboration across federal and state agencies (such as the Alaska Marine Ecosystem Forum, which is a voluntary association of primary federal and state agencies involved in marine resource, or related, management activities). The recently amended Magnuson-Stevens Act contains several provisions based on the recommendations of the U.S. Commission on Ocean Policy, including a requirement for an assessment of the state of science for integration of ecosystem considerations in our management process, as well as establishment of a long-term fund to support progress towards ecosystem-based management.

At the same time, and in coordination with the Councils, NOAA has vigorously pursued the concept of ecosystem-based management, as is evidenced by the numerous initiatives centered on the ecosystem-based management concept. Many of these were detailed in the April 2007 testimony of Mr. Jack Dunnigan, NOAA Assistant Administrator for the National Ocean Service, to the House Subcommittee on Fisheries, Wildlife, and Oceans. Collectively, these initiatives seem to constitute the general intent of HR21 relative to ecosystem-based management, but do so in deliberate, step-wise manner that recognizes the realities of our state of scientific knowledge, and which recognizes the myriad Acts and other applicable laws relative to marine resource management. HR21 would seem to largely subsume the recently reauthorized MSA, which was the result of years of debate and hearings on many of these same issues, and which took a practical approach to ecosystem-based management.

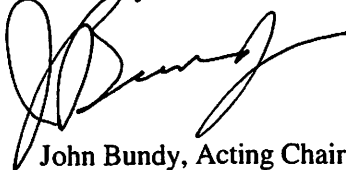
The essential problems we see with HR21 can be summarized as follows:

1. The proposed legislation creates several additional layers of bureaucracies and authorities, which could conflict with existing authorities and existing statutes. The recently reauthorized Magnuson-Stevens Act and the National Environmental Policy Act are two primary examples. The bill also contains requirements for numerous redundant reports (at the Administrator level, the Committee level, and at the regional ocean partnership level) to be finalized in very short and unrealistic time frames.
2. The primary purpose of HR21 is already being effected, through efforts of NOAA and the regional fishery management Councils to embrace a broader ecosystem approach to marine resource management. HR21 could diffuse and delay ongoing efforts in this regard, by redirecting funds and personnel to largely redundant exercises.
3. The requirements to establish new regulations for which every federal action must comply will significantly redirect limited agency and Council resources, thereby thwarting and delaying the positive initiatives currently underway; further, the establishment of such regulation could conflict significantly with existing regulations, statutes, and National Standards, and create additional litigation fodder.
4. While the legislation states in section...that "it is not intended to replace existing authorities", other sections of the bill contains provisions for the development and implementation (through regulations) of strategic plans at both the national and regional levels, which would appear to carry the force of law and thereby subsume long-standing, successful management processes. Specifically relative to fisheries, the regional ocean partnerships and attendant regional ocean strategic plans would appear to be vested with regulatory authority over fisheries management decisions, in direct conflict with the Regional Fishery Management Councils and the Magnuson-Stevens Act. The addition of the term "important ecological area" further confuses the issue of management authorities, given its relationship to essential fish habitat and attendant requirements of the Magnuson-Stevens Act.
5. Ecosystem-based management, and marine ecosystem health, while ostensibly defined in HR21, remain subjective concepts. While the proposed legislation speaks to the establishment of "clear standards against which compliance can be assured", the bill does not in fact establish such clear standards. A major concern is that this legislation could be way ahead of our available scientific understanding, and set us up for management by litigation, or create total gridlock in management processes.

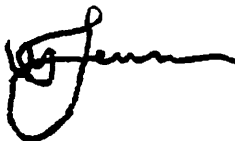
Notwithstanding our concerns, there are some potentially positive aspects of HR21. We believe, for example, that the focal point of the bill should be on those provisions which elevate the importance of oceans and coastal protection within the federal government and coordinates federal authorities and programs. Further, codifying NOAA's program authorities and setting forth the agency's policy goals and missions in a single statute is a positive step, but should be done so in a manner which strengthens the agency while avoiding reorganization efforts that would be disruptive to ongoing missions. A new position in the Executive Office of the President for a National Oceans Advisor and codifying the Committee on Ocean Policy, which currently operates under an Executive Order may be a positive step. However, the scope of the proposed coordinated management regime for activities in federal waters must be clarified to ensure that NOAA Fisheries' and Councils' authorities to manage living marine resources will not be diminished under such a plan. Finally, provisions of the bill which promote ecological prediction and management capabilities, and make commitments to funding such activities, are certainly a positive step. However, this generally positive intent must be reconciled against the significant concerns outlined in this letter.

In summary, we strongly support the concept of ecosystem -based management and believe that we are currently embracing that concept in realistic, step-wise approach which is based on a vigorously expanded NOAA and Council mission to understand the state of our ecosystems and respond accordingly in our management actions. The provisions of HR21 have the potential to seriously divert both focus and resources from this mission, and create a tangle of bureaucracies and authorities which will actually impede the implementation of a realistic ecosystem-based management approach. Again, we appreciate the opportunity to comment on this proposed legislation. Please contact us if we can be of further assistance.

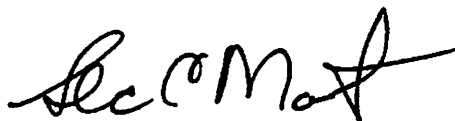
Sincerely,



John Bundy, Acting Chair  
North Pacific Fishery Management Council



W. Peter Jensen, Chair  
Mid Atlantic Fishery Management Council



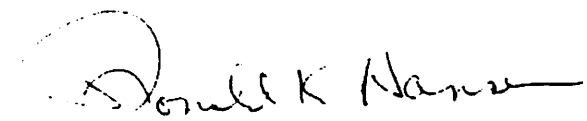
Sean Martin, Chair  
Western Pacific Fishery Management Council



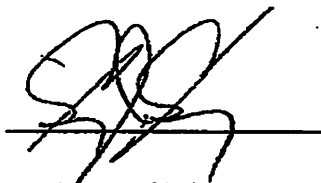
Eugenio Pineiro, Chair  
Caribbean Fishery Management Council



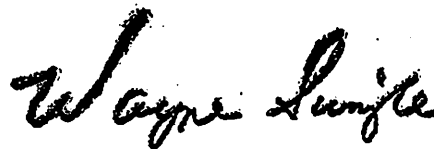
John Pappalardo, Chair  
New England Fishery Management Council



Donald K. Hansen, Chair  
Pacific Fishery Management Council



George Geiger, Chair  
South Atlantic Fishery Management Council



Wayne Swingle, Executive Director  
Gulf of Mexico Fishery Management Council

CC: Senator Stevens, Senator Murkowski, Senator Murray, Senator Inouye, Senator Akaka, Senator Smith, Senator Wyden, Senator Boxer, Senator Feinstein  
Dr. William Hogarth, NOAA Fisheries  
Under Secretary, VADM Conrad Lautenbacher Jr., USN (ret.)  
Dr. Jim Balsiger, NOAA Fisheries  
Senator Cantwell - Senate subcommittees on Oceans, Atmosphere, Fisheries, and Coast Guard  
Congresswoman Bordallo - House Subcommittee on Fisheries, Wildlife and Oceans

**H&G WORKGROUP**

2104 SW 170<sup>TH</sup> STREET • BURIEN, WA 98166  
PHONE (206) 660-0359 • FAX: (206) 243-7686

September 24, 2007

Mr. John Bundy  
Vice Chairman  
North Pacific Fishery Management Council  
605 W. 4<sup>th</sup> Avenue  
Anchorage, AK 99501-2252

**RECEIVED**  
SEP 24 2007  
**N.P.F.M.C.**

RE: Alaska Flatfish Species Proposed for Marine Stewardship Council Certification


Dear Mr. Vice Chairman:

We are pleased to notify the Council that participants in the flatfish fisheries of the Bering Sea and Gulf of Alaska have decided to propose the major flatfish fisheries in Alaska for sustainability certification by the Marine Stewardship Council (MSC). The specific species to be proposed are yellowfin sole, rocksole, flathead sole, arrowtooth flounder, and Alaska plaice in the Bering Sea/Aleutian Islands and arrowtooth flounder, flathead sole, rocksole, and rex sole in the Gulf of Alaska. As you know, these are the principle flatfish species in these management areas, both in terms of the commercial fisheries and with regard to dedicated stock assessments and fishery management.

The client for MSC certification of the flatfish fisheries will be the Best Use Coalition (BUC). The BUC is an entity that is in the process of forming fishing cooperatives for the Amendment 80 sector of the Bering Sea fishery. Other participants who have agreed to help with the funding and are interested in eventual certification include the Alaska Dragger's Association and several GOA shoreside processing companies who depend on the Gulf flatfish resources. Though the entities who have already agreed to participate in this effort comprise a very large part of the dedicated flatfish effort in Alaska, we will of course also be talking to other organizations/companies who participate in the flatfish fisheries to determine their interest level in MSC certification. I will serve as the main liaison person between the flatfish industry and the MSC certifier (Moody Marine Ltd). Lori Swanson, Julie Bonney and others will also assist in this effort.

We know that the Council will want to be kept apprised of the progress in this effort and that NPFMC staff will likely be asked by the MSC certifier to provide information as they seek to learn about the fishery and its management. We would like to thank the Council in advance for its willingness to assist in this process. It is our hope at the outset that all the energy that the North Pacific Fishery Management Council, NMFS Region and Center, and the flatfish industry have put into the development of improvements to these fisheries will pay dividends in terms of demonstrating the sustainability and wise management in place for the flatfish fisheries.

Sincerely,



John R. Gauvin



AGENDA B-1(g) :  
OCTOBER 2007  
UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
1315 East-West Highway  
Silver Spring, Maryland 20910  
THE DIRECTOR

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

RECEIVED  
SEP 21 2007  
SEP 17 2007  
N.P.F.M.C.

Dear Mr. Oliver:

As you know, NOAA's National Marine Fisheries Service (NMFS) has begun work on a National Bycatch Report to further develop NMFS' National Bycatch Strategy in the area of monitoring. Dr. Bill Karp, Chair of the National Bycatch Report Steering Committee, has provided regular updates on the report's progress to the North Pacific Council.

The Council's feedback on development of the National Bycatch Report is much appreciated and will be taken into account. Dr. Karp will continue to provide regular updates to the Council as the report moves toward publication in early 2008. I have enclosed a fact sheet that provides more information on this project.

I appreciate your interest in the National Bycatch Report and I look forward to your continued support of this important project.

Sincerely,

William T. Hogarth, Ph.D.

Enclosure





cc: J. Boreman – F/ST  
D. Detlor – F/ST  
S. Brown – F/ST  
L. Desfosse – F/ST  
B. Karp – F/AKC

# NOAA'S NATIONAL MARINE FISHERIES SERVICE



## NATIONAL BYCATCH REPORT

### Overview

NOAA's National Marine Fisheries Service (NOAA Fisheries Service) has begun work on a National Bycatch Report. This report will provide a comprehensive summary of regional and national estimates of: (1) at-sea discards of fish and (2) bycatch of protected species (e.g. marine mammals, sea turtles, seabirds, and other endangered or threatened living marine resources) in select commercial fisheries. The report will also outline actions to enhance bycatch data collection and estimates, and to develop estimates for more of the nation's fisheries. This collaborative project is coordinated by the National Observer Program, with broad participation by staff experts located in headquarters offices as well as Regional Offices and Science Centers.

### Why is this report important?

Reducing fisheries bycatch is a top priority for NOAA Fisheries Service, and is required under the Magnuson-Stevens Fishery Conservation and Management Act. Bycatch has become a central concern of resource managers, scientists, fishing industries, environmental organizations, and the public, both nationally and globally. Bycatch can result in death or injury to discarded fish, marine mammals, sea turtles, and seabirds, and may significantly impact individual populations and the marine ecosystems on which they depend. Monitoring and reducing fisheries bycatch promotes healthy marine ecosystems and the best use of the nation's living marine resources.

### Where will the data for the National Bycatch Report come from?

Federal at-sea observer programs and other data collection programs (e.g. logbook, dealer reports) that provide bycatch, landings and effort data are the primary sources of data used to estimate bycatch in commercial fisheries. Currently, observer data are available for 42 commercial fisheries. Industry reports provide supplementary catch and bycatch information for many additional U.S. fisheries.

### How will the final report be used?

As part of NOAA Fisheries Service's National Bycatch Strategy, the National Bycatch Report will serve as a strategic document to guide future data collection and monitoring and will provide valuable input for setting management goals. The enhanced bycatch estimates will be used for stock assessments, in-season fisheries management, and developing bycatch reduction measures for both protected species and fish.

### When will the National Bycatch Report be released?

The first edition of the report is projected to be released in 2008.



*Office of Science and Technology  
1315 East West Highway  
Silver Spring, Maryland 20910*

National Observer Program: [www.st.nmfs.gov/st4/nop/index.html](http://www.st.nmfs.gov/st4/nop/index.html)

# NOAA FISHERIES SERVICE

## Using bycatch estimates to manage, conserve, and protect living marine resources

### Sustaining Fisheries

NOAA Fisheries Service utilizes estimates of total removals (estimates of at-sea discards and bycatch in addition to landed catch) for assessing the health of managed fish stocks. The results of these "stock assessments" are used to identify management and harvest strategies for maintaining healthy stocks, allowing overfished stocks to rebuild, and providing the greatest overall benefit to the Nation from its fisheries.

*For example, bycatch estimates are used to:*

- ✓ Implement time/area closures in the Northwest groundfish fishery, protecting overfished rockfish species while allowing fishing activities to continue outside of closed areas.
- ✓ Evaluate the effectiveness of a fish excluder device in reducing bycatch of halibut in the Pacific cod trawl fishery.
- ✓ Reduce overfishing of red snapper in the Gulf of Mexico through bycatch reduction measures, such as establishing target levels for shrimp trawl red snapper bycatch mortality.
- ✓ Implement quotas required under the Northeast Multispecies Fishery Management Plan (FMP) to protect rebuilding groundfish stocks.
- ✓ Conduct studies of finfish bycatch in the California/Oregon Drift Gillnet Fishery.

In the future, bycatch estimates will be used to develop Annual Catch Limits (ACLs) for managed fisheries, as required under the reauthorized Magnuson-Stevens Act (MSRA).

### Protecting Marine Resources

NOAA Fisheries Service utilizes bycatch estimates of protected species (marine mammals, sea turtles, seabirds, and other endangered or threatened living marine resources) to quantify the impacts of fishing activities and to identify bycatch reduction measures to ensure the recovery and conservation of these species.

*For example, bycatch estimates are used to:*

- ✓ Develop and incorporate release protocols for sea turtle and smalltooth sawfish into the Gulf of Mexico Reef Fish FMP.
- ✓ Minimize bycatch of sea turtles in the Hawaii longline fisheries.
- ✓ Establish recovery plan goals for endangered and threatened species under the Endangered Species Act (ESA).
- ✓ Develop marine mammal stock assessments, as required under the Marine Mammal Protection Act (MMPA).
- ✓ Protect threatened fish stocks through in-season decisions to close or spatially reallocate some Alaska groundfish fisheries.
- ✓ Monitoring the effectiveness of gear requirements and seabird avoidance strategies, including gear mitigation research recommended under the MRSA.



**Climate and Fisheries:  
A Look at Current Climate Trends and What's in Store for Alaska's Fisheries  
October 2-3, 2007, Anchorage, Alaska**

Our changing climate threatens to alter the most fundamental characteristics of our oceans. Climate change means more than simply increasing temperatures. In the North Pacific and Arctic, climate change means diminished ice cover, altered wind and ocean currents, modified nutrient distribution, dramatic transformations in lower trophic levels with cascading effects into higher trophic levels, and even changes in the essential chemistry of the ocean. Observable climate change related effects include northward migrating fish stocks, documented thinning and retreat of Arctic sea ice, and a measurable increase in the acidity of the North Pacific. In any event, whatever future climate change holds for the North Pacific and Arctic Oceans, it will depend on the intensity and extent of prospective physical changes in ocean temperatures, wind patterns, ocean currents, ice coverage, and ocean chemistry.

The World Wildlife Fund (WWF) has invited Dr. James E. Overland, an expert in physical oceanography and climate change, and Dr. Richard A. Feely, an expert in ocean chemistry and climate change, to address fisheries managers in Alaska on the potential effects of climate change on fisheries in the North Pacific and the Arctic Oceans. WWF wished to offer an educational program that would maximize the opportunity of different stakeholders to engage in a meaningful dialogue with the experts. Thus, WWF has arranged independent presentations before Federal, State, Alaska Native, and NGO stakeholders in an effort to encourage open discussion on issues and concerns that may be unique to each stakeholder group.

**Agenda**

**October 2, 2007**

<b>Time</b>	<b>Location</b>	<b>Event</b>
1300 – 1500	BP Energy Center	NGO Presentations with Question and Answer
1700 – 2000	Dillingham/Katmai Room, Hilton Anchorage	Council Presentations with Question & Answer

**October 3, 2007**

<b>Time</b>	<b>Location</b>	<b>Event</b>
0900 – 1200	Alaska Department of Fish & Game Offices, Raspberry Road Anchorage	State of Alaska Presentations with Question & Answer
1400 – 1600	BP Energy Center	Alaska Native Presentations with Question & Answer

**Subject:** NOAA Fisheries Habitat Program  
**From:** Jon Kurland <Jon.Kurland@noaa.gov>  
**Date:** Wed, 19 Sep 2007 11:24:50 -0800  
**To:** undisclosed-recipients: ;

NOAA Fisheries is developing a new national strategic plan for its habitat conservation program, and we need your input!

NOAA Fisheries last prepared a national habitat strategy in 1996, and much has changed in the last decade. We're seeking ways to refine our work with other partners to protect and restore the habitats that support sustainable fisheries and marine mammals. An important part of this effort is to hear from you. I'll be hosting three listening sessions focused on the habitat issues in NOAA Fisheries' Alaska Region, and my counterparts in other NOAA Fisheries regional offices will be holding similar meetings. Getting feedback in Alaska will help us address the unique issues we face together here, and will also feed into the broader national plan the agency is developing.

Please join us for any of the following listening sessions, and feel free to invite others who you think may be interested:

- Wednesday October 3, 5:30-7:30pm, in the Aleutian Room at the Anchorage Hilton (in conjunction with the North Pacific Fishery Management Council meeting)
- Thursday October 25, 12:30-3:30pm, in the Executive Dining Room of the New Federal Building (adjacent to the cafeteria on the first floor), 222 West 7th Avenue, Anchorage
- Tuesday October 30, 1:30-4:30pm, in room 445 of the Federal Building, 709 West 9th Street, Juneau

At these listening sessions our staff will explain how NOAA's habitat program has evolved over the past decade; highlight some potential challenges and opportunities for the future; and seek feedback on what stakeholders think are the important habitat issues for NOAA Fisheries to focus on over the next few years, especially here in Alaska.

Attached is a handout we'll have at these meetings to provide more information on the NOAA Fisheries habitat program in Alaska and our preliminary thoughts on developing a new strategic plan. For more information on our program please visit our website at [www.fakr.noaa.gov/habitat](http://www.fakr.noaa.gov/habitat) or feel free to contact me at 907-586-7638 or [jon.kurland@noaa.gov](mailto:jon.kurland@noaa.gov). If you can't attend one of the meetings, please e-mail your feedback to [marla.trollan@noaa.gov](mailto:marla.trollan@noaa.gov). Thanks, and we look forward to hearing from you!

Jon Kurland  
Assistant Regional Administrator for Habitat Conservation  
NOAA Fisheries, Alaska Region

Habitat\_Brochure\_9-17-07.pdf

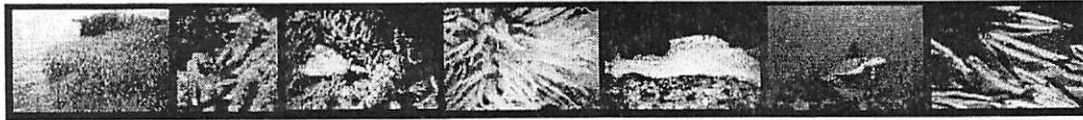
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# Drafting a Strategy for NOAA Fisheries' Habitat Program

We Seek Your Input As We Chart a Course Forward



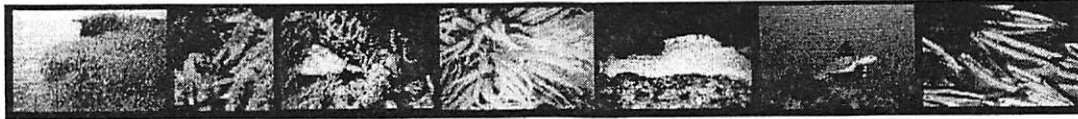


## Purpose and Need for NOAA Fisheries' Habitat Strategy

NOAA Fisheries' Habitat Program last prepared a national strategy in 1996. Over the past ten years, the Program has accomplished much in the protection and restoration of marine habitats, but much still needs to be done. We face many new mandates, initiatives, and challenges not envisioned a decade ago. The purpose of this document is to reflect upon the Program's achievements, candidly assess progress measured against the 1996 plan, and seek input from our stakeholders as we chart a course for the future. We invite you to provide your perspectives and advice on how the Habitat Program can best meet today's challenges for the habitats that are so essential to our nation's marine life.

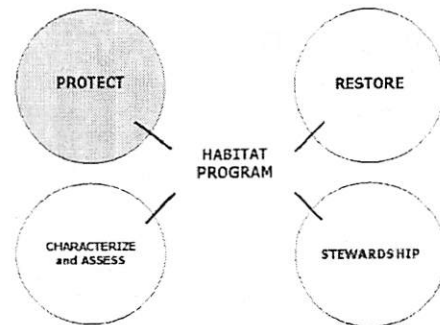
### From the Past to Today

For its first 25 years, until the mid 1990's, the Habitat Program emphasized habitat protection. In 1996, NOAA developed a National Habitat Plan that identified a vision for the importance of marine and coastal habitats, strengthening habitat protection programs, and creating a national habitat restoration program. Stakeholder discussions during development of the 1996 National Habitat Plan confirmed agency decisions to expand our services. For example, the Habitat Program became engaged in natural resource damage assessments of Superfund sites and oil spills. NOAA established the Habitat Restoration Center to improve our capability to restore damaged habitats and to implement a community-based restoration program with local communities and national partners. Also, amendments to the Magnuson-Stevens Fishery Conservation and Management Act in 1996 gave new authority to NOAA to identify and conserve essential fish habitats that support managed fish species. Good progress has been made toward implementing the 1996 National Habitat Plan. While the basic tenets of the plan are still valid today, it's time to reassess how the Habitat Program can best support sustainable management of our nation's valuable marine resources.



## NOAA's Charter for Habitat Conservation

NOAA is a trustee for coastal and marine resources. These include: commercial and recreational fishery resources; marine mammals; endangered and threatened marine species and their habitats; cold water corals; marshes, seagrass beds, and other coastal habitats; and resources associated with National Marine Sanctuaries and National Estuarine Research Reserves. NOAA accomplishes its habitat conservation work in four core areas: **PROTECT, RESTORE, CHARACTERIZE and ASSESS, and STEWARDSHIP.**



**PROTECT** – Concerns for habitats of commercially and recreationally important species led NOAA to focus early work on habitats of harvested species. These values and concerns formed the basis for new mandates for NOAA to provide conservation recommendations on any action that would affect the “essential fish habitat” of harvested species. During the 1990’s and continuing today, NOAA’s habitat work assumed a greater sense of urgency as salmon and other species were listed under the Endangered Species Act. With ecosystem-based management and major environmental challenges on the horizon, the Habitat Program continues to place a high priority on reviewing proposed actions that could harm habitats and recommending ways to avoid or reduce adverse effects. The Habitat Program has also expanded its work with Fishery Management Councils to protect vulnerable habitats from potential adverse effects from commercial fishing.

**RESTORE** – Through funding, project review, and technical assistance, NOAA restores degraded coastal marine habitats, advances the science of coastal habitat restoration, and fosters habitat stewardship. NOAA assesses and claims damages for injuries to resources in marine and coastal settings as a result of discharges of oil or hazardous substances or other human-induced environmental disturbances. NOAA also develops and implements large- and small-scale restoration of wetlands and coastal habitats. The NOAA Community-based Restoration Program involves communities in the restoration of local marine and estuarine habitat, promoting coastal stewardship and a conservation ethic.

**CHARACTERIZE and ASSESS** – Recent reports from the U.S. Ocean Commission and the Joint Subcommittee on Ocean Science and Technology emphasized the need for implementing an “ecosystem approach to management” to coastal and marine environments. The Characterize and Assess theme focuses on understanding socioeconomic and ecosystem interactions so that management actions can be implemented in a balanced manner to benefit the environment and society. In Alaska, NOAA has funded extensive mapping and assessment of coastal habitats in the last few years, and our Alaska Fisheries Science Center continues to undertake research to improve understanding of the relationships between marine species and their habitats.

**STEWARDSHIP** – Economic growth and development and an increasing population in the coastal zone can be at odds with sustainable coastal habitats and fisheries. The historical habitat conservation model of providing technical assistance in response to proposed actions by others has proven too reactive, too piecemeal, and not strategic. During the past decade, NOAA has invested more in education and outreach about the importance of conserving habitats. Stewardship includes habitat protection, which promotes early involvement of all interested and affected parties. In Alaska, our Habitat Program stewardship activities in recent years have included developing innovative approaches to mitigate for unavoidable losses of coastal habitat, and supporting efforts to monitor for invasive marine species that could compete with indigenous species and modify habitats.





NOAA Fisheries' Habitat Program works with other federal, state, and local governmental agencies, tribes, and non-governmental organizations on a wide range of projects. Following are brief descriptions of keystone activities and examples of the environmental benefits of our work.

## Keystone Activities

- Consultations with other federal agencies (U.S. Forest Service, Bureau of Land Management, Minerals Management Service, U.S. Army Corps of Engineers, Federal Highway Administration, U.S. Coast Guard, Environmental Protection Agency, etc.)
- Assisting non-federal entities as they work to conserve important habitats.
- Reviewing proposals for hydroelectric power and ensuring habitat conditions remain beneficial for fish.
- Large scale ecosystem-based approaches to management

## Environmental Benefits

- ✓ Through the consultation process, NOAA provides conservation recommendations to avoid, minimize, or offset potential adverse effects to essential fish habitat or endangered species resulting from any action undertaken, authorized, or funded by federal agencies. NOAA consults on actions such as energy development, dredging and disposal, harbor maintenance, transportation projects, mining, forestry, and coastal development in waterways or wetlands.
- ✓ Working with local partners, habitat conservation efforts address issues such as urban development, storm water management, and habitat restoration. In the lower 48 states, many freshwater, estuarine, and marine habitats upon which fish depend have been severely altered or destroyed by more than a century of land uses that did not account for the habitat needs of these fish. In Alaska, we have the opportunity to learn from this experience and ensure resource development doesn't have unintended consequences.
- ✓ Renewable energy from hydroelectric dams or new technologies for tidal power can have substantial benefits. NOAA supports efforts to streamline the environmental review process for energy projects while minimizing potential consequences for fish, marine mammals, and their habitats.
- ✓ Regional partnerships can be an effective way to implement ecosystem-based approaches to resource management. The Alaska Marine Ecosystem Forum is one such example, whereby state and federal agencies share information regarding activities under their jurisdiction that affect the marine ecosystem.



## Keystone Activities

- Restoring habitats for NOAA trust resources through partnerships with local communities
  
- Protecting Essential Fish Habitat through large-scale agreements and regulations
  
- Education and environmental stewardship for students, educators, and community leaders

## Environmental Benefits

- ✓ Celebrating its 10-year anniversary, the Community-based Restoration Program nationally has implemented more than 1,300 coastal restoration projects restoring over 30,000 acres and 900 river miles with the contribution of more than 740,000 hours of community participation. In Alaska in 2007, NOAA funding and technical assistance combined with contributions from other partners restored 129 acres and reopened 34 stream miles.
  
- ✓ NOAA and the North Pacific Fishery Management Council have made important strides in designating and protecting essential fish habitat. Working together and with partners in the fishing industry and conservation groups, NOAA Fisheries and the Council established historic protections for sea floor habitats in the Aleutian Islands and the Gulf of Alaska, including vulnerable coral gardens first discovered by NOAA scientists in 2002. The Council recently adopted habitat conservation measures for the Bering Sea that, when approved and implemented by NOAA, will protect undisturbed habitats and limit bottom trawling to areas that have been fished historically.
  
- ✓ NOAA conducts a variety of informal education and outreach initiatives in Alaska. NOAA scientists visit schools to share their expertise about marine habitats, fishery management, and marine mammals. We also participate in outreach events such as Pacific Marine Expo, ComFish, Alaska Oceans Festival, Earth Day events, and the Alaska State Fair.



## Looking to the Future

The NOAA Fisheries' Habitat Program strategy for the future is to adapt to new mandates, initiatives and challenges, and to conduct our work more proactively in an ecosystem-based context. We will emphasize activities that aspire to:

- Improve understanding of habitat functions and how habitats change over time.
- Establish and prioritize habitat protection and restoration goals.
- Move from reactive to proactive habitat protection and restoration.
- Expand efforts to protect and restore vital habitat components.
- Develop enhanced scientific and technical understanding of habitats.
- Communicate and collaborate with constituents throughout each activity.

To strengthen NOAA's **Habitat Protection** Program, we will expand beyond our traditional comment role on individual habitat alteration projects to promoting comprehensive ecosystem planning and management. We propose to develop Cooperative Habitat Protection Partnerships to emphasize non-regulatory approaches that: establish and nurture local efforts to protect coastal and marine habitat; enable communities to identify issues, develop strategies, and implement solutions to protect habitat; promote awareness and stewardship of fish habitat; and provide technical assistance and small grants.

To strengthen NOAA's **Habitat Restoration** Program, we propose to conduct ecosystem-scale restoration planning and implementation. While project level restoration is popular with constituents and convenient to fund using annual budgets, ecosystem-scale restoration planning will be more comprehensive, thorough, and effective in response to the large-scale impact of societal pressure on coastal ecosystems.

NOAA will focus strongly on **Characterization and Assessment** activities which have been identified as high priorities in national reports. NOAA, working with the Alaska Department of Fish & Game, North Pacific Research Board, and other interested parties, will inventory, characterize, and assess vital marine habitats and associate those habitats with use by living marine species. Vital habitats will be prioritized for protection or restoration. NOAA will work with federal and non-federal partners to leverage dollars toward conservation of these important habitats. NOAA will also work with the Alaska Ocean Observing System to integrate environmental and socioeconomic models.

NOAA will strengthen its **Stewardship** activities by providing educational resources. NOAA will provide technical assistance to local officials who need help in understanding how their decisions can achieve societal demands while protecting important marine habitats.

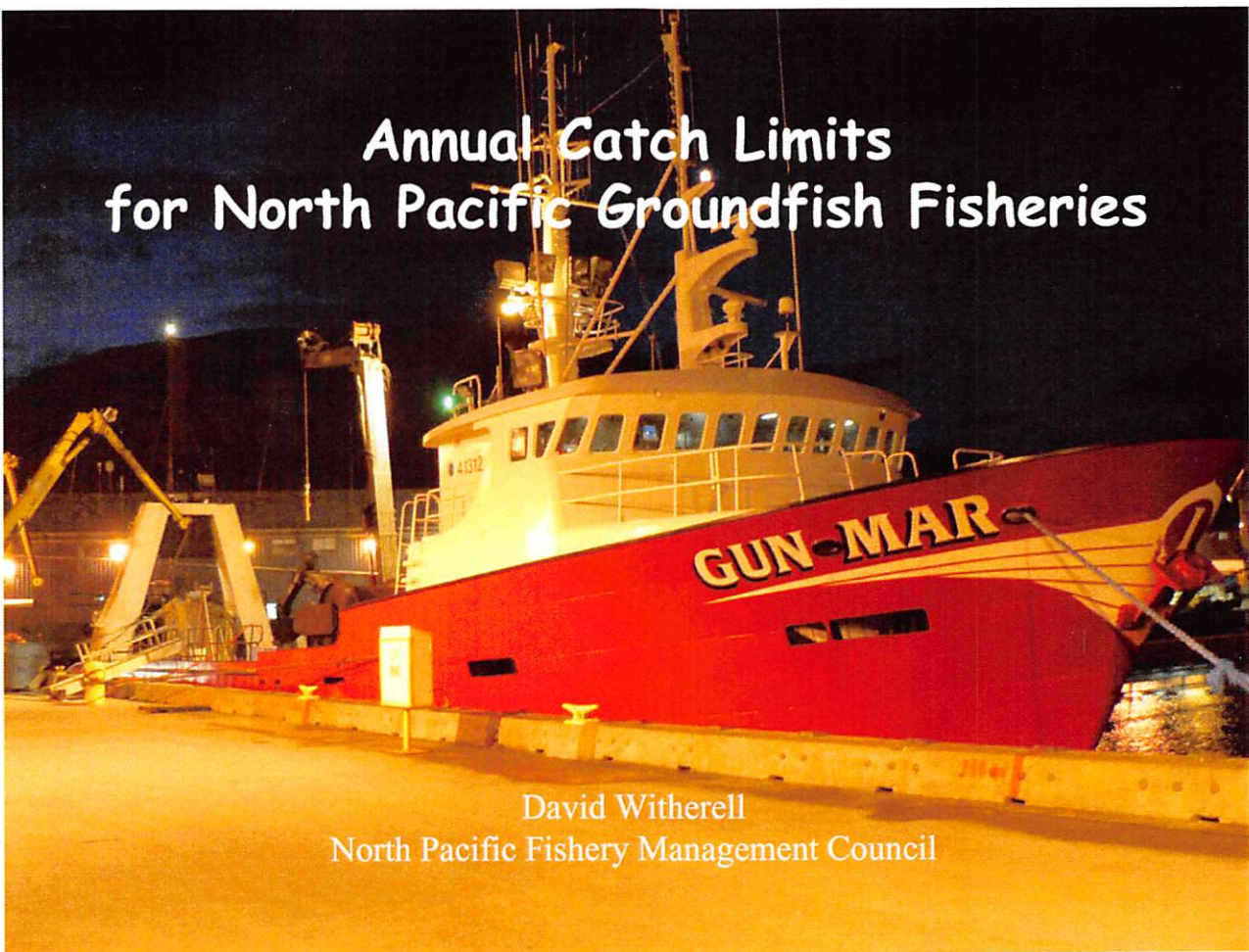


## We Request Your Help

The NOAA Fisheries Habitat Program is developing a new strategy to prepare for the future. We are seeking stakeholder input to guide habitat protection and restoration activities, and to build trust and working relationships with all interested parties. For our work in Alaska, we ask for your perspective on the following:

- What do you view as the biggest threats to Alaska's coastal and marine habitats?
- What barriers exist to addressing those threats?
- How do you interact with NOAA's Habitat Program (e.g., regulatory review and comment on projects, general coordination on coastal issues, receive grant funds, etc.)? How well has NOAA's Habitat Program met your needs through those interactions?
- Are there activities you would like NOAA's Habitat Program to emphasize more (or less)?  
Regulatory review? Technical support? Project funding? Other?
- How can you help NOAA be more effective in addressing priority threats to habitat?
- What opportunities do you see to leverage local, state, federal and private efforts to protect and restore coastal ecosystems?
- What do you see as the best strategy to secure necessary funds to address high priority threats to habitat?

# Annual Catch Limits for North Pacific Groundfish Fisheries



David Witherell  
North Pacific Fishery Management Council

## Three catch limits are specified

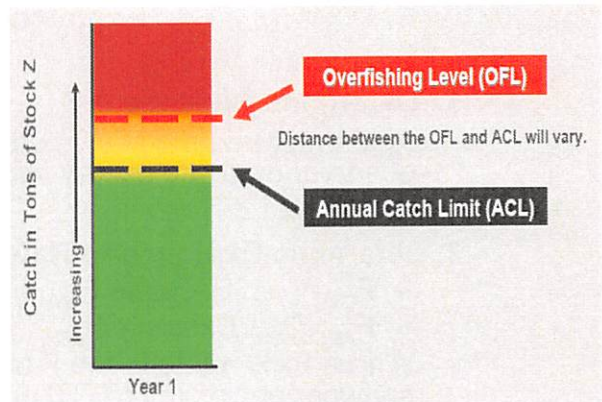
Annual Catch Limits are specified where:

$$\text{TAC} \leq \text{ABC} < \text{OFL} \quad [\text{Note the buffer between OFL and ABC}]$$

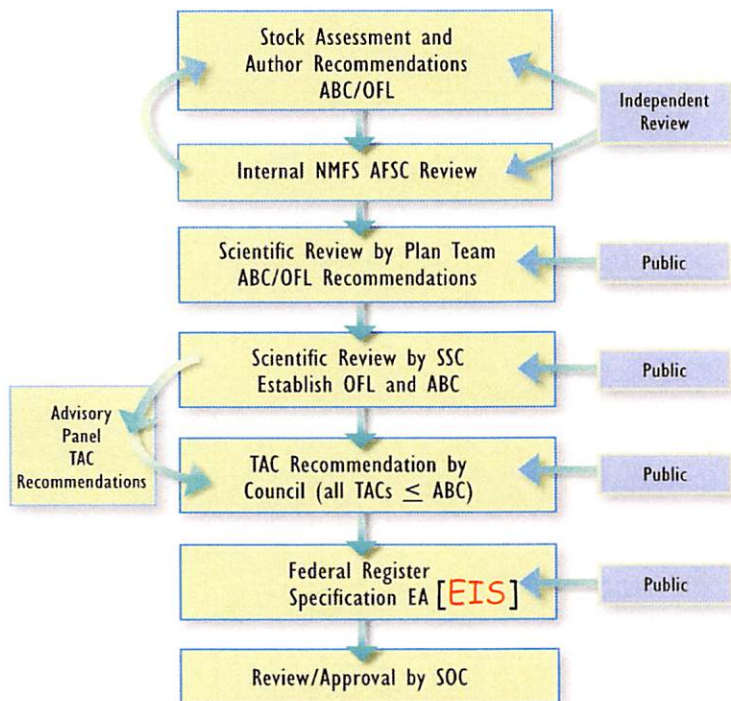
- **OFL** (overfishing level) is harvest limit associated with **MSY**.
- **ABC** (acceptable biological catch) is the harvest limit that produces higher spawning per recruit.
- **TAC** (total allowable catch) is the target that includes socioeconomic considerations.

TAC may be set lower than ABC:

- \* to remain under 2 mmt OY limit in Bering Sea;
- \* to limit incidental catch of halibut;
- \* to increase rebuilding rate or address other conservation issues; or,
- \* to account for state water removals.



## The Process for Specifying Catch Limits



### Annual Stock Assessment and Fishery Evaluation (SAFE) Report [4 parts]

1. **BSAI Groundfish**: >1,200 pages; 20 assessments.
2. **GOA Groundfish**: 600-1,200 pages; 21 assessments [some biennial].
3. **Ecosystem Considerations** >350 pages; indicators.
4. **Economic Status** >250 pages; summarized data.

Note: ACLs are actually specified for 2 years, but superseded by publication of new ACLs the following year.

## OFL and ABC based on biomass

For most stocks:

**ABC or OFL = Exploitation Rate (F) applied to Exploitable Biomass (B)**

### 1. Determine Biomass:

Age structured models incorporating survey data, catch and observer data, life history information, etc.

### 2. Determine Exploitation Rates:

--  $F_{OFL}$  ..... Example  $F_{35\%}$

--  $F_{ABC}$  ..... Example  $F_{40\%}$

Where  $F_x\%$  refers to the F associated with an equilibrium spawner per recruit (SPR) in the absence of fishing.

Exception: For stocks without reliable biomass estimates (e.g. squid, octopus), OFL and ABC based on historical catches.

# The OFL and *maxABC* are set based on data available

Tiers 1 & 2 based on  $B_{MSY}$  and  $F_{MSY}$  [not listed here]

**Tier 3 - Information available:** Reliable point estimates of  $B$ ,  $B_{40\%}$ ,  $F_{35\%}$ , and  $F_{40\%}$ .

- 3a) Stock status:  $B/B_{40\%} > 1$   
 $F_{OFL} = F_{35\%}$   
 $F_{ABC} \leq F_{40\%}$
- 3b) Stock status:  $a < B/B_{40\%} \leq 1$   
 $F_{OFL} = F_{35\%} \times (B/B_{40\%} - a)/(1 - a)$   
 $F_{ABC} \leq F_{40\%} \times (B/B_{40\%} - a)/(1 - a)$
- 3c) Stock status:  $B/B_{40\%} \leq a$   
 $F_{OFL} = 0$   
 $F_{ABC} = 0$

**Tier 4 - Information available:** Reliable point estimates of  $B$ ,  $F_{35\%}$ , and  $F_{40\%}$ .

$$F_{OFL} = F_{35\%}$$

$$F_{ABC} \leq F_{40\%}$$

**Tier 5 - Information available:** Reliable point estimates of  $B$  and natural mortality rate  $M$ .

$$F_{OFL} = M$$

$$F_{ABC} \leq 0.75 \times M$$

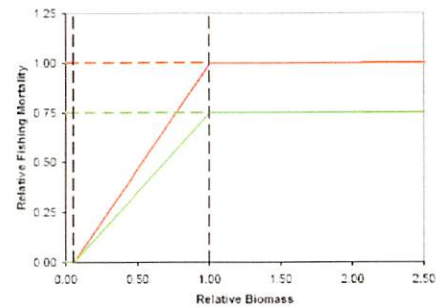
**Tier 6 - Information available:** Reliable catch history from 1978 through 1995.

OFL = the average catch from 1978-1995, unless an alternative value is established by the SSC based on best available scientific information  
 $ABC \leq 0.75 \times OFL$

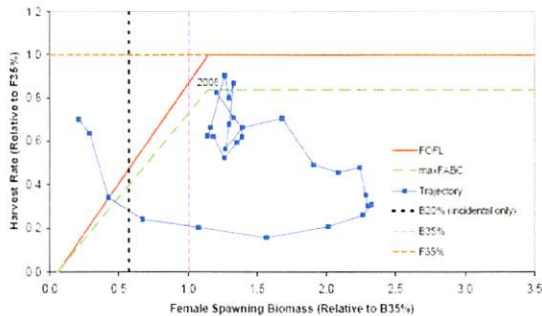
**Note:**  $a$  = default value of 0.05. Also, the directed fishing for pollock, Pacific cod, or Atka mackerel will be prohibited if spawning stock  $\leq 20\%$  of unfished level.

Provides for automatic rebuilding (Tiers 1-3) as  $F_{ABC}$  and  $F_{OFL}$  rates depend on biomass relative to  $B_{MSY}$  or  $B_{40}$  for most stocks. In other words, **the lower the biomass, the lower the  $F_{ABC}$  and  $F_{OFL}$  rates** applied to generate the ABC and OFL.

## Tier 3 control rule



## Example 1: BSAI Pacific Cod



Pacific Cod TAC is allocated as follows:

- 7.5% (now 10.7%) for CDQ, and 15% for reserve (now 0%).
- Then, remaining **ITAC** allocated among sectors:
 

<60' Hook-and-line/Pot CV	2.0 %
AFA Trawl CP	2.3 %
Non-AFA Trawl CP	13.4 %
Trawl CV	22.1 %
Jig CV	1.4 %
Hook-and-line CP	48.7 %
Hook-and-line CV $\geq 60'$	0.2 %
Pot CP	1.5 %
Pot CV $\geq 60'$	8.4 %
- Then, each sector allocation is seasonally apportioned (2-3 seasons).

Stock is in Tier 3, because we have reliable point estimates of  $B$ ,  $B_{40\%}$ , and  $F_{40\%}$ . Further it falls into the 3b category because 2007 spawning biomass is slightly less than  $B_{40\%}$ . So:

$$F_{OFL} = F_{35\%} \times (B/B_{40\%} - 0.05)/(0.95) = 0.39$$

$$F_{ABC} \leq F_{40\%} \times (B/B_{40\%} - 0.05)/(0.95) = 0.33$$

These rates applied to 2007 3+ exploitable biomass (960,000mt):

$$OFL = 207,000 \text{ mt}$$

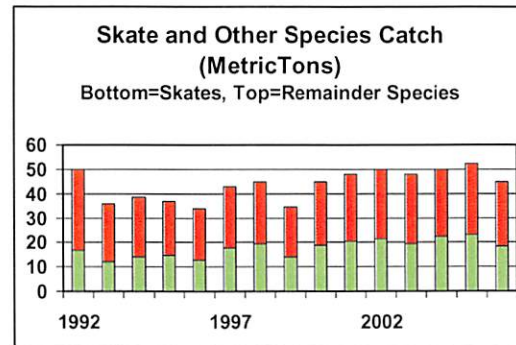
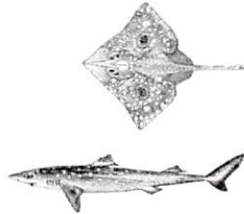
$$ABC = 176,000 \text{ mt}$$

Council set **TAC** = 170,720 mt (= ABC-3% for State managed fishery in 0-3 m)

## Example 2: BSAI "Other Species"

"Other Species" complex consists of different groups of species managed as one unit (at least for now):

Sculpins (20 species)  
 Skates (11 species)  
 Sharks (3 species)  
 Octopus (6 species)



	OFL	maxABC
Sculpins [Tier 5]	41,200	30,900
Skates [Tier 5]	49,200	36,900
Sharks [Tier 6]	617	463
Octopus [Tier 6]	323	242
<b>TOTAL</b>	<b>91,340</b>	<b>68,505</b>

Council set TAC = 37,355 mt

No directed fishing allowed.

## Measures to ensure accountability: Catch Specifications

All catch, including discards, accrue towards the TAC.

Set-aside reserves of TAC (released during season).

Optimum yield range limits (sum of all TACs  $\leq$  upper end of OY range).

TAC and ABC levels trigger inseason management actions so that OFL isn't reached.

Seasonal allowances help address overages, with rollover provisions for underages.

'Sideboards' and/or incidental catch allowances for LAPP fisheries.

Maximum retainable bycatch amounts to limit catch and effort in non-target fisheries.



## Measures to ensure accountability: Monitoring and Inseason Management

Comprehensive observer program (\$17.5 million; 36,000 observer days/year; 500 observers).

Flow scales are required on most catcher/processor vessels.

Many LAPP fisheries (Bering Sea groundfish and crab community development quota [CDQ], Halibut and Sablefish IFQs, BSAI pollock, BSAI crab, Central Gulf rockfish, BSAI flatfish and mackerel fisheries), which have stringent monitoring & reporting requirements, and/or legal contracts among cooperative members.

Real-time reporting and inseason data analysis.

VMS and check in/check out requirements for much of the fleet to track effort.

Active inseason management of fisheries [open; bycatch; prohibited].

## Inseason Management of non-LAPP fisheries

### 1. Catch accounting system to determine total catch.

Data from fish tickets (catch reports) of vessels making deliveries; onboard observer data; daily or weekly electronic reporting of processing; logbooks.

### 2. Inseason management to control catch by stopping fishing.

- NMFS Inseason managers monitor catch, and **shut down directed fishery** prior to reaching the TAC or ABC, allowing for incidental catch needs in other fisheries [and the species can be retained up to an maximum retainable amount].
- Should TAC be exceeded and ABC approached, the species becomes a **prohibited species**, and all fish of that species must be discarded.
- Should ABC be exceeded and catches creep towards OFL, any fishery capable of catching that species can be **totally shut down** in that area to prevent OFL from being reached.


# NMFS Inseason Management: Keeping track & telling the fleet when to stop fishing!

NOAA FISHERIES  
NATIONAL MARINE FISHERIES SERVICE

ALASKA REGIONAL OFFICE

Home | Sustainable Fisheries Division - Alaska Groundfish and Shellfish Fisheries Management

## Groundfish Fisheries News, Outlook, Reports and Catch Statistics



Pollock trawl near Kodiak, Alaska  
Photo: Mindy Jones, NMFS

Information Bulletins: [Groundfish Fisheries News](#)

Catch Statistics: [Total Catch, Quotas, Closure Summary, Gear and Discard Reports, Products and Product Codes](#)

Effort Report: [Distribution of At-Sea Processors](#)

Fisheries Outlook: [BSAI and GOA](#)

IFO CDO Reports: [Harvest and Landing Reports](#)

Status of 2007 Fisheries: [Areas Open and Bycatch](#)

Groundfish Harvest Specification Tables  
- [AK: Groundfish Harvest Specifications EIS](#)

Fisheries Regulations: [CFR 680, 679, 600, 356, & 300](#)

Several of the following are PDF files which require free [Adobe Acrobat Reader software](#) to view, navigate and print. Adobe also offers free tools for the visually disabled.

### MANAGEMENT PROGRAMS

- ▶ [Amendment 80 Program](#)
- ▶ [American Fisheries Act Information](#)
- ▶ [Buyback Programs \(BSAI crab and longline non-pollock groundfish\)](#)

### FISHERY REGULATIONS

- ▶ [680, 679, 600, 356, & 300 CFR Regulations](#)
- ▶ [Final Rules, Proposed Rules, Notices and Proposed Amendments \(Public comments requested\)](#)

## Summary

Catch limits and inseason monitoring/management effectively prevent overfishing in North Pacific groundfish fisheries.

Setting OFL and ABC is relatively easy when biomass can be estimated. Problematic if biomass is unknown.

Catch limits can create new management issues dealing with:

- Increased data needs:
  - surveys, catch reporting, stock assessments.
- Increased monitoring/management needs:
  - at-sea monitoring, inseason catch monitoring, inseason management program.
- \* And, of course, a race for fish (and incentives to increase capacity) and ugly allocation battles!



September 26<sup>th</sup>, 2007

Chris Oliver  
Executive Director  
North Pacific Fishery Management Council  
605 W 4<sup>th</sup> Ave Suite 306  
Anchorage, Alaska 99501

Re: Aleut Enterprise AI Pollock Report

Dear Chris,

The Consolidated Appropriations Act of 2004 that requires the AI directed pollock fishery to be allocated to the Aleut Corporation for the purpose of economic development in Adak, Alaska.

Aleut Enterprise LLC would like to take this opportunity to provide a report to the North Pacific Management Council on the use of the directed pollock fishing allocation in the Aleutian Islands for 2007.

The NPFMC set the AI pollock directed fishing allocation for 2007 at 15,500 metric tons. The regulations promulgated, as Steller Sea Lion Mitigation measures require that all directed pollock fishing in the AI occur outside Critical Habitat. However, the NPFMC recommended, and after consultation with Protected Resources, NMFS approved a Exempted Fishing Permit making up to 3,000 tons of pollock and other incidentally caught groundfish available inside Critical Habitat to support a hydro acoustic survey of the pollock resource in the proximity of Adak.

Aleut Enterprise LLC used its pollock allocation in 2007 for the EFP and for directed fishing for vessels willing to explore outside SSL-CH.

#### EFP

We made available up to 3,000 metric tons in support of the EFP. The data from the survey is still being analyzed and the lead NMFS scientist, Steve Barbeaux, will present the results to the NPFMC in December. 1,170 metric tons of pollock was used as compensation fish. It was delivered to Adak Fisheries in Adak by three vessels, the FV Bristol Enterprise, the FV Muir Milach and the FV Northwest Enterprise. A small amount of additional pollock was harvested and discarded at sea in the course of verification tows made during the survey by the FV Intrepid Explorer and the FV Muir Milach.

#### Directed Fishing

Consistent with the purpose of economic development of Adak, we made the balance of our allocation available on a priority basis for catcher vessels delivering pollock to Adak. One vessel, the FV Muir Milach did some exploratory fishing in January prior to the EFP outside SSL-CH. It harvested 129 metric tons of Pollock, which was delivered to Adak. This fishing occurred in a small area outside CH

northwest of Atka. Due to bycatch of POP in excess of the 5% MRA, it was impractical to continue fishing there and so no further harvest occurred by CV's.

Additionally, we made some of our allocation available to CPs on a second priority basis for exploratory fishing further from Adak outside CH. The FT Katie Ann was the only CP that chose to pursue this opportunity. The FT Katie Ann harvested 143 tons of pollock in an area to the northeast of Atka. They also encountered POP bycatch and suspended operations after a brief time.

We have attached this year's list of authorized participants for the harvest and processing of our allocation.

The total harvest of our allocation to date in 2007 is 1429 metric tons or less than 10% of our allocation, the majority of which was taken under the EFP.

Based on our experience this year, we believe it is impractical to harvest pollock outside SSL-CH under the current 5% POP MRA.

Unfortunately, this amount of harvest has contributed very little toward the goal of economic development of Adak.

We look forward to continue to working with the Council, NMFS, and the SSLMC to provide pollock fishing opportunity to portions of SSL-CH in the AI similar to what has been done for Bering Sea and Gulf of Alaska fishing communities. In the interim, we would ask the Council to consider revising the POP MRA in the AI pollock fishery to 20%.

Thank you for the opportunity to report on the progress of using our allocation for the economic development of Adak.

Sincerely,



Kristy Despars  
Director of Operations  
Aleut Enterprise LLC

**Preliminary Report on 2007 AI EFP Survey, a Synopsis**

NMFS is preparing an analysis of the 2007 AI EFP pollock survey to be presented to the Council in December. All of the information in this synopsis is preliminary.

The 1<sup>st</sup> leg of the survey began mid March with two vessels (the Muir Milach doing hydro-acoustic transects and the Intrepid Explorer doing verification hauls). The vessels spent just over a week. The area surveyed began at 173.00 degrees and ended at 179.00 degrees.

The Intrepid Explorer had to withdraw from the survey after the 1<sup>st</sup> leg of the survey. On the 2<sup>nd</sup> leg of the survey, beginning in mid-April, the Muir Milach did both hydro-acoustics and verification tows.

Between the two vessels, they devoted about 3 weeks of vessel time to the two legs of the survey.

The following table is summary of survey verification hauls.

<b>VESSEL</b>	<b>DATE</b>	<b>OTC - kilograms</b>	<b>TYPE</b>	<b>LAT</b>	<b>LONG</b>	<b>Start Time</b>	<b>Block</b>
<b>Leg 1</b>							
Intrepid Explorer	3/14/2007	510.2	verification	5207.6	17603.0	1630	D
Intrepid Explorer	3/15/2007	1.8	verification	5215.4	17507.1	1503	C
Intrepid Explorer	3/15/2007	768.9	verification	5214.5	17453.2	1854	B
Intrepid Explorer	3/15/2007	401.4	verification	5218.7	17444.4	2123	B
Intrepid Explorer	3/16/2007	854.8	verification	5226.8	17347.5	1339	A
Intrepid Explorer	3/16/2007	291.8	verification	5225.1	17343.1	1749	A
Intrepid Explorer	3/16/2007	332.1	verification	5217.6	17332.6	2127	A
Intrepid Explorer	3/17/2007	19.8	verification	5218.3	17449.7	915	B
Intrepid Explorer	3/17/2007	175.5	verification	5204.9	17615.3	2016	D
Intrepid Explorer	3/18/2007	350.9	verification	5158.1	17703.1	833	E
Intrepid Explorer	3/18/2007	213.6	verification	5151.5	17716.7	1224	E
Intrepid Explorer	3/19/2007	379.2	verification	5149.9	17724.2	124	E
Intrepid Explorer	3/19/2007	174.1	verification	5148.7	17732.3	929	E
Intrepid Explorer	3/19/2007	396.8	verification	5155.0	17736.7	2221	E
Intrepid Explorer	3/20/2007	11.1	verification	5154.9	17748.6	106	E
Intrepid Explorer	3/20/2007	44.9	verification	5139.2	17826.0	1407	F
Intrepid Explorer	3/20/2007	54.6	verification	5140.0	17832.3	1844	F
<b>Leg 2</b>							
Muir Milach	4/15/2007	336.85	verification	5153.1	17728.8	1212	E
Muir Milach	4/15/2007	358.06	verification	5151.4	17717.2	1844	E
Muir Milach	4/16/2007	1057.84	verification	5202.7	17619.8	1100	D
Muir Milach	4/17/2007	752.99	verification	5218.2	17446.4	345	B
Muir Milach	4/17/2007	1814.4	verification	5226.8	17347.6	2415	A

The cost of the survey was to be funded with “compensation” fishing by the survey vessels. However, with the loss of the Intrepid Explorer from the survey, it was necessary to recruit a third vessel for the compensation fishing. The maximum catch limit for the compensation fishing was 3000 tons of groundfish, with a maximum of 1000 tons to be harvested in any one degree block.

During the compensation fishing the Bristol Explorer had a generator failure which forced them to withdraw from the project. They were replaced by the Northwest Explorer.

The following table is a summary of the compensation hauls:

<b>VESSEL</b>	<b>DATE</b>	<b>OTC - tons</b>	<b>TYPE</b>	<b>LAT</b>	<b>LONG</b>	<b>Start Time</b>	<b>Block</b>
Bristol Explorer	3/16/2007	72.96	compensation	5219.0	17447.0	1	B
Bristol Explorer	3/16/2007	102.15	compensation	5216.0	17449.0	315	B
Bristol Explorer	3/18/2007	66.33	compensation	5213.0	17458.0	43	B
Bristol Explorer	3/18/2007	61.22	compensation	5219.0	17446.0	1658	B
Bristol Explorer	3/19/2007	112.24	compensation	5219.0	17445.0	12	B
Bristol Explorer	3/19/2007	107.14	compensation	5219.0	17446.0	432	B
Bristol Explorer	3/22/2007	102.58	compensation	5217.0	17448.0	1	B
Bristol Explorer	3/22/2007	97.92	compensation	5219.0	17445.0	303	B
Bristol Explorer	3/22/2007	116.57	compensation	5216.0	17451.0	700	B
Bristol Explorer	3/25/2007	9.44	compensation	5154.0	17733.0	131	E
Bristol Explorer	3/25/2007	0.94	compensation	5154.0	17734.0	543	E
Muir Milach	3/27/2007	28.53	compensation	5215.1	17451.8	600	B
Muir Milach	3/27/2007	33.28	compensation	5218.6	17456.3	800	B
Muir Milach	3/27/2007	47.55	compensation	5218.0	17446.8	1130	B
Northwest Explorer	4/5/2007	30.87	compensation	5159.0	17621.0	825	D
Northwest Explorer	4/6/2007	0.77	compensation	5216.0	17344.0	320	A
Northwest Explorer	4/6/2007	38.59	compensation	5217.0	17303.0	1055	A
Northwest Explorer	4/6/2007	84.89	compensation	5216.0	17311.0	1305	A
Northwest Explorer	4/6/2007	84.89	compensation	5216.0	17303.0	1555	A
Northwest Explorer	4/6/2007	69.46	compensation	5217.0	17318.0	1945	A

The following table presents a preliminary summary of species composition of all samples (including both survey verification hauls and targeted compensation fishing):

<b>Verification Hauls Sample Weights</b>	<b>kilograms</b>	<b>percent</b>
Total	15,163	100.00%
Pollock	10,549	69.57%
POP	4,301	28.37%
Other	312	2.06%

All the catch from the verification hauls (approximately 9.3 tons) was discarded. All of the catch from the compensation fishing was delivered to Adak.

The following table presents the fish ticket data for pollock delivered to Adak under the EFP:

<b>AI EFP SURVEY COMPENSATION CATCH BY DELIVERY</b>						
<b>Date</b>	<b>Vessel</b>	<b>Fish Ticket #</b>	<b>Lbs Pollock</b>	<b>Lbs POP</b>	<b>Total Lbs</b>	<b>% POP</b>
3/16/2007	Bristol Explorer	E07014811	349,226	36,799	386,025	10%
3/19/2007	Bristol Explorer	E07015063	729,371	35,471	764,842	5%
3/23/2007	Bristol Explorer	E07015476	656,152	42,867	699,019	6%
3/25/2007	Bristol Explorer	E07015671	22,899	0	22,899	0%
3/26/2007	Muir Milach	E07015782	105,239	3,361	108,600	3%
3/27/2007	Muir Milach	E07015992	203,408	37,695	241,103	16%
4/7/2007	N W Explorer	E07017001	512,335	167,792	680,127	25%

<b>Compensation Catch Summary</b>	
<b>total tons pollock</b>	1,170 tons
<b>total tons</b>	1,317 tons
<b>Incidental (POP, etc.)</b>	147 tons
<b>average POP bycatch rate</b>	11%

While the survey was completed successfully, the compensation fishery did not work out well for the participants. A variety of factors contributed to this outcome.

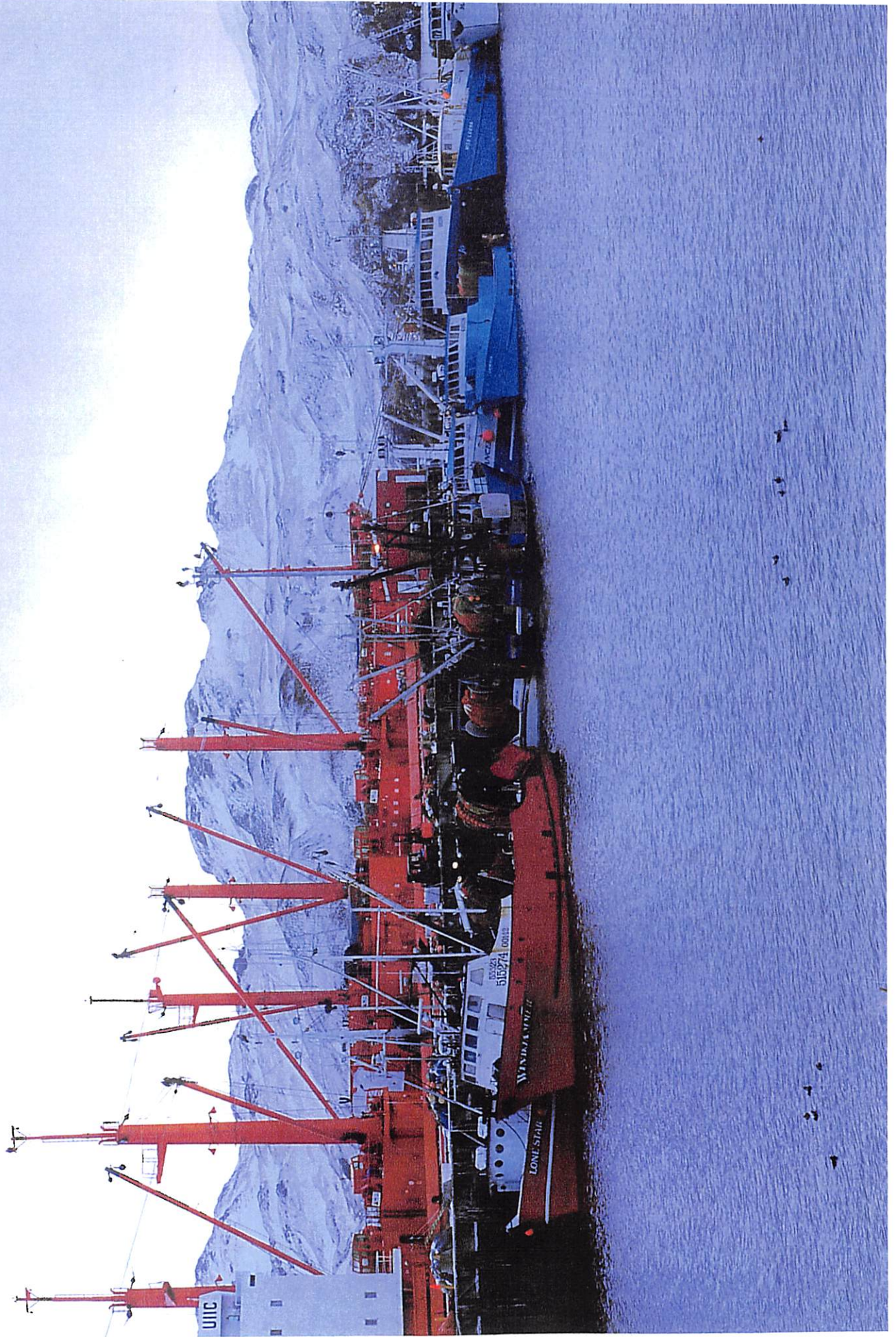
One of the major factors was a result of having to recruit additional vessels during the compensation fishery. The pre-season agreement was that the proceeds from the fishery were to be divided based on number of days a vessel participated in either the survey or the compensation fishery. Unfortunately this worked as a direct disincentive for the replacement vessel. The Northwest Explorer caught 20% of the compensation fish in during a single trip, almost all of which was caught during a little over 12 hours. However, given the other vessels had 40 days into the project, the Northwest Explorer received little benefit from continuing to fish and chose not to continue fishing.

NMFS's 9/17 letter to The Board of Fish states "EFP fishery participants were unable to find enough pollock to meet the 3000 mt limit." Though vessels did face a challenge avoiding POP, the pollock CPUE's encountered by the vessels in the compensation fishery were not the reason that the full 3000 tons were not harvested.

The problems of the economic disincentives built into the pooled compensation, were exacerbated by logistical problems working around the cod season and the loss of participating vessels. There were further problems related to dealing with POP bycatch in the processing plant and as well as problems with newly installed processing equipment designed to handle the larger average pollock that are encountered in the AI pollock fishery.









Ocean Storm

HERITAGE

ALASKAN LADY

GROWOOD AK







October 1, 2007

Mr. John Bundy - Vice Chairman  
 North Pacific Fishery Management Council  
 605 W. 4<sup>th</sup> Avenue  
 Anchorage, AK 99501-2252

**RE: Pacific cod fishery Proposed for Marine Stewardship Council Certification**

Dear Mr. Vice Chairman:

We are pleased to notify the Council that participants in the Pacific cod fisheries of the Bering Sea and Gulf of Alaska have decided to propose these major fisheries in Alaska for sustainability certification by the Marine Stewardship Council (MSC).

The client for MSC certification of the Pacific cod fisheries will be the Alaska Fisheries Development Foundation (AFDF). AFDF is an entity that has been working in support of the commercial fishing industry in Alaska for 30 years, since soon after passage of the MSFCMA. Other participants who have agreed to help with the funding and are interested in eventual certification include the United Catcher Boats, Alaska Druggers Association, Alaska Jig Association, Alaska Groundfish Databank and several major shoreside processing companies who depend on both the Gulf and BSAI cod resources. Though the entities who have already agreed to participate in this effort comprise a large part of the dedicated Pacific cod effort in Alaska, we will of course also be talking to other organizations/companies who participate in the cod fisheries to determine their interest level in participating in our efforts towards MSC certification. I will serve as the main liaison person between the cod industry and the MSC certifier (Moody Marine Ltd). Jan Jacobs, Julie Bonney and John Gauvin will also assist in this effort.

We know that the Council will want to be kept apprised of the progress in this effort and that NPFMC staff will likely be asked by the MSC certifier to provide information as they seek to learn about the fishery and its management. We would like to thank the Council in advance for its willingness to assist in this process. It is our hope that the energy that the North Pacific Fishery Management Council, NMFS Region and Center, and the Pacific cod industry have put into the development of this fishery will pay dividends in terms of demonstrating the sustainability and wise management in place for this world-class cod fishery.

Sincerely,

James B. Browning – Deputy Director, Alaska Fisheries Development Foundation