

Executive Director's Report

Interim Chairmen's meeting in D.C.

On January 9-10 Chairman Benton and I met in Washington D.C. with representatives from NOAA Fisheries (NMFS) and the other seven Regional Councils. This annual meeting is a prelude to the larger Chairmen/Executive Director's meeting, typically held in May, and we discussed a variety of issues including NMFS/Council budgets; MSA reauthorization; public outreach initiatives; development of NMFS long-term bycatch management strategy; the national capacity reduction plan; NEPA compliance; and other relevant national level issues. Recapping all of those discussions is not practical, but I will strive to keep you informed of any major developments related to those discussions. For example, we were informed that NMFS' response to the Oceana petition for national level bycatch management measures will be completed and released in the very near future. Regardless of the response to that specific petition, a national bycatch management strategy will be high on NMFS' priority list over the next several years. Regarding budget issues in particular, FY03 does not appear to hold a lot of promise for increases in either the NMFS or Council base budgets, though additional funds earmarked for NEPA compliance may become available to the Council in 03. A few other issues stemming from this meeting are summarized below.

Status of MSA reauthorization

It appears that reauthorization of the Magnuson-Stevens Act may gain momentum this spring, coincident with the expected release of both the U.S. Ocean Commission Report and the Pew Ocean Commission Report. In addition to the various bills circulating last fall, NOAA Fisheries has recently completed draft bill language reflecting their recommendations for reauthorization (Item B-1(a)). As this process may evolve rather quickly, the Council may wish to reactivate its MSA reauthorization Committee, to provide a mechanism outside the formal Council process to respond and comment as appropriate on pending legislation in this regard.

MSA 25 year anniversary publication

As part of our collective public outreach initiative with NOAA Fisheries, we are working in conjunction with the other seven Councils, and NOAA's Offices of Constituent Services and Public Affairs, to produce a publication summarizing 25 years under the Magnuson-Stevens Act. The intent is to take a broad perspective, emphasizing the success of the Act (and the Regional Council process), while also recognizing the challenges that remain. We are expecting this publication to be completed by June of this year.

Conference next fall in DC

Also relative to the overall public outreach initiative, we discussed with the other seven Councils an idea that Chairman Benton and I have been discussing for several months - that is to hold, in conjunction with the other seven Councils and NOAA Fisheries, a major conference this fall in Washington D.C. Similar to the theme for the 25-year publication, this conference would provide and opportunity for each of the Councils, and NOAA Fisheries, to highlight the fisheries management stories and successes in each region of the country over the past 25 years, as well as hold a series of issue-specific panels or workshops to discuss the challenges that remain, and how best to address them. We expect representation on these panels to include Council, industry, government agencies, academia, and environmental interests. This conference would provide an opportunity to discuss national and regional level responses to challenges which will likely arise from the U.S. Ocean Commission as well as MSA reauthorization. We have reserved November 13-15 for this conference, at the Omni-Shoreham Conference and Hotel facility in Washington D.C. I will be working

with the other seven Councils and NOAA Fisheries to plan the details of this conference, and expect to have a detailed plan and draft agenda by the time we meet again in April.

National Research Council report on SSL available

You all should have received a pre-publication copy of the NAS/NRC report 'Decline of the Steller Sea Lion in Alaskan Waters - Untangling Food Webs and Fishing Nets'. Final, bound copies, with full-color figures, will be available from the National Academies Press in a month or two.

Protected Resources Coordinator

With part of the Council's Steller Sea Lion funding we have received over the past two years, I have hired a Protected Resource Coordinator to join the Council staff, for a period of three to five years (potentially longer depending on funding). Mr. Bill Wilson, former Council staffer and long-time Managing Director of LGL Alaska Research Associates, Inc., will start work with us later this month. I expect this position to assist in preparation of all Council Environmental Assessments, Environmental Impact Statements, or Biological Assessments relative to protected resource considerations. I also expect Bill to work closely with NMFS Fisheries and Protected Resources staff, and other agency staff, on all matters and documents relative to protected resource considerations.

University of Washington project with AFSC

The UW School of Fisheries and Oceans Sciences has initiated a joint project with the Alaska Fisheries Science Center to support a full-time faculty position (Dr. Beth Bryant) and associated graduate research assistants, working at the AFSC, aimed at supporting compliance with NEPA, ESA, and other applicable laws. Upon invitation from Dr. Doug DeMaster, and Dr. Marc Hershman who heads the School of Fisheries and Ocean Sciences, I agreed to Council participation in this project by providing partial funding support, via the Council's special SSL and NEPA funding, for graduate assistantships over the next three years. These students will be working directly with Center staff and Council staff during that time, with their first projects focused on assistance for the programmatic groundfish SEIS and the EFH EIS.

NOAA Draft Strategic Plan

Item B-1(b) is a notice of availability of NOAA's draft FY2003 - FY2008 Strategic Plan, and a copy of that Strategic Plan document. Comments are due by February 14. Of particular interest is the discussion of Mission Goal 1 - Protect, restore, and manage the use of coastal and ocean resources through ecosystem management processes.

Pribilof Islands Ecosystem Stakeholder Process

At the December Council meeting we received a letter from this group, outlining their proposed activities and suggesting a collaboration process with the Council. That letter, along with a detailed update on their recent activities, is included as Item B-1(c) for your information.

Halibut/sablefish IFQ Proposal Schedule

Item B-1(d) is a letter from Jeff Stephans, Chair of the Council's IFQ Implementation Committee, suggesting an ambitious schedule for processing IFQ amendments previously identified for Council consideration, and soliciting a Call for Proposals following this meeting. The objective would be to assign a high priority to previously tasked proposals, and include potential new proposals, with a target of October 2003 for Council

action. At Jeff's request I am raising this issue under the E.D. report, but have also included it under D-2, Staff Tasking.

Industry Reception on Thursday nite

Several fishing industry groups are sponsoring a reception on Thursday evening from 5:30 pm to 8:00 pm, in the Visions Room here at the hotel. Everyone is invited!

A BILL

To authorize appropriations to the Secretary of Commerce for the Magnuson-Stevens Fishery Conservation and Management Act for fiscal years 2003, 2004, 2005, 2006 and 2007, and for other purposes.

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

3 **SEC. 1. SHORT TITLE.**

4 This Act may be cited as the "Fishery Conservation and
5 Management Amendments of 2002".

6 **SEC. 2. AMENDMENT OF MAGNUSON-STEVENS FISHERY CONSERVATION**
7 **AND MANAGEMENT ACT.**

8 Except as otherwise expressly provided, whenever in this Act an
9 amendment or repeal is expressed in terms of an amendment to, or
10 repeal of, a section or other provision, the reference shall be
11 considered to be made to a section or other provision of the
12 Magnuson-Stevens Fishery Conservation and Management Act (16
13 U.S.C. § 1801 et seq.).

14 **SEC. 3. DEFINITIONS.**

15 (a) EEZ INNER BOUNDARY.- Section 3(11) (16 U.S.C. § 1801(11)) is

1 amended by striking "line coterminous with the seaward boundary
2 of each of the coastal States." and inserting "line-

3 "(A) coterminous with the seaward boundary of each of
4 the several coastal States;

5 "(B) nine nautical miles from the baseline of the
6 Commonwealth of Puerto Rico;

7 "(C) three nautical miles from the baseline of American
8 Samoa, the Virgin Islands, Guam, and the Commonwealth
9 of the Northern Mariana Islands, respectively; and

10 "(D) the baseline of each territory or possession not
11 referred to in subparagraph (B) or (C).".

12 (b) "OVERFISHED" DEFINED.- Section 3 (16 U.S.C. § 1802) is
13 amended-

14 (1) in paragraph (29), by striking "terms 'overfishing' and
15 'overfished' mean" and inserting "term 'overfishing' means";

16 (2) by redesignating paragraphs (30) through (45) as
17 paragraphs (31) through (46), respectively; and

18 (3) by inserting after paragraph (29) the following new
19 paragraph: "(30) The term 'overfished', with respect to a
20 stock or fishery, means a stock or fishery whose size is
21 below the range that is likely to occur for a stock or
22 fishery that has not been subjected to overfishing.".

23 (c) TECHNICAL AMENDMENT.- Section 3 (16 U.S.C. § 1803) is amended
24 by striking paragraph (24), defining the term "special areas",

1 that was-

- 2 (1) added by section 301(b) of the Act entitled "An Act to
3 provide for the destination of the Flower Garden Banks
4 National Marine Sanctuary", approved March 9, 1992 (Public
5 Law 102-251; 106 Stat. 62); and
6 (2) given effect by section 405(a) of the Sustainable
7 Fisheries Act (16 U.S.C. § 1802 note).

8 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

9 Section 4 (16 U.S.C. § 1803) is amended by striking paragraphs
10 (1) through (4) and inserting the following new paragraph to read
11 as follows: " There are authorized to be appropriated to the
12 Department of Commerce, for the purposes of carrying out this
13 Act, \$287,022,000 in fiscal year 2003, and such sums as may be
14 necessary for fiscal years 2004-7."

15 **SEC. 5. TREATY ON PACIFIC COAST ALBACORE TUNA.**

16 (a) FOREIGN FISHING UNDER TREATY; IMPLEMENTATION. - Section 201
17 (16 U.S.C. § 1821) is amended by adding at the end the following
18 new subsection:

19 "(j) TREATY ON PACIFIC COAST ALBACORE TUNA VESSELS.-

20 (1) Notwithstanding subsection (a) and section 307(2)(B),
21 foreign fishing may be conducted pursuant to the Treaty
22 between the Government of the United States of America and

1 the Government of Canada on Pacific Coast Albacore Tuna
2 Vessels and Port Privileges, signed May 26, 1981, and any
3 amendments thereto.

4 (2) The Secretary of Commerce may promulgate regulations
5 necessary to discharge Federal obligations under the Treaty
6 between the Government of the United States of America and
7 the Government of Canada on Pacific Coast Albacore Tuna
8 Vessels and Port Privileges, signed May 26, 1981, including
9 its Annexes and any amendments thereto. The proposed
10 rulemaking and public participation requirements of section
11 553 of title 5, United States Code, shall not apply to
12 collection of information or recordkeeping requirements
13 established by regulations promulgated under this
14 subsection."

15 (b) TECHNICAL AMENDMENT. -

16 (2) Section 307(2)(B) (16 U.S.C. § 1857(2)(B)) is amended by
17 inserting "and foreign fishing permitted under section
18 201(j)" after "under section 201(i)".

19 **SEC. 6. MONITORING OF PACIFIC INSULAR AREA FISHERIES.**

20 (a) WAIVER AUTHORITY.- Section 201(h)(2)(B) (16 U.S.C. §
21 1821(h)(2)(B)) is amended by striking "that is at least equal in
22 effectiveness to the program established by the Secretary" and
23 inserting "or other monitoring program that the Secretary

1 determines is adequate to monitor harvest, bycatch, and
2 compliance with the laws of the United States by vessels fishing
3 under the agreement".

4 (b) MARINE CONSERVATION PLANS.- Section 204(e)(4)(A)(i) (16
5 U.S.C. § 1824(e)(4)(A)(i)) is amended to read as follows: "(i)
6 Pacific Insular Area observer programs, or other monitoring
7 programs, that the Secretary determines are adequate to monitor
8 the harvest, bycatch, and compliance with the laws of the United
9 States by foreign fishing vessels that fish under Pacific Insular
10 Area fishing agreements;".

11 **SEC. 7. CARIBBEAN COUNCIL JURISDICTION.**

12 Section 302(a)(1)(D) (16 U.S.C. § 1852(a)(1)(D)) is amended by
13 inserting "and of commonwealths, territories, and possessions of
14 the United States in the Caribbean Sea" after "seaward of such
15 States".

16 **SEC. 8. NOTICE OF COUNCIL MEETINGS.**

17 (a) REGULAR AND EMERGENCY MEETINGS.- The first sentence of
18 section 302(i)(2)(C) (16 U.S.C. § 1852(i)(2)(C)) is amended-

19 (1) by striking "published in local newspapers" and
20 inserting "provided by any means that will result in wide
21 publicity"; and

22 (2) by striking "and such notice" through "wide publicity".

1 (b) CLOSED MEETINGS. - Section 302(1)(3)(B) (16 U.S.C. §
 2 1852(1)(3)(B)) is amended by striking "notify local newspapers"
 3 and inserting "provide notice by any means that will result in
 4 wide publicity".

5 **SEC. 9. FISHERY MANAGEMENT PLAN REQUIREMENTS.**
 6 Section 303(a)(5) (16 U.S.C. § 1853(a)(5)) is amended by
 7 inserting "harvest and processing revenues (by species),
 8 production costs, capital expenditures, and other fishing or
 9 processing expenses", after "number of hauls,".

10 **SEC. 10. SUBMISSION OF ECONOMIC DATA.**
 11 Section 303(b)(7) (16 U.S.C. § 1853(b)(7)) is amended by striking
 12 "(other than economic data)".

13 **SEC. 11 INDIVIDUAL FISHING QUOTAS**
 14 (a) Section 303 (16 U.S.C. § 1853) is amended --
 15 (1) by striking subsection (d), and
 16 (2) inserting the following --
 17 "(d) INDIVIDUAL FISHING QUOTA PROGRAMS.
 18 " (1) IN GENERAL. In addition to complying with the
 19 requirements of section 301(a) of this Act and subsections
 20 (a) (9) and (b) (6) of this section, any individual fishing
 21 quota program submitted and approved after September 30,

3 "(A) shall provide for administration of the program by
the Secretary in accordance with the terms of the plan;

4 "(B) shall, if established in a fishery that is
5 overfished or subject to a rebuilding plan, assist in
6 its rebuilding; and, if established in a fishery that
7 is determined by the Secretary or the Council to have
8 excess capacity, contribute to reducing capacity;

9 "(C) shall contribute to improved economic performance
10 in the fishery; and

11 "(D) may include a program to allocate the exclusive
12 opportunity to process fish harvested under the program
13 among individual fish processors.

14 "(2) ALLOCATIONS AND TRANSFERS. Any such individual fishing
15 quota program shall --

16 "(A) establish procedures to ensure fair and equitable
17 initial allocations, including consideration of
18 (i) current and historical harvests, (ii) employment in
19 the harvesting and processing sectors, and (iii)
20 investments in the fishery;

21 "(B) provide to the extent practicable that initial
22 harvesting allocations maintain the basic cultural and
23 social framework of the fishery, especially the roles
24 of small owner-operator fishermen and the sustained

1 participation of fishing communities that depend on
these fisheries;

3 "(C) include measures to assist, when necessary and
4 appropriate, entry-level and small-scale fishermen,
5 captains, and crew, through set-asides of initial and
6 secondary harvesting allocations, and including where
7 appropriate a recommendation for the provision of
8 economic assistance in the purchase of IFQ shares;

9 "(D) ensure that individual quota holders do not
10 acquire an excessive share of the total harvesting or
11 processing quota in the program; and, to that end,
12 establish a maximum share, expressed as a percentage of
13 the total quota, that an individual quota holder is
4 permitted to own;

15 "(E) prohibit any person other than a U.S. citizen or a
16 permanent resident alien from acquiring harvesting
17 quota;

18 "(F) authorize individual quotas to be held by or
19 issued under the system to fishing vessel owners,
20 fishermen, crew members, fishing communities, other
21 persons as specified by the Council, and United States
22 fish processors;

23 "(G) consider, and provide for if appropriate, an
24 auction system or other program to collect royalties

1 for the initial distribution of allocations in an
individual fishing quota program, provided that --

3 "(i) such a system is administered in such way
4 that the resulting distribution of quota shares
5 conforms with the biological, social and economic
6 goals of the program, and

7 "(ii) the revenues generated through such a
8 royalty program shall be deposited in the Limited
9 Access System Administration Fund and available
10 subject to annual appropriations as provided in
11 subsection (d) (2) (C);

12 "(H) establish a policy on the transferability of quota
13 shares (through sale or lease), including a policy on
14 any conditions that apply to the transferability of
15 quota shares;

16 "(I) establish a program to monitor transfers
17 (including sales and leases) of quota shares in
18 secondary markets; and

19 "(J) in the case of a program that provides for
20 processor shares, carefully consider-

21 "(i) the socio-economic impacts on the relevant
22 fishing communities,

23 "(ii) the extent to which processor shares
24 contribute to the conservation and management of

1 the fishery;

2 "(iii) the current structure of the market at the
3 point of first sale, and impacts on and changes to
4 this market under processor shares; and

5 "(iv) other potential ways to mitigate economic
6 impacts on the processing sector.

7 "(3) COST RECOVERY. Any such individual fishing quota
8 program shall --

9 "(A) develop a methodology and the means to identify
10 and assess the management, science, data collection,
11 observer coverage, and enforcement programs that are
12 directly related to and in support of the program;

13 "(B) provide, under section 304(d)(2) for a program of
14 fees paid by quota holders that will cover the costs of
15 management, science, data collection and analysis,
16 observer coverage and enforcement activities referred
17 to above in subsection (d)(3)(A); and

18 "(C) consider the feasibility of a program to raise
19 revenues in addition to the cost recovery fees referred
20 to in subsection (d)(3)(A), in which initial
21 allocations of quota would be auctioned among eligible
22 bidders.

23 "(4) PROGRAM APPROVAL, REVIEW AND ADMINISTRATION.--

24 "(A) Any group of fishermen, constituting at least 1/3

of those actively engaged in participation in a fishery
for which an individual fishing quota program is
sought, may submit a petition to the Secretary
requesting that the relevant Council or Councils with
authority over the fishery be authorized to initiate
the development of an individual quota program for that
fishery. Any such petition must clearly state the
fishery to which it would apply.
"(B) Upon the receipt of any such petition, the
Secretary shall review all of the signatures on the
petition; and if he determines that the signatures on
the petition represent at least 1/3 of the active
participants in the fishery, the Secretary shall
certify the petition to the appropriate Council or
Councils.
"(C) Upon receiving a certified petition from the
Secretary, the relevant Council or Councils with
authority over the fishery may initiate consideration
of a fishery management plan or amendment to establish
an individual quota program for that fishery, under the
procedures, guidelines and standards contained in this
Act or other applicable law. A Council may not
initiate a fishery management plan for amendment to
establish an individual fishing quota program for a

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1 fishery unless the Secretary has certified an
appropriate petition.

3 "(D) A Council may not submit to the Secretary for
4 approval any fishery management plan or amendment that
5 contains an individual quota program unless the final
6 version of the program has been approved by a majority
7 of the fishermen in a referendum conducted by the
8 Secretary.

9 "(E) The Secretary shall determine procedures and
10 eligibility requirements for the referendum referred to
11 in subparagraph (D), and shall, prior to conducting a
12 referendum, certify the eligible participants in the
13 referendum. Any person who is actively engaged in
14 participation in the fishery under consideration shall
15 be eligible to participate in the referendum.

16 "(F) Any such individual fishing quota program shall--

17 "(i) include provisions for the regular monitoring
18 and review of the operations of the program, with
19 a formal and detailed review required five years
20 after the establishment of the program and every
21 five years thereafter which reviews shall be
22 reported to the Secretary within 90 days after the
23 review has been completed;

24 "(ii) include an effective system for monitoring

1 the harvests of participants in the program; and
2 "(iii) include an appeals process for
3 administrative review of determinations with
4 respect to the Secretary's decisions regarding
5 administration of the individual fishing quota
6 program.

7 "(5) An individual fishing quota program, or any permit that
8 authorizes fishing, shall not create, or be construed to
9 create, any right, title, or interest in or to any fish
10 before the fish is harvested, and may be revoked or limited
11 at any time without compensation, if necessary for the
12 conservation and management of the fishery.

13 "(6) For purposes of this subsection, any reference to a
14 Council includes the Secretary with respect to actions taken
15 under Section 304 (g)."

16 (b) Section 304 (16 U.S.C. § 1854) is amended --

17 (1) by deleting the phrase "management and enforcement" in
18 subsection (d)(2)(A), and inserting "management, science,
19 data collection, observer coverage and enforcement"; and
20 (2) by deleting subparagraph (2)(B), and inserting in lieu
21 thereof the following -

22 "(B) Such fees shall be collected at either the time of
23 the landing, filing of a landing report, or sale of
24 such fish during a fishing season or in the last

1 quarter of the calendar year in which the fish is
harvested. With respect to a program under
3 subparagraph (2)(A)(ii), such fees shall not exceed 3
4 percent of the ex-vessel value of fish harvested. With
5 respect to a program under subparagraph (2)(A)(i), the
6 fees to be established and collected by the Secretary
7 under this paragraph are the following -

8 "(i) with respect to any initial allocation under
9 a limited access system established after the
10 date of the Fishery Conservation and Management
11 Amendments of 2002, an initial allocation fee in
12 an amount, determined by the Secretary, equal to 1
13 percent of the ex-vessel value of fish authorized
14 in one year under an individual quota, that shall
15 be collected from the person to whom the
16 individual fishing quota is first issued.

17 "(ii) an annual fee in an amount, determined by
18 the Secretary, not to exceed 3 percent of the ex-
19 vessel value of fish transferred, based upon the
20 most recent year in which the quota was fished,
21 that will be collected from the holder of the
22 individual fishing quota share.

23 "(iii) a transfer fee in an amount, determined by
24 the Secretary, equal to 1 percent of the average

1 ex-vessel value, over the previous year, of the
2 fish that are transferred; that shall be collected
3 from a person who permanently transfers the
4 individual quota share to another person."

5 **SEC. 12. ACTION BY THE SECRETARY.**

6 (a) REVIEW OF PLANS AND INITIAL REGULATIONS.- Section 304(a)(1)

7 (16 U.S.C. § 1854(a)(1)) is amended--

8 (1) in the introductory language, by inserting "and any
9 proposed implementing regulations prepared under section
10 303(c)(1)," before "the Secretary shall-";

11 (2) by redesignating subparagraphs (A) and (B) as
12 subparagraphs (B) and (C), respectively;

13 (3) by inserting before subparagraph (B), as so
14 redesignated, the following new subparagraph:

15 "(A) (i) immediately make a preliminary evaluation of
16 the management plan or amendment for purposes of
17 deciding whether it is-

18 "(I) consistent with the national standards,
19 the other provisions of this Act, and other
20 applicable law; and

21 "(II) sufficient in scope and substance to
22 warrant review under this subsection;

23 "(ii) if that decision is affirmative with respect

Net effect of this section relative to 'status quo'?

Net effect?

?

[Handwritten mark resembling a circled 'A' or 'E']

1 to both subclauses (I) and (II) of clause (i),
2 implement subparagraphs (B) and (C) with respect
3 to the plan or amendment; and
4 "(iii) if that decision is negative with respect
5 to either subclause (I) or (II) of clause (i),
6 disapprove the plan or amendment and notify the
7 Council in writing of the disapproval and of those
8 matters specified under paragraph (3)(A), (B), and
9 (C) with respect to the plan or amendment;" and
10 (4) by amending subparagraph (C), as so redesignated, to
11 read as follows:

12 "(C) by the 15th day following transmittal of the plan
13 or amendment, and proposed implementing regulations,
14 publish in the Federal Register-

15 "(i) a notice stating that the plan or amendment
16 is available and that written data, views, or
17 comments of interested persons on the plan or
18 amendment may be submitted to the Secretary
19 during the 50-day period beginning on the date
20 the notice is published; and

21 "(ii) any proposed implementing regulations that
22 are consistent with the fishery management plan or
23 amendment, this Act, and any other applicable law,
24 for a comment period of 50 days, except that the

1 Secretary may include such technical changes to
2 the Council's proposed regulations as may be
3 necessary for clarity, along with an explanation
4 of those changes."

5 (b) REVIEW OF PROPOSED MODIFICATIONS.

6 (1) Paragraph (1) of section 304(b) (16 U.S.C. § 1854(b)) is
7 amended to read as follows:

8 "(1) (A) Upon transmittal by the Council to the Secretary of
9 regulations proposed under section 303(c) (2), the Secretary
10 shall immediately initiate an evaluation of the proposed
11 regulations to determine whether they are consistent with
12 the fishery management plan, plan amendment, this Act, and
13 other applicable law.

14 "(B) If the Secretary determines that the regulations
15 are consistent, the Secretary shall, within 15 days of
16 transmittal, publish such regulations in the Federal
17 Register, with such technical changes as may be
18 necessary for clarity and an explanation of those
19 changes, for a public comment period of 15 to 60 days,
20 unless the Secretary finds good cause not to publish a
21 notice of proposed rulemaking in accordance with
22 section 553 of title 5, United States Code.

23 "(C) If the Secretary determines that the regulations
24 are not consistent, the Secretary shall, within 15 days

1 of transmittal, notify the Council in writing of the
inconsistencies and provide recommendations on
3 revisions that would make the proposed regulations
4 consistent with the fishery management plan, plan
5 amendment, this Act, and other applicable law."

6 (2) Section 304(b)(2) (16 U.S.C. § 1854(b)(2)) is amended by
7 striking "paragraph (1)(B)" and inserting "paragraph
8 (1)(C)".

9 (3) Section 304(b)(3) (16 U.S.C. § 1854(b)(3)) is amended by
10 striking "paragraph (1)(A)" and inserting "paragraph (1)(B),
11 and within 45 days after the end of the comment period under
12 subsection (a)(1)(C)".

13 (4) Section 304(b) (16 U.S.C. § 1854(b)) is amended by adding
14 at the end the following paragraph (4):

15 "(4) For regulatory actions, other than those proposed
16 by a Council under section 303(c), that are taken in
17 accordance with a fishery management plan, the
18 Secretary shall process the actions in accordance with
19 the plan. If the Secretary determines that the actions
20 are consistent with the plan, this Act, and other
21 applicable law, the Secretary shall publish in the
22 *Federal Register* a notice of the actions. The
23 Secretary may find good cause not to publish a notice
24 of proposed rulemaking in accordance with section 553

1 parties during the development and implementation of any
2 program under this section.

3 "(c) PROGRAM FUNDING.

4 "(1) The program may be funded by any combination of
5 amounts-

6 "(A) available under clause (iv) of section 2(b)(1)(A)
7 of the Act of August 11, 1939 (15 U.S.C. §
8 713c-3(b)(1)(A); the Saltonstall-Kennedy Act);

9 "(B) appropriated for the purposes of this section;

10 "(C) provided under an industry fee system established
11 under subsection (d) and in accordance with section
12 1111 of title XI of the Merchant Marine Act, 1936; or

13 "(D) provided from any State or other public sources of
14 private or non-profit organizations.

15 "(2) All funds for the program, including any fees
16 established under subsection (d), shall be paid into the
17 fishing capacity reduction funds established under section
18 1111 of title XI of the Merchant Marine Act, 1936.

19 "(d) INDUSTRY FEE SYSTEM.

20 "(1) (A) If an industry fee system is necessary to fund the
21 program, the Secretary may conduct a referendum on such
22 system. Prior to the referendum, the Secretary shall-

23 "(i) identify, to the extent, practicable, and
24 notify all permit or vessel owners who would be

1 affected by the program; and

2 "(ii) make available to such owners information
3 about the industry fee system describing the
4 schedule, procedures, and eligibility requirements
5 for the referendum, the proposed program, and the
6 amount and duration and any other terms and
7 conditions of the proposed fee system.

8 "(B) The industry fee system shall be approved if the
9 referendum votes which are cast in favor of the
10 proposed system constitute a two-thirds majority of the
11 participants voting.

12 "(2) Notwithstanding section 304(d) and consistent with an
13 approved industry fee system, the Secretary is authorized to
14 establish such a system to fund the program and repay debt
15 obligations incurred pursuant to section 1111 of title XI of
16 the Merchant Marine Act, 1936. The fees for a program
17 established under this section shall-

18 "(A) be determined by the Secretary and adjusted from
19 time to time as the Secretary considers necessary to
20 ensure the availability of sufficient funds to repay
21 such debt obligations;

22 "(B) not exceed 5 percent of the ex-vessel value of all
23 fish involved in the program harvested from the fishery
24 for which the program is established;

1 “(C) be deducted by the first-ex-vessel purchaser from
2 the proceeds otherwise payable to the seller and
3 accounted for and forwarded by such fish purchasers to
4 the Secretary in such manner as the Secretary may
5 establish; and

6 “(D) be in effect only until such time as the debt
7 obligation has been fully paid.

8 “(e) PROGRAM IMPLEMENTATION.

9 “(1) The Secretary shall propose and adopt framework
10 regulations applicable to implementing all programs under
11 this section.

12 “(2) The Secretary shall implement each program under this
13 section by proposing in the Federal Register for public
14 comment and subsequently adopting, a notice that shall, in
15 accordance and together with the framework regulations,
16 establish each program and control its implementation.

17 “(3) The harvester proponents of each program shall, before
18 the Secretary proposes such notice, provide to the Secretary
19 a proposed implementation plan that, among all other
20 necessary factors:

21 “(A) proposes the types and numbers of vessels or
22 permits that are eligible to participate in the program
23 and the manner in which the program shall proceed,
24 taking into account:

1 “(i) the requirements of this section;
2 “(ii) the requirements of the framework
3 regulations;
4 “(iii) the characteristics of the fishery;
5 “(iv) the requirements of the applicable fishery
6 management plan and any amendment that such plan
7 may require to support the proposed program;
8 “(v) the general needs and desires of harvesters
9 in the fishery;
10 “(vi) the need to minimize program costs; and
11 “(vii) such other matters (including, but not
12 limited to, the manner in which such proponents
13 propose to fund the program's cost effectiveness
14 both for the taxpayers and those who will
15 potentially be subject to an industry fee system,
16 as the case may be) as may be appropriate for, and
17 applicable to, the potential for the general
18 cooperation of, and support from, a substantial
19 number of affected harvesters in the fishery or
20 portion of a fishery for which such proponents
21 propose the program's implementation; and
22 “(B) establishes proposed procedures for program
23 participation (such as submission of owner bids under
24 an auction system or fair market-value assessment),

1 including any terms and condition for participation,
2 that the harvester proponents deem to be reasonably
3 necessary to meet the program's proposed objectives.

4 "(4) The Secretary shall contract with each person
5 participating in a program and in each such contract shall,
6 in addition to including such other matters as the Secretary
7 deems necessary and appropriate to effectively implement
8 each program (including, but not limited, to penalties for
9 contract non-performance), incorporate by reference as
10 contract terms and conditions all provisions of the
11 framework regulations and the notice implementing each
12 program that the Secretary deems applicable to the program.

13 "(5) Each program not involving fair market assessment shall
14 involve a reduction auction that scores the reduction price
15 of each bid offer by the data relevant to each bidder under
16 an appropriate fisheries productivity factor. If the
17 Secretary accepts bids, the Secretary shall accept each bid
18 in the rank order of its bid score, with each bid whose
19 reduction price is the lowest percentage of the productivity
20 factor being first accepted over each bid whose reduction
21 factor is the next lowest percentage of the productivity
22 factor.

23 "(6) Each program shall proceed by the Secretary issuing
24 invitations to bid, which shall contain the terms and

1 conditions that this section requires. Each bid that the
Secretary receives under the invitation to bid shall
3 constitute a contract offer from the bidder and be subject
4 to the invitation to bid's terms and conditions, which the
5 Secretary may accept or reject subject also to the
6 invitation to bid's terms and conditions."

7 **SEC. 21. COLLECTION OF INFORMATION.**

8 (a) PROGRAMS INITIATED BY SECRETARY.- Section 402(a) (16 U.S.C. §
9 1881a(a)) is amended-

10 (1) by striking "COUNCIL REQUESTS. " and inserting
11 "COLLECTION PROGRAMS.";

12 (2) by redesignating the existing text as paragraph (1);

13 (3) in paragraph (1), as so redesignated -

14 (A) by inserting "(1) COUNCIL REQUESTS. " before "If a
15 Council"; and

16 (B) by striking "subsection" in the last sentence and
17 inserting "paragraph"; and

18 (4) by inserting after redesignated paragraph (1) a new
19 paragraph to read as follows: "(2) SECRETARIAL INITIATION.

20 If the Secretary determines that additional information is
21 necessary for developing, implementing, revising, or
22 monitoring a fishery management plan, or for determining
23 whether a fishery is in need of management, the Secretary

1 may, by regulation, implement an information collection or
2 observer program requiring submission of such additional
3 information for the fishery."

4 (b) COLLECTION OF CERTAIN INFORMATION REGARDING BUSINESS

5 OPERATIONS.- Section 402(a) (16 U.S.C. § 1881a(a)) is amended by
6 striking "(other than information that would disclose proprietary
7 or confidential commercial or financial information regarding
8 fishing operations or fish processing operations)" each place it
9 appears in paragraph (1), as so redesignated by subsection (a).

10 **SEC. 22. ACCESS TO CERTAIN INFORMATION.**

11 (a) CERTAIN STATE EMPLOYEES.- Section 402(b)(1) (16 U.S.C. §
12 1881a(b)(1)) is amended-

13 (1) by redesignating subparagraphs (B) through (F) as
14 subparagraphs (C) through (G), respectively; and

15 (2) by inserting after subparagraph (A) a new subparagraph
16 to read as follows: "(B) to State employees who are
17 responsible for fishery management plan monitoring, if the
18 States employing those employees have entered into a fishery
19 enforcement agreement with the Secretary and the agreement
20 is in effect;"

21 (b) DETERMINATIONS UNDER LIMITED ACCESS SYSTEM.- Section
22 402(b)(1) (16 U.S.C. § 1881a(b)(1)) is amended-

23 (1) in subparagraph (F), as so redesignated by subsection

1 (a) of this section, by striking "or" at the end;
2 (2) in subparagraph (G), as so redesignated by subsection
3 (a), by striking the period at the end and inserting "; or";
4 and
5 (3) by adding at the end a new subparagraph to read as
6 follows: "(H) when such information is required by the
7 Secretary for any determination under a limited access
8 system."

9 **SEC. 23. FUNDING FOR FISHERY OBSERVER PROGRAMS.**

10 (a) **OBSERVER PROGRAM FUNDING.**

11 (1) Section 403 (16 U.S.C. § 1881(b)) is amended by adding
12 at the end new subsections to read as follows: "(d)
13 **OBSERVER PROGRAM FUNDING MECHANISM.** (1) A funding mechanism
14 may be established under this subsection-

15 "(A) upon recommendation of any Council and approval by
16 the Secretary, to cover the cost of an observer program
17 established by that Council under section 303(b)(8),
18 including an observer program for the North Pacific
19 halibut fishery; and

20 "(B) by the Secretary, to cover the cost of an observer
21 program to monitor any fishery managed under this Act
22 or any other Act administered by the Secretary,
23 including the Northern Pacific halibut fishery.

1 " (2) (A) Each Council, and the Secretary, may exercise broad
2 discretion in developing a funding mechanism under this
3 subsection, which may include, but is not limited to, a
4 system of fees or any other cost recovery mechanism to pay
5 for the cost of-

6 (i) stationing observers on board fishing vessels
7 and United States fish processors, and

8 (ii) the actual cost of inputting collected data,
9 less any amount received for such purpose from
10 another source or from an existing surplus in the
11 Fishery Observer Fund established in
12 subsection(e).

13 " (B) The moneys collected under a funding mechanism
14 established under this subsection for an observer
15 program shall be-

16 " (i) deposited into the Fishery Observer Fund
17 established by subsection (e); and

18 " (ii) used only for that observer program, except
19 where an observer program directs that all or part
20 of those moneys shall be used for support of
21 national or multi-region observer program
22 activities.

23 " (3) Notwithstanding subsection 303(b)(8), and except where
24 provided under subsection (d)(4), no observer program may be

1 funded through direct contractual agreements made directly
2 between the owner or operator of a fishing vessel or United
3 States fish processor and any non-governmental observer
4 provider company.

5 "(4) Fishery management plans and regulations under this Act
6 that allow for direct contractual agreements between the
7 owner or operator of a fishing vessel or United States fish
8 processor and any non-governmental observer provider company
9 shall be evaluated by the appropriate Council with respect
10 to conflict of interest concerns that could potentially
11 undermine the quality of data collected. Within three years
12 of the date of enactment of the Fishery Conservation and
13 Management Amendments of 2002, the appropriate Council shall
14 prepare and submit to the Secretary a fishery management
15 plan amendment or proposed regulations that will remove
16 conflict of interest concerns. If NMFS approves the Council
17 recommendation, the measures must be implemented within two
18 years of the approval. If the appropriate Council fails to
19 submit to the Secretary a fishery management plan amendment
20 or proposed regulations to remove conflict of interest
21 concerns within three years of the date of enactment of the
22 Fishery Conservation and Management Amendments of 2002, or
23 if the Secretary fails to approve the Council's
24 recommendation, the Secretary shall, within six years of the

1 date of enactment of the Fishery Conservation and Management
2 Amendments of 2002, develop and implement a fishery
3 management plan amendment or regulations to remove such
4 concerns.

5 "(e) FISHERY OBSERVER FUND.-

6 (1) Establishment of Fund - There is established on the
7 books of the Treasury of the United States, a fund which
8 shall be known as the Fishery Observer Fund (Fund). The
9 Fund shall be administered by the Secretary (of Commerce).
10 The Fund shall be available without appropriation or fiscal
11 year limitation, only to the Secretary for the purposes of
12 carrying out subsection (d). The Fund shall consist of all
13 moneys deposited into it in accordance with this section,
14 plus interest on those moneys.

15 (2) Investment of Amount -

16 (a) In general - It shall be the duty of the Secretary
17 of the Treasury to invest, at the direction of the
18 Secretary of Commerce such portion of the Fund that is
19 not currently needed for the purposes of the Observer
20 Program.

21 (b) Authorized Investments - Such investments shall
22 be in public debt obligations with maturities suitable
23 to the needs of the Fund, as determined by the
24 Secretary of Commerce. Investments in public debt
25 obligations shall bear interest at rates determined by
26 the Secretary of the Treasury taking into consideration

1 the current average market yield on outstanding
2 marketable obligations of the United States of
3 comparable maturity.

4 (3) Sale of Obligation - Any obligation acquired by the Fund
5 may be sold by the Secretary of the Treasury at the
6 direction of the Secretary of Commerce at market prices.

7 "(f) CONTRIBUTIONS.- For purposes of carrying out
8 subsections (d) and (e), the Secretary may accept, solicit,
9 receive, hold, administer, and use gifts, devices,
10 contributions, and bequests. Funds collected under this
11 subsection shall be deposited in the Fishery Observer Fund
12 established by subsection (e).".

13 (2) Section 303(b)(8) (16 U.S.C. § 1853(b)(8)) is amended by
14 inserting ", and recommend a funding mechanism under section
15 403(d)(1)(A)" before "; except that such a vessel".

16 (b) NORTH PACIFIC RESEARCH PLAN.- Section 313 (16 U.S.C. § 1862)
17 is amended-

18 (1) by striking subsections (a), (b), (c), (d), (e), and
19 (i);

20 (2) by redesignating subsections (f), (g), and (h), as
21 subsections (a), (b), and (c), respectively;

22 (3) in subsection (a), as so redesignated, by striking "and
23 this section"; and

24 (4) in subsection (b), as so redesignated, by striking
25 "North Pacific Fishery Observer Fund" and inserting "Fishery

1 Observer Fund established under section 403(e)".

2 **SEC. 24. AMENDMENTS TO NORTHERN PACIFIC HALIBUT ACT.**

3 (a) CIVIL PENALTIES.- Section 8(a) of the Northern Pacific
4 Halibut Act of 1982 (16 U.S.C. § 773f(a)) is amended-

5 (1) by striking "\$25,000" and inserting "\$200,000";

6 (2) in the fifth sentence-

7 (A) by striking "violation" and inserting "violator";

8 (B) by striking "and history" and inserting "any
9 history"; and

10 (C) by striking "ability to pay,"; and

11 (3) by adding at the end the following new sentence: "In
12 assessing such penalty, the Secretary may also consider any
13 information provided by the violator relating to the ability
14 of the violator to pay, provided that the information is
15 served on the Secretary at least 30 days prior to an
16 administrative hearing.".

17 (b) PERMIT SANCTIONS.- Section 8 of the Northern Pacific Halibut
18 Act of 1982 (16 U.S.C. § 773f) is amended by adding at the
19 end a new subsection to read as follows: "(e) (1) In any case
20 in which-

21 "(A) a vessel has been used in the commission of any
22 act prohibited under section 7;

23 "(B) the owner or operator of a vessel or any other

1 person who has been issued or has applied for a permit
 2 under this Act has acted in violation of section 7; or
 3 "(C) any amount in settlement of a civil forfeiture
 4 imposed on a vessel or other property, or any civil
 5 penalty or criminal fine imposed on a vessel or owner
 6 or operator of a vessel or any other person who has
 7 been issued or has applied for a permit under any
 8 marine resource law enforced by the Secretary has not
 9 been paid and is overdue -
 10 the Secretary may -
 11 "(1) revoke any permit issued with respect to such
 12 vessel or person, with or without prejudice to the
 13 issuance of subsequent permits;
 14 "(2) suspend such permit for a period of time
 15 considered by the Secretary to be appropriate;
 16 "(3) deny such permit; or
 17 "(4) impose additional conditions and
 18 restrictions on any permit issued to or applied
 19 for by such vessel or person under this Act and,
 20 with respect to any foreign fishing vessel, on the
 21 approved application of the foreign nation
 22 involved and on any permit issued under that
 23 application.
 24 "(2) In imposing a sanction under this subsection, the Secretary

1 shall take into account-

2 "(A) the nature, circumstances, extent, and gravity of
3 the prohibited acts for which the sanction is imposed;
4 and

5 "(B) with respect to the violator, the degree of
6 culpability, any history of prior offenses, and such
7 other matters as justice may require.

8 "(3) Transfer of ownership of a vessel, a permit, or any interest
9 in a permit, by sale or otherwise, shall not extinguish any
10 permit sanction that is in effect or is pending at the time of
11 transfer of ownership. Before executing the transfer of
12 ownership of a vessel, permit, or interest in a permit, by sale
13 or otherwise, the owner shall disclose in writing to the
14 prospective transferee the existence of any permit sanction that
15 will be in effect or pending with respect to the vessel, permit,
16 or interest at the time of the transfer.

17 "(4) In the case of any permit that is suspended under this
18 subsection for nonpayment of a civil penalty, criminal fine, or
19 any amount in settlement of a civil forfeiture, the Secretary
20 shall reinstate the permit upon payment of the penalty, fine, or
21 settlement amount and interest thereon at the prevailing rate.

22 "(5) No sanctions shall be imposed under this section unless
23 there has been prior opportunity for a hearing on the facts
24 underlying the violation for which the sanction is imposed either

1 in conjunction with a civil penalty proceeding under this section
or otherwise.

3 "(6) For the purposes of this section, the term 'permit' means,
4 without limitation, any license, certificate, approval,
5 registration, charter, membership, exemption, or other form of
6 permission issued by the Commission or the Secretary, and
7 includes any quota share or other transferable quota issued by
8 the Secretary."

9 (c) CRIMINAL PENALTIES.- Section 9(b) of the Northern Pacific
10 Halibut Act of 1982 (16 U.S.C. § 773g(b)) is amended-

11 (1) by striking "\$50,000" and inserting "\$200,000"; and

12 (2) by striking "\$100,000" and inserting "\$400,000".

3 **SEC. 25. MAINE POCKET WATERS.**

14 Section 808(a) of the Atlantic Coastal Fisheries Cooperative
15 Management Act (16 U.S.C. § 5107a(a)) is amended by strike all
16 after "Federal and State regulations:", and adding the following:

17 "(1) west of Monhegan Island in the area north of the line
18 43 degrees 42' 10.0"N, 69 degrees 34' 16.0"W and 43 degrees 42'
19 15.0"N, 69 degrees 19' 18.0"W;

20 (2) east of Monhegan Island in the area located north of the
21 line 43 degrees 44' 0.0"N, 69 degrees 15' 05.0" W and 43 degrees
22 48' 10.0"N, 69 degrees 08' 01.0"W;

23 (3) southeast of Matinic Island in the area located north of

1 the line 43 degrees 48' 10.0"N, 69 degrees 08' 01.0" W and 43
degrees 44' 08.0"N, 69 degrees 53' 01.0"W;

3 (4) south of Vinalhaven Island in the area located west of
4 the line 43 degrees 52' 18.5"N, 68 degrees 40' 0.0"W, and 43
5 degrees 58' 10.5"N, 68 degrees 32' 57.0"W;

6 (5) south of Bois Bubert Island in the area located
7 northwest of the line 44 degrees 19' 16.5"N, 67 degrees 49' 30.0"
8 W, and 44 degrees 23' 40.0"N and 67 degrees 40' 30.0"W."

9 **SEC. 26. WESTERN PACIFIC FISHERY DEMONSTRATION PROJECTS.**

10 Section 111(b) of the Sustainable Fisheries Act (16 U.S.C. § 1855
11 note) is amended by amending paragraph (6) to read as follows:

12 "(6) For purposes of this subsection, 'western Pacific community'
13 shall mean a community eligible to participate under section
14 305(i)(2)(B)(i) through (iv) of the Magnuson-Stevens Fishery
15 Conservation and Management Act (16 U.S.C. § 1855(i)(2)(B)(i)
16 through (iv)).".

1 of title 5, United States Code."

2
3 **SEC. 13. REBUILDING OVERFISHED FISHERIES**

4 (a) Section 304(e)(1) (16 U.S.C. § 1854) is amended-

5 (1) by striking "or" and inserting a "comma" after "that are
6 overfished";

7 (2) by striking the "period" and inserting ", or have
8 overfishing occurring." after "are approaching a condition
9 of being overfished"; and .

10 (3) by adding "and overfished" after "using the criteria for
11 overfishing".

12 (b) Section 304(e)(3) (16 U.S.C. § 1854) is amended by deleting
13 "Within one year of an identification under paragraph (1)" and by
14 inserting in its place "Within one year of an identification that
15 a fishery is overfished or approaching a condition of being
16 overfished,".

17 **SEC. 14. EMERGENCY REGULATIONS.**

18 (a) LENGTHENING OF SECOND EMERGENCY PERIOD.- Section
19 305(c)(3)(B) (16 U.S.C. § 1855(c)(3)(B)) is amended by striking
20 "180 days" the second time it appears and inserting "186 days".

21 (b) TECHNICAL AMENDMENT.- Section 305(c)(3)(D) (16 U.S.C. §
22 1855(c)(3)(D)) is amended by inserting "or interim measures"
23 after "emergency regulations".

1 **SEC. 15. JUDICIAL REVIEW OF CERTAIN ACTIONS OF THE SECRETARY.**

2 Section 305(f) (16 U.S.C. § 1855(f)) is amended-

3 (a) in paragraph (1), by inserting "or becomes final agency
4 action" after "Federal Register";

5 (b) in paragraph (2), by inserting "and actions that determine
6 eligibility under a limited access system" after "recreational
7 fishing"; and

8 (c) in paragraph (3)(B), by inserting "or action" after
9 "regulations".

10 **SEC. 16. INCREASE IN MAXIMUM PENALTIES.**

11 (a) CIVIL PENALTIES.- Section 308(a) (16 U.S.C. § 1858(a)) is
12 amended by striking "\$100,000" and inserting "\$200,000".

13 (b) CRIMINAL PENALTIES.- Section 309(b) (16 U.S.C. § 1859(b)) is
14 amended

15 (1) by striking "\$100,000" and inserting "\$200,000; and

16 (2) by striking "\$200,000" each place it appears and
17 inserting "\$400,000".

18 **SEC. 17. SUBPOENA POWER FOR INVESTIGATIONS.**

19 Section 308(f) (16 U.S.C. § 1858(f)) is amended-

20 (a) in the first sentence -

21 (1) by inserting "investigation or" before "hearing"; and

1 (2) by striking "section," and inserting "Act or any other
2 marine resource law enforced by the Secretary,"; and

3 (b) in the second sentence by inserting "for the purposes of
4 conducting any hearing" after "summoned".

5 **SEC. 18. PERMIT SANCTIONS.**

6 (a) EFFECT OF PERMIT TRANSFER.- Section 308(g)(3) (16 U.S.C. §
7 1858(g)(3)) is amended-

8 (1) by inserting "a permit, or any interest in a permit,"
9 after "a vessel," in the first sentence;

10 (2) by inserting "permit, or interest in a permit," after "a
11 vessel," in the second sentence; and

12 (3) by inserting ", permit, or interest" after "the vessel"
13 in the second sentence.

14 (b) PERMIT REINSTATEMENT UPON PAYMENT OF SETTLEMENT AMOUNT.-
15 Section 308(g)(4) (16 U.S.C. § 1858(g)(4)) is amended-

16 (1) by striking "civil penalty or criminal fine," and
17 inserting "civil penalty, criminal fine, or any amount in
18 settlement of a civil forfeiture," and

19 (2) by striking "penalty or fine" and inserting "penalty,
20 fine, or settlement amount".

21 **SEC. 19. FORFEITURE OF CATCH FOR CITATION.-** Section 310(a) (16
22 U.S.C. § 1860(a)) is amended-

1 (a) by striking "(other than" through "sufficient sanction)"; and
2 (b) by inserting ", except that no fishing vessel shall be
3 subject to forfeiture as a result of any act for which issuance
4 of a citation under section 311(c) is sufficient sanction" before
5 the period at the end of the first sentence.

6 **SEC. 20. FISHING CAPACITY REDUCTION PROGRAM - Section 312(b)-(e)**
7 is amended-

8 (a) by striking section 312(b)-(e), and

9 (b) inserting the following: "(b) FISHING CAPACITY REDUCTION
10 PROGRAM.-

11 "(1) The Secretary may conduct a fishing capacity reduction
12 program (referred to in this section as the "program") in a
13 fishery under the authority of the Secretary, a Council or a
14 State if the Secretary determines that the program-

15 "(A) is necessary to improve either the fishery's
16 conservation and management or the fishery's economic
17 efficiency, stability, safety, well being,
18 organizational effectiveness, or subsequent
19 rationalization;

20 "(B) is consistent with the Federal or State fishery
21 management plan or program in effect for such fishery,
22 as appropriate, and that the fishery management plan-

23 "(i) will prevent replacement of the fishing

1 capacity that the program removes through a
2 moratorium on new entrants, practicable
3 restrictions on vessel upgrades, and measures that
4 take into account any latent fishing capacity in
5 the fishery's fleet; and

6 "(ii) establishes a specified or target total
7 allowable catch or other measures that trigger
8 fishery closure or adjustments to reduce catch
9 at the appropriate mortality level; and

10 "(C) is, in the instance of a program involving
11 appropriated funds, cost-effective and, in the instance
12 of a program involving an industry-fee system,
13 prospectively capable of repaying any debt obligation
14 incurred under section 1111 of title XI of the
15 Merchant Marine Act, 1936.

16 "(2) The objective of the program shall be to obtain the
17 maximum sustained reduction in fishing capacity at the least
18 cost and in a minimum period of time. To achieve that
19 objective, the Secretary is authorized to pay-

20 "(A) the owner of a fishing vessel, if such vessel is-

21 "(i) scrapped, or

22 "(ii) through the Secretary of the department in
23 which the Coast Guard is operating, subjected to
24 title restrictions (including, but not limited to,

1 loss of the vessel's fisheries endorsement) that
2 permanently prohibit and effectively prevent its
3 use in domestic fishing, and if the permit
4 authorizing the participation of the vessel in the
5 fishery is surrendered for permanent revocation
6 and the vessel owner and permit holder
7 relinquishes any claim associated with the vessel
8 and permit that could qualify such owner and
9 holder for any present or future limited access
10 system permit in the fishery for which the program
11 is established; or

12 “(B) the holder of a permit authorizing participation
13 in the fishery, if such permit is surrendered for
14 permanent revocation, and such holder relinquishes any
15 claim associated with the permit and vessel used to
16 harvest fishery resources under the permit that could
17 qualify such holder for any present or future limited
18 access system permit in the fishery for which the
19 program is established.

20 “(3) Participation in the program shall be voluntary, but
21 the Secretary shall ensure compliance by all who do
22 participate.

23 “(4) The harvester proponents of each program and the
24 Secretary shall consult, as appropriate, with interested

Subject: NOAA Draft Strategic Plan**Date:** Fri, 17 Jan 2003 12:33:43 -0500**From:** "Robert C Hansen" <Robert.C.Hansen@noaa.gov>**To:** "Trollan Marla L." <mtrollan@mafmc.org>, pfiorelli@nefmc.org, Kim.Iverson@safmc.net, dianamar@coqui.net, Peter.Hood@noaa.gov, Jennifer.Gilden@noaa.gov, Chris.Oliver@noaa.gov, lucinda.knapman@noaa.gov

NOAA DRAFT STRATEGIC PLAN AVAILABLE FOR PUBLIC REVIEW

The Department of Commerce's National Oceanic and Atmospheric Administration (NOAA) announced today that its draft FY 2003 - FY 2008 Strategic Plan is completed and available for public review and comment through Feb. 14, 2003. Once finalized after the public and internal review process, the strategic plan will become the blueprint for NOAA core and future missions and will become an integral part of NOAA's resource planning and priority setting at the agency.

Retired Navy Vice Adm. Conrad C. Lautenbacher, Jr., under secretary of commerce for oceans and atmosphere and NOAA administrator stated, "As NOAA enters its fourth decade of service we face a new urgency to meet the nation's economic, environmental, and public safety needs. This new plan will enhance our ability to meet those demands and provide leadership in the environmental sciences."

The strategic plan is the result of consultations with over one thousand stakeholders and NOAA employees during a series of meetings conducted across the country since August 2002. "These meetings gave us a clear understanding of our stakeholders' expectations regarding NOAA's future goals," stated Timothy R.E. Keeney, deputy assistant secretary for oceans and atmosphere and leader of the planning process. Based on input from these meetings, the plan sets an agenda for investment of resources through 4 overarching goals for achieving the agency's mission:

- Protect, restore and manage use of coastal and ocean resources through ecosystem management approaches
- Understand climate variability and change to enhance society's ability to plan and respond
- Serve society's needs for weather and water information
- Support the Nation's commerce with information for safe and efficient transportation

- more -

- 2 -

In an effort to build specific core strengths, NOAA selected 6 core capabilities recognized as essential to sustain its mission goals. These core issues support President Bush's management agenda and the NOAA administrator's vision for a citizen centered, results oriented, market-based agency.

- Integrated global environmental observation and data management system
- Environmental literacy, outreach and education
- Sound, reliable, state-of-the-art research
- International cooperation and collaboration
- Homeland security
- Organizational excellence - facilities, infrastructure, security, human capital and administrative services

NOAA encourages all stakeholders and users to review the draft strategic plan. All comments should be submitted by Feb. 14, 2003 online or by e-mail. The draft NOAA Strategic Plan and directions for submitting comments have been posted online.

NOAA is dedicated to enhancing economic security and national safety through the prediction and research of weather and climate-related events and providing environmental stewardship of our nation's coastal and marine resources.

For more information online please visit:

NOAA - <http://www.noaa.gov>

draft strategic plan and comment instructions - <http://www.osp.noaa.gov>.

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January 16, 2003

U.S. DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

New Priorities for the 21st Century

NOAA's Strategic Plan for FY 2003- FY 2008 and Beyond



Foreword: NOAA's Fourth Decade

The 21st century poses complex challenges for the National Oceanic and Atmospheric Administration (NOAA). Every aspect of NOAA's mission – ranging from managing coastal and marine resources to predicting changes in the Earth's environment – faces a new urgency, given intensifying national needs related to the economy, the environment, and public safety. As the new century unfolds, new priorities for NOAA action are emerging in the areas of climate change, freshwater supply, ecosystem management, and homeland security.

This Strategic Plan is NOAA's response to all of these challenges. It forges a path for meeting the needs of America today and addressing the critical issues of tomorrow. It responds to the President's Management Agenda for a citizen-centered, performance-driven organization that serves every American every day. And it provides a blueprint for ensuring value and corporate accountability in NOAA's daily operations, and for improving NOAA's services – and the benefits from our services – to all Americans.

This Plan resulted from consultations with more than a thousand stakeholders and NOAA employees across the Nation to identify present and future environmental, economic, and public safety issues. Based on their input, the Plan sets an agenda for wise investment of finite resources through four overarching goals for achieving NOAA's mission:

1. Protect, restore, and manage the use of coastal and ocean resources through ecosystem management approaches.
2. Understand climate variability and change to enhance society's ability to plan and respond.
3. Serve society's needs for weather and water information.
4. Support the Nation's commerce with information for safe and efficient transportation.

This Plan's elevation of ecosystem management and climate science to high-priority goals is especially noteworthy to meet the challenges of the 21st century. The Plan's emphasis on the Nation's needs for expanded commerce and economic development directly relates to the Administration's focus on a healthy and growing economy.

In an effort to build specific core strengths, NOAA has selected six core capabilities that it recognizes as essential to support its mission goals. In 2002, NOAA's stakeholders and employees felt strongly that NOAA needed to increase its priority on further improvement of NOAA's core capabilities that support all of NOAA's mission goals. In response to this repetitive request, NOAA is establishing the following six **CROSS-CUTTING PRIORITIES FOR THE 21st CENTURY**:

- Integrated Global Environmental Observation and Data Management System
- Environmental Literacy, Outreach, and Education
- Sound, Reliable State-of-the-Art Research
- International Cooperation and Collaboration
- Homeland Security
- Organizational Excellence: Facilities, Infrastructure, Security, Human Capital and Administrative Services

In working toward these goals, NOAA will stress two Corporate Practices: **Effective Strategic Partnerships** and **Integrated Information Services**. Since NOAA does not control all the factors that contribute to the results it seeks to achieve, NOAA will continue to seek out, build, and support strategic partnerships with other Federal, state, local and tribal agencies, the private sector, academia and non-government organizations, to work together to meet our shared goals. Our constituents and employees also identified the need for NOAA's components to take a more unified and integrated

approach to information services. NOAA has begun pilot programs in selected areas to test various methods of providing integrated information services. Over the next two years, NOAA will evaluate these tests, develop a detailed plan with public input and implement Integrated Information Services throughout the Nation.

Applying NOAA's core values as the anchor for the goals and cross-cutting priorities outlined in this Plan will be critical to the success of this planning effort. This Strategic Plan will guide all of NOAA's management decisions and will provide a consistent, coherent framework for Line Office and cross-organizational plans, initiatives, and performance measures for the next decade. Ultimately, our success will be measured in the quality of service and benefits we provide to our customers – the American public.

I am proud to present this blueprint for future service. I thank our valued customers and the women and men of NOAA for helping to shape this document and for providing valuable input and direction. I look forward to your comments and your participation in building on the high quality of NOAA science, the effectiveness of our partnerships, and our overall organizational excellence.

Conrad C. Lautenbacher, Jr.
Vice Admiral, U.S. Navy (Ret.)
Under Secretary for Oceans and Atmosphere
United States Department of Commerce

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New Priorities for the 21st Century: One NOAA

In the 21st century every aspect of NOAA's mission faces new urgency given the intensifying national needs of the environment, the economy, and public safety. NOAA's role in facing these challenges is to predict environmental changes, protect life and property, provide decision makers with reliable scientific information, manage the Nation's living marine and coastal resources, and foster global environmental stewardship. This Strategic Plan is NOAA's response to these challenges for the next five years and beyond, setting the framework to build NOAA's capacity to address new priorities and realize its Vision and Mission.

NOAA's VISION

To move NOAA into the 21st Century scientifically and operationally, in the same interrelated manner as the environment that we observe and forecast, while recognizing the link between our global economy and our planet's environment.

NOAA's MISSION

To understand and predict changes in the Earth's environment and conserve and manage coastal and marine resources to meet the Nation's economic, social, and environmental needs.

NOAA's CORE VALUES

*People, Integrity, Excellence, Teamwork, and Ingenuity
Science, Service and Stewardship*

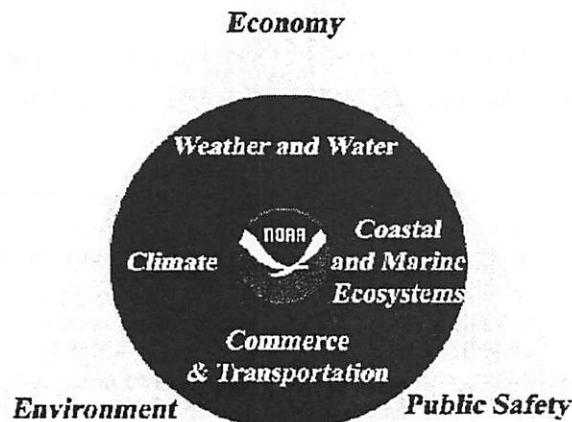
BENEFITS TO THE NATION

Consistent with its results-oriented approach to strategic planning, NOAA is committed to maximizing the benefits of its products and services in terms of improvements to our Nation's:

•Environment

•Public Safety

•Economy



NOAA's Mission Goals

To achieve its mission, NOAA's focus through 2008 will be on four overarching goals:

1. Protect, restore and manage the use of coastal and ocean resources through ecosystem management approaches
2. Understand climate variability and change to enhance society's ability to plan and respond
3. Serve society's needs for weather and water information
4. Support the Nation's commerce with information for safe and efficient transportation

ORGANIZATION OF THE MISSION GOALS

In this Plan, each mission goal is first presented with a *background description* of its strategic context. Each goal is then followed by a short list of *high-level outcome measures* that are intended to either encompass a broad measure of NOAA's performance or be an indicator of NOAA's performance.

To provide consistency throughout this Strategic Plan, each of the mission goals is organized according to *five types of mission strategies and measures of success* that reflect NOAA's general, daily activities that are common across almost every NOAA office:

1. *Monitor and observe* the land, sea, atmosphere, and space and create a data collection network to track Earth's changing systems.
2. *Understand and describe* how natural systems work together through investigation and interpretation of information.
3. *Assess and predict* the changes of natural systems, and provide information about the future.
4. *Engage, advise, and inform* individuals, partners, communities, and industries on needed information, and assist them in its use and application.
5. *Manage* coastal and ocean resources to optimize benefits to the environment, the economy, and public safety.

This Plan establishes, at a high level, the strategic goals for NOAA and the approaches we will take to establish accountability for results. The organizational elements that make up NOAA will conform their strategic plans to this Plan and will establish more detailed performance measures to guide NOAA activities and specific measurable targets to determine progress. All NOAA programs, and the entire NOAA budget, will be traceable to this Strategic Plan.

This Plan will guide all NOAA's management decisions and will provide a consistent framework for Line Office (LO) and cross-organizational plans, initiatives, and performance measures to be implemented. Through this plan, our employees and contractors will also better understand their role in meeting NOAA's agency strategic priorities and goals.

Mission Goal 1: PROTECT, RESTORE, AND MANAGE THE USE OF COASTAL AND OCEAN RESOURCES THROUGH ECOSYSTEM MANAGEMENT APPROACHES

Coastal areas are among the most developed in the Nation, with over half of our population residing within less than one-fifth of the land area in the contiguous U.S. Coastal counties are growing three times faster than counties elsewhere, adding more than 3,600 people a day to their populations. Coastal and marine waters support over 28 million jobs, generate over \$54 billion in goods and services a year, and provide a tourism destination for 180 million Americans a year. The value added to the national economy by the commercial fishing industry is over \$28 billion annually, and about 18 million Americans engage in marine recreational fishing every year. Within this context NOAA works to achieve a balance between the use and protection of these resources to ensure their existence for future generations and their optimal contribution to the Nation's economy.

OUTCOME MEASURES

- Increased number of coastal and marine ecosystems maintained at a healthy and sustainable level.
- Increased socioeconomic value of the marine environment and resources (e.g., seafood, recreation, and tourism).
- Increased number of acres and stream-miles restored for coastal and ocean species.
- Increased number of protected species in a stable condition or an upward trend.
- Increased number of managed species that are at optimum levels.
- Improved ecological conditions in marine and coastal protected areas.

STRATEGIC OBJECTIVES

NOAA has identified three strategic objectives to further delineate what it does under this mission goal:

- A. Protect and restore ocean, coastal, and Great Lakes resources;
- B. Recover protected species; and
- C. Rebuild and maintain sustainable fisheries.

NOAA recognizes that these three objectives are biologically and socioeconomically interdependent and is moving toward managing living marine and other ocean and coastal resources using a truly integrated ecosystem management approach. Until we are able to more fully adopt ecosystem approaches, we will continue to manage on a more narrowly focused species- and site-specific basis. However, we will be improving our science, management, and regulatory processes to implement a more comprehensive ecosystem approach that will allow us to make better management decisions for the Nation's ocean, coastal, and Great Lakes resources. Increasingly, we will turn to international cooperation to protect large marine ecosystems and areas beyond our national jurisdiction. (See the Cross-Cutting Priority for International Cooperation and Collaboration.)

In the short term, NOAA will apply this new focus by giving increased priority to: habitat protection and restoration for all species; interactions of target species management decisions with nontarget species and ecosystem effects; and partnerships with international organizations, foreign governments, Federal agencies, state and local governments, academia, and nongovernmental organizations in applying ecosystem approaches to coastal and ocean resource management.

In the longer term, NOAA will strive to manage multiple aspects of sustainable ecosystems, including fisheries resources, threatened and endangered species, marine mammals, biodiversity, important habitats that support those resources, and the impacts of these decisions on the economy and communities. Ecosystem management will also require improved understanding of the pressures--both natural and human-induced--that change and restructure ecosystems.

Goal-wide Ecosystem Strategy

To accomplish this longer-term objective NOAA will adopt the following Goal-wide Ecosystem Strategy that will be implemented to support each of the three Objectives:

NOAA will invest in improved understanding of ecosystems, identification of regional ecosystems, development of ecosystem health indicators, and new methods of governance to establish the necessary knowledge, tools, and capabilities to fully implement ecosystem-based management of coastal and ocean resources.

- Increased number of regional ecosystems identified and monitored with agreed-to indicators of ecosystem health.

- Increased number of ecosystems where ecological functions and linkage to human activities and impacts are adequately understood for management purposes.
- Increased number of models linking climate/weather/atmosphere with ecosystem/hydrology made operational to assess and predict natural and human-induced changes in the marine environment.
- Increased number of coastal and ocean areas (including coastal watersheds) with Federal, state, and local government or nongovernmental management plans using ecosystem best management practices and approaches.

STRATEGIES and MEASURES OF SUCCESS for OBJECTIVES A, B, and C

Objective A: Protect, Restore and Manage Use of Ocean, Coastal, and Great Lakes Resources

NOAA is responsible for managing, in cooperation with Federal agencies and state and local governments, the Nation's coastal zone and protected areas; responding to hazardous events; restoring degraded habitats; ensuring wise and appropriate use of ocean and coastal resources; and providing advice, technical tools, information, and training to coastal residents, communities, and other decision makers and users of oceans and coastal areas (including the Great Lakes).

Monitor and Observe: NOAA and its partners will monitor and observe aspects of ocean and coastal areas and associated communities to provide basic information on habitats, resources, human activities, and uses that may impact coastal ecosystems.

- Increased area covered and number of ecological conditions monitored by state-of-the-art observation systems and platforms that provide necessary information for NOAA's stewardship responsibilities.

Understand and Describe: NOAA will characterize coastal and ocean resources and conduct research to understand and describe the linkages among the resource components and processes and human impacts on them, and will develop new tools and techniques to facilitate sound management decisions.

- Increased ocean and coastal areas explored, mapped, characterized, and inventoried.
- Increased number of impacted human communities where sufficient data exist to analyze and understand the economic and social benefits, costs, and impacts of management decisions.
- Increased number of techniques and tools that can be used to restore and protect ocean and coastal resources.
- Increased number of marine resources potentially available for commercial use (e.g., pharmaceuticals, aquaculture species for human uses).

Assess and Predict: NOAA will develop and implement models and integrate data sets to assess current ecosystems and predict their future state and the causes for ecological changes.

- Increased number and accuracy of forecasts of significant ecological events and trends (e.g., harmful algal blooms, coral bleaching, and population shifts).
- Increased number and accuracy of models to understand and predict the interactions of species and their environment.

Engage, Advise, and Inform: NOAA will ensure that decision makers are well informed about safe and wise uses of ocean and coastal resources, and about factors, especially hazards, that affect environmental health and safety. NOAA will also endeavor to provide the state-of-the-art tools and techniques needed for effective resource management.

- Increased percentage of resource consultations that result in "no net negative impact".
- Increased percentage of coastal inhabitants aware of, and acting appropriately to minimize, their impacts on coastal and ocean resources.

Manage: NOAA will develop and implement appropriate plans, regulations, permits, and enforcement activities for the protection, restoration, and wise use of ocean and coastal resources.

- Increased percentage of coastal and ocean areas for which management, restoration, and response plans have been successfully developed and implemented in conjunction with NOAA's international, Federal, state, local, and tribal partners.
- Increased number of invasive species under control.
- Increased number of acres and stream-miles of habitat restored for coastal and ocean resources.

Objective B: Recover Protected Species

NOAA is responsible for protecting and restoring listed threatened and endangered species and their habitats, and for managing marine mammal populations.

Monitor and Observe: NOAA will monitor and observe all aspects of protected resources to provide basic information on those resources, their habitats, and human activities that affect them.

- Increased number of protected species with adequate information to assess their condition.
- Increased number of protected species with adequate information to identify human or other interactions that affect their condition.

Understand and Describe: NOAA will conduct research to understand and describe the ecological and biological population aspects of protected species as a basis for sound management decisions.

- Increased number of protected species where the biological and ecological factors related to population abundance are adequately understood for management purposes.
- Increased number of protected species whose habitat or other environmental conditions are adequately understood for management purposes.
- Increased number or adequacy of techniques and tools that can be used to restore and conserve protected species.

Assess and Predict: NOAA will develop and implement models and integrated data sets to assess current protected species populations and predict their future abundance.

- Increased number of protected species with adequate population assessments, including estimates of human-caused mortality and injury through interactions with commercial fishing operations.

Engage, Advise, and Inform: NOAA will ensure that decision makers and the public are well informed about the condition of, and adverse effects of human interactions with, protected species. NOAA will also endeavor to provide the state-of-the-art tools and techniques needed for effective resource management.

- Increased early coordination with applicants on protected species consultation issues, such that conservation measures can be incorporated into the activity, resulting in fewer adverse conclusions of Biological Opinions.
- Increased percentage of coastal inhabitants aware of, and acting appropriately to minimize, their impacts on protected resources.

Manage: NOAA will develop and implement appropriate plans, regulations, permits, and enforcement activities for the conservation and restoration of protected resources.

- Increased number of protected species for which management, restoration, and take-reduction plans have been successfully implemented.

- Increased number of acres and stream-miles of habitat that have been restored for protected species.
- Increased number of protected species being recovered or maintained at optimum population levels.
- Improved management of protected resources toward recovery and sustainability through updated recovery plans and technology development and transfer.

Objective C: Rebuild and Maintain Sustainable Fisheries

NOAA is responsible for managing and rebuilding fish species to population levels that will support economically viable and sustainable harvest opportunities.

Monitor and Observe: NOAA will monitor and observe all aspects of fish species to provide basic information on those resources, their habitats, and the human activities that affect them.

- Increased number of fish species with adequate information to assess their condition.

Understand and Describe: NOAA will conduct research to understand and describe the ecological and biological aspects of fish species and socio-economic impacts as a basis for sound management decisions.

- Increased number of fish species where the biological and ecological factors related to population abundance are adequately understood for management purposes.
- Increased number of fish species whose habitat or other environmental conditions are adequately understood for management purposes.
- Increased number or adequacy of techniques (including stock enhancement) and tools that can be used to restore and conserve fish species.

Assess and Predict: NOAA will develop and implement models and integrated data sets to assess fish species populations and predict their future abundance.

- Increased number of fish species with adequate population assessments, including adequate estimates of fishing or other sources of mortality.
- Increased number of species whose essential fish habitat is adequately mapped and understood.
- Increased use of physical-biological models for forecasting stock abundance.

Engage, Advise, and Inform: NOAA will ensure that decision makers are well informed about the health of fish species and impacts of fishing or other activities on fish species. NOAA will also endeavor to provide the state-of-the-art tools and techniques needed for effective resource management.

- Increased percentage of essential fish habitat consultations that result in "no net negative impact".
- Increased percentage of coastal inhabitants aware of ways to reduce adverse human impacts on fish and acting appropriately to conserve fish species.
- Increased number of NOAA technologies and techniques that have been transferred for appropriate resource use and managed species conservation to state and local managers, as well as to the public.

Manage: NOAA will develop and implement appropriate plans, regulations, permits, and enforcement activities for the conservation, rebuilding, and wise use of fish species.

- Increased number of overfished species with rebuilding plans that are in conformance with rebuilding schedules.
- Increased number of acres and stream-miles of essential fish habitat that have been restored.

- Increased number of fisheries where the harvest capacity is consistent with sustainable fish populations.

Mission Goal 2. UNDERSTAND CLIMATE VARIABILITY AND CHANGE TO ENHANCE SOCIETY'S ABILITY TO PLAN AND RESPOND

Society exists in a highly variable climate system, with conditions changing over the span of seasons, years, decades, and longer. Weather- and climate-sensitive industries, both directly and indirectly, account for about one-third of the Nation's gross domestic product, or \$3.0 trillion.

Seasonal and interannual variations in climate, like El Niño, led to economic impacts on the order of \$25 billion for 1997-98, with property losses of over \$2.5 billion and crop losses approaching \$2.0 billion. Given such stresses as population growth, drought, and increasing demand for fresh water, it is essential for NOAA to provide reliable observations, forecasts, and assessments of climate, water, and ecosystems, as well as to participate in analyzing decisions to enhance decision makers' ability to minimize climate risks. This information will support decisions regarding community planning, public policy, business management, homeland security, and natural resource planning. In the U.S. agricultural sector alone, better forecasts can be worth over \$300 million in avoided losses annually.

To enable society to better respond to changing climate conditions, NOAA, working with national and international partners, will employ an end-to-end system comprised of integrated observations of key atmospheric, oceanic, and terrestrial variables; a scientific understanding of past climate variations and present atmospheric, oceanic, and land-surface processes that influence climate; application of this improved understanding to create more reliable climate predictions on all time scales; and service delivery methods that continuously assess and respond to user needs with the most reliable information possible.

OUTCOME MEASURES

- Increased use and effectiveness of climate information to improve long-range climate, weather, and water predictions.
- Increased use and effectiveness of climate information for decision makers and managers.
- Increased use of the knowledge of how climate variability and change affect commerce.

STRATEGIES and MEASURES of SUCCESS

Monitor and Observe: NOAA will invest in needed climate quality observations and encourage other national and international investments to provide a comprehensive observing system in support of climate assessments and forecasts.

- Increased number of long-term observations collected, archived, available, and accessible where random errors and time-dependent biases have been minimized and assessed.

Understand and Describe: NOAA will work with national and international partners to increase understanding of the dynamics and impacts of coupled atmosphere/ocean/land systems through research on climate variability and change.

- Increased number of new research findings and progress toward their implementation into NOAA operations.
- Decreased degree of uncertainty of climate system processes, including radiative forcing, in climate forecast products.

Assess and Predict: NOAA will improve its intraseasonal and interannual climate forecasts to enable regional and national managers to plan better for the impacts of climate variability and change and will

provide improved regional, national, and international assessments and projections to support policy decisions with objective information.

- Improved skill of climate variability forecasts.
- Increased number, accuracy, and regional specificity of North American climate, water, and coastal resource products.
- Reduced uncertainty regarding long-term climate projections, as measured through improvements in climate change models and increases in the range of their application.
- Increased involvement of NOAA researchers and use of NOAA scientific results in national and international assessments.
- Reduced uncertainty in the estimation of the U.S. terrestrial carbon sink.
- Increased number of new indicators of climate impacts on marine ecosystems.

Engage, Advise, and Inform: NOAA will work with users of climate information to enable and increase the application of climate information for health and safety, environmental, economic, and community planning, especially for freshwater supply, water quality, and coastal impacts.

- Increased volume of NOAA climate data and information used by NOAA customers.
- Increased number of new instances where NOAA information is integrated into decision-support and management systems.
- Increased user satisfaction, determined through surveys.

Mission Goal 3. SERVE SOCIETY'S NEEDS FOR WEATHER AND WATER INFORMATION

On average, hurricanes, tornadoes, and other severe weather events cause \$11 billion in damages per year. Weather is directly linked to public safety and about one-third of the U.S. economy (about \$3 trillion) is weather sensitive. With so much at stake, NOAA's role in observing, forecasting, and warning of environmental events is expanding, and economic sectors and its public are becoming increasingly sophisticated at using NOAA's weather, air quality, and water information to improve their operational efficiencies and their management of environmental resources, and quality of life.

NOAA is strategically positioned to conduct sound science and provide integrated observations, predictions, and advice for decision makers to manage many aspects of environmental resources—from fresh water to coastal ecosystems and air quality. Bridging weather and climate time scales, NOAA will continue to collect environmental data and issue forecasts and warnings that help protect life and property and enhance the U.S. economy.

NOAA is committed to excellent customer service. We depend on our partners in the private sector, academia, and government to help disseminate critical environmental information. We will work even closer with our existing partners and will develop new partners to achieve greater public and industry satisfaction with our weather, air quality and water information. We will expand our services to support evolving national needs, including space weather, freshwater and coastal ecosystems, and air quality predictions throughout the Nation.

OUTCOME MEASURES

- Increased accuracy and amount of lead time (by category of storm type e.g. hurricanes).
- Increased satisfaction with and benefits from NOAA information and warning services, as determined by surveys and analysis of emergency managers, first responders, resource managers, industry, government and the public.

STRATEGIES AND MEASURES OF SUCCESS

Monitor and Observe: NOAA will use cost-effective observation systems that meet diverse and expanding societal needs for accuracy, parameters observed, and temporal and geographic coverage.

- Increased observations obtained and used from partners, both international and domestic.
- Increased observations archived, available, and accessible.
- Increased number of new multi-use observing systems deployed.
- Improved effectiveness of NOAA's observing systems.

Understand and Describe: NOAA will invest in new technologies, techniques, and weather and water forecast modeling.

- Increased number of modeling advances by government and academia demonstrated to improve the NOAA operational prediction suite.
- Shortened cycle times from research (government and academic) to operations (e.g., models, technology, and techniques).
- Improved accuracy of weather and air quality prediction models.
- Increased number of new research findings and progress toward their implementation in NOAA operations.

Assess and Predict: NOAA will improve forecast and warning capabilities to reduce uncertainty and increase economic benefits.

- Increased use of observation data for verification of and assimilated into weather, ocean, water, and climate prediction models.
- Increased number of forecasters trained in the newest techniques.
- Increased volume of forecast and warning information formatted to clarify the uncertainty of an event (e.g., space weather, air quality, water and weather forecasts).
- Improved performance of NOAA's weather and water, air quality, and space weather prediction suite.

Engage, Advise, and Inform: NOAA will promote appropriate responses to hazardous weather- and water-related conditions, in order to enhance human preparedness. Traditional delivery methods, the Internet, and other e-commerce approaches will be used to deliver products that customers need for safety-related decisions, operating efficiencies, and better resource management. NOAA will also provide information to support effective air quality decision-making.

- Increased number of favorable scores on public surveys of citizen knowledge about appropriate actions under hazardous weather- and water-related conditions.
- Increased percentage of the public reporting timely receipt of warnings as measured by public surveys.
- Increased number of communities with plans in place to act on weather warnings and to reduce the impacts of coastal hazards.
- Increased community knowledge of, use of, and satisfaction with NOAA information that supports local air quality monitoring and forecast programs.
- Increased assistance to international partners to improve response capabilities to weather and water predictions.

Mission Goal 4. SUPPORT THE NATION'S COMMERCE WITH INFORMATION FOR SAFE AND EFFICIENT TRANSPORTATION

Safe and efficient transportation systems are crucial economic lifelines for the Nation. For example, the U.S. Marine Transportation System (MTS) ships over 95 percent of the tonnage and more than 20 percent by value of our foreign trade through America's ports, including 48 percent of the oil needed to meet U.S. energy demands. Waterborne cargo alone contributes more than \$740 billion to the U.S. gross domestic product and creates employment for over 13 million citizens. Every year 134 million passenger trips are ferried to work and other destinations on U.S. waterways, along with 5 million cruise ship passengers. Better aviation weather information could significantly reduce the \$4 billion that is lost through economic inefficiencies as a result of weather-related air traffic delays.

NOAA's information products and services are essential to the safe and efficient transport of goods and people at sea, in the air, and on land. As U.S. dependence on the MTS grows over the next 20 years with the projected doubling of the volume of maritime trade, better navigation and weather information will be critical to protect lives, cargo, and the environment. Reducing the risk of marine accidents and oil spills, better search and rescue capabilities, and other efficiencies that can be derived from improved navigation and coastal and ocean information and services could be worth over \$300 million annually around the Nation's coasts. Improvements in NOAA's positioning and weather information will also support surface transportation safety and just-in-time efficiencies.

For the MTS, NOAA is committed to improve the accuracy of its marine forecasts, provide advanced electronic navigational charts and real-time oceanographic information, and maintain a precise positioning network that mariners need to navigate with confidence. NOAA will work with port and coastal communities to ensure that port operations and development proceed efficiently and in an environmentally sound manner. For the aviation community, NOAA will work with the Federal Aviation Administration and the private sector to reduce the impacts of weather on aviation without compromising safety.

OUTCOME MEASURES

- Increased use and effectiveness of environmental information for planning for marine, air, and surface transportation systems.
- Reduced number of and harm from navigation-related accidents due to grounding and allisions (hitting fixed objects).
- Increased number of ports where the environmental consequences of port development and operations are minimized.
- Increased number of ports with an improved vessel cargo carriage capacity due to use of NOAA's marine navigation information products and services.

STRATEGIES and MEASURES of SUCCESS

Monitor and Observe: NOAA will expand its advanced technology monitoring and observation systems to provide accurate, up-to-date environmental data, such as weather and oceanographic observations, hydrographic surveys, and precise positioning coordinates.

- Increased percentage of navigationally significant U.S. waters where hydrographic surveys provide accurate and up-to-date information on depth and obstructions.
- Increased reliability, frequency, and use of marine, aviation, and surface transportation-related observations.
- Increased number of new mapping and assessment tools made available through a nationwide vertical-datum transformation tool and topo/bathy mapping.
- Increased percentage of counties with a demonstrated capacity to provide accurate positioning.

Understand and Describe: NOAA will develop and apply new technologies, techniques, and models.

- Shortened cycle time from research (government and academia) to operations (e.g., new techniques, improved products).
- Increased efficiencies and accuracy of the Global Positioning System through the application of innovative technologies.
- Increased capabilities of data acquisition technologies, processing, and analysis.
- Development of viable alternatives to ballast water exchange to prevent the introduction of exotic species to U.S. coastal waters.

Assess and Predict: NOAA will develop and implement sophisticated assessment and prediction capabilities to support decisions on aviation, marine, and surface navigation efficiencies, coastal resource management, and transportation system management and planning.

- Increased percentage of major U.S. ports where “nowcast” and weather and marine forecast models are implemented.
- Increased number of port communities where the risks of operations and development have been assessed for impacts on coastal resources, coastal erosion, and coastal flooding.
- Increased accuracy of weather and marine forecasts to increase the efficiency of transportation sectors.

Engage, Advise, and Inform: NOAA will work at the national and regional levels and will use advanced delivery systems, such as the Internet and other e-commerce approaches, to provide customers with the products and services they need for safety-related decisions, operating efficiencies, better management of coastal resources, and improved transportation system management and planning.

- Increased percentage of charts available in the state-of-the-art Electronic Navigational Chart format.
- Increased number of ports with plans, procedures, policies, and best management practices that minimize the environmental consequences of port operations and development.
- Increased number and timeliness of responses to spills and other hazards threatening coastal environments and communities.
- Increased percentage of U.S. ports where oceanographic and weather data are delivered in real time.
- Increased user satisfaction with NOAA information within the transportation and coastal management sectors.

NOAA’s CROSS-CUTTING PRIORITIES

When NOAA met with stakeholders and employees to identify strategic directions for the next decade, both groups emphasized that NOAA needs to increase its priority on improving the core capabilities that support the agency’s four mission goals. As a result, NOAA has selected six essential areas of growth for the future. These cross-cutting priorities describe the programmatic and managerial underpinnings that facilitate NOAA’s delivery of services and enable effective operations. In addition to supporting NOAA’s mission goals, each priority maintains a budget identity and has its own performance measures.

INTEGRATED GLOBAL ENVIRONMENTAL OBSERVATION AND DATA MANAGEMENT SYSTEM

NOAA will work with its local, regional, national, and international partners to develop global-to-local environmental observations and data management for comprehensive, continuous monitoring of coupled ocean/atmosphere/land systems. This network will enhance NOAA’s ability to protect lives and property, expand economic opportunities, understand climate variability, and promote healthy ecosystems. As part of building this capability, NOAA has begun to inventory its observing and data management capabilities, and has designed an architectural process for evaluating the efficiency of its data observation and

management system and increasing the multiple use of observation platforms and availability of real time data. By the end of FY 2003, NOAA will develop an agency-wide Strategic Plan responding to its multiple user requirements that integrates atmospheric, oceanic, terrestrial, and freshwater observations and data management to enhance achieving all NOAA's mission goals.

STRATEGIES and MEASURES of SUCCESS

1. NOAA will develop an Integrated Global Environmental Observation and Data Management System based on user requirements and an integrated architecture.

- Percent of user observation and data management requirements met by system.
- Decreased uncertainty in observational measures and elimination of observation gaps, redundancies, and losses to achieve better coverage, timeliness, reliability, and maintainability of observations for users.
- Increased number and types of users of the system to meet growing user requirements.

2. NOAA will promote international cooperation in developing this system.

- Increased use of other nations' observation platforms, resources, and assets to meet user observation and data management requirements.
- Increased number of partnerships that promote international cooperation in global observations and data management programs.

ENVIRONMENTAL LITERACY, OUTREACH, AND EDUCATION

NOAA will apply its broad spectrum of environmental science expertise to establish an environmental literacy program for educating present and future generations about the changing Earth and its processes. This program will improve the public's response to natural hazards, will assist state and local natural resource managers, and will ensure that decision makers have access to the information they need to appropriately reduce human impact on the environment and to respond to storm warning and environmental change.

STRATEGIES and MEASURES of SUCCESS

1. NOAA will improve public awareness of its mission goals and accomplishments, as well as basic knowledge of the environment and human interactions with it.

- Increased number of favorable public survey scores of NOAA's role and achievements.

2. NOAA will create an agencywide mechanism for distributing and using its educational materials, and for measuring the effectiveness of its outreach efforts.

- Increased number of favorable survey scores of NOAA's performance in delivering accurate, prompt, and comprehensible information.

3. NOAA will actively encourage and promote careers in the environmental sciences.

- Increased number and diversity of college students graduating each year in fields related to ocean, climate, atmospheric, and social sciences.
- Increased number of M.S.- and Ph.D.-level environmental scientists receiving degrees from minority-serving institutions.
- Increased number of NOAA staff serving as judges for, and NOAA awards presented at, American junior high and high school science fairs.

SOUND, STATE-OF-THE-ART RESEARCH

NOAA will support high-quality research underpinning its environmental analysis, prediction, and ecosystem management missions. The agency will develop and implement the new products, services, and approaches to ecosystem management needed by a Nation facing urgent environmental, economic, and public safety challenges.

STRATEGIES and MEASURES of SUCCESS

1. NOAA will increase its investments in short- and long-term research and in development of advanced technology to understand, describe, and predict changes in the natural environment.
 - Recognized high standards by researchers and decision makers for utility, objectivity, and integrity.
 - Increased number of recognized new discoveries, findings, or applications.
 - Increased accuracy in predictions and assessments.

2. NOAA will accelerate the transfer of knowledge and technology into operational use and ecosystem management.
 - Increased interactions among NOAA researchers, operations, and resource managers to identify operational and policy needs.
 - Increased use of models and assessments among scientists, economists, social scientists, operations, and ecosystem managers inside and outside NOAA.
 - Increased transfer of NOAA models, forecasts, products, and services from research into operations and ecosystem management.

INTERNATIONAL COOPERATION AND COLLABORATION

A rapidly shifting political, cultural, and economic world requires Federal agencies involved in world affairs to cultivate fresh approaches and new services to maintain U.S. leadership in these fields. NOAA will support and promote national policies and interests in ecosystem management, climate change, Earth observation, and weather forecasting and will seek to enable its global partners to benefit from this leadership. World-wide benefits of NOAA's El Nino forecasts are at least \$450 million annually. Better ship routing from US satellites are worth nearly \$100 million a year, \$20 million of which is realized by US consumers. Such international collaboration in scientific understanding will significantly benefit the American public economically and socially.

STRATEGIES and MEASURES of SUCCESS

1. NOAA will leverage United Nations Specialized Agency agreements, as well as bilateral relationships with individual countries, to maximize the development and use of NOAA's research, environmental science services, and environmental management for the mutual benefit of all parties.
 - Increased number of NOAA technical assistance initiatives and capacity-building transfers implemented.

2. NOAA will promote international consensus and cooperation in support of its mission and U.S. foreign policy through multilateral and bilateral conferences and relationships.

- Increased number of organizational objectives achieved through multilateral conferences or bilateral relationships.

HOMELAND SECURITY

NOAA's core missions of environmental prediction and management are manifested in more than eighty capabilities that support America's efforts to prepare for and, if necessary, respond to terrorist attacks. Best known are NOAA's hazardous materials spill response, atmospheric and waterborne dispersion forecasting, vessel monitoring systems, and support for communities and first responders, including training, decision-making tools, rapid on-site weather forecasts to support emergency operations, and civil emergency alert relay through NOAA Weather Radio. But NOAA is also ready to quickly provide its other assets—ships, aircraft, global observation systems, and professional law enforcement officers—to serve the Nation when the need arises.

STRATEGIES and MEASURES of SUCCESS

1. Through its core capabilities and strategic investment, NOAA will expand its support for homeland security, coordinating delivery of its products, services, and capabilities to Federal, state, and local emergency managers and responders, and strengthening its own infrastructure to protect agency personnel, facilities, and information services.

- Increased use of NOAA Weather Radios.
- Increased NOAA Weather Radio signal coverage.
- Increased number of ships with vessel monitoring systems.
- Improved forecast capabilities for atmospheric and waterborne dispersion.
- Increased number of communities with improved capacity to respond to a terrorist-related incident using NOAA information and products.
- Enhanced responsiveness to Federal, state, and local requests for support after the release of hazardous materials and during other emergencies.
- Increased number of jurisdictions with the capability to access civil emergency information through NOAA/NWS dissemination systems.
- Improved certainty of continuance of operations for critical NOAA services in the event of national crises.

ORGANIZATIONAL EXCELLENCE: Facilities, Infrastructure, Security, Human Capital and Administrative Services

Consistent with the President's Management Agenda, this Strategic Plan provides a framework for enhancing NOAA's administrative services, including financial performance, human resources, information technology and electronic government, grants management, competitive sourcing, and budget and performance integration. These improvements will center on customer-focused, interdependent, and mission-aligned programs, as well as integrated administrative infrastructure, stable funding streams, and lower overall costs of acquisition, operation, and maintenance.

STRATEGIES and MEASURES of SUCCESS

1. NOAA will expand workforce training, incentives, succession planning, and other administrative tools available to recruit and retain a skilled workforce.

- Completed Human Resources Strategic Plan by the end of FY 2003.

2. NOAA will improve processes for requirements development, construction processes, consolidation of services and facilities and will increase funding for maintenance.

- Completed Facilities Management Strategic Plan by the end of FY 2003.
- Increased number of facilities with improved collocation of NOAA services and/or strategic partners.

3. NOAA will maintain and improve its technology infrastructure in order to enhance its scientific productivity through seamless sets of observational and forecast products, advanced high-bandwidth networks, super-computing capabilities, and support for increasingly flexible sources for the delivery of information.

- Implemented on-line NOAA training resources.
- Established security accreditation for mission-critical systems.
- Elimination of all single points of failures for critical infrastructure.
- Migration to NOAA IT Enterprise Architecture.
 - Initial focus to be on a NOAA Network enterprise architecture.
- Implement cited 'best practice' life-cycle costing models from industry and other Federal agencies.
- Increased number and quality of analyses of economic benefits and costs of major investments and forecast systems using techniques from economics, decision analysis, risk management, and social sciences.

4. NOAA will streamline its administrative support services through process optimization and assessing customer satisfaction.

- Increased use of information technology to improve internal and external services.
- Improved customer satisfaction with administrative services (e.g., management of human resources, grants, procurement, and financial operations) as determined through customer surveys.
- Improved performance in management of administrative services, including financial and human resources, electronic government, competitive outsourcing, grants management, and budget and performance integration.

Building a New NOAA Corporate Culture to Serve America Better

Considerable rigor and commitment to customer service have been devoted to developing this Strategic Plan. The next step—aligning every NOAA project and program to this entrepreneurial framework—will require the dedication and discipline of everyone in the NOAA family. During FY 2003, all NOAA line and staff units will be developing robust and highly structured strategic and operating plans with elements directly linked to the final NOAA Strategic Plan.

In this new corporate NOAA, strategic planning will be a coordinated, ongoing process involving a continuous dialogue with stakeholders and employees. Though innovative thought and constructive criticism will be promoted, the agency's planning goal will be a true consensus reflecting the uniting of diverse elements committed to a common cause. Periodic reviews and surveys, monitoring of performance measures, and the free flow of ideas will be used to generate updates of and revisions to this Plan.

NOAA expresses its sincere thanks to our constituents and employees who gave their time and energy to the stakeholder dialogue sessions, who developed detailed suggestions, and who reviewed draft materials throughout the planning process. Following additional public comment and appropriate revision, this Strategic Plan will be finalized and implemented, setting the stage for a new NOAA corporate culture that will best serve America.

Appendix A - Government Performance and Results Act

NOAA's 1997 Strategic Plan conformed with the Government Performance and Results Act (GPRA) with the inclusion of seven primary strategic goals and performance measures for each. The performance measures listed below are those for which NOAA reported performance under GPRA. They are listed here because the performance will continue to be tracked through FY 04 to complete those budget cycles. As part of the ongoing strategic plan process, it will be determined whether these measures will be continued or replaced by new measures.

These performance measures are as reported in the Department of Commerce 2002 Annual Program Performance Report.

Mission Goal 1. Protect, Restore and Use Coastal and Ocean Resources through Ecosystem Management Approaches

Objective A:

Manage:

- Reduced introductions and impacts of invasive species (total of six regions within the U.S.)
- Increased number of acres of coastal habitat benefitted (cumulative)

Objective B:

Manage:

- Reduced by 10 (from a FY2000 baseline of 27) by FY2007, the number of threatened species at risk of extinction.
- Reduced by 11 (from a FY2000 baseline of 29) by FY2007, the number of endangered species at risk of extinction.
- Increased number of commercial fisheries that have insignificant marine mammal mortality.

Objective C:

Assess and Predict:

- Reduced number of major stocks with an "unknown" stock status to no more than 98 by 2007.

Manage:

- Reduced number of overfished major stocks of fish from 56 to 45 by 2007.
- Increased percentage of plans to rebuild overfished major stocks to sustainable levels

Mission Goal 2. Understand Climate Variability and Change to Enhance Society's Ability to Plan and Respond

Monitor and Observe:

- New climate observations introduced.
- Results of 90% of the research activities cited in the 2001 IPCC Third Assessment of Climate Change.

Understand and Describe:

- Number of new monitoring or forecast products that become operational / year.

Assess and Predict:

- Determine the accuracy of the correlation between forecasts of the Southern Oscillation Index (SOI) and El Nino/La Nina events.
- U.S. temperature – skill score.
- Determine actual long term changes in temperature and precipitation over the U.S.
- Assess and model carbon sources and sinks over U.S.

- Assess and model carbon sources and sinks globally.

Mission Goal 3. Serve Society's Needs for Weather and Water Information

Outcome Measures:

- Lead time (minutes), accuracy (%), and false alarm rate (%) for severe weather warnings for tornadoes.
- Lead time (minutes) and accuracy (%), for severe weather warnings for flash floods.
- Accuracy of Hurricane Track Forecasts (48 hour).
- Accuracy (%) of 3-day forecast of precipitation.
- Lead time (hours) and accuracy (%), for winter storm warnings.

Engage, Advise and Inform:

- Percentage of U.S. shoreline and inland areas that have improved ability to reduce coastal hazard impacts.

Mission Goal 4. Support the Nation's Commerce with Information for Safe and Efficient Transportation

Monitor and Observe:

- Reduced hydrographic survey backlog (square nautical miles) for critical navigation areas (cumulative percentage).
- Percentage of National Spatial Reference System (NSRS) completed (cumulative).

Assess and Predict:

- Accuracy (%), and false alarm rate (FAR) (%) of forecasts of ceiling and visibility (aviation forecasts).
- Accuracy (%) of forecast for winds and waves (marine forecasts).

Appendix B - Organizational Abbreviations

2/11/20

NOAA	National Oceanic and Atmospheric Administration
ESD	NOAA Office of Education and Sustainable Development
NESDIS	NOAA's National Environmental Satellite, Data and Information Service
NFA	NOAA Finance and Administration
NMAO	NOAA Marine and Aviation Operations
NMFS	NOAA's National Marine Fisheries Service
NOS	NOAA's National Ocean Service
NWS	NOAA's National Weather Service
OAR	NOAA's Office of Oceanic and Atmospheric Research
OCIO	NOAA Office of the Chief Information Officer
OIA	NOAA Office of International Affairs
OPA	NOAA Office of Public Affairs
PPI	NOAA Office of Program Planning and Integration

Pribilof Islands Ecosystem Stakeholder Process Organizing Committee

Administered by: World Wildlife Fund, 406 G Street, Suite 301, Anchorage, AK 99501

• tel (907) 279-5504 • fax (907) 279-5509 • wwf@acsalaska.net

David Benton, Chairman, North Pacific Fishery Management Council
PO Box 20735
Juneau, Alaska 99802
Anchorage, AK

December 2, 2002

Dear Mr. Benton,

As you know, the Bering Sea faces a host of serious issues that affect its fish and wildlife, and the people and businesses that depend on them. Over the past several years, concerns about declines in the halibut and crab fisheries, northern fur seal and bird populations of the Pribilof Islands area have become increasingly acute. We are pleased to share with you here information about last week's Anchorage workshop on *"Fisheries, Fur Seals and the Future: The Pribilof Islands' Perspective,"* which was organized by the Tribal Governments of St. George and St. Paul, World Wildlife Fund and The Nature Conservancy of Alaska to begin a dialogue about these concerns. We would also like to let you know about the broadly inclusive, stakeholder-driven, collaborative process we are now undertaking to address ecological and economic sustainability in the Pribilof Islands region.

As part of an on-going collaborative effort, the workshop sponsors sought to bring together a wide range of interested parties - fishing industry representatives, federal and state agency staff, local fishermen, community leaders, scientists and conservationists - to discuss the status and future of marine conservation and resource management around the Pribilofs. The workshop included discussions on the status and trends of the region's fisheries and wildlife, history and evaluation of the Pribilof Islands Habitat Conservation Area, availability of relevant socioeconomic information, and options for restoring depleted populations. We are especially grateful to Deputy Director David Witherell for joining the meetings and sharing information about the NPFMC.


As a result of the workshop, participants established the Organizing Committee for the Pribilof Islands Ecosystem Stakeholder Process, agreeing to enter into a collaborative planning process to develop a consensus-based approach to addressing fisheries, fur seal and other biological resource management concerns. Participants committed to including key decision makers in the stakeholder process, and to making the process broadly inclusive, balanced and fair. Evie Witten at World Wildlife Fund's Anchorage office will provide staff support for the committee.

Given the high degree of energy and participation at the workshop, the growing trust between stakeholders, and the identification of shared concerns, we are very optimistic about our ability to build a collaborative approach for improving sustainability in the Pribilof Islands ecosystem. We recognize the NPFMC as an essential partner in this initiative, and plan to provide you with regular updates as we progress; we also hope the stakeholder group can rely on the Council and its staff, as well as federal and state agencies for scientific and management information.

If you have any questions about the workshop or our next steps, we would like to hear from you. Thank you for your interest, and your commitment to creating a sustainable future for the Bering Sea.

Sincerely,

The Organizing Committee, Pribilof Islands Ecosystem Stakeholder Process:


Aquilina Cestenkof, Tribal Government of St. Paul, Ecosystem Conservation Office


Greg McGlashan, Traditional Council of St. George


Joe Sullivan, Mundi MacGregor


Larry Center, APICDA


Randy Hagenstein, The Nature Conservancy of Alaska


Evie Witten, World Wildlife Fund, Alaska Field Office

Cc: Chris Oliver, Executive Director, NPFMC
Diana Cote, Executive Director, Alaska Board of Fisheries

Pribilof Islands Ecosystem Stakeholder Process Organizing Committee

Administered by: World Wildlife Fund, 406 G Street, Suite 301, Anchorage, AK 99504

• tel (907) 279-5504 • fax (907) 279-5509 • wwf@acsalaska.net

RECEIVED
JAN 16 2003

N.P.F.M.C

January 8, 2003

Dear Colleague,

As part of our commitment to keep you informed following the November workshop "Fisheries, Fur Seals and the Future: The Pribilof Islands' Perspective," we have enclosed copies of the agendas and minutes from the three December meetings of the organizing committee for the stakeholder process.

As you will learn from the enclosed summaries, we are working hard to develop a workplan and budget to help us obtain funding for the stakeholder process. We are also working to identify both a facilitator for the process and a non-partisan non-profit or government entity to oversee receipt and distribution of the funding.

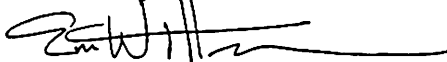
We will send copies of the agendas and minutes from all the organizing committee meetings once a month. For the time being, the agendas and minutes, along with information from the November workshop will also be posted on the World Wildlife Fund website:

http://www.worldwildlife.org/beringsea_erbc/. We will work to post minutes on the site within a few days after each meeting. Once we receive funding for the stakeholder process we hope to move this information to a site specifically dedicated to the Pribilof Islands ecosystem stakeholder process.

If you have comments, ideas, questions or concerns, please contact any of the organizing committee members. A contact list is printed below.

Thank you for your continued interest in the health of the Pribilof Islands ecosystem and in developing the stakeholder process.

Sincerely,



Evie Witten, World Wildlife Fund
For the organizing committee

Pribilof Islands Ecosystem Stakeholder Process Organizing Committee:

Larry Cotter	APICDA	(907) 586-0161	lcotter@picda.com
Randy Hagenstein	The Nature Conservancy	(907) 276-3133	rhagenstein@tnc.org
Aquilina Lestenkof	St. Paul Tribal Ecosystem Office	(907) 546-2641	aquilina@tdxak.com
Greg McGlashan	St. George Tribal Ecosystem Office	(907) 859-2205	gregorymcglashan@yahoo.com
Joe Sullivan	Mundt MacGregor	(206) 624-5950	jsullivan@mundtmac.com
Evie Witten	World Wildlife Fund	(907) 279-5504	wwf@acsalaska.org

Pribilof ecosystem stakeholder process organizing committee
12/03/02 meeting agenda & minutes

Agenda

Pribilof Islands ecosystem stakeholder process organizing committee

- December 3, 2002 meeting: 12 p.m.
- WWF office: 406 G Street, Suite 301
- Or via teleconference: 1-800-503-2899, access code: 2795504 (please note this is a new number)

1) Discuss all tasks assigned to organizing committee by workshop participants:

General tasks from the 'to do list' include:

- a) Organize, plan and schedule stakeholder process
- b) Identify tools and data needed to inform stakeholder process
- c) Budget and seek funding
- d) Manage the process of stakeholder nomination

In addition, workshop participants asked us to follow up on:

- d) Letter to NPFMC explaining stakeholder process (initiated at 11/26 committee meeting)
- e) Letter to Sen. Stevens explaining stakeholder process and seeking funding for fur seal plan
- f) Obtain halibut by-catch data for Pribilofs area
- g) Provide notes back to workshop participants regarding organizing committee progress
- h) Letters of introduction about stakeholder process to relevant organizations

2) Discuss budget for updating and implanting fur seal plan; select committee member(s) to draft

3) Discuss budget for stakeholder group process; select committee member(s) to draft

4) Select next meeting date, time & location and discuss agenda items.

Present: Aquilina, Joe, Randy, Evie

Not present: Greg

Minutes:

- ♦ Discussion about funding and proposal to Sen. Stevens:
- ♦ Congress will vote on the omnibus reconciliation bill prior to the President's day recess; it would be optimal to have industry and the communities agree on a request to Senator Stevens for funding for the stakeholder process for that deadline.
- ♦ Tribal government of St. Paul has funding for community involvement in revising the fur seal plan, and the initial revision process has been identified.

- ♦ Initiating the stakeholder process will require funds; the fur seal plan revision is an opportunity to address environmental issues and concerns.
- ♦ 3 categories of funding we will seek:
 - ♦ for fur seal plan revision
 - ♦ for stakeholder process from government sources
 - ♦ for stakeholder process from NGO sources
- ♦ We need to contact NMFS regarding their proposed budget for the fur seal plan revision: How much is resolved vs. how much needs new funding?
- ♦ We need to figure out how the Pribilof Islands fur seal plan revision team's activities and goals mesh with this planned stakeholder process.
- ♦ Mike Williams at LGL is organizing the fur seal revision for the St. Paul tribal government; his tasks:
 - Revise sectiond 1 & 2
 - Update each of 8 sections with new research and traditional ecological knowledge.
 - Socioeconomic section
- ♦ Proposed budget for organizing committee:
 - Budget and brief workplan by the end of the year (Evie and Randy will draft)
 - Fed \$ for northern fur seal conservation plan revision
 - Fed \$ for stakeholder process
 - NGO \$ for stakeholder process
- ♦ Larry will draft list of data needs and tools, and 'heads up' letter to Sen. Stevens
- ♦ Discussion about spreading news of stakeholder process more broadly; consensus that will come later, after we refine the list of stakeholders, then we need to get the word out to them first.
- ♦ Discussion about what 501(c)(3) will receive/hold money for stakeholder process.
 - Proposal to approach SWAMC (Southwest Area Municipal Conference).
 - Joe is on board of directors, will discuss with board and staff at their 12/12 board meeting.

Next meeting: 12/13/ 02 10 a.m. teleconference

Pribilof ecosystem stakeholder organizing committee
December 13, 2002
Meeting Agenda and Minutes

- 10 a.m. teleconference
- Call in number: 1-800-503-2899
- Access code: 2795504

Agenda

- 1) Updates on conversations with NMFS
 - a) Report on 12/4 meeting (Randy)
 - b) Report on follow-up conversations with Mike Payne, others (Evie)
 - 2) Funding:
 - a) Review draft budget and workplan
 - b) Discuss proposal to North Pacific Research Board
 - 3) Updates re: 501c3 to receive & manage funds for stakeholder process
 - a) SWAMC
 - b) Tides Foundation
 - c) Other ideas?
 - 4) Determine selection process for facilitator
 - a) Determine time frame for developing short list
 - b) Select team to schedule, conduct interviews
 - 5) Updates re: data needs and requests
 - 6) Letter to Hogarth re: stakeholder process
 - 7) Logistics
 - a) Discuss posting minutes, meeting presentations, etc. on WWF web site
 - b) Select next meeting date
-

Meeting Minutes. December 13, 2002 meeting:

Present: Aquilina, Evie, Joe, Randy

Not present: Greg, Larry

1. Updates on conversations with NMFS:
 - a) Report on 12/4 meeting (Randy)
 - Larry, Margaret, Evie and Randy had a meeting with Jim Balsiger, Sue Salvison, Mike Payne, and Doug DeMaster of NMFS during the NPFMC meeting in Anchorage on 12/4.
 - Org. committee members updated NMFS staff on Nov. workshop and workshop participants' intention to launch stakeholder process and alerted them about potential future need for data and information.
 - It was a positive and productive conversation; with NMFS staff supportive of stakeholder process plans.
 - NMFS staff stated they do not believe there is enough information to merit an endangered species listing for the northern fur seal at present, and urged stakeholder group to work within MMPA and address fur seal depleted status.

increase this line item to allow for up to 5 people teleconferencing during all 2-day stakeholder meetings.

- Discussion about personnel line item. Agreement that all NGOs will be seeking funding to support participation in stakeholder process. Agreement that including staff support for process in budget is appropriate. Agreement to postpone further discussion about NGO funding needs until next meeting.
- Agreement that no stakeholder will be offered stipend for participation.

b) Discuss proposal to North Pacific Research Board:

- Alan Springer was out of town, and not available for discussion regarding his proposal prior to meeting. Evie will follow up with Alan and get details. Agreement to review and likely endorse his/other's proposal for comprehensive ecosystem research in eastern Bering Sea.
- Agreement not to endorse any social & economic proposals to NPRB at this time, rather to first scope research needs and researchers, and to wait for stakeholder process to begin and decide on priorities.
- Evie will look into NPRB RFP and determine if appropriate to request funding to scope social & economic research needs and researchers.

3. Updates re: 501c3 to receive & manage funds for stakeholder process

- SWAMC: Joe spoke with Wayne Stevens (president) and Wanetta Evers (executive director), both were supportive of idea of SWAMC receiving and holding grants for the stakeholder process. Topic was on the agenda of their 12/12/02 board meeting, however Joe missed the meeting due to an illness. Feedback suggested board was supportive. Joe will work on getting a resolution to that effect to include with the letter to Stevens if we choose to use SWAMC
- Tides: Discussion about the Tides Center. More information available at www.tidescenter.org, click on "becoming a project". Committee members will investigate and be ready to discuss at next meeting.
- Discussion about pros and cons of working with different organizations, and if we want to work with an organization that has a local/vested interest in the process vs. one that will be completely separate.
- Committee members also committed to looking into other possibilities prior to the next meeting.

4. Determine selection process for facilitator

- Discussion about what we need from a facilitator; agreement that we don't want someone who can only run a meeting, rather we need someone who is able to design the process and is experienced and successful with similar processes.
- Time frame for developing short list: Decision that committee members should make recommendations by our 12/23 meeting.
- Decision to wait until all committee member in attendance to select a team to schedule, conduct interviews

5 Updates re: data needs and requests

- Postponed until next meeting when Larry is present
- 6 Letter to Hogarth re: stakeholder process
- Agreement that it is a good idea to send Hogarth a letter, especially in light of his 12/2 National Fisherman article.
 - Joe volunteered to draft a letter
 - Organizing committee will sign, will go on Org. committee letterhead, will be cc-ed to: Balsinger, Salvison, Payne.
- 7 Logistics
- Re: posting minutes, meeting presentations, etc. on WWF web site: Concern that people might perceive that WWF is controlling the process or information; decision to add line item on budget to build a stakeholder process website where all information will be posted, with links to other organizations web sites if they request.
- 8 Other updates:
- Randy reported he has a meeting tentatively scheduled with Lisa Southerland from Sen. Steven's office 12/17, and will include a copy of our letter to NPFMC in his information packet for her, and provide a 'heads-up' regarding the stakeholder process.
 - Joe reported he and Margaret testified to the NPFMC, informing the council of the Nov. meeting and the planned stakeholder process, and delivering the letter to David Benton.

- Re: next meeting date: 12.23. 10 a.m. teleconference
 - Note post meeting proposal to change to 11:30 a.m on 12.23
-

Pribilof ecosystem stakeholder organizing committee
December 23, 2002
Meeting Agenda & Minutes

- 11:30 a.m. teleconference
- Call in number: 1-800-503-2899
- Access code: 2795504

Agenda

- 1) Funding:
 - a) Update re: proposal to North Pacific Research Board
 - b) Update re: proposal to Stevens
 - i) Discuss NMFS proposal and decide on course of action for coordination
- 2) Updates re: 501c3 to receive & manage funds for stakeholder process
- 3) Determine selection process for facilitator
 - a) Select team to determine criteria, schedule, conduct interviews
- 4) Updates re: fisheries data needs and requests
- 5) Letter to Hogarth re: stakeholder process
- 6) Logistics
 - a) Discuss posting minutes on WWF web site temporarily (until stakeholder website created)
 - b) Next meeting date

Minutes

- 1) Funding:
 - a) Update re: possibility of submitting proposal to NPRB:
 - ♦ Evie checked with Alan Springer; he is not submitting a proposal for a comprehensive Bering Sea research program because he didn't have enough time and information. He suggested the organizing committee consider submitting a proposal for funding to scope/plan a comprehensive research program. He suggested the stakeholder group define some basic questions, and then convene a workshop of scientists to plan a research program around those questions.
 - ♦ Astrid Schotz contacted Evie and they had a similar conversation regarding social and economic research.

- ◆ Evie reviewed the NPRB RFP and spoke with Clarence Pautzke and determined a proposal to design a research program (essentially to design a proposal) does not fit the NPRB RFP guidelines.
- ◆ Agreement that the stakeholder process will itself act as a scoping exercise and that the organizing committee should focus on seeking funding to initiate the stakeholder process now, not on anticipating what funding might be needed by the stakeholder group in the future.

b) Update re: proposal to Senator Stevens:

- ◆ NMFS gave the organizing committee a “Pribilof Islands Program Research and Management Needs Statement” dated 12/13, which is the proposal Mike Payne described to Evie prior to this committee’s 12/13 meeting (see 12/13 minutes).
- ◆ Discussion about the NMFS Needs Statement, and a letter written by LGL regarding the northern fur seal plan. (Larry will fax copies of the LGL letter to all committee members.)
- ◆ Agreement that NMFS plans overlap aspects of Pribilof Islands Ecosystem stakeholder process plans and that there appears to be contradictions between NMFS Needs Statement and their co-management agreement with the tribes. Agreement that this organizing committee, NMFS and tribes all need to talk and figure out who is planning and doing what.
- ◆ Agreement that Larry will contact Mike Payne, Doug McMaster and Jim Balsiger at NMFS and discuss the apparent overlaps and conflicts.
- ◆ Discussion about this committee going forward with a proposal to Senator Stevens for funding only to convene the stakeholder process, and not including a request for fur seal plan funds at this point.
- ◆ Agreement that the stakeholder group will need to work cooperatively with NMFS and that fostering the development of the fur seal plan is in the group’s best interest.
- ◆ Debbie pointed out that St. Paul and St. George tribes already have authority to begin updating the northern fur seal conservation plan. The contract to do so is a result of having a co-management agreement. The co-management agreement is a good tool that we all need to look at and utilize. She will forward a copy of the agreement to committee members.
- ◆ Agreement to postpone decision about scope of this committee’s proposal to Senator Stevens until we have clarified overlap issues with NMFS.

- ♦ Evie will further develop workplan and budget prior to this committee's next meeting.
- ♦ Discussion about current status of Appropriations bill and about need to inquire with Steven's office re: appropriate timing of the proposal.
- ♦ Randy explained TNC has a tentative appointment next week with Lisa Sutherland from Sen. Steven's office, he will provide a heads-up about the stakeholder process and inquire about appropriate timing of the proposal.

2. – 5) Agreement to postpone these agenda items until next meeting

6) Logistics:

a) Temporary posting of organizing committee materials on WWF web site:

- ♦ Agreement to have WWF post organizing committee minutes and other related materials on the WWF web site until the stakeholder process is able to establish its own website, provided WWF state clearly that this is a collaborative process and that materials are posted as a service without any WWF control over content.

b) Next meeting:

- ♦ Thursday, January 9th 10 a.m.

United Fishermen's Marketing Association, Inc.

P.O. Box 1035 Kodiak, Alaska 99615

Telephone 486-3453



Fax: 907-486-8362

January 7, 2003

Mr. David Benton, Chair
North Pacific Fishery Management Council

Re: Halibut and Sablefish IFQ Regulations

Dear Dave,

I respectfully request that you please schedule a Council discussion on your January agenda to consider and possibly establish an ambitious schedule for the Council: (1) to process public proposals that were submitted to the Council in response to the June, 1999, "Call for Proposals"; and (2) to advertise a Call for Proposals for the Halibut and Sablefish IFQ program at your January meeting. Two possible alternatives for addressing these suggestions include:

1. To address public proposals submitted in response to the June, 1999, Call for Proposals

Assign a high priority to proceeding with the analysis of and final Council action on the five proposals that the Council adopted for analysis in June, 2001 (such proposals that were submitted in response to the June, 1999, Call for Proposals for the halibut and sablefish IFQ fisheries).

Begin the staff Analysis, at the earliest possible moment after the January, 2003, Council meeting, of the five proposals that the Council adopted for analysis in June, 2001.

Target October, 2003, for final Council action on this package of proposals so that the possibility would exist for any Council-adopted modifications to be implemented for the 2004 halibut and sablefish IFQ fisheries.

2. To advertise a Call for Proposals for new public proposals for the halibut and sablefish IFQ fisheries

Advertise a Call for Proposals for the halibut and sablefish fisheries in the February, 2003, Council Newsletter, with a closing date for the submission of such proposals prior to the April, 2003, Council meeting.

Conduct a meeting of the IFQ Implementation and Cost Recovery Committee in April, 2003, on the Sunday of the week during which the Council is scheduled to meet. This meeting would address the consideration of any halibut and sablefish proposals that may be submitted in response to a possible February, 2003, Call for Proposals. This consideration would include

combining, blending and prioritizing such newly submitted proposals with those public proposals that the IFQ Implementation Committee prioritized in October, 1999.

The Council could then consider (1) any recommendations that may result from the proposed April, 2003, meeting of the IFQ Implementation and Cost Recovery Committee with respect to the "old" (June, 1999) and "new" (February, 2003) proposals, and (2) reconfirm or modify the Problem Statement and list of five proposals that the Council adopted for analysis in June, 2001.

Target October, 2003, for final Council action on this package of proposals so that the possibility would exist for any Council-adopted modifications to be implemented for the 2004 Halibut and Sablefish IFQ fisheries.

Brief Background

The last biennial "Call for Proposals" for the halibut and sablefish IFQ fisheries was advertised in the June, 1999, Council Newsletter. Ten proposals were submitted to the Council by the August, 16, 1999, deadline for the submission of proposals. All ten proposals were subsequently considered by the IFQ Implementation Committee on October 10, 1999. The IFQ Implementation Committee combined nine of the ten submitted proposals into four proposals, and submitted a prioritization and recommendation to the Council with respect to these four proposals; one of the ten proposals was not recommended for Council action.

In June, 2001, the Council reviewed the October, 1999, recommendations of the IFQ Implementation Committee, and adopted a "Westward Area IFQ Problem Statement", and an associated list of five proposals for analysis ("When staff time becomes available, the Council will initiate analysis of alternatives forwarded by IFQ committee and AP ..."; NPFMC Newsletter, June, 2001).

The next expected biennial Call for Proposals for the halibut and sablefish IFQ fisheries (scheduled for June, 2001) was cancelled by the Council due to the existing Council workload.

On December 2, 2001, the IFQ Implementation and Cost Recovery Committee considered several enforcement, recordkeeping and reporting proposals for the halibut and sablefish IFQ fisheries that were submitted to the Council by the NMFS Office of Enforcement. The IFQ Implementation and Cost Recovery Committee reviewed and submitted recommendations to the Council with respect to the NMFS proposals.

In February, 2002, the Council reviewed the December, 2001, recommendations of the IFQ Implementation and Cost Recovery Committee, and approved three enforcement, recordkeeping and reporting changes to the halibut and sablefish IFQ regulations.

The next scheduled biennial Call for Proposals for the halibut and sablefish IFQ fisheries is June, 2003.

Summary

There appears to be a need to address several conservation, management and operational aspects of the halibut and sablefish IFQ fisheries.

Prior to proceeding in the near future with an analysis of the five proposals that were adopted by the Council for staff analysis in June, 2001, it may be prudent to solicit any new ideas that may be available from the public with respect to the management of the halibut and sablefish IFQ fisheries. It is probably a reasonable presumption that any public proposals that may be submitted in response to a possible February, 2003, Call for Proposals would include: (1) issues that have been previously addressed in proposals that were submitted to the Council in response to the June, 1999, Call for Proposals, or submitted separately by NMFS, and subsequently considered by the IFQ Implementation Committee (October, 1999, and December, 2001) and by the Council (June, 2001, and February, 2002); and (2) issues that are relevant to new, contemporary and emerging conservation, management and operational needs in the halibut and sablefish fisheries that were not evident either in June, 1999, when the last Call for Proposals was issued, or in June, 2001, when the Council adopted a "Westward Area IFQ Problem Statement" and the associated list of five proposals for staff analysis .

Thank you for your consideration of the pressing need to address the conservation, management and regulatory framework of the halibut and sablefish IFQ fisheries.

Sincerely,



Jeff Stephan

Melvin Larsen
PO Box 33
Sand Point, AK 99661
(907) 383-2262
FAX (907) 383-2252

RECEIVED
JAN 15 2003
N.P.F.M.C

January 9, 2003

Chris Oliver, Executive Director
North Pacific Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501

Dear Mr. Oliver,

I'm the co-owner of the fishing vessel Decision and fish out of Sand Point, Alaska. At this time the Decision is not eligible for pot fishing during the parallel fisheries unless we give up it's federal permit. The Decision is a qualified vessel under License Limitation and has been participating in the cod fishery since the time of its construction in 1992 when it replaced the old "Decision".

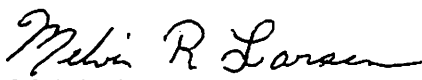
With our mail service and the season openings, we do not have the opportunity to give up our federal permit, reapply, and have it here for the pollock openings.

At this time fixed gear, pots and longline, are catching the federal cod quota. Many of these vessels are new to the fishery and don't have License Limitation qualifications. I understand that this is a conflict between State and Federal regulations, but the catch is coming from the Federal TAC and our vessel is losing out on the portion of the quota now being caught by fixed gear.

The Decision has historically had the opportunity to fish on the full quota. I believe there has been an oversight from the State when they left the vessels with a qualifying LLP out of the Parallel Fishery.

I have talked to many people from NMFS and the State and no one seems to know why this happened and what can be done about it. Doug Eggers suggested I send in this letter and that you would make sure it was distributed to the council members and State personnel at the January council meeting in Seattle. Thank you for your help in bringing this matter to the Council and others concerned.

Sincerely,


Melvin R. Larsen

RECEIVED

JAN 16 2003

N.P.F.M.C

Frank Melseth Sr.
PO Box 66
Sand Point, AK 99661
(907) 383-2772
1/14/03

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North Pacific Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501

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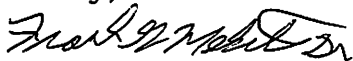
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Sincerely,



Frank Melseth Sr.

