

Executive Director's Report

Update on National Fisheries Conference

Planning for the March 24-26, 2005 conference in Washington D.C. (Managing our Nation's Fisheries II: Focus on the Future) is going well. The conference Organizing Committee has identified the conference structure and panel topics, selected an initial list of panel participants and presenters, and we have the invites out and are awaiting confirmations. For your information that invite, which contains the panel descriptions and participants, is included under B-1(a). A conference brochure will be going out by mid-December which will contain this and other information, including registration information. If you intend to attend the conference, please register early as space will be limited! Council members will be reimbursed for registration and travel expenses. I am also working with key Congressional staff to attempt to organize a formal MSA reauthorization hearing on the March 23, the day preceding the conference. I will keep you posted as new information becomes available.

October meeting with NOAA in Baltimore

NOAA Fisheries leadership organized a workshop in mid-October for the members of all eight Regional Fishery Management Councils. The majority of our Council members were able to attend, as were most of the other members from across the country. Dr. Hogarth and Admiral Lautenbacher were in attendance, along with other top NOAA personnel, to discuss with the Councils a number of key issues, including those that will be the focus of our national conference next March. We discussed ecosystem approaches to management; science and management issues; overcapacity and related economic performance issues; the regulatory streamlining process; National Standard 1 guidelines; marine protected areas; overall fishery governance issues; and future plans for Council member training and orientation. I have a few copies of the briefing notebooks from this meeting, for those who were unable to attend and would like to have a copy.

The meeting was a great opportunity for the Councils and NOAA Fisheries to compare efforts in these key areas, and to coordinate our thinking on these critical issues prior to our March conference and prior to MSA reauthorization. The most significant outcome of this meeting was the discussion surrounding ecosystem-based management, and current NOAA initiatives in this regard. We were apprised of larger NOAA initiatives to coordinate development of Regional Ecosystem Councils (much like the Regional Ocean Council concept raised in the U.S. Ocean Commission report), and an overall movement to 'ecosystem-based management' as outlined in the NOAA Fisheries Strategic Plan (discussed below). While all eight Councils support the concept of ecosystem-based management, we were nevertheless concerned with the degree of specific development of this concept within NOAA, through an overarching, NOAA-level Ecosystem Goal Team. Item B-1(b) is a letter signed by the Executive Directors of all eight Councils addressing this issue. We anticipate greater coordination with NOAA as this concept becomes more defined, and as potential MSA reauthorization or other legislation is crafted which may further prescribe how we implement ecosystem-based management.

NOAA Fisheries Strategic Plan

In a Council mailing a while back I included a copy of the NMFS draft Strategic Plan for 2005 through 2010 (New Priorities for the 21st Century), which had a comment deadline of November 30. Myself and the

Council Chair collaborated on a comment letter which is included under B-1(c). The Strategic Plan as written appears to contain a very broadly articulated vision, but is firmly centered around the concept (again, broadly defined) of ecosystem-based management. The Vision Statement, for example - *American people enjoying the riches and benefits of healthy and diverse marine ecosystems*, and, the Mission Statement - *Stewardship of living marine resources through science-based conservation and management, and the promotion of healthy ecosystems*, both reflect the general concept, but we felt that the Strategic Plan was lacking in specifics relative to implementing this concept, particularly with regard to the fisheries management mission and with regard to the role of the Councils. Our letter referenced the previous letter to Admiral Lautenbacher vis-a-vis our concerns over mandating 'ecosystem management' before we appropriately, and mutually, define the concept.

Chair's testimony and response to questions

Most of you have probably seen this, but for your reference I have included here copies of Stephanie Madsen's written testimony before the September 14 Senate Subcommittee on Oceans, Fisheries, and Coast Guard. She was invited to speak on behalf of all the regional Councils. Following that, we were requested to respond to a number of follow-up questions, some of them general to all Councils and some of them specific to the North Pacific. The original testimony, and her responses to these follow-up questions, are included under B-1(d).

AFA cooperative reports

Consistent with our practice in recent years, we have not scheduled review of the AFA cooperative year-end reports, or agreements for the upcoming year, for this meeting. Rather, we will review those in February when such reports can be finalized with all 2004 fishing activities. The preliminary reports, due December 1, are on file at the Council office.

Plan Team Nomination

Item B-1(e) is a letter from Dr. Jeff Koenings, Director of the Washington Department of Fish and Wildlife, nominating Ms. Michele Culver to the Plan Teams (per our request for a Washington State representative on the Plan Teams). The SSC will review the nomination and provide their recommendation, and the Council could approve the nomination at this meeting.

AOOS presentation Thursday night

Molly McCammon, Executive Director of the Alaska Ocean Observing System (AOOS), will be giving a presentation tomorrow night (Thursday) on the AOOS vision, mission, and plans. The activities of AOOS promise to be critical to the overall foundation of science and research in the North Pacific. Their mission is to develop and sustain a network of ocean and marine-related observations (physical, chemical, and biological), gathered by federal, state, private, and tribal partners, integrated into information for use by stakeholders and managers. The presentation will be from 6:00 - 7:00 pm in the Dillingham/Katmai (AP) room.

Subject: Managing Our Nation's Fisheries 2005

Date: Wed, 17 Nov 2004 16:48:35 -0900

From: Maria Shawback <Maria.Shawback@noaa.gov>

Organization: North Pacific Fishery Management Council

To: maria.shawback@noaa.gov

NOTE: Following the letter are three attachments:

- *A list of conference participants*
- *A list of panel descriptions*
- *This letter in PDF format.*

If you cannot view any of the attachments, either respond to this e-mail and let me know and I can fax or mail them to you. You can also feel free to contact me with any questions you may have, and with your response to the invitation. Thanks.

Maria Shawback

November 16, 2004

Dear potential conference participant:

On behalf of the eight Regional Fishery Management Councils, NOAA Fisheries, and the three interstate marine fisheries commissions, I am writing to invite your participation in our national fisheries conference to be held March 24-26, 2005, in Washington, D.C. 'Managing our Nation's Fisheries II - Focus on the Future' is intended to expand from our November 2003 conference, which focused on the historical development of fisheries management in each region since inception of the Magnuson-Stevens Act, and highlighted the current management programs, and their successes, in each region. At that conference we also identified the key areas in which we will be challenged to continue successful stewardship of our marine fisheries resources. The 2005 conference will be focused on those key areas, which include several issues related to pending reauthorization of the Magnuson-Stevens Act, and which are addressed in the recent report from the U.S. Commission on Ocean Policy. Our goal is to make the 2005 conference informative to the Magnuson-Stevens Act reauthorization process, as well as implementation of recommendations from the U.S. Commission on Ocean Policy. The conference will be held at the Omni-Shoreham Hotel and Conference Center, beginning Thursday morning, March 24, 2005, and concluding Saturday afternoon on March 26.

We intend for this conference to be narrower in focus than the 2003 conference, with three primary panels, comprised of about 12 members each, focusing on ecosystem based management, strengthening science in the management process, and development of appropriate guidelines for IFQ programs or other forms of dedicated access privileges. A unique format is planned, to roughly reflect the Council process, in which results of these three primary 'advisory panels' will feed into a main conference panel comprised of Council representatives from each region, NOAA Fisheries officials, and representatives from the interstate fisheries commissions, Coast Guard, General Counsel, State Department, and U.S. Fish and Wildlife Service. A single Scientific and Statistical Committee (SSC) composed of about 14 members will also discuss and produce findings to report to the main conference panel. Three invited presenters, for each of the three primary panel topics, will prepare papers and make brief presentations to the relevant advisory panel and to the SSC. These presentations are intended to put various perspectives in front of the panels and SSC to initiate discussion by the panel/SSC members. A rapporteur will be assigned to assist a pre-appointed advisory panel/SSC Chair to summarize the panel findings and report to the main conference panel. Public testimony will be allowed, but will be limited due to time constraints.

Concurrent with the primary advisory panels and SSC, four smaller 'hot topic' panels, in a less formal, workshop setting, are planned for the following additional areas: marine protected areas and cold water corals; reconciling fisheries statutes; overall fisheries governance; and, overfishing and stock rebuilding. These will consist of a panel moderator to open discussion, three to four panel participants to provide their perspectives on the issue, followed

by an 'open-mike' period for audience participation. The exact agenda and daily schedule for the various panels are still being finalized.

The Conference Organizing Committee strived to attain a diverse range of perspectives in choosing the panelists and presenters. **Please review the attached panel descriptions, and list of participants, to see where we are requesting your participation.** If you are identified as a proposed panel Chair for one of the three main advisory panels, some additional responsibilities will be attached, in terms of managing the panel discussion and reporting to the main conference panel. Panel participants are not expected to prepare any formal presentations, but will discuss and respond to the prepared presentations and comments from other panelists.

If you accept the invitation as one of the nine presenters we would need a written paper and/or presentation materials by the end of February, so that they can be copied and compiled in a conference briefing book. Written papers or other presentations will also be published in the post-conference proceedings.


Participants or moderators in the four 'hot-topic workshops' are not required to prepare any written papers or other presentation materials, but are not precluded from doing so.


We would appreciate your response to this invitation by December 15, so that we will have adequate time to name a replacement if necessary. The Conference will pay travel and per diem expenses for (non-federal) panel members, moderators, and presenters, and registration and banquet fees will be waived. We are very excited to once again hold a national fisheries conference on these important issues, particularly on the eve of pending Magnuson-Stevens Act reauthorization. Once we better establish panel composition, we will forward additional information regarding format and anticipated outcomes for each of the panels. Our conference WEB-site (www.managingfisheries.org) is under construction and being updated as more information becomes available. We hope that you will be able to participate and make this conference a success!


Sincerely,



Chris Oliver
Executive Director
North Pacific Fishery Management Council

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North Pacific Fishery Management Council

Stephanie Madsen, Chair
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November 16, 2004

Managing our Nation's Fisheries 2005 *Description of Conference Advisory Panels*

Developing an Ecosystem-based Approach to Fisheries

The U.S. Commission on Ocean Policy and others have recommended that fishery managers should continue to move toward a more ecosystem-based management approach. This panel will examine the progress made to date in defining and designing ecosystem approaches for fisheries. Further, the panel is expected to discuss the process for developing ecosystem goals and objectives, technical requirements, availability of necessary information, and how to develop realistic fishery ecosystem plans. In addition, there are different views as to how to approach regional ecosystem planning - is another layer of bureaucracy and oversight necessary, in the form of regional ocean or ecosystem councils, or can different user groups and resources managers coordinate and work within existing processes? How should ecosystem regions be defined? How should the Magnuson-Stevens Act be revised to move us further in the direction of ecosystem-based management? What incremental steps should be taken as we proceed forward?

Strengthening Scientific Advice for Management: Increasing Confidence in Council Stewardship

Reliable science is essential for successful management of fisheries. The Magnuson-Stevens Act requires each Council to establish Scientific and Statistical Committees (SSCs) to assist the Council with developing and evaluating scientific information for fishery management plans. All of the Councils have prestigious SSCs to provide the best available scientific advice. Yet there is a perception by some that scientific advice is sometimes ignored by regional councils in favor of social or economic considerations. To address this perception, the U.S. Commission on Ocean Policy has recommended that SSCs should have the authority to determine allowable biological catch levels, rather than the Councils. Other draft legislation suggests requirements for extensive, independent review of scientific information, and/or creation of separate 'scientific authorities'. Is there a need to separate conservation from allocation decisions, and can this be done effectively? Is such a separation realistic for management actions other than stock assessment and setting of catch quotas? What steps should be taken to ensure confidence that fisheries are managed on the basis of scientific information? Do we need additional, independent reviews of scientific information? How should the Magnuson-Stevens Act be revised to strengthen scientific advice?

Criteria for IFQ Programs: Balancing Safeguards and Flexibility

The U.S. Commission on Ocean Policy and the National Research Council recommended that IFQs or other form of dedicated access privileges be available to fisheries managers, because they can provide substantial benefits, including ending the race for fish. Various draft legislation proposes specific requirements and specific provisions for development of such programs. Proposed requirements included referendum for approval, expiration dates, transferability and ownership issues, specific community considerations, cost recovery for management, performance reviews, and other provisions. To what extent are guidelines and review processes necessary? What provisions should be prescribed to fisheries managers, while still allowing flexibility for IFQ programs to be tailored to specific regional, social, economic, and fishery conditions? What other forms of 'dedicated access privileges' can be developed which provide similar benefits?

Scientific and Statistical Committee

The single SSC will address each of the three primary panel topics listed above. The SSC will receive the same nine presentations (three for each topic) and discuss and develop relevant findings to report to the main conference panel.

Hot Topic Workshops

MPAs and Cold Water Corals

Marine protected areas (MPAs) are considered to be an important tool for managing fisheries and other human activities in the ocean, and hundreds of MPAs have been implemented throughout the U.S., primarily for fisheries management purposes. Executive Order 13158 requires that the Department of Commerce and Department of Interior develop a scientifically based, comprehensive national system of MPAs. This workshop will provide a forum for discussion on approaches to implementing a national system of MPAs to address fisheries as well as other needs. Additionally, the workshop will allow participants an opportunity to exchange ideas on how to define MPAs (vs other types of closure areas), and how to protect and conserve cold water coral communities that have been discovered in U.S. waters. The overlap of jurisdiction and management authorities is also an important consideration in development of MPAs.

Overfishing and Stock Rebuilding

The 2003 Report to Congress on the Status of U.S. Fisheries documents substantial improvements in sustaining and rebuilding previously depleted fish populations in the U.S. Yet, for those major stocks where status information is available, 21% were still being harvested at unsustainable levels (i.e., overfishing was occurring), and 24% remained in a depleted condition. National Standard 1 guidelines are being revised to establish a combination of maximum allowable timeframes and fishing mortality controls to rebuild depleted fish stocks. Although controlling fishing mortality is one of the keys to sustainable fisheries, a formulaic approach may inhibit development of rebuilding plan which could both rebuild stocks and minimize economic impacts on fishermen and communities. This workshop will provide an opportunity to discuss current regulations and potential improvements to ensure sustainable fisheries and continued rebuilding.

Fishery Governance

The U.S. Commission on Ocean Policy recommended changes to strengthen fishery governance by building upon past success. Recommendations included further empowering Interstate Fisheries Commissions, broadening membership on regional fishery management councils, and training for new council members. An overarching National Ocean Council, along with regional ocean councils, is also suggested. This workshop will provide a forum for participants to discuss whether, and to what degree, the Magnuson-Stevens Act should be revised, or other legislation enacted, to improve the process by which laws, procedures, and institutions address fishery issues. The role of existing regional fishery management councils, within a potential structure of regional ocean (or ecosystem) councils, should also be a focus of this discussion.

Reconciling Statutes

There are of a number of Acts and Executive Orders governing the fisheries management process, and in some cases the provisions and processes appear conflicting or redundant. For example, the requirements for social and economic analysis, scientific review, and public process specified in the Magnuson-Stevens Act (MSA) are substantially the same as under the National Environmental and Policy Act (NEPA). However, the timeline and administrative process under the two Acts often conflicts, and NEPA has now become the defining act for processing and review of management actions, and has become the focus around which litigation is centered. The Administrative Procedures Act (APA) and the Regulatory Flexibility Act (RFA) provide similar examples relative to their application to fisheries plans and regulations. Other Acts, including the Endangered Species Act and the Marine Mammal Protection Act, also overlap authorities within the MSA. The workshop will examine ways to resolve the conflicts between these statutes in order to clarify and streamline the regulatory process.

Managing our Nation's Fisheries

Panel composition as of November 8, 2004 - confirmations pending:

Opening remarks/MC

Paul Howard

Bill Hogarth

Keynote Speakers:

Ted Stevens (opening)

Conrad Lautenbacher (day 2)

Wayne Gilchrest (evening banquet)

Olympia Snowe (invited)

Daniel Inouye (invited)

Main Conference Panel:

Stephanie Madsen (NPFMC - commercial fishing/processing) and Chair

Chris Oliver (NPFMC) and ED/rapportuer

Roy Morioka (WPFMC - recreational fishing) and Vice-Chair

Frank Blount (NEFMC - recreational fishing)

Phil Anderson (PFMC - state official)

Rick Savage (MAFMC - commercial fishing/private business)

Louis Daniel (SAFMC - state official)

Julie Morris (GMFMC - university)

Eugenio Pineiro (CFMC - commercial fishing)

Dr Bill Hogarth (NOAA Fisheries)

Dr Rebecca Lent (NOAA Fisheries)

Vince Oshea (ASMFC)

Randy Fisher (PSMFC)

Larry Simpson (GSMFC)

(NOAA GC), (US Coast Guard), (US State Department), (USFWS)

Ecosystem Advisory Panel -

Dr Robert Shipp (**proposed Chair**) - Director, Marine Sciences, University of South Alabama

Russell Sherman -commercial fisherman - New England

Dr Ed Houde - University of Maryland - marine/environmental science

Doug Radar - Environmental Defense - North Carolina - SAFMC habitat AP

Ralph Brown - Trawl fisheries - Oregon - PFMC member

Paul Bartram - WPFMC fisheries consultant

Dr Doug DeMaster - NMFS Science Director - Alaska region

John Iani - former seafood industry - former EPA director - current fisheries consultant

Dr Barbara Kojis - CFMC

Dr Carl Walters - Mote Marine Lab Florida/UBC Fisheries Centre-Canada

Margaret Davidson - NOAA/NOS

The 3 proposed **presenters** for this panel are: Dr Steve Murawski (NOAA S&T), Roger Rufe (the Ocean Conservancy), and Gregg Waugh (SAFMC staff)

Strengthening Science/mgmt

Viridin Brown (**proposed Chair**) - CFMC member
Russell Brown - NEFSC Woods Hole, Ecosystems Survey branch
John Carmichael - SAFMC staff
Mike Sissenwine - NMFS Senior Scientist
Jim Cook - commercial fishing/processing - former WPFMC member
Jim Gilford - former MAFMC chair
Bob Jones - Director, SE Fisheries Assoc. - Florida
Don Hansen - PFMC member
Kate Wing - NRDC - west coast
Clarence Pautzke - North Pacific Research Board - former NPFMC Director
David Benton - commercial industry - former NPFMC and Alaska Dept Fish and Game

The 3 proposed **presenters** for this panel are: Paul Sandifer (NOAA), Lee Crockett (Marine Fish Conservation Network), and David Witherell (NPFMC staff)

Criteria for IFQ programs

Dr Ken Roberts (**proposed Chair**) - LSU - socioeconomics/IFQ programs
William Wells - commercial fishing - New England
Dr Sam Pooley - Science Director - WestPac region
Dave Wallace - Wallace and assoc. - fisheries consultant - Maryland
Mark Marhefka - fisherman SAFMC AP
Wayne Werner - commercial fisherman - Louisiana
Bob Alverson - Fishing Vessel Owner's Assoc. - sablefish/halibut IFQ fishermen
Jay Bornstein - commercial processing sector - west coast
Kevin Duffy - Alaska Dept of Fish and Game Commissioner - NPFMC member
Joe Sullivan - North Pacific - fisheries consultant - community aspects
Craig Severance - University of Hawaii - anthropology

The 3 proposed **presenters** for this panel are: Dick Allen (fisherman), Seth Macinko (University of Connecticut), and Dorothy Lowman (Environmental Defense contractor)

SSC:

Dr Rich Marasco (**Chair**) - NMFS AFSC - current NPFMC SSC chair - economics
Dr Gordon Kruse - University of Alaska NPFMC SSC - marine ecology/stock assessment
Dr Robert Muller - Florida Fish and Wildlife Commission - SAFMC SSC - ecology/assessment
Dr Walter Keithly - Coastal Fisheries Inst. - LSU - socioeconomics - GMFMC SSC
Dr Ilene Kaplan - Sociology, Union College, NEFMC social science SSC
Ms Cindy Thompson - NMFS - PFMC SSC - economics
Dr Michael Dalton - Cal State - PFMC SSC - economics/ecology
Dr Chris Boggs - NMFS - PIFSC -
Dr James Berkson - NMFS/VPI - SAFMC SSC - stock assessment
Dr Lee Anderson - University of Delaware - socioeconomics/IFQ expertise
Dr Bonnie McKay - Rutgers University - socioeconomics
Dr Pat Sullivan - Natural Resources - Cornell - NEFMC SSC - ecology/assessment
(possible alternates - Keith Criddle, Gordon Munroe)

MPAs/deep water corals

Lauren Wenzel (**proposed moderator**) - staff national MPA committee
Jim Ayers - Director, Oceana - Alaska office
Richard Grigg - WPFMC precious coral team
Tony Iarocci - commercial fisherman - Florida
Dr Wally Peryera - commercial fishing - former NPFMC - current MPA committee member

Alternates - Graciela Garcia-Moliner - CFMC
Billy Causey-Director, Florida Keys Marine Sanctuary

Reconciling Statutes

Dan Furlong (**proposed moderator**)
Mary Hope Katsouros - fisheries consultant - Washington, DC
Mariam McCall - NOAA/DOC General Counsel
Kim Connolly - USC School of Law and SAFMC SSC
Ed Ebisui - WPFMC member

Alternate - John Hansel - NOAA NEPA Division Chief

Overfishing/rebuilding

Dr Grant Thompson (**proposed moderator**) - NMFS -AFSC - stock assessment
Dr Terry Quinn - University of Alaska - NPFMC SSC
Dan Cohen - Atlantic Cape Fisheries - New Jersey
Paul Dalzell - WPFMC senior scientist
Bob Hayes - Coastal Conservation Assoc (sport)

Fisheries Governance

Chris Kellog (**proposed moderator**) - NEFMC staff
Rod Moore - West Coast Seafood Processors Assoc
Dave Frulla - fisheries consultant - Washington DC
Pat White - Maine Lobsterman's Assoc - former PEW Commissioner
Terry Leitzel - Icicle Seafoods (processing) Alaska/west coast - former NMFS Chief

Alternate - Gordon Colvin

REGIONAL FISHERY MANAGEMENT COUNCILS

North Pacific Council

Pacific Council

Western Pacific Council

New England Council

Mid-Atlantic Council

South Atlantic Council

Gulf Council

Caribbean Council

November 18, 2004

Admiral Conrad Lautenbacher
NOAA Administrator
14th Street & Constitution Avenue NW, Room 6217
Washington, DC 20230

Dear Admiral Lautenbacher:

The eight Regional Fishery Management Councils (RFMCs) consider themselves to be direct partners with NOAA Fisheries in managing our Nation's fisheries and other marine resources, and we were extremely pleased to meet with you and other NOAA officials last month in Baltimore. The workshop provided a very useful dialogue among the Councils and NOAA Fisheries regarding key issues facing our shared management mission. One of the most critical issues, which is the focus of several recommendations in the report from the U.S. Commission on Ocean Policy (USCOP) and also of the pending Magnuson-Stevens Act (MSA) reauthorization, is the subject of ecosystem-based management. We understand NOAA's desire to be on the leading edge of the movement to ecosystem-based management, and appreciate your comments in this regard in Baltimore; however, based on presentations we received in Baltimore, coupled with other, less formalized ecosystem related initiatives ongoing within NOAA, we are very concerned that these collective initiatives are reaching an advanced stage of development without any meaningful input from the RFMCs.

NOAA's recent Draft Strategic Plan emphasizes the focus on ecosystem-based management, and it contains brief reference to the creation of regional ecosystem councils. In Baltimore last month we received a report from Mark Holliday regarding NOAA's initiatives in creating and coordinating regional ecosystem councils, which appears to involve a broad, multi-agency bureaucratic super-structure, but without any defined regulatory authority or specific mission. Neither does this plan identify the role of the existing RFMCs, or how the existing structures and authorities of the RFMCs and NOAA Fisheries could be built upon to accomplish the ostensible mission of regional ecosystem councils. We believe that building upon existing structures and authorities would be a more logical, efficient approach. We further understand that the current 'goal team' structure within NOAA

Admiral Lautenbacher
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includes an ecosystem goal team as one of four primary divisions, and that significant resources are being devoted to the overall ecosystem initiative, including an internal, draft discussion paper containing guidelines for the regional ecosystem approach. We also understand that NOAA is in the process of creating, or assigning, high-level ecosystem coordinator positions to at least 10 ecosystem regions across the country. Finally, we understand there is a draft NOAA position paper relative to amending the MSA with specific requirements and provisions for ecosystem-based management. Other than the very recent overview we were given in Baltimore, and an invitation to participate in an August 2004 workshop relative to possible delineation of geographic ecosystem regions, the RFMCs have not seen any of these materials, nor have we been invited to provide input into any of these planning efforts.

We are unclear on how these numerous ecosystem-related initiatives relate to one another, and what the end result could be relative to the role and responsibilities of the RFMCs, NOAA Fisheries, and other agencies. It is clear to us however that development of Regional Ecosystem (or Ocean) Councils, associated regional initiatives including new ecosystem coordinator positions within NOAA, a national strategy for ecosystem focus, and legislative requirements for ecosystem management plans (under MSA or otherwise) will all directly and significantly affect the role, function, and responsibilities of the RFMCs, as well as that of NOAA Fisheries. The most likely focus of any regional ecosystem council will be on fisheries and fisheries related activities, for which there is already a management council system in place. We all support the concept of ecosystem-based management, we already incorporate ecosystem principles in our management approaches, and four of the regions have received funding to establish explicit pilot programs for ecosystem plans. That the other four regions have not received support for such explicit ecosystem development adds to the confusion we are experiencing with regard to overall coordination of these efforts.

Moreover, we are very concerned about setting up a process that could directly or indirectly usurp existing processes and authorities, or at a minimum could prescribe the role of the Councils without our input. We should also be very careful that we do not set overly ambitious timelines, or impose impossible requirements upon ourselves, and create fertile grounds for additional litigation that could further stymie our ability to meet existing management goals. Given the apparent high priority the agency has placed on this initiative, and the resources being applied, we are also concerned that funding not be diverted to the point of compromising existing management responsibilities and critical management initiatives. It may be prudent to focus initial ecosystem strategies on scientific research, and attaining a better understanding of ecosystem components, before designing new policy and management structures.

Again, we recognize the agency's desire to get a jump start on potential legislation arising from MSA reauthorization, or potential action by the President and Congress relative to USCOP recommendations. However, we respectfully request that the agency proceed carefully with development of these ecosystem related initiatives, and that you do so in an open, collaborative manner with early input from the RFMCs. Defining ecosystem-based management, and appropriate

Admiral Lautenbacher
November 18, 2004
Page 3

application of its attendant principles, is one of the key issues on the agenda for our co-sponsored "Managing our Nation's Fisheries" conference next March in Washington D.C. The RMFCs and NOAA Fisheries need to work together to define a responsible, realistic approach, and to coordinate the appropriate authorities under which this approach will be administered.

We appreciated your comments in Baltimore regarding the Councils, NOAA, and all of our constituencies being "under the same tent", and we look forward to that collaboration as the agency moves forward with this initiative. The Council Executive Directors and Chairs request an opportunity to meet with you and other NOAA leadership at your earliest convenience, before the agency's various ecosystem related initiatives become solidified. Our designated point of contact on this issue is Chris Oliver at the North Pacific Council. Again, we very much appreciate the importance of the ecosystem-based approach, and the significant implications to NOAA Fisheries' and the Councils' management mission. We look forward to working with NOAA to design that approach.

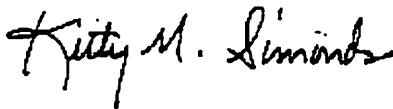
Sincerely,



Chris Oliver
Executive Director, North Pacific Council



D.O. McIsaac, Ph.D.
Executive Director, Pacific Council



Kitty Simonds
Executive Director, Western Pacific Council



Wayne Swingle
Executive Director, Gulf Council

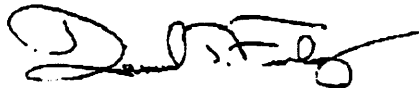
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for Miguel Rolon
Executive Director, New England Council



Paul Howard
Executive Director, New England Council



Daniel Furlong
Executive Director, Mid-Atlantic Council



Robert Mahood
Executive Director, South Atlantic Council

CC: Bill Hogarth
Jack Dunnigan
RFMCs
Senator Ted Stevens
Senator Daniel Inouye

North Pacific Fishery Management Council

AGENDA B-1(c)
DECEMBER 2004

Stephanie Madsen, Chair
Chris Oliver, Executive Director



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November 30, 2004

Dr. William Hogarth
Assistant Administrator for Fisheries
National Marine Fisheries Service
1315 East West Highway
Silver Spring, MD 20910

Dear Dr. ~~Hogarth~~ ^{Bill}:

We appreciate the opportunity to provide comment on the draft NMFS Strategic Plan for FY2005-FY2010 - New Priorities for the 21st Century. Our Council has not had the opportunity to discuss this draft plan as a body, but I have reviewed it with our Council Chair and offer the following comments. Generally, the Strategic Plan reflects a positive, ambitious approach by NMFS to continue its stewardship mission, and in many ways to re-define that stewardship mission along the lines of ecosystem-based management. As was highlighted in the November 18 letter from the eight Regional Fishery Management Councils to Admiral Lautenbacher, we recognize the importance of an ecosystem based management approach, and wish to be partners with NMFS in designing a realistic, responsible approach. The draft Strategic Plan contains a very broadly articulated vision, but seems to be built around the ecosystem management concept, and in fact the report states that "*nearly all NMFS activities fall under the Ecosystem Goal and provide over half the resources devoted to it*".

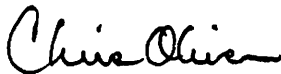
The Vision Statement - *American people enjoying the riches and benefits of healthy and diverse marine ecosystems*, and, the Mission Statement - *Stewardship of living marine resources through science-based conservation and management, and the promotion of healthy ecosystems*, both reflect the general concept, but we feel that the Strategic Plan is lacking in specifics relative to implementing this concept, particularly with regard to the fisheries management mission and with regard to the role of the Councils. While we understand the broader NOAA management mission, and the fact that fisheries are not the only purview of NOAA Fisheries (NMFS), we believe that the NMFS Strategic Plan should more clearly articulate the ecosystem management concept relative to the fisheries management mission. For example, where the NOAA Outcome (page 4) is "*healthy and productive coastal and marine ecosystems that benefit society*", I am left wondering what metrics, fishery-specific or otherwise, will be used to gauge that benefit to society. While some of these metrics are referred to on page 17 of the draft (under NMFS Performance Measures), we learned at our recent meeting in Baltimore that these performance measures were being revised - the Strategic Plan should refer to the new, or pending, performance measures and those measures should be specific enough to help define benefits to society resulting from the ecosystem-based management approach.

Dr. William Hogarth
November 30, 2004
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We also believe that the Councils should help define such performance measures relative to the fisheries, that the Councils should help define ecosystem-based management approaches, and that the role of the Regional Fishery Management Councils, in all aspects of the Strategic Plan, should be given more specific mention. Given your staunch support of the Council system and our partnership with NOAA fisheries, I trust that you would agree that the Councils are more than a stakeholder - that we are managing partners with NMFS and together answer to all stakeholders. For example, on page 7 of the Strategic Plan, in the discussion of fisheries management, there is the statement that "*we (NMFS) set policy regarding operation and administration of the Councils...and set new policies and revise existing policy on fishery management and economic and social issues...and that (NMFS) will issue guidance for ecosystem approaches to management*". I believe those statements do not accurately reflect the Council/NMFS partnership is developing such policy.

I hope these general comments are useful in drafting the next iteration of the Strategic Plan. Again, I appreciate the opportunity to comment, and I appreciate the agency's desire to reinforce our successful management program by embracing an ecosystem-based approach. We hope to collaborate with you on designing that approach.

Sincerely,



Chris Oliver
Executive Director

CC: Regional Fishery Management Councils
Mr. Jack Dunnigan
Dr. James Balsiger
Admiral Conrad Lautenbacher

**Testimony of Ms. Stephanie Madsen, Chair
North Pacific Fishery Management Council
To the
Senate Subcommittee on Oceans, Fisheries, and Coast Guard
September 14, 2004**

Good morning. My name is Stephanie Madsen, and I am the Chair of the North Pacific Fishery Management Council based in Anchorage, Alaska. Thank you for the opportunity to offer comments to the Subcommittee on behalf of the eight Regional Fishery Management Councils, regarding reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act.

Before I begin my testimony on the issues related to reauthorization, I would like to make some general comments, and provide an update for the committee on some recent events. First, let me say that the Council Chairs believe strongly that the current system for managing our Nation's fisheries, as envisioned by the Magnuson-Stevens Act, can and is working effectively. When carried out properly, the Council process has all the ingredients for responsible stewardship of our nation's marine resources. It is based on science, it is deliberative and transparent, and it is representative of all user groups and the general public. This belief is evidenced in the proceedings from our conference held in November of 2003, "Managing our Nation's Fisheries: Past, Present, and Future". This first-ever conference, sponsored by the eight Regional Councils and NOAA Fisheries, was a tremendous success with over 600 conference participants. The proceedings of the conference report summarize key issues such as governance, rights-based management, habitat, fishing communities, bycatch, and ecosystem management, all of which are areas I will touch on today. It details the histories of each Councils' management programs, highlights regional successes, and charts a course to address remaining challenges. The Council Chairs believe that the conference proceedings provide valuable information to help frame the discussion for the reauthorization of the Magnuson-Stevens Act. Additionally, the eight Regional Councils and NOAA Fisheries are hosting a second national conference to continue the dialogue on future challenges. This conference, scheduled for March 24-26 2005 here in Washington, D.C., is specifically designed to address key issues related to the Magnuson-Stevens Act reauthorization and the report of the U.S. Commission on Ocean Policy. A 'Save the Date' notice for that conference is attached to my testimony.

As noted by our Council's previous chairman, we are very proud of our record in the North Pacific. Our formula for sustainable fisheries involves strong science and research programs, an effective reporting and inseason management program, a comprehensive observer program, limitations on fishing capacity, precautionary and conservative catch limits, strict limits on bycatch and discards, habitat protection measures, incorporation of ecosystem considerations, and an open public process that involves stakeholders at all levels. I am pleased to report that the Secretary of Commerce, just a month ago, approved the selection of the Preferred Alternative recommended by our Council in the Groundfish Fisheries Final Programmatic Supplemental Environmental Impact Statement

(PSEIS). This action reflects over three years of hard work and thousands of pages of analysis by the Council and NOAA Fisheries to develop a comprehensive, cumulative impact analysis of our existing fisheries management program, and chart a course for the future direction of our management policy in the North Pacific. The Preferred Alternative reinforces and enhances the precautionary approach to managing fisheries that has been the hallmark of our management program by adopting a comprehensive set of revised management objectives which will guide our specific actions over the coming decades. Rather than take too much of the Subcommittee's time on our regional program, I have provided a supplemental folder that contains information on the North Pacific Council's management philosophy and ecosystem-based approach to fisheries management. Also in this folder is a copy of the testimony that our former chairman gave to this Committee back in 2002, along with previous recommendations of the Regional Fishery Management Council Chairs regarding Magnuson-Stevens Act reauthorization issues. These include a May 2001 document on general reauthorization issues, and a May 2002 document which is more specific to then-proposed HR 4749, both of which overlap with the issues addressed in S. 2066.

There are several issues that have been raised by S. 2066, and other draft legislation, that are very important to the Regional Fishery Management Councils. In addition, the recommendations from the U.S. Commission on Ocean Policy are also of great interest to the Regional Councils; however, the Councils have not had an opportunity to discuss the Ocean Commission recommendations in any detail. Therefore, I would like to focus my comments on issues that have been raised in the various bills to amend the Magnuson-Stevens Act. My written testimony today highlights sixteen areas of importance to the Councils relative to reauthorization of the Act.

1. Ecosystem-based fishery management - The Councils have long been incorporating ecosystem considerations into our Fishery Management Plans (FMPs), but we remain concerned about requirements for specific ecosystem plans, given our current state of scientific knowledge. We believe a gradual approach is appropriate. We need to have a clear understanding of what "ecosystem-based management" really means, what information is available to implement this approach, how much the necessary science will cost, and what if any guidelines are necessary before the Councils are required to develop explicit ecosystem plans. Identification of information needs, and identification of a fishery or fisheries for a pilot program, appears to be a reasonable start. Guidelines on how to prepare something as complex as ecosystem-based fishery management plans should not have the force of law, or we could find ourselves mired in legal challenges similar to what has occurred under the essential fish habitat guidelines.

2. Individual fishing quota programs - The Council Chairs strongly and unanimously believe that IFQs, dedicated access privileges, or similar limited entry/rationalization programs, must be in their fisheries management 'tool box'. There may be regional differences of opinion on some of the specifics (for example, most of the Councils are concerned that referendum requirements and expiration dates may impede the development and effectiveness of such programs), but there is general agreement that some guidelines and review processes are necessary. The Council Chairs recommend

that the MSA be amended to provide maximum flexibility to the Councils to tailor IFQ programs to specific regional, social, economic, and fishery conditions. Councils should have clear authority to address transferability and ownership issues; include harvesters, processors, and communities in such programs; promote conservation; and include measures necessary to successfully monitor and enforce provisions of such a program.

3. Separation of science and management (or conservation vs allocation) – This issue is of crucial interest to us and included in your packet are very specific comments the Council Chairs provided to the U.S. Commission on Ocean Policy, focusing on the issue of separating science from management. This concept has been raised in various discussions, draft legislation, and in the report from the U.S. Commission on Ocean Policy, particularly with regard to establishment of annual catch limits. The Councils believe that scientific advice is critical to successful management and should be an integral part of the Council process rather than a separate aspect of the overall decision-making process. Even the determination of annual catch limits sometimes requires the Council to judge uncertain or conflicting science. This is precisely the decision-making process the Regional Councils were designed to accomplish. Approval of these decisions by the Secretary of Commerce, or disapproval where appropriate, is the final safeguard built into this process. Aside from annual catch limits, virtually all other management actions involve aspects of both conservation and allocation which are often impossible to separate. Again, I urge you to consider the more detailed comments we have provided on this issue.

4. Independent peer review - Some legislation, and the report of the U.S. Commission on Ocean Policy, contemplate additional, independent peer reviews of scientific information used in the decision-making process. The Councils believe this issue should be approached with extreme caution. Additional requirements for scientific peer review could result in prohibitive costs and further delays to an already lengthy decision and approval process. The reliance on a strong scientific and statistical committee (SSC) for review of all biological and socio-economic information provides the cornerstone for sound, responsible decisions. Periodic independent review (such as that recently commissioned in the North Pacific relative to fish stock exploitation strategies) may be sufficient to address the concerns underlying the recommendations for independent peer review. Annual peer reviews of stock assessments may be unnecessary for fisheries which already undergo annual review by Plan Team scientists and SSC scientists.

5. Reconciling statutes – The Councils believe strongly that the current mix of statutes which govern the fisheries management process needs to be reconciled, and that the Magnuson-Stevens Act needs to be reaffirmed as the guiding Act in this process. All Council actions must adhere to a number of Acts and Executive Orders including the Magnuson-Stevens Act, the Administrative Procedures Act, the Regulatory Flexibility Act, the Endangered Species Act, and the National Environmental Policy Act (NEPA). The requirements for social and economic analysis, scientific review, and public comment specified in the Magnuson-Stevens Act are substantially the same as under NEPA; however, the timeline and administrative process under the two Acts often conflicts, and NEPA has now become the defining act for processing and review of

management actions, largely due to the threat of litigation. These conflicts have led to cumbersome and unnecessarily complex administrative procedures resulting in long delays between the time that decisions are made and regulations are adopted. The letter of the NEPA law in terms of process has created an opportunity for endless litigation that often stymies the ability of the Councils to carry out their stewardship mission in a timely and responsible manner. It is of great importance to all the Councils that Congress assist in resolving the conflicts between these statutes in order to clarify and streamline the regulatory process. We believe this can be done by clarifying the Magnuson-Stevens Act as the predominant statute, and that this can be done without compromise to the underlying conservation intent of NEPA and other relevant statutes.

6. Overfishing/rebuilding - The term 'depleted' is an appropriate addition to the definitions section of the Act, as it provides for circumstances in which a species may be at low levels of abundance for reasons unrelated to fishing activity. Eliminating the arbitrary 10-year rebuilding timeframe, and replacing it with a fishing mortality-based strategy could have significant benefits in a multi-species fishery, as timeframes are often influenced by environmental factors beyond the control of the Councils. However, this issue of rebuilding timeframes may be largely resolved through recent revisions being implemented relative to the National Standard 1 guidelines, which would allow a combination of timelines and mortality controls. Controlling fishing mortality is one of the keys to sustainable fisheries, yet there are concerns among some of the Councils with limiting the fishing mortality to 80% of Fmsy within a year of the stock being identified as depleted or approaching a depleted condition, if overfishing was occurring. This formulaic approach could hinder a Council's ability to develop an optimal rebuilding plan which could both rebuild stocks and minimize economic impacts on fishermen and communities. I would note that in the North Pacific this issue would not raise concern as our tier approach would trigger such limits in any case, even down to 50% of Fmsy.

7. Council appointments - The Councils believe that the current appointment process and mix of authorities embodied in the Act be maintained. The idea of diminishing, or eliminating, the role of Governors in developing lists of Council nominees could greatly compromise the ability of the Council process to reflect regional and local viewpoints. Problems with Governors' offices who fail to submit lists of nominees, or which submit unbalanced nominations, can be addressed within existing Secretarial authorities.

8. Defining HAPC - The Councils support defining habitat areas of particular concern (HAPC) as discrete subunits of essential fish habitat (EFH) and recommend their designation through some national criteria. Such a provision would allow us to better focus on truly essential fish habitat.

9. Funding - the Councils strongly urge that any new mandates be supported by appropriate funding levels for both NOAA Fisheries and the Regional Councils.

10. Secretarial review process - The Councils request that Sections 304 (a) and (b) be amended so that Secretarial review of the proposed plan amendment, and the attendant regulations, occur simultaneously. The Sustainable Fisheries Act of 1996 (SFA) also

deleted the provision allowing disapproval, or partial approval, of an amendment within the first 15 days of transmission. This provision, along with the proposed preliminary evaluation by the Secretary, should be reinstated. We also believe that it may be useful to include a provision allowing for an abbreviated FMP process which would allow the Councils to address problems with the imposition of temporary conservation measures, while a full-blown FMP or amendment can be developed. On a somewhat related issue, the Councils support changing the requirements for meeting notice to allow "any means that will result in wide publicity".

11. Cooperative research/cooperative enforcement – The Councils support the establishment of a national program of cooperative research to consist of activities among fishing industry, States, and NOAA Fisheries. The Councils also believe that cooperative enforcement agreements, allowing federal authorities to State law enforcement officials whose States are members of interstate commissions, is an efficient and effective way to increase enforcement capabilities.

12. Collection of information – The Councils support the ability of the Secretary to initiate information collection programs, with the exception of eliminating confidentiality after 20 years. The Councils also support the ability to collect economic data, including cost and revenue data, and including economic data from fish processors, as long as appropriate confidentiality requirements are applied. Economic and financial information are necessary to properly conduct the analyses required by the Act and other statutes.

13. Buyback programs/overcapitalization – The Councils believe that fishing capacity reduction programs (buyback programs) should have the concurrence of the relevant Council and/or Governor before being initiated by the Secretary. Any buyback programs should also be designed such that capacity removed cannot shift into another fishery. Defining fisheries as overcapitalized should be done in consultation with the relevant Council(s).

14. Marine Protected Areas (MPAs) – With the passage of Executive Order 13158, there remains confusion, and concern, on the part of the Councils with respect to authorities for establishment of marine protected areas. The Councils have had authority to establish such areas, and have done so since inception of the Act. The Councils are in the best position to determine when and what areas should be closed for protection of fish stocks and habitat in the EEZ. We believe that Congress should review the MPA issue and possibly develop legislation which clarifies jurisdictional issues and administrative procedures for establishing MPAs.

15. Fishery Research - The Councils support a change to the definition of scientific research to include gear research and recommend a revision to include a range of research activities, including gear research. The Chairs further support a provision allowing the Councils to close meetings for the purpose of reviewing research proposals. Presently, NMFS must convene those meetings at which proposals are reviewed.

16. Council Chairs Annual Meeting - The Council Chairs recommend an exemption for the annual Council Chair and Executive Directors meeting from the Federal Advisory Committee Act provisions. The historic practice of allowing the Council Chairs to meet with the intent of providing consensus views on issues such as Magnuson-Stevens Act reauthorization and other critical issues is very important and should be addressed through an amendment that clearly states such meetings are exempt from FACA. After decades of this practice, the Councils were recently informed that consensus positions could no longer be adopted at these meetings due to FACA constraints. This would thwart our ability to provide collective advice on critical fisheries management issues.

In closing, I want to again thank you for the opportunity to provide comment, on behalf of the Regional Councils, on these critical issues. The attachments provided contain additional detail, and in some cases suggested language, on many of these issues. These are certainly not all of the issues, but these are the most prominent issues which have been discussed by all eight Regional Councils. On behalf of the Council Chairs, I reiterate the values we all support -- a fisheries management process that promotes stewardship, streamlines the regulatory process, allows flexibility in managing multi-species fisheries, and adequately funds and expands the existing data collection and monitoring initiatives. I hope these comments are helpful to you, as you move forward with the reauthorization process.

**Responses to post-hearing questions from Senate Commerce Committee
(following the September 14, 2004 hearing in Washington DC)**

Ms. Stephanie Madsen, Chair, North Pacific Fishery Management Council

From Senator Snowe

1. *How much flexibility do managers need to meet the often-conflicting objectives of fisheries management? How does the current 10-year timeline limit their flexibility?*

While we support rebuilding targets, managers need greater flexibility than is currently contained in the guidelines in order to respond appropriately to the conditions of specific fisheries. The Councils have gone on record recommending that the SFA be amended to provide sufficient flexibility to allow short-term adjustments to rebuilding/target programs to account for scientific uncertainty, natural variation, current stock status, current stock trends, and multi-species fishery relationships.

A 10-year timeline may be appropriate for some species, but the life-history characteristics of many species do not fit such an arbitrary timeline. Some species are characterized as 'overfished' when fisheries have not occurred on the stock for decades, and the causes of their low abundance are unrelated to fishing activities. In the North Pacific, for example, while there are no overfished groundfish stocks, there are two crab stocks currently characterized as 'overfished', and the aggressive rebuilding plans in place prohibit or severely limit any fishing. Given those conditions, a 10-year timeline is not only arbitrary, but irrelevant to the actual time required for the stock to recover. Life history characteristics dictate that some long-lived, slow-growing species will take substantially longer to rebuild than others. This can vary considerably depending on the natural variation, fishery-independent forces, stock trends, and other factors. There is also the matter of balancing economic impacts with rebuilding timelines - for example, if a stock would be predicted to rebuild to a given level in 9 years with no fishing at all, but would be predicted to rebuild in 11 years while allowing limited fishing (and supporting numerous vessels and hundreds of fishing jobs), the 10-year timeline would be counterproductive to prudent fisheries management and to other requirements of the Act.

2. *Despite the implementation problems with the current EFH rule, it is clear that some habitats must be protected. From a management perspective, what is the best way to focus these efforts? Would the language in S2066 help you do your habitat work better?*

While broad identification of EFH, along with potential mitigation measures, can be an appropriate management tool, specification and protection of truly 'essential' fish habitat is most appropriately focused through a finer scale of resolution. The language in S2066 which defines habitat areas of particular concern (HAPC) as discrete subunits of EFH would allow us to better focus on truly essential fish habitat areas.

In the North Pacific our Council is in the process of finalizing our EFH designations and protection measures, with final action scheduled for February of 2005. A critical part of this action is the inclusion of a parallel process for HAPC designation, the first iteration of which is also scheduled for final action in February 2005. This HAPC process involved a call for specific HAPC proposals in early 2004, for which we received nearly 30 proposals from various groups including the fishing industry, environmental organizations, and government agencies. Through analysis and public input these proposals were filtered to about 15 specific HAPC proposals, covering dozens of sensitive areas in the Gulf of Alaska and Bering Sea. Protection measures range from prohibitions on bottom trawling to full closures prohibiting any fishing activity. Generally, the proposed HAPC sites are focused on areas which contain rich benthic features (coral and other substrate), and relatively low historical fishing activity. Additional analyses are being finalized prior to Council action in February 2005. The focus on HAPC is consistent with the proposed language of S2066. It is critical to note that, in the North Pacific, existing closure areas (enacted independent of EFH or HAPC requirements) total about 150,000 square nautical miles, or over 40% of the fishable continental shelf off Alaska. These areas are closed to bottom trawling, and in many cases to most other gear types, and were implemented for bycatch reduction, habitat protection, sea lion foraging protection, and other ecosystem-related reasons. Additional closures of specific HAPC sites would be in addition to these existing broad closure areas.

3. *From a manager's viewpoint, what is the best way to expand the role of cooperative research, and does the language in S2066 help accomplish this? My bill language would authorize \$24 million in FY04, up to \$45 million in FY08 - will this funding be enough to meet cooperative research needs around the nation?*

Having the primary research agencies embrace the usefulness of industry generated information, along with Congressional funding, is the best combination to expand the role of cooperative research. Recent efforts in the North Pacific are partnering NMFS, the Alaska Department of Fish & Game, and the crab fishing industry in a broad collaboration of cooperative research relative to the Bering Sea crab fisheries. Critical to this effort is the participation of the crab industry, partly through voluntary contributions from the industry. Coupled with federal funding, on a competitive basis, this can prove to be a powerful research tool for the Council and the NMFS. Funding as proposed in S2066 would likely be adequate to accomplish this intent.

4. *From the Councils' perspective, should anything be added or changed in my bill for enhancing enforcement efforts?*

The Councils support the implementation/strengthening of cooperative state/federal enforcement programs patterned after the NMFS/South Carolina agreement. The inclusion of direct, continued funding to expand this model is further supported by the Councils. While it may not be the appropriate subject of S2066, the Councils also want to express support for adequate funding of the mission of the U.S. Coast Guard. With the expanded duties of the USCG, particularly under the Homeland Security Department, we are concerned that adequate support of the fisheries related mission of the USCG be supported.

5. *Part of NS 8 requires managers to “minimize adverse economic impacts on communities”. How exactly can this be done? If more economic data were provided by fishermen, how would the Councils use it? How would the data be utilized in a meaningful way, without unduly affecting their privacy?*

Minimizing economic impacts on communities can be accomplished in a number of ways, depending on the management action being taken and the fishery in question. Fishing and processing activities, as well as numerous support functions, are tied directly to communities, and impacts can be managed by determining how and where fishing and processing activities occur, or how such activities are allocated among different sectors of fishermen. Other mechanisms, often associated with development of IFQ type programs, can be utilized such as direct allocations to community entities or regionalization of catch or processing quotas. The North Pacific Council has utilized these and other mechanisms to minimize impacts to fishing communities throughout the development of its fishery management plans. Many of the provisions of the halibut and sablefish IFQ program, such as vessel category restrictions and owner on board provisions, were designed specifically to protect the fabric of coastal communities involved in these fisheries. Recent amendments further allow the direct purchase of quota share by community entities. The North Pacific Council’s recently approved crab rationalization plan also contains regional delivery requirements to ensure the continued participation of certain communities in these fisheries. Because processing facilities are often central to coastal community economies (and in Alaska are remotely located in isolated communities), processor quotas, or other processor provisions, have been implemented to offer additional protection for such communities’ continued participation in the fisheries.

Additional economic data, from fishermen, processors, and communities, would allow the Councils to conduct more meaningful social and economic analyses of potential impacts of fishery regulations.

In addition to NS 8, the Magnuson-Stevens Act (MSA), the National Environmental Policy Act (NEPA), the Regulatory Flexibility Act (RFA), and Executive Order 12866 require assessment of distributional social and economic impacts to all participants, and also require overall cost/benefit assessment of proposed actions. The ability to conduct comprehensive and complete analyses in this regard requires not only revenue, but cost information as well. And such economic information is necessary from processing operations as well as fishing operations to develop a complete analysis. Availability of this information would allow the Councils to more fully comply with the provisions of applicable laws, and to more fully understand the implications of proposed management actions. Current law is contradictory in that it requires economic analyses while simultaneously prohibiting the collection of certain necessary information. In fact, recent programs in the North Pacific, including the crab rationalization program, contain requirements for submission of economic performance information, in order to facilitate future assessment of program success.

Aggregation of certain types of information across several fishing or processing operations can (and currently does under existing state and federal regulations in the North Pacific) ensure that individual financial information is not disclosed. As under current law, individual Council members would have access only to aggregated information. In order to clarify and enhance the confidentiality of certain proprietary financial information, Section 402(b)(1) and (2) could be amended to state that

any information collected "that would disclose proprietary or confidential commercial or financial information regarding fishing or processing operations" shall be confidential and shall not be disclosed, and similarly specify that such information can only be made public in aggregate or summary form.

From Senator Cantwell

1. *The North Pacific example - citing the North Pacific as a model.....and attributing our success to a reliance on science and management philosophy grounded in an ecosystem-approach....Do you believe that the MSA needs to be amended to ensure that other regional fishery councils adopt a similar approach? Or do you believe that other councils will be able to get there on their own?*

While additional provisions could be adopted as 'forcing mechanisms', I believe that the current MSA contains all of the necessary tools for any council to adopt a similar approach, and to 'get there on their own'. Limitations on available science (stock assessment or otherwise) and/or limitations on available funding that exist in some regions may be a factor impeding progress, but that appears to be independent of MSA provisions.

The approach used in the North Pacific is first and foremost grounded in the availability of sound stock assessment and other science, and a strict adherence to following that science, allowing managers to set strict and conservative catch limits for all managed species. The recommendations of the Council's Scientific and Statistical Committee (SSC) regarding upper catch limits for all species are followed strictly. Availability of such information is of course key to that approach. Secondly, a comprehensive on-board observer program (mostly industry funded), coupled with real-time reporting and catch accounting mechanisms, allow close tracking of all catch and bycatch, and fisheries are closed when quotas are reached. All catch, whether targeted or not, whether retained or not, counts towards the quota. Additional measures which contribute to the overall ecosystem approach include: extensive closure areas to protect habitat, limitations of fishing capacity in all fisheries, and a strong research program aimed at further understanding ecosystem interactions. In situations where councils are not believed to be following the proper scientific advice, or where the necessary provisions are not developed in the fishery management plans, the Secretary of Commerce (NMFS) has the final authority to disapprove management decisions or initiate Secretarial management plans.

2. *Council membership and appointments - the US Commission on Ocean Policy recommends altering the appointment process to broaden the range of interests represented on the Councils. In your testimony you opposed any change to the current process. Do you disagree with the Commission's findings that the membership needs to be broadened? If not, do you have suggestions for expanding the range of interests represented without changing the appointment process?*

I believe that the current process allows for a broad range of interests to be nominated and/or appointed to the Councils, and that is reflected in a broad representation that currently exists. To assert, or imply, that commercial and recreational fishermen, processor interests, community representatives, academics, and state and federal fisheries managers are incapable of representing a conservation perspective is fundamentally erroneous. As has recently been oft-stated, the perception of the 'fox guarding the henhouse' should be more appropriately characterized as the 'farmer guarding the henhouse'.

3. *Separating Conservation and Allocation - In your testimony you highlight the fact that the line between conservation and allocation is not clear in many decisions faced by the Council. You also state that setting annual catch limits sometimes requires members to make judgements on uncertain or conflicting science. Yet according to a report by the National Research Council - Improving the use of best scientific information available - nearly all of the current 118 members of the regional councils have no background in stock assessment science. If it is true that council members have no expertise in stock assessment, what makes them qualified to make judgements about uncertain or conflicting science? Shouldn't decisions about safe levels of harvest be grounded in scientific expertise? Do you support the USCOP recommendation on training of council members?*

While most Council members do not have formal backgrounds in stock assessment science, I do not believe it is accurate to state that they have no expertise in stock assessment. In cases of conflicting or uncertain science, it is the Council members' other areas of expertise that can become relevant, including the balancing of other objectives with such uncertain or conflicting science. Decisions on safe harvest levels should absolutely be grounded in scientific expertise. The Councils all support the concept of training for council members, but not necessarily as a provision for voting.

Many Council members, while not specifically trained in stock assessment science, do have advanced educations, they possess extensive 'layman's' knowledge relative to the fisheries they manage, and they are exposed to and receive 'on the job' training as Council members or through their previous participation on Council Advisory Panels. However, a larger point needs to be made that Council members need not be formal experts in stock assessment to perform their responsibilities effectively. In cases where scientific stock assessment information is not in dispute (as is the case in the North Pacific in almost every circumstance, where members are provided detailed stock assessment information in an understandable format), decisions on harvest levels should be, and are, based on that information. In cases where conflicting or uncertain scientific information is on the table, it is unclear how formal expertise would be expected to resolve such conflict or uncertainty (if the dedicated scientists cannot figure it out, how would an average council member, even if he/she were formally trained?). This is where the Council process, by design and with input from the public, is most appropriate in balancing such information, taking into account other objectives mandated by the MSA. A final approval authority for such decisions rests with the NMFS, who are the providers and caretakers of most of the available stock assessment information. A further point that can be made is that some training might be considered for the stock assessment scientists themselves, in order to more effectively convey complex information to not only Council

members, but to the public at large which plays a critical input role in the overall Council process. Regarding training for Council members, this is definitely a positive recommendation from the USCOP and is supported by the Councils. However, such training as a provision for voting is not supported, as it is not within the power of each Council, or each Council member, to guarantee such training will be provided in a regular and timely fashion, nor do we consider that to be a necessary requisite for responsible decision-making where good science is provided.

4. NEPA and the Council process - *At the hearing both you and Dr. Hogarth addressed a need to reconcile the requirements of NEPA with the planning requirements of the MSA. Please outline in more detail how the timelines and administrative processes of these two statutes conflict. Specific examples of redundancy would be helpful in understanding the inefficiency.*

To reinforce some of my previous testimony, the ability of the Councils and NMFS to develop and promulgate effective fisheries management programs is seriously impeded by the 'process' requirements, and associated litigation, under NEPA, as well as the Administrative Procedures Act (APA). We believe that the provisions of the MSA effectively address the provisions of these other Acts, that legislation should be enacted reaffirming MSA as the primary Act for purposes of fisheries management, and that this can be done without compromise to the underlying conservation intent of NEPA, or the process intent of APA.

Since the mid to late 1990's, with the first successful litigation challenges to fisheries actions under NEPA, fisheries management has become a NEPA-driven process, rather than a process driven by MSA. Requirements under NEPA have been overly-construed, by some courts and by agency attorneys, to require consideration of unrealistic management alternatives, unnecessarily over-complicated and user-unfriendly analyses, and grossly extended timelines for review prior to and following Council management recommendations. Recent agency initiatives, under the label of 'Regulatory Streamlining', will likely exacerbate this situation with every Council management action subject to pre-approval (within the agency and prior to Council action) relative to NEPA requirements. Council and NMFS resources are being diverted from their management focus in attempt to gird our process against litigation, and it is threatening to cripple our process. Because the process requirements of NEPA do not fit the mold of fisheries management under MSA, it creates fertile opportunity for often frivolous litigation, which often circumvents the very public process envisioned by this Act and the MSA. The plethora of lawsuits is not so much because we are doing the wrong thing, it is more often simply because the (over) application of NEPA provides an easy opportunity for litigants to challenge actions they do not agree with. While judicial remedy should always be available to address real shortcomings in our management process, current litigation often has the perverse effect of thwarting necessary conservation actions.

Some examples from the North Pacific may help illustrate this Catch-22. The Council's original EFH amendments were challenged under NEPA claims of deficiency in the EIS, resulting in settlement negotiations and at least a three year delay in implementation of amendments which would have defined and provided protection for EFH and HAPC in the North Pacific. Similarly, the

Council began development of a programmatic groundfish EIS for our fishery management plans in about 1998. Through court orders and settlement negotiations, where plaintiffs attempted to directly influence the outcome of the EIS process, completion of that EIS was delayed for an additional two years, resulting in a 7,000 page 'NEPA' document. The Council and NMFS devoted thousand of hours of valuable, limited staff resources to these litigation-driven exercises, compromising our ability to focus time and resources to address real management and conservation issues. In a more recent example, the court's interpretation of NEPA and APA requirements for additional public review and comment (in addition to the review and public input provided through the Council process under MSA) have compelled the Council to set annual catch limits for North Pacific fisheries for a two year period, instead of one year at a time. The net result is that we are precluded from using the best scientific information available, on an annual basis, due to the process requirements of an Act that clearly conflicts with the conservation intent of MSA. In more general terms, the current fixation on process rather than substance is delaying the development and implementation of numerous Council programs, by agency requirements to illustrate full compliance with NEPA prior to action by the Council, including management programs aimed at reducing bycatch and discards in North Pacific fisheries, and programs designed to further rationalize fisheries for economic and safety benefits.

Some recent developments further serve to illustrate the 'over-application' of NEPA with regard to fisheries management related actions. Implementation of emergency rules, a provision of the MSA to allow Councils to address immediate conservation issues, require a full NEPA analytical package (environmental assessment/regulatory impact review/initial regulatory flexibility analysis) and NEPA rulemaking/comment process before implementation is possible. The implications of this with regard to 'fisheries emergencies' is self-evident. More recently, NOAA legal guidance has advised that NEPA analytical packages and associated rulemaking may be required for the basic act of granting funds (to research and other fisheries related grant recipients). Application of NEPA to this administrative aspect of fisheries management illustrates the degree to which this Act is being unnecessarily 'over-applied'.

The requirements for environmental, social, and economic analysis, scientific review, and public input specified under the MSA are substantially the same as under NEPA. MSA and other laws contain provisions which effectively address 90% of the letter of NEPA and probably close to 100% of the underlying intent of NEPA. These include:

- the 10 national standards listed in the MSA
- section 302 which specifies procedural requirements, and public input
- section 303 which specifies required and discretionary provisions of FMPs, and associated analytical requirements
- section 304 which specifies the review, comment, and approval process for management actions
- specific provisions of the 1996 amendments (Sustainable Fisheries Act)
- numerous other law including the Endangered Species Act, the Regulatory Flexibility Act (which requires analysis of impacts on small entities), and Executive Order 12866 (which requires extensive social and economic impact assessment)

From Senator Lautenberg

1. *How prevalent and pervasive is conflict of interest within the RFMCs? Do you believe that RFMC members should be beholden to the same conflict of interest provisions that apply to other Federal employees? Are you aware of any other Federal regulatory body that operates under the same conflict of interest rules as the RFMCs?*

I believe that the conflict of interest allegation is an inaccurate perception, more than a reality. Conflict of interest is neither prevalent nor pervasive. Council members are not federal employees, yet there are explicit conflict of interest and recusal regulations issued for both Council members and Federal employees, which are quite similar. I am not conversant with the conflict of interest rules for other federal regulatory bodies.

Indeed, the Council process by design includes representatives from commercial and recreational fisheries sectors, specifically for the expertise and knowledge they bring to the table, and because they are among the most affected stakeholders in management of these public resources. To repeat a phrase from an earlier question, the perception of the 'fox guarding the henhouse' should be more appropriately characterized as the 'farmer guarding the henhouse'. In the North Pacific, the Council never exceeds the recommendations of its SSC relative to basic environmental and conservation issues such as total allowable catch. Regarding allocation decisions of available fishery resources, there are recusal regulations in place which preclude a council member from voting on an issue where there is a direct, substantial financial link. Conflict of interest rules for Council members are similar to those for federal employees, but not exactly the same due to the very nature of federal employees' role in the process. Additionally, there are post-Council-membership restrictions which prevent ex-Council members from testifying on matters in which they have a direct interest. Council members with financial interests in the fishing industry are required to disclose those interests (or their family's interests) as a condition of their membership. Whether these rules are stricter than those for other federal regulatory bodies I cannot say, but they do appear adequate to prevent any abuses which commonly fall under the banner of 'conflict of interest'.

2. *Do you support broadening the RFMCs to include representatives of conservation groups and/or non-fishing interests, and if so, in what proportion to the Council as a whole? If not, please explain why.*

To reiterate the answer to an earlier question, I believe that the current process allows for a broad range of interests to be nominated and/or appointed to the Councils, and that is reflected in a broad representation that currently exists. There is ample opportunity for the Governor to nominate, and the Secretary to appoint, council members from a broad array of constituencies. To assert, or imply, that commercial and recreational fishermen, processor interests, community representatives, academics, and state and federal fisheries managers are incapable of representing a conservation perspective is fundamentally erroneous. In the North Pacific, a Council with only 11 voting members, we have had long-time members from the academic community with no financial stake

whatsoever in the fisheries. We currently have a member who is a member of the business community and a sport fisherman, but with no financial stake in the fisheries whatsoever. Four of our 11 voting members are the leaders of State and Federal fisheries management agencies. I believe that all of these Council members, as well as those appointed by the Secretary from various sectors of the fishing industry, consider themselves to possess a conservation perspective on managing fisheries.

3. *What improvements would you recommend to alleviate the pressure on RFMC members when they allocate fish? Would you support requiring members to adhere to conservation limits set by independent scientists?*

To answer the second question first - where there are strong, reliable stock assessment data, and a scientific review and endorsement of that data, I believe that councils should rely on that information and not exceed what is recommended by the scientists. That is the normal order of business in the North Pacific, where strong stock assessment information is reviewed and compiled by groundfish Plan Team scientists, then forwarded for a second review process by the Council's Scientific and Statistical Committee (SSC). That SSC is comprised of leading scientists from state and federal resource management agencies, and from leading Universities. I believe that we need to be careful in defining the term 'independent scientists' if that term is meant to imply someone completely outside a given Council's process, and perhaps unfamiliar with the specific fisheries in a particular region. We believe that a strong SSC, with scientists who are intimately familiar with regional issues and fisheries, is the most efficient and effective level of scientific review. Independent scientific reviews can be effectively utilized, as they have been in the North Pacific, when particular needs dictate.

In terms of allocation, and 'pressure' on council members in such decisions, I believe that is part of the process of fisheries management, and the regional knowledge and expertise of Council members are the tools they need to balance decisions in this regard. Having to make such decisions in a very open, deliberative, public forum, in front of a room full of the most affected stakeholders, is one of the great strengths of the council process.

4. *Do you support the training of RFMC members in fisheries science, including stock assessment and fisheries economics, Federal regulations (NEPA, APA) and statutes, and conflict of interest policies before beginning their tenure as members?*

Yes and no. Training for Council members, is definitely a positive recommendation from the USCOP and is supported by the Councils. There are currently annual or biennial training sessions for newly appointed council members which focus on regulations, process, and conflict of interest issues. More recently there have also been periodic training courses for NEPA process specifically. I believe that these are extremely beneficial to both new and existing council members. Council members benefit from 'on-the-job' training via the detailed presentations received in the course of their duties, from stock assessment scientists and other experts. Additional training, in stock assessment or fisheries economics, would be beneficial as well, but should not be a condition to

participation as a voting member. The time between appointment and the first council meeting is only a couple months, in most cases. It is not within the power of each Council, or each Council member, to guarantee such training will be provided in a regular and timely fashion, nor do we consider that to be a necessary requisite for responsible decision-making where good science is provided.

5. *The North Pacific Council has been cited as a model RFMC for fisheries management relative to other RFMCs. In your opinion, why has the NPFMC been so successful in its management of fisheries and why has this contrast been made to other RFMCs?*

The short answer is that the North Pacific is blessed with a productive ecosystem, we have strong stock assessment science and review, we always rely on that science by setting strict catch quotas for all managed species, we have a comprehensive and effective catch accounting program, we have large, long-standing areas closed to fishing activities, and we aggressively pursue and implement capacity limitation programs in all fisheries. Contrasts have been drawn to other RFMCs likely because, under the North Pacific model, we have no overfished groundfish stocks and several of them are at all-time historically high abundance levels, whereas other regions have depleted, and in some cases overfished, stocks. Other regions face additional complications of having to manage fisheries which cut across multiple state jurisdictions, while the North Pacific manages fisheries off the shores of a single state. Competing objectives and/or conflicting information are minimized in this instance.

Rather than utilizing simple effort controls, the North Pacific Council sets conservative catch quotas for each species (taking into account not only individual species dynamics but other ecosystem considerations), never exceeding the SSC advice on limits, and that is further governed by an overall 'OY cap' for both the Bering Sea and Aleutian Islands and the Gulf of Alaska. For example, for each of the past several years the total Acceptable Biological Catch (ABC) level for all Bering Sea fisheries has totaled well over 3 million metric tons; yet, the Council's OY rule limits the total allowable catch (TAC) to 2 million metric tons, all species combined. Strong, reliable science, through the NMFS Alaska Fisheries Science Center forms the basis for the program, and the NMFS Alaska Region completes the program with a comprehensive program of real-time, electronic catch reporting which assures that we are accurately accounting for catch and bycatch removals. All catch counts towards catch quotas, or bycatch limits, and fisheries are closed when quotas are reached. A comprehensive on-board observer program, under which 36,000 observer days are deployed, underpins the management and monitoring program.

In addition to the basic conservative approach to catch limits and catch monitoring, the Council aggressively pursues capacity limitation programs. All managed fisheries have been under a license limitation program, which restricts vessels to certain species, area, and gear types, since 1998. The halibut and sablefish fisheries have been operating under an IFQ system since 1995, and the largest fishery in the North Pacific - Bering Sea pollock - has been operating under a fishery cooperative system since 1999. Crab fisheries were recently rationalized through an IFQ type program which will begin in 2005. Further rationalization efforts are underway for Gulf of Alaska fisheries, and for

remaining fisheries in the Bering Sea and Aleutian Islands. Fisheries management in the North Pacific is a collaborative partnership among the Council, the NMFS, the State of Alaska, the U.S. Coast Guard, other resource management agencies, the fishing industry, and other affected public—all of these partners embrace a precautionary approach to managing the public resource.

6. *The Pew and US Ocean Commissions recommend changes to the RFMC governance structure as cited in questions 2 through 4 above. Do you agree or disagree with their general recommendations regarding RFMC reform and how would you amend them?*

Generally, I believe that the tools currently exist for any Council/Region to successfully manage their fisheries and other marine resources, and while I agree with the underlying commitment to rely on strong science, I am not sure that all of the changes that they recommend are necessary to achieve that reliance. Current processes for scientific review (and use of SSCs), and current review and approval at the Secretarial level, can provide the necessary adherence to science. I do not agree with the recommendations regarding changes to the current Council membership and appointment process.



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

November 29, 2004

RECEIVED
NOV 29 2004
N.P.F.M.C.

Ms. Stephanie Madsen, Chair
North Pacific Fishery Management Council
605 West 4th Avenue, Suite 306
Anchorage, Alaska 99501-2252

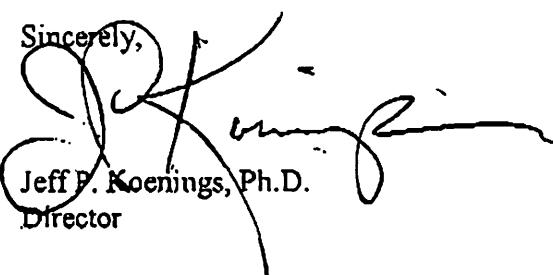
Dear Ms. Madsen:

I am pleased to nominate Michele K. Culver as the Washington Department of Fish and Wildlife's representative on the Bering Sea/Aleutian Islands Groundfish Plan Team and the Gulf of Alaska Groundfish Plan Team. Enclosed is a copy of her resume.

Ms. Culver has worked for the Department for the past 10 years and is the Marine Resources Policy Coordinator for the Department's Intergovernmental Resource Management Division. She assists in the management of coastal groundfish fisheries and other fisheries including Pacific halibut, sardines, and albacore, and she currently serves as Chair of the Pacific Fishery Management Council's Groundfish Management Team.

If you have any questions, please feel free to contact Mr. Phil Anderson, Special Assistant for Intergovernmental Resource Management, at (360) 902-2720.

Sincerely,


Jeff P. Koenings, Ph.D.
Director

cc: Jane DiCosimo, NPFMC
Phil Anderson, WDFW
Michele Culver, WDFW

Michele K. Culver
802 East Simpson Avenue
Montesano, WA 98563
(360) 249-1211 (work) - (360) 249-2264 (home)
e-mail: culvemkc@dfw.wa.gov

EDUCATION

Bachelor of Science Degree, March 1994
The Evergreen State College, Olympia, WA

EXPERIENCE

Nov 2001 -
present

Marine Resources Policy Coordinator
Intergovernmental Resource Management
Washington Department of Fish and Wildlife

Manage, develop and implement Department policies and management measures for coastal groundfish, statewide Pacific halibut, highly migratory species (e.g., tunas, swordfish, and pelagic sharks) fisheries, sardines, and essential fish habitat. Provide agency policy and technical representation in intergovernmental and co-management forums charged with developing and implementing species management plans. Interact and coordinate with other government entities including the tribes, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Pacific Fishery Management Council, Pacific States Marine Fisheries Commission, and various state and local agencies, and commercial and recreational fishers and the public at-large.

Sept 1998 -
Nov 2001

Marine Fish Biologist
Washington Department of Fish and Wildlife

Planned, developed and implemented management goals and objectives and management strategies for coastal marine fish—including groundfish, Pacific halibut, highly migratory species, and sardines. Developed management objectives and plans for the protection and restoration of groundfish essential fish habitat, including the establishment of coastal marine protected areas and offshore marine reserves. Coordinated the Department's ad hoc halibut advisory group and HMS advisory group. Supervised the Department's groundfish port sampling efforts and observer programs for the sardine and groundfish experimental fisheries. Monitored spending of PacFIN and Pacific Fishery Management Council annual contracts. Established and maintained effective communication with commercial and recreational fishers, tribal representatives, and state and federal government entities regarding marine resources management issues. Participated in and provide technical support for the Pacific Fishery Management Council process.

March 1994 -
Sept 1998

Director's Office
Washington Department of Fish and Wildlife

Provided administrative support for Director's Office staff. Assisted in the development of state/tribal salmon, shellfish, and wildlife management plans. Created and edited correspondence; proofread documents and reports. Coordinated public outreach efforts relative to intergovernmental resource management. Assisted at Pacific Fishery Management Council meetings. Developed, projected, and monitored biennial budget which included state general fund monies and federal contracts.

Michele K. Culver
Page 2

APPOINTMENTS

Jan 2003 - present	Serve as Chair of the Pacific Fishery Management Council's Groundfish Management Team
Sept 2002 - present	Represent the Department on the Pacific Council's Groundfish Management Team
Sept 1999 - present	Represent the Department on the Pacific Council's Highly Migratory Species Management Team
Jan 2000 - Dec 2001	Served as Chair of the Pacific Council's Habitat Committee
Nov 1998 - Dec 2001	Represented the Department on the Pacific Council's Habitat Committee
Oct 1998 - present	Represent the Department on the Olympic Coast National Marine Sanctuary Advisory Council

REFERENCES

References will be furnished upon request.

North Pacific Fishery Management Council

Stephanie Madsen, Chair
Chris Oliver, Executive Director



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Visit our website: <http://www.fakr.noaa.gov/npfmc>

October 29, 2004

Dr. Jeff Koenings, Director
Washington Department of Fish and Wildlife
600 Capitol Way, N.
Olympia, WA 98501-1091

DICOSIMO

ASSIGNMENT: PHIL ANDERSON

DUE DATE: 11.19.04

SIGNATURE: DIR 204505

Dear Dr. Keonings:

cc: Jeff

The State of Washington seats on the Bering Sea/Aleutian Islands Groundfish Plan Team and the Gulf of Alaska Groundfish Plan Team are vacant, with Farron Wallace's appointment to the Scientific and Statistical Committee of the North Pacific Council in 2003. The Council has a keen interest in having your staff appointed to those seats. The participation of outside agency staff in reviewing groundfish stock assessments prepared by NMFS Alaska Fisheries Science Center (ASFC) and Alaska Department of Fish and Game greatly enhances the review process and provides much needed insights regarding Pacific coast groundfish stocks and associated assessment methodologies.

The Groundfish Plan Teams convene twice yearly at the AFSC in Seattle. A 2-3 day meeting typically occurs in mid-September. A 4-5 day meeting typically occurs in mid-November. The next meeting will be held in Seattle during November 15-19, 2004. The meeting agenda is posted at: <http://www.fakr.noaa.gov/npfmc/cmteemtg.htm>. Your nominee(s) to those seats would be welcome to participate in the meetings, while awaiting their formal appointment by the Council. Receipt of their resume(s) by the first of December likely would result in their appointment(s) at the December 2004 Council meeting. Please contact me if you need additional information regarding this request.

Sincerely,

Jane DiCosimo

Jane DiCosimo
Senior Plan Coordinator

cc: Dennis Austin
Farron Wallace

RECEIVED

NOV 4 2004

WDFW
OFFICE OF THE DIRECTOR



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

AGENDA B-1
Supplemental
DECEMBER 2004

November 22, 2004

RECEIVED

DEC - 2 2004

N.P.F.M.C.

Chris Oliver, Executive Director
North Pacific Fishery Management Council
605 W. 4th Avenue, Suite 306
Anchorage, AK 99501

Dear Mr. Oliver:

Enclosed please find the resume of Scott Miller, NMFS Fishery Economist, for Council consideration in filling the vacancy on the Alaska Scallop FMP Plan Team.

Since joining the agency in early 2004, Scott has become increasingly involved in the analyses of proposed Council actions, and he is proving to be a valuable contributor to the Council process. The Scallop Plan Team is currently lacking an economist and, in my opinion, he would be a good choice to fill that vacancy.

Sincerely,

James W. Balsiger
Administrator, Alaska Region



Curriculum Vitae
Of
Scott Alan Miller

National Marine Fisheries Service, Alaska Region
907-586-7416
scott.miller@noaa.gov

EDUCATION:

Master of Science, Agricultural and Resource Economics. May 23, 1996
Department of Agricultural and Resource Economics: University of Maryland, College Park.

Coursework Emphasis: Applied quantitative analysis including advanced econometrics, statistical analysis, advanced welfare analysis, non-market valuation, environmental economics, ecological economics, and renewable resource economics.

Masters Thesis: "Modeling Expectations of Kept and Released Catch as Angling Site Quality Variables." Thesis committee: Dr. Ivar Strand, Jr., Dr. Nancy Bockstael, and Dr. Kenneth McConnell.

Bachelor of Arts, Economics, with Honors. Minor in Mathematics. May 15, 1987
Department of Economics: University of Puget Sound. Tacoma, Washington.

PROFESSIONAL EXPERIENCE

Industry Economist: National Marine Fisheries Service, Alaska Region, January 2002 to present.

Provide economic analysis of fisheries including economic impact analysis, benefit-cost analysis, and economic modeling of fisheries. Major projects have included participation in analysis to develop the following:

- EA/RIR/IRFA for Essential Fish Habitat.
- EA/RIR/IRFA for Gulf of Alaska Steller Sea Lion Mitigation Measures.
- EA/RIR/IRFA for Habitat Areas of Particular Concern.
- EA/IRFA for Total Allowable Catch Specifications (2003 and 2004).
- EA/RIR/IRFA for Aleutian Islands Pollock Allocations.

Consulting Resource Economist: Northern Economics Incorporated, Anchorage Alaska, January 2001 through December 2001.

Provided economic analysis in fisheries, natural resources, and environmental policy including economic impact analysis, benefit-cost analysis, and economic modeling of fisheries. Major fisheries projects included:

- Assessment of the potential impacts of Improved Retention and Improved Utilization regulations on the Bering Sea and Aleutian Islands and Gulf of Alaska area groundfish fleets.
- Assist with revision of the Draft Programmatic Groundfish Supplemental Environmental Impact Statement.
- Develop, as a study team member, economic analysis of options to restructure the Bristol Bay salmon fishery.
- Conduct an assessment of the ongoing economic effects of the 1997-98 Bristol Bay salmon fishery disasters.
- Participate on a team to analyze the economic importance of the Alaska seafood industry.

Agricultural and Resource Economics Program Leader: The Northern Marianas College, Cooperative Research, Education, and Extension Service. Saipan, Commonwealth of the Northern Mariana Islands, USA, July 1999 through June 2001.

Served as Fisheries and Agricultural Economics Program Lead. Served as the Principal Investigator on a Saltonstall-Kennedy funded project to conduct "An Economic Assessment of the Domestic Fisheries Development Potential of the CNMI." Conduct agricultural research and extension activities including enterprise budgeting, market assessments, and benefit-cost analyses. Conduct agricultural production analysis including crop budgets, market assessments, and cost and returns analysis.

Economist: The Commonwealth of the Northern Mariana Islands, Department of Commerce, Office of the Secretary of Commerce, Saipan, CNMI, May 1997 through April 1999.

Served as Fisheries and Natural Resource Economics Activity Head in the CNMI Department of Commerce. Responsible for technical review, research, and preparation of departmental position papers on fisheries management and regulations affecting the CNMI.

Independent Economic Consultant: March 1996 through March 1997.

Provided economic analysis as a sub-contracted economist. Major clients and associated duties included:

- The Coastal America Program, Washington D.C.: Conducted a qualitative assessment of economic costs and benefits of coastal wetland restoration projects undertaken by Coastal America.
- U.S. Department of Justice, Washington, D.C.: Assessed the economic damages resulting from sewage contamination-related closure of the tidal Potomac River to commercial and recreational use.

Research Assistant to the Sea Grant Extension Coordinator: University of Maryland Sea Grant Extension, February 1994 Through February 1995.

Analyzed Maryland statewide expenditure and revenue survey data by developing an IMPLAN input output model to assess the total economic benefits of the Maryland boating industry. Co-authored a Maryland Sea Grant publication containing extensive results at the industry sector level.

Technical Specialist II, Economic and Social Analysis: Battelle Pacific Northwest National Laboratories, Global Studies Group, Washington D.C, May 1991 through January 1994.

Provide advanced technical support in economic analysis, data acquisition, computerized data management, statistical analysis and technical writing to multidisciplinary teams of researchers working in the areas of economic benefit accounting, climate change, environmental policy, environmental finance, and environmental technology.

Securities Trader: Freeman Welwood & Co., Inc., Seattle, Washington, May 1987 through January 1991.

Conduct stock, bond, and option transactions on the major U.S. markets. Assess market strength for trade placement and price sensitivity. Perform financial analysis of client accounts. Prepare and present information seminars for clients and professional conferences.

SELECTED PUBLICATIONS:

Miller, S. A. 2000. "The Domestic Pelagic Fisheries Development Potential of the Commonwealth of the Northern Mariana Islands." Prepared under National Marine Fisheries Service, Saltonstall-Kennedy Grant award NA96FD0471.

Miller, S.A. 1998. "Fishing Tournament Expenditure Study Of The 13th Annual Saipan International Fishing Tournament." CNMI Department of Commerce monograph.

Miller, K.B., and Scott A. Miller. 1998. "The Commonwealth of the Northern Mariana Islands Marine Conservation Plan." Prepared for the Western Pacific Regional Fisheries Management Council in accordance with Section 204 of the Magnuson-Stevens Fisheries Conservation and Management Act. CNMI Department of Lands and Natural Resources and CNMI Department of Commerce monograph.

Lipton, D.W., and Scott A. Miller. 1995. "*Recreational Boating In Maryland: An Economic Impact Study.*" University of Maryland Sea Grant Extension Publication number UM-SG-MAP-95-02.

Miller, K. B., and Scott A. Miller. 1992. "*Options For Funding Management and Institutional Corrective Actions in the Florida Keys National Marine Sanctuary.*" Battelle Pacific Northwest Laboratories report prepared for the U.S. EPA under contract number 68-C2-0134.

SELECTED HONORS AND AWARDS:

National Marine Fisheries Service, 1998 Saltonstall-Kennedy Grant competition award recipient.

Selected to represent the Commonwealth of the Northern Mariana Islands as a member of the U.S. Delegation to The Second and Third Multilateral High Level Conferences on Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean, Majuro, Republic of the Marshall Islands, June 1997 and Tokyo, Japan, June 1998.

Pacific Northwest Laboratories Director's Award for Excellence, 1994.

Economics Honors, University of Puget Sound, 1987

William Randolph Hearst Foundation Scholar 1983-1987

Alaska Legislative Citation for Leadership, 1982