

# **SUMMARY**

## **2003 NOAA FISHERIES CONSTITUENT SESSIONS**

### **North Pacific Region**

## ACKNOWLEDGEMENTS

Many individuals are responsible for making the 2003 Constituent Sessions for the North Pacific region a success. To acknowledge the contributions of each of these individuals by name is not possible because so many people and organizations assisted in this endeavor. We especially thank the participants for sharing their views during the sessions. Without their participation, the constituent sessions would not have been successful.

We thank the National Marine Fisheries Service (NOAA Fisheries) for all their support, both financial and in-kind. It is gratifying to be part of a process in which a federal agency actively seeks its constituents' opinions on important issues. Dr. William Hogarth, Assistant Administrator for NOAA Fisheries, participated in each of the constituent's sessions. Without his participation, the process would not have been so well received.

Finally, we thank the Pacific States Fishery Management Commission for selecting MerrellKatsouros LLP to help with the 2003 Constituent Sessions. We have learned a great deal from listening to the fisheries stakeholders and we hope that knowledge is reflected in our reports.

## MERRELLKATSOUROS LLP

MerrellKatsouros LLP is a registered limited liability partnership in the Commonwealth of Virginia. Mary Hope Katsouros, Esq. and William Merrell, PhD, founded the MerrellKatsouros Partnership in June of 2002. The Partnership focuses on developing policies that balance the use and conservation of our ocean and coastal resources. The Partnership also provides public education on marine resource issues. Core competencies at MerrellKatsouros LLP include the abilities to understand complex interactions of human systems with natural systems at local, regional and national scales and to apply these understandings to the design of governance principles and management systems. MerrellKatsouros LLP personnel are recognized experts in formulating strategic approaches to issues and in designing specific solutions to critical issues by taking a vision or concept to goal statements, then to definitive objectives, and finally to performance measures.

Mary Hope Katsouros and William J. Merrell of MerrellKatsouros LLP prepared this report as part of the requirements of their Contract with the Pacific States Marine Fisheries Commission. The series of reports produced under this contract reflect the views and interpretation of MerrellKatsouros LLP and not those of the National Marine Fisheries Service or the Pacific States Marine Fisheries Commission. MerrellKatsouros LLP is solely responsible for the report and its contents.

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# CHAPTER 1

## THE PROJECT

### 1.1 Origin and Description of the Project

Present-day laws, policies, and paradigms encompassing management of U.S. Marine Fisheries can be traced back to the recommendations of a 1969 report, *Our Nation and the Sea*, by the Commission on Marine Science, Engineering, and Resources (Stratton Commission). The recommendations of the Stratton Commission led to the creation of the National Oceanic and Atmospheric Administration (NOAA) in 1970 and the transfer into this new agency of the National Marine Fisheries Service (NOAA Fisheries), then the Bureau of Commercial Fisheries.

The Stratton Commission also laid the groundwork for the passage of the Fishery Conservation and Management Act of 1976. A principal feature of the Act was the creation of eight (8) regional Fishery Management Councils that represented a decentralized, participatory system with significant stakeholder involvement in fisheries conservation and allocation decisions. Over the years, the eight councils have evolved individually and exhibit significant differences with respect to policies, practices, and levels of public participation and access.

Most stakeholders believe that the present system of fishery management needs improvement, but they are unsure about the nature of the problem, the type of change required, the possible options, and how best to measure progress.

As the diverse interests of marine resource stakeholders increasingly diverge, and as the political resolve to reshape existing legal and regulatory processes grows, there is a critical need for a systematic evaluation of fisheries management and the process of public participation in that management. To generate information important to the pending reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA, P.L. 94-265), Congress and the National Marine Fisheries Service are working to better understand ways for the United States to fulfill its responsibilities in marine stewardship. Recent and ongoing evaluation efforts include: the U.S. Commission on Ocean Policy, Congressional hearings on Magnuson-Stevens Act reauthorization, and a number of Congressionally mandated studies (key works: National Academy of Public Administration, Court, Congress and Constituencies: Managing Fisheries by Default; National Academy of Science, Science and Its Role in the National Marine Fisheries Service; Marine Fisheries Advisory Committee, A Perspective on the National Marine Fisheries Service: Issues and Recommendations); and National Academy of Public Administration (Kammer Report), An Independent Assessment of the Resource Requirement for the National Marine Fisheries Service.

A key recommendation of the Kammer Report is that “The (NOAA Fisheries) Assistant Administrator design and implement processes for developing and evaluating its programs and updating its policies that involve constituents and partners where these groups or individuals have expertise and/or will be affected.” This project is a response to that recommendation.

## **1.2 How the Project was Conducted**

NOAA Fisheries, working with the Pacific States Fisheries Management Commission, contracted with MerrellKatsouros LLP to schedule a series of regional constituent sessions and to evaluate constituent’s e-mail communications. The purpose of the sessions was to gather public input on ways to improve the effectiveness of NOAA Fisheries and its management of living marine resources.

The regional sessions were a collaborative effort that involved all major marine fisheries interests. The primary objective was to assemble and analyze the diverse opinions, attitudes, and perspectives of marine resource stakeholders as they relate to the broad themes of U.S. fisheries management. A secondary objective was to identify possible performance measures.

The meetings were announced in the *Federal Register*, on the NOAA Fisheries web page, and on the web page of each of the regional Fishery Management Councils. In addition, stakeholders unable to participate at the regional sessions were encouraged to use the E-Comments pilot program to share their views. The following questions were developed to assist stakeholders:

1. What are the most important issue facing fisheries in your region?
2. Who has responsibility over this issue? If unclear or uncertain, who should be in charge?
3. Does the solution require (a) no change to the present administrative or statutory structure; (b) administrative changes, and if so what would you propose; or (c) statutory changes, and if so, what would they be?
4. How could one measure if the solution is being properly implemented and working?
5. Briefly describe the best way to keep you informed about changes within NOAA Fisheries and fisheries management?

The constituent sessions for the North Pacific region were held in conjunction with the June 2003 meeting of the North Pacific Fishery Management Council. The council graciously arranged and announced the constituent sessions, which were held on



June 13, 2003, in West Kodiak, Alaska. One hundred stakeholders participated in the session. Twenty-three of the stakeholders made statements. In addition, one e-mail message was received that commented on fisheries management in the region.

At the beginning of each session, Dr. William Hogarth presented his views on the status of U.S. Marine Fisheries. Dr. Hogarth's presentation is summarized in Chapter 2, and a copy of his visual aids is available in Appendix 2. There was also a discussion about the region's fisheries led by Dr. Hogarth and the NOAA Fisheries Regional Administrator. Chapter 3 provides an overview of the Regional Council, the fisheries under its management, and important topics now being considered. After the presentations, the stakeholders presented their views. A summary of the stakeholders' comments is contained in Chapter 4.

## CHAPTER 2

### U.S. MARINE FISHERIES – PRESENTATION BY DR. WILLIAM HOGARTH

This chapter contains a summary of the national status of U.S. Marine Fisheries presented at the regional constituent sessions by the Assistant Administrator for NOAA Fisheries, Dr. William Hogarth. Appendix 2 contains Dr. Hogarth's slides.

The following are excerpts from Dr. Hogarth's opening remarks:

*... We do have great fisheries in this country. We know that management works, and it's just a matter of working together.*

*... We're responsible and you're responsible for managing around 952 stocks, of those, 259 of them are considered major, and some are considered minor stocks. When we say minor, the only reason is because we look at it from a standpoint of landings, because we have to give Congress a report. Each year we give Congress a report on major and minor stocks.*

*Twenty species have come off the overfished list in the last five years, and 25 fish stocks have come off the overfishing list. We still have 86 overfished stocks, but about 70 of*

*those already have rebuilding plans in place. We implemented a schedule to have all 86 stocks with rebuilding plans no later than 2005 [two of them in 2005, the rest (84) of them will probably be in 2004)]. We added seven species last year and we took six off. So it goes back and forth when you manage a stock for conservation and use.*

*If you look at the commercial fishery in the U.S., we land about 9.5 billion pounds in the U.S. and we're the world's fourth largest fishing nation. These fish have value at dockside of about 3.2 billion dollars. We import about 18.5 billion dollars in fishery products and we export only 11.8. So, we have a deficit in fisheries related trade.*

*...U.S. Citizens consumed about 14.8 pounds per person in 2001 and last year shrimp was the number one crop in the U.S. It overtook tuna.*

*...We are importing between 60 and 70 percent of all the seafood we utilize in this country, and we're importing about 88 percent of all the shrimp utilized in the U.S. We import shrimp from 33 countries. We do not currently have the standards on antibiotics in this country that other countries have. We are getting quite a few shrimp imported into the U.S. and, in turn, that has really flooded the market. The imports are really becoming a problem for our fisheries and we need to look at how we can help in this effort. I think aquaculture from foreign countries is*

*producing very inexpensive products. A lot of money is being invested.*

*We don't do much in this country with aquaculture. We are in the process now of trying to determine the role of NOAA Fisheries and how we should be doing aquaculture.*

*...The recreational fishing industry has over 17 million people that fish. They make 65 to 70 million fishing trips per year. They land about 135,000 metric tons...*

*...Over 17 million Americans participated in recreational fishing in 2002, totaling over 65 million fishing trips and supporting almost 350,000 jobs with an economic impact of more than \$30 billion.*

*...The economic value of the commercial fishery is also around 28 to 29 billion dollars. Therefore, we're dealing with a total fishery worth close to 60 billion dollars in gross national product. If you look at management of overfished stocks and opportunities, that could be increased at least 15 to 20 percent. So, we have our work cut out for us.*

*We have about 349,000 jobs supported by the recreational industry. Factoring in personal incomes and related expenditures, it really gets to be very big business.*

*The top ranking recreational fishing state, of course, is Florida. California follows in second place. If Texas provided data, Texas would be ranked number three.*

Excerpts from Dr. Hogarth's slide presentation follow:

*THE STATE OF U.S. MARINE FISHERIES IS  
IMPROVING*

*...The State of U.S. Marine Fisheries is improving. We have been making steady, incremental, progress in improving the nation's marine fisheries.*

- *Status of Stocks: 932 federally managed stocks*
- *259 major stocks account for 99.9 percent of total landings, the rest (672) are considered minor stocks*
- *695 stocks have unknown status*
- *86 stocks still listed as overfished, but we continue our commitment to rebuilding*

*LET ME TELL YOU WHY:*

*I think we are improving. In the last five years, we have reduced the number of stocks from both the overfished and overfishing categories:*

- *Overfished – 20 removed, 7 added = +13*
- *Overfishing – 26 removed, 12 added = +14*
- *70 rebuilding plans have been adopted*

*MY PRESENTATION WILL FOCUS ON:*

- *Value of U.S. Marine Fisheries: Commercial statistics, Recreational Statistics, and Import/Export Statistics*
- *How the Region is Doing*
- *Challenges and Goals*

*VALUE OF U.S. MARINE FISHERIES*

*U.S. RECREATIONAL FISHERY STATISTICS*

- *Over 17 million participants*
- *Over 65 million fishing trips per year*
- *Over 135 thousand metric tons landed per year*
- *Economic impact of more than \$30 billion*

- *More than 349,000 jobs supported*

*Ecosystem-based management affects the recreational industry quite a bit in that one needs to look at Marine Protected Areas or other things that may protect fish. If you look at Number 3 of my goals, where it says stabilize for maximum economic benefit, I think that recreational is part of the maximum economic benefit. The big issue in the future is the allocation between commercial and recreational because the recreational industry is growing.*

#### *MY TEN GOALS*

- 1. Review National Standard 1 Guidelines*
- 2. Explore Ecosystem-based management*
- 3. Stabilize fisheries for maximum economic benefit and improve rebuilding plans*
- 4. Increase communication and cooperative research with industry*
- 5. Promote U.S. seafood*
- 6. Incorporate ocean observing system*

7. *Minimize bycatch and develop new gear technology*
8. *Develop pilot projects in aquaculture*
9. *Improve timeliness and responsiveness in management*
10. *Export gear technology internationally to help recover endangered species*

*We have made great progress in management. There are a lot of success stories, but we still have a lot of work to do. We need to make sure that we take credit for what has been done and we should be dedicated to improving management.*

*Summer flounder is coming off the overfished list. The surfclam and ocean quahog are no longer classified as overfished. Squid and butterfish are no longer overfished. Salmon runs this year are very high.*

*The listing criteria for the Endangered Species list, the Jeopardy Standard, and Essential Fish Habitat are all issues that must be covered. The Council is required to designate Essential Fish Habitat for all of these 952 species for four life stages.*



*We need to be timelier and more responsive. I don't know if we can do anything with that before Magnuson is reauthorized, which will probably be in about a year.*

*We are trying to beef up our Constituent Services in NOAA Fisheries.*

*My [Hogarth's] job, and people might disagree with me, but the job I took is to manage these fisheries for maximum economic benefit to the country. And that means that you are going to have stocks that will be reduced to probably 50 to 60 percent of their natural levels. I feel pretty confident that cooperative research is an excellent way to make progress.*

*We need to do a better job of promoting seafood in the U.S. Just because a stock is overfished, does not mean it should not be utilized by the American public if a rebuilding plan is in place.*

## CHAPTER 3

### THE NORTH PACIFIC REGION

#### 3.1 The Council

The North Pacific Fishery Management Council (NPFMC) is one of eight regional fishery management councils established by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The NPFMC manages fisheries off the coast of Alaska.

With jurisdiction over the 900,000 square mile Exclusive Economic Zone (EEZ) off Alaska, the NPFMC has primary responsibility for groundfish management in the Gulf of Alaska (GOA) and Bering Sea and Aleutian Islands (BSAI), including cod, pollock, flatfish, Atka mackerel, sablefish, and rockfish species harvested by vessels using trawl, hook-and-line or pot gear. The North Pacific Council also has responsibility for management of specified salmon, scallop, and crab stocks in federal waters under fishery management plans that defer many management actions to the State of Alaska.

The council has 11 voting members – one from the National Marine Fisheries Service, three representing state fishery agencies of Alaska, Washington, and Oregon,

and seven public members appointed by the Secretary of Commerce. Of the groundfish, crab, salmon, and scallop stocks under jurisdiction of the North Pacific Council, only 3 crab stocks are determined to be overfished as of 2002 and rebuilding plans have been implemented. The port of Dutch Harbor-Unalaska, Alaska, is the highest producing port in the North Pacific region, where 908 million pounds of fish valued at \$136 million were landed in 2002.

The Council also makes allocative and limited entry decisions for halibut, though the U.S. – Canada International Pacific Halibut Commission (IPHC) is responsible for conservation of halibut. Other large Alaska fisheries that are not covered under a federal fishery management plan, such as herring, are managed by the State of Alaska.

### **3.2 Fishery Management Plans (FMPs) for the Region**

Presently, the Council is responsible for five fishery management plans. The plans are:

1. Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutians Islands Management Area

This FMP includes all species of groundfish (Pollock, cod, flatfish, sablefish, rockfish, etc.) fished commercially by vessels using trawl, hook-and-line, pot, or jig gear. In-season management of these fisheries is done by NOAA Fisheries in Juneau.

Over the past 25 years, groundfish harvests have been sustained in the range of 3 to 5 billion pounds annually, and no groundfish stocks are considered overfished.

Fishing effort in groundfish fisheries has been limited directly through a license limitation program, individual fishing quotas, community development quotas, and the limitation on vessels and establishment of cooperatives in the Bering Sea pollock fishery as authorized by the American Fisheries Act.

A comprehensive suite of measures was developed from 1999 through 2001, which are currently in place to accommodate concerns over potential competition between groundfish fisheries and forging sea lions. These measures include extensive closures to critical habitat areas; expanded closure of areas around rookeries and haul-outs; and, spatial and temporal distribution of fisheries for key prey species, including limits on removals from certain areas and seasonal harvest limits.

## 2. Fishery Management Plan for Groundfish of the Gulf of Alaska

The FMP for Groundfish of the Gulf of Alaska essentially mirrors the BSAI groundfish FMP. Some commercial species (black rockfish, blue rockfish, lingcod) are not included in the FMP, but are instead managed by the state of Alaska.

3. Fishery Management Plan for Bering Sea/Aleutian Islands Commercial King and Tanner Crab Fisheries

This FMP includes all species and fisheries for king and Tanner crab (red, blue, and brown king crab, Tanner crab, and snow crab). In season management of these fisheries is provided by the Alaska Department of Fish and Game (ADF&G) in Kodiak.

Crab stocks have undergone large fluctuations in biomass. Two crab stocks are well above the stock size, other crab stocks are at average to low levels, and two crab stocks remain at very low levels and are considered overfished, although climactic factors, rather than fishing, are the likely reasons.

4. Fishery Management Plan for Alaska Scallop

This FMP was developed to control fishing effort in the weathervane scallop fishery. Only nine vessels are permitted under a license limitation program. In-season management of the fishery is provided by ADF&G in Kodiak.

5. Fishery Management Plan for Salmon

The Salmon FMP was developed to prohibit fishing for salmon in the EEZ except by a limited number of vessels using troll gear. All management of the salmon fisheries is deferred to the State of Alaska.

## CHAPTER 4

### ISSUES IDENTIFIED BY CONSTITUENTS

This chapter provides a summary of the issues presented by participants at the constituent sessions and provided electronically through email. The issues have been divided into national and regional topics. For this report, regional issues are issues that primarily affect the North Pacific region.

Sessions of the 2003 NOAA fisheries constituent hearings for the North Pacific region were held June 13<sup>th</sup> in Kodiak, Alaska, in conjunction with a meeting of the North Pacific Regional Fishery Management Council. These constituent sessions had 100 attendees, 23 of whom made presentations. One email message was received from a constituent from the North Pacific region. The national issues identified by Alaska constituents were divided into sixteen topics: aquaculture-marine; bycatch; councils; ecosystem management; economic, social and cultural issues; enforcement; essential fish habitat; infrastructure – land-based; management, Magnuson Stevens Act; marine mammals; marine protected areas; NOAA leadership; overcapitalization/rationalization; Pew Oceans Commission, National Commission on Ocean Policy; regulatory streamlining; and science/data/observations. Responses to these issues are summarized below:

## NATIONAL ISSUES

National issues identified by constituents either at regional sessions or electronically, by topic in alphabetical order, are:

**1. Aquaculture - Marine**

- Need to look at fisheries in a holistic manner that includes aquaculture

**2. Bycatch, Bycatch Reduction**

- US progress in gear technology is reducing bycatch and needs to be exported to other countries
- NOAA's Pascagoula laboratory is a national resource on gear technology development.
- Should develop full retention of catch programs

**3. Councils**

- Conflict of interest-Both actual in that members vote their self-interest and in appearance, with most members having strong industry ties
- Council makeup/balance Issues- need more public members
- Should have a member of the environmental community on the council
- Should always put science first

**4. Ecosystem Management**

- Should be attempted but need to proceed carefully
- Demonstration projects are a good idea
- Support/oppose Pew Ocean Commission recommendations on ecosystem-



Based management

- Need to involve nearby communities in ecosystem-based management

**5. Economic, Social and Cultural Issues**

- Subsistence, artesian fishing is important to the culture of native communities and needs stronger consideration in management decisions
- In subsistence fishing, fish are not wasted-every part is used
- There should be more fisheries set asides for fishing communities
- Young people in fishing communities are leaving

**6. Enforcement**

- Need more and better enforcement

**7. Essential Fish Habitat**

- Draft Environmental Impact Statements are thousands of pages long and unreadable

**8. Infrastructure - Land-based**

- Processors investments and the communities/workers can be greatly affected by changes in regulations and should be considered in any changes

**9. Management, Magnuson-Stevens Act**

- Council system has been an overall success
- Progress has been made in rebuilding stocks
- Regulations should be for a multiple number of years, not changed annually

- Don't separate science from management
- Need to clean house to stop political pressure and then eliminate all factory trawlers

**10. Marine Mammals**

- NOAA's permitting system for sea lion research has been excellent and should be extended to other marine mammals
- Should use fishing vessels and crew to sample marine mammals
- Reducing the race for fish reduces the impact on marine mammals

**11. Marine Protected Areas**

- Need Marine Protected Areas (MPA) to protect deepwater corals and sponges

**12. NOAA Leadership**

- Bill Hogarth has been the most communicative and best NOAA Fisheries Assistant Administrator

**13. Overcapitalization/Rationalization**

- Councils must control access to fisheries
- The open range era has ended – need to restrict access to protect the resource
- Councils/agency could reduce capacity in many fisheries and still harvest the same number of fish
- Must end race for fish which is a safety concern and causes excessive bycatch
- There will be winners and losers in crab fishery rationalization proposal
- Question of who should share in the crab fishery allocation – harvesters,

processors, communities, and among harvesters - boat owners, non-owning captains, crew

- Councils/agency need Individual Fishery Quotas (IFQ) as a tool
- Rationalization will lead to more industry cooperatives
- Will be the end of small, independent fishers
- IFQs are forever and will promote fishing dynasties
- Rationalization will cause social disruption with families leaving fishing communities
- Smaller fishers need flexibility to change fisheries and gear

**14. Pew Oceans Commission/National Commission on Ocean Policy**

- Pew Commission report received too much press coverage
- NOAA Fisheries should respond aggressively
- NOAA Fisheries needs media strategy to counter Pew
- Pew report recommendations won't work
- National Commission's ecosystem councils will conflict with fishery management councils
- Pew report makes constructive recommendations
- Pew wants to undo a fisheries management process that is working well

**15. Regulatory Streamlining**

- Puts burden on council by frontloading decisions
- Must speed up actions – the system is too slow

**16. Science/Data/Observations**

- NOAA leadership needs to support science more

- Don't separate science from management – they need to interact
- Need better data on recreational catch
- Need better science, more stock assessments
- Too many stocks are still unknown
- Stock assessments should be annual not biannual or tri-annual
- Need more cooperative research with industry – but industry needs help writing grants
- Councils should defer to the stock assessment committee (for allocation)
- NOAA regional laboratories doing a good job
- Need more observers and money to pay for them
- Need more benthic maps
- Observers are expensive and costly to the vessel owner

## **Regional Issues**

Topics identified by the constituents, specific to the North Pacific, are the following:

- Regional processors are stranded with their capital investment
- Excessive individual landings allowed by Alaska citizens