

North Pacific Fishery Management Council

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Mr. Peter Oppenheimer
International Section General Counsel Office
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
1401 Constitution Ave., NW – HCHB 48026
Washington, D.C. 20230

PRELIMINARY NPFMC COMMENTS TO THE US DELEGATION TO THE ARCTIC COUNCIL'S TASK FORCE ON ARCTIC MARINE COOPERATION

Dear Mr. Oppenheimer:

On behalf of the NPFMC, thank you for the opportunity to provide input to the US delegation to the Arctic Council's Task Force on Arctic Marine Cooperation (TFAMC). As I understand it, discussions within the US delegation regarding how best to achieve the goals described in the Arctic Marine Strategic Plan (AMSP) are in their initial stages. Additionally, we haven't had the opportunity to discuss the views of other government agencies, institutions and the State of Alaska, who are also participating in this inter-agency process to inform the US delegation. With those factors in mind, the comments and observations below are more general in nature, and include some questions and recommendations that we believe are worth considering as the US delegation begins developing its positions. I expect the NPFMC's comments to evolve and become more specific as these discussions progress and we gain a better understanding of other US interests and the TFAMC process. We also request to be considered for inclusion in the US delegation to future TFAMC meetings. As with most processes, it is important to be integrally involved in such meetings to fully understand the context of the discussions and thereby provide the most useful and meaningful input possible.

Broadly speaking, from the NPFMC's perspective of conservation and management of marine resources in the EEZ, the greatest need for international cooperation is to further the goals and objectives of our federal management programs and policies under the Magnuson-Stevens Act and other applicable laws. For the Arctic (under the broadest definition), this requires an understanding of the management approaches and objectives for each of the relevant Fishery Management Plans, as well as the current research and management issues and needs for the programs established for those FMPs. The primary FMPs relevant to the Arctic include the Arctic, BSAI Groundfish, and BSAI Crab FMPs.

With this in mind, we want to express at the outset a general concern about the possible extension of Arctic Council management measures into domestic waters, especially the Bering Sea and Aleutian Islands. While we understand the Arctic Council does not have regulatory authority and any new

management measures would have to be approved domestically, the development of programs and policies by the US delegation for consideration by the Arctic Council are extremely important to us. We believe that continued recognition of and support for our domestic federal fisheries management system is critical in the TFAMC process, and in fact provides examples of successful programs and approaches for the TFAMC to consider applying to the broader Arctic.

Geographic scope of the TFAMC's focus relative to the AMSP

Although the AMSP states that there is no agreed upon definition of the Arctic and that instead each member state defines their relevant Arctic area, much of the national and international policy discussions have included the Bering Sea and Aleutian Islands (BSAI), into the Gulf of Alaska, as part of the 'Arctic' area. This is understandable given that the Bering Sea/Aleutian Islands area comprise one Large Marine Ecosystem. A graphic of the EEZ under the NPFMC's management responsibility is attached for reference. However, it's important to note that if the BSAI is included, there are obviously significant implications for the Arctic Council regarding the scope of work and issues that would be included, the number and diversity of stakeholders, and institutions to engage and collaborate with, and the complexity of existing marine resource management programs within the US EEZ to consider. The degree to which AMSP objectives can be achieved through existing cooperative mechanisms or whether new mechanisms could add value, is affected by the scope of the geographic area. This is an important consideration for the US to discuss at the outset.

Related to the issue of geographic scope is the question of how much international waters/lands exist outside our EEZ above and below the Bering Straits, and what governing or coordinating bodies currently function in those areas. In the Bering Sea, the "Donut Hole" is a relatively small international area bounded by the EEZ's of the US and Russian. The international Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, was signed by in 1994 and continues to function as a cooperative body for that area for Pollock resources, the primary resource interest. A bilateral agreement between the US and Russia (1988) exists for the two countries to coordinate and collaborate on all marine resource conservation and management issues of mutual interest in the Bering Sea, including the Donut Hole. The annual Intergovernmental Consultative Committee meetings continue to function as an effective forum for the US and Russia. In recent years, there has also been an effort to focus discussions on specific resource issues of mutual interest in a workshop-type format during the ICC meeting, to determine whether collaborative research or other actions might be useful to our respective countries.

In contrast, the high seas and outer continental shelf area of the Arctic Ocean, beyond our Arctic EEZ, is far greater in size than the Donut Hole, is bordered by numerous Arctic countries, and lacks the kinds of coordinating or collaborative management structures that exist today in the Bering Sea and Aleutian Islands. These factors would suggest that, with respect to marine resource management, the need for international cooperation and new mechanisms to achieve it, is greater in the Arctic than in the Bering Sea and Aleutian Islands.

Arctic Marine Strategic Plan (2015-2025)

- Goal 1: Improve and Expand the Knowledge Base.

Separate from the question of whether new mechanisms for cooperation are necessary, the need for research and monitoring in the marine environment is an ongoing need, and exists throughout the Arctic region, including the Bering Sea and Aleutian Islands. Goal 1 and its related Strategic Actions are arguably the most important, with a high likelihood of success, and should be considered for the highest priority of the TFAMC.

In the Bering Sea, research and monitoring by NOAA/NMFS in particular that is related to fisheries management programs of the NPFMC incorporates climate change inquiries that are relevant to and consistent with the AMSP. In addition, the North Pacific Research Board, in conjunction with the National Science Foundation, has completed a multi-year Bering Sea Integrated Research Project, and is now initiating an Arctic Integrated Research Program. Because the mission of the NPRB is to support scientific research that informs effective management and sustainable use of marine resources, their work also complements the goals of the AMSP.

The AMSP identifies Ecosystem Based Management (EBM) as “a cornerstone of the work of the Arctic Council” and foundational to the goals of the AMSP. It is worth noting that the NPFMC’s Fishery Management Plans have adopted ecosystem based management and the application of this approach continues to expand and evolve over time. The NPFMC is currently developing a Bering Sea Fishery Ecosystem Plan that will complement our existing FMP, and the goals of the AMSP. A summary of the Bering Sea Groundfish FMP “Management Policy and Objectives” is attached as an example of the consistency between the AMSP and the work of the NPFMC.

This raises questions about the geographic scope of EBMs or other management programs under consideration by the TFAMC, and how they would effectively integrate with existing ecosystem based management programs and authorities. It will be especially important for the US delegation and TFAMC to take this into consideration.

- Goal 2: Conserve and Protect Ecosystem Function and Biodiversity.

The Strategic Actions associated with this goal appear to be more prescriptive in nature than the other Goals in the AMSP. Action 7.2.10 in particular describes a desired outcome: “Develop a pan-Arctic network of marine protected areas, based on the best available knowledge.....” We suggest that in order to achieve the objectives of Goal 2, the TFAMC must consider existing programs and institutions by Arctic states that may already be carrying out the Strategic Actions prescribed for that Goal. Therefore, we recommend that the US delegation compile a record or catalog of what we are already doing within the US EEZ, and with other nations, that is consistent with or complementary to the goals of the AMSP, and that may provide examples for the development of other programs and mechanisms in areas where they don’t currently exist.

- Goal 3: Promote Safe and Sustainable Marine Resource Use.

This Goal and related Strategic Actions appear to cover two main topics, the development of ecosystem based management programs for marine resources generally, and research and monitoring of expanding shipping, transportation, oil and gas exploration and other activities that could affect those marine resources. We are aware, for example, that the USCG does not have the same infrastructure in place in the Arctic that it does in other regions of the Pacific and North Pacific to address accidents and problems that arise from those activities. And although we are not familiar with existing management programs and infrastructure governing all of these other activities in the Arctic, given their expansion in recent years, this is a logical choice of focus for the TFAMC.

Note that the first strategic action 7.3.1 under Goal 3, to “advance EBM as an overarching framework for conservation and sustainable use of living and non-living resources in the Arctic marine environment”, is essentially the same as the first strategic action 7.2.1 under Goal 2, “promote the implementation of the ecosystem approach to management in the Arctic”.

- Goal 4: Strengthen Capacity to Adapt to Changes.

As with other Goals and associated Strategic Actions, building upon existing forums and organizations within member states, in which Arctic inhabitants already participate, and sharing lessons learned across those existing forums, is an approach that is likely to establish trust and understanding of common goals described in the AMSP. This is something the US and other member states could begin to do internally.

Because there are currently no commercial fisheries within the NPFMC's Arctic FMP, there aren't any specific forums for Arctic inhabitants and stakeholders related to management and conservation in that area. In the Bering Sea/Aleutian Islands area, stakeholders participate in the NPFMC process through a variety of Council bodies and committees, such as the Advisory Panel and Ecosystem Committee, focused outreach meetings conducted by the Council, and through participation on specific agenda items at Council meetings.

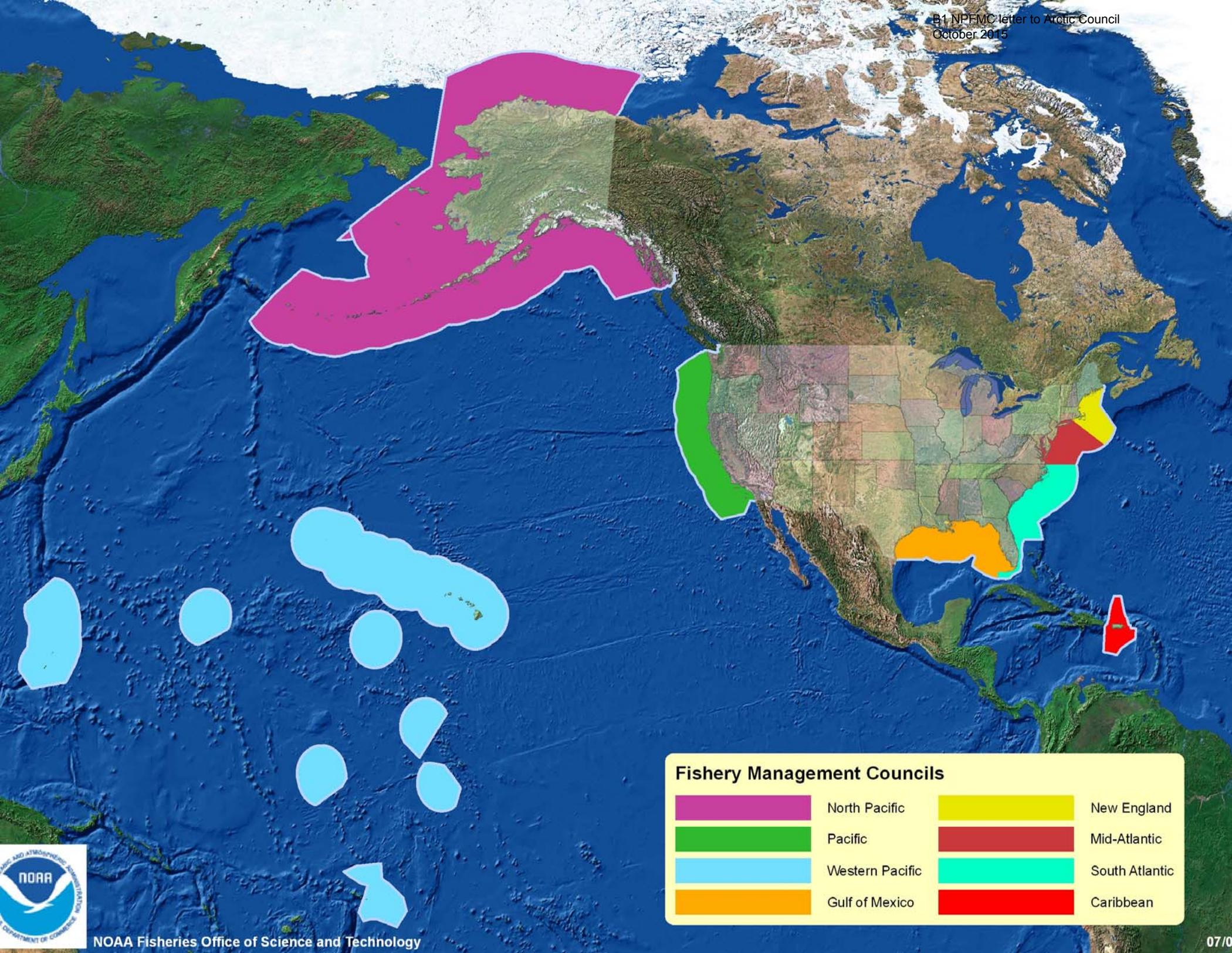
Again, thank you for the opportunity to provide comments in this interagency process as the TFAMC initiates its work. We look forward to assisting the US delegation in advancing the work of the TFAMC. If you have any questions or wish to discuss anything in greater detail, please contact our Executive Director, Chris Oliver.

Sincerely,

A handwritten signature in blue ink that reads "Dan Hull". The signature is written in a cursive, flowing style.

Dan Hull
Chairman

Attachments (2)



Fishery Management Councils

	North Pacific		New England
	Pacific		Mid-Atlantic
	Western Pacific		South Atlantic
	Gulf of Mexico		Caribbean



Chapter 2 Management Policy and Objectives

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) is the primary domestic legislation governing management of the nation's marine fisheries. In 1996, the United States Congress reauthorized the Magnuson-Stevens Act to include, among other things, a new emphasis on the precautionary approach in U.S. fishery management policy. The Magnuson-Stevens Act contains ten national standards, with which all fishery management plans (FMPs) must conform and which guide fishery management. The national standards are listed in Section 2.1, and provide the primary guidance for the management of the groundfish fisheries.

Under the Magnuson-Stevens Act, the North Pacific Fishery Management Council (Council) is authorized to prepare and submit to the Secretary of Commerce for approval, disapproval or partial approval, a FMP and any necessary amendments, for each fishery under its authority that requires conservation and management. The Council conducts public hearings so as to allow all interested persons an opportunity to be heard in the development of FMPs and amendments, and reviews and revises, as appropriate, the assessments and specifications with respect to the optimum yield from each fishery (16 U.S.C. 1852(h)).

The Council has developed a management policy and objectives to guide its development of management recommendations to the Secretary of Commerce for the Bering Sea and Aleutian Islands (BSAI) groundfish fisheries. This management approach is described in Section 2.2.

2.1 National Standards for Fishery Conservation and Management

The Magnuson-Stevens Act, as amended, sets out ten national standards for fishery conservation and management (16 U.S.C. § 1851), with which all fishery management plans must be consistent.

1. Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.
2. Conservation and management measures shall be based upon the best scientific information available.
3. To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.
4. Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be A) fair and equitable to all such fishermen; B) reasonably calculated to promote conservation; and C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.
5. Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.
6. Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.
7. Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.
8. Conservation and management measures shall, consistent with the conservation requirements of this Act (including the prevention of overfishing and rebuilding of overfished stocks), take into account the importance of fishery resources to fishing communities in order to A) provide for the sustained participation of such communities, and B) to the extent practicable, minimize adverse economic impacts on such communities.

9. Conservation and management measures shall, to the extent practicable, A) minimize bycatch and B) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch.
10. Conservation and management measures shall, to the extent practicable, promote the safety of human life at sea.

2.2 Management Approach for the BSAI Groundfish Fisheries

The Council's policy is to apply judicious and responsible fisheries management practices, based on sound scientific research and analysis, proactively rather than reactively, to ensure the sustainability of fishery resources and associated ecosystems for the benefit of future, as well as current generations. The productivity of the North Pacific ecosystem is acknowledged to be among the highest in the world. For the past 25 years, the Council management approach has incorporated forward looking conservation measures that address differing levels of uncertainty. This management approach has in recent years been labeled the precautionary approach. Recognizing that potential changes in productivity may be caused by fluctuations in natural oceanographic conditions, fisheries, and other, non-fishing activities, the Council intends to continue to take appropriate measures to insure the continued sustainability of the managed species. It will carry out this objective by considering reasonable, adaptive management measures, as described in the Magnuson-Stevens Act and in conformance with the National Standards, the Endangered Species Act (ESA), the National Environmental Policy Act, and other applicable law. This management approach takes into account the National Academy of Science's recommendations on Sustainable Fisheries Policy.

As part of its policy, the Council intends to consider and adopt, as appropriate, measures that accelerate the Council's precautionary, adaptive management approach through community-based or rights-based management, ecosystem-based management principles that protect managed species from overfishing, and where appropriate and practicable, increase habitat protection and bycatch constraints. All management measures will be based on the best scientific information available. Given this intent, the fishery management goal is to provide sound conservation of the living marine resources; provide socially and economically viable fisheries for the well-being of fishing communities; minimize human-caused threats to protected species; maintain a healthy marine resource habitat; and incorporate ecosystem-based considerations into management decisions.

This management approach recognizes the need to balance many competing uses of marine resources and different social and economic goals for sustainable fishery management, including protection of the long-term health of the resource and the optimization of yield. This policy will use and improve upon the Council's existing open and transparent process of public involvement in decision-making.

2.2.1 Management Objectives

Adaptive management requires regular and periodic review. Objectives identified in this policy statement will be reviewed annually by the Council. The Council will also review, modify, eliminate, or consider new issues, as appropriate, to best carry out the goals and objectives of this management policy.

To meet the goals of this overall management approach, the Council and NMFS will use the Alaska Groundfish Fisheries Programmatic Supplemental Environmental Impact Statement (PSEIS) (NMFS 2004) as a planning document. To help focus consideration of potential management measures, the Council and NMFS will use the following objectives as guideposts, to be re-evaluated, as amendments to the FMP are considered over the life of the PSEIS.

Prevent Overfishing:

1. Adopt conservative harvest levels for multi-species and single species fisheries and specify optimum yield.
2. Continue to use the 2 million mt optimum yield cap for the BSAI groundfish fisheries.
3. Provide for adaptive management by continuing to specify optimum yield as a range.
4. Provide for periodic reviews of the adequacy of F_{40} and adopt improvements, as appropriate.

5. Continue to improve the management of species through species categories.

Promote Sustainable Fisheries and Communities:

6. Promote conservation while providing for optimum yield in terms of the greatest overall benefit to the nation with particular reference to food production, and sustainable opportunities for recreational, subsistence, and commercial fishing participants and fishing communities.
7. Promote management measures that, while meeting conservation objectives, are also designed to avoid significant disruption of existing social and economic structures.
8. Promote fair and equitable allocation of identified available resources in a manner such that no particular sector, group or entity acquires an excessive share of the privileges.
9. Promote increased safety at sea.

Preserve Food Web:

10. Develop indices of ecosystem health as targets for management.
11. Improve the procedure to adjust acceptable biological catch levels as necessary to account for uncertainty and ecosystem factors.
12. Continue to protect the integrity of the food web through limits on harvest of forage species.
13. Incorporate ecosystem-based considerations into fishery management decisions, as appropriate.

Manage Incidental Catch and Reduce Bycatch and Waste:

14. Continue and improve current incidental catch and bycatch management program.
15. Develop incentive programs for bycatch reduction including the development of mechanisms to facilitate the formation of bycatch pools, vessel bycatch allowances, or other bycatch incentive systems.
16. Encourage research programs to evaluate current population estimates for non-target species with a view to setting appropriate bycatch limits, as information becomes available.
17. Continue program to reduce discards by developing management measures that encourage the use of gear and fishing techniques that reduce bycatch which includes economic discards.
18. Continue to manage incidental catch and bycatch through seasonal distribution of total allowable catch and geographical gear restrictions.
19. Continue to account for bycatch mortality in total allowable catch accounting and improve the accuracy of mortality assessments for target, prohibited species catch, and non-commercial species.
20. Control the bycatch of prohibited species through prohibited species catch limits or other appropriate measures.
21. Reduce waste to biologically and socially acceptable levels.
22. Continue to improve the retention of groundfish where practicable, through establishment of minimum groundfish retention standards.

Avoid Impacts to Seabirds and Marine Mammals:

23. Continue to cooperate with U.S. Fish and Wildlife Service (USFWS) to protect ESA-listed species, and if appropriate and practicable, other seabird species.
24. Maintain or adjust current protection measures as appropriate to avoid jeopardy of extinction or adverse modification to critical habitat for ESA-listed Steller sea lions.

25. Encourage programs to review status of endangered or threatened marine mammal stocks and fishing interactions and develop fishery management measures as appropriate.
26. Continue to cooperate with NMFS and USFWS to protect ESA-listed marine mammal species, and if appropriate and practicable, other marine mammal species.

Reduce and Avoid Impacts to Habitat:

27. Review and evaluate efficacy of existing habitat protection measures for managed species.
28. Identify and designate essential fish habitat and habitat areas of particular concern pursuant to Magnuson-Stevens Act rules, and mitigate fishery impacts as necessary and practicable to continue the sustainability of managed species.
29. Develop a Marine Protected Area policy in coordination with national and state policies.
30. Encourage development of a research program to identify regional baseline habitat information and mapping, subject to funding and staff availability.
31. Develop goals, objectives and criteria to evaluate the efficacy and suitable design of marine protected areas and no-take marine reserves as tools to maintain abundance, diversity, and productivity. Implement marine protected areas if and where appropriate.

Promote Equitable and Efficient Use of Fishery Resources:

32. Provide economic and community stability to harvesting and processing sectors through fair allocation of fishery resources.
33. Maintain the license limitation program, modified as necessary, and further decrease excess fishing capacity and overcapitalization by eliminating latent licenses and extending programs such as community or rights-based management to some or all groundfish fisheries.
34. Provide for adaptive management by periodically evaluating the effectiveness of rationalization programs and the allocation of access rights based on performance.
35. Develop management measures that, when practicable, consider the efficient use of fishery resources taking into account the interest of harvesters, processors, and communities.

Increase Alaska Native Consultation:

36. Continue to incorporate local and traditional knowledge in fishery management.
37. Consider ways to enhance collection of local and traditional knowledge from communities, and incorporate such knowledge in fishery management where appropriate.
38. Increase Alaska Native participation and consultation in fishery management.

Improve Data Quality, Monitoring and Enforcement:

39. Increase the utility of groundfish fishery observer data for the conservation and management of living marine resources.
40. Develop funding mechanisms that achieve equitable costs to the industry for implementation of the North Pacific Groundfish Observer Program.
41. Improve community and regional economic impact costs and benefits through increased data reporting requirements.
42. Increase the quality of monitoring and enforcement data through improved technology.
43. Encourage a coordinated, long-term ecosystem monitoring program to collect baseline information and compile existing information from a variety of ongoing research initiatives, subject to funding and staff availability.
44. Cooperate with research institutions such as the North Pacific Research Board in identifying research needs to address pressing fishery issues.

45. Promote enhanced enforceability.
46. Continue to cooperate and coordinate management and enforcement programs with the Alaska Board of Fish, Alaska Department of Fish and Game, and Alaska Fish and Wildlife Protection, the U.S. Coast Guard, NMFS Enforcement, International Pacific Halibut Commission, Federal agencies, and other organizations to meet conservation requirements; promote economically healthy and sustainable fisheries and fishing communities; and maximize efficiencies in management and enforcement programs through continued consultation, coordination, and cooperation.