

**COMMENTS TO THE INTERAGENCY OCEAN POLICY TASK FORCE
REGARDING THE DEVELOPMENT OF A NATIONAL POLICY FOR THE
OCEAN, COASTS, AND THE GREAT LAKES.**

August 18, 2009

The Marine Conservation Alliance (MCA) is pleased to provide these comments to the Interagency Ocean Policy Task Force regarding the development and implementation of a national policy for the ocean, coasts and Great Lakes. MCA is a broad based coalition of harvesters, processors, coastal communities, Community Development Quota organizations, and support services businesses involved in the groundfish and shellfish fisheries of Alaska. MCA was formed to promote the sustainable use of North Pacific marine resources by present and future generations. MCA supports research and public education regarding the fishery resources of the North Pacific, and seeks practical solutions to resource conservation issues. Our members collectively represent roughly 70% of the production of North Pacific fisheries.

MCA welcomes President Obama's oceans policy initiative. We recognize that the President has laid out an ambitious schedule for the work of the Task Force. You have stated that the findings and reports from the U.S. Commission on Ocean Policy (USCOP) and the Pew Oceans Commission will be the foundation for your work. While there are many similarities between the two reports, there are also important differences. Of the two, MCA found the USCOP report to be the most useful. Accordingly, we have attached MCA's comments regarding the USCOP report for your information.

As a first step of the Task Force's work, we encourage you to document and consider the steps that have been taken to improve conservation and management of the nation's oceans and coasts since the publication of the PEW and USCOP reports. Substantial progress has been made at the local, state, federal, and international levels on issues identified by the two reports. These include major new programs for oceans observing, marine research, marine debris reduction and clean-up, habitat protection, Marine Protected Areas, and initiatives on the international front to address illegal, unregulated, and unreported (IUU) fishing and emerging fisheries issues in areas such as the high Arctic. With regard to fisheries the reauthorization of the Magnuson Stevens Act (MSA) included specific requirements to address overfishing, strengthen the role of science in fisheries management, resolve the conflict between NEPA and MSA procedures as well as new initiatives to protect marine habitat and sensitive species, foster cooperative research, and promote technology development to address important fishery management issues. These new initiatives are in the process of being implemented by NOAA and the Regional Fishery Management Councils (RFMCs). It is our belief that the Task Force would be well served to build off these actions and on-going initiatives rather than relying on the now outdated findings of these two commissions.

Turning to specifics, the Task Force identified four topical areas of particular interest, including:

- National policy for oceans and for coastal and Great Lakes ecosystems;
- Ocean governance framework;
- Implementation Strategy to meet the objectives of the national policy;
- Coastal and marine spatial planning.

MCA's comments on these areas of interest follow.

National Policy for Oceans, Coastal and Great Lakes Ecosystems

There have been several proposals and initiatives in recent times to establish a national policy requiring ecosystem-based management of our nation's ocean and coastal resources, including recommendations by the two commissions, and most recently proposals in the Congress. Most of these proposals would apply a general, broad brushed requirement to employ ecosystem based management for all federal actions and agencies.

MCA supports a national policy that promotes, as a policy objective and a goal, adaptive, precautionary, ecosystem-based management approaches to marine resources. We urge caution when establishing such a policy that these not be set forth as hard and fast requirements in regulation or statute. Instead, national policy should explicitly acknowledge that these are goals and objectives that will be achieved incrementally and over time.

There are significant difficulties with translating the goal of ecosystem based management into practical reality. Issues of geographic scope, questions about the level of scientific information required to design and implement such a management regime, and fiscal reality have all come into play. Many of the proposals include elaborate new "top down" bureaucracies, with attendant costs, increased regulatory burden, and significant economic impacts while at the same time providing questionable ecosystem benefits. We have not supported such proposals in the past because we see them as interfering with development of workable solutions to real world conservation needs.

As a general matter we would urge the Task Force to avoid developing a national policy that further complicates an already daunting array of laws, regulations and policies that currently govern ocean uses. Requiring agencies to define and implement a requirement to "protect, maintain, and restore the health of marine ecosystems" will be a daunting task. Introducing new and ill defined terms for application, such as the "precautionary approach", "marine ecosystem resilience" and "marine ecosystem health" compounds the problem due to their lack of precision and clear definition. Using such terms to define U.S. oceans policy, and as a regulatory standard to gauge performance, introduces a level of ambiguity that, in our opinion, will result in confusion, further gridlock, and eventually litigation. From the perspective of a region that is interested in making real, "on the water" progress this approach has a basic bottom line flaw. It sounds good, but is so ambiguous that it will make the practical and real world work of managers virtually impossible.

When setting a national policy for our oceans and coastal areas, one of the first issues that will need to be decided is the geographic scope of the policy. If that policy calls for “ecosystem based management” to “protect marine ecosystem health”, where does that policy apply? For example, does it apply to inland activities like agriculture, where the cumulative effects of many small generators of non-point source pollution may be affecting the health of marine areas such as the Gulf of Mexico? If so, how will federal agencies work with local farmers to implement this policy? Does it apply to federally funded programs operated by the states? If so, what is the role of the states in making determinations about the effects of their activities on marine ecosystem health?

Another central question will be the role of science in the policy. Most proposals for applying ecosystem based management do not take into account the practical realities of the level of scientific information needed to successfully implement an ecosystem management regime. Many proposals would get around this through prescriptive requirements for applying the “precautionary principle”. We support a cautionary approach to management such as that employed by the North Pacific Regional Fishery Management Council (NPFMC). Even when the NPFMC significantly reduces fishing levels to address conservation needs, the seafood industry has supported that action. This is due in large part to a trust in the quality of the science and the fairness of the system. We are concerned that introducing an arbitrary standard of performance, instead of relying on the advice of the scientists and managers, runs counter to the provisions adopted in the recent reauthorization of the MSA and could significantly undermine the successful management employed in Alaska.

A closely related question is the application of the policy to existing federal programs currently authorized by statute. How would the policy affect the decisionmaking procedures for those programs? For fisheries, how would such a policy affect the role and actions for the RFMCs, which have very specific authorities and obligations under the MSA? Does the policy, or its implementation, set up scenarios where the policy comes into conflict with the statute? For example, is there a potential conflict between a requirement of the policy and the MSA National Standards? Does it undermine the role of the RFMCs, or set up conflicts with the MSA procedures for developing fishery management plans? Does it open the door for litigation?

And finally, many proposals for ecosystem based management concentrate solely on the biological side of the equation and fail to address the human component. An effective and comprehensive national policy needs to incorporate measures to promote sustainable use of the nation’s marine resources. The oceans and coasts of the United States are a vast economic engine, and the sustainable use of these resources is paramount to the social and economic well being of the nation. Loss of the “working waterfront” and associated jobs is not only an economic issue for many areas of the country, but also represents a loss of a unique part of our national maritime heritage. National policy should be crafted to promote sustainable uses of our marine resources, recognize and encourage the maintenance of a “working waterfront” as part of our nation’s maritime heritage, and provide explicit mechanisms for achieving balance between competing uses. These

mechanisms need to be informed by good science, and an open and transparent process for making decisions that is accessible to the public and affected users.

We urge the Task Force to consider these questions carefully when developing your recommendations to the President. We think a successful national policy for our oceans, coasts, and Great Lakes needs to be carefully crafted to build on existing policies and programs, and designed to enhance the ongoing conservation and management work already being done. It should seek to streamline decisionmaking, and promote an open and transparent public process. It should promote decisions informed by sound science, and take a realistic approach when setting standards for application of science to management decisions. And it should seek to avoid further complicating our management system through the introduction and application of poorly worded or vague policies or terms.

Ocean Governance Framework

There are several proposals for a new or revised oceans governance framework. The PEW commission and USCOP both had numerous recommendations in this regard. Some of these have been adopted since publication of the report. For example, the Committee on Ocean Policy established by section 3 of Executive Order 13366 of December 17, 2004. Recent Congressional proposals for a National Oceans Council, appointment of a Special Assistant to the President or National Oceans Advisor, mirror these recommendations and may, with some modification, be a useful step to streamline federal decision making, improve internal communications, and promote coordination across agency lines. However, MCA believes that it is important that these recommendations, if adopted, should confine the role of the National Oceans Council and National Oceans Advisor to facilitating coordination and communications across agency lines and not be provided regulatory authority.

The President's memo calls for the Task Force to provide specific recommendations to improve coordination and collaboration among Federal, State, tribal, and local authorities, including regional governance structures. Improving the level of communication, coordination and collaboration between the various levels of government is a laudable goal. With respect to fisheries and related living marine resources, such a mechanism is already in place through the RFMCs established by the MSA. We recommend the Task Force promote working within the existing management framework, and look for ways to make that system more efficient, effective, and timely. The standards and procedures set out in the Magnuson Stevens Act currently promote ecosystem-based management, and employ a science driven precautionary and adaptive approach to fishery management. We believe that these policy directions form a solid foundation and translate well into broader national ocean policy goals.

There have been proposals for creation of regional "ecosystem councils" as a new regional governance structure. Concerns have been raised about such proposals, including the role and authority of these councils and how they would interact with existing regional management structures like the Regional Fishery Management Councils. MCA

does not support creation of such “ecosystem councils” at this time. There are too many unanswered questions as to their role, whether or not they would have regulatory powers, who would fund and staff them, and what they would be expected to contribute to the conservation and management of our marine and coastal resources. At present, the proposals we have seen would establish an elaborate and expensive new bureaucratic layer with questionable benefits. In our opinion, this will in turn further detract from scientific programs already stretched thin and complicate the already daunting task that managers face performing the day-to-day work of conserving and managing our nation’s marine resources.

We would urge the Task Force not to recommend the creation of such regional bodies until such time as their need is clearly identified, their purpose clearly defined, and the funding secured.

Implementation Strategy to meet the objectives of the national policy

There are several steps the Administration can take to implement a practical and effective national policy for the nation’s oceans, coasts, and Great Lakes including:

1. Invest in marine science. Develop a dedicated source of stable and long term funding for oceans research and observation. This was perhaps the most important recommendation of the USCOPS report. Recent Congressional proposals for creation of an Oceans and Great Lakes Conservation Trust Fund hold promise but need further development on sources and distribution of funds. Unfortunately, current fiscal constraints mean that such funds, if they come from the general treasury, will be scored against existing oceans research, so new sources of dedicated funds need to be identified that do not detract from funding for existing oceans programs.
2. Implement the Magnuson Stevens Act (MSA). Reauthorization of the MSA has already done much of what is needed to sustainably manage the nation’s fisheries and related living marine resources. The revised MSA was a significant achievement that included provisions to move the nation towards ecosystem based fisheries management, prevent overfishing, strengthen the role of science in fisheries management, improve monitoring and enforcement, and provide a transparent and open decisionmaking process. The renewed MSA passed with broad bipartisan support, and was hailed by conservationists, recreational and commercial fishermen, scientists, and fishery managers; all of whom praised the bill as a much welcomed improvement for conserving our nation’s marine resources. With regard to ecosystem based management, the MSA takes a step wise approach by providing the tools to move in that direction, and by strengthening existing scientific programs to get the data to support such efforts. This is a formula for success.
3. Provide the funding and resources necessary for management and enforcement. MCA believes that it should be a top priority for the Administration to fully fund the mission of the United States Coast Guard, especially given their new and emerging responsibilities in the high Arctic. Similarly, NOAA management programs have been level funded

(taking into account inflation and increased personnel costs) for many years despite growing demands to address ever more complex management issues. The Administration should set forth a specific timeline for increasing NOAA budgets to meet these new management challenges.

4. Look for ways to strengthen public/private partnerships with industry. For example, MCA through our foundation operates one of the nation's largest marine debris clean-up programs with projects from Bering Strait to Southeast Alaska. This program is funded through a variety of sources including NOAA/NOS. MCA also operates a cooperative research program to address pressing fishery management and conservation issues. Such efforts can be a successful and cost effective way to tackle problems that the industry or the agencies can not address alone. The Administration should look to such efforts as models for additional programs to address national issues.

Coastal and marine spatial planning

The President's memorandum calls for the Task Force to develop a framework for marine spatial planning. Unfortunately, there is considerable confusion about the exercise the Task Force is pursuing to meet this charge. Marine spatial planning is not a new concept, and is indeed being practiced now in most regions of the nation. The Coastal Zone Management Act, OCS Lands Act, and the MSA for example all provide for marine spatial planning to meet their related charges. MCA is concerned that this new initiative not confuse or attempt to replace the existing MSA process for managing fisheries. The MSA has a science driven process for determining if, where, when, and how fisheries are conducted in the EEZ including spatial separations or closures. In Alaska, this zonal management is developed through the NPFMC process and coordinated with the State of Alaska, and includes over 600,000 square nautical miles of closures. This new effort should recognize the intricacies of this management regime, the success to date of the process, and not introduce additional or duplicative requirements or procedures.

Additional Information

We understand that the Task Force is also interested in information regarding jobs and the economics of the businesses that may be affected by the national policy and its implementation. MCA recently sponsored a comprehensive study of the economic impact of the seafood industry on Alaska's economy. That report can be found at http://www.marineconservationalliance.org/docs/SIAE_Jan09.pdf . Among the findings of the report:

- If Alaska were a nation, it would place 9th among seafood producing countries.
- The harvest of Bering Sea pollock, cod and other groundfish (2 million metric tons annually) ranks among the largest fisheries in the world.
- Alaska produces 42 percent of the world's harvest of wild salmon and 80 percent of the production of high value species such as sockeye, king and coho salmon.
- Alaska accounted for 62 percent of all seafood landings in the United States in 2007.

- Unalaska/Dutch Harbor has reigned as the national top U.S. fishing port in terms of volume for decades and is the nation's number 2 port in terms of ex-vessel value.
- Kodiak is number 3 on the top 20 port list in terms of value of fish caught, along with Naknek-King Salmon (7), Seward (9), Sitka (10), Cordova (11), Homer (13) and Petersburg (16). Akutan, King Cove and Sand Point would also make the top-20 were it not for confidentiality requirements.
- The overall value of the Alaska seafood industry is over \$1.5 billion paid to fishermen in 2007 and \$3.6 billion at the wholesale level. Direct and induced economic output boosts the total to \$5.8 billion, more than that of Alaska's mining or tourism sectors and second only to oil and gas.
- The seafood industry is the largest private sector employer creating 56,600 direct and 22,000 indirect jobs annually, more jobs than oil and gas and mining combined.
- The Community Development Quota program, an allocation of the Bering Sea catch allocated to small Bering Sea coastal communities generates more than \$100 million in revenue annually, employs 2,000 workers, pays \$15 million in wages and invests millions more in training.

The report provides additional detail on the economics of the fishery by species, region, and management jurisdiction (federal, state). What it shows is a robust industry that is global in scale, an important contributor to the national fisheries economy, and central to the economic and social well being of Alaska's far flung coastal communities. What it also points to is that the majority of Alaska's coastal communities are built around a fisheries based economy.

MCA also would call your attention to two additional studies:

Conserving Alaska's Oceans: The "Alaska Model" Is a renowned paragon of successful fishery management. Is it up to the challenge ahead?

http://www.marineconservationalliance.org/news/1359_MCA_Report_for_download.pdf

Sea Change : Ecological Progress in U.S. Fishery Management

http://www.marineconservationalliance.org/news/sea_change07.pdf

While somewhat dated, these two reports provide a good overview of fisheries management in Alaska and steps taken to sustainably manage one of the world's largest fisheries. In summary, MCA believes that Alaska's fishery management record speaks for itself. There are no overfished stocks of groundfish in Alaska. Fisheries are managed under hard caps and close when harvest limits are reached. Federal observers, Coast Guard, NOAA Enforcement, and Vessel Monitoring Systems (VMS) monitor the fisheries to ensure compliance with closures. Over 600,000 square nautical miles are closed to all fishing, trawling, or bottom trawling to protect marine habitat. An area over five times the size of the U.S. national park system. Ecosystem considerations are taken into account in fishery management plans. For example, fishing on forage fish species is

prohibited, and measures are taken to protect endangered species, marine mammals, and seabirds. For depressed crab stocks, aggressive rebuilding plans have been in place for many years. Most scientists believe that these stocks are depressed because of oceanographic changes that happened in the late 1970's early 1980's, and that these stocks will not rebound until oceanographic conditions become more favorable for these species.

Of course, challenges still exist such as bycatch management or the effects of climate change on resource distribution and abundance. However, if the national policy recognizes and supports the management approaches taken through the NPFMC, and provides additional support for scientific research, and the application of tools such as catch share programs, or innovative technologies such as electronic fishery monitoring, these challenges can be met.

May 28, 2003

Alyeska Seafoods
Alaska Dragers Association
Alaska Groundfish Data Bank
Alaskan Leader fisheries
Alaska Pacific Seafoods
Aleutian Islands Brown Crab Coalition
Aleutian Pribilof Island Community Development Association
Akutani, Atka, Falke Pass, Nelson Lagoon, Nikolski, St. George
At-Sea Processors Association
Bristol Bay Economic Development Corp.
Aleksnagik, Clark's Point, Dillingham, Eggevik, Ekuk, Elwolak, King Salmon, Levelock, Manokotak, Naknek, Pilot Point, Port Heiden, Portage Creek, South Naknek, Togiak, Twin Hills, Ugashik
Central Bering Sea Fishermen's Association
St. Paul
City of Unalaska
Coastal Villages Region Fund
Chefunak, Chevak, Esk, Goodnews Bay, Hooper Bay, Kipruak, Kongiganak, Kwigillingak, Melaryuk, Napakiak, Napaskiak, Newtok, Nightmute, Oscarville, Platinum, Quinhagak, Scammon Bay, Toksook Bay, Tuntutuliak, Tununak
Groundfish Forum
High Seas Catchers Cooperative
Icicle Seafoods
McCarty and Associates
Mid-Water Trawlers Cooperative
Mothership Group
PV Excellence
PV Ocean Phoenix
PV Golden Alaska
North Pacific Fisheries Research Foundation
North Pacific Longline Association
North Pacific Scallop Cooperative
Norton Sound Economic Development Corporation
Brevig Mission, Diomedes, Elm, Gambell, Golovin, Koyuk, Nome, Saint Michael, Savoonga, Shaktootlik, Stebbins, Teller, Unalakleet, Wales, White Mountain
Pacific Seafood Processors Association
Prowler Fisheries
Seafood Cold Storage Association
Southwest Alaska Municipal Conference
Trident Seafoods Corp.
United Catcher Boats
Akutani Catcher Vessel Assoc.
Arctic Enterprise Assoc.
Northern Victor Fleet
Peter Pan Fleet Cooperative
Unalaska Co-op
Unisea Fleet Cooperative
Westward Fleet Cooperative
Western Alaska Fisheries, Inc.
Yukon Delta Fisheries Development Association
Alakamuk, Emmonak, Grayling, Kotlik, Mountain Village, Nunam Iqaa

Public Comment on Preliminary Report
U.S. Commission on Ocean Policy
1120 20th Street NW
Washington, D.C. 20036

To Whom It May Concern:

The Marine Conservation Alliance (MCA) welcomes the call from the U.S. Commission on Ocean Policy (USCOP) to develop a comprehensive oceans policy and to place a higher priority on better understanding the oceans and climate. We also agree on the need to address environmental problems associated with dramatic increases in population and pollution along the nation's coastlines. We appreciate the opportunity to submit comments on the preliminary report.

The MCA was established in 2001 by fishing associations, communities, Community Development Quota groups, harvesters, processors, and support sector businesses to promote the sustainable use of North Pacific marine resources by present and future generations -- based on sound science, prudent management, and a transparent, open public process. The MCA supports research and public education about the fishery resources of the North Pacific, and seeks practical solutions to resource use questions to both protect the marine environment and minimize adverse impacts on the North Pacific fishing community.

I. Oceans Governance (Chapters 4, 5, and 6)

The MCA supports the Commission's overarching goal to better coordinate and focus federal, state, and local responsibilities for ocean management. We also support the approach proposed in the new National Ocean Policy Framework to strengthen and rely on regional decision-making as opposed to the centralized, top-down decision-making proposed by the privately funded Pew Oceans Commission. The mechanism proposed by the USCOP, with some modifications, would build on what is working now to improve internal coordination of federal agencies with ocean management authorities, establish opportunities for coordinating the federal government's participation with other jurisdictions in addressing multi-state or regional ocean issues, provide for a meaningful role for stakeholder participation, and, most importantly, take into account the very real differences among the regions of the nation.

The Commission's Preliminary Report includes a number of important recommendations to reorganize how the nation's oceans and coastal watersheds are

governed. The creation of a National Oceans Council, Presidential Council of Advisors on Ocean Policy, and Regional Oceans Councils are major elements in the recommended governance structure and warrant special attention.

A. **National Oceans Council (Recommendations 4-1, 4-2, and 4-4).** As the report details, improved coordination and streamlining of the federal ocean bureaucracy is an important step for more efficient and effective management of the nation's oceans and watersheds. The MCA can support the creation of a National Oceans Council (NOC) within the Executive Office of the President and chaired by a Special Assistant to the President so long as the NOC is composed not only of all federal departments and agencies with ocean related responsibilities, but also includes regional non-federal representation. Such representation could consist of a representative from each region, appointed by the President from a list provided by the Governor(s) of each respective region. This would further the goal of meaningful regional participation in decision-making and also recognize the unique role of states in managing coastal and oceans resources. The regional boundaries could mirror either the regions set out by the Commission in Chapter 5 under the section on administration of the Regional Ocean Information Programs, or the regions established under the MSA for fishery management councils.

The MCA believes this change is central to the success of the Commission's proposed framework. The NOC will have broad powers and duties developing and guiding the implementation of national oceans policy, including implementation of international agreements. The NOC will be charged with ensuring all resource agencies incorporate preservation of marine biodiversity in their management plans. The NOC will be deeply involved in developing procedures for the practical application of the precautionary approach, and assisting federal agencies in moving towards an ecosystem-based approach to management.

All of these activities and responsibilities will have profound effects on how the federal and state governments do their business. All will have significant and widely differing effects between regions. Because the NOC is the decision-making body to carry these charges forward, MCA believes the only way to account for the far-ranging differences between regions is to provide seats at the decision-making table for regional interests. The states, through an appointments process such as we suggest, are the logical entities to fill this role on the NOC.

B. **Ecosystem-Based Management (Recommendation 4-3).** The MCA supports efforts to move towards an ecosystem-based approach to management. We believe the federal and state governments in Alaska are doing just that. We are concerned, however, with the notion of "adopting the principle of ecosystem-based management," because of its ambiguity. There are still huge differences of opinion, both on the scientific basis as well as the policy basis, regarding precisely what this simple phrase means. There are also very real concerns about the practicality and cost of applying this approach to all management programs and decisions. For example, the NPFMC has developed a practical working definition for an ecosystem-based

approach for fisheries management: “An ecosystem-based management strategy for marine fisheries would be to minimize potential impacts, while allowing for extraction of fish resources at levels sustainable for both the fish stock and the ecosystem.” This approach works well for fishery management decisions as evidenced by the health of North Pacific fish stocks. But it would be both virtually impossible and highly inappropriate to attempt to manage offshore marine fisheries based on theoretical assumptions regarding, say, impacts of urban runoff or global warming, as has been suggested by proponents of a strict “ecosystem-based management” approach. The MCA believes the NOC should set a goal of moving toward an ecosystem-based approach to management and then take practical steps in that direction, taking into account the cost of such programs and the status of scientific data regarding all the factors affecting marine and coastal ecosystems.

C. **Presidential Council of Advisors on Ocean Policy (Recommendation 4-5).** The MCA also supports the creation of the proposed Presidential Council of Advisors on Ocean Policy. The Council of Advisors offers an appropriate avenue for participation by stakeholders in the policy development process. The Council of Advisors should include representatives from industry, recreational users, environmental groups, tribal interests, and the general public. While state interests might also serve on the Council, this would not be a substitute for direct participation by regional representatives on the NOC.

D. **Office of Ocean Policy (Recommendation 4-6).** The MCA supports this recommendation so long as the staffing is small as described in the Commission’s report. Creation of yet another bureaucracy is not part of the solution.

E. **Committee on Ocean Resource Management to Better Integrate the Resource Management Activities of Ocean-Related Agencies (Recommendation 4-8).** The MCA opposes this recommendation. First, we believe the NOC should decide how to organize itself, including subcommittees. Second, and perhaps most important, we believe the [Council on Environmental Quality?] should not chair any committee with direct responsibility for resource management programs.

F. **Review Existing Ocean-Related Councils and Commissions (Recommendation 4-9).** The MCA can support this recommendation with the understanding that regional, non-federal representation is on the NOC. There are very significant regional differences, and these must be taken into account and respected. The MCA also believes any actions following recommendations to modify, consolidate, or eliminate existing councils or commissions should be through Congress, not the Administration.

G. **Establishing Regional Ocean Councils (Recommendation 5-1).** One of the most significant recommendations made by the Commission is the creation of voluntary Regional Ocean Councils (ROC). The approach put forward by the Commission recognizes there are

dramatic differences between the various regions of the nation, and that a centralized, top-down decision-making process will not work. This contrasts favorably with the approach advocated by the Pew Oceans Commission for the creation of a huge new bureaucracy, with decisions made in Washington DC, and only token opportunities for regional input.

The MCA supports the proposal to create voluntary ROCs composed of a broad suite of stakeholders as outlined by the Commission, and recognizes the process to establish ROCs remains to be developed. The MCA suggests appointments to the ROC might best be handled through a process similar to other appointment processes where the Secretary of Commerce appoints individuals from a list submitted by the Governor(s) of the respective regions.

One of the key components of this recommendation is that the ROCs would not have regulatory authority, but would instead serve as a forum for consultation, coordination, and collaboration. The MCA believes the Commission was wise to not recommend creation of yet another layer of decision-making. Too often, this approach has been attempted, only to create even more bureaucratic hurdles to proper management and conservation. The Commission's approach also recognizes existing programs that work, such as the NPFMC fishery management program, and that we should not discard successful programs in a zealous effort to develop a "one size fits all" fix.

One other key aspect to the Commission's recommendation is the relationship between the creation of the ROCs and the NOC process. The NOC is to establish the process whereby ROCs are developed. Thus, it is important to have regional non-federal representation on the NOC. Similarly, once an ROC is formed, it will need a strong feedback loop to the NOC to ensure close communication as the NOC develops programs or policies with regional implications.

H. Regional Ocean Information Programs (Recommendations 5-2, 5-3, and 5-5). The MCA supports efforts to enhance our scientific understanding of the marine environment, and also believes any effort to establish regional ocean information programs must take into account – and not disrupt or erode – existing regional ocean research and observation programs. In Alaska, the North Pacific Research Board (NPRB) is already established and funding extensive marine research efforts. The NPRB has broad representation of state and federal agencies with oceans interests and expertise as well as non-governmental representatives. It has an elaborate process for soliciting projects and an extensive scientific peer review mechanism already in place. The NPRB should be the body to fill this role in Alaska. Funding for oceans observing programs should be made available through entities like the NPRB.

Similarly, scientific programs for ecosystem assessments should be developed and implemented by organizations like the NPRB. Funding constraints must be recognized, and any such assessment program must not be conducted to the detriment of ongoing research programs.

Coordination and consultation will enhance efficiencies, and an organization like the NPRB is well suited to provide the forum for such collaboration.

I. Environmental Impact Statements and Regional Ecosystem Assessments

(Recommendation 5-4). The MCA strongly opposes this recommendation. First, the National Environmental Policy Act (NEPA) requires the use of the best available scientific information, so this recommendation is unnecessary. More importantly, though, such a provision could just be another excuse for inaction, and fertile ground for additional litigation. Any such assessment should be viewed like other scientific information: considered and judged on its merits as part of the already existing NEPA process.

J. Designation of Lead Federal Agencies (Recommendation 6-1). The Commission recommends Congress, working with the NOC, should ensure each current and foreseeable use of federal waters is administered by a lead federal agency. The lead agency would coordinate with other federal agencies with applicable authorities. The MCA has concerns with this recommendation and its potential to further complicate and disrupt existing coordination between various management programs in Alaska. If regional representation is present on the NOC, then the recommendation to use the NOC as an informal mechanism to coordinate federal agencies seems more applicable, until other, more formal arrangements are developed.

K. Establishing an Ecosystem-Based Management Regime Coordination of all Offshore Uses (Recommendation 6-2).

The MCA does not support this recommendation at this time. We feel it is premature to assume one management regime is appropriate to manage all offshore uses. We do support Congress developing an Organic Act for NOAA (as recommended by the Commission in Chapter 7) as a first step.

L. Marine Protected Areas (Recommendations 6-3 and 6-4). The Commission recommends the NOC develop national goals and guidelines leading to a uniform process for the design and implementation of marine protected areas (MPA). The Commission further recommends the ROCs take the lead in the design and implementation of MPAs pursuant to the goals and guidelines established by the NOC.

The MCA does not support this process. The report cites the Executive Order establishing the MPA Center; that Order also established an MPA Federal Advisory Committee (MPAFAC), now in the process of developing recommendations to the Secretaries of Commerce and Interior on the goals, guidelines, and implementation of a national network of MPAs. We believe this process should not be superceded by the NOC. In addition, MCA firmly believes the MPA issue may need to be reviewed by Congress and perhaps addressed with legislation.

The fishery management councils have used MPAs for many years, with fishery closures, gear restrictions, seasonal restraints, and similar fishery management measures that address

specific needs, often quite narrow or focused. Before setting up yet another MPA process through the ROCs, existing practices need to be taken into account and a good case made for new designations, or new bureaucratic processes. The MCA would be very concerned if this new process usurped the authority of the NPFMC, for example.

The Commission goes on to recommend basing MPA designations on the best available scientific information and these areas should be periodically assessed, monitored, and modified to ensure continuing ecological and socioeconomic effectiveness. MCA wholeheartedly supports this recommendation.

II. Marine Debris (Recommendations 18-1, 18-2, 18-3, 18-4, and 18-5)

The MCA agrees with the USCOP's conclusions regarding marine debris, and heartily endorses Recommendations 18-1 to 18-5. Trash, especially plastic refuse, is remarkably long-lived and presents significant hazards to wildlife and human activities. From entanglement and mortality of large marine mammals to zooplankton ingesting tiny scraps of degraded plastic, marine debris is a large and growing threat.

The ideal solution is to prevent litter from entering the marine environment in the first place. This will require a massive, long-term public education campaign. But, because even the best prevention program will not remove the threat posed by the enormous volumes of plastic and other debris already in the water and washed up on beaches, the nation should implement a concerted, wide-ranging cleanup and removal effort.

For the past two years, the MCA has actively pursued cleanup and disposal of marine debris in the Bering Sea, focusing first on St. Paul Island. These initial efforts yielded two significant results: 1) removal of some 80-90 tons of debris from sensitive marine mammal rookeries and seabird cliff areas; and 2) development of an acute awareness of the scale and extent of plastic pollution in remote, seemingly pristine coastal Alaska. As a result, we have rededicated the MCA and the newly-formed MCA Foundation to taking direct, extensive action to reduce debris, especially plastics, in the North Pacific. Similar efforts will be required throughout the coastal United States, and we encourage the USCOP to make every effort to both bring attention to the problem and facilitate funding of cleanup efforts.

III. MSA Regional Fishery Management Councils (Chapter 19)

The MCA is encouraged that USCOP recognizes sustainable fisheries management can be achieved through the existing system of regional fishery management councils, and that it specifically cited the North Pacific Fishery Management Council (NPFMC) as an example of responsible management. Other fishery management councils vary significantly in the

effectiveness of their implementation of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and its regulations. We believe that the MSA system can be implemented nationally without new legislation simply by instituting the approaches used in the North Pacific throughout the country.

A. **The SSC (Recommendations 19-1, 19-2, and 19-3).** We agree wholeheartedly that the Scientific and Statistical Committee (SSC) created by the MSA should be given a stronger role in the fishery management process, and particularly that the SSC should set the allowable biological catch for each fishery. Each Council should be required to set harvest levels no higher than the allowable biological catch (ABC). The NPFMC has never exceeded that limit. Councils can and should implement this recommendation immediately and not await legislative action.

Each SSC should also provide to its Council a broad base of information needed to manage the fisheries under its jurisdiction, including stock assessments, habitat information, socioeconomic data, and any other information requested by the Council.

However, we do not believe that the SSC selection process should be removed from each Council. The foundation of successful fishery management is its regional nature, with all stakeholders and decision-makers participating in each region. SSC members are most effective if they are well-qualified in their fields and familiar with the fisheries in their region. Each Council should be held fully responsible for success in its region, and that accountability should include SSC and Advisory Panel selections. The MCA does agree that SSC members should be paid for their participation and should be appointed for fixed terms to ensure their contributions are evaluated regularly.

The question of conflicts of interest is complex. The best protection against the undue influence of conflicts is an open, transparent process. In the North Pacific, all meetings of the SSC, Advisory Panel, and Council are open to the public, except for occasional personnel discussions. Also, we recognize the importance of an objective, well-qualified SSC to the success of the fisheries management program, and believe that each SSC Member's actions must be above reproach and must avoid even the perception of a conflict of interest. Consequently, an SSC Member who has been financially or formally involved with any stakeholder on an issue before the SSC must recuse him or herself from deliberations and voting on that issue. This prohibition should relate to all stakeholders with interests in fisheries management decisions, i.e. industry, communities, environmental organizations, buyers, and any other group with a financial or policy interest. We do not agree with the USCOP recommendation that a person be disqualified from membership on the SSC because of a financial or formal affiliation with a stakeholder. Most academics supplement their university incomes with consulting work in their fields of expertise. Eliminating all consulting work would burden individuals as well as the selection process, since the number of available experts is limited. The Council can protect against any abuse during its selection process for SSC Members.

B. **Peer Review (Recommendation 19-4)**. Although we recognize the traditional value of outside, independent peer review to the quality of research results, we recommend striking a careful balance in dealing with SSC recommendations. We agree periodic reviews should occur for stock assessment models and procedures and for similar models used on a continuing basis. However, we recommend annual stock assessments be completed by the SSC, and by stock assessment Plan Teams, as in the North Pacific, without a requirement for further outside review. The North Pacific process involves two steps, one by a Plan Team of scientists from federal and state agencies, followed by the second step of review by the SSC, which questions and changes stock assessment results, if justified. If even further recommendations regarding scientific input are required, we believe the timeliness of the annual stock assessment work can be given primary importance. Presently, the NPFMC's Plan Teams and SSC use summer trawl survey data for input to stock assessments completed in the autumn of the same year. Other data inputs are necessarily older (e.g., catch data from the previous year), placing more emphasis on the recent survey data. A requirement for outside review would result in stock assessments always being based on data that would be one to two years old.

C. **ABC and FMP Procedures (Recommendations 19-5 and 19-6)**. The MCA agrees timely action in setting ABCs and approving management measures is important to the health of the fisheries. In the North Pacific, that process occurs annually, on schedule, for all target species—we see no reason why that cannot happen elsewhere. The 2x4-to-the-donkey approach of pulling the ABC decision away from the SSC and closing the fishery until the Council or NMFS acts is a blunt instrument that will simply escalate the political heat and controversy. Implementation of other recommendations should render these unnecessary.

D. **Council Members (Recommendations 19-12, 19-13, and 19-14)**. The MCA believes Council membership should be broad-based, but we also recognize that the breadth of issues before each Council makes it impossible for each stakeholder interested to be directly represented. The MSA regulations at 50 CFR 600.251 specify the types of expertise and experience required for Council Members and are adequate to ensure that nominees are knowledgeable. We do not believe it necessary to direct each Governor to nominate people in each of several categories. We do believe that all Council Members should receive training as soon as possible upon appointment, but believe it is overkill to remove the vote from a Member who has not been trained. Suspension of a vote or votes could undercut good management by a Council. Finally, we believe authority for appointment of Council Members should remain with the Secretary of Commerce. The responsibility of the Councils is significant and should not be downplayed.

E. **Management Approaches (Recommendations 19-15, 19-16, and 19-22)**. The MCA strongly supports dedicated access programs that end the dangerous race for fish, stabilize fishing communities, and fairly distribute fishing and processing privileges. We also support the establishment of national guidelines to assist regional management councils in their consideration of new programs, but we believe guidelines should be advisory, not mandatory. Regional

flexibility is essential for effective management. The MCA also supports elimination of the federal financing programs so long as current participants are treated fairly (e.g., by being able to roll funds into a retirement account). Finally, we agree with the need to develop regional bycatch reduction plans and to use observers for implementation. In the North Pacific, bycatch is accounted for and managed in all federal fisheries.

F. **Enhanced Enforcement (Recommendations 19-17, 19-18, 19-19, and 19-20).** We support effective enforcement and monitoring as essential to good fisheries management. The industry fishing in Alaska pays \$10-12 million per year for an extensive observer program that places full-time observers on vessels harvesting the great majority of the catch and in shore plants that process the fish. In addition, vessel monitoring system (VMS) technology is used widely in Alaska. We support both the use of observers and VMS on a nationwide basis where they will enhance enforcement operations.

G. **Research Needs (Recommendations 19-7 and 19-9).** The MCA strongly supports the recommendation for a doubling of the federal research budget for all scientific research supporting fisheries management. We are fortunate in the North Pacific to have a top-notch NMFS fisheries science center and several academic programs that provide valuable input to the SSC and the North Pacific Council. In addition, Congress has given substantial funding to address specific issues, such as the decline of the western stock of Steller sea lions.

H. **Essential Fish Habitat and the Ecosystem Approach (Recommendation 19-21).** Although the MCA generally supports the application of ecosystem-based principles and methods, the USCOP report's EFH recommendation fails to demonstrate that an ecosystem approach would have been feasible in implementation of the MSA's EFH mandate. The USCOP's "ecosystem approach" recommendation for EFH is simply a statement that EFH designation should be based on assemblages of species (target or non-target) rather than individual species. Approaching EFH identification for complexes of species was done in EFH plans where data were available. Given the lack of data and the dearth of scientific information on relationships of managed or non-target species to benthic habitat, an overall ecosystem-based approach to EFH designation is presently impossible.

An even greater hurdle in the development of EFH plans is the lack of scientific information to measure how observed and expected effects of fishing on EFH actually affected the productivity of EFH. Nearly all of the scientific studies of the effects of fishing on habitat have merely noted the numbers of animals removed or injured by fishing. Virtually no peer-reviewed science is available to measure observed effects on population levels for either managed or non-target species. Councils are required to determine the EFH needed to sustain populations of managed species at critical life stages, and the possible loss of productivity caused by different gradients of fishing intensity. That task is extremely difficult – impossible in many cases, given the lack of research data and results. Consequently, the recommendation to use an ecosystem approach does not advance EFH beyond its current status.

The MCA believes this recommendation should be delayed or revised to allow Councils and NMFS to continue to make progress on EFH, integrating the ecosystem approach as it becomes feasible. A more useful current recommendation would be to direct EFH baseline funding to mapping of habitat and to fishing effects studies that would provide information on effects on the productivity of EFH for managed species.

I. **Seabird Incidental Take in Fisheries (Recommendation 19-25)**. We approve of the concept of designing a nonbinding National Plan of Action policy document around the FAO Code of Conduct for Responsible Fisheries and International Plans of Action (IPOA's). The USCOP document refers to "a number of" these IPOA's, but does not name them all. The public would be better informed if the IPOA's were named specifically. It is worth noting the we already have a National Plan of Action for reducing seabird incidental take in longline fisheries that is consistent with the FAO IPOA on the same topic.

IV. Marine Mammals and Endangered Species (Chapter 20)

The MCA supports the USCOP recommendation to increase funding for research on marine mammals and endangered species. In the report, the USCOP cites the case of the Steller sea lion as a strong example of the need for an ecosystem-based management approach that should have evaluated all possible causes of the sea lion decline earlier. The report notes the litigation crisis might have been avoided. More importantly, however, funding for research on sea lions was clearly inadequate prior to the filing of litigation in 1998. Specific ear-marking of federal funds directed tens of millions of dollars into Steller sea lion research starting in 2000, an effort that has since declined because of overall pressure on the federal budget. That research is beginning to produce useful results, but it may not be sustained for a sufficient period to answer the outstanding questions. Biological research, whether for endangered species protection or for fisheries stock assessment, must be dramatically increased and sustained for decades to be successful.

V. Corals (Chapter 21)

The MCA supports the protection and management of corals, which is recommended in the USCOP Report, and increased research on corals. However, we are concerned that enacting sweeping legislation and adding deep sea corals to the work of the Coral Reef Task Force (CRTF) may be a step in the wrong direction, a "solution" without an identified problem. The report discusses threats to tropical corals and concludes all tropical coral reefs are declining rapidly. However, with regard to deep sea corals, the report references only a single document in footnotes 2 and 11 – a document prepared by a stakeholder interest group with a strong position at one extreme of the spectrum of positions, as well as, arguably, a membership development interest in promoting this issue. The NOAA website on corals does not even refer to deep sea corals and the CRTF apparently has taken no steps with regard to deep sea corals.

Cold water corals are found in Alaska, particularly in parts of the Aleutian Island chain, but there is no evidence of either rapid decline or extensive damage to those corals. The NPFMC has included extensive analysis of cold water corals in its work on Essential Fish Habitat (EFH) and is presently considering a wide range of protections for cold water corals. We believe the NPFMC is doing a good job on coral protection and should be allowed to continue to do its work. Adding cold water corals to the work of the CRTF may actually slow the pace of protection of cold water corals by mixing these corals in with tropical coral reefs that may well need urgent and sweeping action. Certainly, further analysis is needed on cold water corals than appears in Chapter 21.

We appreciate the opportunity to comment on the USCOP Preliminary Report and look forward to working on its recommendations.

Sincerely,

Ronald G. Clarke
Executive Director