



April 28, 2004

The Honorable Gary Locke
Office of the Governor
P.O. Box 40002
Olympia, WA 98504-0002

Dear Governor Locke:

It was a pleasure speaking with you last week about the U.S. Commission on Ocean Policy's (USCOP's) preliminary report that was submitted recently to the nation's Governors for their comments.

By and large, the USCOP's recommendations for strengthening fisheries management reflect standard management practices for federal fisheries in the North Pacific. The At-Sea Processors Association (APA) is pleased to support many of the USCOP suggestions, including a number of the key recommendations in Chapter 19 of the USCOP report, *Achieving Sustainable Fisheries*. Among other things, this chapter affirms that the North Pacific Fishery Management Council has responsibly managed fishery resources in U.S. waters off Alaska. The states of Washington, Alaska and Oregon, which compose the Council, deserve credit for protecting marine resources and ensuring sustainability of the fisheries. In the case of Washington State, the Washington Department of Fish & Wildlife managers and scientists, who serve on the Council and on key advisory committees, cooperate fully with federal and state fishery managers, scientists and a broad range of stakeholders in adopting a precautionary, ecosystem-based approach to fisheries management.

Given the State of Washington's leadership on sustainable fisheries, your comments to the Commission will carry great weight. Please consider the following views in preparing your response.

**The Governor's Comments Should Support Commission Recommendations
Enhancing the Role of Scientific and Statistical Committees (SSCs) with the Caveat
that Authority for Appointing SSC Members Should Remain in the Region.**

The USCOP proposes amending the nation's principal fisheries law, the Magnuson-Stevens Act, to provide that each regional fishery management council set harvest limits at or below the acceptable biological catch (ABC) level determined by its SSC. (See USCOP Recommendation 19-3.) In the North Pacific, the regional council



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has followed the advice of its SSC in setting catch levels, and as a result of good scientific information and conservative harvest recommendations, groundfish stocks are abundant and fished at a sustainable level. APA supports changing the law to require councils to set total allowable catch (TAC) levels at or below the ABC determined by the SSC.

The **USCOP's Recommendation 19-1** also suggests several key changes pertaining to the composition of SSCs. The USCOP appropriately notes that SSC members will typically be "scientists with strong technical credentials and experience, selected from federal or state governments or academia." The Commission also finds that private sector scientists could be qualified, but states that such persons should not be appointed if they are "formally or financially affiliated with any harvesting or processing sector." APA agrees, but we believe that the conflict of interest concern stated by the USCOP is too narrow. We do not believe that private sector scientists affiliated *with any stakeholder group* should be permitted to serve on any council, and we ask you to propose a broader conflict of interest recommendation to the Commission.

The USCOP also recommends that regional councils nominate SSC members but that the NOAA Administrator "approve" SSC appointees. Current law directs each council to appoint SSC members and makes no provision for NOAA to override the councils' decisions. APA does *not* support the USCOP's recommendation that final decision making authority for SSC appointments be shifted out of the region and to Washington, D.C. where such decisions could become politicized. It is vitally important that SSC members have biological, economic, social or other scientific expertise regarding the fisheries in the region. Therefore, final decision making on the appointment of qualified SSC members should remain in the region where there is a better understanding of the issues and the expertise needed to address management concerns. Using the broader conflict of interest criteria suggested above by APA and amending the USCOP's recommendation to read that SSC members be evaluated *by the relevant council* "through an independent review process designed by a credible, scientific organization," the continued appointment of qualified SSC members by the councils is appropriate.

APA endorses the USCOP's recommendation that SSC members be compensated for time spent on regional fishery management council business, but we do not see the need for the USCOP's proposal to "term-limit" SSC members. As long as respected, independent scientists are appointed to SSC positions, there is no reason to limit qualified individuals' participation on the panels.

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The North Pacific Council's SSC is highly regarded, dedicated and has established a long and admirable track record for conservation and management of marine resources. We believe that many of the USCOP's proposed changes will ensure that all SSCs are comprised of the such high-quality appointees as the North Pacific Council's SSC and that the advice of qualified scientists will be valued and relied upon as a matter of course in the decision making process.

The Governor's Comments Should Endorse the Use of Dedicated Access Privileges. Successful Implementation of Quota Share Programs for Halibut and Alaska Pollock Demonstrate That Dedicated Access Privileges Can Provide Conservation Benefits As Well As Economic and Social Stability for Fishing Industry Participants.

The USCOP echoes the findings of numerous other science and policy bodies that ending the race for fish enhances conservation and provides economic and social stability for fishing industry participants. The Commission correctly encourages fishery managers to employ dedicated access privileges, including quota share programs and fish harvesting cooperatives, emphasizing regional flexibility in promoting or creating such programs. APA members participate in two fish harvesting cooperatives in which eligible catcher/processor participants allocate the allowable catch on an individual company basis. Cooperative members have retired capacity from the fishery, established voluntary bycatch reduction programs, and are producing nearly 50 percent more products from every pound of fish harvested.

USCOP Recommendation 19-15 proposes national guidelines for dedicated access programs. Most of the Commission's comments, including providing for a referendum among stakeholders on a proposed dedicated access plan, are appropriate. However, the suggestion that quota shares be assigned for a limited time undermines much of the benefit of such market-based programs. The USCOP's recommendation is based on unwarranted concerns that the assignment of quota shares could create "confusion concerning public ownership of living marine resources." The Magnuson-Stevens Act states unequivocally that issuance of quota shares does not create any right or title to any fish before the fish is harvested. A mandatory "sunset" of quota share programs, or of quota shares issued under such programs, serves only to inhibit market forces and foster economic and social uncertainty. The Commission is working against its own goals of reducing excess capacity and providing economic and social stability by mandating uncertainty in the establishment of quota share-style programs.

The Governor's Comments Should Inform the Commission That Marine Resource Management in the North Pacific Incorporates a State-of-the-Art Ecosystem-based Approach.

The Commission calls on fishery managers to “begin to move toward a more ecosystem-based management approach.” While the USCOP provides numerous examples of the North Pacific Council’s exemplary record of fisheries management, the report falls short of recognizing the leadership role of the Council in creating a state-of-the-art approach to ecosystem-based management. We urge that your comments to the Commission clarify that federal and state fishery managers and scientists have already incorporated an ecosystem-based approach into managing marine resources in the North Pacific.

The USCOP identifies protection of Essential Fish Habitat (EFH) and bycatch reduction as two key elements of ecosystem-based management. The North Pacific Council has completed a comprehensive review of EFH and determined that fishing is not having more than a temporary or minimal impact on the environment. Moreover, the Council is moving forward to identify Habitat Areas of Particular Concern (HAPCs) to focus on sensitive habitat areas, which is consistent with **Recommendation 19-21** that calls for an ecosystem-based approach to implementing the EFH provisions of the Magnuson-Stevens Act.

The North Pacific Council’s EFH efforts complement an existing network of Marine Protected Areas (MPAs) implemented to achieve various management goals, including minimizing possible fishing impacts on marine mammals, protecting sensitive habitat and avoiding gear conflicts among fishermen. These MPAs cover over 130,000 square miles of ocean off Alaska—an area almost twice the size of the State of Washington.

With regard to bycatch reduction, the Council has developed dozens of bycatch reduction measures for the fisheries, including closing target fisheries if certain amounts of non-target species are caught. Consistent with **Recommendation 19-22**, a comprehensive fishery observer program is in effect to monitor bycatch of both commercial and non-commercial fish species as well as to conduct fishery dependent research.

In 1999, the National Research Council (NRC) identified key management measures that constitute an ecosystem-based management approach, including utilizing a precautionary approach to account for uncertainty; implementation of comprehensive

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monitoring and enforcement programs; establishment of MPAs to address specific management concerns; reducing overcapacity through implementation of dedicated access privileges; reducing bycatch and providing for broad stakeholder participation in the fishery management process. The North Pacific Council has taken a leadership role in each of these important areas. We believe that the Commission's final report should reflect the Council's commitment to an ecosystem-based approach, while supporting the USCOP's call for doubling the oceans budget to help better understand ecosystem components and interrelationships among species.

APA appreciates your consideration of these comments. I hope that they are helpful to you in preparing your response to the USCOP. Please do not hesitate to contact me at ph. (202) 661-3975, if you have any questions. Thank you for your continued support for Washington's seafood industry and your leadership on sustainable fisheries issues.

Sincerely,

Jim Gilmore
Director of Public Affairs