



NATIONAL COALITION FOR MARINE CONSERVATION
3 North King Street, Leesburg, VA 20176

January 13, 2003

Adm. James D. Watkins, USN (Ret.)
Chairman
U.S. Commission on Ocean Policy
112 20th Street, N.W., Suite 200 North
Washington, DC 20036

Dear Admiral Watkins,

It is my pleasure to offer the following comments on behalf of the National Coalition for Marine Conservation, the nation's oldest national public advocacy group dedicated exclusively to the conservation of ocean fish. As a co-chair of the Marine Fish Conservation Network, I was privileged to receive a briefing from Frank D. Lockhart on December 11th on a "pre-decisional document" dated November 22, 2002. This draft outline included a number of statements of principle along with recommendations for improving stewardship of our ocean fish and other wildlife.

The NCMC was encouraged by both the issues your commission is addressing and the apparent intent of your recommended changes to current ocean policy. We applaud your vision and urge you to pursue it with a strong set of recommendations as part of your final report to be issued later this spring.

In that regard, we offer the following brief comments and suggestions in hopes that you and the other commissioners will give them your full consideration as you finalize your report. (All references are to the above mentioned November 22, 2002 document.)

- Precautionary Approach - The statement on page 3 is a good one, although we have a pair of recommendations that would make it stronger. First, use of the precautionary approach should not be limited to situations "(w)here there are threats of serious or irreversible damage." Precautionary action should also be encouraged to preserve healthy ecosystems against potential threats. Second, use of the precautionary approach should be mandated through amendment to the Magnuson Act.

- Ecosystem-Based Management – We strongly agree with the three statements on page 4, to the effect that fishing activities should be managed within the context of their impact on other species and the environment, the management framework should be multispecies, and that it is important to start this process now. On page 5, regional ecosystem planning, we recommend that the process for delineating marine ecosystems begin with identifying the geographical boundaries of ecosystems for fish and fisheries under the jurisdiction of the eight Regional Councils. Where ecosystems straddle these boundaries, joint management should pertain. In all cases, ecosystem-based management principles and guidance for implementation should be developed through national standards following the recommendations of the NMFS Ecosystem Principles Advisory Panel.

- Biodiversity – We strongly endorse the statement on page 7 that “(c)onservation of biodiversity should be an explicit consideration of any ecosystem-based management regime.” It is essential that fishery managers understand that an ecosystem-based approach to management does not allow trade-offs where some species are permitted to decline to biologically unacceptable levels in order to achieve higher yields of other species.

- Regional Fishery Management Councils
 - Use and Review of Scientific Information – We applaud the apparent intent of the commission to segregate the conservation and allocation decisions within the fishery management process. We believe this separation is critical to preserving the integrity of science-based conservation decisions (i.e., how much of a fish population is made available for exploitation). We agree that a distinct and separate scientific body should be appointed to review and analyze scientific information and to set Allowable Biological Catch (ABC).

We do not support using the councils’ Scientific and Statistical Committees (SSCs) for this purpose, however. New scientific panels should be created, with members appointed by NMFS with input from the Ocean Studies Board and other appropriate, independent bodies, but without input from the councils (which must be truly separated from science-based decisions, in fact and perception).

Confusing language on page 10 is particularly troubling and requires clarification. The commission recommends a process for setting the ABC in the event the newly-created scientific panel cannot reach consensus before the start of the subsequent fishing year. First, the NMFS Regional Director would set ABC. Then, if there is insufficient

time for NMFS to act, fishing would be prohibited “until ABC was calculated, and subsequently, the RFMC determines Total Allowable Catch.” This last statement implies that the council would have ultimate responsibility for setting TACs, which would effectively negate any separation of conservation and allocation decisions. In fact, it would be the *status quo*, where SSCs recommend a range of ABCs and the Council sets a TAC based on (but not constrained by) that recommendation. The commission must make it clear that an independent science panel will determine the Allowable Biological Catch and that this number will become the Total Allowable Catch, which the council will then allocate within and among the fisheries.

- Peer Review Process – We support “standardization” of the peer review process for stock assessments, but we do not support adding an additional layer of bureaucracy or unnecessarily delaying timely management decisions. Some councils currently employ peer review of their stock assessments (e.g., Stock Assessment Workshops or SAWs, Stock Assessment Review Committees or SARCs). This process should be built in to the regular assessment process in an efficient manner, whether the assessment is done on an annual, biannual or other cycle. We do not see the need to require “annual” assessments or peer reviews in all cases. Such a requirement would needlessly slow the management process down.
- Nomination & Appointment for RFMC Members – The purpose of the recommendations in this section is unclear. We recommend that the slate of candidates for each council vacancy include, in addition to 2 nominees each from the commercial and recreational fishing sectors, 2 nominees from the “conservation community,” where there is knowledge and experience in fisheries management unaligned with specific fishing interests. The “general public” is too ambiguous and does not account for the need for knowledge and experience in fisheries. The designation of “(a) national authority” to make the appointments is also ambiguous. If this is not the Secretary of Commerce, who is it?

We support training for incoming council members, and would add training in ecosystem principles to the list on page 14 (following the recommendation of the Ecosystem Principles Advisory Panel). But we don’t understand why the training should be “conducted by an entity outside...the Federal government.” The agency responsible for oversight of the Federal fishery management process should provide the training in order to ensure that council members are given

guidance consistent with Federal law and national policy.

- Fishery Management Jurisdiction - The recommendation that a single council take the “lead” for joint FMPs is consistent with current law. The commission needs to make it clear whether it is talking about “administrative lead” (with one council handling the administrative chores of coordinating development and drafting of the plan, but requiring each council involved to approve it) or “regulatory lead” (where one council actually writes the plan while consulting the other council or councils). Both options are available to the Secretary now, however the former is usually how it’s done. In some cases, the latter would be more efficient.

We strongly disagree with the recommendation on page 16 that “(m)anagement of Highly Migratory Species should “remain” at the national level.” Currently, only Atlantic HMS are managed at the national level, by NMFS. Pacific HMS are managed by the Western Pacific and Pacific Fishery Management Councils. While NMFS management of Atlantic HMS has been generally poor (as compared with council management prior to the transfer in 1990), the primary reasons cited for centralizing management at NMFS were the difficulty of coordinating a five-council FMP and the need to coordinate with international (ICCAT) recommendations (both legitimate issues). Because there is no Pacific body comparable to ICCAT that is setting U.S. catch limits for HMS, and we don’t expect there to be such an activist management regime for many years, neither of these reasons apply in the Pacific. The Western Pacific Council has been managing HMS near Hawaii and our island territories for years. The Pacific Council recently approved an FMP for the west coast. Right now the two councils are acting separately and, although coordination is desirable, a joint FMP is not necessary at this time. Coordination is already occurring as necessary, in fact - the new HMS FMP prepared by the Pacific Council conforms to regulations on U.S. fishers outside its jurisdiction, for example - we don't see any need to transfer authority to NMFS now or in the near future.

- Cooperative Research - We support the commission’s recommendations for an enhanced nationwide program of collaborative research projects involving scientists and fishermen.
- Dedicated Access Privileges - We urge the commission to link its recommendations that Congress remove the moratorium on IFQs and provide national guidelines for implementing IFQ programs. We believe that allowing any new IFQ programs should be contingent upon strong national standards first being in place and that these standards make conservation a first priority while protecting the broader public’s interest in fishery

resources.

- Reducing Capacity - We generally support the commission's recommendations, with the additional comment that buyouts should not only "permanently reduce vessel and effort capacity" in the fishery for which it occurs, but also prevent the transfer of such capacity to other fisheries.

- Marine Protected Areas - We support the establishment of national standards for development of MPAs, as described on page 22. The national debate over the use of MPAs is polarized and unproductive, chiefly because we have not focused on defining terms, developing criteria for the appropriate designation of different types of MPAs, and the process for designation. The dialogue that would be required to develop national standards, involving affected members of the public and fishing communities, would address these issues and promote a more effective use of MPAs to enhance fish conservation.

Thank you for your consideration. If you have any questions, please give me a call at (703) 777-0037.

Sincerely,

A handwritten signature in black ink that reads "Ken Hinman". The signature is written in a cursive, slightly slanted style.

Ken Hinman
President