

North Pacific Fishery Management Council

Dan Hull, Chairman
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Mr. Chris Oliver
Assistant Administrator for Fisheries
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910
Via email: CHRIS.W.OLIVER@NOAA.GOV

Dear Mr. Oliver,

The National Marine Fisheries Service has asked the Council to assist in the review of existing regulations that implement the fishery management plans developed by the Council for conservation and management of the federally managed fisheries off Alaska. As part of the Regulatory Reform agenda and requirements in Executive Order (E.O.) 13771 and E.O. 13777, NMFS, as part of the Department of Commerce, is required to evaluate existing regulations and make recommendations regarding repeal, replacement, or modification, consistent with applicable law. As the fishery management plans and associated regulations were developed by the Council, NMFS has requested the Council assist in review of these regulations and provide recommendations to NMFS. The Council undertook this review at the April 2018 Council meeting. A discussion paper was prepared for this action, which can be found here: <https://tinyurl.com/regreform418>

Through the Council process, Federal regulations implemented under the Magnuson-Stevens Fishery Conservation and Management Act, and for the halibut fisheries off Alaska, are continuously reviewed and revised to reflect current conservation and management needs. The Council recommends fishery management plan and regulatory amendments to NMFS to address new or changing conservation or management concerns, and to improve the effectiveness of the regulations. Although not always explicitly stated, part of this review process is determining whether the benefits of the current regulations outweigh the costs. Fishery regulations that are developed by the Council result in a high degree of support by the regulated community, due to the Council's transparent and participatory bottom-up approach. Nearly all of regulations that arise through the Council process are initially proposed by members of the fishing community as needed to promote sustainable and profitable fisheries. Potential social and economic impacts are fully considered and weighed by the Council and the public prior to approval and implementation of regulations.

The major regulatory programs and subject areas that are currently under review by the Council reflect the Council's current priorities for regulatory change. Some of these ongoing projects may include components that reduce the burden of existing regulations, and those will be noted when the Council submits future fishery management plan or regulatory amendment recommendations to NMFS. The Council may identify additional regulations that require review in the future. These future reviews will be conducted through the Council process, with consideration of the scope, priority, and process appropriate for the particular issue.

The Council also supports NMFS continuing to remove recordkeeping and reporting requirements that are no longer necessary, and to simplify or reduce the burden of existing requirements. Several revisions were identified by NMFS in the course of the April 2018 review, and these regulatory revisions may be included in future Council analyses, reported to the Council in the NMFS management report, or implemented through NMFS-initiated rulemaking that could be reviewed by the Council Chairman and Executive Director through the standard review of regulatory amendment packages prepared by the NMFS Alaska Region.

Finally, the Council would like reiterate our continued endorsement of the use of a non-regulatory approach for management where possible, by using incentives and providing tools for industry to achieve the Council's conservation and management objectives. For example, to minimize bycatch of Chinook salmon in the Bering Sea pollock fishery, the Council set an overall limit on the amount of Chinook salmon bycatch that could occur, and authorized a program that provides pollock fishery participants with incentives to limit bycatch to a much lower performance standard. Under this regulatory approach, the Council establishes management oversight and requires accountability from the fishery participants for achieving management objectives, but provides them with the flexibility to identify the best tools to achieve them. These measures are given effect through contractual arrangements that both keep the fleet below the performance standard and provide incentives to minimize bycatch at all levels of Chinook salmon abundance. This approach substitutes a single overarching regulation for the multitude of regulatory adjustments which the pollock cooperatives can instead enact through civil contracts and cooperative governance, and achieves the Council's conservation objectives better than regulatory means.

The Council appreciates the opportunity to provide input on the agency's regulatory reform efforts. Please let us know how we can be of further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. Witherell', with a stylized flourish at the end.

David Witherell
Executive Director

Cc: Ms. Kelly Denit