

May 29, 2012



Executive Directors
Fishery Management Councils



Dear Executive Directors,

At the recent Council Coordination Committee (CCC) meeting held April 30 – May 2, 2012, the CCC acknowledged that several Council/NMFS regions have conducted studies and programs related to video monitoring and electronic reporting. The CCC also noted that during the fall, NMFS will be completing several papers addressing the following topics:

1. Analysis of Existing EM Technologies/Programs
2. Enforcement Issues/Impediments
3. Legal/Confidentiality Concerns
4. Research & Development Requirements
5. Re-alignment of Management and Monitoring
6. Funding Options



The CCC recommended the establishment of a CCC subcommittee to consider cross-cutting issues between regions in relation to the implementation of video monitoring and other forms of electronic monitoring, and make recommendations to the CCC at its interim meeting in January 2013.



Please send me the name of the person who will represent your Council on this subcommittee and any ideas on how the work of this subcommittee should proceed.



Sincerely,

A handwritten signature in cursive script that reads "Kitty".

Kitty M. Simonds
Executive Director



CC: FMC Chairs
Sam Rauch



Fishery Management Council
May 16, 2012

May 29, 2012



Mr. Sam Rauch
Acting Assistant Administrator for Fisheries
National Marine Fisheries Service
National Ocean and Atmospheric Administration
1315 East-West Highway
Silver Spring, MD 20901



Dear Sam,

Thank you for participating in the Council Coordination Committee (CCC) meeting held in Hawaii from April 30-May 2, 2012. The CCC considered international fisheries management issues in respect to: 1) leveling the playing field between US and foreign fisheries, and 2) supporting the development of underutilized US fisheries.



In regards to the first issue, the CCC acknowledged that NMFS is working on its second report to Congress on the certification (positive or negative) of nations with respect to equivalent measures to the US in relation to preventing IUU fishing, bycatch of protected living marine resources, or shark catches on the high seas. It is the CCC's understanding that in NMFS' first report to Congress, NMFS did not negatively certify any nation. However, this does not align with accepted understanding that many nations importing seafood into the US market are not playing by the same rules as US fisheries with respect to data collection and monitoring, safety at sea requirements, protected species mitigation, and other management measures. Therefore, the CCC recommended that NMFS enhance their activities to identify nations that do not implement equivalent measures which may level the playing field between US and foreign fisheries.



The CCC further recommended that NMFS work with the US fishing industry to develop underutilized fisheries, and noted that such a program is identified in Section 2(a)(7) and Section (2)(b)(6) of the MSA. Examples of underutilized fisheries provided at the CCC meeting include George's Bank haddock and pelagic tuna and billfish fisheries in the EEZ around the Commonwealth of Northern Mariana Islands. Promoting development of underutilized US fisheries would benefit target and non-target stocks and protected species through transferred effects, promote employment in coastal communities, and enhance local food security.



Thank you for considering these recommendations. The CCC looks forward to any progress NMFS may make on these issues at the next CCC meeting.



Sincerely,

A handwritten signature in black ink, appearing to read "Manuel P. Duenas".

Manuel P. Duenas
Chairman



Fishery Management Council



Region Fishery Management Council Chairs & Executive Directors



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May 28, 2012



Ms. Nancy Sutley, Co-Chair
Dr. John P. Holdren, Co-Chair
White House National Ocean Council
Executive Office of the President
Washington, D.C. 20503



Dear Ms. Sutley and Dr. Holdren:



Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, the Regional Fishery Management Councils (FMCs) convened our Council Coordination Committee (CCC) on April 30-May 2, 2012. The CCC meeting agenda included an overview by Sam Rauch, Acting Assistant Administrator for NOAA Fisheries, of the current implementation status of Coastal and Marine Spatial Planning (CMSP). The CCC commends the National Ocean Council (NOC) for its determination that the FMCs shall be members of the Regional Planning Bodies (RPBs). Further, this determination acknowledges that the FMCs have unique and important roles in management of the Nation's fisheries and that the FMCs will provide valuable expertise and knowledge about the wide array of marine resources that are vital to coastal communities and local economies.



However, the NOC has restricted FMC membership on the RPBs to that of only Federal, State, Tribal, or local government FMC members. The CCC believes that this limitation could potentially result in conflicts between FMC positions and the positions of these other jurisdictions and put FMC representatives in potentially difficult and ineffective positions. For example, a state Director of Fisheries representing a FMC could find him/herself in opposition to the view of his/her Governor. Therefore, the CCC requests that NOC reevaluate this restriction in the light of the FMCs' standing as executive agencies of the Department of Commerce, which could resolve the apparent Federal Advisory Committee Act concerns that may exist in terms of FMC representation on the RPBs.



The CCC also discussed issues associated with the continued implementation of CMSP by NOAA without any Congressionally appropriated funding. In many of the nation's fisheries, there is lack of basic fisheries data and stock assessments, which limits the FMCs' ability to establish annual catch limits and other management measures. The CCC strongly recommended that if further implementation of CMSP continues, that it shall not reduce the funding for core NMFS programs and functions such as that for monitoring and stock assessments. In addition, the CCC remains unclear on how the various agencies will be able to implement coordinated and specific CMSP activities under their respective authorities. The CCC further recommended that by no means shall CMSP diminish the regulatory authorities of the FMCs to manage fisheries in their respective regions.



Lastly, the CCC supports members of Science and Statistical Committees (SSCs) of the FMCs being included in the standing technical committees of the RPBs, but the CCC does not support SSCs being the sole scientific advisory committee of the RPBs due to funding constraints, existing SSC workloads, and meeting schedules.



May 17, 2012



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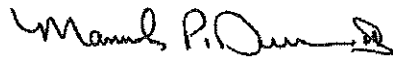
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Paul Howard, Executive Director



In conclusion, the CCC appreciates the NOC's inclusion of the FMCs in this important work and we thank you in advance for the NOC's consideration of these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Manuel P. Duenas". The signature is fluid and cursive, with a long horizontal stroke at the end.

Manuel P. Duenas
Chairman

Cc: Dr. Jane Lubchenco, NOAA Administrator
Eric Schwaab, NOAA Acting Deputy Administrator
Sam Rauch, NOAA Fisheries Acting Administrator
Fishery Management Councils



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May 29, 2012



Samuel D. Rauch
Acting Assistant Administrator of Fisheries
National Oceanic and Atmospheric Administration
1315 East-West Highway
Silver Springs, MD 20910



Dear Sam:

The growing demand on the Councils to end overfishing of US fisheries is becoming even more challenging with the reduced influx of scientific information to make informed management decisions. The current budget situation constrains the Science Centers' ability to produce scientific products to support fisheries management. The Council Coordination Committee (CCC) continues to be concerned about the possible reduction in the generation of scientific information for fishery management, especially with the current mandate of managing the stock under annual catch limits and catch shares.



Despite the overarching budget shortfalls, the NOAA Fisheries Stock Assessment Program still received an increase in this line item budget. The Councils have learned that much of the funding is allocated to test and use advanced technology for supporting stock assessments. The Councils are concerned about the scale of investment in advanced technologies, while funding for basic fishery-dependent data collection continues to remain level or is even decreasing. The utility of the information produced through advanced technology varies by region. Some regions can maximize the use of advance technology for their fishery-independent surveys yet some regions are still struggling to enhance their fishery-dependent data collection.



The Councils recognizes the utility of advanced technology to support stock assessment. However, stock assessments still require information from basic fishery and biological data collection. The CCC requests that NMFS provide a description to the Councils of the decision process on the evaluation of whether advanced technology was required for stock assessments. Moreover, the basic data collection through fishery-dependent sampling (catch, effort, biological sampling, observer for by-catch and discards, etc.) should be adequately funded to meet the requirements for at least a level 1 or 2 stock assessment, and not suffer from the diversion of funds into advanced technological methods.



The Councils rely heavily on the Science Centers for scientific information used for fishery management. The CCC requests NMFS that funds intended for Stock Assessment Programs be **equitably** allocated across the Science Centers in order to adequately meet their stock assessments schedules, and in turn the Councils can meet their management obligations.



Thank you and we look forward to your response and action on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Manuel P. Duenas".

Manuel P. Duenas
Chairman



Fishery Management Council



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MID-ATLANTIC FISHERY MANAGEMENT COUNCIL



Gulf of Mexico



Fishery Management Council

May 29, 2012



Samuel D. Rauch
Acting Assistant Administrator of Fisheries
National Oceanic and Atmospheric Administration
1315 East-West Highway
Silver Springs, MD 20910



Dear Sam:

The convening of a National Scientific and Statistical Committee (National SSC) was a recommendation of the second conference in the series, Managing Our Nations Fisheries in 2005. The National SSC and its the working groups have provided guidance on national fishery management issues, particularly those dealing with Acceptable Biological Catches, ecosystem based management, and optimum yield in a catch limit management setting. Unfortunately, the quality products and recommendations of the National SSC *ad hoc* working groups did not constitute formal technical guidance, as they were neither formally commissioned by the Council Coordination Committee nor National Marine Fisheries Service.



As such, the CCC recommends the creation of a National SSC whose membership would be comprised of the eight SSC Chairs (or their designees) and a senior NMFS staff as an ex-officio member. Technical support for this committee would be provided by personnel from the NMFS Office of Science and Technology and Council staff. A Standard Operating Practices and Procedures (SOPP) should be developed that would govern the operations of the National SSC and Terms of Reference (TOR) to direct its activities. The National SSC would be tasked with the development of a prospectus for proposed Working Groups and topics for future National SSC Workshops in consultation with the CCC. These proposals would be reviewed and approved by the CCC as part of the specification of the TOR and could be sponsored by one of the Councils or brought to NMFS for consideration for sponsorship.




The membership of national WGs approved by the CCC would be based on nominations from each Council's SSC (maximum of one SSC member per Council) and one member from NMFS. The Chair of the WG would be appointed by the National SSC (selected from the WG roster). The WG would submit a final report to the CCC that would include recommendations to address the TOR. The final report may be subject to external peer review, the level of which would be determined on a case-by-case basis, based on agreement between the CCC and NMFS. Following peer review of the WG report, the report would be published as a NMFS Technical Memorandum, or other appropriate mechanism, such that it meets the requirements for formal national technical guidance to the Councils.



Thank you and we look forward to your response and action on this matter.

Sincerely,


Manuel P. Duenas
Chairman



Fishery Management Council



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May 29, 2012



Samuel D. Rauch
Acting Assistant Administrator of Fisheries
National Oceanic and Atmospheric Administration
1315 East-West Highway
Silver Springs, MD 20910



Dear Sam:

The Magnuson-Stevens Fishery Conservation and Management Re-authorization Act of 2006 states that *"Each Council shall, in accordance with the provisions of this Act, develop, in conjunction with the scientific and statistical committee, multi-year research priorities for fisheries, fisheries interactions, habitats, and other areas of research that are necessary for management purposes, that shall: (A) establish priorities for 5-year periods; (B) be updated as necessary; and (C) be submitted to the Secretary and the regional science centers of the National Marine Fisheries Service for their consideration in developing research priorities and budgets for the region of the Council."* Each Regional Fishery Management Council (RFMC) had developed its five year research priorities since 2008 complying with the provisions of the Act.



The Council Coordination Committee (CCC) requests the National Marine Fisheries Service (NMFS) clarify and provide the RFMCs with information regarding the process in which the five year research priorities are considered by their respective NMFS Science Centers when developing their research priorities and budgets. Each Science Center develops their Science Plan that guides their research and justifies their annual budget request. Typically, the Councils were not consulted in the planning process, resulting in missed opportunities rendering science products not useful for management. The Councils are the principal client for the Science Center products and services. These science providers should seek inputs on how to best address their information needs in order to best serve this clientele. The process of incorporating the Council's five year research priorities in the Science Plans is unclear or even lacking. Guidance from NMFS is needed to ensure transparency, enhance collaboration between Science Centers and the Councils to, and maximizes the utility of the scientific information and efficient use of the limited funding available.



Further, the CCC requests the NMFS provide guidance on how the research priorities should be monitored. The Science Centers and the RFMCs should jointly monitor the steps in the process, from research to management, in order to determine if the priorities have been adequately addressed. The transition of scientific information into effective management strategies is an ideal goal for fisheries management. The feedback mechanism between the provider and the client should be established in order to close the loop and assure that the priorities are efficiently and effectively addressed.



MID-ATLANTIC FISHERY MANAGEMENT COUNCIL



Thank you and we look forward to your response and action on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Manuel P. Duenas".

Manuel P. Duenas
Chairman



Fishery Management Council



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JUL 23 2012



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

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Mr. Manuel P. Duenas
Chairman
Western Pacific Fishery Management Council
1164 Bishop Street
Honolulu, HI 96813

Dear Mr. Duenas:

Thank you for your letter on behalf of the Council Coordination Committee (CCC) regarding the process in which the Councils' 5-year research priorities are considered by their respective National Marine Fisheries Service (NMFS) Science Centers.

Section 302(h)(7) of the Magnuson-Stevens Fishery Conservation and Management Act requires that each Council establish research priorities for five-year periods and that these priorities be updated as necessary. These priorities are to be provided to the Secretary and the NMFS regional Science Centers for their consideration in developing research priorities and budgets for the region of the Council.

The Science Centers begin developing their annual operational plans in May or early June each year. These operational plans establish core science priorities for the upcoming fiscal year. Therefore, we recommend that the Councils submit their 5-year research priorities to their respective Science Center early in the annual strategic planning process to ensure consideration. We also recommend that the Councils provide some degree of prioritization when identifying their research needs, including pertinent time frames.

Recognizing that the Science Centers do not operate on matching planning cycles and that the Councils each have their own meeting schedules, I encourage each Science Center and Council pairing to develop additional specific mechanisms for exchange of priorities. Although it is pragmatically easier for each pair to determine the timing of such exchange, there are good lessons learned for how such information exchange can be best facilitated. For example, NMFS membership on council advisory bodies (e.g., Scientific and Statistical Committees) allows for routine communication and can be used to develop joint research priorities. In addition, sharing or presentation of the operating plan and science activities by the Science Center during a Council meeting provides opportunity for feedback and exchange.

I appreciate your interest in improving the process by which scientific requirements are collectively identified and welcome any suggestions you may have for this process.

Sincerely,

Samuel D. Rauch III
Deputy Assistant Administrator
for Regulatory Programs,
performing the functions and duties of the
Assistant Administrator for Fisheries

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES





UNITED STATES DEPARTMENT OF COMMERCE
 The Under Secretary of Commerce
 for Oceans and Atmosphere
 Washington, D.C. 20230

Mr. Manuel P. Duenas
 Chairman, Western Pacific Regional
 Fishery Management Council
 1164 Bishop Street
 Honolulu, HI 96813

JUL 26 2012

Dear Mr. Duenas:

Thank you for your letter regarding the panel convened at the Council Coordination Committee (CCC) May 2012 meeting to discuss Endangered Species Act consultations on fishery management plans. The National Oceanic and Atmospheric Administration (NOAA) looks forward to working closely with the panel and the CCC on this issue, and shares the CCC's goals of ensuring a high level of transparency and increasing stakeholder confidence in the consultation process.

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NOAA's National Marine Fisheries Service (NMFS) is in the process of determining an approach that will best facilitate achieving these goals. NMFS participated in two conference calls with the Marine Fisheries Advisory Committee (MAFAC) Chair Keith Rizzardi and the Western Pacific Regional Fishery Management Council Executive Director Kitty Simonds, Protected Resources Coordinator Asuka Ishizaki, and Senior Scientist Paul Dalzell. As a result, MAFAC agreed to engage on these Endangered Species Act issues. MAFAC discussed the concerns raised by the CCC during its May 2012 meeting and we are working with them on identifying next steps.

In addition, NMFS' Offices of Protected Resources and Sustainable Fisheries are working with NOAA General Counsel to develop recommendations regarding policy and guidance for increasing transparency and stakeholder involvement in Endangered Species Act consultation on fishery management plans. NMFS shared this information at a June 28, 2012, MAFAC Executive Committee Meeting and said that it will work with MAFAC to ensure the two processes achieve the stated goals, inform one another, and are not duplicative.

NMFS will communicate with the CCC regarding progress. I appreciate the CCC's interest in working with both MAFAC and NMFS to improve our processes under the Endangered Species Act.

Sincerely,

Jane Lubchenco, Ph.D.
 Under Secretary of Commerce
 for Oceans and Atmosphere

THE ADMINISTRATOR



AUG 15 2012



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910

THE DIRECTOR

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Mr. Manuel P. Duenas
Chairman
Western Pacific Fishery Management Council
1164 Bishop Street
Honolulu, HI 96813

Dear Mr. Duenas:

Thank you for your letter on behalf of the Council Coordination Committee (CCC) requesting the formation of a National Scientific and Statistical Committee (National SSC). We agree that a National SSC could provide coordination of best practices among the Councils' SSCs, help establish topics for future national SSC workshops, and recommend creation of specific topical working groups. The National SSC could also serve as a pathway for improved communication with NOAA's National Marine Fisheries Service (NMFS) fishery science program.

We recommend that a National SSC be established as a subcommittee of the CCC, and that the CCC establish Terms of Reference for the National SSC rather than separate SOPPs. The CCC can revise its Terms of Reference to formally establish the National SSC, specify the role of the SSC, and detail how the CCC expects to engage with the National SSC. This process is similar to the way Council SSCs are organized and would accomplish the same objective. We would be interested in participating in the development of these Terms of Reference, including ensuring that they satisfy the requirements of the Federal Advisory Committee Act and any other legal requirements.

We are pleased that the CCC is interested in having a senior NMFS scientist serve as an ex-officio member of the National SSC. The new NMFS Lead Scientist for Stock Assessments is expected to be selected soon and would be an ideal candidate for this role with the National SSC.

Your letter describes a process by which the results of National SSC working group results could be reviewed, published, and then considered as best practices. Rather than respond specifically to the proposed process now, let us take that up as we develop and review the draft TORs. In particular, we should work together to clarify the level of review needed for a document to serve as a statement of best practices among the SSCs, versus the more extensive review and approval required for more formal technical guidance.

I appreciate your interest in this matter and look forward to continued engagement between the Councils and NMFS on the important science issues affecting marine fisheries.

Sincerely,

Samuel D. Rauch III
Deputy Assistant Administrator
for Regulatory Programs,
performing the functions and duties of the
Assistant Administrator for Fisheries

THE ASSISTANT ADMINISTRATOR
FOR FISHERIES

