



# North Pacific Fishery Management Council

Simon Kinneen, Chair | David Witherell, Executive Director  
605 W. 4th Avenue, Suite 306, Anchorage, AK 99501  
Phone 907-271-2809 | [www.npfmc.org](http://www.npfmc.org)

December 2, 2019

David Detlor, Acting Director  
NOAA Fisheries, Office of Science and Technology  
1315 East-West Highway, 12<sup>th</sup> Floor  
Silver Spring, MD 20910

Dear Mr. Detlor:

The North Pacific Fishery Management Council (“Council” or “NPFMC”) staff appreciates the opportunity to provide feedback on the draft document, *A Practitioner’s Guide to Fisheries Social Impact Assessment*. The draft document was also reviewed by Dr. Mike Downs whom the Council has contracted to produce Social Impact Assessments (SIA), and who currently serves on the Council’s Scientific & Statistical Committee and also participates on the Social Scientists in Regional Fisheries Management (SSRFM) group as an independent representative of the North Pacific region.

The technical memo is intended as a supplement to the formal, nation-wide NOAA guidelines on conducting SIAs, and thus presents an opportunity to recognize important regional differences and offer future SIA authors guidance to which they can relate. In addition to soliciting regional reviews of this draft, the authors might consider engaging SSRFM as a fully representative panel of Council staff practitioners to help identify the guidance in the draft that applies only to a few regions and focus the product on the observations, advice, and examples that are most broadly applicable. Specific comments on the draft are summarized below; they are separated into comments that are general and comments that address items in the draft where the North Pacific may have a unique perspective.

General comments:

- The introduction in **Section I** refers to “incorporating local knowledge and values into the decision” (p.5). The draft’s authors are encouraged to highlight the distinction between *local* knowledge and *traditional* knowledge. In either case, guidance on best practices for identifying and applying existing collections of these information streams would be valuable.
- The document considers the task of conducting an SIA primarily in the context of an Environmental Impact Statement (EIS). Councils most commonly execute social analyses under the requirements of the Magnuson-Stevens Act (MSA) – particularly with regard to National Standard 8 – which has different requirements for an Environmental Assessment (EA). For example, an environmental justice analysis (E.O. 12898) would not be required. The target audience for this guide might benefit from a matrix that recognizes the different forms – including but not limited to an EIS – in which SIAs are conducted and the varying analytical requirements for each. That exercise could also describe the “triggers” that dictate the type of analysis to be conducted.
- **Section II** on the legal and policy framework/requirements could also incorporate MSA National Standard 4. The Council is constantly considering or managing allocations, and thus staff must assess the social components of fairness and equitability among fishermen.
- **Section II.b** (p.6) is clear about how National Marine Fisheries Service (NMFS) is directed to interact with tribes but further guidance may be warranted on how Councils and the staff who write SIAs can and should interact with tribes. Councils and SIA writers are not involved in the government-to-government relations defined by E.O. 12875 and E.O. 13175.

- The draft makes several references to “social factor analysis” without defining the method and when or how it is best applied. Some description of the method or a direct link to “textbook material” elsewhere would enhance the draft’s utility as a how-to guide. “Social factors” are first defined on page 30 and many elements on that list would be difficult to analyze with data (quantitative or qualitative). SIA writers would benefit from guidance on how to operationalize this list. Similarly, **Section III.b** (p.8) provides a list of social impacts (as opposed to economic impacts) that includes “alterations to the ways in which people live, work or play, their culture, their community, how they relate to one another, their political systems, their environment, their health and well-being, their personal and property rights (or privileges as US quasi-property rights to fish are legally defined), their fears and aspirations, and how they organize to meet their needs and generally cope as members of a society.” As a manual for SIA writers, this document could attempt to instruct as to how – if at all – an analyst would trace the impacts of a management action to these outcomes.
- **Section IV.a.9** on “catch shares” concludes with a standalone sentence flagging “the various impacts of climate change” (p.21). Given the importance and pervasiveness of climate change impacts, it seems appropriate to address this in greater depth. SIA writers would benefit from guidance on when it is appropriate merely to acknowledge the issue of climate change or to delve into relative risk analysis across affected communities.
- In the context of how to choose focal communities for an SIA, **Section IV.b.2.i** (p.22) lists community identifiers such as port of landing, home port, licensee home address, etc. It would be useful to describe the pros and cons of each identifier and how to think about the best choice given the purpose of a particular SIA. Staff are always obliged to recognize that our selected metric has shortcomings in descriptive accuracy with regard to the fishery or issue at hand. It is always difficult to gauge distributional impacts when moving beyond where fish were landed to where participants ultimately transport the benefits or costs of an action.
- **Section IV.b.4.iii** (p.34) describes the use of semi-structured interviews. SIA writers would benefit from guidance on how to address subjects’ biases and triangulating responses to avoid overweighting subjects’ speculations. Also, given the need to account for the limited time allowed to execute an SIA within the Council process, conveying to new SIA writers that open-ended interviews are a recommended early step might not be generally applicable advice.
- In general, staff members desire guidance on how best to incorporate the public comment – written or given before the Council – into a rigorous analytical work product. Staff want to avoid introducing bias but also need to avail themselves of information that cannot be gleaned elsewhere.
- **Section IV.c** (p.35) can be quite useful to analysts planning an SIA. This section could be expanded as the focal point of a practitioners’ guide, incorporating some of the information provided in **Appendix C**. For example, **Section IV.c.3** could include examples of community background data tables that are often included in successful SIAs.

Comments unique to the North Pacific region:

- The draft uses the terms “Alaska Native” and “Native Alaskan” interchangeably. The appropriate term for an Alaskan of indigenous heritage is Alaska Native. A native Alaskan could refer to any person born in the State of Alaska.
- Terminology, particularly in **Section IV**, appears specific to certain regions. Several terms that would make this guide confusing for a new SIA writer in the North Pacific include: Plan Development Team, Fisheries Management Action Team, and the distinction between a Framework and an Amendment. Also, where examples are offered as an illustration of good practice, include a footnote that gives any reader some basic context (e.g., “the case of Closed Area II in the NW Atlantic” on p.12, or “Gloucester Community Panel” on p.29).

- **Section IV** correctly notes that time limitations imposed by the Council’s schedule often dictate the steps taken to develop an SIA and may preclude primary data collection. However, the steps described in the draft do not reflect the order of events in the North Pacific for when an SIA is written. Contrary to what is described, this region will have developed a broad suite of alternatives before an SIA begins, and the selection of a (preliminary) preferred alternative is preceded by the writing of the SIA and scoping through an iterative series of reviews at the committee, Advisory Panel, and Council levels.
- “Scoping meetings” are described on pages 9 and 24 as a first step in developing an SIA. Council, Advisory Panel, and committee meetings at which a drafted SIA is publicly reviewed serve as scoping meetings in complying with NEPA requirements for an EIS. For most actions, the time and resources required to hold exploratory public hearings prior to developing alternatives and beginning an SIA would be a challenge. However, scoping as described in the draft guide could be an appropriate exercise for developing reference material such as Community Profiles.
- Council staff are generally interested in guidance on how to define “fishing communities.” The quantitative “engagement” and “reliance” indices cited in **Section IV.b.2.i** (p.23) define in per capita terms that can be challenging to interpret in Alaska where community populations may be low or where non-resident processing workforces may be disproportionately high. Staff are also interested in guidance on how to interpret and analyze “community dependency,” which is the term used in the MSA. Also, analysts in the North Pacific find it challenging to assess community engagement (or dependency) for a place like the Seattle, WA metropolitan area that has low reliance on a per capita basis but high reliance for groups of individuals that are measured within that unit.
- The document should refer to the “Community Development Quota (CDQ) Program” rather than the “Community Development Program.” **Appendix B.4** (p.53) suggests that the Council engaged tribal governments to discuss legal options to make specific allocations to Alaska Natives in the form of the CDQ Program under MSA Section 305(i). The CDQ Program is not an example of NPFMC acting on a policy priority to reach out to native villages or Alaska Native Claims Settlement Act (ANCSA) corporations. This small distinction is necessary so that the document does not give the impression that the CDQ Program and its development is a template for other Councils considering access for indigenous groups, nor is it necessarily a reference for analysts conducting SIAs in other regions.<sup>1</sup> Moreover, while the communities eligible under the CDQ Program were defined according to ANCSA, CDQ is not necessarily an Alaska Native program because the benefits are available to all residents of a CDQ-eligible community. CDQ allocations were made based on underdeveloped status, not based on sovereign political rights as tribes or on race/ethnicity.
- **Section IV.a.9** on catch shares states: “Quota privileges may also tend to redistribute ACL out of the control of other social groups, such as Native Alaskans” (p.17). This statement does not recognize that the CDQ Program exists to do the opposite; moreover, it presumes that Alaska Natives were traditional users of offshore industrialized fisheries. Rather, many Alaska Natives are both traditional users and stakeholders in commercial catch share fisheries. Making traditional users the example of a group that should be identified as having been impacted by catch shares raises another question for SIA writers that is not clarified by the guidance document: What is the appropriate baseline for social impact analysis? Should an SIA compare the potential outcomes of an action to an unspecified time in the past when traditional uses were unaffected by commercial fishing, or to the conditions in the fishery at the time when a catch share program was necessitated by challenges such as overcapitalization or excessive bycatch?

---

<sup>1</sup> However, in 2018 the Council established a Community Engagement Committee (CEC) with the express purpose of recommending strategies to provide effective engagement with rural and Alaska Native communities. Information on the CEC and its proceedings is available at [www.npfmc.org/committees/cec](http://www.npfmc.org/committees/cec).

- **Appendix C.1** recommends the use of secondary data including “local quotients” (p.56). In this case and throughout the draft it is necessary to consider what types of data are likely to be unreportable due to confidentiality restrictions. In many instances, Alaska communities will contain fewer than the three required entities (e.g., processors or harvesters).
- The list of items in **Table C2 (Appendix C.2, p.59)** that are described as “lack[ing] regional relevance” to Alaska communities should be expanded. For example, crime indices in places without local law enforcement are not reliable; housing data are often not relevant in places without a traditional housing market; and population/migration data are skewed or misleading in small communities with relatively large, temporary, company-housed processing workforces.

Again, thank you for the opportunity to provide comments on the draft document. We think it is important to have a document that is constructed foremost as a how-to manual for analysts embarking on an SIA, and acknowledges that SIAs exist in multiple formats at varying levels of required breadth and depth based on the statutes triggering the analysis. We hope that these comments are received as constructive and we look forward to the continued development of this project. If you require any additional information, please contact Sam Cunningham on Council staff.

Sincerely,



David Witherell  
Executive Director

cc: Regional Council Executive Directors  
Dr. Lisa Colburn and Dr. Patricia Clay, NEFSC  
Dr. Mike Downs, Wislow Research LLC