

# North Pacific Fishery Management Council

Dan Hull, Chairman  
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October 13, 2017

Mr. James W. Uthmeier  
Senior Counsel to the General Counsel  
Regulatory Reform Officer  
Department of Commerce  
1401 Constitution Ave NW  
Washington DC 20230

Dear Mr. Uthmeier:

On behalf of the North Pacific Council, I am writing to thank you for your visit to our October meeting in Anchorage and being available to answer questions on the Administration's Regulatory Reform efforts. The Council is very interested in these efforts, and would appreciate continued communication on regulatory reform, including receiving regular updates on development of guidelines, biennial reports, and new initiatives. The Council further appreciates your intention to actively solicit input and comment from the fishery management Councils.

As you mentioned, fishery regulations are numerous but necessary to support effective conservation and management of the many different fisheries throughout the Nation. The Council wishes to emphasize that the fishery regulations that are developed by the Council through a transparent and participatory bottom-up approach result in a high degree of support by the regulated community. 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. Our regulations are not developed to unnecessarily constrain businesses, and potential social and economic impacts are fully considered and weighed by the Council and the public prior to approval and implementation of regulations.

The Council frequently relies on a non-regulatory approach for management by using incentives and providing tools for the industry to achieve the Council's conservation and management objectives. To illustrate how this works, I will use the objective of minimizing Chinook salmon in Bering Sea pollock fisheries as an example. The pollock fishery operates as a catch share program, in which companies receive allocations of allowable catch and bycatch through cooperative structures. Through a single regulation, the Council set an overall limit the amount of Chinook salmon bycatch that could occur in the fishery, 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 entrusts them with determining how best to achieve them. This program provides the fleet some flexibility should the fleet encounter unanticipated changes in bycatch rates under varying environmental conditions, and still allow the harvest the total allowable catch of pollock. The entire pollock fishery fleet participates in an industry-developed contractual arrangement, called an incentive plan agreement, that not only keeps the fleet below the performance standard, but also minimizes bycatch at all levels of Chinook salmon abundance. To achieve this, the pollock fleet shares data and establishes short-term closures of high bycatch areas, uses salmon excluders on trawl nets, and rewards and penalties at the vessel level, and other measures. This non-regulatory approach achieves the

Council's conservation objectives better than regulatory means, while providing continued benefits for the industry, and substitutes a single overarching regulation for the multitude of regulatory adjustments that the Pollock cooperatives make instead through civil contracts and cooperative governance.

As part of your presentation, you mentioned that there are about 50 deregulatory actions identified for review and possible deregulation in the coming year, including possible changes in fishing gear requirements and access to fishing areas. The Council would be very interested in seeing this initial list of actions, particularly those affecting activities in Alaska. We invite you to provide an update on the Agencies Regulatory Reform efforts at our February 2018 Council meeting, which will be held in Seattle, Washington beginning on February 7.

I look forward to receiving the next update.

Sincerely,

A handwritten signature in blue ink that reads "Dan Hull". The signature is written in a cursive, flowing style.

Dan Hull  
Chairman, NPFMC

cc: Mr. Wilbur Ross, Secretary of Commerce  
Mr. Chris Oliver, AA NOAA Fisheries