



Marine
Resources

Can Management Keep Up?

The Need for Adaptation in a Changing World

Western Groundfish Conference, April 25, 2023

Katie Pierson,

Whitney Roberts



So, who am I?

- **Current member of the Groundfish Management Team**



- **Former forester, data management specialist, marine reserve hook and line biologist, oyster restoration biologist**





Marine
Resources

What am I going to tell you

What is the Pacific Fishery Management Council?

Brief Primer on Council Process

Talk about a Changing World

Two Examples of how Management makes changes

Some Conclusions





What is the Pacific Fishery Management Council

- **Decision making body for all Federally managed West Coast fisheries**
- **One of 8 regional fishery management Councils**
- **Established by the 1976 Fishery Conservation and Management Act**
- **Operated currently by process and guidelines in the Magnuson- Stevens Fishery Conservation and Management Act**
- **Rigid Rules that we make decisions under**
- **Emphasizes public participation in this decision making process**





Marine
Resources

Make-up of the Pacific Fishery Management Council

- **Voting Council Members (14) from CA, OR, WA, ID, tribal members and the Federal Government.**
- **Representation from fishery agencies as well as members of the public knowledgeable about fisheries.**
- **Non-voting representation (e.g., US Fish & Wildlife Service, US Coast Guard, Alaska).**
- **Week-long meetings held five times annually, rotating among WA, OR, CA, ID.**
- **Council support staff (16).**
- **5 fishery management plans & Halibut catch sharing plan**





Marine
Resources

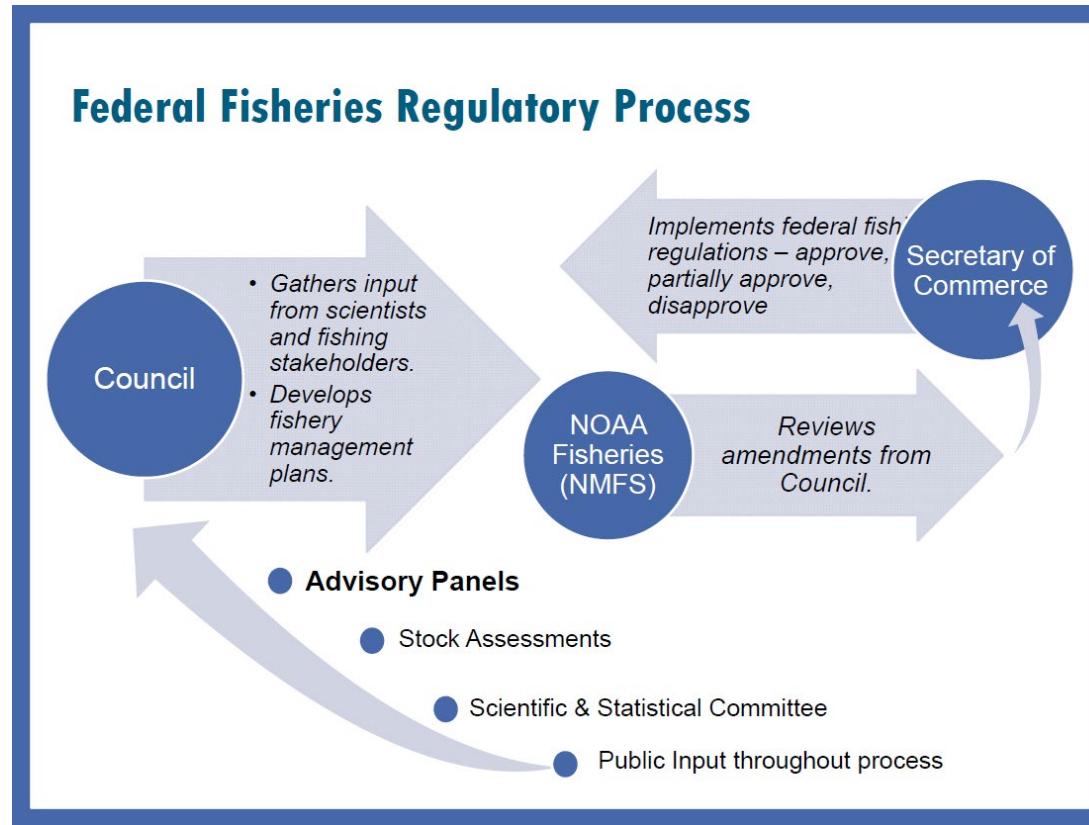
A Brief Primer on the Council Process

Procedures are found in each Fishery Management Plan

- 1. Automatic Action**
- 2. One Council Meeting**
- 3. Three Council Meeting Biennial Specifications Process and Two Times for Public Input**
- 4. Full Rulemaking at Least Two (Most likely MANY more) Council Meetings and Two Times for Public Input**
- 5. Emergency Rule**

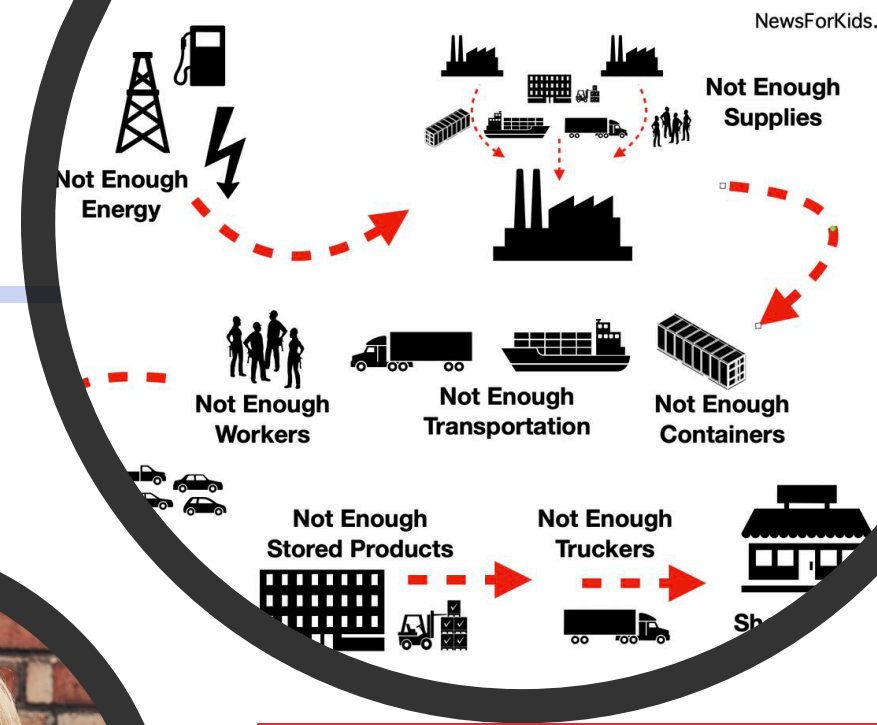


After Final Action



We Know We Are in a Changing World

How does fisheries management adapt to these disruptions?



<https://newsforkids.net/articles/2021/10/20/world-struggles-with-supply-chain-problems/>



Management Labeled the Bottleneck to Change



However... Management also Finds Solutions



[This Photo](#) by Unknown Author is licensed under [CC BY-SA](#)

- **The Outcome: Extending the Primary Tier Sablefish Fishery to December 31st from October 31st**
- **Two Examples**
 - **The Emergency Rule**
 - **Building into Regulation**



Example One: The 2021 Emergency Rule

Day 1: Request for Emergency Action Received by Council

“It's very compelling, continues to be compelling... and I do think the Council should take up consideration of the emergency action. ...we should be unfortunately used to this process by now, given we did it a few times, but I understand that the task would be for us to take up approving the agenda and adding this item. “ – Council member Corey Niles

Day 5: Analysis Went Before the Council for Final Action

RE: Agenda item B-1, Open Comment Period August 26, 2021

Chairman Gorelnik,

On behalf of the members of the Fishing Vessel Owners' Association (FVOA) the Association request the Pacific Fishery Management Council (PFMC) enact emergency action that would move the sablefish tiered fishery season and closing date to December 31st and also extend the incidental halibut retention to the last date allowed by IPHC. The Council supported a similar emergency action in 2020, which we are very grateful for. For a long term solution to this request the Council is looking to address the sablefish tiered fishing program through the 5 year mandatory review in the spring of 2022, where an extended season can be permanently examined for this fishery.

For the purpose of section 305 (C) of the Magnuson-Steven Act, the phrase "an emergency exists involving any fishing, is defined as a situation that: 1.) results from recent, unforeseen events or recently discovered circumstances and, 2.) present serious conservation or management problems for the fishing and, 3.) can be addressed through emergency regulations for which immediate benefits outweigh the rate of advance notice, public comment and deliberative consideration..."

Day 1: Council Decided the ask was compelling, placed on agenda

Assessment of Emergency Rule Criteria³

1. *Results from recent, unforeseen events or recently discovered circumstances*
Historically, the primary tier fishery has succeeded in attaining more than 90 percent of their allocation between April 1 and October 31 (Table 1), excluding 2020. Based on public comment at the September 2021 Council meeting, for the second time in almost 20 years, participants forecast not being able to obtain a significant portion of their allocation, and have requested a season extension. Industry members noted that many vessels experienced delays in prosecuting Alaska fisheries due to state and local quarantine restrictions, as well as quarantine requirements on returning to some West Coast communities. These delays hindered prosecution of higher than typical allocations in Alaska fisheries, which then jeopardized the ability of vessels that participated in both to obtain their allocation in the later West Coast primary fishery.

While these issues appear to be long-standing as the global COVID-19 pandemic continues to impact fisheries and markets through 2021, many within the fishery did not foresee the continuation of these issues for this long and likely expected 2021 to be more similar to 2019 conditions. Therefore, the current conditions could still be considered "unforeseen" and "recently discovered". Vessel crew member shortages in 2021 were also "unforeseen" by industry members.

³ 62 FR 44421, August 21, 1997



Example One: The Dreaded Emergency Rule

- **Used to be a High Bar**
- **Temporary**
- **Disservice to Management**
- **Limited amount of input both by analysts and by the public**
- **Creates an air of frenzy**



This Photo by Unknown Author is licensed under [CC BY-SA](#)





Marine
Resources

Example Two: Creating a Change for “Good”

- **Biennial Harvest Specifications and New Management Measure Process**
- **“Permanent”**
- **Takes time but can solve problems that our future selves might have**



How do we Develop Flexibility in a Rigid Process?



- **Build in operational flexibility by reducing complexity**
- **Anticipate ways to add more flexibility before a change happens**
- **Be proactive versus reactive**
- **Change how we prioritize things**





Marine
Resources

A Balancing Act

- **Two pathways**
 - **Start building in ways to increase operational flexibility (season structure, locations etc.)**
 - **Changing the eFISHancy of the Council to be quicker at decision making**
- **Our Management system is setup to maximize public input**





Thank you

My contact if you want to talk about opinions and building resiliency into our management:

Katherine.j.pierson@odfw.Oregon.gov

