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June 3, 2024

Mr. Brad Pettinger, Chair
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 101
Portland, Oregon 97220-1384

Re: *Agenda Item H.2 NMFS Regional Equity and Environmental Justice (EEJ) Plan & EEJ Committee Update*

Dear Chair Pettinger and Council Members:

Ocean Conservancy thanks the Pacific Fishery Management Council (Council) for recognizing the importance of equity and environmental justice (EEJ) in its decision-making process and outcomes. As evidenced by two recent high-profile documents — the National Marine Fisheries Service (NMFS) *Equity and Environmental Justice Strategy*¹ (EEJ strategy) and the National Academies of Sciences, Engineering, and Medicine *Report on Assessing Equity in the Distribution of Fisheries Management Benefits*² (NASEM Report) — engaging EEJ approaches are necessary for achieving long-term sustainable U.S. fisheries.

The Council is a national leader in solving complex fishery problems and has a reputation for proactively addressing issues. Incorporating EEJ principles and approaches is critical for meeting management mandates, best serving the people of the West Coast and the nation, and using the Best Scientific Information Available. The NASEM Report and NMFS EEJ Strategy both articulate the clear mandate from the Magnuson-Stevens Fishery Conservation and Management Act³ (MSA) to engage and implement EEJ. Both documents also describe the structural and contextual reasons why it is difficult to do so.

We recommend that as the Council considers EEJ generally and responds to the EEJ Strategy and forthcoming draft Regional Implementation Plans (expected in later June), that the Council:

- Continue to vocalize its commitment to EEJ to encourage stakeholders, co-managers, the public, potential beneficiaries, and federal and state governments to engage with and support the Council in its EEJ work.
- Develop a Council strategy to address the NASEM Report recommendations and respond to the draft Regional Implementation Plan for the EEJ Strategy.
- Continue to consider how the Council can advise NMFS on EEJ approaches and needs specific to West Coast fisheries.

¹ NOAA Fisheries. 2024. Equity and Environmental Justice Strategy. <https://www.fisheries.noaa.gov/s3/2023-05/NOAA-Fisheries-EEJ-Strategy-Final.pdf>

² National Academies of Sciences, Engineering, and Medicine. 2024. Assessing Equity in the Distribution of Fisheries Management Benefits: Data and Information Availability. Washington, DC: The National Academies Press. <https://doi.org/10.17226/27313>.

³ Magnuson-Stevens Fishery Conservation and Management Act. U.S.C. 1851(a)(1, 2, 4, 8).

- Examine the Council's internal approaches and needs to incorporate EEJ into process and outcomes.
- Recognize that the Council and NMFS do not have the capacity or expertise to fully address EEJ and should therefore pursue external support.

We are grateful to NMFS and the Council for starting to address the mandate for EEJ in U.S. fisheries and fishery management processes. We want to be supporters of this work, both as fishery stakeholders and to learn from the Council and other Council participants. To that end, attached are the findings and highlighted recommendations of the NASEM Report (attachment A), a brief overview of MSA and other mandates for EEJ as found in the NASEM Report and EEJ Strategy (attachment B), and a summary of the six challenges and barriers identified in the NASEM Report (attachment C). We hope these will inform discussion on EEJ issues and inform the context for our recommendations above.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Moore', written in a cursive style.

Meredith Moore
Director, Fish Conservation
Ocean Conservancy

Attachment A – Recommendations and highlighted findings of the National Academies of Sciences, Engineering, and Medicine *Report on Assessing Equity in the Distribution of Fisheries Management Benefits*

Recommendations:

- 2-1: The NMFS should develop and implement a contextual, place-based, and participatory approach to identifying and integrating multi-dimensional equity considerations into decision-making processes in ways that balance previous and more recent mandates. Outcomes of these processes should include, among other things, clear identification of the criteria for, and appropriate subjects of, equity considerations.
- 3-1: The NMFS should take advantage of current opportunities both within the agency and in academia to expand work on equity by generating dashboards and data summaries that more fully express the distribution of permits and quota holdings in the nation’s fisheries. Progress on these activities need not await more comprehensive discussion of equity or wider availability of data.
- 3-2: The NMFS should develop a guidance document(s) to inform and establish principles that lead to definitions of equity (see, e.g., Recommendation 2-1), and processes for measuring and assessing equity over time by NMFS, regional science centers, and Council staff. This document(s) should parallel guidance documents related to the Magnuson-Stevens Act. For example, NMFS has issued technical guidance that provides national, operational definitions of abundance and exploitation thresholds. Accordingly, even though regional methods for evaluating these thresholds may differ, an integrated, national summary of the status of fish stocks is possible. The committee views the suggested equity guidance documents as working in a similar fashion.
- 3-3: The NMFS should undertake a needs assessment in each region and at the national level that can provide guidance on different investment strategies for developing social science capacity and leadership within the agency. These investments could include staffing focused on early career scientists or a mix of scientists at different career stages with diverse disciplinary expertise and skill sets, including in research design and qualitative and quantitative data collection and analysis. The committee recommends that increasing capacity needs to include, but not be limited to, the leadership level, such as a Senior Scientist for Social Sciences within the NMFS Directorate.
- 3-4: Much of the current measurement and assessment work on equity in fisheries is conducted within a research framework within NMFS, academia, and change to nongovernmental organizations. If NMFS is to meet the legislative mandate for equity within MSA and recent executive orders, work on equity must transition to operational data collection and assessment programs, supported and analyzed by the increased social science capacity as recommended in Recommendation 3-3.
- 4-1: The NMFS should commit to regular collection, analyses, and interpretation of social and economic data to characterize the full flow of benefits and beneficiaries from the nation’s fisheries. The committee recommends collecting and, within the extent of the law, disseminating publicly this information at more regular intervals to adequately assess the impacts of management decisions and changes in fisheries.
- 4-2: The NMFS should continue developing community-level indicators of fishing engagement, dependence, and reliance. However, the committee also recommends further developing products that are not geo-graphically constrained or limited by the spatial resolution of census data, which may not always align with the more holistic definition of equity.
- 5-1: The NMFS should continue its work on equity in the nation’s fisheries, and it should move beyond a focus on distributional outcomes associated with permit and quota holdings to a more multidimensional assessment of equity. This will require addressing a range of complex challenges that can be informed by existing programs, projects, and frameworks, but will not likely be achieved by

minor adjustments to existing efforts. Addressing these challenges will, among other things, demand a contextually based, multidimensional approach and a considerable expansion of the social science capacity within the agency as well as the development of partnerships across a range of governmental and non-governmental sectors.

- 5-2: Qualitative data/methods and mixed method approaches to assessing procedural, recognition, and contextual equity should be elevated in fisheries management decision-making.

Highlighted findings:

- 3-1: Comprehensive demographic data related to characteristics of permit and quota holders and their geographic locations are required if NMFS is to determine where and to whom the benefits of the issuance of permits and allocations of quotas accrue and to meet the intent of Congress expressed in the MSA for fair and equitable distribution of benefits, as well as to meet commitments made in recent executive orders.
- 3-5: Because permits and quotas convey both monetary and nonmonetary benefits, measurement and assessment of to whom and where benefits accrue needs to include both.
- 3-6: Many fishers, communities, and other entities participate in multiple fisheries necessitating measurement at scales above the fishery scale (e.g., the ecosystem scale) to develop a full picture of the equity in the distribution of benefits derived from permit and quota holding.
- 3-8: The collection, analysis, and interpretation of comprehensive demographic and social data requires a greater capacity within NMFS Social Science branches within NOAA headquarters, regional offices, science centers, and councils than exists currently.
- 3-9: The lack of a guidance document(s) to inform and establish a definition of equity and how it needs to be measured, assessed, and utilized by NMFS, regional science centers, and council staff is an obstacle to increasing investment in social science capacity, which will be necessary to expand the agency's efforts in measuring equity.
- 4-1: The beneficiaries of commercial and for-hire fishery management go beyond current permit and quota holders to include others engaged directly in the fishery (e.g., non-permit-holding vessel captains and crew), shoreside facilities involved in processing fishery products, the network that distributes fishery product, local and regional businesses that rely directly and indirectly on fishery activity, and local fishing communities.
- 4-4: Shoreside facilities, distribution networks, fishery-dependent industries, and fishing communities are important potential beneficiaries of fishery management decisions. However, data on these important potential beneficiaries are sparse and inconsistently available. Improving the reliability and availability of such data is essential if the full flow of benefits that accrue from permit and quota allocation is to be understood.
- 5-2: The interdependent, multidimensional nature of equity in fisheries make questions of recognition, procedure, subjects, and criteria inseparable from distributional concerns. Few, if any, current approaches within NMFS for assessing and implementing equity of fisheries management decisions are consistent with a holistic approach.

Attachment B – Brief overview of legal mandates for EEJ as cited in the NASEM Report and NMFS EEJ Strategy

NASEM Report (pg. 31) *Finding 2-3: Existing authority granted to NMFS by the MSA, the National Standards, NEPA, executive orders, and other instruments provides the agency with a clear mandate for a multidimensional and contextual approach to centering equity in its work.*

- MSA National Standards 1, 2, 4, and 8 (pgs. 24 – 29, and NMFS EEJ Strategy pgs. 38-39)
- National Environmental Policy Act (pgs. 27 – 28, and NMFS EEJ Strategy pg. 41)

NASEM Report (pg. 24) *Selected Executive Orders, Policy Documents and Technical Guidance Documents Related to Equity in Fisheries*

- National Oceanic and Atmospheric Administration Fisheries Equity and Environmental Justice Strategy (May 2023)
- Equity and Environmental Justice in Fisheries Management: Brief Overview—A Report to the Council Coordination Committee by an Informal CCC and NOAA Staff Workgroup (May 2022)
- Executive Order (EO) 14008: Tackling the Climate Crisis at Home and Abroad (February 2021)
- EO 14096: Revitalizing Our Nation’s Commitment to Environmental Justice for All (April 2023)
- EO 14091: Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (February 2023)
- EO 14031: Advancing Equity, Justice, and Opportunity for Asian Americans, Native Hawaiians, and Pacific Islanders (June 2021)
- EO 13175: Consultation and Coordination with Indian Tribal Governments (November 2000)
- EO 13985 Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce (June 2021)
- Department of Commerce Equity Action Plan (as directed by EO 13985)
- Department of Commerce Environmental Justice Strategy (2012)
- EO 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (February 1994)
- Environmental Justice: Guidance under the National Environmental Policy Act (Council on Environmental Quality, 1997)

Attachment C – Six challenges and barriers to developing a comprehensive approach to equity, from the NASEM Report (pgs. 76 – 78)

1. NMFS unawareness of underserved communities.
2. The contextual equity of historical privilege and allocation: “Individuals and groups that already hold permits and quotas have vested interests and are empowered in current management systems; they are already in the room and may resist management efforts seeking to recognize claims by and meaningfully engage with those who are not.”
3. Engagement and access to services: costs, language, geography, cultural.
4. The “highly hierarchical and complex nature of fishery management process”. “Commonly, place-based, context specific, often qualitative or traditional and Indigenous Knowledge that might best inform implementation and assessment of multidimensional equity in fisheries management—particularly recognitional and procedural dimensions—fits uneasily in management regimes that prioritize generalizable, quantifiable data and analyses as critical (and exclusive) inputs to science-based decision-making.”
5. Permit and quota allocation is only part of equity: Other fisheries and ocean management actions have impacts. Some of these impacts cannot always be addressed by NMFS alone.
6. Lack of NMFS social science capacity, especially non-economics:
 - i. “... capacity shortfalls limit the social science work that can be done, including potential work on a comprehensive approach to equity. Importantly, capacity is needed to fully integrate social science as a necessary component of the management process, rather than have these efforts be tied to specific individuals or projects...”
 - ii. “... underrepresentation of social science within the agency makes it difficult to communicate the value and importance of the work and mobilize that work to inform management decisions. Lack of capacity is not only a practical constraint, but also an epistemological one, reinforcing a culture within NMFS that values particular kinds of science, data, and evidence.”