



NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Results of Commerce OIG's Online Survey of Fishery Management Council Members and Staff

FINAL REPORT NO. OIG-13-022-I

APRIL 5, 2013

U.S. Department of Commerce
Office of Inspector General
Office of Audit and Evaluation

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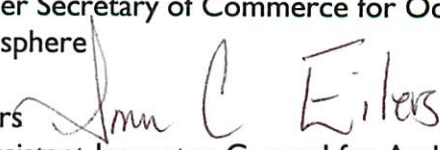




UNITED STATES DEPARTMENT OF COMMERCE
Office of Inspector General
Washington, D.C. 20230

April 5, 2013

MEMORANDUM FOR: Dr. Kathryn D. Sullivan
Acting Under Secretary of Commerce for Oceans
and Atmosphere

FROM: Ann C. Eilers 
Principal Assistant Inspector General for Audit and Evaluation

SUBJECT: *Results of Commerce OIG's Survey of Fishery Management Council
Members and Staff*
Final Report No. OIG-13-022-1

Attached are the results of our online survey of Fishery Management Council (FMC) members and staff. The purpose of the survey was to obtain an FMC perspective on fishery regulatory requirements, rulemaking, and improvements in fisheries management. This is our second report in response to a request from Congressmen Barney Frank and John F. Tierney to review fisheries management at NOAA's National Marine Fisheries Service (NMFS) and at the eight regional FMCs.

We asked FMC members and staff about interactions with NMFS and with the fishing industry and nongovernment organizations, regulatory requirements, FMC operations and training, and FMC compliance with the code of conduct.

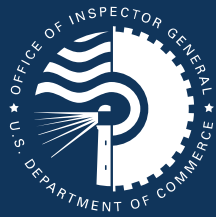
In general, responses to the survey were positive. Most survey participants were satisfied with their interactions with NMFS, as well as with the fishing industry and nongovernment organizations. Suggestions to improve collaboration between NMFS and FMCs mainly involved occurrence and methods of communication, participation from NOAA's Office of the General Counsel, and outreach and transparency to stakeholders.

FMC members and staff also believed that FMCs and NMFS were complying with the Magnuson-Stevens Fishery Conservation and Management Act and the FMC code of conduct. Nonetheless, when asked to select the "top three problems in the fishery management plan development and amendment processes," respondents chose complexity of the process, timeliness, and public distrust.

Finally, less than a third of survey respondents rated FMC training as effective (most selected "Neutral" or "Don't know" for questions regarding training). When asked about successful practices at their FMCs, respondents cited public participation, consideration of public input, and outreach and public education.

We thank the FMC members and staff who completed the survey. If you have any questions about this report, please contact me at (202) 482-2754 or Andrew Katsaros at (202) 482-7859.

Attachment



Report In Brief

APRIL 5, 2013

Background

We sent this survey to 292 fishery management council (FMC) members, member designees, and staff. Seventy nine percent of survey recipients (235 persons) responded.

NOAA's National Marine Fisheries Service (NMFS) is responsible for the management and conservation of living marine resources within the statutorily prescribed areas in the U.S. Exclusive Economic Zone: the area extending from 3 to 200 nautical miles offshore. NMFS provides scientific and policy leadership in the international arena and plays a key role in the management of living marine resources in coastal areas under state jurisdiction while implementing conservation and management actions aimed at sustaining long-term use and promoting the health of coastal and marine ecosystems. NMFS and FMCs work together to develop fisheries management strategies and rules for the commercial and recreational fishing industries.

In the fisheries management process, FMCs partner with NMFS, state agencies, and other federal agencies.

For the 5-year period from January 2010 to December 2014, NOAA awarded nearly \$100 million in grants and cooperative agreements to the FMCs.

Why We Did This Review

The purpose of the survey was to obtain an FMC perspective on fishery regulatory requirements, rule-making, and improvements in fishery management.

This is our second report in response to a request from Congressmen Barney Frank and John F. Tierney to review fisheries management at NMFS and at the eight regional FMCs.

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OIG-13-022-1

WHAT WE FOUND

Below are highlights of the survey responses by topic.

Interactions with NMFS. We asked FMC members and staff to describe the effectiveness and frequency of verbal and written communications with NMFS and fishery management planning activities and assessed whether respondents are satisfied with NOAA's replies to FMC inquiries on fisheries management and rulemaking. Forty-three percent rated NMFS written guidance as effective, and 6 percent rated it as ineffective. Other respondents either were neutral or said they did not know. In addition, 70 percent of survey participants said they were usually satisfied with responses they had received from NMFS.

Regulatory requirements. We solicited respondents' views on compliance with the requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Seventy-two percent of respondents rated the FMCs as effective, and 3 percent rated the FMCs as ineffective. Also, 53 percent rated their NMFS Regional Office and Science Center as effective, and 6 percent rated them as ineffective.

Interactions with the fishing industry and nongovernmental organizations. We asked respondents for their opinions on communication between the FMCs and advocacy groups. Sixty-eight percent of respondents said their region was effective at reaching out to the public in the development of fishery management actions, and 7 percent rated the region as ineffective.

FMC operations and training. We asked respondents to evaluate whether the training and guidance they receive are effective and prepare them to accomplish their work. Nineteen percent of FMC members rated the NMFS regulatory training program as effective, and 4 percent rated it as ineffective. When questioned about the effectiveness of training received after joining the FMC as a council or staff member, 29 percent indicated that training was effective, and 8 percent found training ineffective.

Rules of conduct, conflict of interest, and ethics. We asked respondents about compliance with the rules of conduct and whether practices relating to ethical behavior and detection of undisclosed potential conflicts of interest are effective. Forty-six percent of respondents said they were confident that current procedures detected and prevented conflicts of interest, and 14 percent were not confident. Similarly, 47 percent were confident that procedures detected and prevented code of conduct violations, and 8 percent were not confident.

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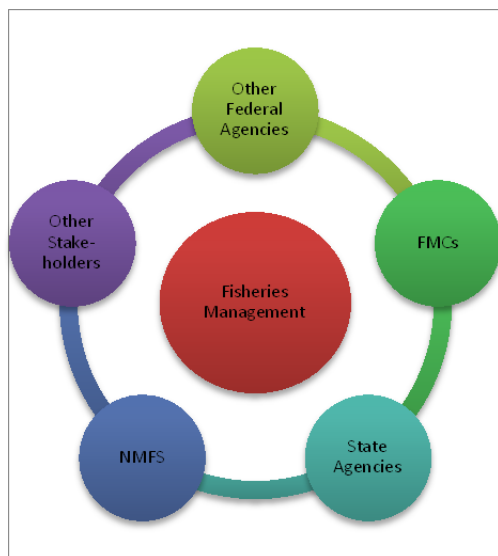
*COVER: Detail of fisheries pediment,
U.S. Department of Commerce headquarters,
by sculptor James Earle Fraser, 1934*

Introduction

This report contains the results of OIG's online survey of Fishery Management Council (FMC) members and staff. The purpose of the survey was to obtain an FMC perspective on fishery regulatory requirements, rulemaking, and improvements in fisheries management. We sent the survey to 292 FMC members, member designees, and staff. As described in appendix A, 79 percent of survey recipients (235 persons) responded. Appendix A also contains the scope and methodology of this phase of the review and the survey response rates for each FMC.

This is our second report in response to a request from Congressmen Barney Frank and John F. Tierney¹ to review fisheries management at NOAA's National Marine Fisheries Service (NMFS) and at the eight regional FMCs.

Figure 1. Fisheries Management Partners



NMFS is responsible for the management and conservation of living marine resources within the statutorily prescribed areas in the U.S. Exclusive Economic Zone (EEZ)—the area extending from 3 to 200 nautical miles offshore. NMFS provides scientific and policy leadership in the international arena and plays a key role in the management of living marine resources while implementing science-based conservation and management actions aimed at sustaining long-term use and promoting the health of coastal and marine ecosystems. Within this context, NMFS and FMCs work together to develop fisheries management strategies and rules for the commercial and recreational fishing industries.

In the fisheries management process, FMCs partner with NMFS, state agencies, and other federal agencies (as shown in figure 1).

FMCs allow for regional, participatory governance by knowledgeable people with a stake in fisheries management. FMCs prepare, monitor, and revise fishery management plans (FMPs) and data collection programs for domestic and foreign fishing within the EEZ. This is done with approval and implementation by the Commerce Secretary, who has stewardship responsibility for living marine resources in the EEZ under the Magnuson-Stevens Fishery Conservation and Management Act (MSA).²

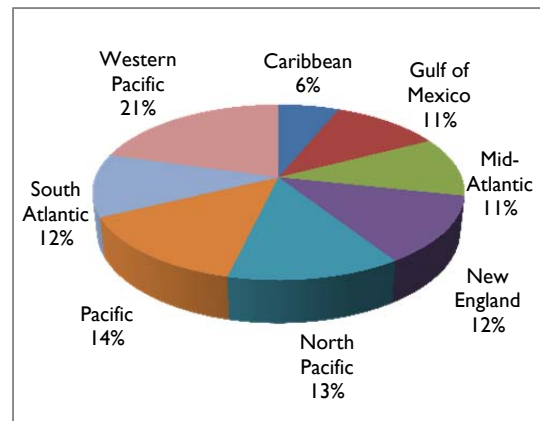
¹ August 17, 2011, letter from Congressmen Barney Frank and John F. Tierney to the Department of Commerce Inspector General.

² 16 U.S.C. § 1801 *et seq.*

For the 5-year period from January 2010 to December 2014, NOAA awarded nearly \$100 million in grants and cooperative agreements to the FMCs (see figure 2). The funding covers operating expenses such as staff salaries, office space, public meeting costs, travel, and compensation to eligible FMC members.³

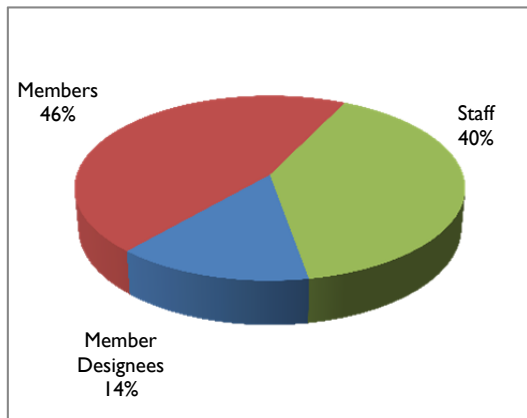
In addition to the resources provided to FMCs for operations, FMCs can apply for other NOAA-funded grants and cooperative agreements. For instance, for the period spanning from 2010 to 2014, NOAA awarded the Western Pacific FMC seven grants and agreements in addition to its cooperative agreement for operations. The largest covers expenses related to conservation and management efforts to address fisheries interactions with protected species. Another helps implement projects to provide relief to Hawaiian fishermen whose annual bigeye tuna quotas are not sufficient to meet market demand and provides technical assistance to American Samoa as it develops a bigeye tuna fishery.

Figure 2. FMC Funding from NOAA



Source: OIG analysis of data from NOAA's Grants Online system

Figure 3. FMC Members and Staff



Source: OIG analysis of information on FMC web sites

FMCs and NMFS manage 46 FMPs. NMFS regional offices, NMFS components, and FMCs actively participate in the early stages of fisheries management actions (frontload⁴ development), as well as the continued analysis, evaluation, and implementation of these actions. Deliverables from these efforts include FMPs, FMP amendments, proposed and final rules, annual harvest specifications, and in-season management actions. NMFS also assists in the development, review, and implementation of FMC-proposed actions. As shown in figure 3,

³ Each FMC has voting and nonvoting members. Voting members who are appointed by the Commerce Secretary and not employed by federal, state, or local government receive compensation for time spent at meetings and when officially representing the FMC or conducting official business of the FMC. The MSA established 114 voting members on the eight FMCs: the NMFS regional administrators, state marine fisheries management officials, and individuals appointed by the Commerce Secretary.

⁴ *Frontloading* refers to active participation of FMCs and key NMFS staff (e.g., Sustainable Fisheries, Protected Resources, and Habitat Conservation divisions, as well as economists, social scientists, and legal counsel) at the early stages of fisheries management action development. The goal is to ensure that to the extent practicable, all significant legal and policy issues will be identified early in the process.

the approximately 295 positions at the eight FMCs include staff, members, and member designees.⁵

Survey Results

This section of the report contains respondents' answers to direct questions in the survey and summaries of their responses to questions requiring a written explanation. We did not conduct follow-up interviews or detailed analyses of their answers.

Interactions with NMFS

The first of five topics in the survey asked FMC members and staff to describe the effectiveness and frequency of verbal and written communications with NMFS,⁶ covered fishery management planning activities, and assessed whether respondents are satisfied with NOAA's replies to FMC inquiries on fisheries management and rulemaking. We asked four direct questions and allowed respondents to describe their ideas to improve interactions with NMFS.

Questions and responses

1. How would you rate the written guidance (including resources that are available online) that NMFS provides to FMCs for the development of fishery management actions?

Answer Options	Response Rate (%)
Effective	43
Neutral	39
Ineffective	6
Don't Know	12

2. How often do you directly communicate with NMFS employee(s) or office(s)?

Answer Options	Response Rate (%)
One or more times each week	38
One or two times each month	35
One time each quarter	16
Less than one time each quarter	11

⁵ The MSA allows state officials, federal officials, and the Indian Tribal representative on the Pacific FMC (all of which are voting FMC members) to designate an alternate to sit in his or her place on an FMC. 16 U.S.C. § 1852(b)(1)(A)-(B), (b)(5)(D). Requirements for FMC designees for voting members are codified in implementing regulations at 50 C.F.R. §§ 600.205 and 600.207. Nonvoting members representing the U.S. Coast Guard, Department of State, and the Marine Fisheries Commissions may also designate an alternate, although they are not required to do so by the MSA. Designees have knowledge about fishery management actions and understand the responsibilities of an FMC member.

⁶ In this report, NMFS includes NMFS headquarters in Silver Spring, Maryland, six regional offices, six science centers, and the NOAA Office of the General Counsel.

3. When you have questions about FMP development or amendments or rule development, how satisfied are you with the response you receive from NMFS?

Answer Options	Response Rate (%)
Usually satisfied	70
Rarely satisfied	12
Never satisfied	0
No interactions	18

4. In your region how effective is preplanning, frontloading (early review of draft documents to ensure that significant legal and policy issues are identified and managed, to the extent practicable), and balancing workload?

Answer Options	Response Rate (%)
Effective	39
Neutral	31
Ineffective	15
Don't know	15

Improving interactions between NMFS and FMCs

NMFS regional offices coordinate directly with their FMCs to assign and manage responsibilities related to fisheries actions. Because region–Council pairs are unique in terms of the fisheries managed and the number of FMCs working with an NMFS regional office, specific approaches to planning and prioritizing work vary. Although NMFS regional offices have autonomy in working with the FMCs in their region, given the complexity of some of the documents that FMCs and NMFS prepare and the long timelines involved in developing and implementing fishery regulations, there is commonly room to improve communications. Therefore, we asked respondents to “describe ideas that you have for improving interactions and communication with NMFS headquarters, regional offices, science centers, and NOAA Office of the General Counsel (GC) as it relates to development and implementation of fishery management actions and regulations.” Sixty-one percent of the respondents’ comments fit into three broad categories.

Collaboration Between NMFS and FMCs

Response Category	Percentage Whose Response Fits into This Category
Change the occurrence and methods of communication between NMFS and the FMCs	37
More participation from NOAA GC	13
Improve outreach and transparency to stakeholders	11

The rest of the responses we received to this question were dissimilar and scattered across many categories. Consequently, fewer than 10 percent of the comments fit into these categories: Greater involvement early on from NMFS headquarters; More consistent participation and help from NMFS in preparing documents; Simplify and increase FMC access to NOAA libraries and data; and Improve coordination with states (e.g., NMFS actively reaching out to the states and others to seek more grassroots understanding and input when dealing with quota monitoring and updates to landings data⁷).

Regulatory Requirements

The second topic in the survey focused on respondents' views on compliance with the regulatory requirements of the MSA and the top challenges that the regional FMCs and NMFS face in managing fisheries in compliance with the legislative mandate.

Questions and responses

- I. How effective is your FMC when it comes to meeting the requirements of the MSA national standards?⁸

Answer Options	Response Rate (%)
Effective	72
Neutral	17
Ineffective	3
Don't know	8

⁷ Landings data is information on the amount of fish caught and landed per year.

⁸ The national standards are statutory principles described in the MSA that must be followed when developing, amending, and implementing FMPs.

2. How effective are your NMFS Regional Office and your Science Center when it comes to meeting the requirements of the MSA national standards?

Answer Options	Response Rate (%)
Effective	53
Neutral	28
Ineffective	6
Don't know	13

3. In your region, what are the top three problems in the fishery management plan development and amendment processes?

Answer Options	Response Rate (%)
Complexity of the process	67
Timeliness	44
Public distrust	36
Inadequate staff/resources	35
Unreliable scientific information	33
Other	32
Excessive external influence from industry	17
Redundancy	12
Poor management in general	3

In the Other category, respondents could explain in their own words the top problems in the FMP development and amendment processes. Twenty-five respondents mentioned that insufficient (and limitations of the) data are a significant issue. Their concern extended beyond the science relating to species and stock assessments. Some respondents pointed out an absence of adequate social, economic, and landings information, which affects fisheries management and decision making. Respondents emphasized that the information is not necessarily unreliable but in some instances is unavailable or incomplete. Among this group, the consensus was that NOAA should greatly improve the quality, quantity, and timeliness of data.

The remainder of the comments in the Other category included criticisms of the makeup and composition of the FMCs, intrusion (from NOAA and advocacy groups) into FMC decision making, and insufficient coordination and workload planning between NOAA and the FMCs. An example shared by one respondent was an inability to set (and stick to) priorities while taking into account the realities of limited staff and resources.

4. To what extent are the economic and social impacts of fishing regulations given adequate consideration in the fishery management and decision-making processes?

Answer Options	Response Rate (%)
To a great extent	35
Somewhat	34
To a small extent	18
Not at all	3
Don't know	10

5. In your region are all sectors (such as commercial and recreational interests) fairly represented on the Council?

Answer Options	Response Rate (%)
Yes	74
No	16
Don't know	10

FMC member and staff ideas for improving FMP and rulemaking processes

We asked respondents, "If you could make any changes you saw fit, what modifications would you make to improve the FMP development, amendment, or rulemaking processes?" Of the 168 FMC members and staff who answered the question, the responses fell into seven categories, which we list in the table below.

Suggested Changes to FMP Development, Amendment, or Rulemaking Processes

Response Category	Percentage Whose Response Fits into This Category
Streamline the process	38
Improve the quality of the data	17
Change the management philosophy	14
Increase funding, staffing levels, and define job duties	11
Improve communication	10
Increase transparency, simplify language in documents, and other comments (such as define the meaning of best available data, implement a complaint hotline, improve the quality of legal advice, and improve training)	9
No changes necessary	1

Interactions with the Fishing Industry and Nongovernment Organizations

Questions in the third section of the survey focused on communication between the FMCs and advocacy groups that have a stake in the fisheries management process and the resulting regulations.

Questions and responses

1. How effective is your region in reaching out to and encouraging public participation and input in the development and amendment of fishery management actions?

Answer Options	Response Rate (%)
Effective	68
Neutral	22
Ineffective	7
Don't know	3

2. To what extent does the FMC consider public comments when developing fishery management actions?

Answer Options	Response Rate (%)
Always	76
Sometimes	17
Never	2
Don't know	5

3. To what extent does input from fishing groups influence the fishery management and decision-making process?

Answer Options	Response Rate (%)
To a great extent	34
Somewhat	55
Not at all	1
Don't know	10

4. To what extent does input from environmental advocacy groups influence the fishery management and decision-making process?

Answer Options	Response Rate (%)
To a great extent	25
Somewhat	61
Not at all	3
Don't know	11

Improving the relationship between FMCs and stakeholders

When given the chance to describe suggestions to improve the relationship among the FMCs, the fishing industry, and other stakeholders, respondents' comments fit into the categories listed in the table below.

Suggestions to Improve the Relationship Among FMCs, the Fishing Industry, and Other Stakeholders

Response Category	Percentage Whose Response Fits into This Category
More meaningful engagement and outreach (specifically two-way, informal, and community-specific interactions)	46
Improved science (by providing more funding, give science a higher priority, and increase use of socioeconomic information and science from external sources)	14
Improve accessibility to FMC meetings (in terms of location and increased use of online access to meetings, such as webinars)	8
Other (includes bringing stakeholders into the scoping and planning processes earlier, ^a decreasing external influences, simplifying the regulations, increasing FMC flexibility in response to changing external factors such as economic conditions and public input, and using advisory panels more effectively)	32

^aThis suggestion predominately comes from the four FMCs on the East Coast: New England, Mid-Atlantic, South Atlantic, and Gulf of Mexico.

Fishery Management Council Operations and Training

The fourth topic in the survey asked respondents to evaluate whether the training and guidance they receive are effective and prepare them to accomplish their work. For FMC members and member designees in particular, the questions in this part of the survey were intended to evaluate whether NMFS provides the information that they need to make informed decisions.

Questions and responses

1. Rate the effectiveness of the NOAA Fisheries regulatory training program.⁹

Answer Options	Response Rate (%)
Effective	19
Neutral	25
Ineffective	4
Don't know	52

2. How effective was the training you received when you joined the Council or became a Council staff member?

Answer Options	Response Rate (%)
Effective	29
Neutral	43
Ineffective	8
Don't know	20

3. Have you received training on your Council's Standard Operating Policies and Procedures¹⁰?

Answer Options	Response Rate (%)
Yes	52
No	42
Don't know	6

4. How often have you attended presentations or training hosted by organizations other than your regional Council or NMFS?

Answer Options	Response Rate (%)
Monthly	2
Quarterly	8
Once or twice each year	50
I have not attended presentations or training	40

⁹ The MSA has a training requirement for newly appointed FMC members. 16 U.S.C. § 1852(k). The mandatory training course is available to existing FMC members and staff as well as staff from NMFS regional offices and regional science centers. Generally FMC staff attend the training as resources allow. To ensure new members satisfy the training requirement, the NMFS Office of Sustainable Fisheries Regulatory Services Division tracks attendance. If newly appointed FMC members cannot attend the first training, they are invited to complete their training the next year.

¹⁰ This question refers to the requirement stated at 16 U.S.C § 1852(f)(6) that each Council shall determine its organization, and prescribe its practices and procedures for carrying out its functions under this Act, in accordance with such uniform standards as are prescribed by the Secretary. Each Council shall publish and make available to the public a statement of its organization, practices, and procedures.

Guidance to FMC members and staff

Eighty-one FMC members and staff provided a reply to our request that they “describe information you have about Council operations or fishery management processes that would have been helpful or advantageous to have known earlier.” Many of the responses are unique, and the table that follows puts the comments we received into broad categories.

Information That Would Have Been Helpful Earlier

Response Category	Percentage Whose Response Fits into This Category
Knowledge of the MSA; information on fishing regulations, FMC operating procedures, and NEPA	46
Various statements about the MSA and the respondent’s region; further explained their response to other questions in the survey	28
Time-consuming nature of the FMC and complexity of the FMP amendment process	14
Better understanding of roles and responsibilities of NMFS and FMCs	10
Shortcomings of OIG survey and other data	2

Successful practices at FMCs

We asked the survey respondents to tell us what their FMC does well, which other FMCs should consider implementing. Six of the eight FMCs indicated that in their region, public participation, consideration of public input, and outreach and public education are strengths. Additionally, about half of the FMCs identified other areas in which they perceived that they have done well.

Areas Where the FMCs Are Doing Well

Region	Summary of Comments
New England	Cited the Marine Resource Education Program ^a as an accomplishment that other FMCs could follow
Mid-Atlantic	Noted the value it has gained from visioning, risk assessment, and strategic planning activities
South Atlantic and Gulf of Mexico	Referred to informal public meetings such as question-and-answer sessions with the NMFS regional administrator, which are held after Council meetings and suggested that these and other nonadversarial interactions engage the public and improve relationships
Pacific	Recommended posting documents on the FMCs' website to ensure that relevant information is accessible and easily located
Western Pacific	Advocated understanding local culture and using that knowledge to accommodate and educate the regulated public
Southeast	Identified use of interdisciplinary planning teams (IPTs) ^b as an approach to strategic planning that works well

^aThe Marine Resource Education Program is a professional development program that brings fishermen, scientists, and managers together in a neutral setting, providing an opportunity to explore both differences and common goals outside of the regulatory forum.

^bIPTs are formed as needed to address fisheries management actions. They include staff from NMFS headquarters, the Southeast Regional Office, the Southeast Fisheries Science Center, NOAA's Office of Law Enforcement, NOAA GC, and FMC partners. An IPT scoping document covers all assigned roles, tasks, and deadlines to be accomplished. While IPTs are not new conceptually, their use is currently limited to the Gulf of Mexico and Caribbean FMCs. Benefits of IPTs include accountability, timeliness of input from internal stakeholders, and increased ability to identify and address concerns earlier in the process.

Rules of Conduct, Conflict of Interest, and Ethics

The fifth section of the survey asked respondents to share their opinion on compliance with the rules of conduct and whether practices relating to ethical behavior and detection of undisclosed potential conflicts of interest are effective. The Department of Commerce Ethics Law and Programs Division, Office of the Assistant General Counsel for Administration has issued written Rules of Conduct for Members of FMCs¹¹ (and a separate document addressing the Rules of Conduct for Staff and Advisors of FMC¹²). The documents emphasize the importance of maintaining a high standard of conduct to ensure public confidence in the actions of the FMCs. To meet the financial disclosure requirements stated in the MSA¹³, NOAA asks that the voting council members and council member nominees disclose financial interests on a Statement of Financial Interests form.

¹¹ The document covers the specific rules that apply to each type of FMC member—public member, Federal official and state government official.

¹² The document summarizes the statutory and regulatory conduct rules that apply to FMC staff. FMC staffs are subject to ethics regulations issued by NOAA for all FMC employees.

¹³ 16 U.S.C. § 1852(j)(2)

Questions and responses

1. How confident are you that the current procedures and practices detect and prevent potential conflicts of interest?

Answer Options	Response Rate (%)
Confident	46
Somewhat confident	29
Not confident	14
Don't know	11

2. How confident are you that the current procedures and practices detect and prevent code of conduct violations?

Answer Options	Response Rate (%)
Confident	47
Somewhat confident	29
Not confident	8
Don't know	16

3. Generally how ethical do you perceive your Council to be?

Answer Options	Response Rate (%)
Always ethical	76
Sometimes ethical	22
Rarely ethical	2

Other Comments and Suggestions

We reserved space at the end of the survey for respondents to write about any topic or issue that they consider important that we did not include in the questionnaire. We received 72 comments that were responsive to the request, and the statements we received varied, without a majority of respondents commenting on a specific area. In some instances, the FMC member or staff wrote about a topic that was covered in the questionnaire. The table below lists the categories of responses we received.

Topics Not Included in Questionnaire

Response Category	Percentage of the Comments That Fit in This Category
Various statements from respondents (such as better policy for working with nongovernment organizations, increase efforts to get local buy-in and ownership in the process, and improve credibility by reaching out to state and local partners more)	36
Perceptions of bias in the FMP development and rulemaking processes	20
Improvements and features of scientific information and the design of catch share programs	15
Funding, adequacy of resources	8
Various statements on the features of regional oversight and distribution of work between FMCs and NMFS	8
Clarity on conflict of interest and ethics	7
Various comments on issues related to MSA and national standards	4
Handling litigation and responses to Freedom of Information Act (FOIA) requests	2

Appendix A: Survey Methodology and Response Rates

This report is based on an online survey of the staff and members at the eight regional FMCs. We sent the survey to 292 persons, comprising all FMC staff, members, and member designees. Our questions covered the following general areas: respondent information and background, interactions with NMFS, regulatory requirements, interactions with the fishing industry and nongovernment organizations, FMC operations and training, and code of conduct/ethics.

To ensure that the survey questions were well-written, we asked two knowledgeable employees at the NMFS Northwest Regional Office Sustainable Fisheries Division and our in-house subject matter expert to read the survey, identify questions that lacked clarity, and provide suggestions for improvement. We modified the survey to minimize question bias and to ensure it contained the most relevant information. We used SurveyMonkey to conduct the survey and sent e-mails to FMC staff, members, and member designees, so that they could access the survey. Respondents had 2 weeks to complete the survey.

When the survey ended on June 27, 2012, 79 percent of FMC staff, members, and member designees had responded. Table I summarizes response rates by FMC/region.

Table I. Survey Response Rate by FMC/Region

FMC/Region	Responses	Population	Response Rate (%)
Caribbean	14	22	64
Gulf of Mexico	35	44	80
Mid-Atlantic	32	40	80
New England	38	43	88
North Pacific	22	28	79
Pacific ^a	33	52	63
South Atlantic	32	33	97
Western Pacific	25	33	76
Subtotal	231	295	—
Multiple regions	4	4	—
Total	235	299	79

^aWhen we closed the survey, the Pacific region had an FMC meeting coming up, which may explain their lower response rate.

Four of the respondents are officially members or member designees for two or more FMCs. For these respondents, we created the separate category Multiple regions. This expansion increased the regional population count by seven.¹⁴

¹⁴ We derived the count of seven as follows: Survey respondents included two NOAA employees who participate in three FMCs (causing a duplication of four), one NOAA employee who participates in two FMCs (causing a duplication of one), and one Atlantic States Marine Fisheries Commission employee participates in three FMCs (causing a duplication of two).

In total, 18 respondents indicated that they work with more than one regional FMC: 14 FMC members, 2 FMC member designees, and 2 FMC staff. However, 14 of them are not officially assigned to multiple FMCs, so we associated those 14 responses with their official FMC.

Of those who did not reply to the survey, some were on leave or special assignment. Some began but did not complete the survey, possibly because their specific job as FMC staff or their short tenure in their current position left them feeling that they could not adequately and objectively respond to the questions.

Respondents are affiliated with advocacy groups or government and represent various sectors of the fishing industry. Figure 4 summarizes respondents by the sector represented or other affiliation. Table 2 summarizes respondents by the position held at the FMCs.

We conducted this review under the authority of the Inspector General Act of 1978, as amended, and Department Organization Order 10-13, dated August 31, 2006, as amended. We conducted the review in accordance with the Quality Standards for Inspection and Evaluation (January 2011), issued by the Council of Inspectors General on Integrity and Efficiency.

Figure 4. Survey Respondents by Employer or Section Represented

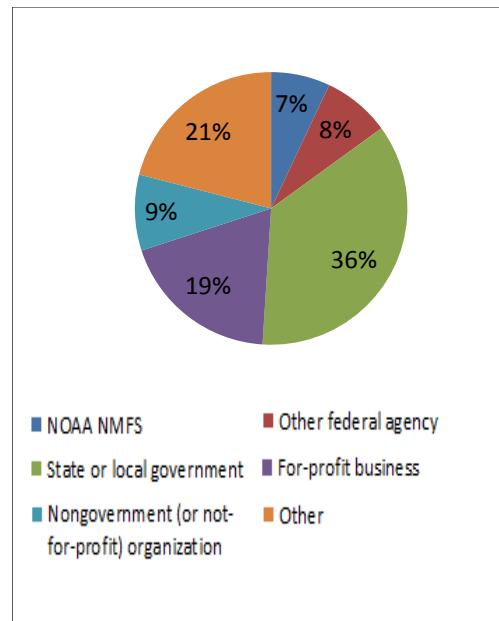


Table 2. Survey Response Rate by Respondent Position

Respondent Position	Response Count	Population	Response Rate (%)
FMC member	94	132	71
FMC member designee	29	46	63
FMC staff	112	121	93
Total	235	299	79

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