



**Western
Pacific
Regional
Fishery
Management
Council**

October 5, 2021

The Honorable Jared Huffman
1527 Longworth House Office Building
Washington, D.C. 20515

The Honorable Ed Case
2210 Rayburn House Office Building
Washington, D.C. 20515

Dear Representatives Huffman and Case,

Thank you for the opportunity to provide comments on H.R. 4690, the *Sustaining America's Fisheries for the Future Act* which provides potential updates to the Magnuson-Stevens Fishery Conservation and Management Act (MSA). The Western Pacific Regional Fishery Management Council (Council) reviewed the bill at its 187th meeting in September and discussed how several provisions, if enacted, could disproportionately impact the fisheries management in the Pacific islands. The comments herewith focus on the impacts of the proposed legislation, and are not intended to express support or opposition to any element of the bill.

In general, the current provisions in the MSA have worked for fisheries in the Western Pacific by balancing the need to prevent overfishing and protecting endangered and threatened species while maintaining a well-managed sustainable harvest. This approach has benefited our nation's fisheries and local island communities alike. The MSA also serves as a global gold standard for fisheries management. Furthermore, the management framework and conservation measures developed for US Western Pacific fisheries by the Council have been adopted internationally by regional fishery management organizations.

Transparency and public involvement are foundational elements of MSA for carrying forward fisheries management decision making. Retaining these elements, as well as including MSA's current regional adaptability mechanisms, in any proposal remain key for effectively managing the fisheries of our diverse region. The Western Pacific region is unique, made up of several island chains with four distinct indigenous communities and traditions that are dependent on the ocean for food security, recreation, and cultural identity. Our communities consume nearly double the national average of commercial fish and shellfish, but also rely heavily on subsistence for their food security. The Western Pacific fishing communities are underserved and experiencing disproportionate levels of poverty and lack of food resources in comparison to the rest of the continental US. National level definitions and provisions that afford regional flexibility safeguard these regional differences and avoid unnecessary implementation challenges. Essential fish habitat, forage fish, bycatch reporting and subsistence fishing are examples of key provisions that would benefit from a flexible implementation approach nationwide.

The proposal includes additional reporting and planning requirements intended to monitor fisheries performance and the effects of management measures in relation to climate change. These requirements could pose a significant challenge for the less developed, culturally based fisheries in the Western Pacific. There is limited capacity to satisfy these requirements, and also potential impacts regarding how the reporting and planning would be used as part of the management decision making process. For example, the application of ACLs alone in our region has significantly impacted our data-limited cultural and artisanal fisheries. Pacific Island data collection systems were not designed for, nor evolved to support, the sophisticated stock assessments to support and implement ACL management. The consequences of a management decision based upon faulty science, or an incomplete picture, can be significant for subsistence-based communities, which cannot simply reconfigure for other fisheries. In addition, merging environmental climate data with highly variable, data-limited fishery dependent data could amplify the already existing large uncertainties and impact, and compete with the Council's current obligations.

The Council's fishery ecosystem plans (FEPs) by design inherently address climate change through an iterative and adaptive process of fisheries management. The Council is obligated to incorporate best scientific information available, including the externalities and uncertainties impacting fishery resources due to climate change in a responsive manner. Climate change is a long-term driver that the existing Council process addresses through this FEP framework. The proposed climate change provisions would appear to introduce redundancy into the regulatory process.

The Council's detailed comments in reference to the language of H.R. 4690 are included in the enclosed document. A continued investment in the research and monitoring infrastructure coupled with management capacity within our region is essential for the Council to meet and fully realize our responsibilities under MSA. Thank you for taking our comments into consideration as part of this MSA reauthorization process. Faafetai Tele Lava, Mahalo Nui Loa, Un Dangkulu Na Si Yu'us Ma'ase and Olomwaay!

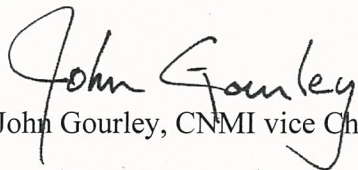
Sincerely,



Taotasi Archie Soliai, Chair



Kitty M. Simonds, Executive Director



John Gourley, CNMI vice Chair



Manny Duenas, Guam vice Chair



Roger Dang, Hawaii vice Chair



Taulapapa Will Sword, American Samoa vice Chair

Cc: WPRFMC Council Members
RFMC Executive Directors
Ms. Janet Coit
Mr. David Whaley

Encl: WPRFMC Comments on HR 4690



WPRFMC Comments on H.R. 4690

October 6, 2021

The following comments are provided on H.R. 4690, the **Sustaining America's Fisheries for the Future Act of 2021** by the Western Pacific Regional Fishery Management Council (Council) that would amend the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

Title 1: Climate-Ready Fisheries

Sections 101-105 of the bill would require Councils to address the impacts of environmental conditions associated with climate change on fish stocks, marine ecosystems, fisheries management, and coastal communities. Proposed amendments to the MSA would require changes to the content of fishery management plans (FMPs), fisheries research priorities, and Council training.

Climate change may lead to shifting distributions of highly migratory species that constitute the majority of landings in the Western Pacific and impede the productivity of island-associated species that sustain island communities. Climate change may cause highly migratory fisheries that target tunas and billfish to redistribute relative to dynamic oceanic habitats. In contrast, island-associated fisheries may not be capable of redistributing to favorable areas, leading to the loss of fishery resources for vulnerable communities. As valuable highly migratory tuna stocks are predicted to shift eastward under plausible climate change scenarios into the future, the Council will need to ensure the ability for the US fishery to continue to have access to these resources and for those fisheries to become resilient to climate change. The Council has included in its Fishery Ecosystem Plans (FEPs) an objective to consider the implications of climate change in Council decision making. Existing MSA provisions have the ability and flexibility for the Councils to take this into account. The Council's FEPs are already adaptive by design and allow for the incorporation of scientific information as it comes available to inform Council decision-making, well in advance of impacts of climate change to materialize as abatable threats on our fisheries.

Additional provisions that require Councils to amend FEPs would be an increased workload without substantial certainty that these efforts have added benefits to address threats posed by climate change, given the lack of data in the region to support or inform many of these proposed obligations. Stock assessments and management strategy evaluations are required to project risks and uncertainty associated with future climate scenarios into future biomass dynamic scenarios that are often already associated with inflated levels of uncertainty. These stock assessments are already challenging due to the limited nature and quality of fishery data available, making improving data collection paramount in order to even begin to address climate change in decision-making. Otherwise, these requirements would only exponentially increase the regional challenges. Funding and resources are needed to conduct research and collect data to determine impacts prior to the Council being able to analyze and address those

impacts to the fisheries. Federal agencies tasked with providing best scientific information available for fisheries management decisions already assume the burden to incorporate external drivers impacting fisheries, such as climate change, in scientific information used for Council decisions.

Section 102: Promoting Climate Resilience in Fisheries Management

This section includes a proposal to add a new Section 322-Increasing resilience of fish stocks to climate change, which would require the Secretary to assess the vulnerability of fish stocks within each Council area and make recommendations to each Council to conserve and protect those stocks. Each Council would be required to publish a plan to prioritize management actions to increase resilience.

This provision would result in a top-down approach to management where the Secretary/NMFS would tell the Councils which species they should be managing and provide recommendations for management. MSA was set up to provide a bottom-up approach to management with the fishing community informing the Council and NMFS which species need conservation and management.

Fish Stock Vulnerability Assessment (FSVA) Workshops were held by NMFS and the regional Councils participated in the process. Conducting a vulnerability assessment would be a substantial undertaking and significant resources would be needed to conduct a regular update on a five-year cycle. Due to the nature of our region's limited funding resources to conduct the research needed for updating the FSVA, this effort would be difficult to achieve. Developing a separate plan to increase climate change resilience for priority management unit species will compete with the Council's current obligation to specify catch limits. As with other provisions, funding and resources are needed in order to carry out these provisions. Otherwise, this could become an unfunded mandate making it difficult for Councils and NMFS to effectively implement with existing resources.

Sections 104: Climate-ready Fisheries Innovation Program

This section would include the identification of research priorities to understand climate change on fisheries.

The Council is required to provide five-year research priorities and cooperative research priorities, so this would be easily accommodated. The development of research priorities for Section 104 could benefit from streamlining with the existing requirement to develop research priorities under MSA Section 302(h)(7). Identifying climate change research priorities does not necessarily guarantee funding availability. There is inequity in the distribution of research funding among the regional fisheries science centers. The Pacific Islands Fisheries Science Center does not receive the base funds to conduct large-scale research.

Section 201: Fishery Resource Disaster Relief

Under these proposed changes, the Fishery Disaster Relief program would be changed to Fishery Resource Disaster Relief and it includes additional anthropogenic and climate change causes that would qualify for disaster assistance.

The Fishery Disaster Relief program played an important part in American Samoa recovering from the tsunami in 2009, as well as Guam and CNMI recovering from major typhoons that hit in 2002 and 2018, respectively. This program provided funding for infrastructure, gear and vessel repair in the territories. This program will continue to be important as the islands continue to plan for the effects of climate change. The proposed language in HR 4690 provides prescriptive changes to the program and the fishing community would benefit from changes that do not limit its ability to receive funding for disasters to the fishery and fishing community.

Section 202: Subsistence Fishing

This section would define the term ‘subsistence fishing,’ which would include customary and traditional uses and customary trade. It also provides a definition for family and barter.

Subsistence fishing in the Western Pacific is the largest sector in many fisheries due to the reliance on the fisheries for food and culture. The proposed definition could assist in determining the impact of regulations on those non-commercial, non-recreational fishers. However, the harvest of the resources, particularly in the Western Pacific, can often straddle those definitions which then affect fishery management decisions such as sector allocation. Implementation of inclusive and flexible definitions allows for appropriate fishery management.

Section 302(g): Expanded SSC Duties and Responsibilities

This section would require the Council’s SSC to report on stock status and health, sources of mortality, bycatch, habitat status, social, ecological, economic impacts of management measures, and sustainability of fishing practices.

These duties have been assigned to the Council’s Plan Teams. National Standard 2 also puts some of these responsibilities to the Secretary of Commerce through the Stock Assessment and Fishery Evaluation Reports. The SSC’s role is to review this information and provide scientific advice to the Council if there are any emerging scientific issues that the Council needs to address. In contrast, the proposed language in the bill presents the SSC as a body that generates new information and conducts its own analysis, which would require fundamental changes on how the SSC operates.

Section 304: Council Procedures and Participation

This section would require that Councils hold roll call votes on all non-procedural matters, provide a webcast of the Council and Council Coordination Committee, and provide recordings or transcripts of meetings.

Mandating non-procedural roll call votes would result in an additional burden to the Councils as many of its actions are non-procedural. The Council votes on sending letters, administrative procedures, directing staff or its advisory committees, etc. Roll call votes are normally used for FEP and amendment actions. This provision would significantly increase the time spent on discussion and recommendations during meetings, lengthening meetings and perhaps delaying the agenda for members and the public.

Our Council has historically held teleconference meetings and is now operating through virtual meetings and strives to hold meetings in person to the extent practicable (funding, timing, etc). Plans are in place to accommodate the public participation and Council voting in meetings but not everything can be planned for (i.e. COVID-19). Councils need flexibility to adapt or modify procedures.

Including audio/video/transcripts on the Council's website would need to consider privacy and consent laws and may also discourage full discussion and participation by both members and the public. While Council meetings are public, there are concerns of discussions being taken out of context as well as inadvertent comments being captured on audio or in transcripts. Currently, reports or minutes of the Council and advisory group meetings are provided and maintained on the Council's website. Audio, video, or transcriptions are not currently collected and would require additional resources in order to meet this provision.

Section 305(a): Council Accountability and Membership

This section would deem Council staff as Federal employees with respect to any requirement that applies to Federal employees. Further, Council staff, members, and advisors would be subject to all rules and policies regarding ethics and sexual harassment that apply to Federal employees and could be held individually liable for their actions.

It is unclear what "shall be deemed federal employees with respect to any requirement that applies to federal employees" would entail providing to, or restricting from, Council staff. Council staff are not Federal employees under the MSA which allows for greater flexibility in Council operations and the ability to develop a different relationship with the fishing community. A restriction to Council staff by designation as federal employees could reduce its effectiveness in its relationship with the fishing community and the public.

Provisions that hold Council employees accountable to Federal ethics and sexual harassment policies may be redundant as Council staff, members, and advisors are required to adhere to the Rules of Conduct by the US Department of Commerce that provides federal guidance on ethics as well as on rules and policies. This document is updated annually and is used as a method of incorporating and updating policies for the Councils.

Section 305(c): Lobbying

This section would amend MSA Section 302 to prohibit the regional fishery management councils from using Federal funds to attempt to influence federal or state legislation as well as issuance, advancement, modification or overturning of an executive order, proclamation, or Presidential directive.

The regional fishery management councils are prohibited from using Council resources (including funds, equipment, and time) to lobby Federal or state/territorial legislation. Current prohibitions on lobbying are also included in the Councils' annual ethics training provided by NOAA General Counsel. The Councils, however, may provide factual information as a response to requests, and these requests and responses are documented with NOAA General Counsel.

A provision that prohibits the Councils from communicating with the executive branch does not allow for input as intended by the MSA. The Council operates under the Executive Branch of government as it provides recommendations to the Secretary of Commerce. In order to prepare and submit FMPs to the Secretary as described in the functions of the Council in the MSA, communication is required. This includes communication on the impacts of any non-legislative requirement or mandate that may affect the Council's fisheries or the Council's responsibilities to manage these fisheries under the MSA.

Additional proposed provisions to document communication of Council staff, members, and advisors with the Federal executive branch on non-routine fishery management communication would require an inordinate amount of monitoring, documentation, and tracking would be burdensome and require a significant amount of additional resources. The amount of documentation needed for the communication between the Council and NMFS would be enough to erode relationships and the ability to work effectively on regional and national fishery issues. In addition, documenting and publicly posting Council communications with NOAA General Counsel would violate any attorney-client privilege afforded to the Council.

Section 305(d): Voting Members

This section would amend the requirements pertaining to voting Council member appointments to include new required expertise, include additional expertise for Council membership, and appointing at least one individual who does not have a financial interest in matters before the Council.

Council expertise is currently not limited to commercial and recreational fishing and any provisions to require additional expertise is unnecessary. Current membership on the Council is not by sector but by expertise but as per MSA section 302(a)(2) "reflect the expertise and interest of the several constituent States in the ocean area over which such Council is granted authority." Apportionment to mandate the inclusion of the conservation community, scientists, and non-consumptive users could lead to fewer fishermen on the Council and impact the bottom-up approach to fisheries management instituted by the MSA. The MSA allows for those that are impacted by federal fishing regulations (i.e. fishers) to provide input directly into management. A dilution of input from Council members with direct fisheries expertise to a more general ecosystem, science, and conservation expertise could result in potentially uninformed and ineffective management decisions.

It is also unclear what the need is for appointing an individual who does not have a financial interest. MSA addresses financial interest through disclosure and recusal under limited circumstances, which ensures that those with relevant expertise in the fisheries are able to participate in management decisions. Council members are required to submit a conflict of interest statement that NOAA General Counsel reviews before decision making. Someone appointed without financial interest right now may eventually have a financial interest as fisheries management is constantly evolving and may present a financial interest in a future issue. This provision would increase the burden on the Council to review all potential interests now and in the future.

Section 306: Amendments to the Western Pacific Sustainable Fisheries Fund

This section would amend MSA Section 204(e) to make changes to the Marine Conservation Plans (MCP) process to require the Western Pacific Council to publish a Notice of Intent (NOI) before submitting an MCP to the Secretary for approval, limit what the objectives of the MCP may include, limit demonstration projects to waters beyond the state boundary, and require the state of Hawaii to develop a Marine Conservation Plan. In addition, this section would require the Secretary to establish a Western Pacific Sustainable Fisheries Fund Advisory Panel to evaluate and annually rank applications for grants. The panel would be comprised of members selected by the Governor.

The Western Pacific Sustainable Fisheries Fund (SFF) receives funds from foreign incursions that occur in the Pacific Island Remote Areas, from Pacific Island Area Fishing Agreements (PIAFA), and from other funding sources. Funds are used to support fisheries development, management, and conservation projects in the US territories consistent with Marine Conservation Plans (MCP) developed by the Governors for their respective territories and the Council for the PRIAs and Hawaii.

MSA section 204(e)(7) identifies the Western Pacific Council as the administrator of the SFF through grants provided through NOAA. Changing the administration of the SFF from the Council to an advisory group composed of government appointees may reduce transparency and limit input from the fishing community, which is afforded through the current process.

One section in the proposal would require the State of Hawaii to develop an MCP. The development of MCPs is a requirement for spending funds received through PIAFAs, foreign fishing incursion settlements, or the territorial bigeye tuna catch and allocation agreements. Currently, the State of Hawaii is not eligible to enter into a PIAFA, receive funds from foreign fishing incursion settlements, or enter into territorial bigeye tuna agreements. However, State of Hawaii projects can be included in the MCP for the Pacific Remote Island Area (PRIA) which is developed by the Council.

Another section in the provision would require the Council to publish a Notice of Intent to approve MCPs. Currently, territorial governments develop, draft, and publicly vet their three-year MCPs at a local level. Draft MCPs are transmitted to the Council for review and approval based on consistency with the goals and objectives of their respective Archipelagic FEP. The public is provided the opportunity for formal input at Council and advisory panel meetings, which are publicly noticed in the Federal Register. Following Council endorsement, the Governor transmits the final MCP to the Secretary of Commerce for review and approval. Once approved, the final MCP is published by NMFS in the Federal Register.

The University of Hawaii Pacific Island Network no longer operates as a functioning entity and therefore its inclusion in MCP may not be appropriate. The proposed language limits MCP projects to what is referenced in the MSA and to federal EEZ waters. These changes may reduce the state and territorial government's ability to fund projects that address important issues and needs in coastal and territorial waters.

Section 406: Recreational Data Consistency

This section would establish guidelines for recreational catch data with data standards to improve timeliness, accuracy, and precision. This would include measures for calibrating federal and non-federal sources for consistency. The Secretary would also be tasked with developing a strategic plan that would improve collaboration and prioritize research.

Recreational, or noncommercial, fishery data in the Western Pacific is the largest gap in fishery information. The information that is collected could be improved through this section. However, data standards, improvements, and research aligned with the existing Marine Recreational Information Program (MRIP), allowing for regional variations and flexibility. A recent National Academies of Science review of MRIP may provide additional information on the needs of recreational/noncommercial fisheries in the U.S.

Title V, Section 502: Essential Fish Habitat Consultation

This section would change Essential Fish Habitat (EFH), including consultations regarding federal agency action with adverse effects on EFH. It requires agencies and federal projects to minimize and mitigate adverse effects, monitor, minimize and evaluate Habitat Areas of Particular Concern (HAPC), and establish regulations for the consultation process.

This section would also remove “to the extent practicable” when describing and identifying EFH, require minimizing adverse effects on such habitat caused by fishing, and require HAPC to be identified and described.

Essential Fish Habitat is a useful tool despite the fact that conservation measures resulting from EFH consultations are recommendations rather than requirements. However, provisions in this section requiring agencies to take action on conservation measures would result in additional costs and resources without additional conservation benefits. The Council considers the impacts of its fishery management actions on EFH. Resources for additional provisions are better used to collect data to improve EFH and implement corresponding conservation measures.

The data available in the Western Pacific region to identify and describe EFH is limited. As such, EFH includes a broad sweep of areas with very little ability to pinpoint which areas are essential. This has resulted in coastal infrastructure zones and other areas important to the islands for commerce and trade to be delineated as EFH and thus fall victim to unintended consequences through increased costs and resources for mitigating impacts.

This section also includes the term “adverse effects” and defines the term as “any impact that reduces the quality or quantity of EFH.” The current EFH descriptions are too broad and insufficient to evaluate what an adverse impact may encompass, and couple with limited data could cause significant problems for FEP actions. In addition, the removal of “to the extent practicable” would require the Council to describe EFH based on limited data, further exacerbating these types of issues. Increased EFH consultations and implementation of conservation measures would require additional resources for data collection in order to properly mitigate adverse effects.

Section 503: Reducing Bycatch

This section would remove the words “to the extent practicable” for minimizing bycatch under NS9, add “quantification of bycatch” into FMP required provisions, add discretionary procedures to “consider full retention requirements for species with high catch mortality rates,” and add a standardized bycatch reporting program to assess the amount and type of bycatch in each fishery. It would also amend the Bycatch Reduction Engineering Program (BREP) to provide information to Councils and tribes.

MSA provisions that require the Councils to minimize bycatch and bycatch mortality “to the extent practicable” allow for the development of conservation measures that balance factors such as efficacy, practicality, safety at sea, and socioeconomic impacts. Consideration of these factors is critical to developing successful bycatch measures. Eliminating practicability considerations from bycatch provisions could also be interpreted as requiring Councils to prioritize minimizing bycatch over other responsibilities, such as managing fisheries to achieve optimal yield and addressing climate change impacts.

NMFS issued national guidance in 2017 for establishing and reviewing standardized bycatch reporting methodologies for fisheries managed under the FMPs (82 FR 6317). This guidance recognized that the methodologies should be standardized within a fishery, but may be different from fishery to fishery, based on bycatch characteristics and feasibility of data collection in each fishery. It appears that the proposed national standardized reporting program would replace the 2017 guidance by requiring a consistent methodology for all fisheries. Establishing a consistent data collection method across the nation is likely to be impractical and costly, considering the diverse range of scale and characteristics of fisheries. For example, fisheries managed under this Council include a small-scale precious coral fishery that uses a submersible to selectively harvest target species and a pelagic longline fishery that has a federal observer program to collect data on incidental interactions with protected species and other non-target bycatch species; consistent data reporting, collection, and assessment would not be practical for these two fisheries. A requirement for a national standardized reporting program would likely impose disproportionate impacts on fisheries in the U.S. Western Pacific, especially if the standards are based on large-scale, high-volume, and data-rich fisheries. Most of the fisheries in our region are small-scale and data-limited but are known to have minimal bycatch based on their fishery and gear characteristics. A nationally standardized requirement for bycatch reporting may require this region to implement costly and burdensome data collection programs not commensurate with known bycatch characteristics and management needs.

Section 504: Improving Rebuilding Outcomes

This section would change ‘overfished’ to ‘depleted’, and would change the rebuilding timeline from 10 years to the time the stock of fish would be rebuilt without fishing occurring plus one mean generation while including a 2-year review of rebuilding plans.

Ecosystem-based approaches to fishery management consider that the depletion of a species may be caused by factors other than fishing. The proposal to replace the term “overfished” with “depleted” in the MSA also recognizes that external factors may drive stock productivity and estimated management benchmarks, but may not necessarily address issues considered by an

overfished status. The rebuilding requirement for fisheries that have stock biomass below a threshold would remain the same, but the provision adds an obligation to account for any anticipated risks of depletion within a two-year timeframe to prevent the stock from reaching a depleted state. If the definition of depleted is to account for other reasons aside from fishing, ending overfishing does not guarantee the stock will rebuild. External factors on the stock driving the depletion would remain to make rebuilding that much more difficult. Fishery management measures primarily focus on catch or effort controls. If the cause of depletion is habitat degradation due to land-based pollution or climate change, then fishery management measures in the rebuilding plan cannot prevent the stock from reaching a depleted condition. The relationship between depletion resulting from fishing mortality becomes dissociated and management measures to control non-fishing mortality-based causes may be beyond the Council's jurisdiction.

The ten-year rebuilding timeframe may be arbitrary but is a concrete target as compared to the provision in this section that designates the timeframe as biomass in absence of fishing plus one generation time. This is particularly relevant to the Western Pacific region where data is limited and fishery management is based on a stock complex. Section 304(e)(4)(A)(ii) removes the flexibility in managing through the biology of the fish stock and hardwires a definition based on an ecological parameter (biomass in absence of fishing) and “one means generation,” the definition which is also absent in this section. The depleted provision also prevents the Council from explicitly considering the needs of the communities which is the most important consideration for our Council. The balance between the conservation objective for the stock and the needs of the community heavily tips towards the need to rebuild and removes consideration of National Standard 8 when developing rebuilding plans.

Section 507(4): Councils

An addition to section 302(h) (Council functions) would require the Councils to approve criteria for identifying whether each managed stock is depleted or experiencing overfishing.

A change in terminology from “overfished” to “depleted” would also necessitate a change of the criteria. Clarification is needed to determine whether “depleted” as used in this bill refers to a biomass level falling below a relative level or rate of change in the fishery. Internationally, the term “depleted” may refer to catch biomass falling below a relative level, as defined by the UN Food and Agriculture Organization. In either case, this would be a large undertaking for the Council and its advisory groups to determine what constitutes a “depleted” stock-based on externalities. There are also concerns regarding the limited data available to support these decisions and the lack of resources available to improve the data quantity and quality. The current draft is also inconsistent in how it treats the term depleted. If the term is meant to replace overfished, which is associated with biomass level relative to an MSY, some sections use the term depleted to describe a fishery. The fishery is typically described with the rate of extraction in relation to the amount of biomass in a management area.

Section 508: Forage Fish Conservation

This section would direct Councils to consider the management of forage fish.

The bill's definition of forage fish creates confusion on which species would be considered forage. Given the trophic complexity of the ocean and nearshore environment, the majority of the species are considered as forage at some stage of their life history and contribute to the energy transfer in the food web.

The Councils already have the ability to consider the management of forage fish. Our Council has managed potential forage fish as part of its Ecosystem Component Species and could develop conservation and management measures for these species as needed. These measures could include annual catch limits and EFH as well as the need for a multi-species model to inform the proper level of harvest limits for the fisheries and allocation between federal and state jurisdiction. This would represent an additional workload for the Council that would need to be supported with additional resources.