

DATE

The Honorable Ken Calvert  
U.S. House of Representatives  
2205 Rayburn Office Building  
Washington, D.C. 20515

The Honorable Jimmy Panetta  
U.S. House of Representatives  
228 Cannon House Office Building  
Washington, D.C.

Dear Mr. Calvert and Mr. Panetta:

Thank you for your requests for Pacific Fishery Management Council analysis and comment on HR 3916, the FISH Act, which would transfer responsibility for anadromous and catadromous fish listed under the Endangered Species Act from the National Marine Fisheries Service to the U.S. Fish and Wildlife Service.

The Pacific Council and its Legislative Committee met November 14, 2017 in Costa Mesa, California and reviewed the bill and have the following observations.

First, we understand your desire for a unified approach in managing ESA-listed stocks; currently the U.S. Fish and Wildlife Service has jurisdiction over terrestrial and freshwater organisms, while NMFS has jurisdiction over certain marine mammals and anadromous fish. However, we believe that it is appropriate for NMFS to have jurisdiction over these species. NMFS has both the staff and the experience necessary to manage these species under the ESA. The Council has a long history of working successfully with NMFS, for example in the case of lower Columbia River coho (*details*).

We are concerned that transferring the management of these species to the Fish and Wildlife Service would overburden the Service, which already has jurisdiction over 1456 endangered animal and fish species and a backlog of candidate species. Such a shift could cause delays in important fisheries management actions and the many Federal and state infrastructure activities that affect ESA-listed salmonids. In addition, the change would require hiring of additional staff, or possibly reassignment or relocation of expert fisheries staff from NMFS. Finally, such a change would likely spur new lawsuits over the management of these sensitive species, further delaying implementation of Federal actions.

In summary, we believe that the current approach to endangered anadromous species works well under NMFS, and do not believe there is a problem here that needs to be solved.

Sincerely, etc.