

DRAFT

Dear Senator Cantwell:

Thank you for your request for comment on HR 2236, the Forage Fish Conservation Act, introduced by Representative Dingell (D-MI).

The Pacific Fishery Management Council (Pacific Council) has a long history of protecting forage species and generally believes that changes to the Magnuson-Stevens Fishery Conservation and Management Act are not necessary in order for this Council to protect and to sustainably manage forage fish. The Pacific Council already considers the impact of forage fish to the ecosystem and fishing communities to inform optimum yield (OY) and annual catch limit (ACL) decisions for managed forage species in our Coastal Pelagic Species Fishery Management Plan (CPS FMP). For example, one of the 11 goals and objectives in the CPS FMP is to “Provide adequate forage for dependent species.” In addition, the Pacific Council’s harvest control rules for CPS stocks include built-in reductions in allowable harvest as biomass estimates and ecosystem indicators point to declining stock status. This harvest control rule closed the directed sardine fishery in 2015, four years before the stock reached its current overfished status.

In 2006, the Pacific Council adopted a complete ban on commercial fishing for all species of krill in West Coast Federal waters and identified essential fish habitat for krill (*euphausiids*), which serve as the basis of the marine food chain.

In 2015, the Pacific Council designated several forage species as shared ecosystem component species through our Fishery Ecosystem Plan initiative, which applied to all our fishery management plans. At the same time, we prohibited the development of new directed fisheries on unmanaged forage species until there was an adequate opportunity to assess the science relating to the fishery and any potential impacts to existing fisheries and communities. This action, which the Council initiated in 2012, recognized the importance of these forage fish to dependent species, to the California Current Ecosystem as a whole, and to the Council managed commercial and recreational fisheries, which rely on a healthy stock of forage fish.

We note that many of the elements in HR 2236 echo the findings from the [Managing Our Nation’s Fisheries 3](#) conference, hosted by the Pacific Council in 2013. These findings included requiring explicit consideration of the impact of forage fish to the ecosystem and fishing communities to inform management objectives such as optimum yields and annual catch limits (ACLs), prohibiting new forage fisheries until scientific and management evaluation are conducted, requiring scientists to provide managers with an index of key forage species abundance, and advancing tools and developing methodologies to account for the needs of predators when conducting stock assessments and setting ACLs. The findings also include defining forage fish regionally and coordinating with other management entities across state and national borders.

Our specific comments on HR 2236 as follows:

- **The bill's definition of forage fish is not entirely consistent with Council practice;** it would preclude classifying some squids as forage species because they are not planktivores. Under this definition, we are also concerned that Pacific hake (whiting) could be classified as a forage fish and subject to the provisions of this bill, given that as adults, in addition to consuming fish, hake also consume plankton and are prey of larger species. Pacific hake are among the most important target species in our groundfish fishery, reaching a size of up to 3 feet in length, and are subject to international management provisions under the Pacific Whiting Treaty. The whiting issue could be remedied by defining forage fish as fish that exclusively feed on plankton; however this would not address the issue with squid. Therefore, allowing regional definition of whether a particular species is, and what is not, a forage species and subject to the provisions of the bill would allow for more accurate accounting and application of the intent of the bill.
- **Section 5 requires Scientific and Statistical Committees (SSCs) to provide ongoing advice to Councils on maintaining a sufficient abundance, diversity, and localized distribution of forage fish populations to support their role in marine ecosystems.** The Council currently receives an annual Integrated Ecosystem Assessment report that updates the Council on the status of most major forage species. The status of managed forage fish is also addressed in the CPS Stock Assessment and Fishery Evaluation document.
- **Section 6 requires Councils and SSCs to include forage fish populations and distributions in their research priorities.** This is consistent with Council practice, as outlined in our Research and Data Needs document.
- **Section 6 also requires Councils to develop a list of unmanaged forage fish species in their regions and to determine whether they need to be included in a fishery management plan.** The Council identified such species in 2013 and amended all of its fishery management plans accordingly.
- **Section 7 requires Councils, when setting ACLs for forage fish fisheries, to assess and reduce ACLs by the dietary needs of fish species and other marine wildlife,** such as marine mammals and birds, for which forage fish is a significant part of their diet. The Council's CPS FMP requires consideration of forage and ecosystem needs when setting ACLs and other management measures for CPS stocks. For example, the Council's harvest policy for Pacific sardine maintains a directed fishery cutoff that is three times the stock's overfished threshold as a conservative measure intended to maintain an adequate forage base and minimize fishery impacts at lower stock size. . The Council's CPS FMP and its Fishery Ecosystem Plan strive to better understand ecological interactions and predatory-prey relations. However, quantifying the dietary needs of forage-dependent predators is extremely challenging, is difficult to accurately estimate and represents a significant workload and financial burden on the Council, State, and Federal agencies. Regional planning through the Council process is the best way to balance these efforts with other priority research activities.
- **Section 8 requires NOAA to promulgate guidelines to assist the Council in implementing these requirements.** This is an important step; for example, the requirements of Section 7 would benefit from additional detail. Under one interpretation, the Council's current practices could meet the requirements of this section, but whether this is true in practice would depend on how National Marine Fisheries Service

interpreted the requirements of the bill in its guidelines. Under another interpretation, this section could have a significant impact on Council-managed CPS fisheries, given (among other things) the increased research that would be required to determine the dietary needs of fish species and other marine wildlife. We are concerned that any resulting legislation or guidelines not impose additional burdens in terms of or management of forage stocks.

- **Section 9 relates to Atlantic river herring and shad.** We have no comments on this section.

The Pacific Council has met with considerable success in protecting forage fish species through the requirements of our Fishery Ecosystem Plan and CPS fishery management plan. These actions reflect our commitment to protecting forage fish, which along with habitat, forms the basis of a healthy ecosystem and the commercial and recreational fisheries that rely on it.

PFMC
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