

GROUND FISH ADVISORY SUBPANEL REPORT ON LEGISLATIVE MATTERS

The Groundfish Advisory Subpanel (GAP) received an overview of this item from Pacific Fishery Management Council (Pacific Council or Council) Staff Officer, Ms. Jennifer Gilden, and reviewed the briefing book documents under this agenda item.

The GAP appreciates the inclusion and summaries of proposed legislation and Executive Orders (EOs) that could affect the seafood industry. In particular, we considered [Executive Order 14008, Tackling the Climate Crisis at Home and Abroad](#).

Section 216 of the recent EO states:

Conserving Our Nation's Lands and Waters. (a) The Secretary of the Interior, in consultation with the Secretary of Agriculture, the Secretary of Commerce, the Chair of the Council on Environmental Quality, and the heads of other relevant agencies, shall submit a report to the Task Force within 90 days of the date of this order recommending steps that the United States should take, working with State, local, Tribal, and territorial governments, agricultural and forest landowners, fishermen, and other key stakeholders, to achieve the goal of conserving at least 30 percent of our lands and waters by 2030.

This now-familiar phrase of “30-by-30” has been included in several state and Federal directives and proposed legislation. Some of the same concerns we raised in [November 2020](#) about H.R. 8623, the Ocean-Based Climate Solutions Act, apply here. Wording relating to protecting ocean areas and offshore wind energy are especially troublesome. Many state and Federal areas already are protected, either directly or indirectly. Federal marine sanctuaries, for example, are areas directly protected. The Rockfish Conservation Area (RCA) is another example. Areas indirectly protected include habitats that are inaccessible by certain gear types, such as rocky reefs. The GAP encourages a more refined definition of “protect” to ensure clear objectives and in order to measure those objectives.

The GAP remains concerned about potential closures relative to tribal areas. Exempting existing tribal fishing areas from any proposed action may have disproportionate effects on other, non-tribal, areas. Conversely, closing some sections of tribal fishing areas will have dire economic effects on tribal communities.

Furthermore, costs to implement this EO will be high, both in terms of direct funding but also in tradeoffs that will displace sport and commercial fishermen on the water and the related businesses they support (processors, marine businesses, tackle shops, port infrastructure, etc.). Coastal communities should not have to sacrifice long-standing industries that provide sustainable and nutritious protein to the public.

Similarly, the [Ecosystem Workgroup noted in its report](#) under this agenda item that significant investments will be necessary to support the breadth of studies for the efforts and changes called for in the EO.

The GAP appreciates and strongly supports, in its entirety, the [Council Coordination Committee's draft letter \(Attachment 8\)](#). That letter identifies the Magnuson-Stevens Fishery Conservation and Management Act as the foundation for guiding the management, conservation and use of marine and anadromous fishery resources. It identifies the importance of the Councils in working with affected stakeholders, the Councils' work in conserving resources, their considerations for ecosystems and habitats, and the Councils' proactive efforts regarding climate change. For example, successful management by Councils, and the Pacific Council in particular, have led to several rockfish species being rebuilt, sooner than expected. Furthermore, the Council's strengths in fisheries management extends beyond groundfish and the Councils should be at the forefront in working with the Climate Task Force regarding potential protections.

In closing, the letter states:

Further, should any additional needs for conservation of marine fishery resources be identified as part of the process of implementing this Executive Order, they should be authorized only through the robust, open public process established by the [Magnuson-Stevens Act], which has been successfully used for over forty years to conserve habitat, conserve fishery resources, and protect marine mammals and other listed species through sustainable, science-based management.

The GAP agrees with the emphasis on using science for any conservation needs identified through the EO or Climate Task Force process and looks forward to continued engagement with the Councils and the National Marine Fisheries Service on this issue.

PFMC
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