



**Caribbean**  
Miguel Rolon  
Executive Director  
Marcos Hanke  
Chair



**Gulf of Mexico**  
Dr. Carrie Simmons  
Executive Director  
Thomas Frazer  
Chair



**Mid Atlantic**  
Dr. Christopher Moore  
Executive Director  
Mike Luisi  
Chair



**New England**  
Thomas Nies  
Executive Director  
Dr. John Quinn  
Chair



**North Pacific**  
David Witherell  
Executive Director  
Simon Kinneen  
Chair



**Pacific**  
Chuck Tracy  
Executive Director  
Marc Gorelnik  
Chair



**South Atlantic**  
John Carmichael  
Executive Director  
Melvin Bell  
Chair



**Western Pacific**  
Kitty Simonds  
Executive Director  
Taotasi Archie Soliai  
Chair

March X, 2021

The Honorable Deborah Haaland  
Presumptive Secretary of the Interior

The Honorable Gina Raimondo  
Presumptive Secretary of Commerce

(or those in acting capacity)

Dear Ms. Haaland and Ms. Raimondo:

The Council Coordination Committee (CCC) appreciates the opportunity to provide our perspective on Section 216(a) of Executive Order 14008 on Tackling the Climate Crisis at Home and Abroad (Executive Order). The CCC consists of the senior leaders of all eight Regional Fishery Management Councils (RFMCs), and, as such, represents the RFMCs.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) is the foundation that guides the management, conservation, and use of U.S. marine and anadromous fishery resources. The MSA charges the nation's eight RFMCs with the responsibility of achieving its goals and objectives, which are closely aligned with those of the Executive Order. We believe the RFMCs can be a valuable resource for advancing the goals of the Executive Order for the following reasons:

- The RFMCs have been conserving marine resources, as directed by the MSA, for over 40 years. As a result, the U.S. is widely recognized as a leader in sustainable fishing practices.
- Ecosystem considerations are routinely used to inform management decisions, acknowledging the complex interactions between habitat, fishery resources, and human communities.
- RFMCs are at the forefront of coping with climate change, adapting management to conserve resources while continuing to provide significant economic benefits and domestic food security to the nation.
- RFMCs use a public, collaborative process to engage state governments, fishermen, other key stakeholders, and tribal representatives in the conservation of living marine resources.

Section 216(a) of the Executive Order asks you to submit a report to the National Climate Task Force by April 20 recommending steps to work with state, Tribal, and territorial governments, fishermen, and other key stakeholders to achieve the goal of conserving at

least 30 percent of our lands and waters by 2030. All of these entities are integral to the RFMC process and we believe the RFMCs have already made significant progress in achieving this goal. We also believe we are well-positioned to respond to other goals of the Executive Order.

At the outset, it is worth noting that the U.S. is recognized as a world leader in marine conservation and sustainable fishery management. The MSA gives the U.S. the strongest statutory framework in the world for the management of sustainable fisheries and associated ecosystems. The MSA includes 10 National Standards to guide management of our nation's marine fishery resources. These National Standards require the RFMCs, in addition to preventing overfishing and rebuilding overfished stocks, to minimize bycatch and provide for the sustained participation of fishing communities. The National Standard guidelines require Councils to manage for optimum yield, which is a precautionary approach to ensure harvest does not exceed maximum sustainable yield. The MSA mirrors many of the elements of the Executive Order: its science-based foundation promotes adaptation to climate change in support of sustainable management, and does so through a public, participatory process.

More specifically, the Councils develop and implement fishery management and ecosystem plans for marine waters of the U.S. Exclusive Economic Zone (EEZ) that:

- Establish conservation objectives and associated management measures for managed fish stocks
- Identify and protect habitat for managed fish species, coral reef, and deep sea coral ecosystems
- Describe and monitor marine ecosystem functions, and apply them in management
- Support coastal economies and communities, including disadvantaged, minority cultures and communities
- Conserve, manage, and protect forage fish for the benefit of marine mammals, birds, and ecosystem functions
- Establish conservation objectives and associated management measures that minimize bycatch of non-target species, including fish, marine mammals, and marine species listed under the Endangered Species Act
- Support U.S. engagement in Regional (international) Fishery Management Organizations (RFMOs)
- Provide a sustainable supply of seafood and fishing opportunity for U.S. citizens and contribute to domestic food security.

The goal of EO Section 216(a) is to conserve 30% of our lands and waters by 2030, and as explicitly stated by the title of our authorizing legislation, the function of the Councils is to conserve fishery resources. Specifically, the MSA requires Councils:

- to have conservation and management measures to prevent overfishing, rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of fisheries

- to describe and identify Essential Fish Habitat (EFH), minimize fishing impacts to EFH, and identify actions to encourage conservation and enhancement of EFH.

To achieve these conservation and management objectives, the Councils use a wide range of management tools, including ecosystem-based fishery management, management strategy evaluation, and climate change scenario planning, in addition to more traditional spatial management approaches. For example:

- More than 1,000 individual spatial habitat and fisheries conservation measures have been implemented, protecting more than 72 percent of the nation's ocean waters from fishing impacts, which ensures preservation of ecosystem functions.
- Every Council has or is developing a fishery ecosystem plan(s) to monitor ecosystem functions, incorporate ecosystem science into fishery management decisions, and identify research priorities to advance ecosystem management.
- All Councils use annual catch limits to prevent overfishing and achieve optimum yield from managed fisheries to achieve the greatest overall benefit to the nation.

These provisions and examples of implementation of the MSA are entirely consistent with this dictionary definition of conservation: controlled use and systematic protection of natural resources (Webster). Council management meets this definition<sup>1</sup> by managing for optimum yield and protecting habitats from fishing impacts. Therefore, the entire EEZ under authority of the MSA should be classified as a conservation area for marine fishery resources, and at least 72% of that area should be classified as protected.

The RFMCs accomplish these functions through a process that is open to the public, inclusive of all stakeholders, fair, and with balanced representation. Council members include representatives from state fishery management agencies, NMFS, U.S. Fish and Wildlife Service, treaty Indian Tribes, territories, U.S. Coast Guard, Department of State, and Department of Commerce-appointed stakeholders representing commercial and recreational fishing interests, environmental organizations, and academics. All Council meetings are noticed in the Federal Register, open to the public, and provide extensive opportunity for public comment.

Most stocks are managed on annual or biennial regulatory cycles supported by ongoing scientific surveys to support stock assessments. Councils are also required to periodically review and update their fishery management and ecosystem plans, habitat protection plans, stock assessment and fishery evaluation reports, and their research and data needs reports. Each Council has a Scientific and Statistical Committee to independently review scientific information and methodologies to ensure conservation and management measures are based on the best scientific information available.

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<sup>1</sup> Other definitions relevant to conservation of marine resources include those in the [MSA Section 3\(5\)](#), the [IUCN category VI](#), and [UNCLOS Article 119](#).

Fishery management plans and implementing actions address not only the MSA requirements, but also other statutes and Executive Orders<sup>2</sup>, and multi-lateral RFMOs<sup>3</sup>. All actions taken by the Councils are reviewed by, and if approved, implemented by the Department of Commerce to ensure compliance with other applicable law. These actions are also required under the MSA to have mandatory public review comment periods noticed in the Federal Register.

The Councils understand that conserving marine ecosystems is essential to achieving our mandate under the MSA. In working towards this goal, the Councils have become pioneers at implementing ecosystem-based management, tailored to the needs of the unique ecosystems that each Council manages. Different management tools and approaches are needed to effectively manage entirely distinct marine ecosystems such as the warm pelagic ecosystems within the EEZ. With this experience, the Councils understand these marine conservation needs and ask to be partners as this effort moves forward.

Ecosystem-based management involves managing the human element of the ecosystem, not just the ‘natural’ elements. The Councils manage commercial and recreational fishermen, and even though we do not manage for subsistence users, we recognize their importance and that their usage has been an element of these ecosystems for millennia. This process also fulfills another objective of the Executive Order: to spur economic growth by sustainable practices, as evidenced by nearly a million jobs and \$56 billion in value-added economic impact supported by the commercial, recreational, tribal and subsistence fisheries.

Our incorporation of ecosystem-based management places the Councils at the forefront of society’s response to climate change. Fishermen are well aware that warming ocean temperatures are changing the distribution of fish and affecting their productivity; they see it every day in their catches. The Councils are actively adapting to the rapidly changing conditions caused by global warming. This response is essential if the benefits of sustainable fisheries are to be realized by future generations. Because of our experience, we are uniquely positioned to evaluate what is needed to achieve the goals of the EO.

In summary, we submit that the MSA and its implementation through the Regional Fishery Management Council process already satisfies the Executive Order objective for conservation of fishery resources and marine habitats. The MSA not only works well, but is the gold standard worldwide for sustainable fishery conservation programs. Based on the success of the MSA, U.S. participation in RFMOs is helping other nations recognize and make progress toward science-based conservation objectives consistent with the EO.

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<sup>2</sup> Including the Administrative Procedure Act, Coastal Zone Management Act, Endangered Species Act, Information Quality Act, Marine Mammal Protection Act, National Environmental Policy Act, National Marine Sanctuaries Act, Paperwork Reduction Act, Regulatory Flexibility Act and Executive Orders 12630, 12866, 12898, 13089, 13132, 13158, 13175, 13272.

<sup>3</sup> Including the Western and Central Pacific Fisheries Commission, Inter-American Tropical Tuna Commission, North Pacific Fisheries Commission, Pacific Salmon Commission, and Northwest Atlantic Fisheries Organization

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 MSA, 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.

Thank you again for considering our comments; we hope they will be helpful in developing your report to the Task Force. Please feel free to contact Chuck Tracy, Pacific Fishery Management Council Executive Director, and 2021 CCC coordinator, or any of the undersigned, for questions or clarifications. We welcome further engagement on this or other issues related to implementing the Executive Order.

Sincerely,

Chairs' Signature Block

cc: Secretary of Agriculture  
Chair of the Council on Environmental Quality  
Paul Doremus