

REVISED DRAFT LETTER REGARDING EXECUTIVE ORDER 14008 SECTION 216(a)

April X, 2021

The Honorable Deb Haaland
Secretary of the Interior

The Honorable Gina Raimondo
Secretary of Commerce

Dear Ms. Haaland and Ms. Raimondo:

The Pacific Fishery Management Council (Pacific Council) appreciates the opportunity to provide our perspective on Section 216(a) of Executive Order (EO) 14008 on Tackling the Climate Crisis at Home and Abroad. The Pacific Council is one of eight regional fishery management Councils (RFMCs) created under the Magnuson-Stevens Fishery Conservation and Management Act (MSA), which guides the sustainable use of U.S. marine and anadromous fishery resources and requires protection of important marine habitats.

You recently received a [letter](#) from the Council Coordination Committee (CCC), which represents all eight RFMCs. Building on that letter, we would like to highlight actions the Pacific Council has taken that reflect the goals of Section 216(a) of the EO. We also offer comments on the recently revised definition of marine protected areas adopted by the National Marine Protected Areas Center.

Protecting vital marine habitats

The MSA requires RFMCs to protect habitats on which the marine ecosystem depends. Many of the Pacific Council's conservation actions are designed specifically to protect such important habitats. On January 1, 2020, the Pacific Council's Groundfish Fishery Management Plan Amendment 28 was implemented after a nearly 10-year process to review and revise its essential fish habitat (EFH) provisions. This lengthy and complicated effort was achieved through a collaborative process involving the fishing industry and the environmental community and is viewed by all parties as a resounding success. As a result of Amendment 28, bottom trawl fishing is now prohibited in ~~the vast majority~~ approximately 86% of the U.S. West Coast Exclusive Economic Zone (EEZ) and bottom contact gear is prohibited in approximately 39% of the EEZ.

This includes:

- 123,487 square miles at depths greater than 3,500 meters protected from all bottom contact fishing to protect deep-sea corals, sponges, and other important and vulnerable habitats;
- Over 30,000 ~~Nearly 20,000~~ square miles of habitat conservation areas closed to bottom trawling and/or all bottom contact fishing;
- 127,440 square miles closed to bottom trawling in waters deeper than 700 fathoms.

The Pacific Council and the National Marine Fisheries Service are required to use EFH provisions to avoid and minimize fishing and non-fishing activities that may adversely affect EFH. As part of that process, we also designated key habitat types as habitat areas of particular concern, including estuaries, eelgrass beds, kelp canopy, rocky reefs, submarine canyons, and complex channels, floodplains, and thermal refugia in freshwater salmon EFH, all of which provide a broad range of ecosystem services. While not the focus of this letter, we note that freshwater habitat loss and degradation are among the greatest challenges to Council management of ocean salmon fisheries, but because of water quality effects, it will take more than habitat restoration to recover anadromous fish species. Figure 1 (attached) provides a visual representation and metrics to help provide understanding of the scale of ecosystem and fisheries conservation measures implemented in marine areas by the Pacific Council.

Conserving Fish Resources

As noted in the CCC letter, the MSA requires each Council to prevent overfishing, rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of fisheries. The Pacific Council has implemented numerous actions to protect and conserve fish resources. For example, in the early 2000s, we implemented a catch share program to protect and rebuild groundfish stocks that were heavily fished during the 1980s and 1990s, resulting in several stocks being declared overfished. Eight of nine overfished groundfish stocks have since been rebuilt as a result of strict rebuilding plans and other management measures adopted by the Pacific Council such as annual catch (including bycatch) limits, monitoring requirements, and area closures.

The Pacific Council also actively engages with international fishery management organizations to work toward fishery and ecosystem conservation. This includes supporting the U.S. co-chair of the Joint Inter-American Tropical Tuna Commission & Western and Central Pacific Fish Commission Working Group in efforts to encourage adoption of sustainable fishery management strategies for Pacific bluefin tuna by Japan and other participating nations. This helps conserve stocks occurring not just in our waters but across the Pacific.

Ecosystem Protections

The Pacific Council has adopted several policies and taken actions to protect and sustain marine ecosystems. In 2013 the Pacific Council adopted a fishery ecosystem plan (FEP) to monitor ecosystem functions, incorporate ecosystem science into fishery management decisions, and identify research priorities to advance ecosystem management. As part of this FEP we created a system of “ecosystem initiatives” that focus specific attention on issues such as climate change and the science and trends of the California Current Large Marine Ecosystem. One of the initiatives under the FEP is a forage fish protection initiative, recognizing the critical role of forage fish in the marine ecosystem. Harvest is prohibited for several genera and species of forage fish that are not currently under Federal management and not harvested in any significant numbers. Although implemented via MSA fishery management authorities, this forage fish prohibition is for the purpose and benefit of the greater marine ecosystem.

In a separate action, we adopted a prohibition against harvest of krill species in the west coast EEZ. Krill (*Euphausiid* sp.) are small ocean crustaceans that constitute a vital part of the marine food web, with many species of fish, mammals, and birds depending on them for food. This

prohibition was enacted in 2009 via Amendment 12 to the Coastal Pelagic Species Fishery Management Plan.

Revised definition of marine protected areas

In 2020, the Marine Protected Areas (MPA) Center adopted a new definition of MPAs and is now using the International Union of Conservation of Nature definition. This resulted in a dramatic reduction in marine areas off the U.S. West Coast considered to be within MPAs. The new definition relies on the stated management objectives rather than the actual conservation value of an area under protection. As we describe above, many of our conservation actions are designed for ecosystem protection rather than fisheries management. We encourage you to carefully consider the criteria you recommend for meeting the EO 14008 objective of conserving 30 percent of land and waters. **Conservation includes wise use, not just preservation.**

Another issue for your consideration is the potential for multiple use areas to effect fishery resources. For example, development of offshore renewable energy areas, which is a priority of this administration, will have adverse impacts to marine habitat and likely result in displacement of fishing effort. Displacement of fishing effort will likely result in less efficient harvest, including potential crowding, reduced catch per effort, and greater fuel consumption, which would be counter to the intent of the EO. In addition, there are potential transfer effects if markets must rely on foreign fish products, which are generally less sustainably managed than U.S. fisheries and use less clean energy sources. We would appreciate your consideration of how these areas, and the consequential effects on fishing opportunity, are reconciled with the objectives of the EO and other administration priorities, and how they will be evaluated relative to monitoring progress toward the 30% conservation objective of the EO. Further, should any additional needs for conservation of marine fishery resources be identified as part of the process of implementing this EO, 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 and protect habitat, conserve fishery resources, and protect marine mammals and other listed species through sustainable, science-based management.

In summary, ~~we submit that~~ **the MSA and its implementation through the Pacific Council, as a measure of progress, already conserves all the marine and anadromous fishery resources under its authority and protects well over 30 percent of marine habitats in the west coast EEZ.** We also use a public, collaborative process to engage State and Federal agencies, Tribal representatives, fishermen, and other key stakeholders in the conservation and management of living marine resources using the best scientific information available. The MSA not only works well but is the gold standard worldwide for sustainable fishery conservation programs.

Thank you again for considering our comments. We hope they will be helpful in developing your report to the National Climate Task Force described in Section 216(a) of EO 14008. Please feel free to contact Mr. Chuck Tracy, Pacific Fishery Management Council Executive Director, for questions or clarifications. We welcome further engagement on this or other issues related to implementing the Executive Order.

Signature block

Attachment: Figure 1: Depiction of selected ecosystem and fisheries protection measures

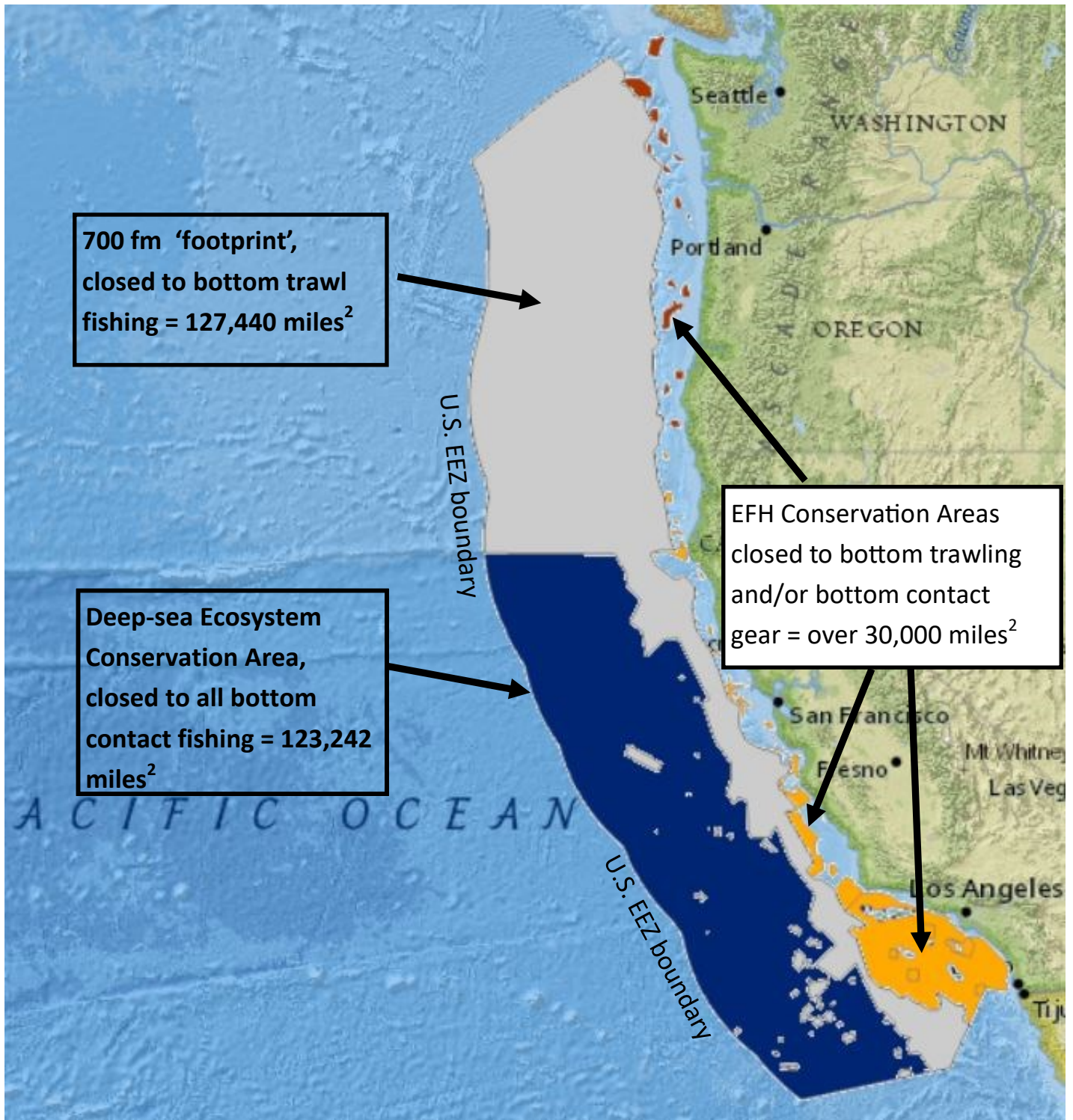


Figure 1: Pacific Fishery Management Council habitat protection closed areas.