

COASTAL PELAGIC SPECIES ADVISORY SUBPANEL REPORT
ON LEGISLATIVE MATTERS

The Coastal Pelagic Species (CPS) Advisory Subpanel (CPSAS) provides these comments on the proposed Sustaining America's Fisheries for the Future Act (H.R. 4690). Specifically, we wish to comment on Section 303(b)(18). The subsection states "*when setting annual catch limits for forage fish, assess, specify and reduce such limits by the diet 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.*"

We feel the new language in the Act is too restrictive and adds a daunting burden to the Council process. Adding a specific forage fish set-aside to the current fishery management plan (FMP) will take away the Council's ability to manage on a situational basis. Further, the workload placed on National Marine Fisheries Service, the Scientific and Statistical Committees and the Pacific Council's Management Teams to determine the exact number of animals affected, nutritional requirements, and the part each forage fish species play in their diets will be excessive if not impossible. The current management practice of accounting for forage fish needs in the buffer is already very precautionary and the regulations very protective.

If the consumption of CPS and other species for forage fish was found to be greater than maximum sustainable yield under this language it could prevent fishing for CPS along the entire west and east coasts. This would adversely impact all directed commercial fisheries including live bait and severely reduce recreational fishing opportunity. The indirect impacts on other fisheries which take CPS incidentally and the support infrastructure to handle the catch would also suffer. Finally, this language has the potential to shut down almost the entire Commercial Passenger Fishing Vessel fleet and private recreational boat fleets along the west coast, should live or frozen dead bait become unavailable. At a minimum, all fishing for recreational bait usage must be preserved because of the multi-billion-dollar impact on coastal economies. Please do not promulgate this part of the Magnuson-Stevens Act language into regulation.

The Conservation representative believes the new H.R. 4690 language on forage fish should be retained because it would codify the precautionary approaches taken to forage fish by this Council and in the CPS FMP, such as robust uncertainty buffers in setting ACLs. In addition, it would go far to motivate other U.S. Fishery Management Councils to take actions to protect forage fish in their jurisdictions.

As a general comment, the CPSAS believes the current version of the Magnuson-Stevens Act does an excellent job to balance conservation and sustainable usage of our fishery resources while protecting the ocean's environment and ecological service systems. We caution that losing the existing balance would damage our ability to compete with other sources of imported seafood from nations that do not practice such protections. Conservation must come first, but balancing that principle with the principle of sustainable resource usage should not be sacrificed.

We support the proposed language (Section 502) that requires Federal agencies to minimize and mitigate for any unavoidable adverse impacts to essential fish habitat (EFH) and Habitat Areas of Particular Concern (HAPCs). We further support the monitoring, reporting, annual evaluation, and minimization requirements for any Federal actions that may have an adverse effect on HAPCs. Our hope is that this language will result in greater benefits and protections for EFH.

We note that while the intent is to maximize protections for EFH areas and HAPCs, these safeguards are not meant to be license or rationale to expand marine industry projects, sustainable or otherwise, into potential or existing fishing areas important to the seafood industry, due to loss or limitations of geographic areas to potential and existing marine industries for habitat protections.

PFMC
9/14/21