

## SALMON ADVISORY SUBPANEL REPORT ON LEGISLATIVE MATTERS

The Salmon Advisory Subpanel (SAS) would like to thank Ms. Jennifer Gilden, Pacific Fishery Management Council (Council) staff, for the thorough presentation regarding proposed legislation that could affect West Coast fisheries. We'd also like to comment on a few issues associated with the legislation titled *H.R. 4690: Sustaining America's Fisheries for the Future Act of 2021*, which is the proposed legislation that would re-authorize the *Magnuson–Stevens Fishery Conservation and Management Act*. While many issues are addressed within this proposed legislation, due to the limited time we have available, we chose to focus on and voice our support to the Council regarding the following three issues:

- We are encouraged to see that the legislation proposes to use the term “depleted” rather than “overfished” when referring to a stock that has declined to the point that it cannot meet its maximum sustained yield level on a continuing basis. We believe that “depleted” more accurately describes the status of the stock in decline, without inferring, often incorrectly, that such decline is solely a result of fishing impacts.
- We are also encouraged to see that the legislation proposes to add language to require Federal actions to avoid adverse impacts to Essential Fish Habitat (EFH), and if such actions are not avoidable, then the adverse impacts of the Federal action would need to be minimized/mitigated. Our hope is that this language will result in meaningful benefits and protections for EFH, rather than action agencies simply being required to respond with a letter to those that point out potential impacts from their proposed action.
- Finally, we support the proposed language which requires that for any Federal action that may have an adverse effect on a Habitat Area of Particular Concern (HAPC), the Federal agency taking that action shall monitor adverse effects; take action to minimize and mitigate any adverse effects on the HAPC and on HAPC species during the entire period where the adverse effect is likely to occur; and evaluate and report on the effectiveness of these measures.