

DATE

The Honorable Ken Calvert  
U.S. House of Representatives  
2205 Rayburn Office Building  
Washington, D.C. 20515

The Honorable Jimmy Panetta  
U.S. House of Representatives  
228 Cannon House Office Building  
Washington, D.C.

Dear Mr. Calvert and Mr. Panetta:

Thank you for your requests for Pacific Fishery Management Council analysis and comment on HR 3916, the FISH Act, which would transfer responsibility for anadromous and catadromous fish listed under the Endangered Species Act from the National Marine Fisheries Service (NMFS) to the U.S. Fish and Wildlife Service.

The Pacific Council and its Legislative Committee met November 14, 2017 in Costa Mesa, California and reviewed the bill. The Council has the following observations.

First, we understand your desire for a unified approach in managing ESA-listed stocks; currently the U.S. Fish and Wildlife Service has jurisdiction over terrestrial and freshwater organisms, while NMFS has jurisdiction over certain marine mammals and anadromous fish. However, we believe that it is appropriate for NMFS to have jurisdiction over these species. The Council has worked with NMFS for more than 20 years to streamline the salmon management process and has many successes to show for it, including the involvement of stakeholders in an open public process to help develop new consultation standards for ESA-listed Lower Columbia River coho, Lower Columbia River tule Chinook, and Sacramento River winter Chinook. NMFS has both the staff and the experience necessary to manage these species under the ESA. The Council has a long history of working successfully with NMFS, for example in the case of lower Columbia River coho (details).

We are concerned that transferring the management of these species to the Fish and Wildlife Service would overburden the Service, which already has jurisdiction over 1,456 endangered animal and fish species and a backlog of candidate species. Such a shift could cause delays in important fisheries management actions and the many Federal and state infrastructure activities that affect ESA-listed salmonids. The current alignment of resource management and protection under the Magnuson-Stevens Act and the ESA works well. If this bill were to pass, it would result in the Dept. of Interior consulting on critical habitat and NMFS consulting on essential fish habitat. Currently, those consultations are often conducted simultaneously, allowing a more efficient process. The arrangement proposed by this bill would require reinventing longstanding relationships between agencies, hiring of additional staff, and possibly reassignment or relocating of expert fisheries staff from NMFS. Finally, such a change would likely spur new

lawsuits over the management of these sensitive species, further delaying implementation of Federal actions.

In summary, we believe that the current approach to endangered anadromous species works well under NMFS, and do not believe there is a problem here that needs to be solved.

Sincerely, etc.

DRAFT