



April 2, 2021

Ms. Gina Raimondo
Secretary of Commerce

Mr. Benjamin Friedman
Acting NOAA Administrator

Submitted electronically to oceanresources.climate@noaa.gov

Dear Secretary Raimondo and Administrator Friedman,

On behalf of the Marine Fish Conservation Network (Network), I write to provide input on section 216(c) of Executive Order 14008 on tackling the climate crisis at home and abroad. This section of the executive order calls for input on how to make fisheries more resilient to climate change, including changes in management and conservation measures, and improvements in science, monitoring, and cooperative research. The Network is a coalition of commercial and recreational fishing associations, regional and national conservation groups, aquaria, chefs, sustainable seafood suppliers, and marine science organizations committed to sustaining fish populations, healthy marine ecosystems, and robust fishing communities. Thank you for providing the opportunity to comment on these critically important issues, which are central to the mission of our organization and highly impactful to the members of our Network.

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) defines a fishery as “one or more stocks of fish which can be treated as a unit for purposes of conservation and management and which are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics; and any fishing for such stocks.”¹ Thus, the MSA while prioritizing conservation, clearly and inextricably links the biological components of a fish stock with the human activity of fishing together in this fundamental definition; in a fishery, the biological and economic/recreational attributes are interrelated, and one cannot exist without the other. It follows that efforts to increase the resilience of fisheries to climate change must simultaneously increase the resilience of the biological and human systems that comprise them. It is in this spirit of addressing the resilience of coupled human-natural systems to climate change that we offer these comments.

¹ 16 U.S.C. §1802

Nationally, the MSA has helped to curtail overfishing and rebuild fish stocks, and conserve fish habitat areas, although results have varied between regions. Despite our accomplishments, there is still progress to be made to address the impacts of chronic overfishing. Additionally, the nation's fisheries are now under tremendous pressure from the impacts of climate change including warming ocean temperatures and ocean acidification. Increasing climate variability rapidly alters the physical environment and the timing and amount of fishing opportunities, extreme events such as harmful algal blooms, damage ecosystem function and curtail or close fishing seasons; and coastal communities experience declines in the quality of their infrastructure and incursions from sea level rise. Many of these negative forces significantly impact small-scale, community-based fishermen in the commercial, charter/for-hire, and recreational sectors. Recognizing this, the Network believes that we can enhance our governance systems and use them in innovative new ways to increase resilience to climate change, build back from our pandemic-impacted situation, and create additional opportunities for sustainable fisheries stakeholders.

I. Incorporate the best available climate science into fishery management

The Network believes in science-based management of U.S. federal fisheries, including incorporation of the best available science related to climate into stock assessments consistent with National Standard 2. Recognizing this, we recommend that NOAA consult with stakeholders to develop and adopt policies that require federal fishery managers to buffer and account for the impacts of climate change in the development of all fishery management plans (FMPs), as well as include conservation and management measures to mitigate those impacts. The agency should also recognize the growing reality of climate change emergencies resulting from extreme events or sudden shifts, and collaboratively establish new policies and processes for quickly implementing contingency plans to ensure the health and resiliency of fish stocks in the face of these uncontrollable events.

Specifically, we recommend that NOAA establish guidance for councils on how to adapt FMPs to directly incorporate climate impacts into their operations. FMPs should be amended to include an assessment of the impacts of climate change on each managed fishery, and establish conservation and management measures that respond to those impacts in a planned manner consistent with the ten National Standards. Councils are nearly always managing reactively, whereas proactive management can allow our governance process to anticipate challenges and respond flexibly and adaptively, enhancing outcomes for all stakeholders in turn.

The agency should also recognize the growing reality of climate change emergencies resulting from extreme events or increasing shifts in fish distribution and abundance. We recommend that NOAA establish a policy for using its emergency regulatory authority under MSA §305(c) to conserve fish stocks during emergencies that are attributable to climate change. Often the speed at which acute climate-related events impact fisheries is too rapid for FMP amendments to be enacted or regulatory actions taken. The Secretary of Commerce should have the ability to enact emergency regulations or interim measures during a fishing season or fishery management cycle to prevent or reduce overfishing and promote resilience of fish stocks during climate change emergencies. We believe that such a process could be enacted through new regulatory guidance on the existing authorities granted to the Secretary in the MSA. Under such a framework, relevant regional fishery management councils could be consulted prior to setting regulations or interim measures;

any measures taken should not exceed the annual catch limit for the fishery and should maximize fishing community participation in the decision-making process for the good of both fish stocks and coastal communities.

We also recommend the development of new guidance for how to incorporate climate considerations into stock assessments, including known impacts of climate change on the fishery and the stock's vulnerability to these changing conditions. Stock assessments should also offer recommendations for addressing climate change impacts on a fishery and identify any additional research needed to better understand them. We also recommend with significant increases in stock assessment funding in NOAA's budget to overcome the assessment backlog and strengthen the assessment process.

Climate change is impacting marine and anadromous fish habitat, including Essential Fish Habitat and Habitat Areas of Particular Concern, in significant ways. Many of these impacts are exacerbated by human activities such as overfishing of prey species, pollution, water diversion, and the physical impacts of mobile fishing gear, which can combine to reduce habitat resilience. We recommend that NOAA evaluate its current habitat conservation programs in light of the impacts of climate change to determine ways to ensure habitat conservation remains consistent with the goals and requirements of the MSA.

Lastly, we recommend that NOAA establish guidance to adapt management to changes and shifts in fishery abundance and distribution in order to appropriately minimize the harm from subsequent economic, social, and ecological impacts of those shifts. A process should be established that allows the Secretary of Commerce to work with Councils, if appropriate, to determine if a fishery extends beyond the jurisdiction of the council currently managing it and, in coordination with the relevant councils, determine the best council or councils to appropriately modify or prepare a new or joint fishery management plan.

II. Support and strengthen our fishing communities and working waterfronts

Coastal fishing communities and working waterfronts are intricately linked to the marine ecosystems on which they rely, and thus play a critical role in fisheries management. They support a suite of community-based fishing related activities (i.e., commercial, charter/for-hire, recreational, and subsistence) and sustain the intergenerational fishing culture that forms the economic and social fabric of the coastal United States. These fishing activities support industries and infrastructure, chefs, eateries, seafood retailers, tackle shops, educational institutions such as aquaria and research laboratories, as well as generate an economic multiplier effect when revenue stays within a community.²

We recommend that National Standard 8 guidance be comprehensively updated to modernize Councils' and the agency's approach to supporting fishing community resilience to climate change. NOAA has not meaningfully updated its guidance for National Standard 8 since the 1990s. Since that time, coastal communities and working waterfronts across the country have significantly deteriorated, reducing their capacity to respond to climate

² Kirkley, James. "The NMFS Commercial Fishing & Seafood Industry Input/Output Model (CFSI I/O Model)." *Prepared for the National Marine Fisheries Service (NMFS). Virginia Institute of Marine Science (2009).* Available from https://www.st.nmfs.noaa.gov/documents/commercial_seafood_impacts_2006.pdf

change impacts and eroding their sense of place. Additionally, NOAA has added significant socioeconomic staffing capacity at the Science Centers, enabling the agency to approach community-based fishery issues in recreational and commercial sectors with far more sophistication than in the past. National Standard 8 guidance should also be updated to require Councils to establish clear measures to assess and minimize any adverse economic impacts to fishing communities in FMPs while achieving conservation goals, and to adopt FMP amendments and take other regulatory actions that secure sustainable community participation in fisheries.

III. Strengthen bycatch provisions

Bycatch, the incidental catch of a non-target species while targeting another, is a persistent problem in many commercial, charter/for-hire, and recreational fisheries that is often exacerbated by climate change. The Network notes that in some regions bycatch fisheries have been prioritized over traditional directed fisheries in management and decision-making. This has led to a decline in those traditional fisheries and the communities that depend on them, reducing their resilience to climate change as they are less able to prosecute these fisheries in more distant waters. Many of these are Native communities with unique cultures and languages. Many of the community-based directed fisheries that are subject to bycatch, including anadromous and groundfish species, are also being rapidly impacted by climate change.

We believe that a conscious effort needs to be made to stop and reverse these trends and maintain coastal communities that are vital and diverse by reducing bycatch of and depletion of the stocks. One important step would be to amend NOAA's National Standard 9 guidance to require greater reductions of bycatch in fisheries management. This could be achieved in part by clarifying NOAA's interpretation of language in National Standard 9, "reduce bycatch to the extent practicable," in order to remove opportunities for councils to circumvent bycatch provisions in FMPs and other policy directives, and thereby, improve stocks and traditional directed fishing opportunities.

NOAA can also issue guidance and develop programs to reduce bycatch impacts directly. The agency should, as a matter of policy, prioritize and promote traditional directed fisheries over bycatch uses. It should require (and provide institutional support for) consistent improvements to monitoring and reporting systems to better quantify bycatch, and provide guidance to encourage councils to establish full retention requirements for species with high catch mortality rates. NOAA should also work with Councils and the USDA to establish effective, workable seafood traceability requirements that incentivize bycatch reductions.

IV. Establish and support a robust new strategic planning process

Our collective experience during the COVID-19 emergency clearly shows that our fisheries are highly vulnerable to severe disruptions, whether those disruptions are ecologically or economically driven. The pandemic has also taught us that flexibility and innovation are key to the resilience of fishing communities in withstanding powerful stressors and adapting to changing conditions.

Several Network members participated in the Pacific Fishery Management Council's 2020 scenario planning exercise³, and they all agree that the experience was valuable and worth replicating in other regions. We recommend that NOAA explore ways to support scenario-planning exercises that specifically address future challenges, including climate change impacts, facing each FMP under each of the Councils. A bottom-up planning process that systematically identifies vulnerability and proposes specific actions to adaptively respond could set NOAA and our fisheries on a course to enhanced resilience in a highly meaningful and tangible way.

In conclusion, we would be happy to work with you and your teams to clarify or develop the specific approaches that we suggest here. Thank you for considering these comments as we continue to work together to secure a climate resilient future for our nation's fisheries and ocean ecosystems.

Sincerely,

A handwritten signature in blue ink that reads "Robert C. Vandermark". The signature is written in a cursive style with a large, sweeping initial "R".

Robert C. Vandermark
Executive Director

³ See: <https://www.pcouncil.org/actions/climate-and-communities-initiative/>