



Representative Huffman and Representative Case

1527 Longworth House Office Building

Washington, DC 20515

RE: Feedback on MSA Discussion Draft

Dear Representative Huffman and Representative Case,

Thank you for the opportunity to provide comments on the MSA reauthorization discussion draft. We are pleased to see a strong bill which offers improvements to the nation's premier marine fisheries law, the Magnuson-Stevens Fishery Conservation and Management Act (MSA). We appreciate the leadership that Representative Huffman, Representative Case and staff have demonstrated to build on the existing MSA and we look forward to continued work together.

Founded in 1994, the Alaska Marine Conservation Council (AMCC) is an Alaska-based non-profit dedicated to protecting the long-term health of Alaska's oceans and sustaining the working waterfronts of our coastal communities. Our members include fishermen, subsistence harvesters, marine scientists, small business owners and families, many of whom rely on healthy fisheries. AMCC advances conservation solutions that address the interdependence between healthy marine ecosystems, strong local economies and coastal traditions. Our community-based approach includes outreach, grassroots advocacy, public policy, research and education. The base of our membership includes hundreds of small boat, community based, conservation minded fishermen that depend on the health of the marine resource to remain in their fishing communities. In many of Alaska's fishing communities, fishing is the economic engine that drives the community.

The Alaska Marine Conservation Council strongly supports existing science and conservation provisions in the current MSA. AMCC supported revisions to the Act in 1996, in particular the provisions that sought to reduce bycatch, consider the effects of management on communities and protect essential habitats. In addition, AMCC supported revisions in 2006 which provided increased guidance in limited access privilege programs, annual catch limits, accountability measures and environmental review. We believe the MSA discussion draft builds upon provisions which contribute to healthy marine resources and healthy communities. We support advancements to promote the long-term health of the nation's fisheries and fishing

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communities with inclusion of climate-ready fisheries language. We believe that by strengthening the well-being of coastal communities and responsible resource management we can ensure that our oceans and the people that rely on them can thrive for generations to come.

AMCC appreciates the extensive outreach and the deliberative and transparent approach Rep. Huffman and Rep. Case undertook with listening sessions in seven of the eight management regions. We understand there were intentions to visit the eighth management region, the North Pacific, but efforts were thwarted due to the pandemic. We encourage you to hold a hearing in one of Alaska's premier fishing communities to increase your awareness of both the strength and the vulnerabilities of Alaskan fishing communities. It will be particularly important that you invite Native Alaskans, fishery dependent rural community residents as well as small boat fishermen to participate in your Alaska hearing. Often the interests of large industrial fisheries and processors are strongly represented in the Congressional hearing process and overshadow the voice of other user groups.

Our comments will focus on proposed amendments to MSA, including climate ready fisheries, supporting fishing communities, strengthening the public process, improving fisheries science and data, supporting Essential Fish Habitat and strengthening measures to reduce bycatch.

Title 1: Climate-Ready Fisheries

Alaskans are living on the front lines of climate change and fishery management systems must incorporate climate considerations throughout the management process. Climate change is having an impact on fisheries and managers must have the resources and tools to be responsive to the changes. In addition to providing the tools to support resilient fish stocks, factoring climate change in fisheries management will provide stability to fishing communities.

Sec. 101 does a good job of amending language throughout the findings, purpose and policy to strengthen methods to produce climate-ready management. To further link the symbiotic relationship between resilient fishing communities and environmental changes associated with climate change, AMCC supports additional **bolded** language as follows:

1. On page 6, paragraph (14), at the end, after "subsistence fisheries", add "**as well as fishery dependent community resilience**"
2. On page 6, paragraph (15) add the words "**in particular fishery dependent communities**" at the end of the paragraph.





3. On page 7, under (B), line 14, add the words **“and fishery dependent communities”** after the word “States”.
4. On page 7, under (C), line 19, add **“in particular fishery dependent communities”** after coastal communities.
5. On page 8, add a new paragraph (10) **“to support fishery dependent communities and to encourage the next generation of American fishermen.”**

With the threat that climate change poses to our fisheries management systems and resilient fishing communities, Secs. 102, 103, 104 and 106 provide solid language to promote climate resilience. AMCC supports the amended language along with the resources to meet the charge. It will be important to identify funding mechanisms and budgetary support to the regional fisheries management councils to develop climate ready fisheries management.

Title II: Supporting Fishing Communities

AMCC supports building upon the existing MSA to further advance legislative commitment to support fishing communities whose livelihoods, and often very existence, depend on healthy oceans and fisheries. Ensuring equitable access to resources is key to fishing communities' survival.

Sec. 202 captures an integral part of Alaskan life with the inclusion of a definition of subsistence and the acknowledgment of subsistence fisheries in the context of federal fisheries management. AMCC supports this addition and the inclusive approach to consider the importance of subsistence fishing.

Sec. 203 and the establishment of a Working Waterfronts Grant Program identifies the need to preserve and expand access to coastal waters and provides a path to identify and prioritize critical needs for working waterfronts. AMCC supports the commitment to secure and enhance valuable waterfront access for fishing businesses and the infrastructure needs to maintain stability for the industry.

Sec. 204 and the recommendation to reestablish the National Seafood Council to conduct education, research, promotion, and marketing to increase seafood consumption and improve



consumer awareness has merit. Domestic marketing of sustainably harvested US seafoods is a benefit to both the fishing industry and the consumer. That said, AMCC believes it is important to support small scale fisheries and fishermen in tandem with larger scale fisheries in all marketing initiatives. Throughout Alaska's fishing communities there are thousands of small boat fishermen who engage in small scale fisheries. Marketing efforts with intentional investments to increase consumption of the diverse array of species these community-based fishermen harvest would result in widespread benefits to the fishing community. In addition, a Seafood Council should also be tasked with exploring means to increase domestic processing. The practice of secondary processing for US harvested fish which are then shipped back for US consumption is disadvantageous to the quality, health benefits and employment benefits to the Nation for these species.

Sec. 205 AMCC appreciates the amended language which strengthens community participation in limited access privilege programs (LAPP). In our experience, the current community provisions have not worked as intended, to promote the sustained participation of fishing communities. The addition of language in the LAPP provisions *"including the participation of fishing communities in the fishery"* helps focus this need. The components outlined in a community sustainability plan clearly capture integral considerations and descriptive design to achieve the critical objective to sustain our Nations fishing communities.

As an organization with deep ties to the commercial fishing industry, AMCC is particularly pleased to see focus on providing for the next generation, encouraging active participation and addressing economic barriers to access the fisheries. A sustainability plan which supports the 'boots on deck' fishermen and strives to keep the benefits of a LAPP fishery within the fishing community and active participants can be developed in a way that looks toward the future.

In addition to the current list of considerations in the draft, AMCC recommends adding **bolded** language below which fully explores the value of anchoring quota to a fishing community as a means to provide for sustained participation and provides a process for fishing communities to participate in the limited access privilege program in perpetuity.

On page 88, after (VII), line 18, add (VIII) **A description of whether or not awarding quota shares as part of the LAPP program to fishing communities would help to minimize adverse economic impacts on such communities and provide for the sustained participation of the fishing community in the LAPP program** and provide a process for fishing communities to participate in the limited access privilege program in perpetuity.



Title III: Strengthening Public Process and Transparency

AMCC appreciates the amendments in sec 304 which recognize members of the conservation community, scientists, non-consumptive users, indigenous and tribal communities and subsistence users as qualifications to be considered to serve on a regional council. We view this amendment as an inclusive approach in the stakeholder process. In our experience, when participants in the process have a representative on a Council that they can identify with, engagement improves. The fisheries management process is complex and challenging to navigate. Diverse geographic and qualifications increase access to representatives familiar with the process and provide critical links to foster stakeholder engagement.

In terms of diversification on regional councils, AMCC is concerned that the amendment to appoint at least two individuals who do not have a financial interest in matters before the Council may impact the ability for community-based fishermen to serve on a council. Most fishermen who are selected to serve on the council are invested in federal fisheries. It will be helpful to get clarification on this recommendation. For example, if a council member is employed by a fishing organization or processor, does the gainful employment constitute a financial interest the same way a fisherman who is invested in the fisheries has a financial interest? AMCC believes it is important to maintain the voice of active, community-based fishermen on councils and is concerned that this action may inadvertently reduce diversification.

Title IV: Modernizing Fisheries Science and Data

AMCC supports the modernization of fisheries science and data and intent to better utilize and integrate new technology into fisheries management. Accuracy, timeliness and reliability of fisheries data is a cornerstone of sustainable fisheries management. A process for implementation of electronic monitoring and reporting which corresponds with human observers will further enhance robust fisheries data. Clearly the recognition of electronic monitoring and reporting as a part of an information collection program will facilitate the modernization initiative.

It will be critical to include the fishermen who will be using electronic monitoring in the discussion moving forward. Each region and fishery are unique and a one size fits all approach will likely curtail innovation, practicability and cost-effective development. From our experience, fishermen are adaptable, innovative and want things to work so they can keep fishing. There is a saying from active fishermen when trying ideas developed on land that don't quite work as anticipated: "another dockside idea put to test". Industry perspective will be invaluable in terms of on-board operational compatibility with electronic monitoring and will strengthen the transition to increased use of new technologies in fisheries management.



AMCC supports the language in Sec. 408 which allows use of funds for climate research and allows use from regions where funds generated. As noted above, the recommendations in Title I to develop climate ready fisheries will need funding and it makes sense to allow funds from this source to be used for climate science research.

Title V: Sustaining Fisheries Through Healthy Ecosystems and Improved Management

AMCC supports the in-depth examination of how current fisheries management practices are maintaining ecosystem roles and functions, protecting important habitats, and minimizing bycatch

Sec. 501 provides improved language and direction for supporting healthy fish habitat and will augment existing efforts to protect important habitats. A process to improve the consultation with federal agencies to avoid, minimize and mitigate adverse impacts on essential fish habitat emphasizes the value of habitat to sustainable fisheries and will benefit the long-term health of our marine environment. The effects of non-fishing activity on essential fish habitat and actions to avoid, minimize and mitigate adverse impacts is a proactive approach to address the threats of our ever-changing ocean use. The roles of the regional fisheries management council are well defined with direction to develop and implement a plan to protect essential fish habitat with measurable targets and goals for each Council region along with a routine review process.

Sec. 503 AMCC both appreciates and supports the amended language focused on reducing fishery bycatch. Bycatch impacts the ecological well-being of the marine environment, other user groups dependent on the bycaught species and is wasteful. The removal of the language 'to the extent practicable' provides a strengthened directive to reduce bycatch. We support the removal of this qualifying language throughout the discussion draft and in National Standard 9.

In our experiences in the North Pacific, 'to the extent practicable' is quite subject to interpretation and often used to counter actions to reduce bycatch. When an action to minimize bycatch is being discussed before a Council, a fleet responsible for significant amounts of bycatch can ascertain they have done all that is practicable for their fleet. As a result, efforts to minimize bycatch for both the conservation benefits to the bycaught species and the user groups of the species utilized for bycatch are marginalized by the interpretive language on minimizing bycatch to the extent practicable. There are fisheries management situations in the North Pacific which allow for status quo bycatch usage of species like halibut, crab and salmon when the directed fishery is subject to reduced TAC and closures to provide conservation for the resource under declining abundance. This represents both an equity and a conservation concern for fishing communities and Native Alaskans with a long history of dependence on the bycaught species.



AMCC believes that balancing the National Standards provides a balanced approach to address bycatch while striving for optimal yield and meeting the 10 National Standards. The qualifying language 'to the extent practicable' is unnecessary and misused.

Sec. 505 provides solid guidance for the role of the SSC to provide recommendations on resilience to fish stocks by providing input on all sources of mortality and promoting resilience to climate change. In particular, the ongoing scientific advice provided by the SSC to assess the health, sources of mortality, bycatch, habitat status, the sustainability of fishing practices and anticipated future impacts of climate change are critical to sustainable fisheries management.

Thank you for the opportunity to comment on the discussion draft and we look forward to future iterations. AMCC is appreciative of the ideas presented which will support the long-term health of our oceans, our fishery dependent coastal communities and numerous others, including ocean inhabitants that depend on a healthy marine environment.

Sincerely,

A handwritten signature in black ink, reading "Theresa Peterson".

Theresa Peterson
Fisheries Policy Director
Alaska Marine Conservation Council