

June 20, 2024

The Honorable Mary Sattler Peltola
153 Cannon House Office Building
Washington, DC 20515

Dear Congresswoman Peltola:

We write to express our deep concern regarding H.R. 8507¹—legislation you have introduced that would create sweeping new federal mandates constraining the effective management of our nation’s fisheries. If enacted, H.R. 8507 would directly harm fishermen and coastal communities in Alaska and throughout our nation, along with countless other people who rely on a healthy domestic seafood sector for food, jobs, and their way of life. We ask you to withdraw this legislation.

Federal fisheries management in the United States under the Magnuson-Stevens Fishery Conservation and Management Act (“MSA”) is widely recognized as setting a global gold standard. Eight Regional Fishery Management Councils (“Councils” or “FMCs”) meet strict conservation requirements while balancing complex management tradeoffs through a rigorous, transparent, and stakeholder-informed decision-making process. Over time, this management system has become stronger. NOAA’s latest *Status of Stocks* report reveals that the number of federal fish stocks subject to overfishing reached an all-time low in 2022, while effective management approaches have restored a total of 50 fisheries that were previously depleted to healthy levels since 2000.²

H.R. 8507 disregards the lessons of the MSA’s success. Its top-down mandates would permanently wall off vast sections of ocean territory from important sustainable fisheries, boxing in not only fishermen but also scientists and managers who would be prevented from adapting their management approaches to changing ocean conditions over time. Our concerns are described in detail below.

1. Science and Climate Change

At the heart of our federal fishery management system is science. The Councils constantly draw upon the best available science—including detailed scientific assessments from six regional NOAA Fisheries Science Centers—to inform their decision-making processes. Increasingly, this science shows climate-related shifts in our nation’s marine ecosystems, including significant changes in the distribution of fish populations and other marine life. In order to respond effectively, experts agree that management must be both dynamic and adaptive. Climate-resilient fisheries management must constantly anticipate, evaluate, and respond to changes in

¹ <https://www.congress.gov/bill/118th-congress/house-bill/8507>

² <https://www.fisheries.noaa.gov/national/sustainable-fisheries/status-stocks-2022>

the ocean environment, and ensure that management actions remain calibrated to achieve defined objectives in light of those changes.

H.R. 8507 does the opposite. It compels Councils to adopt the archaic and counterproductive approach of creating permanent area-based closures that cannot be evaluated and modified as necessary over time. As fish stocks and other marine biota shift, the static area closures mandated by this legislation would leave managers hamstrung in their response. It is the wrong way to approach fisheries management in an era of changing ocean conditions.

2. Habitat Conservation Under the Magnuson-Stevens Act

All fishery participants have a strong vested interest in conserving the marine habitat that drives fisheries production and ensures the health of the broader ocean environment. As a result, there is broad support across our industry for science-based habitat conservation measures. Strong habitat conservation requirements are currently enshrined in U.S. law and regulations and implemented by the eight Regional Councils. Those requirements are far more thoughtfully designed than the rigid and ultimately unscientific approach your legislation would require.

The Council Coordination Committee³ recently examined all of the area-based conservation measures implemented in the United States Exclusive Economic Zone (“EEZ”) by the FMCs and other federal actions.⁴ They calculated that 648 conservation areas covering more than 72 percent of the EEZ have been established.⁵ They further calculated that area-based conservation measures specifically designed to advance conservation of the broader marine ecosystem span more than 56 percent of the EEZ, while management measures establishing prohibitions on all mobile bottom tending gear now covers more than 34 percent of the EEZ.⁶

Dozens of Council actions in recent years illustrate the continuing scale of habitat conservation efforts at the regional level. In 2017, for example, a new Deep Sea Coral Protection Area⁷ spanning more than 38,000 square miles was established off the Mid-Atlantic Coast with support from both commercial fishermen and environmentalists. The following year, the Pacific FMC voted to protect more than 145,000 square miles of sensitive habitats along the West Coast, after a years-long cooperative process initiated by the fishing industry and environmental organizations.⁸ In 2020, the New England FMC adopted sweeping new measures for the conservation of deep-sea corals in the region, spanning more than 25,000 square miles south of Georges Bank.⁹ Later that same year, a Gulf of Mexico FMC Amendment using the

³ <https://www.fisheries.noaa.gov/national/partners/council-coordination-committee>

⁴ <https://static1.squarespace.com/static/56c65ea3f2b77e3a78d3441e/t/6489c43523c0b1595a5b8d54/1686750280097/Evaluation-of-Conservation-Areas-Report-2023.pdf>

⁵ Id., Tables 5 and 6.

⁶ Id., Tables 6 and 7.

⁷ <https://www.fisheries.noaa.gov/resource/map/frank-r-lautenberg-deep-sea-coral-protection-areas-map-gis>

⁸ <https://www.fisheries.noaa.gov/story-map/story-map-west-coast-groundfish-amendment-28>

⁹ <https://www.fisheries.noaa.gov/bulletin/final-rule-designate-deep-sea-coral-protection-areas>

Essential Fish Habitat (“EFH”) provisions of the MSA became final, extending new protections to 500 square miles of deep-sea coral habitat spanning 13 reefs and canyons stretching from Texas to the Florida Keys.¹⁰ Meanwhile, the North Pacific FMC has established area-based conservation measures across more than 65 percent of the one million square nautical miles of ocean territory under its jurisdiction.¹¹

These and hundreds of other existing area-based measures are designed by the Councils to achieve stated conservation objectives relating to fisheries and marine ecosystems. The precise nature of these measures varies greatly, reflecting the unique regional complexities of the objectives and management tradeoffs that are relevant in each case. Critically, under the MSA’s habitat conservation requirements, the Councils periodically re-examine previous designations based on updated assessments of environmental conditions.

Even now, the process for reexamining area closures as new information becomes available or conditions change is often too restrictive. Existing Marine Monument designations covering significant portions of the EEZ limit the ability of some Councils, most especially the Western Pacific FMC, to optimally manage fisheries under their jurisdiction. Similarly, any designation of a Habitat Area of Particular Concern (HAPC) can be difficult to revisit even as new evidence comes to light. In 1984, the South Atlantic FMC designated a 92 square nautical mile area off the East Coast of Florida, the Oculina HAPC, to protect corals. The area was subsequently expanded twice, adding an additional 353 square nautical miles of historic fishing area to its territory. Yet a recent vote by the South Atlantic FMC to reopen portions of the Oculina HAPC to shrimp fishing where corals were found not to be present was rejected by the Secretary of Commerce. H.R. 8507 will permanently legislate inflexibility in complex situations such as these.

We must continue to strengthen the ability of fisheries managers and scientists to make habitat conservation determinations based on the best current information rather than outdated determinations. Instead of moving us further in that direction, H.R. 8507 takes us backwards.

3. Unworkable Federal Mandates and Timelines

The Regional Fishery Management Councils are currently undertaking myriad important analyses and actions to achieve critical conservation and management goals for the benefit of the marine environment and the people who rely on it. Your legislation would require them to deprioritize that vital work to meet new and poorly designed federal mandates.

Specifically, Section 2 of H.R. 8507 would require establishment of new gear definitions and categorizations, as well as the development of new “monitoring and enforcement” plans based on those definitions. This would need to be completed within 18 months. Section 3 of H.R. 8507 details additional new mandates. Within 12 months, Councils are required to establish new

¹⁰ <https://public-inspection.federalregister.gov/2020-21298.pdf>

¹¹ <https://static1.squarespace.com/static/56c65ea3f2b77e3a78d3441e/t/6489c43523c0b1595a5b8d54/1686750280097/Evaluation-of-Conservation-Areas-Report-2023.pdf>, Table 6.

areas within their jurisdictional waters that will be permanently closed to sustainable American fisheries—closures that under this legislation the Councils could never revisit.

These new federal mandates and timelines are utterly unworkable. They would impose an enormous new field of work upon the Councils without any new resources or any reallocation of existing workloads. In our view this constitutes massive and deeply misguided political overreach, which would harm the critical work of federal fisheries management that goes on every day through the Councils.

4. Conclusion

We should all take great pride in America’s seafood harvesters and the wider U.S. seafood industry they support. Our fisheries produce exceptional environmental outcomes; and they provide an affordable, low-carbon, and highly nutritious protein to tens of millions of American consumers. Commercial fisheries also make a meaningful contribution to the national economy, supporting \$183 billion in sales.¹²

Perhaps most importantly, however, these fisheries support working families and coastal communities throughout our country. They create 1.6 million jobs,¹³ often providing an economic lifeline to rural and socio-economically disadvantaged regions where few alternative economic drivers exist. Many of these fishery-dependent workers and communities are currently facing acute challenges due to unprecedented market conditions, strict regulations, climate-related changes in fisheries abundance or distribution, and increased costs of production. The introduction of H.R. 8507 shakes the confidence of seafood buyers and consumers in U.S. seafood, thereby casting a long shadow of uncertainty over the future opportunities of fishery-dependent communities and businesses at the worst possible time. With that critical context in mind, we once again urge you to withdraw your bill, and to redirect your policymaking to initiatives that will assist rather than harm this proud American industry.

Sincerely,

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¹² <https://www.fisheries.noaa.gov/resource/document/fisheries-economics-united-states-report>

¹³ <https://www.fisheries.noaa.gov/resource/document/fisheries-economics-united-states-report>

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