

CCC Legislative Committee Report

October 2019 CCC Meeting

Washington, D.C.

David Witherell

Legislative Committee Members

Dave Witherell (NPFMC), Chair
Tom Nies (NEFMC), Vice Chair
Gregg Waugh (SAFMC)
Jessica McCawley (SAFMC)
Kitty Simonds (WPFMC)
John Gourley (WPFMC)
Carrie Simmons (GMFMC)
Carlos Farchette (CFMC)
Miguel Rolon (CFMC)
Mary Clark Sabo (MAFMC)
Marc Gorelnik (PFMC)
David Whaley (Ex Officio Member)

*Terry Stockwell has resigned.



October 2019 Legislative Committee Meeting

- Congressman Huffman has held two roundtable hearing sessions in California – Marc Gorelnik was an invited witness, and discussions focused on fishing community sustainability, EFH, water issues, and Dungeness crab. LC was interested in a roundtable hearing during the CCC meeting if possible.
- PFMC, NPFMC, and MAFMC were requested by Congressman Bishop to comment on HR 1979 “Driftnet Modernization Act” and HR 2236 “Forage Fish Conservation Act” – LC recommended that comment letters be shared with the Councils and posted on www.fisherycouncils.org



CCC Legislative Working Paper Updates

- The LC recommends that the Introduction section be turned into an Executive Summary.
- The LC recommends a new topic be added – “Timing for FMP Revisions”.
- The Committee recommends that the topics be reorganized into 3 logical groupings.

Science and Data Issues

1. Stock Rebuilding
2. Climate Change and Regional Action Plans
3. Recreational Data
4. Commercial Data
5. Stock Assessment and Survey Data
6. Cooperative Research
7. Cooperative Data Collection

Fishery Management Issues

1. Ending Overfishing
2. Annual Catch Limit Requirements and Exceptions
3. Forage Fish
4. Catch Share Programs
5. Mixed Use LAPP Moratorium

Council Process & Authority

1. Resources Available for Additional Mandates
2. Transparency Requirements
3. NEPA Compliance
4. Other Federal Statutes
5. EFP Authority
6. [Timing for FMP Revisions](#)
7. Deeming and Transmittal Process
8. Aquaculture

CCC Legislative Working Paper Updates

- The Committee Recommends that the following be included in the introductory section of the Stock Rebuilding topic to better describe impacts of a requiring a higher probability (e.g., 75%) of rebuilding:

“The short-term impacts of a rebuilding plan on fishermen and fishing communities are a function of the catches allowed during the plan. Catches during a rebuilding period are determined in large measure by two factors: the target date for rebuilding the stock (i.e. the length of the plan) and the targeted probability of success. These two factors determine the fishing mortality rate during the rebuilding plan. For a fixed ending date, increasing the probability of success will generally result in a lower mortality target and, as a result, lower catches during rebuilding. In the case of multispecies fisheries, lower catches for individual “choke” stocks may reduce overall revenues from the fishery. Once a stock is rebuilt, catches may increase because the target fishing mortality rate is higher than the rebuilding rate. As a result, it is possible that in some cases the economic benefits of rebuilding more quickly to these higher catches may compensate for the reduced catches during the rebuilding period. This is likely to occur only for very productive stocks that rebuild quickly.”

CCC Legislative Working Paper Updates

- The LC recommends the following revised consensus statement for forage fish:

The Councils recognize that forage fish cannot be defined with a one-size-fits-all description or criteria. Species identified as forage fish by the Councils tend to be small species with short lifespans and may have an important role in the marine ecosystem of the region. Some of these species may exhibit schooling behavior, highly variable stock sizes due to their short life spans, and sensitivity to environmental conditions. Some forage species may consume plankton, and some may be an important food source for marine mammals and seabirds. The term "forage fish" appears to imply a special importance of the species as prey, however nearly all fish species are prey to larger predators and thus all fish species provide energy transfer up the food chain.

Councils should have the authority to determine which species should be considered and managed as forage fish. Under existing MSA provisions, some Councils already recognize the importance of forage fish to the larger ecosystem functions and those species are regulated under the Council's FMPs where appropriate. The CCC is concerned that any legislative definition of forage fish, based on broad criteria -- such as all low trophic level fish (plankton consumers) that contribute to the diets of upper trophic levels -- will not include other important types of forage (e.g., squid), unintentionally include important target fish species (e.g., sockeye salmon), and allow for various interpretations by different interested parties and thus invite litigation.

Provisions that would require Councils to specify catch limits for forage fish species to account for the diet needs of marine mammals, birds, and other marine life would greatly impact the ability of Councils to fulfill their responsibilities under the MSA. Many predators are opportunistic feeders and shift their prey based on abundance and availability. As a result, determining the exact amount of individual prey needed each year would be an enormous undertaking, and would divert limited research monies away from other critical research such as surveys and stock assessments.

NOAA and the states do not currently have enough resources to survey target stocks, let alone prepare stocks assessments for forage species that would be needed to set scientifically based annual catch limits. In the absence of this critical information and necessary resources, catch limits would need to be restricted to account for this largely incalculable uncertainty. Prey needs for upper trophic predators are already accounted for as natural mortality removals in stock assessment models.

Councils should retain the authority to determine species requiring conservation and management through development of FMPs. Any legislation that directs the Secretary to prepare or amend fishery management plans (e.g., recent legislation to add shad and river herring as managed species) creates conflicts with current management under other existing authorities.

Next Steps for the Legislative Committee

Assuming the CCC agrees with the LC recommendations for the Working Paper, we will revise the document to:

- Include revisions to Stock Rebuilding and Forage Fish topics
- Include an Executive Summary (and as a stand-alone document)
- Group topics by category
- Add a new topic – Timing for FMP Revisions
- Continue refining regional council perspectives



