



2005 Market Street, Suite 2800 P 215.575.9050
Philadelphia, PA 19103-7077 F 215.575.4939

901 E Street NW, 10th Floor P 202.552.2000
Washington, DC 20004 F 202.552.2299
pewtrusts.org

April 1, 2021

RE: Climate Recommendations for Fisheries and Protected Species

Dear Ms. Sagar,

On behalf of The Pew Charitable Trusts, thank you for the opportunity to offer the following comments on how to make fisheries and protected resources more resilient to climate change. We appreciate the National Oceanic and Atmospheric Administration's (NOAA) increased focus on climate change, and we look forward to working with you in the coming years to advance the incorporation of climate adaptation, resilience and mitigation into the missions of both the National Marine Fisheries Service (NOAA Fisheries) and the National Ocean Service (NOS). Our comments below are not exhaustive, but are intended to provide some overarching recommendations, with examples where appropriate, on how NOAA Fisheries and NOS can best achieve its goals with respect to climate resilience for fisheries and protected species.

NOAA Fisheries

We first acknowledge and appreciate NOAA Fisheries efforts to transition from single-species to ecosystem-based fisheries management (EBFM). EBFM provides the ideal framework for incorporating climate considerations into fishery management, aimed at achieving the [EBFM Roadmap's](#) ultimate goal of "maintaining resilient ecosystems." We encourage and support continued efforts to transition to EBFM, and offer the following specific recommendations to advance climate resilience for fisheries and protected species.

Effectively implement the core Magnuson-Stevens Fishery Conservation and Management Act (MSA) provisions: Critical to U.S. ocean health, particularly in the face of climate change, is sound fisheries management under the MSA. Since its most recent reauthorizations in 1996 and 2006, the MSA has been successful in reducing overfishing and rebuilding U.S. fish populations. The MSA's requirement to prevent overfishing with science-based catch limits has reduced the number of populations known to experience overfishing by more than 50 percent. Likewise, the law's mandate to rebuild overfished populations in a timely manner has restored nearly 50 populations to healthy levels of abundance.

Climate-driven changes to ocean conditions are increasingly impacting the recruitment, abundance, and distribution of U.S. fish populations. In the future, such impacts will make these populations more vulnerable to fishing pressure and other anthropogenic stressors. It is essential that NOAA Fisheries have fidelity to the MSA's core conservation provisions and promote abundant U.S. fish populations, as well as the marine ecosystems and fisheries they support. In recent years, regulatory changes to how these core conservation provisions of the MSA have been implemented have slowed or in some cases eroded gains made in U.S. fisheries management. NOAA Fisheries should rededicate itself to the MSA's successful conservation and management requirements.

Minimize impacts to protected species: Just as with fisheries, threatened species require climate-sensitive, dynamic management to prevent extinction. NOAA Fisheries has a legal mandate through the Endangered Species Act (ESA) and the Marine Mammal Protection Act to conserve these species from anthropogenic pressures so that they can adapt to changing ocean conditions. One species clearly in need of better, more climate-sensitive management are critically endangered North Atlantic right whales that, while maintaining many of their old feeding and calving grounds, are also following their prey base to new areas where they encounter additional lethal commercial lobster and crab fishing gear and suffer deadly vessel strikes. NOAA Fisheries must rely on the best available science to prevent entanglements by implementing dynamic closures that are adaptive to right whale presence, as the distribution and migratory patterns of this critically endangered species shifts in time and space.

NOAA Fisheries must also encourage more innovative fishing solutions, like ropeless fishing gear, which can protect threatened species while sustaining economically and culturally important industries. The widespread, global nature of climate change makes management decisions regarding fishing and shipping even more urgent for protected resources like right whales. NOAA Fisheries must consider the latest science on climate and ocean conditions, and work collaboratively with Canada to more nimbly implement protections that keep pace with ecosystem change so that threatened and endangered species can be resilient and continue to fulfill their role in the marine ecosystem.

Continue developing and implementing fishery ecosystem plans (FEPs): FEPs provide a framework for implementing EBFM strategies using best available science to ensure ecosystem and fishery resilience in the face of climate change. NOAA Fisheries should establish a robust process that brings together regional fishery management councils, scientific advisors, and stakeholders to develop and implement FEPs in ways that effectively address climate issues including shifting fish distributions, changes in ocean productivity, and conserving food webs. Agency support is particularly needed in the Caribbean and Gulf of Mexico regions, where fishery ecosystem planning efforts are now underway. FEPs can also provide a mechanism for incorporating the Traditional Knowledge held by Indigenous communities into the management of fisheries, as is being done through the [Bering Sea FEP](#). NOAA Fisheries should expand these efforts to ensure that Traditional Knowledge plays a meaningful role in promoting climate resilience for both fisheries and protected species.

Conserve forage fish: NOAA Fisheries can advance climate resilience for fisheries by protecting food webs through improved management of forage species. A precautionary approach is warranted for forage species whose collapse would cause widespread harm to dependent species. NOAA Fisheries should work with the Councils to advance stronger measures for managed forage species, such as ecosystem-based harvest control rules (HCRs), to protect their role in food webs; and expand protections for unmanaged forage species as has been done by the [North Pacific](#), [Pacific](#), and [Mid-Atlantic](#) Councils. We applaud the agency for approving the recent amendment to the Atlantic herring fishery management plan (FMP) that includes a new HCR, but note that recent attempts by the Mid and South Atlantic Councils to protect bullet and frigate mackerel, important prey for many pelagic predators, have been blocked rather than

supported by NOAA Fisheries. NOAA should take a leadership role in advancing proactive conservation and management of all forage species.

Manage for shifting distributions: Recent studies provide overwhelming evidence that climate changes will shift and/or expand the distribution and migration of fish populations in the coming years, creating challenges for a management system based on regional governance. For example, off the Atlantic coast there is already evidence that some species in the South Atlantic snapper-grouper complex are moving north, beyond the limits of established conservation measures where they will be unregulated unless actions are taken. NOAA Fisheries should work with Councils to ensure that effective conservation and management measures are in place for all managed species regardless of where they are caught, and establish precautionary policies, such as the [Arctic FMP](#), for the development of new federal fisheries. To support those efforts, NOAA Fisheries must continue to articulate key science needs (e.g., [NOAA Climate Science Strategy](#)) that inhibit management and policy advancements, and accelerate collaborations between government, independent and academic scientists to address those needs.

Protect coastal and marine habitat: Conserving essential fish habitat (EFH), Habitat Areas of Particular Concern (HAPCs) and designated ESA critical habitat including estuaries, seagrass, kelp, corals and mangroves, is an essential component of ensuring climate resilience for fisheries and protected species. NOAA Fisheries, working with the regional fishery management councils, helps identify habitat that is crucial for fisheries today and into the future as climate change may shift EFH for managed species, and implements measures to protect those areas from harmful fishing-related activities. Through EFH and ESA Section 7 consultations, NOAA Fisheries plays a critical role in protecting these areas by providing other federal action agencies with recommendations on how to avoid, minimize, and/or mitigate adverse impacts from activities like offshore drilling, dredging, and mining. This process is often challenging however, due to a lack of information and understanding on how to best characterize and quantify the ecological value of these habitats. NOAA should work to advance the development and application of new habitat valuation approaches and associated policies, such as the [California Eelgrass Mitigation Policy](#), to better ensure that federal actions not only avoid adverse impacts, but help restore and conserve these important places.

National Ocean Service

Pursue opportunities to designate new National Marine Sanctuaries (NMS): The Office of NMS has recently expanded opportunities for community nomination of new sanctuaries in the United States Exclusive Economic Zone and the Great Lakes. NMS's serve as natural laboratories, providing opportunities for research and exploration tailored to the specific needs of the area. This research agenda is crucial to understand and respond to climate impacts on habitats, fisheries and important cultural assets in our nation's waters. Community-led conservation and adaptive management are hallmarks of the NMS system and are effective strategies to manage diverse marine resources and promote resilience to changing ocean conditions.

Expand the National Estuarine Research Reserve (NERR) system to all bioregions: The NERR System is a vital resource for local communities, providing good jobs, critical funding of science

in the natural resources space, and co-benefits to coastal and inland residents. NOAA expansion of the resources for and new sites within the NERR system will enhance local and national understanding of multiple natural and cultural resource issues, from sea level rise and ocean acidification, to the impacts of water quality and pollution on fisheries, and the role of estuaries in mitigating greenhouse gas emissions.

Advance climate resilience through state coastal management programs (CMPs): We encourage NOAA's Office for Coastal Management to expand guidance and support for state CMPs to address climate-related challenges facing state coastal resources and uses, including shifting fish populations, the growing demand for offshore renewable energy and the potential need to establish climate refugia for fish and protected species. As states work to advance climate resiliency, CMPs (through federal consistency) can help protect coastal and nearshore ecosystems from potential damaging impacts, as well as manage competing and emerging uses through tools like special area management plans and geographic location descriptions.

Aquaculture

As NOAA Fisheries continues to promote domestic aquaculture and mariculture, we recommend the agency prioritize restorative and conservation-based aquaculture to aid in the restoration of coastal and marine ecosystems with the aim of enhancing climate resilience. For new and expansion of existing aquaculture operations, we also recommend that NOAA Fisheries increase collaboration with other permitting agencies, such as the Army Corps of Engineers, to ensure the avoidance, minimization and mitigation of adverse impacts to the ecological function of important coastal and marine habitats.

Conclusion: Planning for the Future in Changing Oceans

The planet's oceans are changing rapidly. The future health of America's fisheries and other ocean dependent activities, as well as the health of protected resources, depends on efforts we put in motion today to conserve marine life and habitats. In this letter, we have identified key priorities for NOAA Fisheries and NOS to best achieve its goals with respect to climate resilience for fisheries and protected species. Moving forward, we also urge the Administration to advance a comprehensive approach to inter-related initiatives like aquaculture, coastal resilience opportunities on military and other public lands, and blue carbon contributions to climate mitigation, to restore and maintain our coastal and marine ecosystems. We look forward to meeting and discussing opportunities to advance specific policies, including the immediate need to take emergency action to protect right whales from extinction.

Sincerely,



Jennifer Browning
Director, Conserving Marine Life in the U.S.
The Pew Charitable Trusts