North Pacific Fishery Management Council

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Secretary Deb Haaland
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear Secretary Haaland:

On behalf of the North Pacific Fishery Management Council (Council), please consider the following comments to inform how the American Conservation and Stewardship Atlas (Atlas) can best serve as a useful tool for the public and how it should reflect a continuum of conservation actions in the America the Beautiful initiative, recognizing that many uses of lands and waters can be consistent with the long-term health of natural systems and contribute to addressing climate change and environmental injustices.

The North Pacific Council has a successful record of science-based, sustainable fisheries management since the Magnuson-Stevens Fishery Conservation and Management Act (MSA) was implemented in 1976. Each year for the past 40 years, the sustainable harvest of groundfish in the North Pacific totals 2,200,000 metric tons or greater. This level of harvest accounts for about 60% of the total U.S. catch, and is critical to ensuring food security for the nation due to the both the size and the stability of the annual yield. These yields are a direct result of Council management for sustainable fisheries that provide benefits for harvesters, processors, recreational and subsistence users, and fishing communities, which (1) are maintained by healthy, productive, biodiverse, resilient marine ecosystems that support a range of services; (2) support robust populations of marine species at all trophic levels, including marine mammals and seabirds; and (3) are managed using a precautionary, transparent, and inclusive process that allows for analyses of tradeoffs, accounts for changing conditions, and mitigates threats. The NPFMC has a four-decade track record of demonstrating that sustainable fisheries and protection of ecosystem function and integrity are not just compatible; they are intertwined.

The Council seeks to conserve and manage fishery resources and associated biodiversity in a proactive, sustainable manner, and to promote resilience to climate change through a transparent and collaborative public process that relies on the best available science. One of the many tools used by the North Pacific Council to achieve this success has been the establishment of area-based conservation measures. There are over 200 conservation areas established by the Council to conserve marine resources and biodiversity, protect vulnerable habitats and ecosystems, and support healthy coastal communities. These areas encompass 666,497 nm^2 that are closed to bottom trawling year-round, representing about 65% of the Exclusive Economic Zone (EEZ) in the North Pacific (1,025,770 nm2). A total of 153,832 nm^2 are closed year-round to all bottom tending gears (15.0% of EEZ). With this extensive experience in establishing and managing numerous and extensive marine conservation areas as one of many tools for sustainable fishery management and protection of ecosystem function, the Council is qualified to provide input into the development of the Atlas.

Under the MSA, the Council applies a process that adheres closely to the eight key principles for conserving and restoring land and waters established in the report, “Conserving and Restoring America the Beautiful”. All Council conservation areas are established using collaboration and inclusive approach, where people have worked together to conserve the health and productivity of marine resources

(Principle 1). These areas provide conservation of relatively undisturbed natural places in the North Pacific, and which yield meaningful benefits to all Americans, including providing healthy sustainable protein that is available and affordable to a broad range of U.S. consumers (Principle 2). Conservation areas are established to create jobs, support productive fisheries and support vibrant coastal communities (Principle 5). All conservation areas are established using the best scientific information available (Principle 7) and are developed to be flexible and adaptive to adjust to a changing climate and availability of new scientific information (Principle 8). Further, because the Council operates through a stakeholder driven process, some conservation areas are developed using locally led or locally designed conservation efforts (Principle 3) and other areas have been developed to support priorities of Alaska Tribes and communities (Principle 4).

As we understand it, the Atlas is intended to serve as a baseline of information on lands or waters that are conserved, and also serve as tool through which to measure the progress of conservation and stewardship that reflects the goals and principles of the initiative. It is with this understanding and our experience with establishment of marine conservation areas, that we make the following comments on development of the Atlas, based on the topics identified in the Federal Register request for information.

Science and Data. What data sources, standards, and technical approaches should be applied to data included in the Atlas to ensure that it is an authoritative and useful tool for the public?

The first step in establishing a database of conservation areas is to define the term "conservation area." From our perspective, *a conservation area is an established, geographically defined area, with planned management or regulation of activities that provides for the maintenance of biological productivity and biodiversity, ecosystem function and services (including providing recreational opportunities and healthy, sustainable seafood to a diverse range of consumers)*.

The data for each conservation area should originate with the agency that actively developed and manages the area. The agency must further certify that the data in the Atlas for these areas are accurate. For example, NOAA Fisheries, rather than NOAA National Ocean Service, should be the provider, auditor, and evaluator of data for conservation areas established through that agency. This comment is based on our experience with other agencies attempting to summarize fishery related conservation areas. As noted by the North Pacific Council in letters to NOAA, the Protected Seas database developed in coordination with the National Ocean Service does not accurately reflect many of the conservation areas established to regulate fisheries in the North Pacific EEZ, or their relative value to conservation, so that database should not be used solely in development of the Atlas for Council managed areas.

For marine conservation areas, the Atlas should utilize the database prepared by the U.S. Regional Fishery Management Councils, as reported to the Council Coordination Committee and NOAA Fisheries leadership. A preliminary report to the Council Coordination Committee in October 2021 showed that there are at least 663 conservation areas in the U.S. Exclusive Economic Zone (EEZ). The final report, which will be out in May 2022, will provide a full database of these conservation areas, including a comprehensive evaluation of the conservation benefits provided by each area, and an evaluation of how each area aligns with and addresses each of the principles for conserving and restoring America the Beautiful. Although the preliminary report indicates that marine conservation areas protecting biodiversity exceed the 30% threshold, the Councils are always seeking to provide an iterative and flexible approach to adapt to climate change, new scientific information, and conservation needs identified by local people and affected stakeholders. The preliminary report can be found here:https://static1.squarespace.com/static/56c65ea3f2b77e3a78d3441e/t/6168bf42a502285352c8a245/1634254670431/Tab+10aii_ABM+SubComPPT_Oct2021CCC.pdf

<u>Conservation as a Continuum</u>. How can the Atlas reflect the meaningful conservation work already underway in America?

The Atlas must be more than just a database. It needs to accurately describe the state of biodiversity and ecosystems in all the regions of the U.S. It should describe the conservation activities in different regions of the U.S., and assess the risks to biodiversity given the current conservation and management programs in place.

Biodiversity in the marine environment is not subject to the same magnitude of threats as on land. Unlike the permanent destruction of land habitats caused by highways, housing, and other development, occupation of (and impacts to) the marine environment is for the most part, temporary. For marine fisheries, these impacts on habitat are limited by regulation, as NOAA Fisheries is required to ensure impacts on essential fish habitat are only minimal and temporary. Additionally, NOAA Fisheries must ensure that all fish populations are conserved and managed to stay at relatively high population levels and overfishing is avoided. As such, impacts to biodiversity in marine environments off the US are limited and controlled.

What stewardship actions should be considered, in addition to permanent protections, to capture a more complete picture of conservation and restoration in America?

As previously stated, a conservation area is an established, geographically defined area, with planned management or regulation of activities that provides for the maintenance of biological productivity and biodiversity, ecosystem function and services (including recreational opportunities and providing healthy, sustainable seafood to a diverse range of consumers). Given this definition, the Council notes that the MSA already provides for the conservation of 100% of the marine area included in the Exclusive Economic Zone (EEZ). All fish resources and marine fish habitats are fully conserved under the MSA though the establishment of annual catch limits, and other marine ecosystem components, such as marine mammals and seabirds are conserved and restored under the MSA and other laws (e.g., ESA, MMPA).

There is more to conserving marine biodiversity that just quantifying the total amount of subareas that has been established to provide additional conservation, especially under a changing climate. Limits on the harvest of fish species -- and the protection of fish habitat, marine mammals, and endangered species -- in 100% of the EEZ provides for the conservation of marine biodiversity far beyond what can be achieved through the conservation of just a portion of the ocean. Other non-spatial conservation measures used by councils (e.g., limits on the amount of bycatch, prohibitions on targeting forage species, gear modifications to reduce bycatch or habitat impacts, allocation of fish to less impactful gear types, etc.) all contribute to the maintenance of biological productivity and biodiversity, ecosystem function and services (including seafood production) in the US EEZ.

The biggest long-term threats to the marine environment are a warming ocean, increasing ocean acidity, invasive species, and pollution from land runoff. Conservation areas will not be an effective tool to protect biodiversity or increase resilience to climate change in the face of these threats. For example, no conservation area is going to prevent warming water temperatures from reducing Pacific cod larvae survival, and no conservation area is going to reduce calcium shelled animals (such as crabs) from the impacts of ocean acidification. Addressing these problems will require reduced carbon emissions and other environmental stressors on a global scale, and a flexible regional approach to adaptively manage and mitigate direct and indirect human impacts on marine ecosystems.

The Council's experience has shown the importance of having a flexible approach to designating and managing conservation areas, particularly those that are established for reasons other than protection of a

fixed habitat feature. Some types of conservation areas established by regulation (e.g., through implementation of MSA) can provide long-term conservation effects without being "permanent area" established by statute or Executive Order (and which are not flexible to climate change or new scientific information). Many of the conservation areas in the North Pacific were established by the Council over 35 years ago and are still meeting conservation objectives for the areas, particularly those that conserve habitats, sessile epifauna, or stationary components of the ecosystem.

While marine conservation areas can provide long-term conservation benefits, the Council has learned that continued monitoring of ocean conditions, fish stocks, and other relevant ecosystem factors inside and outside conservation areas is necessary to determine if changes are needed. Some conservation areas in the North Pacific have been modified to address environmental changes that have caused more mobile fish stocks to alter their historic distribution in response. For example, in 1995, the Council established Chinook and Chum Salmon Savings Areas in the Bering Sea where salmon were aggregated and taken as bycatch. By 2005, the Salmon Savings areas were re-evaluated and determined to be counterproductive as a conservation measure, so fixed areas were eliminated by regulation and replaced with a more responsive and flexible system that opens and closes spatial areas throughout the season 5-7 days at a time based on relative salmon bycatch rates. Other species are also shifting distributions in response to changing environmental conditions. For example, Pacific cod are now abundant in the northern Bering Sea where the stock was not previously present due to the disappearance of the cold pool, which served as a barrier to northward fish movement. Because environmental changes create shifting ecosystem functions and potentially enormous management challenges, the problem of fixed closures in a changing climate cannot be overlooked or understated.

What are the attributes of lands and waters that should be included in the Atlas? Considerations could include, for example, a clearly defined geographic boundary, status of ecological function, representation of species and habitats, extent of disturbance, expected future risks from climate change or other human stressors, ecosystem connectivity, or durability of management status.

The Atlas should include attributes normally associated with conservation areas:

- Area has clearly defined boundaries
- Area is established by law, regulation or management plan, and lead agency
- Area has a clear governance structure
- Size of the area
- Conservation objective of the area
- Restricted activities in the area
- Conservation benefits provided by the area
- Enforceability of the restrictions in the area
- Degree of research and monitoring in area

How can the Atlas best reflect the contributions of State, local, Tribal, territorial, and private lands?

Consistent with the Council's view that the data should be provided only by the source agency or entity, we believe that the States, Tribes, and territories should be provided an opportunity to contribute to the Atlas database. For a comprehensive understanding of stewardship and conservation in marine waters, it is particularly important to include the conservation measures occurring in State waters (0-3 nm). Nearshore waters and estuaries (and rivers for anadromous fish species) are essential fish habitat for many marine fish species during their early life stages. Providing data for the Atlas takes substantial staff

resources, and the Council suggests that States, Tribes and Territories be provided with funding to support their efforts to contributing to the Atlas.

Outcomes. How can the Atlas best reflect land and water contributions to biodiversity, climate change mitigation and resilience, and equitable access to nature and its benefits?

Rather than just focus on how much area is set aside and designated as conservation area, a better measurement of progress is tracking changes in biodiversity, from the genetic to ecosystem level. Is the diversity of ecosystems in the region changing? Are there changes in species richness or diversity? Are unique ecosystems still intact and are endemic species present in the region? Is the genetic diversity of a species declining, and if so, what is the rate? What target level of biodiversity are we trying to achieve?

The Council receives an annual ecosystem status report for each of the large marine ecosystems under its jurisdiction (Bering Sea, Aleutian Islands, Gulf of Alaska). The report is prepared by NOAA Fisheries scientists and other contributors. The purpose of the status reports is to summarize and synthesize climate and fishing effects (historical and future) from an ecosystem perspective, based on status and trends of ecosystem components and ecosystem-level attributes using an indicator approach. This provides a coherent view of the ecosystem trends to clearly recommend precautionary thresholds, if any, for establishing annual catch limits for groundfish, which may be required to protect ecosystem integrity. The ecosystem status reports provide an excellent tool for tracking regional progress towards the goals outlined in the America the Beautiful Report; they can be easily accessed at https://www.fisheries.noaa.gov/alaska/ecosystems/ecosystem-status-reports-gulf-alaska-bering-sea-and-aleutian-islands We strongly recommend that the Department consider them as a model for tracking biodiversity, and ecosystem integrity, resilience and function.

Thank you for the opportunity to provide comments. We would be pleased to provide additional information on any of these points as we have considerable experience with successfully meeting the seafood needs of the nation and protecting marine resources for future generations; we have learned that they are simply two faces of the same coin.

Sincerely,

Simon Kinneen
Council Chair

cc: Ms. Janet Coit, Assistant Administrator, NOAA Fisheries
Regional Fishery Management Councils