



SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

4055 Faber Place Drive, Suite 201, North Charleston SC 29405

Call: (843) 571-4366 | Toll-Free: (866) SAFMC-10 | Fax: (843) 769-4520 | Connect: www.safmc.net

Melvin Bell, Chair | Carolyn N. Belcher, Ph.D., Vice Chair
John Carmichael, Executive Director

September 30, 2021

The Honorable Jared Huffman
1527 Longworth House Office Building
Washington, DC 20515
c/o Casey MacLean, legislative assistant
Casey.MacLean@mail.house.gov

The Honorable Ed Case
2210 Rayburn House Office Building
Washington, DC 20515

Dear Representatives Huffman and Case:

The South Atlantic Fishery Management Council appreciates this opportunity to provide comment on H.R. 4690, the Sustaining America's Fisheries for the Future Act (Act). The South Atlantic Fishery Management Council (SAFMC) is one of the eight fishery management councils in the US. Our jurisdiction extends along the Atlantic Coast from Monroe County, Florida, to the North Carolina – Virginia Border, placing us between the Gulf of Mexico and Mid-Atlantic Fishery Management Councils. Our portion of the Atlantic coast exhibits great diversity in habitats, fishery resources and fisheries. In recent years, the Exclusive Economic Zone in our area has been home to the highest number of recreational fishing trips in the nation. This area has also experienced phenomenal population growth and development in the 40 years since the Magnuson-Stevens Act was initially approved. As a result, we experience first-hand the challenges of climate change, council jurisdictional issues, waterfront development, and recreational fisheries management.

Our comments on H.R. 4690 are to some degree predicated on our ongoing efforts to fulfill the vision of the Sustainable Fishery Act of 1996 (SFA). While we have taken necessary actions to end overfishing and rebuild overfished stocks, for many stocks we have adopted fishing level recommendations that are based on minimal scientific information and often rely upon assumptions and precautionary principles. For example, only 17 of the 67 stock units we manage are managed under fishing levels based on accepted, peer-reviewed stock assessments. While the risks associated with establishing SFA-required Annual Catch Limit (ACLs) solely based on historic landings information are well known, due to the lack of information necessary to support more robust approaches, 41 of our stocks have ACLs based solely on landings. Our Scientific and Statistical Committee (SSC) has stated that the available catch estimates are not reliable for 17 stocks in our Snapper-Grouper Fishery Management Unit. Our constituents and fishery

advisors have made it clear for many years that they don't object to management by science, they object to management by assumption.

We share the Act's stated concerns about the impacts of climate change on fish stocks and fishery management systems as expressed in Title I. However, lacking adequate data to assess most of our managed stocks under current conditions, it could be difficult to reliably provide much of the requested information, such as how fishery productivity and yield will change in a dynamic environment. One counter-intuitive lesson we have already learned in dealing with data limited species is that it can be more difficult and time consuming to prepare analyses when data are scant as opposed to when data are abundant. This is because of the effort required to find useful data for comparison, evaluate information from similar species or from other areas, explore multiple possibilities and account for the added uncertainty that arises when dealing with inadequate data. Because our Fishery Management Plans (FMP) must comply with the MSA and National Standards requirements for ensuring the use of Best Scientific Information (BSIA) and Peer Reviews, information we use must meet a high standard and there is little flexibility for relaxing those standards when data simply do not exist. Additional data and research will likely be required to determine the impacts of climate change and the vulnerability of individual stocks while ensuring those determinations meet BSIA standards.

The lack of information currently available to adequately conduct the analyses to support requirements described in Title I will create additional uncertainties and likely result in reiteration of existing advice to simply be precautionary in the face of uncertainty. This could conflict with the needs of constituents and their communities as well as efforts to achieve Optimum Yield from fisheries. As managers, we cannot impact fish growth, recruitment, or natural mortality. This leaves fishing mortality as the only population factor under our influence, and therefore being precautionary means lowering fishing mortality and harvesting less. Our communities and constituents most certainly require and deserve sustainable management that ensures the long-term viability of the resources on which they depend, but they also require access to and use of those resources for their day-to-day enjoyment and even economic survival. It will be difficult to achieve the proper balance between these competing demands without adequate scientific information.

Thanks to our location between the Gulf of Mexico and Mid-Atlantic Fishery Management Councils, we are well versed in the current challenges presented by interjurisdictional fisheries and the potential for shifting stocks. It is difficult to determine how more frequent evaluations of Council jurisdictions will impact Council operations without more information on how terms such as 'substantial portion' are defined. Stocks need to be managed as functional biological units and defining those units requires consideration of much more than the geographic range of landings. Adults of some stocks may rapidly shift from historic seasonal ranges while it could take many years for spawning and nursery areas to change. Additionally, there can be differences between where fish are harvested and landed, and between where adults and juveniles live and where spawning occurs. Nonetheless, we can note that the time and effort required to develop a new FMP is measured in years, not months, so meeting some of the desired deadlines will be difficult. For example, meeting the current 2-year statutory deadline to develop a solution to overfishing can be challenging when that solution imposes significant negative impacts on fishing communities. Pursuing new FMPs that impact new resource users and impose new

monitoring requirements could take much longer in our open, public and transparent process. Given these realities, changing jurisdictions on a 5-year basis could result in scenarios where one Council barely completes, and the Agency perhaps does not even implement, an FMP before another change in jurisdiction is considered. At this point we simply do not know how most stocks will respond to climate changes that are yet to occur, and whether such changes will be permanent or ephemeral. Frequent or back and forth changes in jurisdiction could undermine confidence in managers and result in lost time and effort.

Our fisheries infrastructure is under continual threat from coastal development, population growth, and now climate change. Efforts to sustain, preserve, and support working waterfronts will benefit our constituents and help ensure access to the resources we work so hard to maintain. One of the explanations we hear from constituents regarding objections to catch reductions, even when they recognize that reductions are necessary for long-term stock sustainability, is that they operate on very narrow economic margins. Stronger support for the infrastructure they need to maintain viable businesses could help lower their costs and provide much needed relief.

The SAFMC recognizes the importance of transparency in a public process. One of the ways we promote clarity and transparency for those observing our deliberations is by liberal use of motions. Motions are routinely used for determining Actions and Alternatives and then modifying them throughout FMP development. We have had meetings where over 100 motions of this type were made, all of which were displayed in writing and stated verbally. Due to the time required to conduct a roll call vote, it would be impractical for us to continue with such liberal use of motions if roll call votes were required of every motion. This could ultimately result in an unintentional loss of transparency and clarity. SAFMC webcasts all Council and Advisory Panel meetings and provides transcripts from all meetings on our website as soon as possible. It can sometimes take up to 6 weeks to obtain transcripts when we have extensive back-to-back meetings. Efforts to shorten the deadline for posting such information would increase workload and possibly expenses.

It is difficult for us to determine the impacts of treating SAFMC employees as Federal employees for any requirements applying to Federal employees since we are not currently aware of the full scope of such requirements. It is likely that, at the very least, administrative costs will increase to ensure compliance with such requirements. Additional administrative staff may also be required, which, without additional resources to offset the added expense, will diminish resources currently devoted to developing fishery management actions. Recruitment and retention of staff could also become more challenging if the added requirements are not offset by equivalent benefits.

Clearly applying federal harassment and assault prevention standards to those already encompassed in the SAFMC process may improve working conditions for staff and ensure safe spaces for constituents. Current operations will benefit if these provisions increase our access to federal resources that are typically available to prevent issues or manage and address incidents that occur. Such provisions may help provide support if SAFMC leadership must address harassment or assault incidences in the future.

Provisions that expand electronic technologies, cooperative research opportunities, and improve programs such as Saltonstall-Kennedy may help address the abundant and long-standing data needs we reference throughout this letter. Success is contingent upon ensuring adequate resources to support these programs are provided to all Council regions. The proposed creation of regional advisory committees for the American Fisheries Advisory Committee could enhance consideration of regional needs. However, the South Atlantic is divided amongst these committees in ways that could adversely affect efforts to meet our needs. Including NC, SC, and GA in a regional committee with the mid-Atlantic states, and Florida in a different region with the Gulf states and US Caribbean, will be divisive and could create logistical challenges for our participation. The regions as proposed divide the SAFMC across two committees, separate most of our area from the NMFS' Southeast Region, in which we are also located (and with whom we share many challenges), and place part of our region with states located in the NMFS' Greater Atlantic Region. Current efforts to define potential climate change impacts, including a recent Atlantic Science Coordination Workshop convened by NMFS, underscore the need for consistent and coordinated scientific approaches throughout a stock's range. Dividing our member states and the range of most of our managed stocks across two regions could hinder efforts to coordinate scientific research and data collection.

The SAFMC has directly experienced constituent's frustration when the term 'Overfished' is used when stock decline is not simply due to excessive fishing. However, terminology changes typically increase confusion and sometimes redirect, rather than resolve, semantics problems. Fisherman object to "Overfished" because it seems to carry a cause-and-effect implication that is not always accurate. On the other hand, "depleted" might carry negative connotations concerning stock status and inferred fishing impacts that could possibly exacerbate unfounded fears of imminent extinction. This could result in even greater negative assumptions about fishery resource users that will increase outreach and communication demands and slow FMP development. Changing terminology does not address the desire expressed by our constituents to receive increased flexibility, relief, and accommodations for their needs when faced with a non-fishing-caused overfishing situation.

The SAFMC has previously raised concerns with the arbitrary 10-year rebuilding requirement because it is not biologically based and does not treat all stocks equally. For example, 10 years is a vastly different time period to a short-lived species than to a long-lived species. Striking the 10-year requirement and retaining the minimum rebuilding time defined as the time to rebuild in the absence of fishing plus a generation time for all stocks will simplify estimation of the minimum allowed rebuilding time, reduce the number of scenarios to be analyzed in developing rebuilding alternatives, and ensure all stocks are treated fairly, regardless of their life span.

In closing, the South Atlantic Council believes that management based on Maximum Sustained Yield with the goal of achieving Optimum Yield for our fisheries under the principles of the MSA and National Standards provides an effective foundation for ensuring stock, fishery, and community viability and resilience. Many of the issues we face are due to a chronic lack of essential information about the stocks we manage rather than deficiencies in the MSA. This forces us to rely on incomplete and imprecise information which in turn leads to operational delays and increased constituent challenges at every step. We face challenges fully achieving the vision of the 1996 Sustainable Fishery Act because we lack much of the basic information on

stocks, essential habitats and environments, economics, and fishing communities that scientists, managers, and fisherman all agree is critical for sound management. In many instances, our fishermen, fisheries, and supporting communities have borne the costs of management decisions made in the face of substantial yet often preventable uncertainties. Getting to the next level of predicting and responding to climate change impacts poses a considerable challenge given our lack of a historic baseline and data-limited starting point. Without adequate scientific information, the result will likely be increased precaution to address increased uncertainty which then leads to negative impacts in our communities. Therefore, we believe that ensuring resilient fisheries, habitats and communities for a sustainable future begins with ensuring adequate resources within our region to meet the MSA's science-based management obligations that will form the foundation of future climate change responses.

We are available to answer any questions you may have about the fisheries in the Southeastern U.S. as well as our specific comments on this bill. Thank you again for the opportunity to provide comments.

Sincerely,

A handwritten signature in cursive script that reads "Melvin Bell". The signature is written in black ink and is positioned below the word "Sincerely,".

Melvin Bel
Chair

cc: Council Members and Staff
Monica Smit-Brunello
Council Coordination Committee
Mr. Dave Whaley

LN# 202113