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NORTH PACIFIC FISHERY MANAGEMENT COUNCIL

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NPFMC Comments on S. 4938 Bycatch Reduction Act

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The North Pacific Fishery Management Council (NPFMC, North Pacific Council, or Council) offers the following comments on pertinent background and specific sections of the draft legislation “Bycatch Reduction Act,” S. 4938. Per federal law, the following comments are not intended to provide support for or against the legislation. Rather these initial comments are observations and comments based on the North Pacific Council’s ability to meet its conservation and management goals under the MSA, and the objectives specified in its 4-year National Oceanic and Atmospheric Administration (NOAA) Grant. As this bill goes through the legislative process, the Council would be pleased to provide additional comments if requested.

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Current North Pacific Fishery Management Context

NPFMC’s Record of Science-based, Sustainable Management

The North Pacific Council has had 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, vessels homeported in Alaska, Washington, and Oregon harvest over 2,000,000 metric tons of groundfish in the North Pacific, worth approximately \$2 billion first wholesale, which comprises the majority of the Nation’s seafood harvest. The abundance of groundfish stocks is high, and most stocks are well above the abundance levels that produce maximum sustainable yield. In the past 50 years, no Alaska groundfish stocks have been overfished or have been subject to overfishing.

The MSA has provided flexibility to develop a fisheries management program in the North Pacific which has resulted in global recognition for its sustainable, diverse, and valuable fisheries. The North Pacific Council recommends measures to the Secretary of Commerce to manage these fisheries sustainably, including minimizing bycatch to the extent practicable, consistent with National Standard 9 of the MSA. Under the MSA, Councils identify data needs, and recommend management measures, including measures intended to minimize bycatch and conserve essential fish habitat, while achieving optimum yield for the nation's fisheries, through a transparent and inclusive public process that relies on the best available science and comprehensive analyses required by Federal law to understand potential impacts.

The Council has been informed in recent years by scientists of the significant ecosystem variability facing the North Pacific, and that despite the Council's record of sustainable management, climate-related changes are one of the most, if not the most, influential factor for many North Pacific species. The Council continues to work with NOAA Fisheries and other entities to use the best scientific information available for successful management, including identifying data and research gaps.

Bycatch

Bycatch, as defined by MSA, is any fish that is harvested in a fishery but not sold or kept for personal use, and bycatch occurs in all fisheries and all gear types. The Council notes that all discards from our managed fisheries are accounted for, and the monitoring in the North Pacific is among the most comprehensive in the world. Bycatch rates for different gear types, from lowest to highest, are as follows: trawl fisheries (2.3%), pot fisheries (2.6%), and longline fisheries (23.1%) (see Table 1). In total, the North Pacific groundfish fisheries (all gears/fisheries combined) bycatch was approximately 3.5% of the catch in 2025, which is now lower than reported for any other region or country in the world.

Area	Gear	Catch(t)	Discard(t)	% Discard
BSAI	Trawl	1,684,111	35,952	2.1%
	Longline	94,413	17,449	18.5%
	Pot	37,429	829	2.2%
GOA	Trawl	201,787	6,848	3.4%
	Longline	24,559	10,058	41.0%
	Pot	26,644	822	3.1%
	Other	1,937	n/a	n/a
Total	Trawl	1,885,898	43,715	2.3%
	Longline	118,972	27,507	23.1%
	Pot	64,072	1,651	2.6%
	Other	1,937	n/a	n/a
All Gears and Areas		2,072,193	71,957	3.5%

Table 1 Bycatch in Bering Sea/ Aleutian Islands (BSAI) and Gulf of Alaska (GOA) groundfish fisheries, by gear type, 2025 (Feb 2026 report to Council).

The Bering Sea pollock trawl fishery, a focus of the bill, on average has 1% bycatch annually, and 90% of this 1% bycatch consists of non-marketable species that do not have a catch limit (jellyfish and squids), and fish that are required to be discarded by regulation (herring, and pollock not fit for human consumption). The Council actively manages the fishery to reduce Chinook and chum salmon bycatch in order to minimize effects on western Alaska salmon at all levels of abundance, through bycatch limits, comprehensive monitoring, and sampling for genetic stock of origin to measure the impact on regional river system returns. The data collected in this fishery allow scientists to calculate an impact rate on Western Alaska Chinook runs. Analysis shows that over the last 15 years, bycatch from the pollock fishery has accounted for 2% of the aggregated total runs (escapement plus catch/removals) for Chinook salmon across coastal Western Alaska populations. Of the total Western Alaska chum salmon caught over the same time period, bycatch accounted for roughly 2% of total removals, while the remaining 98% of Western Alaska chum were caught in commercial or subsistence salmon fisheries.

The Council has also developed numerous measures to minimize the bycatch of important subsistence, commercial, or recreational species and/or for which there is conservation concern, including gear restrictions, area closures, bycatch limits that close fisheries, and catch and bycatch triggers that close vessels out of specific areas and/or distribute catch in space and time. The Council has developed regulations authorizing a donation programs and maximum retainable allowances of non-targeted species, to avoid waste.

Habitat

Ocean habitat is essential for maintaining productivity of fishery resources and is a key component of the Council's ecosystem-based management approach. Habitat that provides structural relief on an otherwise featureless bottom can be particularly important to fish for food, reproduction, and shelter from predators. The Council has adopted numerous measures to conserve essential fish habitat, including minimizing impacts on benthic habitats. Measures to conserve benthic habitat include gear restrictions and requirements (including requirements for bobbins on bottom trawl sweeps to minimize contact with the seabed) and implementation of wide-scale and extensive marine protected areas that restrict fishing with specified gear types. For example, [over 60% of the EEZ in the North Pacific is closed to bottom trawling](#) to conserve benthic habitat and protect sensitive species.¹

Under the MSA, each Council, in partnership with NOAA Fisheries, is required to conduct an Essential Fish Habitat (EFH) review every five years to determine any adverse effects to habitat from conducting federal fisheries, and whether those impacts are more than minimal and/or not temporary. In effect, as soon as one review is completed, the next one begins soon after. The last evaluation for the North Pacific was completed in 2023, and NOAA Fisheries is currently conducting a review due in 2028. Due to the habitat conservation measures already in place, research and multiple EFH analyses have indicated that in the North Pacific, [fishing \(including all gear types\) has disturbed essential fish habitat by approximately 3% overall relative to a pristine condition](#). Additionally, the Alaska Fisheries Science Center (AFSC) scientists and the Council's Scientific and Statistical Committee (SSC) concluded through analysis that fishing effects on each and every managed groundfish and crab species were minimal and temporary, and therefore no stocks were recommended for mitigation to reduce fishing effects on EFH. In other words, the current impacts of fishing on benthic habitat throughout the Bering Sea/Aleutian Islands and Gulf of Alaska, including fishing with trawl gears, do not trigger additional management action at this time based on the essential fish habitat standards established by the MSA².

Trawl Gear and Fishing Community Support

The Council notes that more than 60% of the Nation's fisheries come from the North Pacific, and trawl gear harvests over 90% of the groundfish harvested from the North Pacific Exclusive Economic Zone (EEZ). The vast majority of this harvest is from species that cannot be taken in commercial quantities by any other fishing gear (e.g., pollock, flatfish, mackerel). Year-round deliveries from groundfish trawl vessels support processing and community infrastructure that also serve seasonal and lower-volume fisheries, including halibut, crab, and salmon. Some Alaska coastal communities (such as Sand Point, King Cove, Unalaska, and Kodiak) rely on trawl groundfish fisheries as a main source of tax revenue and employment. The 65 western Alaska Community Development Quota (CDQ) communities also rely on federal trawl groundfish fisheries as the primary means of community benefits through CDQ investments, royalties, employment, scholarships, training programs, and a host of services provided to these communities through the CDQ groups. CDQ groups collectively have interest in more than 30% of the BSAI pollock fishery, which includes full or partial ownership in 39 of the BSAI catcher-processor and catcher-vessels that fish for pollock and groundfish.

¹ Bachman, M., Coakley, J., Witherell, D., Boelke, D., Fitchett, M., Froeschke, J., Griffin, K., Holycross, B., Pugliese, R., Reid, R., and Rivera, L. 2025. Use of conservation areas for fisheries management and ecosystem conservation in the U.S. exclusive economic zone. *Marine Policy* (175)1-11.

² The Council has adopted its SSC's [recommended](#) methodology to evaluate whether habitat impacts caused by fishing are adverse and more than minimal or not temporary, relying on a three-tiered method including whether the amount of disturbed habitat in the core EFH area for each species and life stage equals or exceeds 10% as a threshold requiring additional analysis and possible mitigation.

Overarching NPFMC Comments

The Council notes that certain provisions of the legislation would alter the **Council's existing process for recommending management measures** to the Secretary of Commerce. The Council also notes that these provisions may affect the use of scientific information, analysis, and regional public processes in developing and implementing changes to fisheries management. The Council's successful management history has generally relied on thorough vetting of the scientific support for new management measures and technologies in public Council meetings, before they are implemented in regulation. For example, the Council has implemented several gear modification requirements in the past, such as for elevated trawl sweeps and salmon excluders. The process for these changes has been a multi-year sequence of field testing using exempted fishing permits or other collaborative tools, first developing a proof of concept and then a proof of scale and practicability for the diverse vessels of the fleet.

Unless carefully scoped, measures that are intended to reduce bycatch or habitat impacts can result in unintended consequences and/or end up canceling out their conservation benefits if they result in fishermen expending more effort and more time fishing in order to achieve the same catch, and achieving optimum yield is a primary mandate under MSA. For example, the Council highlights the inherent tension in the bill with management measures designed to require trawl gear to fish off-bottom in order to reduce impact to marine habitat, given evidence that fishing higher in the water column is likely to increase bycatch of salmon. Similarly, future measures that are designed as dynamic closures that change with changing conditions may be preferable based on the best scientific information available, rather than static regulatory closures.

Taking the time to evaluate new technologies and management measures before implementation has supported their effective adoption and helped identify potential unintended consequences before regulations are established, when changes may be more difficult to make.

The bill does not appear to include additional **funding**. Appropriations diverted to address new requirements through this bill could detract from the Council's ability to fulfill its MSA functions and address current priorities under its grant. All Councils are currently undertaking scenario planning in response to Council funding not keeping pace with inflation, significant staff reductions at NOAA Fisheries, and the administration's proposed funding cuts (the President's Budget for FY 2026 was 31% below FY 2025 enacted amount.) The Council has recently reduced the number of annual meetings from 5 to 4 in response to budget constraints, is holding more virtual meetings, and has made reductions in staff and discretionary travel, in response to rising costs and funding uncertainty.

The Council currently has a full workload with MSA requirements for recommending harvest specifications, actions directly responsive to public requests under the recent Executive Order 14276 *Restoring American Seafood Competitiveness*, and other bycatch and habitat actions that the Council is undertaking, such as establishing protection areas for GOA Tanner crab, evaluating efforts to reduce bottom contact of pelagic gear in areas closed to nonpelagic gear, and herring bycatch management. The Council is reliant on NOAA Fisheries' contributions for fishery science and data collection products, input to the development of management measures, and their implementation. The agency's evaluation is necessary to fully understand the impact of diverting resources and staff activities to comply with this legislation, but the Council anticipates that it would affect the ability to achieve the objectives of its grant.

The Council notes the **timelines** associated with many of the measures prescribed in the bill will be challenging to achieve individually and are likely not achievable when taken in conjunction with each other. Appendix 1 provides a summary of activities required by the legislation that would need to be undertaken either by the Council or the agency, within 1-, 2-, and 3-years of enactment.

As noted above, reallocating resources to fulfill the requirements of the legislation would necessarily affect the Council's ability to advance many of its current priorities except harvest specifications, which remains an ongoing obligation. A fundamental objective of the MSA is to provide the public with direct access and opportunities to inform the development of Federal fishery management measures. Diverting

resources to implement certain aspects of this legislation therefore could affect the Council's existing public process for identifying priorities and management needs.

Elements of the bill also appear to **alter current Council and NOAA Fisheries responsibilities and authorities** regarding who develops management measures and who implements them through regulation, and who funds research. It would be helpful to have further clarity about the bill's intent regarding any change in Council authorities.

Section 2 Ensuring Mid-water Nets Do Not Operate Like Bottom Trawl Gear

This section requires the North Pacific Council to establish a pelagic trawl gear performance standard for vessels using pelagic trawl gear and to implement enforceable regulations to manage impacts of vessels using pelagic trawl gear on benthic habitat and reduce unobserved mortality on important species.

This section also requires the Council, within 1 year, to identify the current baseline of the effects of pelagic trawl gear on marine benthic habitat, and promulgate regulations to reduce impacts from the baseline through:

- *requiring gear modifications,*
- *requiring seafloor clearance detection systems,*
- *reducing fishing effort in areas closed to nonpelagic trawls,*
- *prohibiting pelagic trawling in areas closed to non-pelagic trawling, or*
- *prohibiting pelagic gear in any area closed to any other gear type if those areas contain habitats that support juvenile recruitment of important species. Further, this section requires the North Pacific Council to contract with the National Academies of Sciences, Engineering, and Medicine to review the methodology, data, and findings used to identify the baseline of impacts.*

This section requires the Council to consider additional regulations including: establishing protocols for data related to trawl gear, requiring real time monitoring of the data to support compliance/enforcement, ensuring that seafloor contact detection systems are compatible with existing electronic monitoring (EM) or observer programs, and establishing requirements for retention, submission and confidentiality of data collected.

This section also requires the Council and NOAA Fisheries to consult with affected participants. Lastly, any applicable vessel that fails to comply with the regulations promulgated under this section is deemed to have violated the MSA and subject to the penalties and sanctions provided by the Act.

Summary of NPFMC Comments on Section 2

It is unclear whether this legislation would easily dovetail with the Council action on this issue initiated in June 2026 (which is further explained below in the subsection "Performance Standard and Bottom Contact Impacts"). Some of the elements in this section appear to be consistent with measures the Council is already evaluating, while other aspects would establish new requirements that are not currently under consideration at the Council. In order to clearly understand what would be required of the Council, it would be helpful if the legislation could clarify how the new statutory requirements would interact with ongoing processes. Our understanding of the "or" language in the bill suggests there would be flexibility to evaluate alternative management approaches for regulations intended to reduce impacts from pelagic trawl gear and determine the most appropriate approach.

The stated focus of the bill differs in an important respect from the purpose of the Council's June 2026 action. The Council's action was initiated primarily to address uncertainty regarding unobserved fishing mortality, particularly unobserved crab mortality in light of depressed red king crab populations and changing ecosystem conditions. The language in Section 2, by contrast, is framed more broadly around reducing the effects of pelagic trawl gear on marine benthic habitat. This distinction is important because,

as described below, the peer-reviewed EFH process in the North Pacific has not identified habitat impacts that exceed the threshold for triggering additional management measures. As a result, the existing scientific findings do not provide a basis for concluding that additional habitat-focused management measures are necessary to comply with current MSA requirements, and the bill's direction to establish such measures may require the Council to undertake a substantially different analytical and management process from its current effort to address uncertainty regarding unobserved fishing mortality.

The Council finds the following unclear under Section 2 as drafted:

- how future statutory requirements would interact with the NPFMC's June 2026 action and ongoing analyses;
- whether the existing EFH review and Fishing Effects (FE) model may be used to establish the required baseline;
- whether the one-year deadline applies to Council action or implementation of final regulations;
- whether the National Academies review may be combined with the review required under Section 3; and
- whether the consultation requirements are intended to replace, supplement, or rely upon the existing MSA Council process.

Performance Standard and Bottom Contact Impacts

The Council is actively working to address concerns regarding bottom contact by pelagic trawls. [In June 2026, the Council initiated action](#) to assess viable and enforceable regulatory mechanisms to reduce bottom contact of pelagic trawl gear in areas currently closed to non-pelagic trawl gear in the Bering Sea/Aleutian Islands and Gulf of Alaska. The purpose of this action is to reduce the uncertainty associated with unobserved crab mortality in light of depressed red king crab populations and changing ecosystem conditions.

Pelagic gear is designed and regulated as a distinct gear type from bottom trawls, with a design that requires water flow, has different bottom contact characteristics, and has more variable and lower intensity seafloor contact than bottom trawl gear. Pelagic gear has historically been managed with the recognition that some bottom contact is necessary to effectively catch pollock and avoid salmon. Through regulatory measures and encouragement of research, however, the Council has supported development of new management measures to reduce bottom contact and continually improve fishing practices, while avoiding unintended adverse consequences³.

As part of its current analysis, the Council is evaluating potential management measures that include:

- a maximum bottom-contact rate, defined as the maximum area over which gear-seafloor interactions may occur, potentially established at the vessel, sector, or Bering Sea cooperative level;
- a swept-area cap at the vessel, sector, or Bering Sea cooperative level; and
- pelagic trawl gear modifications, technologies, or operational standards.

In evaluating these different options, the Council will consider the potential effects on bottom contact, catch-per-unit-effort (CPUE), fishing time, effort displacement, and tradeoffs that may result in changes in bycatch and/or prohibited species catch. Implementing management measures that require vessels to spend more time fishing in order to achieve the same level of catch both creates higher operational costs

³ For example, in addition to the Council's [June 2026](#) endorsement of ongoing innovation work on [cataloging the impact of trawl gear bottom contact](#) and developing a [modified pelagic trawl footrope](#), in [June 2025](#), the Council took final action on a regulatory amendment updating the pelagic trawl gear definition to allow the use bycatch excluder devices and sensors. Also in both [June 2025](#) and [June 2026](#), the Council requested the Bering Sea pollock industry develop and report back on dynamic spatial closures informed by winter spatial distribution data for the following A seasons, to protect Bristol Bay red king crab.

(e.g., fuel) as well as increasing time on the water and thus the opportunity for encounter with bycatch species or other impacts.

Elements in Section 2 that are consistent with the Council's June 2026 action: The Council is currently evaluating potential gear modifications, a maximum bottom contact rate, which is the maximum area over which gear-seafloor interactions may occur; and a swept-area cap as potential approaches for reducing bottom contact while allowing the Council to evaluate associated effects on fishing effort and bycatch.

Elements not currently included in the Council's June 2026 action: Other elements of Section 2 are not currently included in the Council's June 2026 action. These include:

- requiring seafloor-clearance detection systems;
- prohibiting pelagic trawling in areas closed to nonpelagic trawling; and
- prohibiting pelagic gear in any area closed to another gear type if those areas contain habitats that support juvenile recruitment of important species.

These provisions would require substantial additional analysis, and some of the measures identified in the bill have already been evaluated by the Council and determined either not yet to be commercially viable or to have bycatch consequences that may not outweigh the benefits⁴. Requiring further evaluation or implementation of these measures would therefore involve both revisiting approaches that have already been considered and undertaking new analyses, particularly with respect to area closures. This could significantly affect the prioritization of Council resources. The Council's comments regarding the resources required to evaluate extensive area closures are discussed further in Section 6.

Establishing the Baseline of Benthic Habitat Effects

The bill's requirement to establish a baseline of the effects of pelagic trawl gear on benthic habitat raises questions regarding the methodology and process that would be used to establish that baseline

The Council continues to rely on the MSA EFH 5-year review evaluation process, most recently completed in 2023, to evaluate the effects of fishing on habitat, specifically through the Fishing Effects (FE) model. The FE model is a peer-reviewed tool that relies on the best scientific information available to assess the effects of pelagic trawling (and all gear types) on benthic habitats in Alaska, as mandated by the MSA. Results from the 2023 review concluded that the adverse effects of fishing activity including pelagic trawling on EFH are no more than minimal and temporary in nature. A science update presented to the Council in June 2026 on the trawl gear innovation project and updated inputs for the FE model entitled "What We Know Now, What Will Be Ready When, and What Will Change in the FE Model" can be found [here](#), which describes upcoming updates to refine bottom contact estimates as a baseline from which to improve.

If the bill contemplates the Council using a process other than the existing EFH and FE model evaluation to establish a baseline of the effects of pelagic trawl gear, that would require a substantial undertaking that would divert Council resources away from its objectives under the grant, and would be difficult to complete in the bill's prescribed timeframe.

Seafloor-Contact Detection Systems

Section 2 also requires consideration of seafloor contact detection systems. While various commercially available bottom-contact and acoustic sensors may be capable of detecting net position and gear clearance relative to the seafloor under research conditions, they are not viable for use during commercial fishing operations at this time. If vessels are required in regulation to use technology that is not operationally

⁴ NPFMC February 2024 [analysis](#) of establishing pelagic trawl gear area closures to protect Bristol Bay red king crab and the [Council motion](#) in response; June 2025 [report](#) on the state of bottom contact monitoring technology and limitations and the [Council motion](#) in response.

feasible, the effective result is to prohibit harvest in that fishery, which is at odds with the Council and agency's MSA mandate to achieve optimum yield for each fishery on a continuing basis, for the greatest overall benefit to the nation.

Researchers note that barriers to using available sensors for these purposes include durability, attachment methods, operational reliability on a tow-by-tow basis, and the time and resources required for data processing. The Council has, however, endorsed [continued research](#) on pelagic trawl gear innovation, including understanding the diversity of factors that affect bottom contact in an operational setting (e.g., net design and how it is rigged on the vessel, vessel fishing practices, and operating conditions), and the pollock industry has an ongoing research project to estimate bottom contact from all types of pelagic trawl nets currently used in Alaska pollock fisheries, the results of which are expected to be provided in February 2027.

Data, Monitoring, and Enforcement

Section 3(d) addresses consideration of data submission and storage protocols, data transmission requirements for enforcement purposes, evaluating compatibility of seafloor detection systems with other electronic monitoring requirements established for North Pacific fisheries, and data retention, submission and confidentiality.

NOAA Fisheries, rather than the Council, develops and administers these systems and possesses the primary expertise to comply with these bill requirements. While the Council would provide recommendations on these topics as required under paragraph (c), it would be helpful if the legislation could clarify that NOAA Fisheries is the responsible entity for requirements involving the administration of data systems.

Funding, Timeline, and Consultation

The Council is concerned that it may not have sufficient resources to undertake the additional requirements in Section 2, particularly within the bill's proposed one-year timeframe. It is not clear the Council could bear the costs of these new additional requirements based on existing resources, especially under short timelines and potentially with additional consultation requirements, and so the Council would need to determine what existing initiatives and actions to delay or de-prioritize, while still ensuring the Council meets its statutory mandates under the MSA and fulfills the objectives in its NOAA Grant.

The requirement for a National Academies of Sciences, Engineering, and Medicine review would also require significant additional resources. National Academies reviews are generally instituted by government agencies, and the Council notes that they tend to cost between (\$200,000 to > \$1 million). Under current funding levels, the requirement to contract with the National Academies would clearly impact the Council's ability to meet its conservation and management goals under the MSA, and the objectives specified in its 4-year NOAA Grant. As the baseline information for pelagic trawls is based on similar data collection, model, and analysis as used for nonpelagic trawls, the Council notes that the requirement for the NOAA Administrator to contract with the National Academies under Section 3, for evaluation of the baseline of nonpelagic gear, could include pelagic gear in the same report, thus increasing efficiency and reducing costs.

The Council notes the 1-year timeline for completion of this work is not realistic given the need for public notice and comment, and analytical requirements of Federal law. Completion of the analyses required (e.g. MSA, National Environmental Policy Act (NEPA), regulatory impact review) will take significant staff time and resources, particularly if all management approaches mentioned in the legislation need to be considered, including: requiring gear modifications, requiring seafloor clearance detection systems, reducing fishing effort in areas closed to nonpelagic trawls, prohibiting pelagic trawling in areas closed to non-pelagic trawling, or prohibiting pelagic gear in any area closed to any other gear type if those areas contain habitats that support juvenile recruitment of important species. As detailed in the comments for Section 6, the evaluation of prohibiting pelagic gear in areas closed to any other gear type will be a

substantive undertaking that would require reprioritization of resources already assigned to other mandates and priorities.

In addition, the Council process that depends on public input, combined with the bill's specific requirements for consultation, would require additional time to allow for meaningful discussion, as well as the potential for added costs for the Council in facilitating consultation with affected subsistence, commercial, and recreational participants, including harvesters, processors, communities, and CDQ groups. The language in this section is ambiguous regarding whether consultation refers to the existing public Council process established under the MSA or a replacement or supplementary public process, and whether the Administrator and the Council shall consult together or in separate processes. Further clarification would help the Council comply with any new statutory requirements while avoiding duplication of existing public processes.

Section 3 Getting Trawl Nets Off the Seafloor to Reduce Unobserved Fishing Mortality and Habitat Impacts

This section requires the North Pacific Council to establish a nonpelagic trawl gear performance standard for applicable vessels (non-AFA trawl CPs) to manage impacts of vessels using nonpelagic trawl gear on benthic habitat and reduce unobserved mortality on important species.

This section requires the Administrator to submit a report to the North Pacific Council within 1 year that: identifies the current baseline of the effects of nonpelagic trawl gear on benthic habitat in the North Pacific, describes nonpelagic trawl gear regulations and analyzes the potential impacts on habitat and bycatch from modifying nonpelagic trawl gear, and establishes a deadline to require all applicable vessels to be equipped with a modified footrope and trawl sweeps to reduce seafloor contact and maximize clearance relative to the baseline.

This section requires the Administrator contract with the National Academies to review the data, methodology and findings used to identify the baseline of current impacts on benthic habitat. The Administrator must ensure full compliance with all requirements of this section within 2 years.

This section also requires the Council and NOAA Fisheries to consult with affected participants. Lastly, any applicable vessel that fails to comply with the regulations promulgated under this section is deemed to have violated the MSA and subject to the penalties and sanctions provided by the Act.

NPFMC Comment

Vessels using non-pelagic trawls currently have a performance standard and are required by regulation (50 [CFR 679.24\(f\)](#)) to use elevating devices on trawl sweeps throughout most of the EEZ. Nonpelagic trawl gear with elevating devices must be used by any vessel required to be federally permitted and that is used to target flatfish in any area of the Bering Sea, in the Central Gulf of Alaska, or in the Modified Trawl Gear Zone. These regulations are enforceable and specify measurement standards for elevated device spacing and minimum clearance requirements. The Council would appreciate clarification as to whether existing regulations meet the requirements of the bill or if additional regulations are contemplated given the language about reducing contact compared to the baseline.

If additional regulations are contemplated, only limited research on additional modifications to the nonpelagic trawl footrope and sweeps has been undertaken beyond what has been regulated. The existing regulations were implemented once critical field-testing of different configurations demonstrated that gear modifications would reduce bottom contact of the sweeps by 90%, both reducing crab mortality and impacts on key benthic habitat features and without significant reduction in the amount of target flatfish catch per tow. Less efficient gear resulting in more tows increases gear time in the water, fuel consumption, crew time at sea, and risks greater catches of prohibited and non-target species.

As with Section 2, the Council notes that the timeline for completion of this work would allow 1 year for a report on the baseline and analysis of impacts of trawl modifications including consultations with Council and public, and 1 year for the industry to transition to implementation of the gear modifications, and all requirements of Section 3, including completion of the National Academies report, would be required within two years. The timelines established in the bill would give the Council limited opportunity to consider the results of the required report, as well as the National Academies' review, during the 1-year phase-in period. Also given the requirement for the 1-year phase-in period, it is unclear to what extent the Council is being asked to make further recommendations for the modification of nonpelagic trawl gear, including requirements for using modified footrope and trawl sweeps that would generally be within the Council's purview.

The Council understands this legislation to support new technology and research to conserve marine benthic habitat in Alaska fisheries, and notes that in the past, much of this research has been undertaken directly by or in cooperation with the conservation engineering research at the National Marine Fisheries Service (NOAA Fisheries) Alaska Fisheries Science Center and the Habitat Conservation Division in NOAA Fisheries Alaska Regional Office. With the recent loss of staff positions in these divisions, clarification will be needed regarding who will be responsible for conducting the research on benthic habitat impacts associated with trawl gear and preparing the required reports.

The language in this section is ambiguous regarding whether the required consultation refers to the existing public Council process, replaces or supplements it, and whether the Administrator and the Council shall consult together or in separate processes. Requirements for a supplemental process would extend the time needed to develop management actions, potentially add cost for the Council to facilitate consultation, and has the potential to create confusion for the public about when and how to engage. Further clarification would help the Council comply with any new statutory requirements.

Depending on the specific role for the Council as a result of this section, compliance with new requirements may not be possible with existing resources, and so the Council would have to consider what other initiatives and actions to de-prioritize, while still ensuring the Council meets its statutory mandates under the MSA and fulfills the objectives in its NOAA Grant.

Section 4 Improving Public Transparency and Increasing Participation in the North Pacific Fishery Management Council Process

This section requires the 8 regional fishery management councils to hold roll call votes on all non-procedural matters and the meeting minutes must report the names of voting members present and how each member voted.

This section requires each council and the CCC, to the extent practicable, post a webcast, audio recording, or live broadcast of each meeting on the council website. An audio, video, or searchable audio or written transcript of each meeting of the Council and its advisory bodies, within 30 days of the meeting. The Secretary will be required to maintain a publicly accessible permanent online archive of all webcasts, audio, video, and transcripts as required in this section.

This section requires the North Pacific Council to provide a minimum comment period of 4 weeks before the start of the Council meeting.

This section also requires the Administrator to conduct a comprehensive review of the financial interest and recusal procedures. This review shall evaluate whether there has been compliance with the regulatory requirements, including timely submission of disclosures and the effectiveness and consistency of recusal determinations. Lastly, the Administrator shall include as part of its annual report a section identifying any gaps or weaknesses in the current disclosure and recusal process and recommendations on defining or clarifying the recusal standards.

Roll call votes

Under its existing procedures, the North Pacific Council already takes roll call votes on all final actions on FMP, regulatory amendment, and harvest specifications recommendations to the Secretary, as well as on a Council finding that an emergency exists involving any fishery, and Council comments on any FMPs developed by the Secretary. Additionally, the Chair will ask for a roll call vote if deliberations indicate that there may not be consensus among the membership, and any voting member may request a roll call vote on any motion.

This legislation would make these roll call votes permanent requirements, which would not impact the Council, as well as add the requirement for a roll call vote on all other (non-procedural) motions. The Council's meeting report already lists the membership present and how each member voted on each motion. Roll call votes have not been deemed necessary by the Council on minor action items, such as agreeing to send a thank you letter, or amendments to clarify language in a motion, for example. Analysis of 2023 and 2024 voting data shows that of the 136 motions made, the Council took 43 roll call votes (i.e., 32% roll call); of these, 5 of the roll call votes failed.

This requirement would require additional time in Council meetings for compliance but would not affect the Council's ability to operate under its grant.

Public Recordings

Many of the requirements of this section are already standard practice for the North Pacific Council. The Council live broadcasts all Council meetings, including the Advisory Panel (AP, the fishing industry advisory committee required by the MSA) and the SSC, and recordings of the Council and SSC are archived on the relevant [eAgenda](#) on the Council's website. The rationale for this policy is that the Council and the SSC, unlike the AP, are entities that have a defined MSA statutory role advising the Secretary of Commerce. The Council's website includes [detailed tutorials](#) of how to participate in meetings in real-time, and how to access archived materials and recordings.

The Council does not, however, record and store audio or video for every meeting of the Council's multiple other advisory bodies, which include committees as well as Plan Teams that produce and review stock assessments, among other duties. This may require substantial additional administrative staff and storage resources. At current funding levels, this would impact the ability of the Council to meet the mandates of the MSA and the objectives of its NOAA grant. In addition to the MSA-required SSC and AP, the Council has 6 Plan Teams and 12 Committees that provide advice on various issues to the Council. In 2024, the Council hosted approximately 28 meetings in addition to the SSC/AP/Council meetings, and in 2025, approximately 17.

The "to the extent possible" language in the requirement for webcast or live audio and video broadcast of Council and CCC meetings on its website provides more flexibility for meetings in Alaska, where internet service in some remote locations near fishing ports has not always been available or can be subject to intermittent outages. The Council's practice is to provide more direct outreach to potentially affected stakeholders by meeting periodically in coastal communities as possible, balanced with budget constraints.

Extended public comment period

This requirement as written would not affect the Council's ability to operate under its grant, but in some circumstances would not align well with the timing for making briefing materials available for public review. The Council's staff develops analyses of proposed regulatory actions that meet the requirements of multiple federal laws. Those analyses form the basis for the Council's understanding of potential impacts of an action, along with public comment, and they are posted prior to each meeting, as soon as they are completed. Depending on the level of complexity of the action and the level of coordination and contribution needed between cooperating agencies (State of Alaska, IPHC, tribal entities, etc.), NOAA

Fisheries staff, and Council staff, this may be 1 to >4 weeks prior to the meeting. Additionally, the meeting agenda may not be final until 3 weeks prior to the meeting, based on the Federal Register publication deadline, which the Council does not control, so early commenters may not be fully informed of what the Council intends to address at the meeting. Thus, the standard practice is to open the comment period when the agenda is finalized and submitted to the Federal Register, and briefing materials are posted, typically 3 weeks prior to the meeting.

The Council notes that even when it has provided extended public comment periods of 4 weeks or more (most recently for the February 2026 meeting), nearly all comments are made in the last week prior to the deadline, when commentors have had a chance to review the analyses, discussion papers, and other meeting materials.

It may be that the intent of the bill is not simply to open the public comment period for longer, but also to require that briefing materials are similarly posted 4 weeks in advance of the meeting. If so, this could have a more substantial impact on the Council's objectives under its grant. While the Council staff generally try to get management analyses posted three weeks before the meeting, there is other time-sensitive information that the Council reviews which would be unfortunate to exclude. For example, such a restriction may affect the Council's ability to use the most recent survey information in stock assessment reports in support of harvest specifications. Requiring all materials for a meeting to be posted 4 weeks in advance would significantly change the Council workflow and its ability to use the most recent data for managing catch levels. In the case that the statutory deadline cannot be met due to internal Council or agency review or other reasons, it would likely result in actions needing to be rescheduled for a future meeting, and potentially delaying progress on priority issues.

Financial disclosure process

NOAA Fisheries revised and strengthened the national [policy](#) and [procedures](#) for financial interest and recusal determinations for voting council members nationally in 2021. NOAA General Counsel evaluates financial disclosures for public voting members against federal law, regulations, and policies and provides a determination of any necessary voting recusals (which are only relevant to final action votes). To ensure full transparency, the North Pacific Council posts determinations relative to meeting agenda items on the eAgenda for every meeting. Since October 2025, NOAA General Counsel has also included a [summary](#) of the procedures used in addition to the determination memo issued for that meeting. Requiring a comprehensive review of financial disclosure and recusal procedures, as well as a retrospective analysis of previous determinations, could affect the Council's ability to operate under its grant to the extent that NOAA resources are diverted from assisting with other Council work.

Section 5 Requiring Salmon Excluders in the North Pacific

This section requires the North Pacific Council, within 1 year, to establish regulations requiring all vessels using pelagic trawl gear to be equipped with an operational salmon excluder device that has been field tested, scientifically reviewed, and verified to be effective at reducing salmon bycatch.

This section requires the Administrator to support the testing and review of salmon excluder devices, implement an outreach strategy, provide technical assistance to vessel operators, facilitate the installation and use of approved excluder devices, and ensure full compliance with the requirements of this section within 1 year.

This section also requires the Council and NOAA Fisheries to consult with affected industry participants. Lastly, any applicable vessel that fails to comply with the regulations promulgated under this section is deemed to have violated the MSA and subject to the penalties and sanctions provided by the Act.

NPFMC Comment

The Council notes that all Bering Sea pollock vessels are already required by regulation to use salmon excluders, and in practice, virtually all pollock vessels in the Central Gulf of Alaska also use a salmon excluder at all times. These vessels all have cameras and/or observers. The legislation does not appear to impede the current use of excluders. Numerous excluder designs have been tested over the years, and improvements are being developed by captains, as they have great incentive to reduce salmon bycatch to stay below bycatch caps and to keep impacts low. The Council notes there may be implications locking in new NOAA Fisheries field testing, scientific review, and approval for excluder devices in regulations that may impede further real-time excluder development and other innovations that could further reduce bycatch on the grounds while maintaining operational efficiency.

Gulf of Alaska catcher vessels are much smaller than Bering Sea vessels, especially those fishing in the western Gulf (i.e., vessels under 58 ft), and while Central Gulf vessels regularly use salmon excluders, the same designs are not consistently effective for reducing bycatch on the smallest catcher vessels that do not have the same horsepower and tow speed. Further testing in the Gulf of Alaska is needed to meet the bill's objective under this section for the entirety of the Gulf catcher fleet, particularly the smaller vessels who deliver to communities on the Alaska Peninsula in the western Gulf.

This section requires the Council and NOAA Fisheries to consult with affected industry participants. Further clarification regarding whether the required consultation refers to the MSA-established public Council process or a replacement or supplementary process would help the Council comply with any new statutory requirements. Similarly, under current authorities, the Council does not establish regulations but provides recommendations to the Secretary of Commerce, with NOAA Fisheries in the role of establishing implementing regulations. Additional clarity would be helpful to note whether this is intended as an action for the Council under this legislation. Depending on the degree to which this legislation creates new obligations for the Council, it may divert resources and impact the Council's ability to meet its objectives under its grant.

Section 6 Prioritizing Foundational Investigations and Ecosystem Analyses to Reduce Bycatch and Seafloor Impacts

This section includes establishment of a FACA exempt "Bycatch Reduction Task Force" to review all research and reports generated under this section and provide the NOAA Administrator with priority recommendations for future work. Membership would be based on a reconstituted Alaska Salmon Research Task Force Act, with the additional representatives with specified ecological, geographic, and trawl gear and technology expertise. The Administrator is required to post on its website: the membership of and meeting information about the task force, including briefing materials, and provide a mechanism for the public to provide written comments to the task force.

This section requires the NOAA Administrator to enter into public-private partnerships to research the marine life history of Alaska origin salmon, including partnerships with State agencies, non-profit organizations, universities, Tribes and Tribal organizations, research institutions, as well as a diverse group of Alaska salmon experts including Alaska natives, fishermen and fishing industry representatives, and subsistence users.

Research shall involve satellite tagging (or intelligent tagging methodologies) to understand salmon migration at sea, and genetic stock identification to understand the distribution movement, behavior, and habitat use of Alaska origin salmon in the Alaska EEZ. The NOAA Administrator shall publish a report within 3 years that includes the findings of the life history research, the findings of genetic analysis, and details how the research and genetic analysis can inform salmon stock status and distributions, and research potential uses of AI technology to perform predictive modeling of potential avoidance areas.

This section requires the NOAA Administrator to conduct research (using existing information and ongoing research) on 1) how pelagic and bottom trawl gears impact marine benthic habitats in the BSAI

and GOA, 2) research on the fluctuations in Alaska marine ecosystems that may affect survival and energetic condition of marine and anadromous fish (with a list of 12 topics to be examined⁵), and 3) new research to prioritize data collection for conservation of commercial and culturally important species. In conducting all of this research, the Administrator shall enter into public-private partnerships, and involves a diverse group of experts in commercially or culturally important species. The Administrator must ensure that all research results and literature review are publicly accessible, that analyses use modern analytical methods that include AI to the extent practicable, and that all ecosystem data shall abide by open standards and available in publicly accessible repositories.

This section requires the NOAA Administrator to publish annual reports and a final report within 3 years on the research identified in the above two paragraphs. The reports must include: description of mechanisms to connect research outputs to management actions; recommendations from the North Pacific Council to ensure collaboration, coordination of research efforts and share findings; recommendations for applying the results of ecosystem analysis to model potential impacts on the stocks to inform management actions; and other findings and recommendations for future work (including those from the Bycatch Reduction Task Force).

This section also requires the North Pacific Council to analyze, as part of EFH review, areas closed to 1 or more commercial gear types that overlap with habitats that support juvenile recruitment of important commercial, subsistence, or recreational species, and consider whether these habitat closure areas should be expanded to other commercial fishing gear types.

Salmon and ecosystem research

The Council notes that this section creates a substantial staffing and research requirement for NOAA Fisheries scientists, and will require further reprioritization of already-diminished human resources. Some of this work is already underway, but NOAA Fisheries would need to evaluate the degree to which this would divert staffing away from existing Council priorities, and whether it would result in the Council not receiving timely information on stock assessments or status of the ecosystems, which are essential to recommending harvest specifications, a core requirement of the MSA.

Research on the marine life history of Alaska origin salmon, including satellite tagging (or similar) to understand salmon migration at sea, would provide additional information that could be useful for fisheries management. However, the language in the bill is not specific to researching species caught as bycatch in pelagic trawl fisheries (i.e., Chinook and chum salmon) which appear to be the focus of this legislation, and could involve research on pink, coho, and sockeye salmon, which generally are not found in trawl bycatch.

The Council notes the value of genetic stock identification for development and application of salmon bycatch avoidance measures designed to specifically avoid Alaska origin salmon. Accurate and timely data help the Council to fulfill the goals and objectives of the MSA. The Council notes that the Bristol Bay Science and Research Institute (BBSRI) has already developed and tested (in 2024, 2025 and now 2026) [a near-real-time chum salmon bycatch stock identification program](#), that can provide detailed stock composition estimates of chum salmon over time and by geographic location. BBSRI has recently received Congressional funding for continued work to operate the project through 2030.

The Council notes that the required research on salmon life history, genetics, trawl impacts to benthic habitats, and marine ecosystem factors, as well as the new Task Force and requirements for annual reports, are likely to add costs that would be borne by NOAA Fisheries. Under current funding levels, that would likely require diversion of funding and resources away from addressing other pressing needs, and

⁵ (i) harmful algal blooms; (ii) marine heatwaves; (iii) in-river temperatures; (iv) sea ice extent and thickness; (v) ocean acidification; (vi) diseases; (vii) nutrient or prey availability; (viii) density dependence; (ix) shifting stock distributions; (x) carrying capacity; (xi) impacts from hatchery released species, with particular attention to foreign hatchery releases; and (xii) predator-prey interactions.

thus may negatively affect the ability for the North Pacific Council (and other regional fishery management councils) to meet the conservation and management goals under MSA.

NPFMC review of closed areas

The bill's requirement for the Council to analyze all areas closed to 1 or more fishing gears that support juvenile recruitment of important commercial, subsistence, and recreational species for potential additional gear closures represents a considerable undertaking as part of the upcoming essential fish habitat (EFH) review. 97% of the North Pacific EEZ is closed to at least one gear type, spanning [221 individual areas](#). Every one of these areas contains essential fish habitat for commercially important juvenile groundfish recruitment, and in some areas habitat for juvenile crabs, salmon, or halibut.

The Council has spent several years and considerable resources evaluating just a single area closure, the Red King Crab Savings Area, for consideration of prohibiting an additional gear type to conserve juvenile red king crab, ultimately deciding not proceed with further analysis of a static annual area closure to pelagic trawls, citing a lack of certainty about the benefits of the action for the crab stock and conclusions in the analysis that the area closure could result in greater overall bycatch of salmon, halibut, and other crab species. Full evaluation of all 221 areas will take considerably more time and resources. The Council would have to consider what other initiatives and actions to de-prioritize, while still ensuring the Council meets its statutory mandates under the MSA and fulfills the objectives in its NOAA Grant.

Section 7 Prohibiting Unsustainable Foreign Seafood Imports

This section would prohibit any person in the U.S. from entering into or facilitating, directly or indirectly, any transaction related to the importation, procurement, or selling seafood from a foreign vessel or beneficial owner of a foreign vessel, unless the Secretary determines that the fishery from which the seafood was harvested is managed comparable to the MSA national standards for conservation and management.

NPFMC Comment

The Council notes that a vast majority of seafood consumed in the U.S. is imported from other countries. NOAA Fisheries estimates that the [U.S. imports 90% of its seafood](#). Because no other country manages fisheries or harvests as rigorously as the U.S., including ensuring consistency with the ten National Standards in the MSA, this section could prohibit the import of most, if not all, wild caught seafood from foreign countries.

While the Council has no substantive comment regarding this section, we anticipate that requiring analyses from NOAA to determine whether imported seafood is harvested in a way that is comparable to the MSA National Standards could require extensive resources. This may further reprioritize human resources at the agency that are already fully tasked and in turn, negatively affect the ability of the Council to meet the conservation and management goals under MSA.

Section 8 Building the Infrastructure to Support Cleaner Fishing Gear and Innovative Technology

This section requires the NOAA Administrator to enter into a public-private partnership to build a flume tank for NOAA and others to test fishing gear aimed at reducing bycatch and bottom habitat contact in the BSAI and GOA. The NOAA Administrator shall establish a fund to provide grants or financial assistance to support entities that wish to test innovative technology for reducing bycatch in the BSAI and GOA, and benthic habitat contact from mobile or fixed gear, and training programs on such technology or gear.

NPFMC Comment

Trawl net manufacturers and fishermen who wish to test different trawl designs or gear modifications to reduce bycatch have relied on the [flume tank](#) in St. John, Newfoundland, Canada operated by the Memorial University Marine Institute. The flume tank, which opened in 1988, cost \$8.5 million CAD to build, which equates to about \$25 million (CAD) or about \$18 million in 2026 U.S. dollars. Having a flume tank in the U.S. would likely lower costs for those developing gear designs and increase the ability for such research to occur.

The Council notes that the legislation includes no designated funding for the construction, operation, and maintenance of a flume tank facility. The Council recognizes that a public-private partnership could provide opportunities to advance this initiative. At the same time, a substantial share of the costs associated with construction and maintenance, and the proposed ongoing grants and financial assistance, would likely be borne by NOAA Fisheries, while ongoing operational costs may be borne by the AFSC. Given the administration's proposed funding cuts for NOAA Fisheries (the President's Budget for FY 2026 was 31% below FY 2025 enacted amount), and the absence of dedicated appropriations for the construction and maintenance of a flume tank, the Council's only comment relative to its grant is the need to balance this investment against other mission critical activities. Under current funding levels, this could require reprioritizing resources currently supporting efforts such as marine surveys and associated research fundamentally necessary for sustainable fisheries management.

The Council notes that the legislation, as currently drafted, will limit the use of the flume tank to testing only fishing gear to be used in the Alaska EEZ, and only for the purpose of testing gear that reduces bycatch and bottom contact. This may constrain the use of the flume tank to only a few tests per year, as tests of other types of gear modifications to address other purposes (e.g., evaluation of trawl net openings, hydrodynamic drag measurements for North Pacific trawls), or for gears used in other U.S. regions, would not be authorized.

Section 9 Modernizing Fisheries Monitoring and Improving Observer Program Transparency

This section requires the NOAA Administrator to create a timeline and process for approving exempted fishing permits (EFPs) in the North Pacific to support innovating fishing gear to reduce bycatch and unobserved fishing mortality, and reduce marine habitat disturbance, and to streamline the approval process for EFPs for electronic monitoring (EM) projects in the North Pacific.

This section also requires the Administrator to facilitate cooperative research programs and 'regional pilot frameworks', and conduct extensive public stakeholder consultation process at least every 3 years to solicit public input on revisions to EM standards or guidance, improved cost effectiveness or usability, and barriers to EM adoption particularly among small-scale fleets. The Administrator shall also incorporate a data integration strategy for use of EM data into stock assessment models, aligns EM data review timelines and quality control protocols with those used for traditional observer data streams, reduces the delay between data collection and management application, and supports development of compatible databases that allow for near-real-time analysis and decision-making.

This section requires NOAA Fisheries to publish, in layman's terms, observer coverage category requirements for Federal fisheries, specifying the fishery, including prohibited species catch (bycatch) for each observer program category. Additionally, NOAA Fisheries must develop and disseminate communication materials that clearly explain bycatch in Federal fisheries using accessible layman's terminology and graphics.

This section requires the Administrator to publish a report within 3 years on how NOAA and the regional fishery management councils can improve and integrate the use of observer and EM data to better inform spatio-temporal fishing activity and impacts to harvest and incidentally harvested populations. Additionally, the Administrator shall submit a report to Congress that includes that data integration

strategy for increasing EM data review efficiency and uniformity. These reports shall include recommendations for the use of technologies to identify bycatch hotspots and avoidance areas, and in the BSAI and GOA, recommendations to minimize bycatch and unobserved mortality.

NPFMC Comment

The section of the bill aligns with the Council's ongoing efforts for Exempted Fishing Permits (EFPs) research in the North Pacific and EM development. EFPs have been very useful for development of gear and technology innovations to reduce bycatch and habitat disturbance, as well to develop and implement EM programs in fixed gear and trawl gear fisheries.

NOAA Fisheries Alaska Region is the only region with a comprehensive EFP process in regulation. The Council has recommended simplifying the EFP process in the North Pacific to be similar to other regions, and NOAA Fisheries Alaska Region is currently undertaking these regulatory changes. This is in response to the President's EO on seafood competitiveness and stakeholder requests to streamline the process. This part of the bill therefore will have no effect on the Council's ability to operate under its grant.

EM data are currently being used, in addition to human observer data, for management of trawl and fixed fisheries in the North Pacific. The data collected by observers and EM enhances the ability of the Council to meet its conservation and management goals by providing accurate estimates of catch and discards by fishery, gear type, and area. The Council already has dedicated monitoring committees with public members and participation that meet 1-2 times per year to provide annual input on observer and EM data collection. It would be helpful to have more clarity as to whether those forums meet the bill's requirement for extensive public stakeholder consultation at least every three years.

The Council receives regular reports about observer and EM coverage, however to the extent that communication materials in plain language on observer coverage and bycatch in Federal fisheries complement existing reports and help inform the public, those materials would assist the Council's ability to operate under its grant.

Section 10 Investing in Cleaner Fishing Gear and Healthy Seafloor Habitats

This section reauthorizes the Bycatch Reduction Engineering Program (MSA Section 316) that was established in 2007, and authorizes the Secretary of Commerce to annually appropriate \$10 million for the program from 2027 through 2031.

This section also amends the MSA Title III to include a new section for a Bycatch Mitigation and Habitat Protection Assistance Fund. This fund shall be administered by the National Fish and Wildlife Foundation (NFWF), a congressionally established non-profit, for use to reduce or mitigate bycatch, and reduce bottom contact by trawl gear by providing financial assistance to fishermen to purchase or modify fishing gear or other equipment. The Foundation may solicit or accept donations to the fund, and the Foundation shall consult with the NOAA Administrator, NOAA Fisheries Regional Officers, the NOAA Fisheries Science Centers and the regional fishery management councils to ensure that the funds are used in an efficient and cost-effective manner. The Foundation shall publish information on the use of the funds in the first 3 years, and every 2 years thereafter.

NPFMC Comment

This section would provide appropriations (\$10 million) for the Bycatch Reduction Engineering Program, which from 2018-2024, provided about \$2.3 million annually to fund 12-16 projects each year. These are collaborative bycatch reduction projects, done by non-federal researchers working on the development of improved fishing practices and innovative gear technologies that reduce bycatch. In Alaska, projects in the past have included research on gear modifications to avoid marine mammals and bycatch species, and to reduce whale depredation on longline gear.

The Council notes that additional funding from Congress for the Bycatch Reduction Engineering Program has the potential to facilitate development of additional and innovative ways to reduce bycatch in North Pacific and other fisheries, which aligns with the goals and objectives of the Council and the MSA.

The Council notes that a new Bycatch Mitigation and Habitat Protection Assistance Fund could provide a new source of funding (from public and private sources) to reduce or mitigate bycatch and reduce benthic contact by trawl gear, including financial assistance to fishermen to innovate gear and technology. Additional funding for resources to fishermen for purchasing and testing gear and technology for gear modifications is consistent with the Council's goals and objectives for sustainable fisheries, and furthers the Council's ability to meet conservation and management goals under MSA.

While the bill requires NFWF to consult with NOAA Fisheries and the Councils, there is limited authority or requirements for NFWF to comply with these recommendations on the use of the Bycatch Mitigation and Habitat Protection Assistance Fund monies. Additionally, the funds are unlikely to support all regions and objectives, and the funding for specific gear types, or by region, may not match priorities or needs as guided by agency and council priorities.

The Council notes that donations contributed to this Fund will likely not come from fisheries organizations as they will likely provide direct financial assistance to fishermen within their organization (rather than contribute to a national pot of funding that may be allocated to fisheries in other regions).

Appendix 1 List of NPFMC and NOAA/NOAA Fisheries actions required by S.4938, by required completion date.

Note that in this table, actions have been assigned to each organization based on their existing authorities, rather than strictly as assigned by the legislation (i.e., the Council can analyze and make recommendations to NOAA; NOAA can approve recommendations and implement/enforce the regulations), with staff interpreting the intended direction in the legislation where ambiguities exist (e.g., performance standard).

Actions that must be completed:	North Pacific Fishery Management Council	NOAA / NOAA Fisheries
Within 1 year	(2)(b)(1) Analyze and identify the current baseline of effects on marine benthic habitat from pelagic trawls in the North Pacific EEZ. (3)(a)(1) Analyze and identify a nonpelagic trawl gear performance standard, and make recommendation to NOAA Fisheries. (3)(f) Consult with affected parties on nonpelagic trawl measures (3)(b) Make recommendation to NOAA Fisheries on modifications to nonpelagic trawl gear to reduce seafloor contact and maximize clearance, based on NOAA Fisheries analysis. 4(b) Within 180 days, revise NPFMC comment policy to provide a minimum 4-week comment period prior to a meeting. (5)(a) Analyze a requirement that all vessels using pelagic trawl gear in the North Pacific EEZ use an approved salmon excluder device, and make final recommendation to SOC. (5)(g) Consult with affected parties while developing salmon excluder measures.	(3)(a)(1) Prepare regulations and implement a nonpelagic trawl gear performance standard, based on Council recommendations. (3)(b) Deliver a report to the NPFMC that identifies effects of nonpelagic trawl gear on benthic habitat in the North Pacific, and prepare an analysis of potential impacts from modifying nonpelagic trawl gear, and provide a description of what the regulations would be. (3)(b) Prepare and implement regulations with modifications to nonpelagic trawl gear to reduce seafloor contact and maximize clearance, based on Council recommendations. (4)(c) Conduct a comprehensive review of financial interest and recusal procedures for Council members, including compliance and identification of gaps or weaknesses. (5)(a,b) Prepare regulations and implement a requirement that all vessels using pelagic trawl gear in the North Pacific EEZ use an approved salmon excluded device, as recommended by the Council. (5)(c,d) Support field testing and scientific review, implement an outreach strategy, and provide technical assistance to vessel operators on installation and use of excluders. (5)(f) Enforce the salmon excluder requirements with MSA penalties and sanctions. (5)(g) Consult with affected parties in development of salmon excluder regulations.
Within 2 years	(3)(f) Consult with affected parties concerning non-pelagic gear regulations.	(3)(2) Ensure full compliance of all applicable nonpelagic trawl vessels such that they are equipped with a modified footrope and sweeps. (3)(c) Contract with the National Academies to review the nonpelagic trawl gear baseline data, methodology, and findings. (3)(e) Enforce the non-pelagic gear regulations with MSA penalties and sanctions. (3)(f) Consult with affected parties concerning non-pelagic gear regulations.

Actions that must be completed:	North Pacific Fishery Management Council	NOAA / NOAA Fisheries
Within 3 years	None	(6)(a) Establish a Bycatch Reduction Task Force to review reports and provide recommendations for future work. Post meeting agendas and materials, and provide for public comment. (6)(b) Enter into public-private partnerships to research Alaska salmon life history, shall include satellite tagging to understand movement of Alaska salmon at sea, and ensure the results and analysis are publicly accessible and usable. (6)(2) Conduct a competitive grant program to provide timely in-season salmon genetic stock identification. (6)(3) Publish report on findings of the salmon tagging research and genetic analysis grant program, and how this information and AI can be used to better inform bycatch avoidance areas. (6)(c)(A) Conduct research on how contact from pelagic and nonpelagic trawls impact benthic habitats in the N. Pacific EEZ. (6)(c)(1)(B) Prepare review of how fluctuations in the North Pacific marine ecosystems may affect survivability or energetic condition of fish species, and conduct new research based on findings. (6)(c)(2) Enter into public-private partnerships to review and research ecosystem effects, involve a diverse group of experts, and ensure results and analysis are publicly accessible/ usable. (6)(d) Publish a report on the findings of the research and literature review of the ecosystem effects research and on results from salmon tagging and genetic sampling of Alaska origin salmon, as well as how this research can be incorporated into management decisions, recommendations to the Council on continued collaboration and applying the ecosystem analysis review to model impacts on important species in the North Pacific EEZ. (9)(a)(1) Create a timeline and process for approving exempted fishing permits (EFPs) in the North Pacific to support innovating fishing gear to reduce bycatch and unobserved fishing mortality, and reduce marine habitat disturbance. Requires NOAA Fisheries to streamline the approval process for EFPs for electronic monitoring (EM) projects in the N. Pacific. (9)(a)(2) Facilitate coop research programs and 'regional pilot frameworks', and conduct extensive public stakeholder consultation process at least every 3 yrs to solicit public input on revisions to EM standards or guidance, improved cost effectiveness or usability, and barriers to EM adoption particularly among small-scale fleets. Incorporate a data integration strategy for use of EM data into stock assessment models, aligns EM data review timelines and quality control protocols with those used for traditional observer data streams, reduces the delay between data collection and management application, and supports development of compatible databases that allow for near-real-time analysis and decision-making. (9)(b) Publish, in layman's terms, observer coverage category requirements for Federal fisheries, specifying the fishery, including prohibited species catch for each observer program category. Develop and disseminate communication materials that clearly explain bycatch in Federal fisheries using accessible layman's terminology and graphics. (9)(c) Publish a report within 3 years on how NOAA and the RFMCs can improve and integrate the use of observer and EM data to better inform spatio-temporal fishing activity and impacts to harvest and incidentally harvested populations. Submit a report to Congress that includes that data integration strategy for increasing EM data review efficiency and uniformity. Reports shall include recommendations for the use of technologies to identify bycatch hotspots and avoidance areas, and recommendations to minimize bycatch and unobserved mortality in BSAI, GOA.

Actions that must be completed:	North Pacific Fishery Management Council	NOAA / NOAA Fisheries
No time limit specified in legislation	(2)(a)(1) Analyze and recommend a (new/different?) pelagic trawl gear performance standard. (2)(b)(2) Contract with the National Academies to review the pelagic trawl gear baseline. (2)(c) Evaluate measures to reduce impacts of pelagic trawl gear relative to the baseline, and make recommendations to the SOC, with considerations for monitoring, data retention and access specified in (2)(d). (2)(f) Consult with affected parties on pelagic trawl measures. (4)(a) Take roll call votes on all actions, webcast meetings of the Council and CCC, and post on the council website audio or video recordings of all meetings of the Council and its advisory bodies. (6)(4) Analyze all areas closed to 1 or more gear type that overlap with important juvenile fish habitat and evaluate potential benefits of expanding closures to other gear types, and make recommendation to SOC.	(2)(a)(1) Develop regulations in implement a (new/different?) pelagic trawl gear performance standard, as recommended by the Council. (2)(a)(2) Prepare and implement regulations to manage impacts of pelagic trawl gear on benthic habitat and reduce unobserved mortality on important species. (2)(c) Prepare and implement regulations to reduce benthic habitat impacts of pelagic trawl gear relative to the baseline based on Council recommendations, including consultation as required under (2)(f). (2)(e) Enforce the pelagic gear regulations with MSA penalties and sanctions. (2)(f) Consult with affected parties on pelagic trawl measures (6)(4) Prepare and implement regulations as needed based on Council recommendations that would expand areas closed to 1 or more gear type to include other gear types. (7) Prohibit any person in the U.S. from entering into or facilitating, directly or indirectly, any transaction related to the importation, procurement, or selling seafood from a foreign vessel or beneficial owner of a foreign vessel, unless the Secretary determines that the fishery from which the seafood was harvested is managed comparable to the MSA national standards for conservation and management. (8) Enter into a public-private partnership to build a flume tank for NOAA and others to test fishing gear aimed at reducing bycatch and bottom habitat contact in the BSAI and GOA. The NOAA Administrator shall establish a fund to provide grants or financial assistant to support entities that wish to test innovative technology for reducing bycatch in the BSAI and GOA, and benthic habitat contact from mobile or fixed gear, and training programs on such technology or gear. (10)(a) Administer an enhanced (up to \$10 million/yr) Bycatch Reduction Engineering Program (MSA Sec. 316) with a revised purpose that includes unobserved fishing mortality.