

Legislative Committee

August 10, 2026



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2026

AGENDA *(order updated):*

1. Call to order and Introductions
2. Update on Legislative issues from Dave Whaley
3. Review **S. 5273 Fisheries Science Modernization Act** draft legislation and develop draft comments
4. Review **S. 4938 Bycatch Reduction Act** draft legislation and develop draft comments

Purpose of NPFMC Legislative Committee

1. Review relevant Federal legislation
2. Provide advice to the Executive Director and Council Chair on development of comments in preparation of potential response to documented congressional requests for technical or factual presentations on legislation as it relates to the performance of the Council's functions under its grant.
 - Any comments from the Council will be submitted only in response to a documented request from a member of Congress or their staff for technical or factual feedback.



Constraints for Council comments

Comments must be:

- specific
- related to the Council's ability to fulfill the objectives and activities specified in its NOAA Grant, including
 - the Council's ability to meet its conservation and management goals under the MSA, or
 - technical aspects of the legislation.

Councils are prohibited from making recommendations intended to provide support for or against specific legislation, including any direct or indirect attempts to influence the introduction, enactment, or modification of Federal and State legislation.

(50 C.F.R. § 600.227)



Public comment

- The Legislative Committee accepted written comment only for this meeting.
- One written comment was submitted (will be summarized in presentation)





DAVE WHALEY LEGISLATIVE UPDATE





S. 5273 FISHERIES SCIENCE MODERNIZATION ACT

INTRODUCED BY SENATORS MURKOWSKI (AK) AND WHITEHOUSE (RI) ON 8/6/2026
REFERRED TO THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Title I – Improving Fisheries Stock Assessments by Incorporating eDNA

- **Requires the Administrator** to conduct a multi-year pilot study on the applicability and validity of eDNA for fish stock abundance estimation and use in assessments, including comparing eDNA data with existing survey data. The Administrator will engage with partners including the Councils throughout the study, and submit an annual report to Congress on progress. Appropriations are authorized as necessary for the study, from existing allocation for modernizing surveys.
- **Requires the Administrator** to develop an implementation plan following the pilot study, to integrate eDNA methods into stock assessments, with a process and timeline, prioritized fisheries, identification of capacity needs, support for cooperative research, ongoing engagement with partners including the Councils. The plan should also identify opportunities to improve surveys. A report to Congress is required 2 years after the pilot study begins.
- **Requires the Administrator** to expand NMFS' training and workforce to support eDNA sampling and analysis, and integration of eDNA data into stock assessments.
- **Requires the Administrator** to begin routine collection of eDNA samples in surveys if it improves assessments or reduces costs, and does not disrupt core operations.
- **Amends the MSA** to incorporate eDNA into fisheries research, surveys, assessments, and ecosystem monitoring



Title II – Enhancing U.S. Competitiveness through eDNA, and the National Aquatic Biomolecular Coordination Network

- Establishes a multi-agency National Aquatic Biomolecular Coordination Network that NMFS will lead. The Network will include a representative from the regional fishery management councils.
- Its purpose is to improve the reliability and operational use of eDNA by developing national standards and a standardized collection approach and data format.
- **Allows the Administrator** to facilitate innovation in eDNA methods, working with partners, and development of performance expectations
- **Allows the Administrator** to expand the NOAA laboratory and analytical workforce, and to establish partnerships and cooperative agreements with the private sector



Potential comments

- Reference comments in the Council's Dec 2025 response letter to NOAA regarding fishery independent surveys. Council recognizes capacity challenges at NMFS for assessment and surveys, has been engaged with survey modernization efforts
- Premise is consistent with Council comments that exploration of new technologies and methods for collecting fishery independent data should be approached through side-by-side comparisons before making changes that risk marine surveys as the North Pacific fundamental data source.
- Emphasize the importance of stakeholder support for foundational fishery-management science; transparency in modifying fishery independent data collection is essential to maintaining credibility. Appreciation for collaborative partnerships.
- Caution about diverting NMFS resources away from other priority scientific/management issues that are essential for the agency and Council to meet MSA goals and grant objectives





S. 4938 BYCATCH REDUCTION ACT

INTRODUCED BY SENATOR SULLIVAN (AK) ON 6/24/2026

REFERRED TO THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

General Purpose of Legislation

The stated purpose of this bill is to:

- 1. reduce trawl gear impacts on bycatch and seafloor habitat in the Bering Sea, Aleutian Islands, and Gulf of Alaska,*
- 2. establish gear performance standards, seafloor contact detection, and salmon excluder requirements,*
- 3. improve Council transparency and participation,*
- 4. prioritize ecosystem analyses,*
- 5. modernize electronic monitoring,*
- 6. prohibit unsustainable foreign seafood imports, and*
- 7. establish a Bycatch Mitigation and Habitat Protection Assistance Fund.*



Potential Comments on Purpose Relative to Current Management (1/5)

Record of Science-based, Sustainable Management

- Introductory comments on NPFMC record of sustainable management and harvest, for context.
- Provide general tenets of MSA, providing Council's authority to identify data needs, develop measures to minimize bycatch and conserve essential fish habitat, and take other actions, while meeting optimum yield for the nation's fisheries through a transparent and inclusive public process that relies on a public process and the best available science.
- Council recognition of the significant ecosystem challenges facing the North Pacific, and that despite the Council's record of sustainable management, certain climate-vulnerable species are facing challenges



Potential Comments on Purpose Relative to Current Management (2/5)

Bycatch

- Provide summary statistics for North Pacific groundfish fisheries discards. (All gears/fisheries combined discarded approximately 3.5% of the catch in 2025, which is now lower than reported for any other region or country in the entire world.)
- Consider whether to include bycatch rates for different gear types and a table showing discarded amounts and species. At a minimum provide discard composition and data for Bering Sea pollock trawl fishery, given focus of various sections of the bill.
- Provide very short background on types of trawl management measures to minimize bycatch and impact results for western Alaska salmon. 

Potential Comments on Purpose Relative to Current Management (3/5)

Habitat

- Describe current measures to conserve EFH and EEZ closures to trawling.
- Describe MSA requirements to conduct EFH analysis every five years, the criteria for habitat impacts, recent results, and NMFS improvements/updates for next review.



Potential Comments on Purpose Relative to Current Management (4/5)

Trawl Gear

- Describe context - more than 60% of the Nation's fish harvest comes from the North Pacific, and trawl gear harvests over 90% of the groundfish in the North Pacific Exclusive Economic Zone (EEZ).
- Year-round deliveries from groundfish trawl vessels support processing and community infrastructure that also serve seasonal and lower-volume fisheries.
- The 65 western Alaska CDQ communities also rely on the trawl groundfish fisheries as the primary means of benefits through CDQ investments, royalties, employment, scholarships, training programs, and a host of services provided to these communities through the CDQ groups.



Potential Comments on Purpose Relative to Current Management (5/5)

Research and Monitoring

- Note that the Council would benefit from continuing to identify data and research gaps to improve environmental data collection, in that successful management depends on using the best scientific information available.



Section 2 - Ensuring Mid-water Nets Do Not Operate Like Bottom Trawl Gear (1/2)

Requires the Council to establish a pelagic trawl gear performance standard for vessels, and implement enforceable regulations to manage impacts on benthic habitat and reduce unobserved mortality on important species.

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: 1) requiring gear modifications, 2) requiring seafloor clearance detection systems, 3) reducing fishing effort in areas closed to nonpelagic trawls, 4) prohibiting pelagic trawling in areas closed to non-pelagic trawling, or 5) prohibiting pelagic gear in any area closed to any other gear type if those areas contain habitats that support juvenile recruitment of important species.



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

Requires the Council to contract with the National Academies to review the methodology, data, and findings used to identify the baseline of impacts.

Requires the Council to consider additional regulations including: 1) establishing protocols for data related to trawl gear, 2) requiring real time monitoring of the data to support compliance and enforcement, 3) ensuring that seafloor contact detection systems are compatible with existing EM or observer programs, and 4) establishing requirements for retention, submission and confidentiality of data collected.

Requires the Council and NMFS to consult with affected participants.

Violations of regulations promulgated under this section is deemed to violated MSA and subject to MSA penalties and sanctions.



Potential Comments on Section 2 (1/2)

Performance Standard and Bottom Contact Impacts

- Short review of Council action and objectives on this topic, focusing on June 2026 motion and objectives of action to evaluate new management measures to reduce bottom contact. Provide types of considerations that would be evaluated in a normal Council analysis.
- Brief comment on how pelagic gear is designed and regulated as a distinct gear type from bottom trawl gear.
- Provide comment on what we currently know about commercially available bottom-contact and acoustic sensors effectiveness in research, but not commercial fishing, settings.
- Mention Council's June endorsement of continued research on pelagic trawl gear innovation.
- Note that Council also reaffirmed its prior motion that the Fishing Effects (FE) model be updated with refined bottom contact estimates as a baseline from which to improve, and that this model is the peer-reviewed, best available tool to assess the effects of fishing on benthic habitats in Alaska.



Potential Comments on Section 2 (2/2)

Funding, Timeline, and Consultation

- Note that 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. National Academies reviews are generally instituted by government agencies, and the Council notes that they tend to cost between (\$200,000 to > \$1 million).
- The evaluation of existing closed areas will be a substantive undertaking that would require reprioritization of resources that are already assigned to other mandates and priorities.
- Note language in this section is ambiguous regarding whether the required consultation refers to the existing public Council process or is in addition to it, and whether the Administrator and the Council shall consult together or in separate processes.



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

Requires the 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.

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.

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

Requires the Council and NMFS to consult with affected participants.

Violations of regulations promulgated under this section is deemed to violated MSA and subject to MSA penalties and sanctions.



Potential Comments on Section 3 (1/2)

- Provide status quo regulations on the performance standard applicable to vessels using non-pelagic trawls (CFR 679.24(f)) as they are required 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.
- As with Section 2, under the timelines established for the Administrator in the bill, there would be limited time for the Council to weigh and consider the required report, as well as the National Academies' review, during the 1-year phase-in period.



Potential Comments on Section 3 (2/2)

- Note Council's appreciation for legislative support for 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 (NMFS) Alaska Fisheries Science Center and the Habitat Conservation Division in NMFS Alaska Regional Office.
- As with Section 2, the language in this section is ambiguous regarding whether the required consultation refers to the existing public Council process or is in addition to it, and whether the Administrator and the Council shall consult together or in separate processes.



Section 4 - Improving Public Transparency and Increasing Participation in the NPFMC Process

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.

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.

Requires the Secretary to maintain a publicly accessible permanent online archive of all webcasts, audio, video, and transcripts as required in this section.

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

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.



Potential Comments on Section 4 (1/4)

Roll Call Votes

- Provide short background on existing procedures, and differences proposed under this section. For example, the NPFMC takes roll call votes on all final actions on FMP and 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. The difference is requiring roll call votes on all non-procedural votes, even if not final action.



Potential Comments on Section 4 (2/4)

Public Recordings

- The Council already live broadcasts all Council meetings, including the Advisory Panel and the SSC, and recordings of the Council and SSC are archived on the eAgenda. The Council's website includes detailed tutorials of how to both participate in meetings in real-time, and how to access archived materials and recordings. The difference in this bill from status quo is requiring audio posting for each meeting of the Council's advisory bodies, in perpetuity.
- The "to the extent possible" language is helpful regarding the requirement for webcast or live audio and video broadcast of Council and CCC meetings on its website. In Alaska, internet service in some remote locations near fishing ports is not always been available or can be subject to intermittent outages.
- A requirement for additional audio or video posting for each meeting of the Council's advisory bodies may require substantial additional administrative  staff and storage resources.

Potential Comments on Section 4 (3/4)

Extended Public Comment Period

- This would not affect the Council's ability to operate under its grant, but would not necessarily align with when meeting materials are available.
- 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 coordination and contribution needed between cooperating agencies, NMFS staff, and Council staff, this may be 1 to >4 weeks prior to the meeting.
- The meeting agenda may not be final until 3 weeks prior to the meeting, based on the Fed Register deadline, 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 posted and briefing materials are distributed typically 3 weeks prior to the meeting.



Potential Comments on Section 4 (4/4)

Financial disclosure process

- Provide brief comment pointing to NOAA's recent revisions to the national policy and procedures for financial interest and recusal determinations for voting council members 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 Council posts NOAA General Counsel's determinations relative to meeting agenda items on the eAgenda for every meeting. Since October 2025, NOAA GC has also included a summary of the procedures used in addition to the determination memo issued for that meeting.



Section 5 - Requiring Salmon Excluders in the North Pacific

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

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.

Requires the Council and NMFS to consult with affected participants.

Violations of regulations promulgated under this section is deemed to have violated MSA and subject to MSA penalties and sanctions.



Potential Comments on Section 5

- Virtually all vessels using pelagic trawls for pollock use a salmon excluder at all times, and all Bering Sea pollock vessels are already required by regulation to use salmon excluders. These vessels all have cameras and observers.
- Note that Gulf of Alaska catcher vessels are much smaller than Bering Sea vessels, and while many Gulf vessels use salmon excluders, the same designs are not consistently effective for reducing bycatch on the smallest catcher vessels which do not have the same horsepower and tow speed. Further testing in the Gulf of Alaska is likely needed to meet the bill's objective under this section for the entirety of the Gulf of Alaska catcher fleet, particularly the smaller vessels who deliver to communities on the Alaska Peninsula.
- This section requires the Council and NMFS to consult with affected industry participants. Further clarification regarding whether the required consultation refers to the MSA-established public Council process or a separate process  would help the Council comply with any new statutory requirements.

Section 6 - Prioritizing Foundational Investigations and Ecosystem Analyses to Reduce Bycatch and Seafloor Impacts (1/3)

Requires the Administrator to establish 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 addition of 7 representatives: 3 academic experts (salmon, groundfish, invertebrate ecology), 1 resident of the BSAI region, 1 resident of the GOA region, and 2 experts on trawl gear technology and operations. Requires the Administrator to post the membership of the task force, the meeting dates and agendas, and documents, and also provide mechanism for written public comments.

Requires the 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.



Section 6 - Prioritizing Foundational Investigations and Ecosystem Analyses to Reduce Bycatch and Seafloor Impacts (2/3)

Requires the Administrator to conduct a competitive grant program to support improving the turnaround time of genetic analysis of salmon caught incidentally in commercial fisheries in the EEZ.

Requires the Administrator to publish a report within 3 years the findings of the life history research and genetic analysis, and details how the research and genetic analysis can inform salmon stock status and distributions, and potential uses of AI to perform predictive modeling of potential avoidance areas.

Requires the 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 examined), and 3) new research to prioritize data collection for conservation of commercial and culturally important species. The Administrator shall enter into public-private partnerships for this research, and involve experts in commercially or culturally important species. Requires all research results and literature review be 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.



Section 6 - Prioritizing Foundational Investigations and Ecosystem Analyses to Reduce Bycatch and Seafloor Impacts (3/3)

***Requires the Administrator** to publish annual reports and a final report within 3 years. The reports must include: description of mechanisms to connect research outputs to management actions; recommendations from the NPFMC; 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).*

***Requires the Council** to analyze 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 closure areas should be expanded to other commercial fishing gear types.*



Potential Comments on Section 6 (1/2)

- Highlight the inherent tension with management measures designed to require trawl gear to fish off-bottom in order to reduce impact to marine habitat, and evidence that fishing higher in the water column is likely to increase bycatch of salmon.
- 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.
- Genetic stock identification is valuable 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.



Potential Comments on Section 6 (2/2)

- Required research on salmon life history, genetics, trawl impacts to benthic habitats, and marine ecosystem factors, as well as the new Task Force, does not appear to come with new funding and thus added costs likely will be borne by NMFS.
- The requirement for the Council to analyze all areas closed to 1 or more fishing gears that support juvenile recruitment of important species for potential additional gear closures will be 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.
- The requirements for publishing annual reports, and a final report within 3 years, may require further reprioritization of human resources of which there are fewer and who are already fully tasked (e.g., AFSC scientists).



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.



Potential Comments on Section 7

- While a substantive change to the national seafood supply, this does not appear to affect the Council's ability to operate under its Federal grant. A vast majority of seafood consumed in the U.S. is imported from other countries.
- Analyses to determine that the fishery from which the seafood originates harvests fish in a way that is comparable to the MSA National Standards could require extensive resources to complete.
- Restrictions on foreign seafood imports would increase the domestic demand for U.S. harvested wild seafood.



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

Requires the 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.



Potential Comments on Section 8

- Note that trawl net manufacturers and fishermen testing different trawl designs or gear modifications to reduce bycatch have relied on the flume tank in St. John, Newfoundland, Canada. 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.
- A public-private partnership could provide opportunities to advance this initiative. At the same time, NMFS likely to bear a substantial share of the costs associated with construction and maintenance, and the proposed ongoing grants and financial assistance, while ongoing operational costs may be borne by the AFSC. Without additional funding, this could require reprioritizing resources currently supporting efforts such as marine surveys and associated research fundamentally necessary for sustainable fisheries management.
- Current language would 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 (1/2)

Requires the 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.

Requires the Administrator to streamline the approval process for EFPs for electronic monitoring (EM) projects in the North Pacific.

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.



Section 9 - Modernizing Fisheries Monitoring and Improving Observer Program Transparency (2/2)

***Requires NMFS** to publish, in layman's terms, observer coverage category requirements for Federal fisheries, specifying the fishery, including prohibited species catch for each observer program category.*

***Requires NMFS** to develop and disseminate communication materials that clearly explain bycatch in Federal fisheries using accessible layman's terminology and graphics.*

***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.*

***Requires the Administrator** to 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 recommendations to minimize bycatch and unobserved mortality in the BSAI and GOA.*



Section 9 – PUBLIC COMMENT

From Bigger Fish America, Inc.

- Section 9 would require the agency to share bycatch data in plain language.
- Plain language communication about trawl bycatch Pacific halibut should report bycatch in numbers of fish rather than mortality weight.
- An assessment of what this provision would ask of the Council seems incomplete without acknowledging that the data to report halibut bycatch in numbers of fish rather than mortality is available but unreported



Potential Comments on Section 9

- The Council has been very supportive of both EFP research and EM development, this section appears to align with that support.
- Provide background that the Council has recommended simplifying the EFP process in the North Pacific to be similar to other regions, and NMFS is currently undertaking these regulatory changes. This was in response to the President's E.O. on seafood competitiveness and stakeholder requests to streamline the EFP approval process.
- Provide comment on the value and use of EFPs to develop gear technology and monitoring (electronic monitoring) innovations in the federally managed North Pacific groundfish fisheries.
- Provide appreciation of the interest in electronic monitoring in U.S. federal fisheries. Briefly state how it has been implemented in numerous trawl and fixed gear fisheries in the North Pacific, with the data currently being used for management.



Section 10 - Investing in Cleaner Fishing Gear and Healthy Seafloor Habitats

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 fisherman 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, the NMFS 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.



Potential Comments on Section 10

- This section incorporates the language proposed in 2024 under H.R. 8508 from the 118th Congress, with the same appropriated amount (\$10 million) for the Bycatch Reduction Engineering Program. The program has provided about \$2.3 million annually to fund 12-16 projects each year from 2018-2024. 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.
- Additional funding from Congress for the Bycatch Reduction Engineering Program has the potential to provide 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.
- 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 research, gear, and technology to reduce bycatch in fisheries is consistent with the Council's goals and objectives for sustainable fisheries.

