

S. 4938 - Bycatch Reduction Act Section by Section

Senator Dan Sullivan

Section 1. Establishing the short title of the bill

Section 2. Ensuring Mid-Water Nets Do Not Touch the Bottom

- Pelagic nets that are supposed to fish in open water shouldn't constantly contact the seafloor like bottom trawls. This section sets clear standards, monitoring, and strict enforcement through gear modifications and technology to monitor nets as they are fishing.

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

- Trawl nets must not harm the species that live on the bottom of the sea. This section requires gear modifications like improved footropes and raised sweeps to lift nets higher off the bottom and reduce the harm on those bottom species, like crab and halibut.

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

- Fisheries management and the rules that are created affect entire communities, but most people struggle to watch or participate in these meetings and listen to how the decisions are made. This section requires Council meetings to be recorded, posted online, and be open to meaningful public comment no matter how long it has been since a Council meeting has happened so that everyone can see who how Council members voted and why.
- A public comment period of two weeks is too short for thoughtful comments to be crafted and should not be treated as a bare minimum, which is why this section requires the comment period to be extended to four weeks.
- If someone has a financial interest in a Council issue, they should not be voting on it. This section requires a thorough review of the conflict-of-interest and recusal process to make sure the rules are being followed and to identify any gaps or weaknesses. Council decisions should be fair, transparent, and made in the best interest of the fishery.

Section 5. Requiring Salmon Excluders in the North Pacific

- The Council has taken action to reduce chum and chinook salmon that are accidentally caught and killed every year in nets targeting pollock. This section requires all pollock vessels to install proven salmon excluder devices. This is a simple solution that must be implemented for all vessels.

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

- Good fisheries management must have reliable data to back it up. This section prioritizes foundational investigations into salmon migrations and changing ocean conditions. Through salmon tagging, faster salmon genetic sampling, and ecosystem analyses that will examine how factors such as marine heatwaves, sea ice loss, ocean acidification, and food availability influence the survival of salmon, halibut, crab, and other key species. This information provides the "smoking gun" evidence needed to support targeted measures and actions rather than broad restrictions that affect entire fisheries. It also creates a Bycatch Reduction Task Force that includes Alaska Native leaders, fishing industry experts, and community representatives to help guide future investigations and management priorities.

Section 7. Prohibiting Unsustainable Foreign Seafood Imports

- Countries like China and Russia operate under weak environmental and conservation standards, resulting in high levels of bycatch and extreme harm to marine ecosystems. In contrast, American fishermen follow some of the world's strictest fisheries management and conservation requirements. This bill significantly strengthens those standards by improving accountability, enhancing bycatch reduction measures, and investing in tools for better management and public involvement. This section ensures that foreign seafood imported and sold in the United States meets those same standards.

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

- Fishermen need access to better tools to fish cleaner and do less damage to the ocean habitats. This section creates a flume tank testing facility, which is essentially a large water tunnel that simulates real ocean conditions, so that fishermen, regulators, and gear designers can develop and test cleaner fishing gear and monitoring tools.

Section 9. Modernizing Fisheries Monitoring and Improving Observer Program Transparency

- It is hard to manage what we don't see. This section strengthens how fishing activity is tracked through new fishing gear and electronic monitoring tools that reduce bycatch and habitat damage without compromising conservation goals. This section increases NOAA transparency in the trawl fishery bycatch monitoring for real-time accountability. It also makes observer coverage requirements clearer to the public and ensures bycatch data is shared in plain language so that every person who does not have a science or fisheries background can understand what is occurring.

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

- Protecting the ocean is an investment in the future of fishing. This section reauthorizes NOAA's Bycatch Reduction Engineering Program with \$10 million per year to support new technology and gear that reduces bycatch, seabird interactions, and habitat damage. It also establishes a new Bycatch Mitigation and Habitat Protection Assistance Fund that is not funded with federal dollars but rather relies on private donations managed through a Foundation. This fund will help any fisherman, a salmon fishermen, halibut fishermen, crabber, or trawler purchase and improve their fishing gear to cleaner, more sustainable gear.