

## Moore, Christopher

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**Sent:** Wednesday, March 13, 2013 10:03 AM  
**To:** Mahood, Bob; Moore, Christopher; Oliver, Chris; Simonds, Kitty; Rolon, Miguel; Bortone, Steve; Tom Nies  
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**Subject:** Legislative/Policy Change Priorities for Each RMFC  
**Attachments:** MONF3\_Schedule-Structure\_Graphic 10-18.pdf

EDs-

This email passes on an idea for you to consider about developing legislative or major policy change that your Council might wish to express as high priority matters at the MONF3 national conference.

I am still working on the best option for the morning segment of the MONF3 conference, dealing with the 10-noon time block currently slated for a RFMC round robin (see attached). As per the CCC discussion, we may have some more outside speakers to supplement the opening big shots followed by some consolidated RFMC presentations (maybe 3 groupings?), or we may just stay the course and go around the horn with 8 RFMC presentations. However, in either case, the most meaningful thing for the conference purpose would be for each Council to express (1) some things that are working quite well and (2) some things that they think need to be changed, including statutory changes in the MSA.

Towards this end, you may wish to consider the highest priority legislative/policy changes at one of your Council meetings. I understand many of you have March or April Council meetings where this can be done. We have scheduled our Legislative Committee to meet at our April 4-11 Council meeting, with their recommendations to be considered by the full Council at that meeting.

More later,  
Don

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WRITTEN TESTIMONY BY  
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HEARING ON  
REAUTHORIZATION OF THE MAGNUSON-STEVENSON  
FISHERY CONSERVATION AND MANAGEMENT ACT

BEFORE THE  
COMMITTEE ON NATURAL RESOURCES  
UNITED STATES HOUSE OF REPRESENTATIVES

MARCH 13, 2013

**Introduction**

Good afternoon, Mr. Chairman and Members of the Committee. Thank you for the opportunity to testify before you today. My name is Samuel D. Rauch and I am the Deputy Assistant Administrator for Regulatory Programs for the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS). NMFS is dedicated to the stewardship of living marine resources through science-based conservation and management. Much of this work occurs under the Magnuson-Stevens Fishery Conservation and Management Act (*Magnuson-Stevens Act*), which sets forth standards for conservation, management and sustainable use of our Nation's fisheries resources.

Marine fish and fisheries, such as salmon in the Pacific Northwest and cod in New England, have been vital to the prosperity and cultural identity of coastal communities in the United States (U.S.). U.S. fisheries play an enormous role in the U.S. economy. Commercial fishing supports fishermen and fishing communities, and provides Americans with a sustainable, healthy food source. Recreational fishing is an important social activity for individuals, families, and communities, and it is a critical economic driver of and contributor to local and regional economies, as well as the national economy. Subsistence fishing provides an essential food source and is culturally significant for many people.

Our most recent estimates show that the amount landed and the value of commercial U.S. wild-caught fisheries was up in 2011 while recreational catch remained stable. U.S. commercial fishermen landed 9.9 billion pounds of seafood valued at \$5.3 billion in 2011, increases of 1.6 billion pounds (20%) and \$829 million (18%) over 2010 figures; the highest landings volume

since 1997 and highest value in nominal terms ever recorded.<sup>1</sup> The seafood industry—harvesters, seafood processors and dealers, seafood wholesalers and seafood retailers, including imports and multiplier effects—generated \$129 billion in sales impacts, \$37 billion in income impacts and supported 1.2 million jobs in 2011. Recreational fishing generated \$70 billion in sales impacts, \$20 billion in income impacts, and supported 455,000 jobs in 2011. Jobs supported by commercial businesses held steady from the previous year, while jobs generated by the recreational fishing industry represented a 40% increase over 2010.<sup>2</sup>

The Federal fishery management system is effectively rebuilding fisheries. We continue to make progress towards long-term biological and economic sustainability and stability. Since its initial passage in 1976, the *Magnuson-Stevens Act* has charted a groundbreaking course for sustainable fisheries. When reauthorized in 2007, the Act gave the eight regional fishery management councils and NMFS a very clear charge and some new tools to support improved science and management. It mandated the use of science-based annual catch limits and accountability measures to prevent and end overfishing, provided for market-based fishery management through Limited Access Privilege Programs (or catch shares), focused on collaborative research with the fishing industry and bycatch reduction, addressed the need to improve the science used to inform fisheries management, and sought to end illegal fishing and bycatch problems around the globe so that foreign fishing fleets are held to the same standards as, and do not economically disadvantage, U.S. fleets.

While significant progress has been made since the last reauthorization, we recognize that this progress has not come without cost. Fishermen, fishing communities, and the Councils have had to make difficult decisions and many areas have had to absorb the cost of conservation and investment in long-term economic and biological sustainability. The U.S. now has effective tools to address marine fisheries management, and as we look to the future, we must look for opportunities to increase flexibility in our management system. We need to approach that challenge in a holistic, deliberative, and thoughtful way that includes input from the wide range of stakeholders who care deeply about these issues.

My testimony today will focus on NMFS's progress in implementing the *Magnuson-Stevens Act's* key domestic provisions, and some thoughts about the future and the next reauthorization.

### **Implementing the *Magnuson-Stevens Act***

The *Magnuson-Stevens Act* created broad goals for U.S. fisheries management and a unique, highly participatory management structure centered on the eight Regional Fishery Management

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<sup>1</sup> See NOAA Fisheries Annual Commercial Fisheries Landings Database available at <http://www.st.nmfs.noaa.gov/commercial-fisheries/commercial-landings/annual-landings/index>

<sup>2</sup> See *Fisheries Economics of the U.S. 2011*, NMFS Office of Science & Technology, available at: [http://www.st.nmfs.noaa.gov/economics/publications/feus/fisheries\\_economics\\_2011](http://www.st.nmfs.noaa.gov/economics/publications/feus/fisheries_economics_2011)

Councils (Councils). This structure ensures that input and decisions about how to manage U.S. fisheries develops through a “bottom up” process that includes fishermen, other fishery stakeholders, affected States, tribal governments, and the Federal government.

The *Magnuson-Stevens Act* guides fisheries management by 10 National Standards for fishery conservation and management. These standards, which have their roots in the original 1976 Act, provide a yardstick against which all fishery management plans and measures developed by the Councils are measured. National Standard 1 requires that conservation and management measures prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the U.S. fishing industry. Optimum yield is the average amount of fish from a fishery that, over the long-term, will provide the greatest overall benefits to the Nation, particularly by providing seafood and recreational opportunities and affording protection to marine ecosystems.

The Councils can choose from a variety of options to manage fish stocks – quotas, catch shares, area closures, gear restrictions, etc. – and also determine how to allocate fish among user groups. These measures are submitted to the U.S. Secretary of Commerce for approval and are implemented by NMFS. Thus, the Councils in developing their plans must carefully balance fishing jobs and conservation. Other National Standards mandate that conservation and management measures be based upon the best scientific information available, not discriminate between residents of different States, take into account variations in fisheries and catches, minimize bycatch, and promote the safety of human life at sea.

Central to many of the Council decisions are fishing jobs. Fishing jobs, both commercial and recreational, are the lifeblood of many coastal communities around our Nation. Fishermen and fishing industries rely not only on today’s catch, but the predictability of future catches. Under the standards set in the *Magnuson-Stevens Act*, and together with the regional fishery management councils, States, tribes and fishermen, we have made great strides in ending overfishing, rebuilding stocks and building a sustainable future for our fishing dependent communities. Thanks in large part to the strengthened *Magnuson-Stevens Act* and the sacrifices of fishing communities across the country, the conditions of many of our most economically important fish stocks have collectively improved steadily over the last decade.

We all share the common goal of healthy fisheries that can be sustained for generations. Without clear, science based rules, fair enforcement, and a shared commitment to sustainable management, short-term pressures can easily undermine progress toward restoring the social, economic, and environmental benefits of a healthy fishery. Challenges remain in some fisheries, but in other fisheries, as fish populations grow and catch limits increase, the benefits for the resource, the industries it supports, and the economy are beginning to be seen.

## Progress in Implementation

Working together, NMFS, the Councils, coastal states and territories, and a wide range of industry groups and other constituents, have made significant progress in implementing key provisions of this legislation.

### Ending Overfishing, Implementing Annual Catch Limits, and Rebuilding

One of the most significant management provisions of the 2007 reauthorization of the *Magnuson-Stevens Act* is the mandate to implement annual catch limits, including measures to ensure accountability and to end and prevent overfishing in federally managed fisheries by a certain deadline. An annual catch limit is an amount of fish that can be caught in a year so that overfishing does not occur. Accountability measures are management controls to prevent the limits from being exceeded, and to correct or mitigate overages of the limits if they occur. This is an important move away from a management system that could only be corrected by going back through the full Council process – often taking years to accomplish, all while overfishing continued. Now, when developing a fishery management plan or amendment, the Councils must consider the actions that will occur if a fishery does not meet its performance objectives. As of December 31, 2012, assessments demonstrate that overfishing ended for 58% of the 38 domestic U.S. stocks that were subject to overfishing in 2007 when the *Magnuson-Stevens Act* was reauthorized.<sup>3</sup> Annual catch limits designed to prevent overfishing are in place for all stocks, and we expect additional stocks to come off the overfishing list as stock assessments are updated in the coming years.

We recognize that learning from our past actions and adjusting is important. With that in mind, the agency has already begun the process of reviewing the National Standard 1 guidelines, which were last modified in 2009 to focus on implementing the requirement for annual catch limits. This was a major change in how many fisheries were managed, and we want to ensure that the guidance we have in place reflects current thinking on the most effective way to meet the objectives of National Standard 1. An Advanced Notice of Proposed rulemaking was published in May 2012, which was followed by an almost six month public comment period where we asked the public for input on 11 topics addressed in National Standard 1. We received a lot of input, and are in the process of working through the comments and developing options for moving forward, be it through additional technical guidelines, regulatory changes, or identifying issues for discussion as part of a reauthorization.

The *Magnuson-Stevens Act* also includes requirements to rebuild any overfished fishery to the level that can support the maximum sustainable yield, and as of December 31, 2012, we have

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<sup>3</sup> See Fish Stock Sustainability Index. This report was the source for the underlying data, but the numbers presented here were compiled specifically for this hearing. The report is available at: <http://www.nmfs.noaa.gov/sfa/statusoffisheries/2012/fourth/Q4%202012%20FSSI%20Summary%20Changes.pdf>

rebuilt 32 stocks.<sup>4</sup> Ending overfishing and rebuilding depleted fisheries brings significant biological, economic and social benefit, but doing so takes time, persistence and sacrifice, and adherence to scientific information. We estimate that rebuilding all U.S. fish stocks would generate an additional \$31 billion in sales impacts (including multiplier effects), support an additional 500,000 jobs and increase dockside revenues to fishermen by \$2.2 billion, a more than 50 percent increase over current annual dockside revenues.<sup>5</sup> A prime example of the benefits of rebuilding is seen in the New England sea scallop fishery, where revenues increased five-fold as the fishery rebuilt, from \$44 million in 1998 to \$353 million in 2011, making New Bedford the largest port by value every year since 2000.<sup>6</sup>

As the fishing industry rebounds and the money involved increases, so does the need for comprehensive enforcement to ensure adequate, fair, and effective enforcement of the management plans so that they can continue to function for the benefit of those who play by the rules.

#### Improvements to Science and Recreational Fishing Data

Without high quality fishery science, we cannot be confident that the Nation is attaining optimum yield from its fisheries, or that we're preventing overfishing and harm to ecosystems and fishing communities. Attaining optimum yield requires an investment in information about fish stocks, their fisheries and their ecosystems, including habitat requirements. NMFS is committed to generating the best fishery science to support the goals of the *Magnuson-Stevens Act*. Increasingly, we are conducting research and analyses to understand the environmental and habitat factors affecting the sustainability of fish populations. Today, we know more about our fish stocks than ever before, and it is vital that our science not regress, as this would inevitably lead to declines in our stocks and a loss in the economic and social values they provide.

The importance of increasing the frequency of stock assessments, improving the quality of fisheries science with a better understanding of ecosystem factors, investing in cooperative research and electronic monitoring technology, and enhancing our engagement with fishermen cannot be stressed enough. Partnerships with industry are a key component of successful fisheries management. Cooperative research provides a means for commercial and recreational fishermen to become involved in the science and data collection needed to improve assessments and develop and support successful fishery management measures. For example, the Northeast

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<sup>4</sup> See Fish Stock Sustainability Index. Available at:

[http://www.nmfs.noaa.gov/sfa/statusoffisheries/2012/fourth/MapRebuiltStocksCY\\_Q4\\_2012.pdf](http://www.nmfs.noaa.gov/sfa/statusoffisheries/2012/fourth/MapRebuiltStocksCY_Q4_2012.pdf)

<sup>5</sup> See The NMFS Commercial Fishing & Seafood Industry Input/Output Model. The change in landings revenue for each species was derived using the calculation: (Current Price\*MSY) – (Current Price\*Current Landings). If MSY is not available, a zero value is assumed for the change in landings revenue. These values were then entered into the model, which produced the job and sales impacts estimates. The model is available at: <https://www.st.nmfs.noaa.gov/documents/Commercial%20Fishing%20IO%20Model.pdf>.

<sup>6</sup> See Fisheries of the U.S., Vols. 2000-2011, Commercial Fishery Landings and Value at Major U.S. Ports (tables). Available at: <http://www.st.nmfs.noaa.gov/st1/publications.html>

Cooperative Research program enhances the agency and the New England Fishery Management Council's capacity to respond to emerging management needs and research priorities associated with improving stock assessments, as well as supporting the industry during the transition to sector management and the implementation of annual catch limits. In the Gulf of Mexico, NMFS supports a number of electronic monitoring programs including funding a project to test closed circuit televisions, gear sensors, and a data storage system to improve the overall catch and bycatch accounting system for the Gulf reef fish fishery thus improving management.

The *Magnuson-Stevens Act* also required improvements to recreational fisheries data collected by NMFS for use in management decisions. In October 2007, NMFS established the Marine Recreational Information Program, a new program to improve recreational fishery data collection efforts, consistent with the *Magnuson-Stevens Act* requirement and the 2006 recommendations of the National Research Council. The Marine Recreational Information Program is a national system of coordinated regional data collection programs designed to address specific needs for improved recreational fishing information. One major component of the Marine Recreational Information Program is the development of a national registry of anglers, also required by the *Magnuson-Stevens Act*, which NMFS has been using in a series of pilot studies to test more efficient mail and telephone surveys for the collection of data on recreational fishing activity. Based on the results of these studies, NMFS expects to be ready to implement new registry-based survey designs on all coasts in 2014. The Marine Recreational Information Program is also developing and implementing numerous other survey improvements to address the National Research Council's recommendations, including improved estimation methodologies, improved shoreside survey design, and improvements in for-hire fishery data collections.

## **Looking to the Future**

### *Remaining Challenges*

Looking ahead, we must continue to increase the quality and quantity of scientific data, continue progress made on addressing overfishing and rebuilding stocks, and better address the difficult transitions that can come with management changes leading to more biologically and economically sustainable fishery resources.

The most effective annual catch limits and accountability measures will require further improvements to our stock assessments and monitoring efforts. Ensuring solid, science-based determinations of stock status and responsive management will also require better linkages to ever-shifting biological, socio-economic, and ecosystem conditions. U.S. fisheries are extraordinarily diverse in value, participation, and science needs. The *Magnuson-Stevens Act* provides flexibility in adapting management plans to the life history differences among species and nuances of particular fisheries as well as to the unique regional and operational differences among fisheries and in the fishing communities that they support. Together with our partners, we

continue to explore alternative approaches that will produce the best available information to incorporate into management. It is also increasingly important that we better understand ecosystem and habitat factors, including climate change, and incorporate them into our stock assessments and management decisions, as well, because resilient ecosystems and habitat form the foundation for robust fisheries and robust economies. As we end overfishing and rebuild stocks, the strategic alignment of habitat conservation efforts to support the need of fish stocks will be a key component of NOAA's success.

### **General Views on Legislation Proposed in the 112<sup>th</sup> Congress**

NOAA supports the collaborative and transparent process embodied in the regional fishery management councils, as authorized in the *Magnuson-Stevens Act* and strongly believes that all viable management tools should continue to be available as options for the Councils to consider when developing management programs.

It is critical that we maintain progress towards meeting the mandate of the *Magnuson-Stevens Act* to end overfishing and, as necessary, rebuild stocks. Annual catch limits are an effective tool in improving the sustainability of fisheries around the Nation, and NOAA has concerns with efforts that would create exemptions or otherwise weaken provisions regarding annual catch limits. Uncertainty in the stock assessments upon which annual catch limits are based should not be used as a basis for exempting fisheries from annual catch limits. Managing fisheries using annual catch limits and accountability measures was a major change for some fisheries, and the initial implementation has identified some areas where we can improve that process. We will continue to work with the Councils to achieve the best possible alignment of science and management for each fishery to attain the goals of the *Magnuson-Stevens Act*.

In an increasingly constrained fiscal environment, we must not mandate duplicative or otherwise unnecessary actions. Additional stages of review for certain types of fisheries data, or repeating data collection and stock assessment efforts when there are already sound peer reviewed processes in place are examples of actions that will divert resources to a select few fisheries at the expense of others with little additional benefit. Moreover, legislation should be cost-effective, particularly during this time of constrained funding. NMFS welcomes the opportunity to work closely with Congress, the regional fishery management councils, and the recreational and commercial fishing industries, to use the best available science to seek opportunities for efficiency and improved management in order to end overfishing, rebuild stocks and achieve stable economic opportunities for our fishermen and coastal communities.

### *The Next Reauthorization of the Magnuson-Stevens Act*



With some of the largest and most successful fisheries in the world, the U.S. has become a model of responsible fisheries management. This success is due to strong partnerships among the commercial and recreational fishing, conservation, and science and management communities. Continued collaboration is necessary to address the ongoing challenges of maintaining productive and sustainable fisheries.

The upcoming conference, *Managing Our Nation's Fisheries 3*—co-sponsored by the eight Regional Fishery Management Councils and NMFS—will bring together a broad spectrum of partners and interests to discuss current and developing concepts addressing the sustainability of U.S. marine fisheries and their management.<sup>7</sup> The conference was developed around three themes: (1) improving fishery management essentials; (2) advancing ecosystem-based decision making; (3) and providing for fishing community sustainability.

The first theme, improving fishery management essentials, will examine the core principles, practices, and tools essential to the long-term sustainability of fishery resources. This includes challenges that arise in using annual catch limits, implementing stock rebuilding programs, and participating in international management. The topics related to the second theme, advancing ecosystem-based decision making, are designed to foster conversation around the fact that fisheries affect, and are affected by, an ever-changing ocean ecosystem, and that we therefore need to consider relationships between managed species and their environment when setting policy and developing management strategies. These topics include assessing ecosystem effects and integrating climate considerations, forage species management, and integrating habitat into fisheries management. The last theme explores fishing community sustainability, including recreational and subsistence fisheries, socio-economic trade-offs, and fishing communities. Discussion will focus on meeting management objectives while taking into account the needs of different user groups and their diverse social and economic objectives.

We are looking to this venue as a critical step in bringing together a wide range of stakeholders. The session speakers and panelists represent many points of view, from commercial and recreational fishing to the conservation and science and management communities. Before the last reauthorizations, we co-sponsored two of these conferences, and they played an important role in bringing people together and creating an opportunity to present ideas and understand different perspectives. Ideas that emerge from this event may inform potential legislative changes to the *Magnuson-Stevens Act*, but the benefits are much greater than that. The communication across regions and councils provides an opportunity to share best practices and lessons learned, and may also inform changes to current policy or regulations that can be accomplished without statutory changes.

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<sup>7</sup> The Managing Our Nations Fisheries 3 conference is scheduled to take place May 7-9, 2013 in Washington, DC. See [ManagingOurNationsFisheries.org](http://ManagingOurNationsFisheries.org).

## Conclusion

Because of the *Magnuson-Stevens Act*, the U.S. has taken action to end overfishing in Federally-managed fisheries, rebuild stocks, and ensure conservation and sustainable use of our marine fisheries. Fisheries harvested in the U.S. are scientifically monitored, regionally managed, and legally enforced under 10 strict national standards of sustainability. But, we did not get here overnight. Our nation's journey toward sustainable fisheries has evolved over the course of 35 years.

In 2007, Congress gave NOAA and the regional fishery management councils a clear mandate, new authority, and new tools to achieve the goal of sustainable fisheries within measureable timeframes. Notable among these were the requirements for annual catch limits, and accountability measures to prevent, respond to, and end overfishing – real game changers in our national journey toward sustainable fisheries, and ones that are rapidly delivering results.

This progress has been due to the collaborative involvement of our U.S. commercial and recreational fishing fleets and their commitment to science based management, improving gear-technologies, and application of best-stewardship practices.

It is important to take time and reflect on where we have been to understand where we are. We need to look to the future in a holistic, comprehensive way that considers the needs of the fish and the fishermen, and the ecosystems and communities. We look forward to the discussions that will take place during the upcoming Managing Our Nations Fisheries 3 Conference, and will happily work with Congress on any efforts to reauthorize the *Magnuson-Stevens Act*.

Thank you again for the opportunity to discuss implementation progress of the *Magnuson-Stevens Act* and future efforts of reauthorization. I am available to answer any questions you may have.