

**WRITTEN TESTIMONY BY
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U.S. DEPARTMENT OF COMMERCE**

**HEARING ON
MAGNUSON-STEVEN'S FISHERY CONSERVATION AND MANAGEMENT ACT**

**BEFORE THE
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON WATER, POWER AND OCEANS
U.S. HOUSE OF REPRESENTATIVES**

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Introduction

Good afternoon, Chairman Lamborn, Ranking Member Huffman, and Members of the Subcommittee. I appreciate the opportunity to speak with you today about the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). My name is Chris Oliver and I am the Assistant Administrator for the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) in the Department of Commerce. From daily weather forecasts, severe storm warnings, and climate monitoring to fishery management, coastal restoration, and supporting marine commerce, NOAA's products and services support economic vitality and affect more than one-third of America's gross domestic product. NOAA's dedicated scientists use cutting-edge research and high-tech instrumentation to provide citizens, planners, emergency managers, and other decision makers with reliable information they need when they need it.

Today, I will describe the agency's work under the Magnuson-Stevens Act, which sets forth standards for conservation, management, and sustainable use of our nation's fisheries resources.

Progress under the Magnuson-Stevens Act

The Magnuson-Stevens Act provides the nation with a very successful fisheries management construct. U.S. fisheries are among the world's largest and most sustainable. For forty years, Magnuson-Stevens has demonstrated that a dynamic science-based management process is fundamental for sustainably managing fisheries. The goal of fisheries management is to achieve fisheries that are environmentally, economically, and recreationally sustainable. In partnership with the regional fishery management councils (councils), interstate fishery commissions, and our stakeholders, and driven by the Magnuson-Stevens Act, the agency has effectively ended overfishing and is rebuilding domestic fish stocks. As of December 31, 2016, 91 percent of stocks for which we have assessments are not subject to overfishing and 84 percent are not overfished.¹ By preventing overfishing and rebuilding stocks, we are strengthening the value of fisheries to the economy and communities that depend on them, and also ensuring a sustainable supply of seafood for the nation in the future.

Our most recent data show that after adjusting for inflation the landed volume and the value of commercial U.S. wild-caught fisheries remained near record highs. U.S. commercial fishermen landed more than 9.7 billion pounds of seafood valued at \$5.2 billion in 2015.ⁱⁱ The seafood industry—harvesters, seafood processors and dealers, seafood wholesalers and seafood retailers, including imports and multiplier effects—generated an estimated \$208 billion in sales impacts and supported 1.6 million jobs in 2015, the most recent year for which economic impact numbers are available.

Saltwater recreational fishing is among the nation’s favorite pastimes and is a major contributor to the U.S. economy at all levels. In 2015, the nation’s nine million saltwater recreational anglers took more than 60 million fishing trips and spent \$28.7 billion on fishing trips and durable fishing related equipment while spending time outdoors with friends and family. Their expenditures drove \$63 billion in sales impacts, a 5 percent increase from 2014, supported 439,000 jobs, and contributed \$36 billion to the U.S. gross domestic product.ⁱⁱⁱ In partnership with the recreational fishing community, NOAA Fisheries is committed to ensuring abundant and enduring saltwater recreational fishing opportunities now and into the future. To this end, I am pleased to announce that NOAA Fisheries is partnering with the Atlantic States Marine Fisheries Commission to host a national summit on saltwater recreational fisheries in March 2018 to chart a course toward future success.

Marine aquaculture production totaled 90 million pounds valued at \$3.8 billion in 2014, with the largest regional producer being the Atlantic, which represents almost 50 percent of the total value.^{iv} Aquaculture production has tremendous untapped potential and NOAA will be working to expand aquaculture opportunities, a key priority for Secretary Ross.

Marine fish and fisheries—such as tropical tunas in the Western and Central Pacific, salmon in the Pacific Northwest, halibut and groundfish in Alaska, cod in New England and red snapper in the Gulf of Mexico—are vital to the prosperity and cultural identity of coastal communities in the United States. U.S. fisheries play an enormous role in the U.S. economy. In Alaska, where I have lived for the last 27 years, Dutch Harbor leads the nation for the 19th consecutive year as the port with the highest volume of seafood landed (787 million pounds valued at \$218 million).^v

Around the country, commercial fishing supports fishermen, contributes to coastal communities and businesses, and provides Americans with a valuable source of local, sustainable, and healthy food. Recreational and subsistence fishing provides food for many individuals, families, and communities; is an important outdoor family activity; and is a critical economic driver of local and regional economies, as well as a major contributor to the national economy. Subsistence and ceremonial fishing also provides an essential food source and has deep cultural significance for indigenous peoples in the Pacific Islands and Alaska and for many tribes on the West Coast.

Under the Magnuson-Stevens Act, the U.S. has many effective tools to apply in marine fisheries management. The advancement of our science, management, and enforcement tools has resulted in improved sustainability of fisheries and greater stability for industry. Yet, as we look to the future, we must continue seeking opportunities to further improve our management system. Our progress has not come without costs. For example, fishermen, fishing communities, and the councils have had to make difficult decisions and absorb the near-term costs of conservation in exchange for long-term economic and biological sustainability.

Magnuson-Stevens Act Flexibility and Regional Approach

The Magnuson-Stevens Act created broad goals for U.S. fisheries management and a unique, highly participatory management structure centered on the councils. Given my past work as the Executive Director of the North Pacific Fishery Management Council, I can attest to the value of the regional fishery management council system established through the Magnuson-Stevens Act. This structure encourages a collaborative, “bottom up” process where fishermen, other fishery stakeholders, affected states, tribal governments, and the Federal Government all provide input and influence decisions about how to manage U.S. fisheries.

Flexibility to determine what approach will be most effective for their fisheries is a fundamental element in the success of the council system. The councils can choose from a variety of approaches and tools to manage fish stocks and meet the mandates of the Magnuson-Stevens Act—e.g., catch limits, catch shares or other allocation mechanisms, area closures for habitat or protected species considerations, and gear restrictions. These measures are submitted to the Secretary of Commerce for approval and are implemented by NMFS.

The 2007 Magnuson-Stevens Act reauthorization provided more explicitly for market-based fishery management through Limited Access Privilege Programs and addressed the need to improve the science used to inform fisheries management. Limited Access Privilege Programs, while not appropriate for all fisheries, are an important tool in our collective toolbox, and the current Act allows for development of such programs to be tailored to the specific needs of each fishery.

Fulfilling one of the Magnuson-Stevens Act’s goals—to provide the nation with sources of domestic seafood—also creates stable domestic fishing and processing jobs. Today—more than ever—U.S. consumers are seeking options for healthy, safe, sustainable, and local seafood. Therefore, this goal has even greater purpose now than when the original Act was passed. Fishing communities rely on fishing-related jobs, as well as the non-commercial and cultural benefits derived from these resources. Marine fisheries are the lifeblood of many coastal communities around our nation. Communities, fishermen, processors, and various fishing dependent industries rely not only on today’s catch, but also on the predictability of future catches.

Critical to our success is the Magnuson-Stevens Act feedback loop that ensures accountability in our management system. Councils are able to adapt and respond to changing conditions in their fisheries within the framework of preventing overfishing and rebuilding stocks. While this can be challenging, a shared understanding of our goals and requirements to respond when the data indicate it is necessary are hallmarks of our well-functioning system.

Under the standards set forth in the Magnuson-Stevens Act the nation has made great strides in maintaining more stocks at biologically sustainable levels, ending overfishing, rebuilding overfished stocks, building a sustainable future for our fishing-dependent communities, and providing more domestic options for U.S. seafood consumers in a market dominated by imports. Thanks in large part to the strengthened Magnuson-Stevens Act and the sacrifices and investment in conservation and science-

based management made by fishing communities across the country, the condition of many of our most economically important fish stocks has improved steadily over the past decade.

Regional Successes

There are many examples of what fishermen, scientists, and managers can do by working together to bring back a resource that once was in trouble.

Atlantic sea scallops provide one example of rebuilding success. In the early 1990s, the abundance of Atlantic sea scallops was near record lows and the fishing mortality rate was at a record high. Fishery managers implemented a number of measures to allow the stock to recover, including an innovative area management system. The stock was declared rebuilt in 2001. In real terms, gross revenues in New England increased more than six-fold from \$44 million in 1998 to \$287 million in 2015, making New Bedford the nation's top port by value of landings since 2000.^{vi}

In the Pacific Islands Region, NMFS, the Western Pacific Fishery Management Council, the State of Hawaii, and fishing communities have ended overfishing of the Hawaiian archipelago's deep-water bottomfish complex—a culturally significant grouping of seven species of snapper and grouper. This has enabled NMFS to increase annual catch limits for these stocks for both commercial and recreational fishermen and ensure these fish are available year-round.

On the West Coast, NMFS and the Pacific Fishery Management Council, the fishing industry, recreational anglers, and other partners have successfully rebuilt a number of once overfished stocks, including coho salmon, lingcod, Pacific whiting, widow rockfish, canary rockfish, and petrale sole. These and other conservation gains, including implementation of the West Coast groundfish trawl rationalization program, enabled NMFS to increase catch limits for abundant West Coast groundfish species that co-occur with groundfish species in rebuilding plans.

In the Southeast Region, NMFS, the Gulf of Mexico and South Atlantic Fishery Management Councils, fishing industries, recreational anglers and other partners have successfully rebuilt a number of once overfished stocks. This includes gag, red grouper and king mackerel in the Gulf of Mexico and black sea bass in the South Atlantic. These and other conservation gains enabled NMFS to increase catch limits for a number of stocks or stock complexes and eliminate or reduce two fixed seasonal closures.

I'm most proud of the accomplishments in Alaska where our management decisions have led us to be widely recognized as one of the most successfully managed fisheries in the world. In 2015, landings revenue totaled about \$1.7 billion, a 25 percent increase from 2006 in real terms after adjusting for inflation.^{vii}

Remaining Challenges - Looking to the Future

Amid these successes, some critical challenges remain. We are working hard within the administration and coordinating closely with our council partners to address these concerns and are committed to working with Congress on legislative solutions where needed.

One of our current challenges is maximizing sustainable harvest. For example, while our West Coast groundfish management has rebuilt several important stocks, in recent years fishermen are leaving a

substantial amount of the available harvest of some groundfish species in the water due to regulatory or bycatch species constraints. In this fishery and others, we must find ways to maximize allowable harvests while still protecting vulnerable non-target species.

Annual catch limits (ACLs) have been and remain an effective tool in ending overfishing and rebuilding fish stocks. However, implementing them and associated accountability measures has been challenging in some fisheries—particularly where data are scarce and where commercial and recreational user groups have fundamentally different goals and objectives. For example, setting effective ACLs for species in coral reef ecosystems in the Pacific Islands and Caribbean regions, is one of our biggest challenges due to lack of data regarding stock status and fishing harvests. Calls for increased ACL flexibility are also coming from some recreational fisheries along the Atlantic and Gulf coasts. In these fisheries, total harvest data can be much more difficult to collect and report in a timely fashion than in most commercial fisheries. NMFS is exploring ways to improve data collection and apply science-based and innovative management mechanisms in ways that provide flexibility and while also rebuilding fish stocks.

Stock assessments provide the fundamental information necessary to successfully manage sustainable fisheries. Preservation and enhancement of this science is imperative as we look to the future of U.S. fisheries and the seafood they provide the nation. Independent of Magnuson-Stevens Act reauthorization, we are reexamining our stock assessment and data collection systems in close cooperation with states, regional fisheries management councils, and all involved stakeholder groups. NMFS has already made a substantial effort to monitor recreational fisheries and incorporate data from these fisheries into stock assessments. We are applying new and improved methods for estimating total catch by the millions of recreational saltwater anglers, but more needs to be done. Strengthening our partnerships to conduct efficient and cost-effective monitoring will be an important component of that effort. As NMFS assesses the most effective and efficient ways to support sustainable fisheries management and fishing communities, there also may be a need to refocus limited monetary and staff resources on core, mission critical activities such as basic stock assessment and catch accounting.

Improvements in our regulatory processes may also be possible, not only in the number of specific regulations we promulgate, but in the more general regulatory processes under which we operate. For example, the Magnuson-Stevens Act intersects with a number of other important statutes including the National Environmental Protection Act, the Endangered Species Act, and the Marine Mammal Protection Act, which establish other core responsibilities for the agency. There may be opportunities for more efficient and consistent mechanisms to meet these multiple statutory mandates. NMFS also recently sought public comment on the efficacy and effectiveness of the current regulatory process, including the application of federal regulations under these statutes and to aquaculture.

Another priority is expanding U.S. seafood production and exports. America's seafood industry is world-renowned and our fisheries set a global gold standard for sustainability. However, the majority of the seafood we consume is imported. Through maintenance or enhancement of wild- stock harvests and expanded aquaculture production, we can position the nation to make inroads on that seafood trade deficit. We should also pursue further efforts to ensure a level playing field for U.S. producers by ensuring that fish imports are from well-managed and monitored fisheries. Efforts are underway to

detect and address IUU fishing and marine mammal bycatch in excess of U.S. standards. We must take advantage of opportunities to streamline regulatory processes related to aquaculture and to that end, NMFS recently entered into a Memorandum of Understanding with six other federal agencies related to permitting offshore aquaculture in federal waters of the Gulf of Mexico.

We face formidable challenges managing recovering stocks to benefit both commercial and recreational user groups with fundamentally different goals and objectives, and who are experiencing increased fish interactions due to the strong management measures that have improved historically overfished populations. Together with our partners, it is essential that we continue to explore innovative, science-based management approaches and regional management tools. We must remain dedicated to exploring ways to maximize economic opportunities from wild-caught fisheries for commercial and recreational fishermen, processors, and communities. We are committed to working with Congress on the bills put forth by this subcommittee, to ensure that annual catch limits, accountability measures, stock rebuilding, and other aspects of our management construct are working, while protecting the overall, long-term conservation and sustainability of the nation's fishery resources.

Additionally, one of the most significant fishery management challenges we face is striking a balance between commercial and recreational fishing. Looking back over 40 years, this management challenge is not unique to the Gulf of Mexico. We are working closely with stakeholders to explore ways to address this growing challenge in ways that accommodate the differing needs among regions, and look forward to hearing Congress' thoughts on this issue.

Conclusion

We support legislative opportunities to provide flexibility in applying annual catch limits, improve our science, and create innovative management approaches to rebuild more fish stocks. We believe that legislation intended to address region-specific problems should be tailored such that it does not impact or constrain fisheries management in other regions of the U.S. and empowers regional fishery management councils to meet the needs of their fisheries. We look forward to working with Congress to ensure that any potential legislation streamlines current processes and is consistent with existing requirements under other governing statutes (e.g. National Environmental Policy Act, Endangered Species Act, etc.). NOAA Fisheries stands ready to work with the Congress to craft a reauthorization bill that addresses current fishery management challenges and ensures the Nation's fisheries are able to meet the needs of both current and future generations.