

TESTIMONY OF

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Testimony on H.R. 6096, the Atlantic Fisheries Statutes Reauthorization Act of 2012, and H.R. 3096, a bill to amend the Atlantic Striped Bass Conservation Act to allow recreational fishing for Atlantic Striped Bass in the Block Island transit zone

Subcommittee on Fisheries, Oceans, Wildlife, and Insular Affairs
Committee on Natural Resources
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Mr. Chairman and members of the Subcommittee,

I am Robert Beal, Acting Executive Director of the Atlantic States Marine Fisheries Commission. The Commission is comprised of the fifteen Atlantic coastal states and carries out a diverse array of programs for its members with the goal of restoring and sustaining Atlantic coastal fisheries. The Commission provides a forum for interstate cooperation on fisheries that cross state borders and thus can-not be adequately managed by a single state. Recognizing these challenges and the importance of providing federal support for the management of transboundary resources, Congress authorized the Commission in 1942, allowing for interstate cooperation and state/federal coordination in the management of Atlantic coast fisheries. The Commission's more formal management process began in 1984 with passage of the Atlantic Striped Bass Conservation Act, whose reauthorization is being considered today. It is my pleasure to appear before the Subcommittee to provide testimony on H.R. 6906, the Atlantic Fisheries Statutes Reauthorization Act, which reauthorizes the Atlantic Striped Bass Conservation Act, as well as the Interjurisdictional Fisheries Act and the Anadromous Fish Conservation Act. All three acts have provided the states the opportunity to form successful partnerships among themselves and with their federal counterparts, to carry out their public trust responsibility of sustainably managing shared marine fishery resources. I will not offer testimony on reauthorization of the Northwest Atlantic Fisheries Convention Act, as its impact is solely in federal waters. Additionally, I will offer testimony on H.R. 3906, which proposes amending the Atlantic Striped Bass Conservation Act to allow recreational fishing for Atlantic striped bass in the Block Island Sound transit zone.

Through initial passage of the Atlantic Striped Bass Conservation Act and the hard decisions and sacrifice by the states and the fishermen, the Atlantic striped bass fishery is a success story. The authorization provided by the Atlantic Striped Bass Conservation Act required the Commission facilitate state action to recover the collapsed striped bass stock in the 1980s. The fishery management plan, agreed to, implemented, and enforced by the states, has sought to provide protection to the spawning populations. These protections have in turn resulted in renewed recreational and commercial fishing opportunities as well as expanded economic benefits to

coastal communities throughout the range of the stock. This Act and its success paved the way for the Atlantic Coastal Fisheries Cooperative Management Act, which empowered the Commission to facilitate development and implementation of mandatory conservation measures for all of its interstate plans. This management process has given our states the tools they need to make sound management decisions, providing for sustainable fisheries for recreational and commercial fishermen along the coast. This process and these management tools would not have been possible without the continued leadership of Congress and its recognition of the need for an interstate management forum.

The Interjurisdictional Fisheries (IJF) Act recognizes the states' role in ensuring fisheries management activities across the state/federal jurisdictions along the Atlantic, Pacific, and Gulf coasts. Recently, the three Interstate Marine Fisheries Commissions, the Atlantic along with the Pacific and Gulf Commissions, voiced our support for ensuring continued funding to the states through the IJF grants. These grants, though some may be small, have been successfully leveraged by the states to boost their survey, data collection, and monitoring abilities, including Northern shrimp and American lobster sampling in New England; monitoring state quotas of black sea bass, summer flounder, and striped bass in the Mid-Atlantic; and surveying flounders, drum, shrimp and crabs in the South Atlantic. An authorization level of \$5 million for the IJF grants will provide the opportunity for increased leveraging of these funds supporting management of nearshore fisheries and provide data for stock assessments.

The Anadromous Fish Conservation Act, as with the IJF Act and the Atlantic Striped Bass Conservation Act, recognizes the need to partner across political boundaries to ensure continued and sustainable management of anadromous and interstate fishery resources. Anadromous fish are a prime example of the need for coordinated management efforts, as these species traverse numerous marine, coastal, and inland habitats and through multiple jurisdictions (federal, state, and local) throughout their life cycle. An example of one such species is Atlantic sturgeon, which migrates from the ocean into coastal estuaries and rivers to spawn. Managed under a coastwide moratorium since 1998 and recently listed under the Endangered Species Act, this species exemplifies the challenges of managing an anadromous species. The last year states received funding support under the Anadromous Fish Conservation Act was in FY2008 – since that time, Atlantic sturgeon have been listed under the Endangered Species Act. In addition listing proposals are currently being reviewed for American eel and river herring. All three species are managed by our states through the Commission process. The ESA is not the law under which fisheries are best managed; funding under the Anadromous Fish Conservation Act can help our states to manage fisheries before their populations decline to levels that need to be considered for ESA listing.

Within H.R. 6096 is a requirement to perform a stock assessment on the recently-listed Atlantic sturgeon. The Commission welcomes any additional information this assessment would provide to further the understanding and protection of Atlantic sturgeon stocks. Recent studies have suggested improvements in sturgeon populations in some river systems along the coast. Fully quantifying changes in the stock status, through an assessment, will be helpful to managers. We are concerned, though, about the enormity of the task, the potential monetary and manpower resources, and long-term commitment that would be required to complete the assessment.

We support the expansion of data collection for management use, and the striped bass feeding study will provide helpful data for the New York Bight area, although such a study across the range of the stock would offer similarly needed information for the Chesapeake Bay, Delaware Bay and other spawning centers as well.

As mentioned before, striped bass has been a key species for showing how cooperation among the states can be so successful for coastal migratory species. As part of these management efforts, the Commission has provided a forum to work out challenges in the fishery and address concerns with the status of the population. Throughout the Commission, the states have addressed numerous questions, including how fishing in federal waters should be regulated. The states have been able to address these far-reaching fishery questions due to the process in place, which brings all involved states, and their federal agency partners, to the same table.

The debate over whether to open federal waters to striped bass fishing is a long standing one. The Commission has taken no formal position on H.R. 3906. However, we would like to offer you two thoughts for your consideration. First, the Commission's established process of thorough technical review, consultation with a wide range of partners and stakeholders, and open and transparent management board debate is the best forum for the consideration and resolution of this issue. Second, recent information on the stock, such as low recruitment for the past several years, a decrease in total abundance since 2006, and significant declines in recreational catch rates since 2006, raise some concern about the stock. These factors combined have led the Commission to consider additional decreases in harvest opportunities to maintain the stock at its rebuilt level. Given the choice between the painful measures taken to rebuild the fishery or regulatory adjustments to sustain a stock at a sustainable level of biomass, our states choose the latter. As part of these concerns, the Commission is cautious about expansion of harvesting opportunity, such as opening federal waters, without an analysis of the impacts on the overall harvest and the stock status.

Mr. Chairman, I have mentioned the Commission process often throughout my testimony. It is the bedrock of the success of interstate fisheries management in not only rebuilding fisheries but also building cooperation and coordination among the states. Although I can't say all of our states leave every one of our meetings with everything they sought, I can say with confidence all of our states support the process by which decisions are made. Coordination and cooperation requires states to have an open dialogue, public input, and technical data to inform management discussion and decisions. This process accommodates all of those needs, while retaining states' authority and flexibility to tailor management approaches.

As a partner with our states, we support legislative and funding efforts that leverage the abilities of our states to provide efficient and effective fisheries management. Reauthorization of the Atlantic Striped Bass Act, the Interjurisdictional Fisheries Act, and the Anadromous Fish Act provide the legislative framework to better support state fisheries management, especially across political boundaries. The reauthorization is necessary to setup the next discussion for fiscal support of these efforts. Mr. Chairman, I realize that your committee addresses the authorization of the bills, but you and your Committee members see firsthand the positive impacts when these Acts are put into action. Sustainable fisheries, sound management, and healthy coastal

communities are all results of informed fisheries management. Fully supporting these Acts will provide for further opportunities to see the aforementioned positive results.

As I said, our Commission does not have a formal position on H.R. 3906. Our management process has proven results, showing it works for states, for fishermen, and for coastal communities. Its use is an outstanding example for all environmental and natural resource issues of how much can be accomplished when the states and the federal government, with the leadership of Congress, come together to work towards their mutual interest.

Thank you, Mr. Chairman and all the members of your Committee for your continued support and leadership in fisheries management. I would be pleased to answer any questions the subcommittee may have.