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**HEARING ON
MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT**

**BEFORE THE
COMMITTEE ON NATURAL RESOURCES
UNITED STATES HOUSE OF REPRESENTATIVES
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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 Acting Assistant Administrator for the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) in the Department of Commerce. 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, cod in New England, red snapper in the Gulf of Mexico, and pollock in Alaska—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 Nation's economy. Commercial fishing supports fishermen and fishing communities, and it 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 it 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, which reflects an increase of 1.6 billion pounds (20%) and \$829 million (18%) over 2010 figures. 2011 saw the highest landings volume since 1997 and highest value in nominal terms ever recorded.¹ The seafood industry—harvesters, seafood processors and dealers, seafood wholesalers and seafood retailers, including imports and multiplier effects—generated \$129 billion in sales

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

impacts and \$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 percent increase over 2010.²

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. Although challenges remain in some fisheries, the benefits for the resource, the industries it supports, and the economy are beginning to be seen as fish populations grow and catch limits increase.

My testimony today will focus on the progress we have made, together with our partners, in implementing the Magnuson-Stevens Act's key domestic provisions, particularly the success of the requirement to rebuild overfished fish stocks.

Progress in Ending Overfishing and Rebuilding Fish Stocks under the Magnuson-Stevens Act

Ending Overfishing and Rebuilding Fisheries

The federal fishery management system is effectively ending overfishing and rebuilding overfished fisheries. We continue to make progress toward 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. We are now seeing the results of those tools. In 2012, six stocks were determined to be rebuilt, and there were decreases in both the numbers and percentages of fish stocks listed as overfished or experiencing overfishing.

At present, only 28 stocks (10 percent) with a known status are listed as subject to overfishing, and 40 stocks (18 percent) are overfished—both all-time lows. The number of stocks subject to overfishing was highest in 2000, when 48 stocks were on the overfishing list. In 2002, 55 stocks were overfished. Since 2000, 33 stocks have been rebuilt.³ We expect the number of stocks on the overfishing list to continue to decrease as a result of management under annual catch limits. Ending overfishing allows stocks to increase in abundance, so we expect to see further declines in the number of overfished stocks and increases in the number of rebuilt stocks.⁴

² See Fisheries Economics of the U.S. 2011. NMFS Office of Science and Technology, available at: http://www.st.nmfs.noaa.gov/economics/publications/feus/fisheries_economics_2011.

³ The recently-released National Academy of Sciences study notes that the most recent assessment for some rebuilt stocks indicates they were not overfished at the time they were placed in rebuilding plans. However, the best scientific information available at the time indicated the stock was overfished, and the rebuilding plan was successful in increasing the size of the stock to support higher sustainable yields.

^{4,5} These statistics were compiled from the quarterly stock status reports at: <http://www.nmfs.noaa.gov/sfa/statusoffisheries/SOSmain.htm>.

Benefits of Annual Catch Limits

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. 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 in order to amend Fishery Management Plans – often taking years to accomplish, all while overfishing continued.

Now, when developing a fishery management plan or amendment, the Councils must consider, in advance, the actions that will occur if a fishery does not meet its performance objectives. As of June 30, 2013, we have confirmed that overfishing has ended for 22 (58 percent) of the 38 domestic U.S. stocks that were subject to overfishing in 2007 when the Magnuson-Stevens Act was reauthorized.⁵ Annual catch limits designed to prevent overfishing are in place for all stocks that need them. Preliminary data show that annual catch limits have been effective in limiting catch and preventing overfishing for the majority of stocks. Fisheries have successfully stayed within their annual catch limit for over 90 percent of the stocks for which we have catch data.

Successes and Challenges

The Magnuson-Stevens Act created broad goals for U.S. fisheries management and a unique, highly participatory management structure centered on the eight 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. By working together with the Councils, states, tribes, and fishermen—under the standards set in the Magnuson-Stevens Act—we have made great strides in ending overfishing, rebuilding stocks, and building a sustainable future for our fishing-dependent communities.

This success has come with the new requirements of the reauthorized Magnuson-Stevens Act to end overfishing, implement annual catch limits, and rebuild overfished fisheries. Despite being in a national economic downturn, the fishing industry as a whole has seen great economic gains, both in terms of revenues and landings, particularly in the past 2 years.

While significant progress has been made since the last reauthorization, we recognize that this progress has not come without cost and, even with national successes we are still seeing challenges regionally. Fishermen, fishing communities, and the Councils have had to make difficult decisions and, in many areas, have had to absorb the cost of conservation and investment in long-term economic and biological sustainability. In some instances where quotas have been cut, stocks are not rebounding as we would have expected, and we are working with the Councils, academia, the states, and fishermen to examine how environmental factors outside

of fishing mortality may be influencing the ability of these stocks to rebuild. We need to approach these challenges in a holistic, deliberative, and thoughtful way that includes input from the wide range of stakeholders who care deeply about these issues.

Flexibility Is Inherent in the Act's Rebuilding Requirements

Rebuilding Requirements and Timelines

Rebuilding plans are required when a stock is determined to be overfished. Each stock has a minimum stock size threshold that has been established by the Council based on the best scientific information available—this represents the size of the stock below which its ability to produce maximum sustainable yield is impaired. If a stock assessment finds that the biomass is below the stock's minimum stock size threshold, the stock is determined to be overfished and the Council has two years to develop and implement a rebuilding plan.

The Magnuson-Stevens Act requires that the period to rebuild a stock not exceed 10 years, but it permits a longer time period in certain cases where the biology of the fish stock, management measures under an international agreement in which the United States participates, or other environmental conditions dictate otherwise, although this period still must be as short as possible. Current rebuilding time periods for stocks with active rebuilding plans range from four years to more than 100 years. Of the 43 active rebuilding plans with a target time to rebuild, 23 of them (53 percent) are set longer than 10 years due to the biology of the stock (slow reproducing, long lived species) or environmental conditions. For example, Pacific yelloweye rockfish has a rebuilding timeline of 71 years. The remaining 20 rebuilding plans are set for 10 years or less. Of the 33 stocks rebuilt since 2000, 18 stocks were rebuilt within 10 years. Two additional stocks in 10-year plans were rebuilt within 12 years.

Rebuilding Successes and Benefits

Rebuilding fisheries brings significant biological, economic, and social benefits, but doing so takes time, persistence, sacrifice, and adherence to scientific information. Of 26 rebuilt stocks for which information is available, half of them now produce at least 50 percent more revenue than they did when they were overfished. Seven stocks have current revenue levels that are more than 100 percent higher than the lowest revenue point of the overfished stock.

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. Revenues increased five-fold as the fishery rebuilt, from \$44 million in 1998 to \$353 million in 2011, making New Bedford the Nation's top port by value of landings since 2000.

Another example of rebuilding success can be seen with Bering Sea snow crab. In 1999, scientists found that Bering Sea snow crab was overfished. In response, managers reduced harvests to a level that would allow the stock to rebuild, and the stock was declared rebuilt in 2011. In the 2011-2012 fishing year, managers were able to increase the harvest limit by 64

percent to nearly 90 million pounds. By 2012, revenue from the fishery had increased to almost 400 percent of the 2006 revenue (the low point during the rebuilding period).

Ending Overfishing in a Rebuilding Plan

Ending overfishing is the first step in rebuilding. Prior to the implementation of annual catch limits, a number of rebuilding plans experienced difficulty in ending overfishing and achieving the fishing mortality rate called for in the plan. As a result, rebuilding was delayed. Conversely, stocks where overfishing has ended quickly have seen their stock size increase and rebuild more quickly. For example, Widow rockfish in the Pacific was declared overfished in 2001. Fishing mortality on Widow rockfish was immediately substantially reduced resulting in a corresponding increase in stock size. The stock was declared rebuilt in 2011, ahead of the rebuilding deadline. The 10-year rebuilding timeframe itself does not typically constrain catch for a rebuilding stock.

Most major reductions in allowable catch experienced by fishermen when stocks enter rebuilding plans are predominantly from the requirement to prevent overfishing – which is now required through annual catch limits for all stocks, not just those determined to be overfished. When unsustainably large catches have occurred due to high levels of overfishing on a depleted stock, large reductions in catch will be needed to end overfishing, and the stock must rebuild in abundance before catches will increase.

Because ending overfishing is essential to rebuilding, annual catch limits are a powerful tool to address prior problems in achieving rebuilding. Nine of the 20 stocks currently in 10-year (or less) rebuilding plans had failed to end overfishing as of their last stock assessment. Annual catch limits, which are now in place as a mechanism to control catch to the level specified in the rebuilding plan, are working and we anticipate the next stock assessments for these species to confirm that overfishing has ended. With that result, we will begin to see stronger rebuilding for these stocks. The next quarterly status update (for the period ending September 30, 2013) will show that overfishing has ended for five additional stocks in rebuilding plans of 10 years or less—Gulf of Mexico gag, Gulf of Mexico gray triggerfish, Gulf of Mexico greater amberjack, South Atlantic black sea bass, and South Atlantic red grouper. In addition, preliminary data on the performance of annual catch limits have shown that fisheries have successfully stayed within their annual catch limits for at least 78 percent of the stocks currently in rebuilding plans.

Flexibility in Rebuilding Plans

The Magnuson-Stevens Act provides flexibility to adjust rebuilding plans when a stock is failing to make adequate progress toward rebuilding. In these situations, the Councils can amend the rebuilding plan with revised conservation and management measures. The Act requires that the revised plan be implemented within two years and that it end overfishing (if overfishing is occurring) immediately upon implementation.

Rebuilding plans are also adaptable when new scientific information indicates changing conditions. For example, the target time to rebuild Pacific ocean perch off the Pacific Coast was recently lengthened based on information within a new stock assessment. The assessment, conducted in 2011, revised our understanding of the Pacific ocean perch stock status and

productivity and showed that, even in the absence of fishing, the time it would take to rebuild the stock would be longer than the previously established target time to rebuild. Given this information, NMFS worked with the Pacific Fishery Management Council in 2012 to modify the rebuilding plan and extend the target time for stock rebuilding from 2017 to 2020.

Rebuilding timelines can also be shortened based on new information. As one example, the original rebuilding plan for cowcod, a Pacific Coast groundfish, was 95 years. The rebuilding time has been modified based on updated scientific information, and is currently 67 years.

Stakeholder Input and Concerns

The Managing Our Nation's Fisheries 3 conference, held this past May in Washington, DC, provided us an exciting opportunity to engage with a variety of stakeholders on the Magnuson-Stevens Act, and the topic of rebuilding was discussed extensively at the first session on Improving Fishery Management Essentials. We heard from conference participants about adjustments they would like to see regarding rebuilding time requirements. We heard their concerns, and we are taking a hard look at the recommendations they provided in the context of how we and the Councils do business. We are also engaged in conversations with the Councils, constituents, and Congress on the next reauthorization of the Magnuson-Stevens Act, and we will look carefully at any recommendations regarding rebuilding timeframe flexibility.

National Academy of Sciences Report on Rebuilding

We've heard concerns from stakeholders that the 10-year rebuilding timeline may be arbitrary and too restrictive. In response to these concerns and similar concerns expressed by Members of Congress, in 2011 NOAA commissioned the National Academy of Sciences' National Research Council (NRC) to conduct a comprehensive evaluation of success in stock rebuilding and identification of changes made to fisheries management in response to rebuilding requirements. NOAA asked the NRC to study seven topics related to rebuilding to help us and the Councils better construct efficient and effective rebuilding plans.

The NRC rebuilding study was released on September 5, 2013. We are thankful for the in-depth and forward-looking review provided by the NRC, and at present we are carefully analyzing the report's details. The timing of the report fits nicely with our work to revise National Standard 1 Guidelines. Since the guidelines were last updated in 2009, a number of issues regarding the application of the guidelines have been identified by stakeholders and managers, and these issues may warrant revisions. An Advanced Notice of Proposed Rulemaking was published on May 3, 2012 to solicit public input, and several report findings reflect possible revisions to the guidelines similar to those currently being considered by NMFS. At this time, NMFS would like to acknowledge a few aspects of the report:

- From the NRC's assembly of technical results from all rebuilding plans, we are pleased to see that rebuilding plans are effective at increasing stock abundance, especially when fishing mortality is quickly reduced below overfishing levels.
- The report identifies several challenges with implementation of rebuilding plans that are based upon specific biomass targets and rebuilding timeframes. They note that more

flexible rebuilding plans could be based on strict requirements to keep fishing mortality rates at about 75 percent of the overfishing limit.

- The report notes that some rebuilding plans have had large social and economic consequences in order to rebuild to specific biomass levels in fixed time frames but that the economic consequences had rebuilding not occurred are difficult to determine. Continued investments in social and economic data collection and analysis will inform the process of developing future rebuilding plans.
- The report's investigation of ecosystem factors includes a general finding about the complexity of ecosystems and the challenges of making specific forecasts, especially over longer-term time frames. NMFS is keenly interested in increasing the linkage between ecosystem/environmental factors and fish stock assessments and forecasts. The FY 2014 President's Budget Request includes a \$10 million increase for NOAA to fund research on the impacts of climate on fisheries with a focus on the Northeast groundfish region and NOAA has a variety of activities underway to understand climate impacts on marine ecosystems and increase the use of this information in management of fisheries resources.

Conclusion

The Magnuson-Stevens Act has galvanized the United States' efforts to end overfishing in federally managed fisheries, rebuild stocks, and ensure conservation and sustainable use of our marine fisheries. Fishery harvests in the United States 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 over 35 years.

In 2007, Congress gave NOAA and the Councils a clear mandate, new authority, and new tools to achieve the goal of sustainable fisheries within measurable timeframes. Notable among these were the requirements for annual catch limits and accountability measures to prevent, respond to, and end overfishing.

We are seeing progress in our effort to end overfishing and rebuild stocks. Both the number of stocks subject to overfishing and the number of stocks that are overfished are at an all-time low. 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. These rebuilt fish stocks have often resulted in improved revenues, helping sustain fishing communities.

While we are seeing progress and realizing benefits in some fisheries, we recognize that challenges remain. Looking ahead, we must continue to increase the quality and quantity of scientific data, continue progress made to address overfishing and rebuild stocks, and better address the difficult transitions that can come with management changes leading to more biologically and economically sustainable fishery resources. 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, because resilient ecosystems and habitat form the foundation for robust fisheries and robust economies.

It is important to take time to reflect on where we have been to understand where we are. 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 they support. NOAA supports the collaborative and transparent process embodied in the 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. Together with our partners, we continue to explore alternative approaches that will produce the best available information to incorporate into management. We had productive discussions at the recent Managing Our Nation's Fisheries 3 Conference, and we will continue to engage with our stakeholders. We are also thankful for having the new National Academy of Sciences study on rebuilding and will be reviewing it carefully.

Thank you again for the opportunity to discuss implementation progress of the *Magnuson-Stevens Act* and future efforts of reauthorization. We look forward to the discussions that will take place and will work with Congress on efforts to reauthorize the *Magnuson-Stevens Act*.