# Marine Conservation Alliance

*promoting sustainable fisheries to feed the world*

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**For**
**U.S. House Resources Committee, Subcommittee for Fisheries and Oceans**
**Field Hearing, Kodiak, Alaska**
**July 8, 2005**

## Introduction

Thank you Mr. Chairman, for this opportunity to testify before you today with regards to the importance of fisheries to Alaska and to touch on some of the important fishery conservation issues facing Alaska and the nation.

My name is David Benton. I am the Executive Director for the Marine Conservation Alliance. The MCA is a coalition consisting of seafood harvesters, processors, coastal communities, Community Development Quota organizations, and others interested in and dependent upon the groundfish and shellfish fisheries off Alaska. Taken together, the membership of the MCA represents about 80% of the harvesting and processing of groundfish and shellfish off Alaska.

Alaska produces roughly half of the nation's commercial fisheries landings by volume. Fisheries account for about 35,000 jobs in Alaska, and are valued at over $1 billion dollars in value. In 2003, the ex-vessel value of groundfish alone was $608.4M with $127.1M from the Gulf of Alaska and $481.3M from the Bering Sea and Aleutian Islands. The gross value of the 2003 groundfish catch, after primary processing, was approximately $1.5B (F.O.B. Alaska). In addition to groundfish, halibut and shellfish generated $165.9M and $175.4M ex-vessel values respectively. In 2003, 1037 vessels caught Alaska groundfish.

Most importantly, the majority of our coastal communities are built around a fisheries based economy, and without a stable fishery resource base many of these communities would not exist. It is because of this dependence upon the sea and its resources that Alaskans work hard to ensure that conservation comes first, and that fishery resources are managed for their long term sustainability.

The record speaks for itself. There are no overfished stocks of groundfish in Alaska. Fisheries are managed under hard caps and close when harvest limits are reached. Federal observers and Vessel Monitoring Systems (VMS) monitor the catch ensure compliance with closures. Over 380,000 square nautical miles are closed to bottom trawling to protect marine habitat. Ecosystem considerations are taken into account in fishery management plans. For example, fishing on forage fish species is prohibited. And, for the two Bering Sea crab stocks rated as "overfished"

aggressive rebuilding plans have been in place for many years. Most scientists believe that these stocks are depressed because of oceanographic changes that happened in the late 1970's, and that these stocks will not rebound until oceanographic conditions become more favorable for these species.

It is this record that caused the U.S. Commission on Ocean Policy to cite Alaska as a potential model for the rest of the nation. MCA concurs with that view.

**The Council Process works for conservation**

Alaska is remarkably fortunate, in that we have robust fish stocks and a long and successful record of producing healthy seafood on a long-term sustainable basis. For fisheries conducted in federal waters, this success story hinges on the regional fishery management council system embodied in the Magnuson Stevens Act (MSA). We believe that this system has all the characteristics that are required for developing and implementing science driven, conservation oriented management regimes while at the same time providing the public, affected user groups, communities, academics, scientists, and other interested parties with unprecedented access to the decision making process.

The MCA strongly supports the regional council system because it recognizes the remarkable diversity of issues facing the different regions of the country, and because it provides the public access to a transparent and science-driven fishery management process. We support the broad inclusion of state and federal fishery managers as well as expert stakeholders as council members. The MCA supports the current MSA appointments process whereby each Governor consults with the public, ensures that each nominee is experienced and knowledgeable on the region's fisheries, and nominates at least three individuals. In order to ensure that top quality individuals continue to serve on the councils, the appointments should continue to be made by the Secretary of Commerce, not another official in the Department of Commerce.

The MCA supports a requirement that each new council member receive training before taking a seat on the council. Such training should include instruction in meeting the requirements of the Magnuson Stevens Act, the regulatory process (e.g. NEPA, Regulatory Impact Review, etc), and the rules for recusal and financial disclosure. The MCA supports continuation of the current requirements to disclose all financial interests relating to fishing and for recusal from voting in instances as defined in regulations.

Some argue that council members with any financial interests in a fishery be barred from sitting on a council or from voting on management decisions related to that fishery. Congress decided in 1976 to take a new approach to a regulatory system—establishing a regional council system that meets close to where the fisheries occur, opening all meetings to public scrutiny, and inviting those with hands-on experience to be part of the process that seeks to protect the sustainability of the resources they depend on. In 1996, as part of the Sustainable Fisheries Act, Congress reaffirmed this approach while at the same time strengthening the MSA recusal provisions to be functionally equivalent to those applied in other federal advisory boards. These provisions, coupled with the advisory role of the councils whereby the Secretary makes the final decision is a robust system of checks and balances that successfully prevents misuse of authority by council members.

The transparency of the MSA fisheries management process is unique in the federal government and ensures fair decision-making. It is a rare instance where the public has the level of access to the decision making process that is present in the regional fishery management council system. Council members sit through hundreds of hours of public testimony, receive voluminous reports and analyses, have the opportunity to receive scientific advice from experts through presentations, and in the end have to state their rationale for a decision on the record and vote. All of this takes place in the public eye. The complexity of fisheries management requires council members with deep knowledge and experience in a region's federal fisheries. Training can build a common knowledge base among council members to encourage understanding of the issues and efficient communication with each other and with the public.

Arguments have been made to require appointment of council members from particular interest groups, rather than building councils with important fisheries expertise. Designating specific seats for particular interest groups will lead to continuing battles for representation of narrow interest groups such as recreational fishers, a longline seat, a trawl seat, a tangle net seat, etc. This would seriously undermine one of the strengths of the council system, inclusion of knowledgeable persons from a broad spectrum of interests. Although many current council members have interests in either commercial or recreational fisheries, the largest group of seats goes to professional fisheries managers from NMFS and the states. Supplementing their broad expertise with private citizens with specific expertise in the fisheries being managed is the best method for promoting rational fisheries management. In the North Pacific, this discretionary process has led to the appointment in recent years of a wide variety of members from diverse backgrounds.

**Strengthening the Role of Science in Management**

The MCA strongly supports strengthening the institutional role of science in the regional council decision-making process. MCA believes that the policy of the North Pacific Fishery Management Council to set harvest levels at or below those recommended by their science advisors should be applied by all regions. In the case of the North Pacific, the Council does not set Total Allowable Catch for any species or stock of fish higher than the Allowable Biological Catch set by the Council's Science and Statistical Committee (SSC).

In addition, MCA strongly supports increased funding for science programs. The U.S. Commission on Ocean Policy Report makes a strong case for the doubling of funding for fisheries and oceans research. The MCA supports that recommendation.

The North Pacific Fishery Management Council has consistently followed a policy of accepting SSC-recommended ABCs as a ceiling, setting annual TACs at or below those recommendations. The result is that no stocks of groundfish are overfished in the Bering Sea, Aleutian Islands, or Gulf of Alaska. That high degree of success is achieved within the existing Magnuson Stevens Act (MSA) structure and procedures. This policy can be replicated in all regions of the country.

A similar position was endorsed recently by the Chairs of the eight regional fishery management councils. The Chairs document states: "Councils shall adopt acceptable biological catches

(ABCs) within limits determined by their Scientific and Statistical Committees (SSCs) (or appropriate scientific body) and shall set total allowable catches (TACs) and or management measures, such that catch would be at or below ABC."

The MCA supports amending the MSA along the lines recommended by the Chairs to clarify that this policy applies to all regions of the country.

MCA does not support proposals to split the science process and the SSCs from the Regional Fishery Management Councils. Such an arrangement would serve to politicize the scientific process, and further remove the science from the overall decisionmaking. MCA believes that it will be more effective to forge stronger ties through closer working relationships between the science advisors and the councils, instead of creating additional institutional barriers.

The excellent conservation record in the North Pacific demonstrates the benefits of maintaining and strengthening this important partnership. The MSA currently provides that each Council appoints the members of its SSC, a process which should continue. The regional nature of the Council's work is key to a regulatory process that is transparent, available to all stakeholders, and that provides opportunities to participate and understand the scientific basis for decisions. A strong Council-SSC relationship is central to that process.

The MCA supports additional regulation of the conflict of interest rules for SSC members and more detailed qualifications requirements. There should be no question of the objectivity of the SSC and no doubts about their work. Standards for SSC membership, including restrictions on conflict of interests (e.g., no current contracts on issues before the SSC), and academic qualification criteria should apply.

The stock assessment process is the foundation of a successful science-based fishery management system. In the North Pacific, NMFS assembles top scientists for each Plan Team, with input and appointment by the SSC. The Plan Team assessment process is tied closely to the SSC-Council schedule for setting TACs, ensuring that the most recent scientific data is available and used. Plan Team meetings are open to the public and occur in the region.

Increased peer review would ensure that the methods used for stock assessment in each region are up-to-date and can withstand tough scrutiny, providing confidence in the stakeholder community. Each Council and its SSC should cooperate in selecting methods, models, etc. for outside peer review and, in consultation with NMFS, select the reviewers. The MCA recommends that time-sensitive work, such as annual stock assessments, be reviewed either on a periodic basis or after implementation with the objective of improved methods for future work.

**Building an Ecosystem-based Approach to Fisheries Management**

Ecosystem-based management is an approach that seeks to balance the uncertainties of our knowledge regarding the workings of the marine environment with the better known science of single-species management. The goal on an ecosystem-based approach to management is to protect the long term sustainability of marine resources while providing a source of healthy food, jobs, economically viable communities, and recreation. The MCA supports ecosystem-based

management as an important goal for the nation's federal fisheries management system. We agree with others, including the Chairs of the regional fisheries management councils, that the MSA currently allows for an ecosystem-based approach to fisheries management and that incorporating ecosystem considerations into management can be strengthened with increased research funding and enhanced collaborative efforts among fishing and non-fishing regulatory bodies.

However, we are not in favor of establishing statutory requirements for ecosystem-based management in the Magnuson Stevens Act or other law. Our knowledge base regarding the structure and functions of marine ecosystems is in its infancy. Marine ecosystems are dynamic and driven by climate, biological abundance and human-induced factors. Climate and ocean currents and biological conditions such as plankton production and predator/ prey dynamics change from year to year. Human-induced factors such as pollution, coastal development, shipping traffic, recreational uses and fishing do also influence marine ecosystems. While the United States Commission on Ocean Policy (USCOP) recommended moving towards an ecosystem-based approach to management, the Commission also recognized that our knowledge of these forces and their interrelationships is limited. The Commission recommended moving towards an ecosystem-based approach to management in a careful and deliberate manner, using voluntary programs, and taking into account these uncertainties. The Commission did not support mandating an ecosystem-based management regime.

The National Research Council (NRC) also recognized these limits. The challenge, according to the NRC, is to "rebuild and sustain populations, species, and biological diversity, so as not to jeopardize a wide range of goods and services from marine ecosystems, while providing food, revenue and recreation for humans." The NRC proposed eight specific criteria to be used in development of an ecosystem-based approach to management.

1. Conservative harvest levels for single species fisheries.
2. Ecosystem considerations incorporated into fishery management decisions.
3. A precautionary approach to deal with uncertainty.
4. Reduced excess fishing capacity and assignment of fishing rights.
5. Marine protected areas as a buffer for uncertainty.
6. Inclusion of bycatch mortality in catch accounting.
7. Institutionalization of scientific advice and stakeholder participation in a transparent decision-making process.
8. Research on the structure and function of marine ecosystems.

In the North Pacific, the Fishery Management Council's precautionary approach to fisheries management incorporates measures consistent with these eight recommended guidelines. Extensive habitat protection, prohibition of fishing on forage fish, controls on bycatch, protections for seabirds and marine mammals, strict catch accounting and hard caps on harvest levels are all part of the program. This strategy has sustained the nation's richest marine resources, producing more than half of all seafood harvested in US waters. The record is 25 plus

years without a single groundfish species classified as overfished. This success has come about within the existing framework of the MSA.

Some have proposed to empower the Secretary of Commerce, in consultation with the councils, to develop national guidelines to "standardize" the criteria used to develop an ecosystem-based approach to fisheries management. MCA does not support statutory language charging the Secretary with development of national criteria for ecosystem-based management. In the past, such mandates, though appealing on the surface, have led to lengthy administrative processes and unnecessary litigation to interpret the intent of Congress with regards to such language. Instead, MCA believes that we must recognize that one-size may not fit all, and that national criteria are not appropriate. The other regions of the country, as part of the established council-driven process under MSA, should consider and adopt their own sets of management policies to balance the uncertainties of marine ecology with the better known science of single species management as they incorporate ecosystem considerations into regional fishery management plans.

In order for any ecosystem-based approach to management to be successful, it has to be founded on solid scientific information. This fundamental principle was recognized by the USCOP in recommending significant increases in marine scientific research. Congress has also considered the need for better planning for marine research programs and increased funding to better understand the marine environment. MCA strongly supports development of comprehensive marine research plans that address important management needs, and increase funding for programs to implement such plans. MCA believes that a solid commitment to long term funding for expanded research focusing on the structure and function of marine ecosystems is paramount to the success of ecosystem-based approaches to management.

Some proposals would establish ecosystem management councils, separate from the regional fishery management councils. While MCA supports coordination of fishing and non-fishing activities as they pertain to the marine ecosystem and as recommended by the USCOP, it does not support creation of a national ecosystem management authority or regional ecosystem management councils. Ecosystems are varied as are existing regional fishing and non-fishing activities. Creating another layer of management will create confusion, duplication, and be expensive. MCA supports a simpler approach through the creation of regional coordinating bodies that rely on existing regulatory authorities. MCA recommends that the regional fishery management councils play a pivotal role in establishment of these advisory bodies. The purpose of these regional ecosystem coordinating councils would be to exchange information and coordinate research and management efforts. But they would not have any overarching management authority. MCA believes this collaborative approach is consistent with the recommendations of the USCOP, and should encourage an evolutionary and scientifically sound ecosystem-based approach to marine resource management.

**Reducing Excess Capacity and Using Dedicated Access Privileges to Support Conservation**

The MCA is supportive of quota-based and/or cooperative rights-based management systems, now being referred to as Designated Access Privileges (DAP). We support the availability of this

important management tool to all regional management councils. Any such systems should be developed consistent with the National Standards and other provisions of the Magnuson Stevens Act.

The MCA believes that continued movement toward the equitable rationalization of fisheries represents the best available strategy to accomplish the management goals and objectives set out in the Magnuson Stevens Act. Eliminating the "race for fish" through rationalization provides opportunities to improve safety, reduce bycatch, protect and enhance the economies of coastal communities, and results in delivery of higher quality products. Management systems that have been implemented in the North Pacific have achieved these results while reducing overcapitalization. This has allowed for better management of fishery impacts on important species and habitats by distributing fishing effort more evenly in time and space. This temporal and spatial management has benefits ranging from positive impacts on endangered species to the introduction of seafood product forms that are more responsive to markets demands.

Authorization of these programs was recently endorsed by the Chairs of the eight regional fishery management councils. The MCA is supportive of the position adopted by the Chairs calling for authorization of quota-based and/or cooperative rights-based management systems.

However, MCA has taken no position on who should be included in such programs, or on any criteria for such programs. In fact, MCA does not support the development of standardized national criteria or guidelines for DAP programs. Each Council should be afforded the opportunity to shape fishery rationalization programs to fit the unique characteristics of their respective regions and fisheries. Any such systems should be developed consistent with the MSA National Standards and other provisions of the Magnuson Stevens Act.

**Conclusion**

MCA wishes to conclude by emphasizing that the regional council process currently established under the Magnuson Stevens Act plays a vital role in the health of our communities, our fisheries, and in the conservation of the rich marine resources off Alaska's shores. We urge you to carefully consider the successes we have had in Alaska when others ask you to change this system. Adding new statutory requirements or new layers of bureaucracy to this system would, in our view, undermine what is widely regarded as one of the worlds more successful management systems.

Mr. Chairman, MCA again thanks you for taking the time to hold these hearings. We have included additional information on a number of other issues as attachments to this testimony.

Enclosure: (1) Positions of MCA, the Council Chairs and the State of Alaska regarding MSA reauthorization (July 8, 2005)
(2) Marine Research in the North Pacific
http://www.marineconservationalliance.org/issues/research.htm
(3) Sustainable Fisheries, Healthy Communities
http://www.marineconservationalliance.org/issues/sustainable.htm