

WRITTEN TESTIMONY BY
JEFF DEEM
ON BEHALF OF THE RECREATIONAL FISHING ALLIANCE

OVERSIGHT HEARING ON THE REAUTHORIZATION OF THE MAGNUSON-STEVENSON
FISHERY CONSERVATION AND MANAGEMENT ACT

BEFORE THE
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON FISHERIES, WILDLIFE, OCEANS AND INSULAR AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 2013

Introduction

Good morning Mr. Chairman and Members of the Committee.

Thank you for the opportunity to present testimony this morning on the need for flexibility in the re-authorization of the Magnuson-Stevens Fishery Conservation and Management Act. I am Jeff Deem and although I have the honor of being one of Virginia's representatives on the Mid Atlantic Fisheries Management Council and various state level committees, I am here to speak on behalf of the Recreational Fishing Alliance. In these capacities, I have a responsibility to represent fishermen from my state while working to achieve balance between conservation goals mandated by the Magnuson Act and the needs of the fishing community.

The premise that balance can be achieved between these two needs is reasonable and should be a defining principle of successful fisheries management. Yet, during my tenure on the Council, I have seen the implementation of some MSA mandates cause significant socioeconomic harm on the recreational fishing community while producing no conservation benefit. An example can be illustrated through the application of accountability measures and annual catch limits on the recreational fishing sector. The application of these management tools demands a timely, accurate and reliable data collection program. Even with improvements to MRFSS and the partial roll out of MRIP, no program currently exists which can responsibly or fairly enforce the accountability measures and annual catch limits on recreational anglers.

Management objectives must be in line with the limitations of the data collection at the time and when there is a disconnect, the impacts on the recreational sector can be severe, i.e., red snapper, black sea bass, etc.. That said, the Council just recently took action to address this shortcoming with the passage of the Omnibus Recreational Accountability Measure Amendment which will allow recreational catch limits to be evaluated in 3-year periods to account for the limitations of MRIP which is primarily designed to capture and estimate trends of recreational catch and harvest. Recreational

fishing seasons will no longer be cut short through emergency action based on projected landings derived from preliminary estimates. Also, the amendment would take into account the status of the stock when applying accountability measures to the recreational sector. These are measures that will ultimately improve the management of recreational fisheries under Council jurisdiction and move federal management more toward achieving the balance mentioned above. It is my hope that the members of the Committee look to this recent action by the Mid Atlantic Fishery Management Council as you develop reauthorization priorities in the coming months and use this example to draft pragmatic revisions to sections in MSA that deal with the application of annual catch limits and accountability measures on the recreational fishing community.

I believe it is critical that flexibility be part of the reauthorized MSA because our oceans are changing, especially in the Mid-Atlantic, in ways that we will not really understand for many years to come. It may be impossible to predict the long term effects of the pending changes on any particular species.

I believe the most pressing examples are;

1. Increasing Ocean Temperatures:

Whether this is caused by mankind or not is really not an issue in the discussion of flexibility. The fact is that fishermen and scientists are telling us that the ocean temperatures are rising and we are seeing the northerly movement of certain species as they apparently search for cooler water temperatures. What effect this relocation will have on the status of any particular stock is unclear. Adding to the uncertainty are other, less obvious, potential changes such as the timing of plankton blooms and juvenile production which currently coincide to some extent. Because many juvenile species rely on plankton as their first forage, the ability of juvenile fish to survive and stocks to flourish may be negatively effected if rising temperatures separate these two occurrences.

2. Ocean Acidification:

While global warming may ignite some vigorous debates, it is much more difficult to deny mankind's responsibility for the increase in carbon dioxide in the atmosphere and the resulting increase in ocean acidification. Although there are some studies underway, we are just beginning to analyze what effect it will have on any particular species' spawning, recruitment, maturity or even the abundance of the species they rely on for forage.

3. Ecosystem Management Strategies:

Most experts will agree that not all species can be at their peak at the same time. It is generally accepted that as we move into ecosystem management, we will be forced to decide which particular species are favored over others and then maintained at their peak abundance. As we begin to manage under an ecosystem model, what will we learn about species interactions and how will our potential management of those interactions affect our ability to set mandates and schedules for the growth of an individual stock? The only thing we can really be sure of is that the fish and other sea life will not always follow our schedules.

4. Protected Species:

As we take measures to further protect mammals such as dolphins and whales, and numerous species of sharks such as great whites, how will we calculate the effect of their increasing abundance on a particular species we are trying to manage? The average dolphin

weighs around 450 lbs. and consumes 20 to 40 lbs. of forage a day. A 200 ton blue whale consumes 4 to 6 tons of forage a day. A great white shark may weigh up to 5,000 lbs. and consume 150 to 500 lbs. per day. If you can think of the ocean as an aquarium, how much confidence can you have in your projections of stock growth for other species when you are increasing the number of large predators?

5. Species Not Managed:

For example, there has been a noticeable increase in the number of skates or rays in recent years. Some scientist tell me that the bycatch reduction steps we are taking to avoid taking protected species in nets and other gears also allow skates to escape. These and other un-managed species may compete with and feed upon the species we are trying to rebuild.

6. Invasive Species:

Unfortunately, my home state of Virginia has two prime examples of the damage invasive and transplanted species can cause. Snakeheads and Mississippi catfish are having a substantial negative effect on the natural balance in our tidal rivers. These catfish are surprising even the experts with their ability to thrive in brackish waters where they devour crabs, small flounder and other native species. I would expect that they also consume a substantial portion of the herring and other species that inhabit our tidal rivers during their spawning migrations. How can our projections for any particular species account for these relatively new competitors and any others introduced during a fixed rebuilding time frame?

7. Natural Cycles of Fish Stocks:

Last fall we witnessed a huge increase in the number of small red drum in the Chesapeake Bay, on Virginia's eastern shore and throughout much of the mid-Atlantic. This is great if red drum happens to be the species you are trying to rebuild, but if such a species rebuilds faster than expected and competes with or consumes other species we are trying to rebuild, how do we account for that without flexibility in our plans?

8. Offshore Energy:

The Bureau of Ocean Energy Management is projecting the installation of 20 gigawatts of wind turbines by 2020 and 54 gigawatts by 2030. At 7 megawatts per turbine, that's 1,400 turbines by 2020 and 7,700 by 2030. Add to that oil and gas platforms, liquified natural gas terminals, piping, cabling, construction and support traffic and we are talking about significant physical changes in the ocean environment. We do not yet have the experience to know:

Which species will benefit and which will suffer?

Will there be an increase in top level predators?

Will the electrical fields generated by submerged power lines affect spawning or migration?

How will the changes in wind flows affect the turning of the water at different depths and what effect will that have on our fish stocks?

In the near future, more than ever before, it appears that there will be far too many variables for us to make finite, long term projections about what will or will not happen to any particular species.

My testimony thus far has illustrated that the ocean and the marine resources within are extremely variable and influenced by many more uncontrollable factors than just fishing

pressure. It is unrealistic to assume that fish stocks can be rebuilt or maintained without acknowledging these factors. Language included in the 1996 reauthorization of MSA mandated very strict adherence to rebuilding timeframes and did not give fishery managers the ability to account for biological and environmental variable that may impact the speed at which a stock can rebuild. The scenario played out in the summer flounder fishery which was under a 10-year rebuilding timeframe. Tremendous progress had been made and the stock had reached historic levels of abundance. The rate of increase slowed during the final years of the rebuilding plan and the lack of flexibility forced managers to set fishing quotas so low that it was unlikely that directed fishing for summer flounder would be possible. In the final hours of the reauthorization, Congress allowed a 3-year extension to the summer flounder rebuilding timeframe which allowed the fishermen to retain reasonable access to the fishery. Ultimately the summer flounder stock was rebuilt on schedule and the rebuilding timeframe extension did not have any negative impact on the stock. This successful example illustrates that limited flexibility is a useful tool that should be afforded to all federally managed species.

This extension was a success from the scientific perspective as well. This "buffer" not only kept people working but provided time for the science to improve. The original target stock size for this fishery set in 1996 was 338 million pounds of total stock biomass. The numerous benchmark assessments performed over this 13 year period resulted in a determination that the stock could only support a population of 132.4 million pounds of spawning stock biomass, which equates to about 143 million pounds of total stock biomass. That is 42% of the original stock target. As we witnessed, the science is improving, but it is irresponsible to assume that it is accurate enough to justify the socioeconomic damage that can be inflicted through mandatory deadlines.

In closing, I urge the members of the committee to incorporate limited flexibility in rebuilding fish stocks when deemed appropriate and when not a detriment to the overall conservation of the stock in question. Experience has shown that management flexibility can have both a positive impact on the fishing community and rebuilding objectives. In addition, the Committee needs to acknowledge that the limitations of recreational data collection programs and the failure of NOAA to fully implement section 401(g) of the 2006 reauthorization make it impossible to apply annual catch limits and accountability measures on the recreational sector in a fair and responsible manner. Currently, the recreational fishing community is being disadvantaged due to this inconsistent enforcement of MSA. I believe that HR 6350 the Transparent and Science-based Fishery Management Act of 2012 is a very good starting point as the Committee undertakes MSA reauthorization in the 2013 Congress.

Thank your for this opportunity and the time and effort you and your staff have dedicated to protecting our resources and the citizens that rely upon them. If I can be of further assistance, please do not hesitate to contact me through the RFA.

Jeff Deem