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TESTIMONY ON THE MAGNUSON-STEVENS ACT REAUTHORIZATION DISCUSSION DRAFT "STRENGTHENING FISHING COMMUNITIES AND INCREASING FLEXIBILITY IN FISHERIES MANAGEMENT ACT"

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES
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Chairman Hastings and members of the Committee, thank you for inviting me to this legislative hearing to discuss the discussion draft entitled "Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act." I am George Geiger, a former Chairman and three-term member of the South Atlantic Fishery Management Council (SAFMC or Council). I am also a recreational fisherman and fishing guide with a Coast Guard 50 Ton Ocean Operator License. I operated a for-hire service for offshore and inshore trips until 1998, when I switched to guiding near shore and inshore clients exclusively. In my personal time, I still enjoy fishing offshore for coastal pelagic and benthic species. I am also a retired U.S. Army Lieutenant Colonel, privileged to have been stationed in Daytona Beach, Florida from 1971- 72. During those two years I experienced fishing opportunities and abundance heretofore undreamed of by me. I knew Florida was where my wife and I wished to retire, if I was so privileged as to earn the right to remain on active duty.

Upon my retirement and return to Florida in 1986, I was at first shocked, then increasingly disgusted, and eventually angered to see that the fisheries which lured me to my retirement Mecca had become virtual shadows of what I'd experienced in the 1970's. I was angered to the point of seeking out and joining the Florida Conservation Association (now the Coastal Conservation Association of Florida). This association lasted almost as long as my military career and culminated in my rise through leadership positions to the Chairmanship of CCA Florida in 2007.

During my 19 years with CCA Florida, I worked extensively on Florida inshore fishery issues and was appointed to multiple Federal advisory panels, including the Atlantic States Marine Fisheries Commission's bluefish advisory panel and the South Atlantic Council's red drum advisory panel. That work led to me to apply for an at-large seat on the South Atlantic Council, a position that I held for three terms, including serving as Chairman from 2006 to 2008.

Decades of experience with the South Atlantic Council and other organizations has taught me that type of flexibility being proposed in the Magnuson-Stevens Act (MSA) reauthorization discussion draft before this committee would lead us back to the failed policies of the past that led to severe overfishing problems in the South Atlantic and nationwide. My testimony will outline some of the key lessons learned from the South Atlantic, and illustrate why a bipartisan

Congress reauthorized the Magnuson-Stevens Act in 1996 and 2006 with requirements to implement science-based management, including annual catch limits (ACLs) and accountability measures (AMs), to ensure the end of overfishing in U.S. waters. Implementation of those requirements coincided with my tenure as Council Chair. I'm very familiar with the arguments – and sometimes fervent passion – about our charge to end overfishing immediately. I'm also familiar with successes wrought by our Council's difficult but necessary decisions, such as the recent recovery of black sea bass after two failed rebuilding plans and more than twenty years of being subject to overfishing.

Overfishing, or catching fish more quickly than the population can reproduce, is ultimately a losing proposition for fish, but more importantly, for fishermen. Just like it is important to maintain fiscal discipline and make hard choices in order to balance the federal budget, managers must make difficult, and sometimes unpopular, decisions to ensure that we don't "overspend" by allowing more fish to be caught than populations can reasonably sustain.

The consequences of decades of chronic overfishing became acutely clear with the sudden collapse of some of the nation's most important fisheries in the early 1990's. In the Sustainable Fisheries Act of 1996, Congress took decisive action mandating that stocks that were overfished (at unhealthy population levels) must be rebuilt "as soon as possible" and within 10 years, unless the biology of the stock, or an international agreement, dictated otherwise. In some parts of the country, including New England and the Southeast regions, overfishing continued unabated and it had become clear that traditional management tools were not working. In, 2006, Congress once again amended the MSA in the following fundamental ways: ensuring that scientific-based decision making was prioritized over those based on short-term economics, requiring science-based annual catch limits and accountability measures for all managed stocks, with some exceptions, and removing the councils' discretion to permit continued overfishing. These changes provided clear statutory mandates that empowered the councils to take action to address overfishing and rebuild populations, within the boundaries of scientific advice.

At the time the MSA was reauthorized in 2006, the very same type of "flexible" management being proposed in the draft bill before the committee had resulted in 11 stocks officially subject to overfishing, and dozens more with unknown status. Anyone who has attended a South Atlantic Council meeting knows that ending and preventing overfishing in our region, like many others, has not been easy, but the changes that Congress authorized were absolutely necessary to force our Council into action to address overfishing, and to establish clear guidance on how to rebuild fish populations to healthy levels. The Council manages 76 species through 8 Fishery Management Plans (FMPs), and still suffers from the ramifications of decades of overfishing for a number of snapper and grouper species. The annual catch limit requirements have changed how the councils operate and forced real accountability. In the past, we generally managed fishing only using indirect controls like "bag limits" - limits on the number of fish each angler could retain per day, size limits intended to protect juvenile fish and older fish that are often the best breeders, and trip limits that capped how many fish commercial vessels could bring back to the dock at any one time. However, very few of the species that we manage were subject to a cap on the total amount of fish that could be taken out of the water each year.

With the passage of the 2006 MSA reauthorization, the Council embarked on a difficult, but necessary, path to implement science-based management and rebuild overfished stocks. We succeeded in meeting the statutory deadlines of 2010 and 2011 for implementing annual catch limits and accountability measures for all of the stocks requiring them. Today, we have catch limits and accountability measures in place across the country. This is a major, precedent-setting accomplishment that has made American fisheries some of the most sustainable and best managed in the world.

Today, I see a number of our South Atlantic fish stocks benefitting from implementation of catch limits and accountability measures. The number of stocks subject to overfishing has dropped nearly in half, from 11 to 6. One example is black sea bass, a popular recreational and commercial target and a mainstay for many charter operators in our region. It's recovery in 2013 offers a clear example of how the MSA is working to rebuild depleted stocks, increase fishing access and provide benefits to our coastal economies and communities. Before the MSA was reauthorized to close the loopholes that had allowed overfishing to continue, the South Atlantic Council approved not one, but two plans to rebuild this species. Both of these plans failed to do so, and nothing much changed because there was no accountability when quotas were exceeded. Because of the 2006 Magnuson requirements, a new rebuilding plan was initiated that included accountability measures to make sure the catch limits were not exceeded. Austerity worked and fishermen reaped the benefit: as of April 2013, three years earlier than expected, the population was rebuilt and the catch limit was more than doubled to 1.8 million pounds. The black sea bass example illustrates why we must not deviate from the MSA's course of recovery and prudent management practices, and suggests the wisdom of the clear, science-based requirements with strong accountability measures.

As this committee has heard numerous times before, recreational fishing in the Southeast continues to increase, and this further complicates the challenges of preventing and ending overfishing. According to NMFS data, the number of angler trips in the South Atlantic has increased from less than 15 million per year in the 1980s, to about 17 million a year in the 1990s, to more than 20 million per year since 2000. Cheap and widely available technological enhancements, such as GPS and fish finding technologies, have led to an increase in fishing pressure. This increasing fishing pressure makes it increasingly challenging to manage many of our vulnerable snapper and grouper species, some of which take 5-10 years to reach reproductive maturity and can live for 50 years or longer Once overfished, some stocks can take decades to rebuild. Implementing annual catch limits provides necessary accountability to ensure our fisheries continue to recover and are able to support a growing number of recreational anglers over time.

In the South Atlantic, we are faced with managing many species for which limited scientific information is available. However, there are no species that we know nothing about. For every species we manage, some combination of data on catch and fish landed at the dock, biology, reproduction, habitat, and other life history characteristics are available. The annual catch limit mandate has spurred a flurry of scientific advances in assessing and setting catch limits for stocks for which we have more limited data than we may have for stocks that have undergone more conventional assessment. Today, there are multiple data-limited assessment methods and tools that are designed to utilize the available data to determine catch limits that prevent

overfishing and allow higher long-term yields. For example, the Pacific region has pioneered the use of several of these methods, which are now regularly applied to over 90 stocks of previously-unassessed, data-limited groundfish. The Southeast region has lagged behind these scientific advances in other regions due to a less efficient assessment process, a propensity to conduct repeated and duplicative assessments on a limited number of the most commercially-valuable stocks, and a lack of familiarity with some of the latest scientific methods. Fortunately, this is now beginning to change thanks to the hard work of a number of fisheries scientists in the region. Just a few weeks ago, about 30 of the nation's leading fisheries scientists, including many from the Southeast Fisheries Science Center, gathered in Miami to review new and emerging data-limited methods, to unveil a new data-limited assessment toolkit, and to discuss a specific roadmap for streamlining the assessment process to utilize the available data on all currently unassessed stocks. In a few short years since the annual catch limit requirement went into effect, we are seeing transformative changes in how we assess and manage many dozens of stocks of previously neglected stocks with important ecological and economic value. While some of the stocks may not be as valuable commercially as the most popular, targeted stocks, there is no doubt that they are essential parts of the ecosystem and fisheries of the region. When I, like most all of my recreational counterparts, fish on the diverse fisheries of the Southeast and want to see more than a few undersized red snapper and black sea bass. And the heavily targeted fish, like red snapper and black sea bass, are dependent on healthy populations of other fish to survive and thrive.

Driven by the ACL requirements, we have developed rational scientific ways to set catch limits when full stock assessments are not available. These approaches use the best science available to set reasonable catch limits until new science becomes available that makes it clear a population can support an increase in catch. With this science-based framework in place, new information can continually inform managers and we can make adjustments to maximize the benefits for all participants in the fishery. This is exactly what we are doing now in the South Atlantic, and it makes sense because it is a lot better to deal with a short period of reduced catch than suffer the years of painful recovery after a fish population has crashed.

Transitioning from the "flexibility" of the past to today's science-based management system was a long and deliberate process, with extensive public participation and scientific contributions, that took years and cost American taxpayers tens of millions of dollars. I believe we have made major improvements that could achieve sustainability for our marine resources in the Southeast. Despite all of this progress, this committee is now considering draft legislation that would backpedal and return to the ineffective management practices that produced failure after failure in fisheries management. This legislation would re-instate the failed policies of the past, eliminate the science from science-based management, and constrain the ability of the public to evaluate or participate in fisheries management decisions. In particular, I would like to highlight several specific concerns with the draft legislation. The bill would:

- Remove any time limit for rebuilding overfished stocks;
- Allow Councils to continue overfishing for up to 7 years on vulnerable fish populations that are in most need of protection;
- Permit Councils to ignore science-based annual catch limits that prevent overfishing and protect long-term economic value in the fishery; and

- Remove the annual catch limit requirement for literally hundreds of "non-target" stocks, many of which are not specifically targeted but still valued by fishermen.

In addition to these concerns, the draft legislation also significantly weakens other important requirements to fully evaluate the impacts of management decisions and to provide the public access to important information. Specifically, the legislation would:

- Eliminate the authority of other important laws, such as the Endangered Species Act and the National Environmental Policy Act, to influence management decisions related to fisheries;
- Establish new rules for data confidentiality that would significantly restrict the ability of the public to access data related to federal fisheries; and
- Create a new state management regime for Gulf of Mexico red snapper fishery without any of the accountability measures of the MSA.

Taken together, these amendments to the MSA would waste years of sacrifice by fishers and hard work that have put our fisheries on a course to sustainability. The conservation measures we have put in place in the South Atlantic and around the country are working, but require strong action supported by clear legal mandates to protect and rebuild fisheries. I ask Members of this Committee to carefully consider the history of fisheries management in this country, and to recognize that we are only just beginning to see the benefits of our science-based management system. Further, I strongly urge Members to reject this short-sighted proposal and redraft a new bill that will move us ahead to address the challenges of the future rather than reinventing the problems of the past.