

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife & Oceans

[fisheries](#) - - Rep. Wayne Gilchrest, Chairman

U.S. House of Representatives, Washington, D.C. 20515-6232 - - (202) 226-0200

Witness Statement

Testimony of
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before the
Committee on Resources
Subcommittee on Fisheries Conservation, Wildlife and Oceans
House of Representatives
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Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before you today to discuss H.R. 1989, the Fisheries Conservation Act of 2001. The bill would reauthorize or extend authorizations for the Interjurisdictional Fisheries Act, the Anadromous Fish Conservation Act, the Atlantic Coastal Fisheries Conservation and Management Act, NOAA's marine fish information and analysis activities, the Atlantic Tunas Convention Act of 1975, and the Northwest Atlantic Fisheries Convention Act of 1995. These are important pieces of legislation that are worthy of continuing appropriations. The Atlantic States Marine Fisheries Commission would be pleased to support H.R. 1989. In fact, with respect to the Interjurisdictional Fisheries Act of 1986, we suggest that the Committee should take this opportunity to extensively revise and revitalize the critical state-federal partnership for marine and coastal fisheries.

INTERJURISDICTIONAL FISHERIES ACT OF 1986

The Interjurisdictional Fisheries Act of 1986, and its predecessor, the Commercial Fisheries Research and Development Act, have served as the traditional cornerstone of the state-federal partnership for almost 40 years. This legislation has enabled the states to undertake a vast array of programs to support state and federal concerns in marine fisheries. Under this program, funds appropriated by Congress are apportioned to the states according to a statutory formula. The Interjurisdictional Fisheries Act of 1986 was a thorough revision of this program, focusing attention on recreational as well as commercial fisheries, and emphasizing those areas where state-federal and interstate cooperation is essential.

Mr. Chairman, we do not have the time today to recount all of the wonderful work that the states are doing under this program. Every two years, the National Marine Fisheries Service reports to the Congress on state activities under this program. State agencies across the country are carrying out the full range of fisheries conservation activities for the most important species we have, including many that are managed by the National Marine Fisheries Service and the Regional Fishery Management Councils under the Magnuson-Stevens Fishery Conservation and Management Act. The activities address fishery information, research and stock assessment, conservation planning, stock enhancement, habitat conservation, aquatic nuisance control, and law enforcement. Many important federal fishery conservation programs rely on the state activities that are funded under the interjurisdictional fisheries program.

The Interjurisdictional Fisheries Act of 1986 was well-designed to meet the challenges of the mid-1980s.

But much has changed in the world of fisheries conservation and management in the past fifteen years. We are now more aware than ever of the critical need for good fishery and fishery resource information to support regulatory decisions. The critical nexus between productive fisheries and their habitat is better and more broadly understood. The marine fisheries constituency has broadened, with greater participation from recreational fishing and environmental interests, in addition to the traditional commercial fisheries community. We now hear as much, if not more, about controlling fishing capacity as providing for fishery development. New technologies, such as advances in analytical and communications capabilities, are dramatically increasing our capability to understand and share information. And the roles and capabilities of the state and federal institutions have continued to evolve, each with their relative strengths. With all of these changes, we believe it is time to consider updating our approach to interjurisdictional fisheries cooperation.

Mr. Chairman, we at the Atlantic States Marine Fisheries Commission have given serious consideration to the Interjurisdictional Fisheries Act of 1986. We have talked with our sister interstate marine fisheries commissions, and many other state and federal officials. For the moment, these ideas are our own, although we expect that they could receive wide support. Our suggestion to the Committee is that you not simply reauthorize the Interjurisdictional Fisheries Act, but rather expand upon it. What is needed today is nothing short of a revitalization of and a recommitment to the state-federal partnership in marine fisheries.

The House of Representatives started down this road last year when it overwhelmingly passed H.R. 701, the Conservation and Reinvestment Act. The House Resources Committee, including you Mr. Chairman along with virtually all of the leaders of this subcommittee, recognized the need to reinvest in state programs for fisheries, wildlife, and conservation. The failure of CARA to be enacted in the closing days of the 106th Congress does not mean that the important needs that it would have addressed are any less pressing now than they were a year ago.

We believe that the Interjurisdictional Fisheries Act of 1986 should be strengthened and expanded to meet the recognized needs for a strong state-federal partnership in marine fisheries today. The Act is now fifteen years old, and has not been significantly revised during that time, despite the major changes that have occurred in coastal and marine fisheries. A recharged Interjurisdictional Fisheries Act should contain a clear and concise recognition of and commitment to the special relationship that exists between the states and the federal government in marine fisheries. A good place to start, for example, is with fisheries statistics. In the Sustainable Fisheries Act, the Congress directed the Secretary to develop recommendations for the implementation of a national fishery information system on a regional basis (16 U.S.C. 1881). The report was prepared and delivered, and relied strongly on the cooperative efforts of the states and their three interstate marine fisheries commissions. The states and the National Marine Fisheries Service have been moving toward a set of fully integrated, cooperative fishery statistics programs. It is important for the National Marine Fisheries Service to play a national coordinating, policy, and standard setting role. The states bring strengths to the table in the operational sense of data collection and management. We need a national commitment to a series of regional statistics programs that takes advantage of the strengths that each of the partners can bring to the table.

This is also true for cooperative fisheries regulatory planning. In addition to the responsibilities of the National Marine Fisheries Service and the Regional Fishery Management Councils under the Magnuson-Stevens Fishery Conservation and Management Act, the federal government has a significant concern over the stewardship of coastal fishery resources that do not come under the regulatory purview of the MSFCMA. The need for the states to step forward and address these resources of national interest has never been greater.

The same could be said for responsibilities for habitat and for fisheries research. As a result of the Sustainable Fisheries Act, there is a new emphasis on essential fish habitat. And more attention is being paid to interspecies fishery dynamics, including ecosystems analysis and management with its tremendous data

and analytical demands. We have to remember that 95% of federally managed fisheries spend critical parts of their lives in fishery habitat that is included within state waters. Only by working closely with the states and investing in state capabilities can the federal government reach its fishery habitat protection and restoration objectives. With regard to fisheries research, states have long been a source of cooperative assistance for the federal government. Today, a new emphasis is being placed upon cooperative efforts with fishermen and other non-traditional sources of data and information. States, being closer to individual fishing areas and constituencies, are uniquely positioned to help craft cooperative research that uses fisherman capabilities to meet the scientific needs of fishery managers. States are also in a position to help in addressing serious concerns about aquatic nuisance species, invasive species, and toxic blooms - issues that demand a response from both the habitat and research perspective.

The states are also in a position to contribute significantly to the effectiveness of marine fisheries law enforcement. The three interstate marine fisheries commissions are the focus for bringing state and federal law enforcement personnel together to address their mutual needs and objectives. States have had cooperative law enforcement agreements with the National Marine Fisheries Service for more than 25 years. Last year, Congress appropriated \$15 million for cooperative state law enforcement agreements. We are finding that state and federal law enforcement personnel each have different areas where they can operate most effectively, in a mutual and cooperative effort.

A newly revitalized "Interjurisdictional Fisheries Act for the 21st Century" ought to address the critical state-federal areas of mutual interest. It should unequivocally articulate the commitment of the federal government to work closely with the states wherever possible to get the job done. It should also devote the fiscal resources necessary to carry out this essential partnership program. Let me be clear: what I am suggesting is a major commitment and investment in state-federal partnership programs. The need is there, and the opportunity is there. For example, we all eagerly anticipate that shortly the House Resources Committee will once again demonstrate its leadership in fisheries and wildlife conservation by moving H.R. 701, the Conservation and Reinvestment Act. CARA will set aside \$500 million for the states for coastal conservation and impact assistance. The language of H.R. 701 indicates that coastal and marine fisheries issues are a primary use for this funding. It is not hard to imagine that under these provisions \$150 million or \$200 million will be devoted to state fisheries programs. This is, frankly, the type of commitment that the state-federal partnership in marine fisheries deserves.

I am not suggesting that the Interjurisdictional Fisheries Act should compete with CARA. Quite the opposite. The earliest enactment of the Conservation and Reinvestment Act is the highest legislative priority for the Atlantic States Marine Fisheries Commission and all of our coastal state members; and much of what I am suggesting would be addressed by a properly funded CARA. The substantive ideas that a revitalized commitment to interjurisdictional fisheries would provide would provide a blueprint for the Congress and the states in the development and implementation of coastal fisheries conservation programs under CARA.

Mr. Chairman, I do not have a draft bill to lay before you today that will do all of this. I am sure that many others will have particular perspectives that should be considered and worked into new legislation. But the principles are simple. The states are not just another constituency for federal policy makers. The states and the federal government share, in a unique way, the public trust responsibilities to safeguard the people's interests in marine fisheries resources. We must continually work together in the important areas of statistics, fisheries management, habitat, research and law enforcement. We must each strive wherever possible to achieve mutual success. We can succeed together, or we can fail separately. The choice belongs to all of us.

ANADROMOUS FISH CONSERVATION ACT

Mr. Chairman, I would also like particularly to recommend that the Committee approve legislation

extending the Anadromous Fish Conservation Act. This legislation has, for almost as long as the Interjurisdictional Fisheries Act and its predecessor, been a foundation for state-federal cooperation in the conservation and management of this country's valuable anadromous fishery resources. This Act is the only national expression of the federal commitment regarding the importance of anadromous fish species. We need to remember that this is a truly national program; for even though we are all aware of the critical problems in trying to conserve salmon on the Pacific coast, anadromous fisheries are critical to the Atlantic coast and the Gulf of Mexico as well.

In addition to providing continuing support for salmon conservation along the Pacific coast, on the Atlantic coast funds appropriated under this Act have been applied by the states to critical problems for shad, river herring and sturgeon. In the Gulf of Mexico, the conservation needs of species such as shad, Gulf of Mexico sturgeon (listed as threatened under the Endangered Species Act), and Gulf striped bass, were recognized by the Gulf States Marine Fisheries Commission many years ago. The single most important factor impeding actions to address the conservation needs for many of these species in the Atlantic and Gulf has been the lack of sufficient funding to implement management and restoration actions.

Anadromous fish species represent important components of the biota of river and nearshore estuarine habitats along this country's coasts. Because anadromous species use virtually all habitats in rivers and estuaries during some portion of their life cycles, they can serve as significant indicators of the overall health of the ecosystem. There have been declines in the size and distribution of anadromous fish populations nation-wide, and it is evident because of their life histories that any positive actions to restore the health of anadromous fish populations will provide positive benefits to the entire watershed in which these populations occur. They are clearly deserving of the federal commitment evidenced by the Anadromous Fish Conservation Act.

An interesting thing has happened to the appropriations authorization under this Act. In the 1980s, the authorization reached as high as \$25 million annually; although the actual appropriated levels were much lower. But these authorized levels have actually been on a steady decline for the past fifteen years. The authorized level for appropriations last year was only \$4.25 million; and recent appropriations levels have been on the order of only \$2.1 million. So what has happened over the past fifteen years? Are striped bass, shad, sturgeon, and salmon any less important to the nation today that they used to be? I don't believe so Mr. Chairman, and I am sure that the Committee will not either. I strongly urge that the appropriations authorization for the Anadromous Fish Conservation Act be increased to \$6 million for FY 2001 and FY 2001, \$8 million for FY 2003 and 2004, and \$10 million for FY 2005 and FY 2006. This would still be less than half of the authorized level from the mid-1980s. And then we will look forward to working hard with the members of the Committee to see those authorizations realized in the appropriations process.

CONCLUSION

Mr. Chairman, all of the programs covered by H.R. 1989 are critical, each in its own way, to the success of our cooperative and mutual efforts in marine fisheries. We believe that appropriations should continue to be authorized for each of them. In the case of the Interjurisdictional Fisheries Act, we believe that Congress should significantly expand and strengthen the statutory basis for the mutual cooperation between the federal government and the states. We also believe that the appropriations for the Anadromous Fish Conservation Act should be increased over the next few years, commensurate with the critical importance of these resources to the Nation. We look forward to working with your staff to continue to expand on these ideas.

Thank you, Mr. Chairman. I would be pleased to try to answer any questions.

SUGGESTED OUTLINE FOR A REVITALIZED INTERJURISDICTIONAL FISHERIES ACT

H.R. 1989 -- Title I: Interjurisdictional Fisheries

Section 101. Short Title

Interjurisdictional Fisheries Act for the 21st Century

Section 102. Findings, Purposes and Policy (Definitions if Necessary)

Section 103. Authority of the Secretary

The Secretary is authorized broadly to work cooperatively with the States on matters of mutual interest.

Section 104. National State-Federal Fisheries Information Program

Section 104. Cooperative Fisheries Management Planning

Section 105. Cooperative Fisheries Research and Assessment

Section 106. Cooperative Fisheries Habitat Conservation

Section 107. Cooperative Fisheries Law Enforcement

Section 108. Allocations of Funding

Section 109. Authorization of Appropriations

Section 110. Repeals

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