

**CONGRESSIONAL TESTIMONY OF
JUSTIN LEBLANC
VICE PRESIDENT, GOVERNMENT RELATIONS
NATIONAL FISHERIES INSTITUTE
BEFORE THE
FISHERIES CONSERVATION, WILDLIFE AND OCEANS SUBCOMMITTEE
OF THE COMMITTEE ON RESOURCES,
U.S. HOUSE OF REPRESENTATIVES
ON THE REAUTHORIZATION OF THE
MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT**

MAY 2, 2002

Chairman Gilchrest, Representative Underwood, and distinguished members of the subcommittee, thank you for the opportunity to speak before you on the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). I am Justin LeBlanc, Vice President of Government Relations for the National Fisheries Institute (NFI). NFI is the leading trade association representing the diverse fish and seafood industry of the United States. We are an “ocean to table” organization representing vessel owners, processors, importers, exporters, distributors, retailers, and seafood restaurants. NFI is committed to providing U.S. consumers with safe, wholesome, and sustainably harvested fish and seafood choices.

Today, I am also here on behalf of the Seafood Coalition, a group of fisheries organizations and seafood companies from across the country seeking changes to the Magnuson-Stevens Act to rationalize the implementation of the Act while maintaining its core commitments to conservation and sustainability. The Seafood Coalition member list is attached to my written testimony.

As this subcommittee has heard through numerous hearings, the implementation of the Magnuson-Stevens Act over the past several years has revealed serious flaws in the Act that need to be addressed. The Seafood Coalition believes there are six critical issues for the reauthorization process, including: improving the science base of fisheries conservation and management by defining the best scientific information available and ensuring the NMFS stock assessments undergo independent peer review; focusing habitat protection efforts on Habitat Areas of Particular Concern instead of the entire Exclusive Economic Zone, incorporating environmental variability into fisheries management by better defining Maximum Sustainable Yield, overfished, and overfishing; initiating cooperative research programs to fill major data gaps, establishing goals and objectives for observer programs and holding them accountable to those goals and objectives; and improving the socioeconomic impact analyses of fishery management decisions by requiring the National Marine Fisheries Service to consider the cumulative impacts of its decisions.

We believe these priorities are most effectively addressed by H.R._____, the Fisheries Science Improvement Act introduced this week by Representatives Tauzin, Jones, Grucci, Walden, and Simmons. On behalf of the Seafood Coalition, I would like to thank Rep. Tauzin and the other sponsors for introducing this important piece of legislation and urge the subcommittee’s favorable consideration of the bill during the reauthorization process.

While we strongly support the Fisheries Science Improvement Act, we are deeply concerned about the impacts other legislative proposals before this subcommittee would have on the commercial fish and seafood industry, if enacted.

The Ocean Habitat Protection Act would prohibit the use of bottom-tending trawl gear with footrope gear larger than 8 inches in diameter. The Seafood Coalition believes that decisions about fishing gear and its use are best made on a fishery-by-fishery basis by the Regional Fishery Management Councils. That said, we also believe this legislation will actually exacerbate the very problems it seeks to solve. First and foremost, a ban on large trawl gear could actually worsen the impact of bottom trawl gear on soft-bottom substrates. Larger gear has been developed for this type of ocean bottom because it has significantly less impact in terms of substrate disturbance and bycatch of nontarget species. In addition, a ban on large trawl gear could result in modifications to small trawl gear to allow it to effectively fish in the rocky substrates that the bill seeks to protect. These modifications could have a more dramatic impact on these areas of the ocean than the current large trawl gear being used.

If enacted, this bill would cause devastating economic impacts in fishing communities around the country. Alaska could lose \$180 million worth of groundfish landings annually, the West Coast could lose \$65 million worth of groundfish annually, and virtually the entire New England groundfish, shrimp, and whiting fisheries worth over \$130 million annually could be lost. It is because of these environmental and economic impacts that these types of decisions are best left to the Regional Fishery Management Councils.

We are also deeply concerned about many of the provisions in H.R. 2570, the Fisheries Recovery Act. With its unfunded and unachievable mandates, this bill has been nicknamed as the “Fisheries Elimination through Litigation Act” by some in our community. In particular, we are concerned that the National Marine Fisheries Service will be unable to fulfill the bill’s call for the maximal avoidance of bycatch, limitations on new fishing gear and technology until demonstrated to have no adverse effects on essential fish habitat, the implementation of ecosystem-based fishery conservation and management without the scientific base necessary to do so, the application of the precautionary approach as a justification for worst-case scenario management, and universal observer coverage without clear goals and objectives. Without dramatic increases in funding, these mandates will open the agency and the commercial fish and seafood industry to litigation far beyond that which we have seen to date. As we have seen over the past several years, litigation and the courts are no way to build sustainable fisheries.

We would like to commend the Chairman and his staff for their efforts to forge a reasonable middle ground during this reauthorization process. The “Gilchrest Discussion Draft” released by the Subcommittee has many important and interesting provisions in it. While we would encourage the Chairman to incorporate the provisions of the Fisheries Science Improvement Act into the Chairman’s bill, we would offer the following brief remarks on the discussion draft:

- The overcapitalization report is an important step towards addressing this critical issue facing U.S. fisheries. We would recommend that the Secretary be required to consult with the commercial fishing sector before providing recommendations for reducing excess fishing capacity.
- The Buyout provisions may facilitate the use of this tool as a means of reducing excess fishing capacity. While we can recognize the interest of the subcommittee in eliminating both excess vessels and permits, the language needs to be carefully drafted to avoid unintended

consequences, particularly in fisheries where vessel owners may own multiple vessels and permits.

- The Section on ecosystem-based management recognizes the fundamental barrier to effectively implementing such a management regime: information. This proposal is an appropriate first step in the development of the ecosystem-based management concept.
- Similarly, an analysis of the utility, benefits, and costs of a national observer program is an appropriate step before Congress mandates such a program.
- We appreciate the efforts of the Chairman to separate the concepts of overfished and overfishing. We are concerned, however, that the proposed definitions are far more stringent than the current National Marine Fisheries Service regulatory guidelines and would recommend the definitions proposed in the Fisheries Science Improvement Act. We also appreciate the Chairman's efforts to improve the quality of the Status of the Stocks Report.
- The emphasis in the bycatch section on gear research is an appropriate approach to achieving the goal of National Standard # 9. With regard to including birds in the definition of bycatch, this provision is unnecessary as sea birds are already covered by the Migratory Bird Treaty Act and, where necessary, the Endangered Species Act.
- The focus of regulatory actions on Essential Fish Habitat to true areas of concern similar to the emphasis on the Fisheries Science Improvement Act on Habitat Areas of Particular Concern is an appropriate emphasis that we strongly support.
- While the Seafood Coalition has taken no position on Individual Fishing Quotas (IFQs), the National Fisheries Institute believes that the current moratorium on IFQs should be continued until and unless the Magnuson-Stevens Act is amended to require that harvesters and primary processors be equitably treated given the corollary investments in excess fishing and processing capacity that traditional fisheries conservation and management regimes have encouraged.

Mr. Chairman, Thank you for the opportunity to testify. More detailed written comments on the bills before the subcommittee have been presented to the subcommittee staff. I would be pleased to answer any questions the subcommittee may have.

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WCSPA represents on-shore seafood processors and associated businesses in Oregon, Washington, and California. WCSPA members process the majority of Pacific groundfish, Dungeness crab, pink shrimp, squid, and coastal pelagic species landed in those states.

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NFI is the largest fish and seafood organization in the U.S., representing nearly a thousand companies, individuals, and organizations involved in harvesting, processing, importing, growing, selling, and distributing seafood.

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