

Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Statement

Testimony of Paul Pellegrini
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Before the Subcommittee on Fisheries Conservation, Wildlife and Oceans
Of the House Committee on Resources
On Implementation of the Essential Fish Habitat Provisions
Of the Sustainable Fisheries Act
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Good Morning Mr. Chairman and Members of the Subcommittee, my name is Paul Pellegrini. I am President of the Humboldt Fishermen's Marketing Association, which is a member of the Pacific Coast Federation of Fishermen's Association (PCFFA). PCFFA is a member of the Board of the Marine Fish Conservation Network. The views expressed in my testimony are consistent with those of the Network.

I am also a fourth generation fisherman and started fishing as a boy on the back deck of my father's 30' salmon troller. I began operating my own fishing vessel in 1979 when I was 17 years old and purchased my first fishing vessel in 1983. I currently own the 48' Calypso that I use to fish west coast dungeness crab, blackcod, rockcod, salmon, and albacore. All but one of these fisheries is a limited entry permitted fishery.

I want to first thank you for giving me the opportunity to talk to you today about the importance of habitat to healthy fisheries and implementation of the essential fish habitat (EFH) provisions of the Sustainable Fisheries Act (SFA) by the National Marine Fisheries Service (NMFS) and the Pacific Fishery Management Council (PFMC). The importance of protecting fish habitat has been demonstrated repeatedly to us on the west coast as salmon run after run has been listed as endangered or threatened under the Endangered Species Act. The drastic salmon population declines that caused these listings are due to many factors, including habitat loss and degradation as well as changes in ocean temperatures caused by the recent El Nino and La Nina. As many of you know, salmon habitat has been degraded for decades by a variety of man made activities including poor logging practices, water diversion projects, road construction, cattle grazing, and polluted runoff from agricultural and urban activities. Unfortunately, many of these activities were initiated long before we had the science to fully understand their impacts on fish habitat and it took decades for the cumulative impacts of these activities to manifest themselves in the serious decline of salmon runs.

I'm afraid history is about to repeat itself with west coast groundfish. The Secretary of Commerce recently declared the west coast groundfish fishery a "disaster." While this declaration is the first step in bringing much needed economic relief for west coast groundfish fishermen, it masks a larger problem. In his declaration, the Secretary solely blamed natural causes for the collapse of groundfish stocks. He did not mention that the PFMC has done little to evaluate, much less minimize, the bycatch on non-target species.

Nor did he mention the ongoing degradation of groundfish habitat from both fishing and non-fishing activities. Apparently we have not learned anything from the salmon experience. The SFA's mandate to describe, identify, conserve, and enhance EFH may be 20 years too late to prevent more salmon listings, but it certainly can help restore groundfish populations. It represents the first time that scientists and fishery managers have gathered all of the available information on groundfish habitat requirements, the locations of those habitats, and the human threats to those habitats. It also represents the first time that NMFS has been required to take steps to protect fish habitat

I've been asked to discuss implementation of the EFH mandate by NMFS and the PFMC. To do this I will discuss how they designated EFH and what they have done to protect it. Some have criticized the NMFS and the PFMC for identifying groundfish EFH too broadly. Because the PFMC has designated most of the west coast's Exclusive Economic Zone (EEZ) as groundfish EFH, they say that the designation is beyond what Congress intended and not very useful. But those of us who fish for groundfish do not believe this designation is far off because too little, too late is known about groundfish and their habitat. There are 83 species of groundfish managed by the PFMC; of those, 8 are designated overfished, 8 are not over fished, and the other 67 unknown. EFH was identified for each stage in a fish's life cycle, spawning, eggs, juvenile, and adult. That means that there are 332 EFH designations required for just the Groundfish Management Plan. Given the geographic range of these 332 life stages, is it any wonder that most of the west coast's EEZ has been designated as EFH for some species? Now some have argued that we don't need to identify EFH for all of these life stages. My question to them is which ones should we exclude? Doesn't one stage lead directly to another? How can we expect to have healthy adults if the juvenile or egg stages that provide the adults are depleted? We can't. This is not to say we should panic and swing the pendulum the other direction and establish Marine No-Take Zones along the whole west coast to solve the problem. We all need to accept responsibility for our own part in this equation and meet somewhere in the middle. That includes adequate funding for sound science. Common Sense.

If certain fish are living in a particular habitat, it must be providing some essential function like shelter or food. But some argue that the fish species does not need the entire habitat that it occupies, that it can do just fine with some lesser amount. Well, how much is enough to provide for the population sizes necessary to support sustainable commercial fisheries? The answer is we don't know. If we don't know, how can we sacrifice habitats for fish we know so little about? As our salmon experience has shown us, once a habitat is negatively impacted or destroyed, it is very, very difficult to restore. NMFS and fishery management councils must use sound science to ensure habitat for groundfish species, some species of which are nearly 100 years old, is protected from negative human activity.

The bottom line is that the PFMC, using sound guidance from NMFS, did a good job of identifying EFH for groundfish. The PFMC however, did not do a very good job evaluating or minimizing adverse impacts to groundfish EFH from fishing activities. Just about every type of fishing that impacts the bottom has the potential to destroy or degrade some fish habitat. What distinguish adverse impacts from fishing activities are the extent of the area impacted and the types of habitats impacted. Dungeness Crab traps, which I use, impact fairly small areas, groundfish long lines impact slightly larger areas, especially if they are whipped by currents or dragged across the bottom. Bottom trawls impact larger areas of the bottom, especially if roller gear is used. Finally, factory trawlers impact the largest area of the bottom. While the size of the area impacted is important, the type of habitat impacted is most important. It may be all right for bottom trawls to impact large areas of soft bottom habitat because those areas are better able to withstand it. While it may be completely inappropriate for a long line to be set in deep water coral habitat used as nursery grounds for juvenile groundfish because any damage will take years to be restored, as it is slow growing.

We *all* share the burden in ensuring sustainable fisheries for future generations. There are things that can be done in the short term to provide benefit to fish habitat. When I have pulled in longline gear off of Eureka, California, I have occasionally brought up small pieces of coral. Additionally, while operating trawl vessels I have seen huge rocks caught in the net be pulled aboard. If we continue to fish the rocks that the groundfish are trying to hide in with bigger boats that have more horsepower and tougher fishing gear, we are going to ruin their hiding spots. If we continue to do business as usual, when will they have no more places to hide? There is technology out there fishing today that can essentially plow right over the rock piles looking for groundfish.

The PFMC has done very little to evaluate the impacts of fishing on EFH, and nothing to minimize any adverse impacts. The PFMC has been slow to act perhaps because of the lack of data or the contentious nature of the issue. They established a Legal Gear Committee to evaluate the impacts of all fishing gear on EFH. The ultimate goal was to establish fishing gear performance standards. The PFMC agreed to develop these standards by October 2001, but to date; very little progress has been made. The PFMC also established a committee to evaluate the establishment of marine protected areas. The idea is to determine what types of fishing activities should be allowed in which habitats. The Council agreed to establish an initial set of marine reserves by November 2001, but again, there has been very little progress made. Because of the inaction of the PFMC and other councils, a number of fishing and conservation groups, including PCFFA, have been forced to file suit to force the councils and NMFS to act.

With regard to protecting groundfish EFH from land-based activities, I have not seen NMFS or the PFMC take much action. I have heard that while the NMFS has undertaken over 5,000 consultations nationwide, it has only conducted 5 in the northwest. This is unbelievable to me. Groundfish populations are in crisis and the NMFS seems to be placing all of its efforts on restoring salmon and almost no effort on protecting groundfish and other important fish habitats. Because NMFS has failed to protect non-salmon EFH, some fishing groups have been forced to go to court to protect fish habitat. For example, a group of Columbia River crab fishermen were forced to file suit to stop the disposal of dredged material on crab spawning habitat at the mouth of the Columbia River. This shouldn't have to happen. NMFS should be out there fighting to protect fish habitat. Unfortunately it is not.

In conclusion Mr. Chairman, protecting fish habitat is critical to ensuring the long-term sustainability of our fisheries. NMFS and the fishery management councils have done a good job of identifying EFH. But they have done an inadequate job of protecting EFH from both fishing and non-fishing activities. As the Subcommittee considers legislation to include in the reauthorization of the Magnuson-Stevens Act, I'd like to suggest that you strengthen the EFH mandate. The Marine Fish Conservation Network (Network) has recommended that the burden of proof for protecting EFH from fishing activities be shifted. New fishing gear or practices should not be allowed unless a fishery management council can show that EFH will not be damaged. Just as, closed areas should not be opened until a fishery management council can demonstrate that the opening them will not damage EFH. If a fishing practice is known to damage EFH, those areas that could be damaged by the practice should be closed until the fishery management council can demonstrate that the closure is not necessary to protect EFH. Basically, these changes are also designed to force fishery management council action to protect EFH. I urge you to give them serious consideration.

Thank you for the opportunity to testify before you today. I would be happy to answer any questions.

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