

May 2, 2002

From: Representative Sam Farr

re: Testimony Before the Subcommittee on Fisheries Conservation, Wildlife and Oceans;  
Resources Committee; United States House of Representatives

Good afternoon, Mr. Chairman and the Members of the Subcommittee.

Thank you very much for holding this important hearing. I appreciate the opportunity to discuss with you your draft for the reauthorization of the Magnuson-Stevens Fishery Act. This is an issue about which all of us feel passionately, and I hope I can help you develop fisheries management legislation we can all live with.

The urgency of this matter was highlighted by the report to Congress released this week from the Secretary of Commerce on the status of our nation's fish stocks. The good news from this report is that in fisheries where conservation measures have been implemented, stocks are beginning to be rebuilt.

The bad news is that the National Marine Fisheries Service has only two such fish stocks that have improved since last year's report. While the overall number of overfished stocks has declined, nine of the 11 stocks that were removed from the list this year were removed because their stocks are declining for reasons other than fishing. On the West Coast, the status of the groundfishery has gotten worse, with two additional stocks being listed as overfished and one listed as approaching overfishing. This should not be counted as fishery management progress.

We still have a serious problem on our hands. We fish from over 950 stocks. We know the status of less than a third of those stocks. Of the 304 stocks on which we have some information, over 30% are overfished or rapidly heading that way..

Last year, I introduced HR 2570, the Fisheries Recovery Act, to amend the Magnuson Act. That bill presently has 71 cosponsors. This issue is important to many of our colleagues, from both sides of the aisle. Mr. Chairman, I know how deeply the problems in our nation's fisheries concerns you, and I offer the following comments only to help you strengthen the proposed legislation.

## **Essential Fish Habitat (EFH)**

### **Comments and Suggestions:**

- \* In 1995, the Magnuson reauthorization bill that came out of the Resources committee made discretionary the requirement to minimize the impact of fishing on essential fish habitat (EFH).
  - On the House floor, I introduced an amendment to require that fishing impacts on habitat be reduced. That amendment was accepted by an overwhelming vote of 251

to 162.

- Mr. Chairman, at that time, we worked together to ensure that the councils were required to protect essential fish habitat from damaging fishing techniques.
- Unfortunately, since that time, very little has actually been done with respect to EFH, and the problems persist.
- The fishermen in my district strongly support the protection of essential fish habitat.

\* I recognize your desire to narrow the application of this requirement, and I suggest that you emphasize the use of habitat areas of particular concern (HAPC), that have already begun to be identified, as a means to focus the EFH protection efforts.

- There are areas of EFH that are significant because of their ecological significance, rarity, sensitivity, or because they are threatened by human activities.
- Because this is a concept contained in NMFS's EFH regulations, the councils and NMFS are familiar with it and have identified many HAPCs.
- The proposal will place greater emphasis on HAPCs but does not serve to exclude any EFH from future protection.

\* I also strongly recommend sections of HR 2570 that concern the impact of fishing gear on habitat:

- the required evaluation of the potential impacts of any new types of gear prior to their introduction
- the proof that gear will not damage an area before it is allowed to be used in that area
- the establishment of a program to identify new, less damaging gear for all areas and fund its introduction

## **Bycatch**

### **Comments and Suggestions:**

\* This section of your draft reflects your recognition of bycatch as a serious problem.

- I commend the inclusion of birds in the definition of bycatch.
- Stating a deadline, as you have done, for the Councils to report bycatch is very important, however,

§ giving the councils a chance to explain why they can not develop such

systems may create an unforeseen, exploitable loophole.

- I recommend you include certain provisions from my bill, such as:
  - § requiring the councils to annually reduce bycatch
  - § requiring annual reports on the progress being made in reducing bycatch and
  - § creating incentives for the reduction of bycatch.
- In this way, we can be sure that beyond the initial reporting of the bycatch situation, the councils would be held accountable each and every year and would be required to act on the information they have gained.

## **Observers**

### **Comments and Suggestions:**

- \* I do not agree that we need to study the need for observers. We know we need them.
- \* It is undeniably clear that there exists a great need to collect data on:
  - bycatch, discards and the impacts that certain types of fishing are having on essential fish habitat.
  - This data is the best way to prioritize the Essential Fish Habitat of most concern.
  - Observers are an effective means by which to do this.
- \* As I wrote in the Fisheries Recovery Act, I strongly recommend that observer coverage be required in each and every fishery until we collect statistically significant data on bycatch, discards and habitat impacts.
  - Observer data are absolutely essential for getting the information on the growth, reproduction, and survival rate of species.
  - Observer data will enable managers to accurately determine catch rates and set correct quotas.
- \* Many fishermen with whom I have spoken oppose observers largely because of the cost of observer coverage.
  - I've proposed funding of observer coverage with money from the Saltonstall-Kennedy Act, matched with a percentage landing fee that does not disproportionately impact smaller-scale fishermen.

## **Ecosystem-based Management**

### **Comments and Suggestions:**

- \* I know that you and I share the belief that this may be one of the most important policies that could come out of the Magnuson reauthorization.
- \* We are making headway and we need to keep pushing this.
  - I am, however, concerned that the language in your draft will allow the councils to extend indefinitely the process of implementing ecosystem-based management plans.
- \* For that reason, I believe that this section should go beyond supporting and encouraging ecosystem-based fisheries management.
- \* We need to mandate the requirement that the councils rapidly develop fisheries ecosystems plans for every major fishery within their jurisdiction.
  - I believe that many of the data that you are requesting be gathered prior to the implementation of ecosystem-based management are largely available now for a number of systems.
  - I think we can expect NMFS to define the criteria for ecosystem-based management in, at most, two years.
  - Two years after the development of the NMFS criteria, the councils should be required to develop fisheries ecosystem plans and then make sure that their fisheries management plans are consistent with the ecosystem plans.
  - I absolutely believe that it must be required, from the very date of enactment of this legislation, that no fishery be allowed to expand unless a complete fisheries ecosystem plan is established and standards are determined that will protect the underlying marine ecosystems.

The bottom line, Mr. Chairman, is that people have been talking about ecosystem-based management for decades. It is time to time to, and we are able to, move beyond talk and require action.

## **Overfishing**

### **Comments and Suggestions:**

- \* Defining overfished refer as only stocks that are below the natural range of fluctuation associated with the production of the maximum sustainable yield is a complicating factor that might be used by the industry to block action on rebuilding stocks.

- I recommend that this provision be dropped.
- \* I do suggest language from HR 2570 that amends the definition of conservation and management to require the inclusion of a margin of safety to guard against scientific uncertainty.

## **Cooperative Research**

### Comments and Suggestions:

- \* I join you in strongly supporting cooperative research. Any effort or money put towards the development of cooperative research programs is a win-win proposition.
  - I hope you will look to the section on cooperative research in HR 2570 as you develop your recommendations.
  - I know that fishermen in my district and around the country are enthusiastic about cooperative research and support proposals included in my bill.
- \* I want to draw your attention particularly to two aspects of this issue:
  - It taps into the creativity and natural knowledge of fishermen by providing financial incentives to the development and use of fishing gear and practices that limit bycatch and minimize habitat damage.
  - It proposes and funds this program with money from the Saltonstall-Kennedy program.
    - \* Currently, the vast majority, approximately \$70 million of the money collected for this program is used to offset NOAA's operating budget. My proposal would redirect that money to programs that are more directly linked to fisheries management, such as cooperative research and observers.

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## **Overcapacity reduction**

I strongly support your efforts to tackle the problem of overcapacity initially through buy-outs. We are very close to adopting this policy to help reduce the pressure on groundfish along the West Coast.

In closing, I recognize, Mr. Chairman, that all issues in fisheries management would benefit from more study. However, we already have sufficient information to move forward on a number of problems. I hope the final version of this bill will mandate clear action, first, using the data we

already have and then, definite actions following the collection of additional data. We need action now to promote the long-term economic and ecological sustainability of our nation's fisheries and fishing culture.

Thank you very much.

S/ Sam Farr – Member of Congress