

Testimony of

PHILIP ANDERSON
SPECIAL ASSISTANT, INTERGOVERNMENTAL POLICY
WASHINGTON DEPARTMENT OF FISH AND WILDLIFE

Concerning

REAUTHORIZATION OF THE MAGNUSON-STEVENSON
FISHERY CONSERVATION AND MANAGEMENT ACT

Before the

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

U.S. SENATE

January 19, 2000
Seattle, Washington

Good morning. My name is Philip Anderson. I am the Special Assistant to the Director of the Washington Department of Fish and Wildlife. Thank you for the opportunity to speak to you today and present the views of the Washington Department of Fish and Wildlife relative to the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act. The Department's perspective is based upon its participation in both the Pacific Fishery Management Council and the North Pacific Fishery Management Council.

Sustainable Fisheries Act Implementation

Substantial redirection and changed emphasis occurred when the Sustainable Fisheries Act was adopted in 1996 and incorporated into the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) of 1976. Two decades of management experience and new science were captured by this new legislation. The Magnuson-Stevens Act has been aggressively implemented by the two regional councils in response to this congressional intent for reform and more precautionary management. Although actions taken now may not show results for some time, a new course has been set by both councils. To maintain this course will require continued support by Congress for the council process and commitment of the coastal states in partnership with the National Marine Fisheries Service (NMFS). The Washington Department of Fish and Wildlife is committed to the council process and our partnerships with NMFS and the other coastal states.

Expanding Council Management Tools

It is important that the councils have available to them all management tools that are reasonable and consistent with the mandates of the Magnuson-Stevens Act and the National Standard Guidelines incorporated within the Act. There is no single management action that can solve all resource management problems; however, with more tools available, the chances of success increase. Therefore, Congress should make the following management tools available to all of the regional councils:

Individual Fishing Quotas - The Congressional moratorium regarding individual fishing quotas (IFQs) is scheduled to sunset on October 1, 2000. The report requested by Congress has been completed by the National Research Council. The report finds that IFQs should be included in the management toolbox of the councils with due consideration to avoid mistakes and unintended consequences of the past. *It is recommended that the IFQ moratorium be allowed to sunset.*

Authority to Assess Fishers for Fishery Data Collection - Within the realm of the Pacific Council, there is a need to improve fishery performance monitoring capabilities. There is a need for a comprehensive onboard observer program to document bycatch that is not retained. Such a program can be funded by the federal government or the fishing industry, or a combination of the two. Currently, the federal government does not seem willing to pay for such a program and we are concerned about the fishers' ability to pay fees to support an observer program unless this cost is distributed equitably throughout the fleet. Only the North Pacific Council is now authorized to collect fees and establish a fund to cover the costs of a mandated observer program. *It is recommended that Section 313 of the M-S Act be expanded to include the Pacific Fishery Management Council.* This recommendation is consistent with the Council Chairmen's recommendations in that it would be regional and dedicated

for a specific purpose.

Insufficient NMFS Administrative and Management Funds

NMFS deserves credit for their efforts to be responsive to the new direction established by the Magnuson-Stevens Act in 1996. It is a fact, however, that commitment alone does not get the job done. Regardless of how lean and mean the management machines is, sufficient resources must still be provided to get the job done. That is not now occurring. There are numerous examples within the Pacific and North Pacific council realms where resource management plan adoption and amendment recommendations are not being timely approved and implementing regulations are not timely adopted by the Secretary of Commerce due to lack of apparent administrative support being available within NMFS. If requested to comment on the NMFS fiscal year 2001 budget, I believe the PFMC and NPFMC could provide specific recommendations to assist Congress in alleviating this problem. This problem has also been exacerbated by a likely unintended consequence of an administrative change made by the Magnuson-Stevens Act.

Reviewing/approving regulations. - Sections 304(a) and (b) were amended by the SFA to separate the actions of reviewing and approving plans and amendments from the actions of reviewing and approving implementing regulations. These actions now occur on separate tracks, not concurrently. This action has substantially lengthened the time from council recommended action to final implementation. The option to allow disapproval or partial disapproval of an amendment within the first 15 days of transmission was deleted from Section 304(a). *It is recommended that the original FCMA language be adopted which will allow concurrent approval of plans and amendments as well as regulations and will provide for the initial 15 day disapproval process.* This recommendation, coupled with increased administrative support, is judged to greatly improve the timely approval and adoption of council management recommendations.

Increase frequency of PFMC groundfish trawl surveys

The SFA brought conservation of marine resources to center stage and made it the highest priority for Regional Management Councils. The first formal groundfish population model was presented to the Council in 1983, and three-fourths of the 83 species covered by the management plan still lack a formal assessment. Groundfish trawl surveys are conducted at three year intervals and even those surveys have been at risk in recent years due to ship availability and inadequate funding. The lack of stock assessments and three year intervals in trawl surveys have played a large role in the failure of our management to detect the decline of many species on the west coast. Absent additional resources being made available to NMFS, the Council will continue to fail in its efforts to manage groundfish stocks responsibly and additional stocks will almost certainly decline into an overfished condition. *Recommendation: Congress should provide NMFS with the necessary resource to meet the west coast marine fish management challenges.*

Summary

In summary, fundamental change was made to the FCMA with the adoption of the SFA in 1996. With one exception, my recommendations can best be characterized as “house keeping” proposals that fine tune changes begun in 1996. The exception, of course, is the recommendation to allow the IFQ moratorium to sunset. The fisheries must be rationalized. The Olympic style race-for-fish fisheries for all species must be curtailed. All viable management tools must be made available to the councils and NMFS to accomplish this goal. The councils should once again be allowed to consider a IFQ system where and when it is appropriate.

Although not likely an intent of Congress, it is now obvious that the fundamental changes made by the SFA of 1996 did result, in part, in an unfunded Congressional mandate. Increased fiscal support and continued oversight by Congress is necessary to stay the course.

This concludes my testimony. Thank you for the opportunity to discuss the implementation of the Magnuson-Stevens Act and its reauthorization. I am prepared to respond to any questions you may now have.