WRITTEN TESTIMONY BY
LINDA BEHNKEN,
PRESIDENT, HALIBUT COALITON AND
EXECUTIVE DIRECTOR, ALASKA LONGLINE FISHERMEN'S ASSOCIATION

HEARING ON MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

BEFORE THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD U.S. SENATE

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Introduction

Good afternoon Chairman Sullivan and members of the Committee. I appreciate this opportunity to speak with you about the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act, which has enjoyed notable success here in Alaska. I would like to start by thanking Senator Sullivan for his leadership on fisheries and ocean issues. In addition to legislation such as the Save Our Seas Act and the IUU Fishing Enforcement Act, we greatly appreciate his introduction of the Young Fishermen's Development Act (S. 1323).

My name is Linda Behnken and I am the President of the Halibut Coalition which represents thirteen commercial fishing groups and 400 individuals involved with the Alaska halibut fishery. I also serve as one of the three U.S. Commissioners to the International Pacific Halibut Commission (IPHC) and served on the North Pacific Fishery Management Council (Council) for nine years. In addition, I am the Executive Director of the Alaska Longline Fishermen's Association (ALFA), which is a member of the Halibut Coalition, the Fishing Community Coalition and the Marine Fish Conservation Network. I am representing the Halibut Coalition and ALFA with my testimony today.

I have fished commercially for over 30 years and currently fish with my family out of Sitka. We longline for halibut and black cod and troll for salmon from our 38-foot boat. Commercial fishing supports our family and provides the economic mainstay of Sitka's economy. In 2015,

Sitka was ranked 15th of all U.S. fishing ports in terms of dollar value of commercial landings. There are more than 500 commercial fishing vessels in our island community of 9,000 residents, with approximately 1/3 of the population directly involved in catching or processing fish and virtually every business in the community benefitting from commercial fishing.[1]

Alaska's commercial groundfish and halibut fisheries are widely considered to be among the best-managed fisheries in the world.[2] Each year, more than 1,100 vessels ranging in size from small skiffs to 300-foot catcher processors conduct more than 13,000 fishing trips in Alaska to harvest more than 2 million tons of groundfish and halibut. The North Pacific Council and the IPHC have a successful record for responsible stewardship that is founded on scientifically based stock assessments generating annual catch limits. The National Marine Fisheries Service (NMFS) ensures that these fisheries adhere to catch limits by using in-season, fishery dependent data from vessels and processing plants.[3] Commercial fleets abide by scientifically established catch limits even when those limits cause short term economic pain. Both fishermen and managers understand that in the long run no one wins if the resource loses. We are proud of this legacy, and committed to further improvement in the fishery management process.

Before I get into specific issues, I would like to give my overall view on the Magnuson-Stevens Act re-authorization process. In Alaska, and in the other regions around the country, the Act is working, and I would suggest that any changes to it be guided by a commitment to conservation. The Halibut Coalition firmly support the conservation provisions in the Act, including rebuilding requirements, bycatch provisions and habitat protections. While with this testimony I will ask that this Committee strengthen the Act and the implementation of the Act to support community-based fishermen, we firmly believe that maintaining productive fisheries through resource conservation is step one in that process.

Maintain Strong Resource Conservation Measures

Alaska's commercial fisheries are a critical and sustainable source of employment, income, and cultural identity. A $6 billion-dollar industry employing over 30,000 people, fisheries have been the economic engine of Alaska's coastal communities for over a century. Commercial fishing uniquely allows self-sufficient people, businesses, and communities to flourish in places where other economic opportunity is scarce. Alaskans want — and in many places, need — access to sustainable, vibrant fisheries. Once fishing jobs are lost, families must relocate to seek employment elsewhere. Working with fishermen from outside Alaska, I see the same dependence in the rural areas of Maine, Oregon, and North Carolina— in fact, all around our

[1] http://www.ufafish.org/wp-content/uploads/2017/01/28.-Sitka-2015-v6.1.pdf

[2] Fissel et al. 2014; https://www.afsc.noaa.gov/refm/docs/2014/economic.pdf

[3] http://www.npfmc.org/wp-content/PDFdocuments/resources/SpeciesProfiles2015.pdf

country. Losing access means losing a way of life and, ultimately, losing community. Alaska, and the rest of the country, cannot afford to lose these jobs, these small businesses, or these coastal communities.

And yet, efforts to weaken MSA stock rebuilding requirements do not protect coastal fishing communities in the long run—fishing communities can neither thrive nor survive without fish. Overfishing is not "modern" and "flexibility" should not be code for overfishing. Although rebuilding requirements have imposed a measure of short-term economic pain, the requirements have also contributed to restoring more than 40 overfished stocks to healthy, sustainable levels since 2000. Rebuilding these stocks has had significant ecological and socioeconomic benefit, including an 18% increase in the value of commercially landed seafood nation-wide between 2005 and 2014 (adjusted for inflation).[4] Current language in the Act allows exceptions to the 10 year rebuilding timeline and allows managers to tailor rebuilding plans to a fish stock's specific biological and ecological needs. In practice, the average time period in rebuilding plans is almost 20 years.[5] In short, the Act provides reasonable flexibility while still prioritizing resource health and we firmly support that balance and mandate.

Rebuilding fish populations benefits not only fish and fishermen, but also those who are part of the larger seafood economy, including the chefs, restaurants, retailers, and other seafood businesses that rely on a steady supply of seafood. As U.S. consumers increasingly demand sustainably managed and caught seafood, the conservation requirements of the MSA are a win for both business owners and their customers. In 2014, U.S. consumers spent an estimated $91.7 billion for fishery products, $61.4 billion of which went to restaurant and other food service establishments.[6]

The benefits of ending overfishing and rebuilding overfished populations are far-reaching, and the costs of delaying rebuilding are significant. In 2011, the National Oceanic and Atmospheric Administration (NOAA) estimated that rebuilding all U.S. fish stocks would generate an additional $31 billion in sales, support an additional 500,000 jobs, and increase the revenue that fishermen receive at the dock by 2.2 billion dollars.[7]

I would emphasize that successful rebuilding of a fishery resource, and sustainable management more generally, demands well-funded stock assessment, accurate catch accounting across all

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[4] NOAA Fisheries, "Fisheries Economics of the United States 2014; https://www.st.nmfs.noaa.gov/Assets/economics/publications/FEUS/FEUS-2014/Report-and-chapters/FEUS-2014-FINAL-v5.pdf

[5] NRDC, "Bringing Back the Fish," 2013

[6] NOAA Fisheries, "Fisheries of the United States2014; http://www.st.nmfs.noaa.gov/Assets/commercial/fus/fus14/documents/FUS2014.pdf

[7] Eric Schwaab, Assistant Administrator, National Marine Fisheries Service, "Written Statement on Eight Bills That Would Amend the Magnuson-Stevens Fishery Conservation and Management Act before the House Committee on Natural Resources," December 1, 2011, www.legislative.noaa.gov/Testimony/Schwaab120111.pdf.

sectors, and a commitment from all sectors to share in conserving the resource. In Alaska, we spent 15 years grappling with the conundrum of a rapidly increasing charter or guided sport halibut harvest juxtaposed on a rapidly declining halibut resource. After Alaska's commercial halibut fishermen took a 50 to 76% reduction in their individual quotas, the courts ruled in favor of shared conservation and a rational halibut management plan that bases annual catch limits for both commercial and guided sport sectors on resource abundance. I understand from fishermen in other areas that Alaska is not alone in confronting recreational allocation overages—the Gulf snapper battles are legendary, and in the Gulf of Maine the recreational sector exceeded its cod allocation last year by 92%. Again—there is no future for any sector if one sector continues to overfish or exceed resource allocations. All sectors must conserve in times of low abundance. Of course, catch accounting across all sectors must also be accurate and allocation management effective. With this in mind, the Coalition respectfully asks Congress remain committed to sustainable fisheries management that holds all sectors accountable for catch, and that efforts to exempt certain fisheries or sectors from MSA mandates be rejected**.**

Support Young Fishermen and Community-based Fisheries

Even as we recognize these successes and recommit to healthy fisheries, our Coalition maintains that more needs to be done to address the challenges faced by independent fishermen and coastal fishing communities. Young people face daunting obstacles to entering and being successful in today's fisheries. Limited access programs have raised costs and reduced fleet size, Council analysis quantifies economic returns but struggles to capture social and cultural values, and regulations designed for industrial fisheries are unworkable on small family operations. And yet, fishing is the life blood of coastal Alaska and of coastal communities around the nation, and neither our state nor our nation can afford to lose these jobs and this economic driver. Strong, resilient and profitable fisheries and fishing communities must be a goal of this reauthorization. Congress has established National Standards and guidelines that highlight the importance of small fishing businesses and coastal communities, but we have not yet realized the promise of these mandates.

Too few fishermen

Prior to the implementation of limited access programs, young people needed a boat, some fishing gear, and a sense of adventure to get started in the fishing business. Today young fishermen face staggering entry level costs and a level of risk that is equivalent to buying a starter hotel, instead of a starter house, as the first step in home-ownership. These costs, along with the nation-wide focus on reducing the size of fishing fleets, has created a crisis in rural fishing communities. Using Alaska as an example: since 1995, when the Alaska halibut/sablefish individual fishing quota program was implemented, the number of vessels participating in Alaska's halibut and sablefish fisheries has dropped by over 50%, with most of that loss coming

from rural communities.[8] Reductions in the Bering Sea crab fleet were even more dramatic and happened far more quickly. Reduced fleet size means less job on boats, less jobs in support sectors and less product delivered to smaller more remote ports—in short, socioeconomic bankruptcy for isolated communities.

Experience has established that the conservation and management benefits associated with limited access can be achieved with limited consolidation of the fleet and limited consolidation of access privileges. With a rational framework for fishing that eliminates the race for fish, a healthy resource can support a relatively large fleet, which in turn supports harvesting and support sector jobs and coastal economies. On a national level, more emphasis needs to be placed on the fishery management goal of healthy fishing fleets supporting thriving fishing communities. From our perspective, the emphasis on reducing fleet size has overshot what is best for our fishing communities and ultimately our Nation. In addressing the Limited Access Provisions in the Act, we ask that the Committee refocus directives on supporting, rather than reducing coastal fishing fleets.

Balancing National Standards

Congress recognized the importance of community-based fishing fleets and fishery dependent communities in National Standard 8 and in the Limited Access Privilege Provisions. When the Act was last reauthorized, Congress added requirements for cumulative socioeconomic impact assessments. In practice, we find that when National Standards 8 or 9 conflict with National Standard 1, the scales are tipped toward National Standard 1 and economic returns rather than toward National Standard 8 and providing for fishery dependent communities. Not surprisingly, the council analytical system is far better at quantifying economic impact than at capturing cultural value and socioeconomic dependence. As a result, these social values do not drive council decision-making.

To provide another example from Alaska, three years ago, the stage was set for the traditional halibut fishermen of the Pribilof Islands to be shut down while groundfish fisheries took all the available halibut resource as bycatch immediately off the coast of these isolated Bering Sea islands. This unacceptable situation was caused by the mismatch of a dramatically declining abundance of halibut in the Bering Sea, generally static trawl bycatch caps, and a management process that awards available halibut resource to bycatch uses as a priority over the directed fishery.[9] In response, the North Pacific Council initiated action to reduce bycatch caps and launched an analysis. The analysis assumed a bycatch cap reduction would result in forgone groundfish harvest and quantified the potential economic cost, but quantifying the socioeconomic and cultural dependence of Bering Sea communities on the halibut resource was beyond the scope of the analysis and largely missed.

[8] https://www.npfmc.org/wp-content/PDFdocuments/halibut/IFQProgramReview-ExecSum_1216.pdf

[9] The IPHC does not control bycatch in the groundfish fisheries, hence estimated or forecast bycatch is annually deducted from the available halibut harvest before catch limits for the directed halibut fisheries are set.

As you know, the Pribilof Islands are surrounded by the Bering Sea; the 75 square miles of land are occupied by less than 600 people and lie approximately 200 sea miles from the closest land. A fisherman who cannot fish has very few alternative economic opportunities, and the family dependent on that fishermen likewise has few options. And yet this extreme dependence, as well as the importance of this fishery to other Bering Sea halibut fishermen, was largely missed in the Council's analysis. The Council adopted a moderate reduction that left the traditional fishermen at great risk. Thanks to the voluntary bycatch reductions achieved by the flatfish trawl fleet, the Pribilof fishermen were able to harvest a modest amount of halibut, but their future is still in jeopardy. The Council is currently considering an abundance-based bycatch management amendment, but we are concerned that this analysis will once again fall short of capturing the cultural importance and socioeconomic dependence of the Bering Sea fishing community on the halibut resource. We believe the management process on a national level would be significantly strengthened by more robust socioeconomic analysis, and that the future of our coastal fishermen depends on it.

In reauthorizing MSA, we request that the Committee emphasize the necessity of collecting robust socioeconomic data and performing comprehensive socioeconomic analysis. We also ask that you provide guidance regarding competing objectives and standards, and that heightened importance be placed on National Standard 8.

At-sea monitoring and electronic monitoring

Promoting and sustaining the access of community based fishermen also demands regulations be designed to work on small boats. Commercial fishermen operate in a highly-regulated environment, and one that seems increasingly challenging to small businesses. At-sea catch monitoring provides a good example.

The North Pacific has an industry funded observer program that was restructured in 2013. Among other changes, the restructured observer program expanded coverage to include the halibut fleet and sablefish vessels under 60 feet in length. NMFS clarified that the agency's "primary monitoring need" for the halibut/sablefish fleet was "total catch composition and species discards, to complement the existing IPHC dockside monitoring program."[10]

Small boats represent 90% of the vessels directly regulated under the restructured observer program, and placing human observers on these vessels presents special problems. Living space on small boats is cramped at best. Fishermen, fisher women, and fishing families spend months living in a space that is roughly equivalent in size to a station wagon. Fishing time is weather-dependent, and boats can wait in town for weeks for fishable weather. Few boats have an extra bunk to offer an observer, and almost none can provide privacy. Observers need space for their

[10] http://alaskafisheries.noaa.gov/npfmc/PDFdocuments/conservation_issues/Observer/311_OACreport.pdf

sampling equipment and room to work both on deck and in cramped living quarters. In sum, human observers impose costs, safety issues, disruptions for small fishing boats and their crews.

In contrast, electronic monitoring systems (EM) collect necessary data without any of these issues. An EM unit sits idle while the boat waits for safe fishing weather, requiring neither a hotel nor food. EM units do not get seasick, they do not need bunk space, nor are they precluded from working on deck by safety concerns during particularly rough weather.[11] Vessel owners do not have to buy additional safety equipment or purchase liability insurance for EM units. EM automatically turns on when a boat sets or hauls gear, providing an accurate and re-creatable record of catch. In short, EM is the small boat solution to at-sea monitoring and an essential alternative where at sea monitoring of catch is required.

We suggest that Congress direct NMFS to work with the councils and stakeholders to develop catch monitoring programs that are: 1) cost effective, 2) fleet compatible, and 3) designed to meet management objectives specific to the fishery. Where small boats are involved, we believe an EM alternative is imperative. When EM is incorporated, regions should clarify whether the primary use of the technology is catch accounting or compliance/enforcement. When a program is designed to support catch accounting, EM data storage requirements should not exceed one year. Storage beyond one year is unnecessary for catch accounting purposes, since catch information annually informs the following year's quota setting process, but significantly increases costs. If catch accounting is the primary purpose of the program, then any compliance/enforcement function associated with the program should be designed to occur within the one-year time frame.

Finally, as Councils evaluate how to restructure at-sea monitoring programs and develop options appropriate for coastal fishermen, stable-supplemental funding to assist Councils through the process is critical for success. To facilitate planning, we suggest that each Council develop and submit for review a transition work plan that identifies priority species for at-sea monitoring, target coverage levels, target funding sources, and a timeline for implementation. It should be recognized from the start that evaluating and improving at-sea monitoring is an iterative and evolving process demanding periodic updating to reflect evolving program goals and timelines. Including target coverage levels and potential funding sources will aid in identifying supplemental funding needs. To ensure transparency and stakeholder acceptance, these documents should be developed using the Council process and should not be internal NMFS documents.

All stakeholders benefit from good at-sea monitoring data through improved stock assessments and reliable catch accounting. Given the magnitude of guided sport catch in many parts of the

[11] http://www.afsc.noaa.gov/Publications/AFSC-TM/NOAA-TM-AFSC-213.pdf. *See* page 54.

country, the Halibut Coalition recommends the Committee consider extending at-sea monitoring requirements to this segment of the recreational sector. EM systems are likely the appropriate tool to consider for guided sport boats, but a catch monitoring system should be designed with the full engagement of the guided sport operators. As is the case with our small boat sector, cost effectiveness and operational compatibility are critical to securing quality data while minimizing cost.

Summary

To summarize, the Halibut Coalition recognizes that the MSA created a successful management structure for our Nation's fisheries and that we have benefited from that success in the North Pacific. The heightened emphasis on resource rebuilding that was central to the last reauthorization is still essential to long-term resource health and we ask that Congress recommit to conservation goals. We believe that effective, comprehensive and well supported application of MSA requirements across all sectors is essential. Comprehensive stock assessment, representative catch monitoring and accurate catch accounting across all sectors should be a goal of this reauthorization.

We ask that the Committee also recognize and address the significant challenges faced by young fishermen and the growing impact to rural communities of lost fishing access. Decision-makers would benefit from more robust socioeconomic analysis that captures cultural importance and community dependence on fisheries. Coastal fishing communities need relatively large fleets that provide jobs, revenue and long-term viability. Young fishermen need entry-level opportunities, sustained access, and a regulatory system that accommodates the scale of their operations. We urge the Committee to consider amendments that improve socioeconomic data collection, and direct NMFS to work closely with stakeholders to design cost effective and fleet compatible regulations; for example, including EM as an alternative to observers. Finally, we urge the Committee to help our fishery dependent communities realize the promise of National Standard 8—not by compromising resource health but by heightening the importance of coastal residents' access to local fisheries and effectively providing for that access.

Again, thank you for this opportunity to testify.