



January 31, 2018

The Honorable Dan Sullivan
702 Hart Senate Office Building
Washington, DC 20510

Dear Senator Sullivan,

We, the undersigned members of the National Coalition for Fishing Communities, support a reauthorization of the Magnuson-Stevens Act (MSA) that allows for both sustainable fisheries management, and the long-term preservation of our nation's fishing communities. We believe that Congress can meet these goals by allowing for more flexibility in management, eliminating arbitrary rebuilding timelines, and other reforms that better take into account the complex challenges facing commercial fishermen.

Providing flexibility should be a primary goal of MSA reauthorization. The concept of flexibility is supported by the National Marine Fisheries Service and the Council Coordinating Committee; it is time Congress makes it a requirement of MSA. The addition of provisions to increase flexibility with respect to stock rebuilding would improve the ability of Regional Fishery Management Councils (RFMCs) to achieve management objectives ***without compromising conservation objectives***. Flexibility is necessary for Councils to better address the unique and often-changing circumstances that arise between fish stocks, fishing sectors, fishing communities, and regional ecosystems.

Maximizing flexibility without compromising conservation can be accomplished. **Eliminating the 10-year time requirement for rebuilding fisheries and replacing it with a biologically-based time frame is essential and allowing the RFMCs to determine the optimal path and duration to stock rebuilding is imperative.**

The 10-year rebuilding requirement has long been considered arbitrary. The National Academy of Science in their 2013 report titled "Evaluating the Effectiveness of Fish Stock Rebuilding Plans in the U.S." concluded that ten years is indeed arbitrary given the vast differences in habitat, life history, and environmental conditions for fish stocks around the nation. It is therefore time to replace this requirement with a more scientifically-valid life-history based metric.

In addition to eliminating the 10-year requirement, a **rebuilding plan should take into account environmental factors and predator/prey relationships; require a schedule for reviewing rebuilding targets and progress being made towards those targets; and allow consideration of alternative rebuilding strategies including harvest control rules and fishing mortality rate targets.** These provisions should be consistent with the best available science and other requirements of the MSA.

To make the above changes meaningful we strongly suggest **changing language in Section 304 of the Act from “possible” to “practicable”** in terms of rebuilding periods. The intent of this change is **not** to compromise or weaken the effectiveness of the MSA, but rather to help better fulfill one of the fundamental and original goals of the Act, emphasized in National Standard 1 – *to prevent overfishing while achieving, on a continuing basis the optimum yield from each fishery*. Changing the terminology from “possible” to “practicable” would provide RFMCs with much-needed flexibility and the option to choose between several rebuilding scenarios to achieve specified conservation and management objectives, not just the shortest and, quite often, most harmful to fishing communities.

We support **modifying requirements for annual catch limits (ACLs) to allow RFMCs to consider ecosystem changes and the needs of fishing communities when establishing ACLs**. In light of changing environmental conditions, and the role of the environment in fisheries recruitment, these considerations certainly make scientific and common sense.

We also support **adding language to allow ACLs for multispecies stocks/complexes to be set for multiple years** to help add consistency to the management system. We believe flexibility should be provided to establish multiyear periods in which an overall catch limit could be set, but annual harvest could fluctuate based on fishing conditions. If the best available science and the management/monitoring systems can support this approach, we see no reason to specify that harvest levels must be set each and every year.

We support **defining the term “overfishing” and changing the term “overfished” to “depleted”** throughout the Act. This is a simple yet very important change that will allow the Secretary to more accurately characterize stock condition not based solely on fishing mortality. The term “overfished” is perceived negatively and can unfairly implicate the industry for stock conditions resulting from other factors.

We support **requiring timely decisions by the Secretary when fishery disasters are formally requested by the Governor of an affected State**. Currently, there are no requirements for the Secretary to act on fishery disaster requests in a timely manner, thus allowing them to languish in the system. The addition of language to require a decision within 90 days after receiving an estimate of the economic impacts of the disaster from the entity requesting relief seems like a reasonable solution to this problem.

We support maintaining the requirement for a transparent, permit-holder referendum process before any new Catch Share program can be implemented in the Northeast, Mid-Atlantic, South Atlantic and Gulf of Mexico regions. Fisheries in these regions are constantly under threat of IFQ's and sectors, driven in large part by nongovernmental organizations who are providing funding to a few industry groups who do not represent a large portion of the commercial fishing industry. **We support adding a comprehensive definition of the term “catch share” to the Act**. H.R. 200 proposes language to define a “catch share” as *any fishery management program that allocates a specific percentage of the total allowable catch for a fishery, or a specific fishing area, to an individual, cooperative, community, processor, representative of a commercial sector, or regional fishery association established in accordance with section 303A(c)(4), or other entity*.

We strongly support the inclusion of language that will ensure consistent fisheries management under competing federal statutes, including the National Marine

Sanctuaries Act of 1972, the Antiquities Act of 1906, and the Endangered Species Act of 1973 (ESA) – **with specific acknowledgement that the MSA is to be the controlling federal statute.** If restrictions on the management of fish in the U.S. EEZ are required as a result of an ESA recovery plan – to address fisheries management in a marine monument or national marine sanctuary – the restrictions should be developed and implemented under the MSA. Our intent is not to undermine or circumvent these other laws but instead, to apply a proven, successful and transparent public process to ensure consistent fisheries management decision-making.

It is critical to ensure that all sectors of a federal fishery are held accountable for their impact on fisheries resources and be subject to the same Federal standards for conservation and management. We cannot support provisions that might allow the private recreational angling sector to circumvent any fisheries management requirements of the MSA. Any efforts to subvert the conservation accountability standards set forth in the MSA by exempting certain stakeholders from the important accountability measures associated with Federal fisheries management should be strongly opposed.

The United States fishing industry – fishermen, processors, and their communities – understands that sustainability is the key to long-term success. There is no group that depends on the future of our living marine resources more than those who make their livelihoods from the ocean. From its beginning, the MSA has conserved, rebuilt, and sustained our nation’s marine resources. Our recommendations for changes to the already effective MSA framework will allow us to better protect the people and communities that rely upon healthy and abundant fisheries.

Respectfully submitted,

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