

**Testimony of the Interstate Marine Fisheries Commissions
On the Reauthorization of the Inter-Jurisdictional Fisheries Act
Senate Committee on Commerce, Science, & Transportation
March 13, 2013**

The Pacific States Marine Fisheries Commission, the Atlantic States Marine Fisheries Commission, and the Gulf States Marine Fisheries Commission strongly support the reauthorization of the Inter-Jurisdictional Fisheries Act.

The Commissions and the twenty seven coastal states they represent also strongly oppose the Administration's proposal to terminate IJFA funding and reduce the Councils/Commissions funding line item within the Commerce, Science, Justice Appropriations Act for Fiscal Year 2013.

Background

The President's Fiscal Year 2013 Budget Request proposes to terminate the Inter Jurisdictional Fisheries Act ("IJFA") Grants to States program. The IJFA was established by Congress to promote and encourage state activities in support of the management of inter-jurisdictional fishery resources throughout their range. Funding under the IJFA supports the monitoring and assessment programs of the States and Interstate Commissions, as well as funding for research that gauge the health of commercially and recreationally important fish stocks. The IJFA is a matching grant program. Funds received by the States must be matched on a dollar-for-dollar basis. This is a classic example of an effective and affordable federal/state partnership for the management of near shore fisheries with inter-jurisdictional boundaries. The Administration used its discretion to allocate "unspecified reductions" within the 2012 NOAA Spend Plan to eliminate the IJFA grants for 2012. The Congress is currently debating the Commerce-Justice-Science appropriations for Fiscal Year 2013, as part of the Continuing Resolution. The Conferees have restored the IJFA program to \$2 million. The Interstate Marine Fisheries Commissions strongly support this action.

NOAA is currently going through a painful process of reducing its budget to conform to the Sequestration budget targets. **In an era of declining budgets, programs such as the IJFA that approach a dollar-for-dollar match should be fostered because they maximize the financial resources available for marine conservation and management. Authorizing and appropriating \$2.5 million annually for the IJFA results in an equal financial commitment from the States.**

The President's Budget also calls for \$27,349,000 for the Regional Councils and Commissions in Fiscal Year 2013, a reduction of roughly \$4.5 million over the levels enacted in FY '12. The Regional Councils are the workhorses of the Federal regulatory process for marine fisheries. Each Council is working to revise the fishery management plans under its jurisdiction to end overfishing and rebuild fish stocks. The ability of the Councils and

Commissions to fulfill their statutory mandates will be severely hampered by the proposed cutbacks. As part of the Continuing Resolution, the Conferees have proposed an appropriation of \$31, 555,000 for the Councils/Commissions line item. The Interstate Marine Fisheries Commissions strongly support this level of funding.

Potential Impact

The proposed elimination of the IJFA Program and the proposed cuts in the “Councils and Commissions” line item would result in a severe curtailment and/or elimination of many fishery conservation and management activities currently being administered by the States and Interstate Marine Fisheries Commissions. The following is a brief synopsis of these activities by region.

Pacific Region

IJFA funds are used by the Pacific States Marine Fisheries Commission (“PSMFC”) to coordinate the Tri-State Dungeness Crab Fishery. With a landings value in 2011 of over \$185 million, Dungeness Crab is the most valuable crab fishery in the U.S. It is managed on an inter-jurisdictional basis with funding from the IJFA. This was a federal fishery delegated to the States of Washington, Oregon, and California for management under the Magnuson-Stevens Act because it was deemed to be more efficient to use the States’ landing laws as an enforcement mechanism to regulate fishing activity. If funding for this management regime ceases, NOAA will be forced to take the fishery back to the Pacific Fishery Management Council to develop a new fishery management plan at a time when the House and the President are also proposing to cut back Council funding. Any savings hoped to be achieved in eliminating the IJFA grants will be lost to the costs of this new program.

PSMFC and the West Coast states also use their IJFA matching grants to engage in a wide range of other activities, including the conduct of rockfish surveys and tagging projects on the West Coast; management of the Pink Shrimp Fishery; management of the coastal pelagic species fisheries (Pacific Sardines, Pacific Mackerel, and Jack Mackerel account for 86,000 tons of commercial catch in California); research on the abundance and migratory patterns of steelhead on the Snake River; spawning and catch sampling of Pink, Chum, and Coho in Southeast Alaska; and conservation of coastal cutthroat trout (an ESA listed species); technical support for the U.S.-Canada Groundfish Committee, which is tasked with inter-jurisdictional management cooperation for groundfish that border both nations; and the planning and prevention of such invasive species as Quagga and Zebra Mussels from entering the West Coast river systems. These management activities will either cease or be severely curtailed.

The proposed cuts in funding in the Councils/Commissions line item will reduce public participation in the North Pacific and Pacific Fishery Management Councils. Each Council currently meets five times per year. The proposed cuts would result in at least one of the meetings and possibly two being cancelled. The Councils will be required to reducing staffing by 25 percent. This will result in less public outreach and lower stakeholder input. With fewer meetings and less staff to analyze and present scientific information to Council Members, the Councils will be forced to err on the side of caution, resulting in smaller quotas and quicker

fishery closures. This will result in lost jobs in the fishing and seafood processing industries, less sport fishing time, and a reduction in taxes to Federal, State, and Local Governments.

Specific initiatives will also suffer. The North Pacific Council will have to slow down its work in resolving halibut and salmon bycatch issues; the halibut catch sharing plan; and the implementation of new regulatory amendments to address safety issues in the factory longline fishing fleet. The Pacific Council will be hampered in its ability to regulate the Sacramento River fall Chinook fishery, which is currently experiencing a rebound from the fishery disasters of 2008 and 2009.

Gulf Region

In the Gulf of Mexico, the IJFA is the cornerstone of the fishery management programs for the states and has provided the support for long-term databases for commercial and non-commercial crustaceans and finfish in the Gulf of Mexico. The fishery-independent databases are becoming increasingly utilized in state and federal stock assessments and will be critical to future regional management success. The five Gulf States' long-term monitoring programs are funded to a large extent by the IJFA and provide the States' the ability to gauge the health of commercially and recreationally important fish stocks in their waters. NOAA has established a federal fisheries stock assessment process designated the SouthEast Data, Assessment, and Review (SEDAR) to develop reliable fishery stock assessments for the Gulf of Mexico and Atlantic regions. These assessments rely heavily upon the independent data provided by the states related to abundance indices of many species. As new stock assessment methodologies, such as ecosystem and food web approaches to management are explored and implemented, these state-derived data will be even more important. However, the ability to conduct stock assessments will hinge upon the quality and duration of these datasets which have been supported by the IJFA.

The loss of IJFA funds in Florida and Texas have drastically reduced the direct support for the monitoring of the shrimp and crab fisheries. The loss of IJFA has resulted in the elimination of other funding sources under the 1-for-1 match requirement, including contributions from limited state license revenues. Florida uses IJFA funds to manage inter-jurisdictional stocks over a 1,200 mile coastline. Texas has used their IJFA funding to determine the status of their shellfish populations for formulating shellfish management and harvest regulations in coastal waters. These data have been used to assess Texas' limited entry and license buy-back programs for the bay shrimp industry and the crab industry.

Louisiana has noted that successive reductions in the availability of IJFA funding have led to cuts in sampling programs resulting in a reduced ability to comprehensively monitor growth and distribution of the state's marine resources; reduced the accuracy of projections; and slowed the development of appropriate management recommendations. The loss of IJFA funds to Mississippi jeopardizes the continuation of an almost forty year time series of data on the abundance and distribution of species important to Mississippi and northern Gulf commercial and recreational species. The cuts have eliminated scientific staff and vessel services required for data collection. The reduction or elimination of monitoring and assessment funds has

jeopardized the ability of Mississippi to conduct fisheries stock assessments at a time when more and better data are needed.

In Alabama, IJFA funds were used in direct support of fisheries enforcement activities in both federal and states waters. The loss of this funding has resulted in less efficient enforcement related to Alabama and Gulf of Mexico fisheries and the interactions of fishing activities among protected species. This situation could eventually lead to unsustainable fishing practices.

In addition to the five States' fisheries monitoring, the IJFA also provides funding for the Gulf States Marine Fisheries Commission (GSMFC) to regionally coordinate inshore, state water fishery resources by the development of regional fishery management plans (FMP). The FMPs are used by the states to enact appropriate management strategies with conservation standards intended to maintain sustainable stocks into the future and provide coordinated support to get these management measures passed through their respective state commissions and/or legislative bodies. The GSMFC uses its limited IJFA funds to support the completion of regional stock assessments that are currently excluded from the federal SEDAR program but required in regional FMPs. Finally, the funds from the IJFA also provide coordination for marine law enforcement in the five Gulf States which is critical to the enforceability of the regulations enacted by the states in accordance with the regional FMPs.

If the budget cuts become reality, the Gulf Council will remain short of staff. This will result in a reduction in the Gulf Council's ability to address Fishery Management Plans for red drum, among other species, because of insufficient staffing. Reductions in staff will slow progress on efforts to implement ecosystem-based management. Such issues as barotrauma and the status of goliath grouper will be protracted for several years. The cuts result in a reduction in direct contact between the Council and the public. The Gulf Council also expects to reduce the number of the Scientific and Statistical Committee meetings, jeopardizing the public credibility of the Gulf's management measures. This will ultimately result in a slowdown of Fishery Management Plan development for all species.

Atlantic Region

The fiscal resources available to the Atlantic States Marine Fisheries Commission (ASMFC) have been nearly static, and diminished in some areas during the past decade. However, the demands of stakeholders, the necessary rigor of stock assessments, and the simple cost of administering and maintaining the transparency of the ASMFC process has increased. This contrast between funding and demands has required the ASMFC to prioritize activities at the expense of stock assessments and fishery management updates. This constraining of the ASMFC's budget is occurring at a time of unprecedented state budget cuts and threatens to limit the effectiveness of the ASMFC process and interstate management along the Atlantic coast.

The ASMFC process is extremely efficient and produces a high return on investment. With a budget of under \$10 million annually, the ASMFC manages 25 species that generate billions of dollars of economic activity from Maine through Florida. In fact, 35% of the total commercial landings value from Atlantic fisheries in 2011 was attributed to landings within 3 miles of shore. Over 90% of the Atlantic coast recreational catch is taken in state waters, with

many of the most prominent species, like Atlantic striped bass and summer flounder, moving through multiple state jurisdictions. This investment by Congress and the states in the ASMFC process likely represents one of the best return rates in all natural resource management. Continued investment in interjurisdictional management along the Atlantic coast will fund data collection and assessments to support better management decisions and restoration of stocks. Improved management will create more fishing opportunities and jobs and strengthen economic activity for Atlantic coastal communities.

The Interjurisdictional Fisheries Act (IJFA) recognizes the role of states in ensuring fisheries management activities across the state/federal jurisdictions. Recently, the three interstate marine fisheries commissions representing coastal states in the Atlantic, Gulf of Mexico, and Pacific regions voiced our support for ensuring continued funding to the states through the IJFA grants. These grants, though some may be small, have been successfully leveraged by the states to boost their survey, data collection, and monitoring abilities, including northern shrimp and American lobster sampling in New England; monitoring state quotas of black sea bass, summer flounder, and striped bass in the Mid-Atlantic; and surveying flounders, drum, shrimp and crabs in the South Atlantic. The program is a matching grant program, so the funds received by the states must be matched dollar to dollar. The Administration's FY13 budget request proposed terminating this important program. An authorization level of \$5 million for the IJFA grants will provide the opportunity for continued leveraging of these funds to support management of nearshore fisheries and provide data for stock assessments.

The Atlantic Coastal Fisheries Cooperative Management Act (Atlantic Coastal Act) requires the Atlantic states to develop FMPs through the ASMFC and to implement and enforce those plans under state law, under penalty of pre-emption of a state's fishery by the Secretary of Commerce. The continued reduction in "Regional Councils and Commissions" funding would reduce the capacity of the ASMFC as well as its member states to develop, implement, and enforce FMPs. "Regional Councils and Fisheries Commissions" funding goes to help provide valuable sources of data that allow fisheries managers to achieve sustainability for commercial and recreational fisheries, generating billions of dollars of economic activity. Further budget cuts to the program would force the ASMFC to eliminate one of four ASMFC meetings, cancel stock assessment training for state scientists, delay (one year) benchmark stock assessments for American lobster, Atlantic striped bass, and northern shrimp, eliminate a stock assessment scientist position, suspend outreach activities, and reduce FMP coordination capacity. The resultant impact would reduce the opportunity for public engagement in the management process; decrease the quantity, quality, and timeliness of scientific advice; and reduce the ASMFC's responsiveness to fisheries management issues. Greater scientific uncertainty could result in more precautionary management decisions, with consequent opportunity costs to commercial and recreational harvesters due to lower quotas and shorter seasons. Greater uncertainty also may decrease the justification for ASMFC actions, potentially resulting in legal vulnerability. Through the ASMFC process, states have reduced the number of overfished species by over 50% during the past decade; further progress towards rebuilding overfished species will be hampered by budget cuts and resulting lack of data and slowed response time.

Cutting Atlantic Coastal Act grants to the states would reduce the fisheries management and science activities needed to comply with the provisions of the Act. States use these funds to

conduct nearshore fisheries surveys, assess stocks, monitor catches, and interact with stakeholders to implement and enforce the fisheries management measures approved by the ASMFC. For New England states, this would result in a loss of the ability to accurately track landings for quota management, prompting more precautionary management and potential triggering of accountability measures. Within the Mid-Atlantic region, lack of funding would lead to a direct loss of law enforcement presence. In addition, funding supports monitoring and management of important state and interstate fisheries, such as blue crab and horseshoe crab in Delaware, and red drum, Atlantic menhaden, and flounders in North Carolina. South Atlantic states use the funding to support both fishery monitoring and independent surveys, including Georgia's long-time trawl survey, which has been collecting data on shrimp, crabs, and finfish since the 1970s. In addition, funding supports data collection of bycatch, including protected species like sea turtles and Atlantic sturgeon, throughout the Mid- and South Atlantic.

On the federal side, there are three East Coast fishery management councils. The Administration's proposed 22% funding reduction (from FY12 to FY13) for the "Regional Councils and Fisheries Commissions" funding line item would reduce their capacity to engage stakeholders in development of FMPs and annual harvest levels. These cuts would reduce the number of meetings of each Council by at least one meeting per year; it would impact meetings of their Statistical and Science Committees and stakeholder advisory panels. These cuts would reduce scientific staff capacity to support crucial management questions and reduce FMP coordination capacity. The resultant impacts, similar to those for the ASMFC, would restrict opportunities for public involvement in the management process and decrease scientific advice available to managers, resulting in negative impacts on the Councils' ability to fulfill the requirements under the Magnuson-Stevens Fishery Conservation and Management Act. Further, the Councils' response to stakeholder input and their ability to make the necessary updates to NOAA's improved recreational data collection program and annual catch limits will be delayed or diminished.