

**WRITTEN TESTIMONY BY
ERIC SCHWAAB
ASSISTANT ADMINISTRATOR FOR THE NATIONAL MARINE FISHERIES
SERVICE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
U.S. DEPARTMENT OF COMMERCE**

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DEVELOPMENTS AND OPPORTUNITIES IN U.S. FISHERIES MANAGEMENT**

**BEFORE THE
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SUBCOMMITTEE ON OCEANS, ATMOSPHERE,
FISHERIES AND THE COAST GUARD
UNITED STATES SENATE**

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Introduction

Good morning, Mr. Chairman and Members of the Subcommittee. I appreciate the opportunity to speak with you today about interjurisdictional fisheries management. My name is Eric Schwaab and I am the Assistant Administrator for Fisheries, within the Department of Commerce's (DOC) National Oceanic and Atmospheric Administration (NOAA). The National Marine Fisheries Service (NMFS) is dedicated to the stewardship of living marine resources through science-based conservation and management. Much of this work occurs under the Magnuson-Stevens Fishery Conservation and Management Act (*Magnuson-Stevens Act*), which sets forth standards for conservation, management and sustainable use of our Nation's fisheries resources. However, federal authorities are only one aspect of effective marine fisheries management.

NMFS has a long history of working cooperatively and effectively with the States and Interstate Marine Fisheries Commissions on a variety of fishery management issues to ensure fishery resources are managed sustainably and for the benefit of the Nation. Statutes such as the Interjurisdictional Fisheries Act provided a way for the states and the Federal government to partner on a wide range of shared issues, while the Anadromous Fish Conservation Act and the Striped Bass Conservation Act focused on federal-state coordination to address particular fisheries issues. In many areas, states lead on management of marine fishery resources, with the Federal government providing important support functions for management and scientific research.

Federal funding is a critical component of our support for partnerships with the states and Interstate Marine Fisheries Commissions. A variety of authorities, such as the Interjurisdictional Fisheries Act, Atlantic Coastal Fisheries Cooperative Management Act, and Endangered Species Act, provide a mechanism for NMFS to provide funding to states and the Commissions in support of our shared goal of sustainable fisheries management. Our Joint Enforcement Agreements with states, which also include funding support, are an additional facet to our

complex and important partnership. We have worked diligently to be able to support these important efforts, but it is a challenging struggle. As budgets continue to tighten, NMFS and our partners will be faced with more and more difficult decisions about where to focus our efforts.

Marine fish and fisheries, such as salmon in the Pacific Northwest and Alaska, cod in New England, summer flounder in the Mid-Atlantic, red snapper in the South Atlantic and Gulf, tuna in the Western Pacific, and lobster in the Caribbean have been vital to the prosperity and cultural identity of coastal communities in the United States (U.S.). U.S. fisheries play an enormous role in the U.S. economy. Commercial fishing supports fishermen and fishing communities, and provides Americans with sustainable, healthy food sources. Recreational fishing is an important social activity for individuals, families, and communities, and it is a critical economic driver of and contributor to local and regional economies, as well as the national economy. Subsistence fishing provides an essential food source and is culturally significant for many people. What I want to point out about all of these issues is that they have national, regional, and local significance.

Today, I want to talk about the continuum of coordination between the Federal government and the states on marine fisheries management, highlighting areas of success and areas where we believe additional coordination can benefit our natural resources and coastal economies. We cannot successfully achieve our objective of sustainable management of marine fishery resources without state partnerships. Maintaining these important partnerships is critical to effective stewardship of our Nation's living marine resources.

Federal-State Science Partnerships

There are a number of examples where coordination among the Federal government, Interstate Fishery Commissions, and state governments has improved the science underpinning management of marine fisheries, and provided flexibility to address emerging issues and needs for fisheries management. I would like to highlight a few examples to illustrate the importance of these partnerships, and the value added that is achieved by this coordination.

The SouthEast Data, Assessment, and Review (SEDAR) program is one excellent example of effective partnerships among NMFS, the Councils, the interstate Commissions, and the states. This program, begun in 2002, improves the quality of fishery stock assessments in the South Atlantic, Gulf of Mexico, and U.S. Caribbean. SEDAR seeks improvements in the scientific quality of stock assessments and greater relevance of available information to address current and new fishery management issues. The program emphasizes constituent and stakeholder participation in the assessment process, and a rigorous and independent scientific review of completed stock assessments.

New issues in fisheries management are constantly emerging. Our engagement with the Interstate Commissions has allowed us to address many of these challenges. For example, the Pacific States Marine Fisheries Commission has been a critical partner in the implementation of the Pacific Trawl Rationalization program. In response to feedback from fishermen participating in that fishery, an effort is underway to evaluate the utility and feasibility of electronic monitoring – the use of on-board cameras to monitor catch. The Pacific States Commission, in

collaboration with NMFS and the Pacific Council, has been spearheading the testing of video cameras and analysis of the video to inform potential future management action. In addition, the Pacific States Commission was crucial in developing the electronic fish tickets and subsequent link to our database that is vital to our accounting for quota caught by fishermen in the catch share system.

In the Gulf, in the wake of the Deepwater Horizon oil spill disaster, the Gulf States Marine Fisheries Commission, with funding and assistance from NMFS, developed a regional electronic traceability program called “Gulf Seafood Trace” which was launched in March 2012. The program aims to drive demand for Gulf seafood products from both seafood buyers and consumers by communicating its Gulf source, telling its unique story, and sharing key information from vessel to plate or shelf. To date, 56 businesses have enrolled in the regional program, representing approximately 25% of the Gulf seafood processors.

The Atlantic States Marine Fisheries Commission has recently begun work to ascertain whether climate change and warming coastal waters are causing shifts in the geographic distributions of fish stocks. We recognize the important role climate change will play in fisheries management and are encouraged by the Commission’s proactive effort to examine these shifts. We will be working with the Commission in this effort, which will help inform our management of important commercial and recreational fisheries for the states.

One example of partnership under the *Magnuson-Stevens Act* is the requirement for the Secretary of Commerce to establish and implement a regionally based registry program for recreational fishermen. The Marine Recreational Information Program (MRIP) has from its inception fully consulted and partnered with the states. MRIP is the new way that NMFS is collecting and reporting recreational fishing catch and effort data to ensure that estimates of recreational fishing activity are both accurate and trusted. To ensure that the states’ needs and priorities are reflected in MRIP’s key policy and priority decision-making, the MRIP Executive Steering Committee includes representatives from the three Interstate Marine Fisheries Commissions. Much of MRIP’s work to develop and pilot test new survey design, data collection and information management projects is undertaken by the MRIP Operations, Registry and Information Management Teams. These teams include numerous state agency program managers and technical staff. Many of the 59 research projects that MRIP has conducted to develop improved survey methods have been undertaken or led by state partners.

In addition, the states are active partners with NMFS in conducting the MRIP data collection efforts. With MRIP funding through the Gulf States Marine Fisheries Commission, the states of Louisiana, Mississippi, Alabama, and Florida conduct the field work to perform dockside interviews of anglers to collect catch data, and also do telephone surveys of charter boat operators to collect trip, or effort, data. State agency personnel in Hawaii, Puerto Rico, Maine, New Hampshire, Massachusetts, North Carolina, South Carolina, and Georgia are also funded by MRIP to conduct the dockside interviews, and we are working with the remaining states to find ways to include them in this data collection effort. Some of these states are also collecting MRIP data from for-hire fishing vessels. MRIP provides funding to California, Oregon and Washington to conduct the group of surveys collectively managed as Pacific RecFIN through the Pacific States Marine Fisheries Commission. MRIP has also provided funds to RecFIN states to conduct

expert reviews of the survey designs and to develop and pilot test recommended improvements to increase the accuracy of the survey results.

In addition, in 2011 NOAA supported a Blue Crab Stock Assessment in the Chesapeake Bay. This was the first comprehensive assessment on the population since 2005 and confirmed that Chesapeake Bay blue crabs are becoming more abundant, based in large part on the management efforts put in place in recent years by Maryland and Virginia. The assessment also provided important new data for state officials to consider as they continue to fully rebuild the regional stock of this iconic Bay species.

Good information is the fundamental underpinning to effective management and yet the complexities of connecting various data streams is extremely challenging. The states are important partners to many of our data collection programs, such as the Fisheries Information Network (FIN) programs, and we plan to continue engaging with the states and Commissions to discuss ways we can improve the effectiveness and efficiency of these programs.

Federal-State Management

Laws and practice have established a range of federal-state partnerships in marine fisheries management, where different approaches and processes are employed depending on the fishery. This allows for regional variation, depending on regional need, in how the Federal government and States coordinate to achieve shared objectives for sustainable management.

State-led Management

One end of the Federal-State management continuum is State-led fisheries management. For example, NMFS, the State of Alaska, and the North Pacific Fishery Management Council successfully and cooperatively manage fisheries in the exclusive economic zone (EEZ) off Alaska. Three federal fishery management plans delegate much of the day-to-day fisheries management to the State of Alaska including crab in the Bering Sea and Aleutian Islands, scallops in the EEZ off Alaska, and salmon in the EEZ off Alaska.

An example I would like to highlight is salmon fishery management. Along with meeting the annual catch limit requirement for salmon, NMFS and the Council worked with the State of Alaska to comprehensively revise the Salmon Fishery Management Plan (FMP). The Salmon FMP's unique functions – closing the vast majority of the EEZ to salmon fishing and facilitating State management of the few salmon fisheries in the EEZ – reflect the salmon life cycle. The FMP's unique functions also recognize that the State is the appropriate authority for managing Alaska salmon fisheries given the State's existing infrastructure and expertise. The State manages Alaska salmon stocks throughout their range using a management approach designed to specifically address the life cycle of salmon, the nonselective nature of fishing in a mixed stock fishery, and the fact that a given salmon stock is subject to multiple fisheries through its migration from marine to fresh waters.

Joint Management with the Interstate Fisheries Commissions

Shared state and federal management and science through the Interstate Fisheries Commissions is the next step along the continuum of successful interjurisdictional management.

The Atlantic Coastal Fisheries Cooperative Management Act of 1993 presented a new and innovative approach to coordinated management of coastal migratory fisheries along the Atlantic coast. The law established a cooperative management process that includes the Atlantic States Marine Fisheries Commission, NMFS, and the U.S. Fish and Wildlife Service. This Act provides a mechanism to ensure conservation of Atlantic coastal state fisheries while promoting compliance with Commission-approved fishery management plans. Examples of joint Federal-State management include striped bass, American lobster, summer flounder, black sea bass, and scup among other species. Our partnership with the Atlantic States Commission has continued to advance efforts to improve sustainability, both in fisheries within state waters and fisheries that span state and Federal jurisdiction.

Striped bass management through the Atlantic States Marine Fisheries Commission is an example where states lead, but where the federal government plays an important role in sustainable management. In 1981, to address declines in this stock, the Atlantic States Marine Fisheries Commission prepared a coastwide management plan for striped bass. The Striped Bass Conservation Act of 1984 (SBCA) was passed in response to declines in commercial and recreational striped bass harvest and lower production of juvenile striped bass. It authorizes the Secretaries of Commerce and the Interior to use a moratorium on striped bass fishing in states which fail to comply with a necessary conservation measure in the Commission's fishery management plan.

The SBCA also allows the Secretary of Commerce (Secretary) to implement regulations regarding striped bass fishing in the Exclusive Economic Zone (EEZ). Due in large part to the successful implementation of the Act, the Atlantic striped bass stock was considered recovered in 1995. To give a sense of the scale of the recovery, the striped bass population had declined to less than 5 million in 1982, but by 2007 there were nearly 56 million fish. In 2010, recreational anglers and commercial fishermen caught 2.9 million fish and these fishing businesses are a significant economic driver in coastal communities along the Atlantic coast. The most recent 2011 stock assessment concluded that the stock was not undergoing overfishing and was not overfished.

Other statutes, such as the Interjurisdictional Fisheries Act of 1986 (IFA), provide additional authority and mechanisms for the Federal government and states to partner. The IFA has three overall purposes: (1) to promote and encourage state activities in support of the management of interjurisdictional resources, (2) to promote the management of interjurisdictional fisheries resources throughout their range, and (3) to promote and encourage research in preparation for the implementation of the use of ecosystems and interspecies approaches to the conservation and management of interjurisdictional fishery resources throughout their range.

A variety of important fishery programs have been supported under the IFA around the country, including a surf clam survey in New Jersey, a commercial fisheries statistics information system in Virginia, the interjurisdictional fisheries assessment and management program for Louisiana's coastal fisheries, and monitoring and management of California's coastal pelagic species. These

and other activities supported by the IFA supported partnerships with the states and helped to improve our understanding of valuable marine resources which support thriving fishing businesses and coastal communities.

Collaboration under the Magnuson-Stevens Act

Concluding our progression on the continuum of Federal-State coordination for fisheries management is management under the regional fishery management process. Federal fisheries are managed under the *Magnuson-Stevens Act*. Since its initial passage in 1976, the *Magnuson-Stevens Act* has charted a groundbreaking course for sustainable fisheries, which included establishing eight regional Councils. While the Councils have management authority in Federal waters, they are also explicitly linked to the States by design based on who has voting rights on each Council. The voting members of each Council include the principal State officials with marine fishery management responsibility and expertise, the regional director of NMFS, and members appointed by the Secretary, but nominated by state Governors. Each brings local or regional experience, expertise, and knowledge regarding the conservation and management, and commercial or recreational harvest, of the fishery resources of that geographic area. Each executive director of the appropriate Marine Fisheries Commission is a non-voting member on the Councils as well.

When reauthorized in 2007, the *Magnuson-Stevens Act* gave the eight regional fishery management councils and NMFS a very clear charge and some new tools to support improved science and management. It mandated the use of science-based annual catch limits and accountability measures to prevent and end overfishing, provided for market-based fishery management through Limited Access Privilege Programs (or catch shares), focused on collaborative research with the fishing industry and bycatch reduction, addressed the need to improve the science used to inform fisheries management, and sought to end illegal fishing and bycatch problems around the globe so that foreign fishing fleets are held to the same standards as, and do not economically disadvantage, U.S. fleets.

With the partnerships and tools inherent in the *Magnuson-Stevens Act*, the Federal fishery management system is effectively rebuilding fisheries and we continue to make progress towards long-term biological and economic sustainability and stability.

In general, our joint efforts have allowed us to tackle the Nation's pressing fishery management issues. However, challenges still exist. Inconsistency between Federal and state management requirements is one example. Communicating those differences and the rationale for them to fishermen is even more difficult. Improving connections through enhanced communication and coordination between all the partners will be an important effort for us all to make.

Conclusion

We recognize that we have had many successes in our partnerships with the states and Interstate Commissions, a few of which we have highlighted here. In addition, we collaborate on Endangered Species Act designations, habitat conservation activities, and enforcement activities that are fundamental components to ensuring overall ecosystem sustainability. We have strong

relationships that help us tackle challenges and emerging issues in ways that meets State and Federal needs.

Recognizing these positive steps, there is always room for improvement. We will continue to look for ways to improve efficiency, in particular with respect to data collection programs; strengthen our ability to move from pilot tests to action where appropriate; and enhance communication and coordination among our Regional Offices, Science Centers, State partners and the Interstate Commissions.

Thank you for the opportunity to speak with you today and I would be happy to answer any questions.