

Captain Keith Logan

March 13, 2013

Oversight hearing on the Magnuson-Stevens Fishery Conservation and Management Act

Thank you for allowing me to speak. I am Captain Keith Logan, a charter boat captain from Myrtle Beach, South Carolina.

Give a man a fish he will eat for a day, teach him how to fish and the government will say he's overfishing and shut him down! This is what the 2006 reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act is doing to the fishermen. The Annual Catch Limits and Accountability Measures the environmental groups had put into the MSA, at the 11th hour in 2006, are causing irreparable economic damage to our coastal communities. The 2006 Reauthorization of Magnuson is clearly evidence of the hijacking of our fisheries management by environmental groups. Enclosed is a screen shot from an EDF website where it shows where they were boasting about their "Oceans Team being instrumental in CRAFTING and PASSING the changes to the Magnuson..." Once this website was made public and pointed out that this was possibly undue influence, they (the EDF) wiped their site clean of such verbiage.

I am seeking your immediate help in the Reauthorization of the Magnuson-Stevens Act of 2006 to add **Flexibility**, **Access**, and a **Sound Science Approach to Sustainability**.

The effect of the Annual Catch Limits (ACLs) and the Accountability Measures (AMs) in the MSA placed on the fishermen of the South Atlantic by NOAA, NMFS, and the SAFMC, are having detrimental and irreparable economic consequences on the Fisherman of the Grand Strand, Horry County, South Carolina and the whole South Atlantic. This does not only affect the fishermen of South Carolina, It is having an economic impact on the gas stations, marinas, tackle stores, golf courses, restaurants, grocery stores, motels, hotels, resorts, and rental properties. Because recreational fishermen, charter/head boat captains, and commercial fishermen are not fishing because of the MSA, they are not buying supplies and services that other industries provide, nor do they have the money in order to live. The tourists are not coming to the area to play golf and go fishing, because they cannot keep fish to eat.

The closure of Black Sea Bass has result in the complete shutdown of the Charter/Head Boat fleet for five (5) months out of the year. The loss of employment for those people of the fleet has been catastrophic. This is totally unacceptable. We want to work, but the Federal Government is putting us out of work! According to the North Myrtle Beach and Myrtle Beach Chamber of Commerce, the number one request from tourist vacationing in the Grand Strand is for Charter/Head Boat fishing information. Given this fact, the economic loss has included tourism dollars, tax revenues, and additional people to the ranks of the unemployed in South Carolina.

The effect on my charter business has been very hard over the last four years. On October 17, 2012, the Black Sea Bass closed due to meeting the ACL. For the remainder of 2011, 2012 I lost twenty-one (21) charters in October, twenty-four (24) charters in November,

and eighteen (18) charters in December. This resulted in a loss of \$56,700.00, in gross revenues and 63 charters. As the Black Sea Bass season remained closed until June 1, 2012, my business continued to suffer catastrophic losses. I lost sixteen (16) charters in January, seven (7) charters in February, fifteen (15) charters in March, nineteen (19) charters in April, and seventeen (17) charters in May. This resulted in a loss of \$66,600.00, gross revenue and a total of seventy-four (74) charters. For the eight (8) months I was prohibited from catching and retaining Black Sea Bass, I lost \$123,300.00, in gross revenues. While I was unable to work, I was not buying fuel, bait, or tackle.

To date, for 2013, I have lost twenty-nine (29) charters and gross revenues of \$26,100.00. Additionally, I have not purchased fuel, bait, or tackle. Based on the above numbers, I am projecting a total loss of gross revenue of \$150,00.00, during this year's closures from October 2012, through June 1, 2013. This does not include the loss to the local economy six tourists would provide during their stay while fishing. My customers traditionally travel to the Grand Strand, play golf, and do a half day fishing charter. This may not sound like a lot of money, but it is to me. As I have stated, this economic impact does not include the fact I did not buy fuel, bait, ice, tackle, or spend any money on eating. Also, this figure doesn't include monies lost to gas stations, golf courses, restaurants, grocery stores, motels, hotels, resorts, and rental properties because my clients did not come to the Grand Strand area to go fishing.

How am I going to pay my mortgage, boat payment, truck payment, phone, electric, grocery, insurance, and boat slip if the keeps on going on? I don't know. Remember, this number is only for me; it does not include the other 152 charter/head boat captains of the Grand Strand and 512 charter/Headboats in South Carolina. If only half of 512 charter/head boat captains are in the same boat that I'm in, then it's a minimum of \$38,400,000.00 dollars lost to South Carolina's economy. Now add all the charter/head boat captains in southeastern United States, and all the customers no longer traveling to the coastal areas to participate in fishing, and commercial fishermen blocked from plying their trade; the economic impact is hundreds of millions of dollars! Now, consider the money the recreational fishermen would spend. This monetary loss will affect marinas, fuel dealers, marine supply stores, boat service centers, and tackle stores. Add another hundred million plus dollars of economic loss.

What needs to be done? The Magnuson-Stevens Act needs to be reworked to add flexibility, access, a sound science approach to sustainability.; not be designed as it is now, resulting in overly aggressive closures of perfectly healthy fisheries without good data to back it up.

The Annual Catch Limits (ACLs) and Accountability Measures (AMs) are being based and established with old data and "Best Available Science", per NOAA and NMFS. This has to stop! NOAA must start utilizing data obtained through a "Sound Science Approach". This must include a study of biology, social and economic impact analyses, habitat evaluations, and ecosystem management issues. Fisheries must be open year round in order to avoid severe economic impacts.

The Magnuson-Stevens Act must be changed to add Flexibility, Access and Sustainability.

We need legislation to provide for flexibility in rebuilding fisheries if certain conditions are met and using a “Sound Science Approach” for fisheries management instead of the current very low standard of “best available science.” Additionally, it must address ACL’s (“Annual Catch Limits”); AM’s (“Accountability Measures”); and the rigidity in the SSC (“Scientific and Statistical Committee”). The goal should be to keep fresh fish on American tables and caught by American fisherman using common sense management based on accurate scientific data. The recreational marine fishery is worth over \$1.5 billion a year in South Carolina, and commercial marine fishing and local seafood is also highly important to our state’s growing tourism industry and the rest of our economy.

Flexibility in rebuilding fisheries that are experiencing legal “overfishing” must be added as follows. Amend Section 304(e) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1854(e)(4))

(1) in paragraph (4)(A)--

(A) in clause (i) by striking ‘possible’ and inserting ‘practicable’; and

(B) by amending clause (ii) to read as follows:

‘(ii) not exceed 10 years, except in cases where--

(I) the biology of the stock of fish, other environmental conditions, or management measures under an international agreement in which the United States participates dictate otherwise;

‘(II) the Secretary determines that such 10-year period should be extended because the cause of the fishery decline is outside the jurisdiction of the Council or the rebuilding program cannot be effective only by limiting fishing activities;

‘(III) the Secretary determines that such 10-year period should be extended to provide for the sustained participation of fishing communities or to minimize the economic impacts on such communities, provided that there is evidence that the stock of fish is on a positive rebuilding trend;

‘(IV) the Secretary determines that such 10-year period should be extended for one or more stocks of fish of a multi-species fishery, provided that there is evidence that those stocks are on a positive rebuilding trend;

‘(V) the Secretary determines that such 10-year period should be extended because of a substantial change to the biomass rebuilding target for the stock of fish concerned after the rebuilding plan has taken effect; or

‘(VI) the Secretary determines that such 10-year period should be extended because the biomass rebuilding target exceeds the highest abundance of the stock of fish in the 25-year period preceding and there is evidence that the stock is on a positive rebuilding trend;’; or

(2) in paragraph (7), in the matter preceding subparagraph (A), by inserting after the first sentence the following: ‘In evaluating progress to end overfishing and to rebuild overfished stocks of fish, the Secretary shall review factors, other than commercial fishing and recreational fishing, that may contribute to a stock of fish’s overfished status, such as commercial, residential, and industrial development of, or agricultural activity in,

coastal areas and their impact on the marine environment, predator/prey relationships of target and related species, and other environmental and ecological changes to the marine conditions.’; and

(3) by adding at the end the following:

‘(8) If the Secretary determines that extended rebuilding time is warranted under sub clause (III), (IV), (V), or (VI) of paragraph (4)(A)(ii), the maximum time allowed for rebuilding the stock of fish concerned may not exceed the sum of the following time periods:

‘(A) The initial 10-year rebuilding period.

‘(B) The expected time to rebuild the stock absent any fishing mortality and under prevailing environmental conditions.

‘(C) The mean generation time of the stock.

‘(9) In this subsection the term ‘on a positive rebuilding trend’ means that the biomass of the stock of fish has shown a substantial increase in abundance since the implementation of the rebuilding plan.’.

Sound Science Approach.

1. The “Precautionary Approach”, also known as the “Precautionary Principle”, needs to be eliminated from Magnuson-Stevens and a “Sound Science Approach” needs to be inserted!

The "Precautionary Approach" was incorporated into the Magnuson-Stevens Act as "Risk Adverse Management", where no empirical scientific evidence of any problem is necessary to precipitate action.

Presently, action can be initiated based on a hypothesis developed through subjective opinion and not based on objective scientific data.

2. The term, “Best Available Science”, should be removed from the Magnuson-Stevens Act and replaced with “Sound Scientific Process or Science” in order to improve crucial decision making!

Negative Results:

“Best Available Science” has been defined and applied to any resource, or environmental issues, to facilitate fully informed decisions; however, for this to occur, it is essential scientists, policymakers, and the public be aware of the prejudices affecting the development and limitations of science and its implementation. When actions by federal agencies are challenged in federal court, the courts always defer to the agency’s decision on “best available science.” The agency gets a free pass to use worst case scenario models despite evidence showing these models are not consistent with reality and in fact impossible biologically.

Positive Results:

The results of a “Sound Scientific Process” need not be infallible to be the best available. Scientific information and the conclusions it supports will always be subject to multiple

interpretations; but, greater transparency in the process will go far in addressing skepticism and averting controversy. High-quality science adheres to a well-established scientific process. The soundness of any science is enhanced if the associated values, assumptions, and uncertainties are clearly explained.

3. The MRFSS "Marine Recreational Fishing Statistical Survey" Data is "very poor" according to NMFS. This is the data used to set the ACL and AM that are in the Magnuson that are closing our fisheries down.

In the January/February 2011 Big Game Fishing Journal, an article written by Jim Hutchinson, Jr., covered in great depth the MRFSS program and the legal requirements, as mandated by the Congress, the NMFS has failed to implement since 2009.

Quoting information from this article, "Marine Recreational Fishing Statistical Survey (MRFSS), National Academy of Sciences and their National Research Council (NRC) completed a study in 2006 and concluded both telephone survey and the onsite access components of the current monitoring systems have serious flaws in design or implementation." NCR chairman, Dr. Patrick Sullivan referred to (MRFSS) data collection as "fatally flawed". MRFSS was supposed to be replaced by Marine Recreational Information Program (MRIP). By law, MRIP was supposed to be implemented no later than January 2009. Magnuson contains a very clear set of guidelines for NMFS to address the data deficiencies. Federal law also clearly required that MRFSS be replaced by MRIP as of 2009. NMFS has failed to uphold their requirements under law, as the current Administration is fast-tracking catch share programs and fisheries closures to address other requirements related to Magnuson which hurt our industry. And again, the MRFSS has been allowed to dictate management decisions since Magnuson-Stevens gives it legal protection from challenge- NMFS deems it "best available science!"

4. A scientific approach based on accurate data collection with a 10% rate of error must be implemented. The MRFSS data currently used is flawed 21% to 33%. A test with 67% of the answers correct in any college is a failing grade.

Scientific and Statistical Committee.

1. Studies must be conducted addressing the biological, social, economic, and environmental impacts.
2. Members of the committee must be composed of leading scientists in biology, economics, statistics, and social science, without any ties to extremist, special interest environmental groups. Additionally, members must include Commercial and Recreational fisherman and Charter/Head boat captains who most closely understand these resources from their frequent and lifelong activities within the fisheries.
3. The Committee must meet at least four (4) times a year to address a broad range of topics, including stock assessments, management action evaluations, social and economic

impact analyses, habitat evaluations, and ecosystem management issues. SSC members must also play a key role in developing stock assessments for Council managed resources through participation in SEDAR, the Southeast Data, Assessment, and Review program.

ACL "Annual Catch Limits".

1. ACL's must be set utilizing data obtained through a Sound Science Approach. They must include a study of biology, social and economic impact analyses, habitat evaluations, and ecosystem management issues. Fisheries must be open year round in order to avoid severe economic impacts.
2. Recreational ACL's must be set to allow an average fishing year remain open year round.
3. If reductions in the bag limits are needed to keep a fishery open year round, it needs to be addressed prior to the ACL being set. A method needs to be developed in order to reduce bag limits when 50% of the ACL meet and, again, at 75% of the ACL.

AM "Accountability Measure".

1. AM's shall not include Catch Shares. Catch Shares are not provided within the Magnuson-Stevens Act.
2. If reductions in the bag limits are needed to keep a fishery open year round, it needs to be addressed prior to the ACL being set. A method needs to be developed in order to reduce bag limits when 50% of the ACL meet and, again, at 75% of the ACL.
3. AM's must be set with a Sound Science Approach. They must include a study of biology, social and economic impact analyses, habitat evaluations, and ecosystem management issues. Fisheries must be open year round in order to avoid severe economic impacts.
4. AM's make business planning and budgeting impossible. We are notified of what appears to be a perfectly healthy fishery being closed down, and we have no due process or no input on the matter. NMFS simply makes the decision to enact an AM in the middle of our fishing season, and there is nothing we can do about it.

Implementation of ACLs and AMs

- 1) When Congress mandated hard time limits to end overfishing, they assumed that NOAA Fisheries would have already complied with the mandate that they improve the data collection system FIRST, thus having the necessary information required to make informed decisions regarding setting viable ACLs and AMs. Unfortunately, NOAA Fisheries has opted to defy Congressional "Will" by refusing to improve the data collection system by the January 1, 2009, deadline and instead spend hundreds of millions of taxpayer dollars promoting the implementation of Catch Shares without having the

necessary, required data to do so. THIS IS, IN MY EYES, AN OPEN ACT OF CONTEMPT OF CONGRESS AND THOSE RESPONSIBLE NEED TO BE HELD ACCOUNTABLE.

- 2) Additionally, while testifying at a Senate Commerce Committee subcommittee hearing a few years ago, Jane Lubchenco, in answer to a question from Rep. Barney Frank, conceded there was no scientific basis for the 10 years given to rebuild overfished stocks, but demurred when then asked if she would support legislation to write flexibility into Magnuson. Clearly, science has taken a back seat to ideology with this administration – THAT NEEDS TO BE CORRECTED NOW. Open, transparent science process needs to be at the forefront of this management regimen, and providing flexibility in the overfishing deadlines is paramount in importance, here, now.

- 3) It may be more cost effective and create a non-biased, scientific based fisheries management plan by defunding NMFS immediately and move our fisheries management to the state level, only in the Gulf and the Atlantic. NMFS themselves proved the point that it needs to be regulated state by state with their recent emergency rule implemented at the most recent Gulf Council meeting as well as the recent total closures in the Atlantic. The states can perform their own stock assessments, as well as implement their own ACLs and AMs to ensure that overfishing does not occur. In addition, the states should also be able to determine the allocation between recreational and commercial fishing in their own region. The states can be overseen by the Gulf States Marine Fisheries Commission as well as the Atlantic States Marine Fisheries Commission and the South Atlantic Fisheries Management Council.

Catch Shares are not about conservation. They are about MONEY and CONTROL. No one person, or entity, owns the fish in the oceans.

A. A “Catch Share” is an exclusive right, and guarantee, granting whoever owns the catch share, the right to harvest a certain percentage of the total allowable catch of a particular species of marine life.

B. Catch Shares will put the small, one boat fishermen out of work. It will allow the large corporations owning the fish houses and multiple boat operators to continue fishing while the rest of us are sitting at the dock starving. If the smaller fishermen wish to continue plying their trade, they will have to “lease” a portion of the larger operators share. Catch Shares accomplish nothing except to allow an elite few to profit off the backs of many, by providing the elite the “right to own” a natural resource provided for all by God.

C. Catch Shares are NOT GOOD for recreational fishing, commercial fishing, or charter fishing. They will substantially increase the costs of fishing, to the point many will not

being able to fish anymore. This natural resource belongs to all people, not just a few of the most wealthy. In the end, these “Individual Fishing Quotas” (IFQ’s) catch share programs, are going to be detrimental to fishermen, ecosystems and consumers.

D. Catch Shares, or Individual Fishing Quotas, provide a method for a select few to own, control, and prevent the average person from utilizing a natural resource owned by no one. So what does this mean for you and me? We will have a world of tighter regulations, shorter fishing seasons, higher seafood prices, and fewer boats on the water. What does this mean for our economy? **The loss of billions of dollars and jobs!**

Implementation of Commercial Catch Shares

- 1) If the quota is to be allocated to fishermen, they should lease this quota directly from the government – the very idea of being able to trade, sell, or lease their privileges to each other, simply evolves into nothing more than a revenue stream for individuals/corporations to profit from our Public Trust Resource without even having to go fishing.
- 2) The way the system is set up now, the nation receives no benefit whatsoever from giving these individuals/corporations the right to profit from our Public Trust Resource – there are no lease fees required to be paid to the nation as are required in other industries such as oil, grazing, or timber. Not a good deal for our nation or our fisheries.
- 3) To add insult to injury, not only does the nation not benefit from the harvest of our Public Trust Resource, but is in fact saddled with subsidizing the program to the tune of millions of dollars per year due to the 3% cap placed on the Cost Recovery Fee (CRF). If the fishermen actually fishing the quota were to lease that quota directly from the government, that would be the most equitable and fair way to allocate the quota, and no need for the CRF.
- 4) The current drive to expand the implementation of Catch Shares into recreational fisheries needs to be prohibited in the new reauthorization of Magnuson. This includes Fish Tags, Days At Sea, or Inter-Sector Trading.

E. The definitions of ending Overfishing must be addressed.

Closing

As I have stated, The Magnuson-Stevens act has been manipulated to further the interests of special interests groups at the sacrifice of local economies and dedicated, hard-working men and women. I am seeking your immediate help in the Reauthorization of the Magnuson-Stevens Act of 2006 to add **Flexibility, Access, and a Sound Science Approach to Sustainability**, in order to stop this attack on the fishing industry. We, the recreational fishermen, charter/head boat captains and commercial fishermen are the Endangered Species

Help save the Fishermen and our Heritages here in South Carolina

Thank you for allowing me to speak.

Captain Keith Logan, Myrtle Beach, South Carolina

•existing language is underlined, proposed language is in italics•

1. (page 58) § 301 (a)(2) Conservation and management measures shall be based upon ~~the best~~ *all scientific and anecdotal* information available.

Justification: This national standard has a huge negative impact on the recreational sector because MRFSS is considered to be best available science and no other data sources are considered. It is imperative that there are ways to groundtruth MRFSS.

2. (page 62) § 302 (D) strike section (iv)

Justification: There does not appear to be any benefit from allowing the provisions of subsections (i) through (iii) to expire in 2012

3. (page 62) § 302 (D) add the following section (v) *prior to acceptance of the list of names submitted by the Governors, the Secretary shall disclose the lists to the public and allow public comment for no less than 30 days.*

Justification: This would allow the lists that leave the Governor's offices to go out for a 30 day public review process

4. (page 66) § 302 (g)(B) insert at the end; *setting acceptable levels uncertainty, scientific, management, and precaution will remain the responsibility of the respective regional council.*

Justification: The role of the SSC should be to set recommendations based on the scientific information available to them at the time. Based on this information a recommendation should be developed by the SSC with confidence levels for the upper and lower bounds. The Councils must retain the ability to set approach levels of scientific uncertainty, management uncertainty and precaution.

5. (page 68) § 302 (h)(6) develop annual catch limits for each of tis managed fisheries that may not exceed the ~~fishing level recommendations~~ *overfishing level set by its scientific and statistical committee or the peer review process established under subsection (g)*

Justification: The SSC should determine the overfishing level based on the information available at that time. The Councils should have the freedom to set a recommendation equal to but not exceeding the overfishing level determined by the SSC. This wording is more consistent with § 302(g)(5) which states that "decisions and recommendation made by committees and panels established under this subsection shall be considered to be advisory in nature."

6. (page 72) § 302 (j)(7) not sure how to word this section

Justification: This section of MSA mandates that Council members shall not vote on a Council decision which would have a significant and predictable effect on their financial interest. This is extremely important as the Councils move to consider such measures as catch shares. It is necessary to include language to ensure that Council members that are paid by ENGOs that are promoting catch shares are not allowed to vote on their implementation.

7. (page 74) §303 (a)(1) add section (D) to read, *include measures to ensure optimum yield is realized by commercial and recreational fishing interests once rebuilding objectives are achieved.*

Justification: MSA has proven effective in rebuilding fishing stocks. Yet, MSA has failed in requiring that fishery management plans switch from rebuilding objectives to achieving optimum yield on a continuing basis.

8. (page 75) § 303 (a)(10) add section (D) to read, *the permanent loss of fishing infrastructure such as for hire vessels, tackle shops, marina, commercial docks, etc.*

Justification: Many businesses involved with the recreational fisheries are currently operating on very small margins. Minor adjustments to fishing regulations that reduce recreational participation and/or effort can have permanent impacts on recreational fishing infrastructure. If it is determined that X number of fishing related businesses will close in response to management measures, mitigation measures must be in place prior to the measure being enacted.

9. (page 76) § 303 ((a)(15) establish a mechanism for specifying annual catch limits in the plan (including a multiyear plan), implementing regulations, or annual specifications, at a level such that overfishing does not occur in the fishery, including measures to ensure accountability given that a reliable and accurate data collection program is in place for each given sector.

Justification: Annual catch limits are not an appropriate management measure in the recreational sector since there is current no adequate management measure to estimate recreational harvest, effort and participation with confidence. A new recreational data collection program is slated to come online in the coming years. However, the new methodology will require calibration to the old system in order to identify biases and determine their magnitude. Until that is done, accountability measures will have an unfair negative impact on the recreational sector.

10. (page 79) § 303A. (b) add section (6) to read, *shall not be implemented in recreational fisheries.*

Justification: Catch share/limited access privilege programs/IFQ/ITQ have no place in the traditional recreational fisheries. The recreational fisheries and associated businesses are driven on the principle of open access, which provides every citizen equal opportunity to access our nation's fisheries. Catch share programs would destroy this traditional framework by limiting who can access fishery based on certain criteria.

11. (page 79) § 303A. (b) add section (7) to read, allocation between sectors in *existing and future limited access privilege programs shall be evaluated and revised if needed on a biannual basis.*

Justification: Catch share programs are in place in some commercial fisheries. If a commercial fishery implements a catch share program, the commercial/recreational allocation at the time should not be fixed indefinitely. Allocation must be heavily based on economic value and number of participants.

12. (page 79) § 303A. (b) add section (8) to read, *shall not be granted to governmental agencies.*

Justification: This wording would prevent states from receiving catch shares and then selling them back to anglers. Some groups have already suggested implementing catch shares programs structured where fish are given to the states then sold back to anglers.

13. (page 92) § 304 (e)(3) Within 2 years after an identification under paragraph (1) or notification under paragraphs (2) or (7), the appropriate Council (or the Secretary, for fisheries under section 302(a)(3) shall prepare and peer review a benchmark stock assessment. The Council shall within 1 year of acceptance of the benchmark stock assessment propose, if necessary, regulations for the fishery to which the identification or notice applies =

Justification: Prior to implementing restrictive regulations to end overfishing, the Councils should first initiate a benchmark stock assessment so that discussions can be made using the best available science.

14. (page 92) § 304 (e)(4)(A)(i) be as short as possible, practicable taking into account the status and biology of any overfished stocks of fish, the needs of fishing communities, recommendations by international organizations in which the United States participates, and the interaction of the overfished stock of fish within the marine ecosystem; and

Justification: wording consistent with Flexibility in Rebuilding American Fisheries Act of 2009

15. (page 92) § 304 (e)(4)(A)(ii) amend to read as follows (ii) *not exceed 10 years, except in cases where—*

- (I) *The biology of the stock of fish, other environmental conditions or management measures under an international agreement in which the United States participates dictate otherwise;*
- (II) *The Secretary determines that such 10-year period should be extended because the cause of the fishery decline is outside the jurisdiction of the Council or the rebuilding program cannot be effective only by limiting fishing activities;*
- (III) *The Secretary determines that such 10-year period should be extended to provide for the sustained participation of fishing communities or to minimize the economic impact on such communities, provide that there is evidence that the stock of fish is on a positive rebuilding trend;*
- (IV) *The Secretary determines that such 10-year period could be extended for one or more stocks of fish of a multi-species fishery, provide that there is evidence that those stocks are on a positive rebuilding trend;*
- (V) *The Secretary determines that such 10-year period should be extended because of a substantial change to the biomass rebuilding target for the stock of fish concerned after the rebuilding plan has taken effect; or*
- (VI) *The Secretary determines that such 10-year period should be extended because the biomass rebuilding target exceeds the highest abundance of the stock of fish in the 25-year period preceding and there is evidence that the stock is on a positive rebuilding trend;*

Justification: consistent with Flexibility in Rebuilding American Fisheries Act of 2009

16. (page 93) § 304 (e)(7) amend paragraph (7) to read, The Secretary shall review any fishery management plan, plan amendment, or regulations required by this subsection at routine intervals that may not exceed two years. *In evaluating progress to end overfishing and to rebuild overfished stocks of fish, the Secretary shall review factors, other than commercial and recreational fishing, that may contribute to a stock of fish's overfished status, such as commercial, residential, agricultural and industrial development in coastal area and their impact on the marine environment, predator/prey relationships of target and related species, and other environmental and ecological changes to marine conditions.* If the Secretary finds as

a result of the review that such plan, amendment, or regulations have not resulted in adequate progress toward ending overfishing and rebuilding affected fish stocks, the Secretary shall—

Justification: consistent with Flexibility in Rebuilding American Fisheries Act of 2009

17. (page 93) § 304 (e) add the following paragraph; (8) *If the Secretary determines that extended rebuilding time is warranted under subclause (III), (IV), (V), or (VI) of paragraph (4)(A)(ii), the maximum time allowed for rebuilding the stock of fish concerned may not exceed the sum of the following time periods:*

(A) The initial 10-year rebuilding period.

(B) The expected time to rebuild the stock absent any fishing mortality and under prevailing environmental conditions.

(C) The mean generation time of the stock.

18. (page 93) § 304 (e) add the following paragraph; (9) *In this subsection the term ‘on a positive rebuilding trend’ means that the biomass of the stock of fish has shown a substantial increase in abundance since the implementation of the rebuilding plan.*

Justification: consistent with Flexibility in Rebuilding American Fisheries Act of 2009

19. (page 99) § 305 (c) we need to discuss if it is necessary to amend this section

Justification: this section deals with emergency powers

20. (page 130) §312 (b) insert the following section (2) *fishing capacity reduction programs shall not be implemented in recreational fisheries.*

Justification: Capacity reduction applied in the recreational sector would effectively move to reduce the number of active and potential fishermen.

21. (page 134) §313 (a) insert the following section (b) the Secretary shall initiate a review of the recreational Pacific halibut allocation to determine consistency with MSA §301 (a) no later than 60 days after passage of this bill. Based on the findings of the review, the Secretary will begin immediate rule making to increase recreational Pacific halibut allocation if necessary.

Justification: The current Pacific halibut allocation afforded to the recreational/forhire sector is unfair and inadequate to support a healthy halibut fishery in Alaska. Further, the current allocation is inconsistent with the national standards in the Magnuson Act.

22. (page 151) §401 (g) add the following section *(5) provisions of MSA § 303(a)(15) shall not be implemented in the recreational sector until all provisions of this subsection are enacted and calibrated to previous methodology is fully completed.*

Justification: Accountability measures should not be implemented in the recreational sector until recreational data collection programs are improved consistent with the mandates of this section.

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