

Hilborn response to follow up questions from Committee on Natural Resources at our November 17th Legislative hearing entitled “Ocean Climate Action: Solutions To The Climate Crisis”

Question 1: During the hearing we heard testimony that the Magnuson-Stevens Act isn't a conservation statute, and that additional statutory authority is needed. Do you agree with that characterization?

I strongly disagree with that statement. The implication was that Regional Fisheries Management Councils are only concerned with target species management. This is simply not true.

The Act is entitled the Magnuson-Stevens Fishery **Conservation** and Management Act. Conservation is the first reason for its existence. Public Law 94-265 describes it as an act “to provide for the conservation and management of fisheries and other purposes”.

Among the “other purposes” are the protection of habitats; article 104-297 states “One of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats. Habitat considerations should receive increased attention for the conservation and management of fishery resources of the United States.” Further, article 104-297 charges the Regional Fisheries Management Councils to “promote the protection of essential fish habitat in the review of projects conducted, under Federal permits, licenses, or other authorities that affect or have the potential to affect such habitat.”

In addition to the mandates of the Magnuson-Stevens Act, Regional Fisheries Management Councils and NOAA are regulated by a range of other federal laws that mandate biodiversity protection. These include especially the Marine Mammal Protection Act and the Endangered Species Act, which require the councils and NOAA to devote considerable attention to a wide range of non-target species and ecosystems.

Let us be clear, Marine Protected Areas in the U.S. and globally, have been almost exclusively a fisheries management measure; they simply move fishing effort. MPAs have had little if any impact on any of the other forces affecting marine ecosystems, and in the U.S. the Regional Fisheries Management Councils are required by law to consider fisheries impacts on all species of conservation concern and on marine habitats.

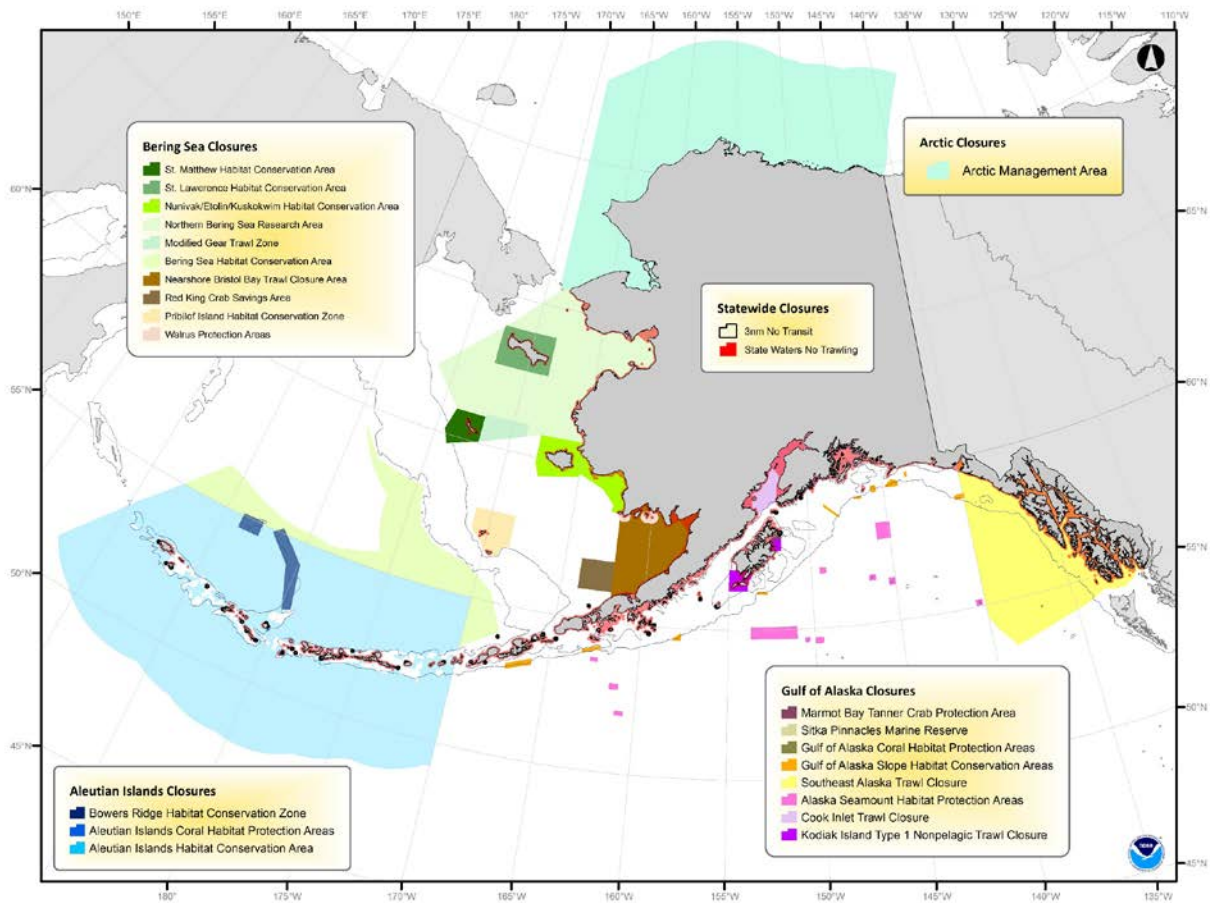
Further, a very high proportion of the scientific understanding of trends in marine biota is housed in the NMFS Regional Science Centers. NOAA's Office of Protected Resources is responsible for the conservation, protection, and recovery of species under the Endangered Species Act and the Marine Mammal Protection Act. The ecosystem division of the Regional Science Centers are a major hub of knowledge of the overall changes in the marine ecosystem. So there is an existing science and management structure well able to protect marine biodiversity as required by U.S. law. The notion that we should bypass this existing structure through the creation of new Marine Protected Areas is deeply misguided and would lead to duplication of effort.

Question 2: During the hearing we heard testimony that target species managed under the Magnuson-Stevens Act only comprise a small percentage of the biomass in any given ocean area, and that therefore MPAs are essential to achieve broader marine biodiversity objectives. Do you agree?

Regional Fishery Management Councils – drawing on the expertise of the Regional Science Centers and the Councils’ Scientific and Statistical Committees – are responsible for managing fishing activity and considering its impacts on marine ecosystems. The idea that management is only concerned with the health of target species is simply untrue.

Certainly the target species are only a small portion of the marine ecosystems, but the fisheries management system is designed, and required, to consider a broad range of biodiversity. The Regional Science Centers conduct surveys that track changes in abundance of hundreds of species that are not target species, and the Regional Fisheries Management Councils devote much of their time and resources to minimizing the impact of fishing on non-target species and habitats.

As examples of how the existing legislation has protected ecosystems, the map below shows areas that are managed in a variety of ways to protect a wide range of marine biodiversity. Large areas of the marine ecosystem are closed to fishing to protect sensitive benthic species such as corals in the Aleutian Islands, and other areas closed to protect breeding grounds of birds and mammals.



This map courtesy of John Olsen, National Marine Fisheries Service

It is not widely recognized how much of the US EEZ has been closed to fishing. At least 67% of the U.S. EEZ is closed to bottom trawling, and 24% of the area of the continental shelf. Over 3.8 million square kilometers of the US EEZ is in protected areas such as Marine Monuments, Wildlife Refuges, and Marine Sanctuaries. That is over 30% of the U.S. EEZ

Our federal system of fisheries management has evolved over more than four decades to put science at the center of the decision-making process. Council deliberations relating to biodiversity objectives are rigorous, and they are achieving considerable success. Creating a cabinet-level Task Force that would simply designate permanent Marine Protected Areas in large tracts of the U.S. Exclusive Economic Zone will encroach on the ability of Fishery Management Councils to achieve their management objectives. Overall biodiversity outcomes would be weakened, not improved.