



Oversight Hearing "Exploring the Successes and Challenges of the Magnuson-Stevens Act"

Wednesday, July 19, 2017 2:00 PM

Water, Power and Oceans

1324 Longworth House Office Building Washington D.C. 20515

My name is Sean Martin. I am President of the Hawaii Longline Association (HLA) in Honolulu, Hawaii. HLA is a nonprofit organization representing and advancing the interests of the Hawaii-based commercial longline fisheries in fishery conservation and management decisions. I thank the Committee for inviting me to testify on the successes and challenges of the Magnuson-Stevens Fishery Conservation and Management Act (MSA).

The Hawaii longline fishery consists of 140 active vessels. We land around \$100 million (dockside value) worth of tuna (bigeye and yellowfin) and tuna like fish (swordfish, marlins, mahimahi, opah, wahoo) annually, supporting 2,500 jobs and producing several hundred million dollars in the associated seafood industry. The fishery provides jobs on fishing vessels, on the docks, at suppliers, and in the fish wholesale and distributor markets. We are the largest food producing industry in Hawaii, and we supply almost all the fresh tuna available in Hawaii. We operate in a very competitive arena, both for fishing grounds in international waters and for the U.S. domestic market. The recent marine monument designations established under the Antiquities Act prohibits us from fishing in 51 percent of the US Exclusive Economic Zone in the Western Pacific region. Access to the high seas is also being challenged by recent United Nations initiatives. Closure of US waters and the high seas hurts us, reducing our ability to compete and increasing the vulnerability of our markets to foreign takeover.

The MSA is a success and should be the principal source of authority for management of U.S. fisheries. Overfished stocks have been rebuilt, and few stocks are now overfished. Management measures are precautionary and based on the best scientific information available. The regional fishery management councils provide regional fishing expertise and utilize an effective bottom-up decision making process that includes the fishing industry. The MSA also requires the evaluation of impacts on fish stocks as well as fishermen and fishing communities.

HLA has worked with the National Marine Fisheries Service and the Western Pacific Regional Fishery Management Council for over 25 years. Our intent has been to ensure that sound fishery data would be used in stock assessments and that this would be joined with solid market and fishing industry information so the Council would have a good basis for establishing regulations. We have collaborated on research into such areas as gear modifications to protect sea turtles, seabirds, and marine mammals. We are proud of our efforts and the Hawaii longline fishery is an iconic, internationally recognized model fishery. It is the most highly monitored, strictly regulated longline fishery in the Pacific.

HLA provides the following recommendations with respect to the MSA.

1. Manage U.S. ocean fisheries through MSA processes. In recent years, the management of fisheries covered by the MSA has been circumvented by other statutes and authorities. This includes the Endangered Species Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, National Marine Sanctuaries Act, and the Antiquities Act. These acts do not require the same level of public consultation and transparency as compared to the MSA. For our fishery, the biggest gains in protection have been achieved through the Council process. For example, sea turtle and seabird interactions were reduced by 90 percent as a result of industry cooperative research and Council developed regulations. In HLA's view, fisheries should be managed primarily through the fishery management councils under the MSA. This ensures a transparent, public, and science-based process which allows the fishing industry and stakeholders to be consulted. It provides that analyses of impacts to fishery dependent communities are considered, and prevents regulations that might otherwise be duplicative, unenforceable, or contradictory.

Past Administrations have established huge national marine monuments in the Pacific totaling more than **760 million acres** of U.S. waters under the Antiquities Act of 1906. In our view, marine monument designations were politically motivated and addressed non-existing problems. Fisheries operating in these areas were sustainably managed for several decades under the MSA and the Western Pacific Council. There was no serious attempt to work with the fishing industry in the designations of these marine monuments. Public input was minimal. See attached map identifying US waters closed to commercial fisheries.

HLA recommends that the MSA be amended to ensure that the MSA process is the only process by which regulations affecting U.S. fisheries can be adopted.

2. Strengthen support for U.S. fisheries in the international arena. In 2016, Congress enacted "Amendments to the Western and Central Pacific Fisheries Convention Implementation Act" (16U.S.C. 6901 et seq.). The amendments direct the Secretaries of Commerce and State to seek to minimize any disadvantage to U.S. fisheries relative to other fisheries of the region and to maximize U.S. fisheries' harvest of fish in the Convention Area. The amendments are intended to level the playing field between U.S. and foreign fisheries. US fisheries managed under the MSA are sustainable, yet they are often disadvantaged within international fisheries commissions. U.S. fishing interests require strong US government negotiators to advocate and support US fisheries. For example, the Hawaii longline bigeye quota has been reduced to 3,345 metric tonnes (mt), while quotas for other countries have not been reduced (e.g. Indonesia). The WCPFC-imposed quotas are based on historical catch and do not match current fishing capacity. For example, Japan has a bigeye quota of nearly 17,000 mt, but only catches around 11,000 mt. China has been expanding its longline fleet from about 100 vessels in 2001 to over 430 vessels in 2015, and has a bigeye quota of around 7,000 mt. Our fleet has been limited to 164 permits since 1991. China is continuing to expand its longline fisheries and supplying US markets with poorly monitored seafood.

HLA recommends that the MSA be amended to ensure that US fisheries are not disadvantaged with regards to internationally imposed catch or effort limits.

3. **Simplify the MSA regulatory process.** HLA supports the regional councils' efforts to achieve a more streamlined process for approval of regulatory actions. A fishery management plan document from a regional council typically contains a full discussion of impacts on the fisheries, on the fish stocks, and on associated species (e.g., endangered species, marine mammals, seabirds, etc.). The National Environmental Policy Act requires duplicative evaluation and incongruent public comment periods. The analytical duplication between the MSA and NEPA is unnecessary, delays needed actions, has a high cost, and provides more avenues for legal challenges and delays on non-MSA grounds. Also, it is often very confusing to the industry with regards to timing and where we should apply our input in the process.

HLA recommends amending the MSA to authorize a single analytical document for any proposed regulatory action that will streamline the process, eliminate duplication, and allow for more meaningful industry input.

Thank you again for the opportunity to provide our views on the successes and challenges of the MSA.








Sincerely,



Sean Martin, President

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US EEZ Regulated Fishing Areas, Western Pacific Region

- | Magnuson-Stevens Act | |
|---|---|
|  | Longline fishing prohibited (1991 - 92, 2011) |
|  | Large Vessel Prohibited Area (2002) |
|  | False Killer Whale Southern Exclusion Zone (2012) |
|  | Guam No Anchor Zone (2004) |
|  | Bottomfish/Groundfish fishing prohibited (1986) |
|  | Bottomfish Vessels ≥ 50 ft prohibited (2006) |
|  | US EEZ: trawling, drift gillnets, poisons and explosives prohibited (1986 - 2004) |

- | Antiquities Act | |
|---|--|
|  | Marine National Monument (2006 - 2016) |
|  | Closed to all commercial fishing |

