



Mid-Atlantic Fishery Management Council
800 North State Street, Suite 201, Dover, DE 19901-3910
Phone: 302-674-2331 | FAX: 302-674-5399 | www.mafmc.org
Richard B. Robins, Jr., Chairman | Lee G. Anderson, Vice Chairman
Christopher M. Moore, Ph.D., Executive Director

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The Honorable Mark Begich
United States Senate
111 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Begich:

I appreciate the opportunity to offer preliminary comments on the initial Senate discussion draft bill to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act. Given the limited time we had to consider the draft, the Council has not had an opportunity to establish an official position on it. For this reason, the following comments will address on a number of high-priority issues that have been identified during previous Council discussions of MSA reauthorization over the past year. We look forward to a future opportunity to comment on the entirety of the bill after it has been formally introduced, and after the full Council has had an opportunity to review and discuss the bill in detail.

It is the position of the Council that the MSA has been highly effective at preventing overfishing and rebuilding overfished stocks and that the current version of the MSA provides a strong framework for successful fisheries management. However, we recognize that some aspects of the law could be improved. In some cases, overly prescriptive management requirements have limited the councils' flexibility to mitigate adverse social and economic impacts, resulting in losses of productivity and unnecessary instability for fishing communities. Some of these issues can be addressed with careful, targeted changes to the law, but we urge you to undertake these changes carefully so as not to compromise the integrity or ambition of the U.S. fishery management standards.

Liaison Voting Rights

The Council has been vocal in its support for vesting the liaisons of the New England and Mid-Atlantic Councils with motion-making and voting rights in the reauthorization. Southern New England states have an important interest in fisheries managed by the Mid-Atlantic Council, and conversely, the Mid-Atlantic states have an interest in a number of important New England-managed fisheries. We believe that these interests could be effectively accommodated by allowing the liaisons to vote. This would require few procedural changes and would ensure that both Councils can preserve their interest in fishery management actions through the final vote. We encourage you to consider revising the draft to include this important provision in the final reauthorization bill.

Stock Rebuilding

We support the inclusion of an alternative, biologically-derived timeline for rebuilding overfished stocks. We also recommend that the arbitrary 10-year rebuilding requirement be eliminated from this section entirely. I note that the phrase "scientifically established and widely accepted among fish population biologists" in this section is nebulous, and would suggest replacing this with clearer requirements or a maximum rebuilding timeline based on a species' mean generation time, consistent

with the current exemption for stocks that cannot be rebuilt within 10 years. I also note that rebuilding timeline requirements should allow Councils to effectively consider and optimize biological, social, economic, and ecological tradeoffs in both the short term and long term.

Forage Fish

The Council believes that forage fish play an important role in the structure and function of marine ecosystems, and we support the inclusion of a requirement to consider the ecological role of forage fish in the quota-setting process. I would recommend that this section not be overly prescriptive, and I note that some of the language characterizing the current status and management of forage fisheries may not accurately describe the current, successful management of some forage fisheries.

Sustainability Standard

We strongly support the inclusion of language regarding a sustainability standard for U.S. seafood and especially appreciate that fisheries being managed under rebuilding plans would be eligible for this label. Our standards for sustainable management are the strongest in the world, and an affirmation of this sustainability would be an important step to facilitate education, awareness, and marketing for the benefit of U.S. fisheries. However, I am concerned that the language in Section 105 regarding catching methodology is overly detailed and may not be relevant to the certification, which is based on the strength of our national standards and the strength inherent in the overall requirements of the Act.

Observer Coverage

We have previously recommended that the Act should strengthen our ability to meet our observer coverage objectives, and we are concerned that this draft does not address the current lack of funding for, or Council authority over, observer coverage. The success of our management programs depends on having effective monitoring and reporting systems in place to help inform catch and bycatch estimates and to detect potential problems in a fishery as early as possible. Not only do these programs require adequate funding to operate, but they require consistent funding from one year to the next. Given the critical nature of these programs, the draft bill should be amended to include specific provisions securing long-term funding for necessary monitoring and reporting programs. Additionally, the regional offices of NMFS, the regional fisheries science centers, and the Councils should have adequate flexibility and discretion to allocate observer coverage and establish coverage requirements to achieve management objectives within our fishery management plans.

We encourage the Committee to explore the feasibility of making the provisions of Section 313 available to all U.S. fishery management councils. Councils should have a broader range of options for funding observer coverage, including cost-sharing provisions, to ensure that U.S. fisheries are adequately monitored, including fisheries that are not managed under Limited Access Privilege Programs.

Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA)

The Council has not contemplated the reauthorization of ACFCMA in this reauthorization discussion. However, based on our experience with the joint management of interjurisdictional fisheries, I would encourage the committee to give careful consideration to measures that would enhance and ensure state and federal coordination. Under the new ACL/AM paradigm required by MSA, the potential for inconsistent management measures between state and federal jurisdictions could compromise the effectiveness of a joint management plan at the expense of federal permit holders. While we have

worked to avoid such outcomes, I would encourage you to consider exploring provisions in this reauthorization that would resolve this risk within these important interjurisdictional fisheries.

Ecosystems

We support, in general, the addition of language that addresses ecosystem-level management objectives. I agree that these provisions should be discretionary; however, I believe that this section is overly prescriptive and redundant to initiatives already underway in the management regions. In fact, the detailed requirements may serve as a deterrent to councils considering implementing ecosystem approaches to fisheries management. This section could be strengthened by removing the specific requirements for fishery ecosystem plans and focusing on providing the councils with the resources and funding needed to develop such plans.

Allocations

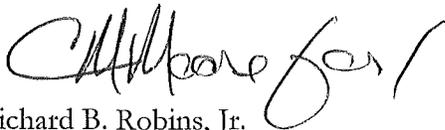
As we understand it, Section 101, Subsection D would require the Councils to review allocations among sectors in mixed-use fisheries every 5 to 8 years. The Council supports a provision requiring periodic review of allocations. I would recommend that you clarify the definition of "mixed-use" fisheries and provide guidance on how these reviews are to be conducted.

Summer Flounder

With respect to provisions related to summer flounder in Section 111, the Council has already initiated an amendment to conduct a review of the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP). This review will include a comprehensive evaluation of the plan's goals and objectives as well as its management strategies for both the commercial and recreational fisheries. We encourage you to consider the work that is already underway by the Mid-Atlantic Council relative to this section of the draft.

Thank you again for the opportunity to provide these preliminary comments on this draft legislation. We will forward formal remarks and a Council position on the legislation following our upcoming June meeting. Please do not hesitate to contact me if you have any questions or would like clarification on any of the comments above. We appreciate your continued interest in our perspective and look forward to future involvement in MSA reauthorization discussions.

Sincerely,



Richard B. Robins, Jr.
Chairman

Cc: Dr. Christopher M. Moore
Mid-Atlantic Fishery Management Council
Council Coordination Committee
Mr. Bob King
Mr. Sean Houton
Mr. Jeff Lewis
Ms. Eileen Sobeck