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OCTOBER 15, 2017

WRITTEN TESTIMONY BY THE NORTHWEST ATLANTIC MARINE ALLIANCE

PUBLIC COMMENTS ON MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT



TO THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD

U.S. Senate Committee Members,

On behalf of the Northwest Atlantic Marine Alliance I would like to raise critical issues and offer solutions in regards to the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act.

As an organization that supports fishing families and values-based seafood businesses around the country in order to advance healthier marine ecosystems and fishermen's livelihoods, we have engaged in the fisheries policy making process for over 20 years.

The Magnuson-Stevens Fishery Conservation and Management Act is now under discussion for revision. Commonly referred to as the Magnuson-Stevens Act, we refer to it as the Fish Bill because of its central purpose to protect fish in a manner that ensures the greatest benefit to the nation.

The Fish Bill was originally enacted in 1976 to govern marine fisheries in federal waters. In its most recent reauthorizations in 1996 and 2006, attempts were made to shift the focus toward an ecosystem-based approach. The Fish Bill also adopted, however, a "Catch Share" system – a fishing quota scheme that relies on private ownership of fishing rights - that could make ecosystem-based approaches difficult if not impossible to implement.

While its supporters tout the benefits of privatizing fishing rights through Catch Shares, this approach has been highly contested. Evidence from NAMA's own community outreach and other independent research has indicated that:

- Privatization of fishing rights has grave human, economic, and environmental consequences
- The ocean and rights to its fisheries do not need to be privatized in order to prevent overexploitation
- Once fisheries are privatized, public input is limited, if not discouraged, and oversight is trusted to those who own the quota and permits

In reality, the current Fish Bill causes harm to marine ecosystems, fishermen, and their communities across the US due to its over-reliance on Catch Shares as the panacea for fixing what ails fisheries management.

To overcome these challenges, the Fish Bill needs sensible, productive revisions that protect both fisheries and fishermen. This Policy Brief outlines key evidence and recommendations for members of Congress to utilize throughout this Fish Bill reauthorization in order to preserve marine environments, communities that depend on them, and ensure the “greatest overall benefit to the nation.”

EVIDENCE

Under Catch Share policy, the allocation of fishing rights has sweeping negative consequences for:

Marine Ecosystems

- Consolidation of fishing quota can increase negative ecological impacts of fishing.¹

¹ Tolley, B, Gregory, R, Marten, G. (2015) Promoting resilience in a regional seafood system: New England and the Fish Locally Collaborative. *Journal of Environmental Studies and Sciences*. Volume 5, Issue 4. 593-607.

- Habitat, migratory patterns, and trophic relationships have been disrupted by Catch Shares.²
- Catch Shares can cause “anti-conservation incentive” among fishermen, either in “high-grading” (selecting fish with the highest value per pound, and dumping the lower-value fish) or in the case where a quota does not yet exist, they might aim for larger catch histories to ensure a greater percentage of future quota allocation.³

Democracy

- The current Fish Bill lacks sufficient accountability measures for regional fishery management councils. At regional fishery management meeting meetings, NAMA has witnessed a breakdown of the democratic process in which some fishermen’s voices were silenced and/or intentionally excluded⁴ from public record.

Local Economies

- Catch Shares can lead to the creation of an absentee owner class that does not fish, but only leases fishing rights, which can reduce fishermen’s economic benefit.⁵
- Under Catch Shares, quota and permit values create capital barriers to entry for new fishermen.³

Communities

- The current Fish Bill has not provided sufficient support for small and medium scale fishing operations, causing a decline in both.
- Catch Shares are leading to mass-consolidation of fisheries and fishing business with little restriction.

² Brewer, J. (2011). Paper fish and policy conflict: catch shares and ecosystem-based management in Maine’s groundfishery. *Ecology and Society*, 16(1)

³ Copes, P., & Charles, A. (2004). Socioeconomics of individual transferable quotas and community-based fishery management. *Agricultural and Resource Economics Review*, 33(2), 171-181.

⁴ Northwest Atlantic Marine Alliance letter to NOAA Fisheries. 2017. http://www.namanet.org/sites/default/files/field_file/NAMA%20Comments%20on%20Participatory%20Democracy_0.pdf

⁵ Pinkerton, E., & Edwards, D. N. (2009). The elephant in the room: the hidden costs of leasing individual transferable fishing quotas. *Marine Policy*, 33(4), 707-713.

- Consolidation of fisheries access causes the loss of working waterfront infrastructure which has a disproportionate impact on rural coastal communities.

Food System

- The current Fish Bill does not address or promote access to healthy, economically accessible, and local seafood for all.

WHY IS REVISING THE FISH BILL IMPORTANT?

The current Fish Bill neglects its duty to manage not only environmental but also social and economic impacts on fishing communities. This occurs to the detriment of the fisheries and those community-based fishermen who have the smallest ecological footprint. The opportunity to avoid further damage is shrinking as the deleterious Catch Shares system is further ingrained in fisheries across the country.

RECOMMENDATIONS

NAMA has developed five initial recommendations to ensure that fisheries are indeed managed for the greatest benefit to the nation. Doing so will directly improve the marine environment, the democratic processes of fisheries management, the livelihoods of fishermen, and the health of local economies, as well as the provisioning of quality seafood to all in the nation.

It is NAMA's strong belief that Congress must:

Improve marine environments

- No entity should control more than 2% of any quota managed species. Congress must institute limits on the consolidation of fishing quota to avoid the negative ecological impacts of large, vertically integrated enterprises.
- Fish Bill requirements should specifically address non-fishing impacts to the marine environment, such as climate change, pollution, deforestation, mining, and oil and gas exploration.

Safeguard democracy

- Reform the Regional Council process with internal mechanisms that decentralize authority and create authentic participatory roles for fishermen and all other interested parties.⁶
- Redesign meetings and provide more time on the agenda for collaborative working sessions that promote active participation and dialogue not only among council members and fishermen, but with the public as well.

Transparency and accountability

- Catch Shares are leading to more and more data and information to be labeled as “proprietary information” keeping the public in the dark about what’s really happening to the ocean commons.
- The Council process must be reformed to better represent the wide range of concerns of fishing communities and of the national interest, and more information needs to remain in the public domain.

Support communities and local economies

- Incentivize diversification of fishing methods and species harvested by vessels.
- Promote and support independent, small and medium scale fishing businesses.

Increase access to seafood

- Create an initiative that ensures healthy and local seafood is provided to all people regardless of economic status. Community-supported fisheries and fish-to-institution programs could be incentivized and directly supported by the Fish Bill to achieve gains in the seafood supply chain.

CONCLUSION

Your attention to this matter is important because of the harm posed to our local economies and marine environments. If these issues are not addressed in the Fish Bill, Congress runs the risk of overexploiting our marine environment, losing certain fish

⁶ Frontani, H. & Simonitsch, M. (2005) New England Fisheries and Participatory Management: Rhetoric and Realities. Studies in New England Geography. Book 7.

stocks for generations, eroding the potential for young and beginning fishermen to move into the industry, and disrupting longstanding fishing knowledge and traditions in favor of consolidation across the industry.

NAMA and its collaborators believe that by advocating for these five recommendations there can be tangible improvements to the Fish Bill that may help us to avoid these risks.

Incorporating these recommendations into the future reauthorization of the Fish Bill will benefit the environment, community-based fishermen, and the provisioning of quality seafood for the public.

Sincerely,
Brett Tolley

A handwritten signature in blue ink, appearing to read "Brett Tolley", with a stylized flourish at the end.

Community Organizer