

Testimony of

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On behalf of

**Center for Coastal Conservation
American Sportfishing Association
Coastal Conservation Association
Congressional Sportsmen's Foundation
International Game Fish Association
National Marine Manufacturers Association
The Billfish Foundation**

Before the

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Committee on Natural Resources
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NOAA's Fishery Science: Is the Lack of Basic Science Costing Jobs?

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Good afternoon Mr. Chairman. My name is Jeff Angers, and I am the president of the Center for Coastal Conservation. I am native Louisianian and a recreational fisherman interested in science driving sound decision-making at the National Oceanic and Atmospheric Administration. I would like to thank you for this opportunity to speak to the Subcommittee as it addresses NOAA Fisheries Science: Is the Lack of Basic Science Costing Jobs?

The Center for Coastal Conservation is a coalition of America's leading advocates for marine recreational fishing and boating. We are dedicated to promoting sound conservation and use of America's marine resources. Our organization includes the American Sportfishing Association, Coastal Conservation Association, International Game Fish Association, National Marine Manufacturers Association, The Billfish Foundation, as well as other institutions and individuals across the country. I offer testimony today on behalf of our members and the Congressional Sportsmen's Foundation.

In order to properly answer the question that has brought us here today, "Is NOAA Fisheries' lack of basic science costing jobs?" it is first necessary to describe the economics of marine recreational fishing in America.

In 2006 – the last year the National Marine Fisheries Service generated national estimates of effort and participation – 24.7 million saltwater anglers took nearly 100 million recreational fishing trips (97.7 million) – almost four trips per saltwater angler each year. The fact that national estimates of effort and participation have not been generated since 2006 speaks directly to the problem. Anglers tend to get the short end of the stick when it comes to the basic science that NOAA Fisheries and the Regional Fishery Management Councils are required to conduct when managing recreational fishing. (The best data in the country is in Alaska and the Pacific Northwest.)

While the 2006 effort and participation numbers are impressive, even more impressive are their contribution to the economic sustainability of our coastal communities. In 2006, the last time economic data was collected from recreational fishermen nationally, saltwater recreational anglers generated \$92.2 billion in total sales (in 2011 dollars). Of that total, anglers generated \$15.2 billion in total sales from trip expenditures that included food, lodging, fuel, bait and charter fees, among other expenses. Trip expenditures are dominated by the cost of fuel used in personal vehicles to travel to and from the fishing site or marina followed closely by the purchase of food and beverages. Additionally, those same anglers generated \$76.9 billion from expenditures on durable goods that include tackle, gear, boats, houses and vehicles used for saltwater fishing. This category of spending is dominated by boat and vehicle purchases with boat purchases generating \$6.8 billion in economic impact and vehicle purchases generating \$5.3 billion in economic impact. The boat building business is almost an exclusive U.S.-based industry. Both trip and durable goods expenditures support 533,813 jobs across the U.S. In terms of economic impact, Florida has the highest numbers at \$14.2 billion in total sales supporting 130,900 jobs followed in order by Texas, California, Louisiana and North Carolina.

Actually, these recreational durable goods expenditures and impacts would be higher, but the Marine Recreational Fisheries Statistical Survey (MRFSS) and its successor survey, the Marine Recreational Information Program (MRIP) are unable to determine if a non-resident participant in one state is a participant from another coastal state or an inland state. As a result, the agency was forced to remove all non-resident durable goods purchases from their estimates. While this lack of science isn't costing jobs directly, it means that any NOAA Fisheries or Council analysis of policy impacts fails to account for non-resident durable goods purchases. Non-residents are a huge part of

saltwater angler participation. The largest segment of the marine recreational fishery is “trailer-able” boats. From the 2006 data, non-residents represent over 37% of all participants. The amount not being included by the agency is potentially huge.

In addition to expenditures on trip costs and fishing equipment, anglers contribute a considerable amount to direct fisheries management at the state level. Across all states, recreational anglers contribute \$621.5 million in license purchases and \$329.8 million across just the coastal states (2010 estimates). The vast majority of this money returns directly to management and enhancement of recreational fishing. In addition to license sales, recreational anglers contribute to conservation through excise taxes on fishing equipment and fuel purchases. In 2010, these excise taxes generated \$650 million nationwide and those monies are apportioned back to the states for fishery management purposes.

As a matter of comparison, in 2006 commercial fishing in the U.S. generated \$102.5 billion in total sales and supported 1.5 million jobs. This estimate includes impacts from the harvester right through to the consumer.

While the economic impact of marine fishing is vast, it is not reflected in the management process. The primary reason may simply be the very nature of the two sectors. The number of commercial fishermen is small relative to the number of recreational fishermen. The number of businesses that commercial fishermen buy their supplies from and sell their fish to is an even smaller number of operators. As a result, the commercial activity moves through a smaller number of hands and is a larger payday in those businesses’ pockets. This makes it much easier for the commercial sector to build a cohesive base that secures the attention from the agency responsible for collecting the science affecting their sector.

Recreational fishermen spend their dollars at thousands of gas stations, grocery stores, marinas, marine dealers, mom-and-pop bait-and-tackle shops, restaurants and hotels along with everybody else buying those goods and services. The local gas station or convenience store is not likely to band together with anglers to build a base of support to represent them before NOAA Fisheries. You are not going to see truck manufacturers clamor for better data for recreational anglers even though the purchase of trucks to tow boats is the second biggest durable goods expenditure made by anglers. As a result, policymakers do not truly recognize the large economic impact of recreational fishing.

The result is you have a huge economic engine in recreational fishing that gets largely ignored in the agency and Council scientific process: from basic data collection to performing quality stock assessments for species important to recreational fishermen and everything in between. This neglect costs coastal economies jobs and incomes.

To the credit of the leadership at NOAA, Eric Schwaab and Jane Lubchenco, there has been a substantial effort to try to solve this problem. But institutionally, the problem remains.

The perfect example of this is the concern over the primary tool used to gather recreational harvest data, MRFSS/MRIP. In the transformation from the MRFSS to MRIP, the agency has expended substantial resources on improving the survey. Yet it is still a survey based on two-month sampling time frames and is of limited use for in-season quota monitoring, a tool to which the Councils are turning more and more frequently to manage recreational fisheries. Thus inadequate data is being used to shut down fisheries and reduce economic activity – and the jobs supported by that economic activity. The new MRIP will do little to address this problem, even if substantially more

resources are spent. If NOAA Fisheries and the Councils are going to manage stocks with in-season quotas, they owe the economic sustainability of our coastal communities a fair shake. NOAA Fisheries and the Congress owe our communities a survey that can estimate recreational harvest accurately so that jobs are not unnecessarily sacrificed.

All the vast, positive effects of recreational fishing on the American economy are based on three things: good management of marine fisheries, a sustainable resource and access to that resource.

Currently there is no attempt by the Councils to maximize the net benefit to society from fishery management. There are many ways managers could increase the value of our fisheries. Unfortunately, the lack of adequate science prevents moving in a direction that would improve the sustainability of our coastal communities.

How has the agency managed the 24.7 million saltwater anglers who take four trips a year (97.7 million recreational trips)? How has the agency managed this great American business – marine recreational fishing – that generates \$92.2 billion in total sales? That employs 533,813 people? That contributes \$621.5 million in license purchases (\$329.8 million across just the coastal states)? That paid \$650 million nationwide in excise taxes to be apportioned back to the states for fishery management purposes? How is NOAA Fisheries managing us?

In a word: Poorly.

I'd like to establish that fishing is good. Catching, cleaning and eating fish with your family and friends is a good, healthy, all-American pastime. So fishing is good.

I'd like to also establish that overfishing is bad. No one wants to have overfished stocks. Recreational fishermen respect, support – even propose – many of the classic fishery management tools to ensure healthy fisheries. Those classic tools include things such as seasons, quotas, time and area closures, size limits, creel limits...those tools work.

We want America's coastal waters and oceans to be teeming with fish ... because for recreational fishermen – and the inefficiencies of a single hook in the Lord's vast ocean – we need a lot of fish out there.

Any attempt to end overfishing is generally appealing to a conservationist, but the ramifications of the provisions amending MSA in 2006 were not truly appreciated at the time. Over the past few years, it has become painfully apparent to anyone associated with marine recreational fisheries that NOAA Fisheries does not have the data to properly manage fisheries to the requirements of those provisions. The terrestrial model of fish and wildlife management that has been applied so successfully to ducks, geese, turkey, bass, trout, deer, elk, etc., is not to be found in the nation's oceans.

To understand the magnitude of the discrepancy between current federal marine resource management and most every other wildlife management regime, we must acknowledge that the Magnuson-Stevens Act allows for the management of fish stocks in the federal zone (three – 200 miles from shore generally). The term “fish” has been interpreted to cover hundreds of species of finfish, corals, vegetation and jellyfish. Of these the federal government has about 528 stocks of fish or complexes of stocks under management. Only 114 of the stocks are considered “adequately assessed.”

For the past few years, the agency has been doing about 80 stock assessments a year in Alaska and the North Atlantic on pretty much the same (commercially important) species. But they've only been assessing 15 stocks a year in the Gulf of Mexico, South Atlantic and Caribbean combined. And that's not annual assessments on the same stock. That's different stocks of fish – and most of those assess commercial shrimp stocks. For the charismatic sport fish that anglers pursue, the agency does about six assessments per year.

MSA requires annual catch limits (ACLs) on all stocks by the end of this year. And the agency and the Councils are moving to implement these hard limits by the deadline. How are they arriving at hard limits on the 80 percent of stocks that are not adequately assessed?

They're making estimates based on a mountain of poor data.

Terrestrial and freshwater wildlife resource management agencies would not think of operating without standardized stock surveys and assessments. Yet, for our marine resources, proponents of the status quo say that "readily available information such as biology" is adequate to replace a standardized, peer-reviewed stock assessment as the foundation of management, even when the decisions based on it will have drastic social and economic consequences. A hodgepodge of partial bits of information that perhaps add up to an informed guess will always fall short of the standards we as a nation have used for managing our fish and wildlife resources.

We should reject the notion that a swag – a scientific wild ass guess – is good enough to be the foundation of management for hundreds of marine stocks that have either never had an assessment or have been deemed inadequately assessed by NOAA Fisheries and for which there is absolutely no evidence that the stock is being overfished.

The ramifications of the swag are far reaching and long term.

You could pick most any of the 528 stocks of fish. So let's call one the "widget-fish."

When the Council and the agency take a swag and decide that the ACL on the widget-fish shall be 1 million pounds this year, that is a hard number. One million is a number that a federal judge will understand. Even though a swag, it's still a number. Federal judges may have trouble understanding Byzantine fishery management policies. But judges have no trouble understanding numbers. When that hard swag-induced ACL is exceeded (and it will be), the only jobs NOAA Fisheries will be securing will be those of environmental lawyers intent on shutting down fishermen who target the widget-fish. Environmental lawyers will have gainful employment suing the government to enforce the hard ACL on each of the 528 stocks – the vast majority of which are healthy stocks. In most cases, the enforcement of the swag will unnecessarily keep America's public fishery resources from American citizens. That will reduce the positive economic impact of fishing and will cost real jobs on our coasts.

So an artificially low ACL based on a swag, combined with current statistical survey methods of recreational harvest, create the very real possibility that a very few widget-fish popping up in a survey will be extrapolated to project a total harvest number well in excess of the swag-produced ACL, especially if the widget-fish is uncommonly encountered by samplers. The result will be to not only shut down the widget fishery, but if the situation is perceived as significantly desperate, draconian management measures will be considered for other species that may produce a bycatch of

widget-fish. This is the domino affect that occurred in the South Atlantic last year when managers were within inches of shutting down all bottom fishing in thousands of square miles to recover red snapper stocks. The shutdown was averted when unprecedented pressure and protest from all quarters compelled NOAA Fisheries to conduct a second full stock assessment on red snapper, which revealed that the stock was not in need of such drastic management measures.

The widget-fish described above is an example of one of the fish stocks on which the agency has enough information to muster a swag about “management.” For many other stocks, if the agency is not even in a position to hazard a guess about an Annual Catch Limit, they are simply removing those fish from all management protections: Taking hundreds of species which are now under management and deleting them from Fishery Management Plans. In the Gulf last month, they deleted 18 stocks. And in the South Atlantic next month, the Fishery Management Council will be deleting 39 stocks from management.

When a stock is deleted from a Fishery Management Plan, it is removed from federal management protections. So these particular stocks are no longer protected for instance from prohibitions on taking them with drift gill nets or fish traps in federal waters. For federal managers: these stocks don’t exist.

The practical effect? Giving management of those stocks to the states ... to perhaps manage with state landings laws. But the states neither asked for the management responsibility nor received funding to engage in management.

If the federal government can’t manage them, why should anyone think local jurisdictions are going to manage them? And what kind of message does that send? Do we really think fish 100 miles offshore in the Caribbean or Guam or North Carolina are going to have protections if the federal government just casts them aside?

Focusing again on the South Atlantic Fishery Management Council: on August 9, 2011, the Council will drop 39 of the 73 species from their Snapper/Grouper Fishery Management Unit, which effectively removes them from federal jurisdiction. The 39 are species 1) that are not directly targeted; 2) that are usually caught as bycatch when fishing for other species, and 3) on which stock assessments are unlikely to ever be performed. Thus, under the current control rule for un-assessed stocks, if one of these “lesser” species is ever judged to be undergoing overfishing or in decline, the only mechanism the Council is likely to have to remedy the decline is to prohibit the harvest of a more valuable, managed stock, since the “lesser” species was caught as bycatch in that fishery.

As noted earlier, responsibility for management would thus revert to the states, which are unlikely to receive any additional management funds in the near future. Management would be by landings laws. Currently the Council has little choice in the matter: they are faced with either keeping all the species in the fishery management unit or face possible management restrictions on the more valuable managed stocks or drop them. This is essentially management failure set in motion by the agency’s interpretation and implementation of the ACL provisions in MSA.

When Congress reauthorized the Magnuson-Stevens Act in 2006, none of us knew that NOAA Fisheries was so data-poor. NOAA Fisheries itself may not have fully understood they were managing so many data-poor stocks and complexes of fish. So the agency reports that it has these 528 stocks of fish and fish complexes “under management.” It has up-to-date assessments on 114 of those. So roughly 414 of the 528 are a mystery to the agency. They don’t know how healthy they

are. What is the level of fishing pressure on each? What is the likelihood each is overfished? Nonetheless, to comply with the year-end deadline by which it must stop overfishing, the agency is now faced with two options:

- apply highly restrictive ACLs based on very poor (or in some cases non-existent) data, or
- remove species of fish from management.

The eight Regional Fishery Management Councils are attempting – pretty much in the dark – to amend fishery management plans to accommodate the statutory deadline by which they must end overfishing.

As you know, your colleague Mr. Wittman has proposed to solve this conundrum with H.R. 2304, the Fishery Science Improvement Act. The legislation has three key provisions:

1. First, if the agency has not assessed a stock of fish in the last five years and there is no indication that overfishing is occurring, there is no requirement to set an Annual Catch Limit.
2. Second, to avoid removing the fish species from management and leave them in the jurisdiction of the agency, the bill allows the agency to put certain fish into an “ecosystem” category. This classification is already informally in use by the agency but without strong parameters. FSIA statutorily authorizes the category and broadens the eligibility for stocks of fish that can be placed in the category.
3. Finally, the Fishery Science Improvement Act gives NOAA Fisheries three years to go back and work with the Councils to figure out how to implement science-based overfishing measures that are appropriate for each region and its fish.

The Wittman bill – already co-sponsored by two dozen of his colleagues – is very concise, simple and targeted. There is a very big, very specific problem with how NOAA Fisheries is implementing the Magnuson Stevens Act, and Congress must act accordingly. Without Congressional action, arbitrary decisions affecting millions of anglers and thousands of businesses will continue to be made, and we can't let that happen to anglers on the coast of Virginia or Louisiana or California or Alaska.

Today's hearing is a wakeup call beyond this Subcommittee. The millions of Americans who responsibly utilize the nation's public fishery resources and depend on them for jobs and recreation know this Congress can and will solve this problem.

Mr. Chairman, that concludes my testimony, and I would be happy to take questions.

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About our organizations...

The *Center for Coastal Conservation* (Center) is a coalition of the leading advocates for marine recreational fishing and boating. It is dedicated to promoting sound conservation and use of ocean resources by affecting public policy through the political process.

The *American Sportfishing Association* (ASA) is the sportfishing industry's trade association, committed to looking out for the interests of the entire sportfishing community. The association invests in long-term ventures to ensure the industry will remain strong and prosperous as well as safeguard and promote the enduring economic and conservation values of sportfishing in America. ASA also represents the interests of America's 60 million anglers who generate over \$45 billion in retail sales with a \$125 billion impact on the nation's economy creating employment for over one million people.

The *Coastal Conservation Association* (CCA) is a national recreational fishing membership organization of some 100,000 members and is organized to do business in 17 States on the Atlantic, Gulf of Mexico and Pacific Coasts. It has been actively involved in the majority of the nation's marine resource debates since its inception in 1977. Its membership is composed of recreational fishermen who fish for every important marine recreational fish available in the EEZ. CCA brings not only an educated perspective on how to fish, but a conservation ethic which recognizes the value of recreational fishing as a pastime and obligation to take care of the resource and use it to the best benefit to the nation.

The *Congressional Sportsmen's Foundation* (CSF) is the most respected and trusted organization in the political arena promoting, protecting and advancing the rights of hunters and anglers. CSF is the leader in providing access and a voice for sportsmen with elected officials, land and wildlife management agencies, non-governmental organizations (NGOs), and sportsmen allied industry groups across the nation. CSF is a 501(c)(3) non-profit governed by a Board of Directors composed of leaders of the top conservation and outdoor industry organizations in the nation.

The *International Game Fish Association* (IGFA), is a 70-year-old world renowned not-for-profit organization committed to the conservation of game fish and the promotion of responsible, ethical angling practices through science, education, rule making and record keeping. IGFA accomplishes its mission by enlisting the voice of over 300 official IGFA representatives in nearly 100 countries, and more than 15,000 angler-members around the globe.

The *National Marine Manufacturers Association* (NMMA), the nation's leading marine industry trade association, represents nearly 1,600 boat builders, engine manufacturers, and marine accessory manufacturers who collectively produce more than 80 percent of all recreational marine products made in the United States. The U.S. recreational marine industry contributes more than \$30 billion in new retail sales and 300,000 jobs to the economy each year.

The *Billfish Foundation* (TBF) is dedicated to conserving and enhancing billfish populations around the world. The non-profit organization is an effective advocate for international change, synthesizing science and policy into fishery management solutions. By coordinating efforts and speaking with one voice, TBF is able to work for solutions that are good for billfish and not punitive to recreational anglers.