

**Testimony of Mr. Bill Tweit, Vice-Chairman  
North Pacific Fishery Management Council**

**At a listening session in Seattle hosted by Representative Huffman  
on the  
Reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act**

November 22, 2019

Good afternoon Congressman Huffman. Thank you for the opportunity to speak on reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act, or MSA). My name is Bill Tweit, and I am the Vice-Chairman of the North Pacific Fishery Management Council and am a Special Assistant for the Washington Department of Fish and Wildlife. I have served as Washington State's designated representative on the North Pacific Council for the past fifteen years, and I am honored to participate in this listening session on behalf of the Council to offer our perspectives on reauthorization.

**Fisheries in the North Pacific**

The North Pacific Fishery Management Council, in partnership with NOAA Fisheries and other agencies, develops regulations for groundfish, crab, halibut and other fisheries in the Gulf of Alaska, Bering Sea, and Aleutian Islands. More than 50% of the seafood harvested in the United States comes from these waters. In addition to their significance to the Nation, these fisheries are extremely important to the economies, coastal communities and cultures in Alaska and the Pacific Northwest. The fisheries provide tens of thousands of jobs for commercial fishermen, processing workers, sport fishing guides, gear suppliers and other support industries. There are over 1,500 vessels fishing commercially in the federally managed groundfish fisheries, hundreds of other vessels participating in State managed commercial fisheries, another 1,000 or so charter vessels participating in the halibut sport fishery, and a large number of privately owned boats that participate in recreational fisheries for halibut, groundfish, and salmon. They provide a sustainable, annual yield of about 3 million metric tons of fish, which generates approximately \$2 billion in ex-vessel revenue.

**Views on MSA Reauthorization**

The MSA has provided us with the flexibility to develop a very successful fisheries management program in the North Pacific, resulting in global recognition for our sustainable and profitable fisheries. As such, the Council believes that the current MSA already provides a proven framework for sustainable fisheries management, and major changes are not necessary at this time. Nevertheless, we also recognize the potential benefits of increased flexibility in some circumstances, and amending the Act to provide for such flexibility could provide all regional councils additional opportunities to optimize their fishery management programs, with appropriate cautionary notes. Any changes to the law providing additional flexibility must continue to ensure

that fundamental conservation and management tenets are upheld, and should not erode the progress our Nation has made in developing sustainable fisheries management.

We agree with the Council Coordinating Committee's consensus positions on MSA issues. We believe that the CCC is well positioned to understand regional differences and complexities in management, and if Congress requests, offer guidance on potential solutions to new challenges and proposed changes to the MSA.

## **Focus Issues**

The following are my Council's views on new provisions that have been discussed in prior listening sessions. In our experience, the MSA already provides regional councils the authority to address these issues, and new mandates may be less than helpful, potentially making our process less effective and lead to litigation. If you take only one point from my remarks today, it is this. The NPFMC, under existing statutory authority, is already addressing each of these issues without limitations other than finding the time and resources necessary to tackle these challenging issues.

### Forage Fish

The Council has designated forage fish species in our groundfish fishery management plans (smelt, capelin, sand lance, lanternfish, krill, etc.), and all directed fishing for these forage fish species in Federally managed waters is prohibited.

Any legislative definition of forage fish, based on broad criteria --such as defining forage fish as low trophic level fish (plankton consumers) that contribute to the diets of upper trophic levels -- will not include other important types of forage (e.g., squid), will unintentionally include important target fish species (e.g., sockeye salmon), and will result in differing interpretations and thus invite litigation. Each Council should have the job of determining which species and life stages deserve protection as forage fish in their waters.

We note that the term "forage fish" appears to imply a special importance of the species as prey, however nearly all fish species are prey to larger predators and thus all fish species provide energy transfer up the food chain. Congress should recognize that, in our marine ecosystems, nearly all species of fish are "forage fish" at some point in their lives.

Provisions that would require Councils to specify catch limits for forage fish species to account for the diet needs of marine mammals, birds, and other marine life would require an enormous amount of resources. Many predators are opportunistic feeders and shift their prey based on abundance and availability. As a result, determining the exact amount of individual prey needed each year would divert limited research monies away from other critical research such as surveys and stock assessments. The Council notes that NOAA does not currently have enough resources to survey target stocks, let alone prepare stocks assessments for forage species that would be needed to set scientifically based annual catch limits. In the absence of this critical information and necessary resources, catch limits would need to be restricted to account for this largely incalculable uncertainty. Prey needs for upper trophic predators are already accounted for as natural mortality removals in most stock assessment models.

### Shifting Stocks/Climate Change

In the past few years, we have witnessed major changes in North Pacific ecosystems and distribution of fish stocks. For example, the disappearance of the cold pool in the Bering Sea together with reduced ice coverage, have allowed stocks of Pacific cod and Alaska pollock are moving far northward and away from normal fishing areas. The now infamous ‘blob’ of warm water that persisted for several winters in the Gulf of Alaska virtually wiped out the largest year-class of Pacific cod before they reached the size of recruitment to the fishery. Unprecedented numbers of seabirds, whales, and salmon washed up on beaches.

The Council is gravely concerned that the magnitude and the speed of these changes threaten our ability to manage for sustainable seafood harvests. Because so much of the seafood consumed by US residents is imported, threats of this magnitude to the domestic seafood supply must be taken seriously. The Council is equally concerned about the welfare of the peoples living in coastal communities, who are dependent on these ecosystems to sustain their subsistence way of life and culture. Until now, through careful, sustainable management, the Council has been able to provide the majority of America’s seafood supply without impacting the subsistence culture of Alaska’s native coastal communities and without degrading the integrity of these highly productive large marine ecosystems. The current magnitude of change could seriously impair our ability to maintain this balance, particularly if scientists do not have the resources to understand and predict the impacts of these environmental changes. Better, more timely data would greatly assist the Council with our ability to manage fisheries in the face of climate change; we do not need additional provisions in the MSA to address these challenges.

### Habitat Protection

The Council has a strong record of protecting Essential Fish Habitat (EFH) and identifying Habitat Areas of Particular Concern (HAPC). Over 665,500 nm<sup>2</sup> (~65% of the EEZ) has been closed to fishing with bottom trawls (and in some cases, other gears) to protect vulnerable habitats for crab, rockfish, and deep-sea corals. Some areas have been closed to all fishing gears, essentially creating marine reserves. These areas include the coral gardens, the Sitka pinnacles, all Alaska seamounts, Bowers Ridge and Ulm Plateau. A map of the closure areas is attached to this testimony.

The Council is concerned about modifying the HAPC definition and required measures. Some groups have suggested that the definition of HAPC be revised to include the importance of its ecological function in maintaining and restoring spatial and genetic characteristics of fish populations. We believe that may invite litigation with respect to the scientific basis for assessing the performance or achievement of this objective. Additionally, the Council is concerned that any provision that requires the Council to prevent adverse effects on HAPC habitat caused by fishing, as suggested by some groups, may be interpreted that regulations must prohibit any fishing impact on HAPC. Our approach with HAPC has been that we monitor and minimize adverse impacts but do not eliminate or prevent all adverse impacts at HAPC sites unless warranted by scientific information. Language requiring Councils to prevent all adverse effects could lead to a prohibition of all fishing activity at sites designated as HAPC, including the Bering Sea skate egg deposition sites and the GOA Fairweather Grounds coral areas, which have not been adversely impacted

based on submersible research observation. These areas are also important fishing grounds. An ‘all-or-nothing’ requirement limits our management flexibility and may create unnecessary adverse economic impacts on the fisheries, without concomitant benefits to habitat.

### General comments

Finally, I would like to reiterate the Council Coordinating Committee’s general thoughts regarding the reauthorization process. These represent some general tenets which we believe should be considered relative to any change in the MSA:

- Avoid across the board mandates which could negatively affect one region in order to address a problem in another region. Ensure that we have the ability to develop regional solutions to regional problems. Make provisions region-specific where necessary, or couch them as optional tools in the management toolbox rather than mandates.
- Allow for flexibility in achieving conservation objectives, but be specific enough to avoid lengthy, complex implementing regulations or ‘guidelines’.
- Be in the form of intended outcomes, rather than prescriptive management or scientific parameters.
- Avoid unrealistic/expensive analytical mandates for implementing fishery closures or other management actions.
- Avoid constraints that limit the flexibility of Councils and NMFS to respond to changing climates and shifting ecosystems.
- Avoid unfunded mandates, and/or ensure that Councils and NMFS have the resources to respond to provisions of legislation.
- Preservation and enhancement of stock assessments and surveys should be among the highest priorities when considering any changes to the Act.

Once again, thank you for the opportunity to provide these comments on behalf of the North Pacific Fishery Management Council, and I look forward to our continued dialogue on reauthorization of the MSFCMA that is so vitally important for our nation’s marine resources and to the people and communities that depend on them. I’ll be pleased to answer any questions.

Attachment - Year-round area closures established by the North Pacific Fishery Management Council. Note that closures to protect Steller sea lion prey are not included in this figure.

