

National Environmental Trust
Testimony to National Marine Fishery Service on:
National Standard 1 Guidelines; Notice of Intent to
Prepare an Environmental Impact Statement

Pacific Fishery Management Council Meeting
Seattle, WA
April 3, 2007

Last year, Congress unanimously passed a reauthorization of the Magnuson-Stevens Act and President Bush signed the bill into law with a strong statement in support of the new requirements to end overfishing. If this sweeping law is fully implemented by the National Marine Fisheries Service and the regional councils, including the Pacific Fishery Management Council, it will enable our fish stocks to recover and ensure abundant fisheries for future generations. The National Environmental Trust worked closely with representatives from both parties, including the bipartisan Oceans Caucus in the House and Senators Stevens and Inouye in the Senate, as this bill was crafted and we will watch closely as regulations are drafted.

The National Marine Fisheries Service's Notice of Intent is a positive step by the agency to create rules that will implement the Magnuson-Stevens Act and ensure that its new conservation provisions are enforced. The National Environmental Trust requests that the National Marine Fishery Service:

1. Produce a full Environmental Impact Statement rather than an Environmental Assessment for the proposed new guidelines for National Standard 1. Unlike an Environmental Assessment, an Environmental Impact Statement requires an evaluation by a wide variety of experts of the environmental impacts of a range of fishery management alternatives to the proposed action. An Environmental Impact Statement also offers an important opportunity, not permitted by an Environmental Assessment, for the public to review the impacts of these alternatives and participate in the decision-making process by submitting comments. Fishery management is complex and challenging and past regulations have often failed as fisheries collapsed. An Environmental Impact Statement would increase the likelihood that the National Marine Fisheries Service develops the most effective guidelines to implement the standard that will work to end overfishing.
2. In order to end overfishing permanently, establish an effective scientifically reviewed mechanism for specifying annual catch limits in each fishery management plan (including multi year plans) by implementing regulations and annual specifications at a conservative level for each fish stock with a large enough buffer to account for scientific uncertainty. Each plan should include strong measures to ensure accountability. It is essential that all new fishery management plans are designed to have a high probability of success and do not exceed scientifically recommended catch levels.

3. Ensure that the reformed Scientific and Statistical Committees are independent. Their work must be peer-reviewed, their scientific recommendations are adhered to by the regional councils in setting catch levels and those catch levels are enforced in the fisheries. The Scientific and Statistical Committees should provide the regional councils with ongoing scientific advice for fishery management decisions including recommendations for preventing overfishing, acceptable biological catch, maximum sustainable yield, and achieving rebuilding targets, and reports on stock status and health, bycatch, habitat status, social and economic impacts on management measures, and sustainability of fishing practices. In summary, the Scientific and Statistical Committees must be independent bodies from the regional councils, and the regional councils must not be allowed to develop plans which allow catch levels that exceed the Scientific and Statistical Committee's recommendations. Although it's optional under the Magnuson-Stevens Act, we strongly recommend that all the Scientific and Statistical Committee members be paid.

4. Convene a new scientific workshop based on the February of 1998 National Marine Fisheries Service workshop entitled, "Providing Scientific Advice to Implement the Precautionary Approach Under the Magnuson-Stevens Fishery Conservation and Management Act". We support the findings of that 1998 scientific workshop, but we have all learned lessons since then and the law has changed. As we grapple with a very technical rulemaking process we would welcome the input of scientific experts. A new scientific workshop would be a good use of National Marine Fisheries Service time and resources, and would help ensure that we create regulations that will end overfishing.

We look forward to working with NMFS and the councils as this process moves forward. Thank you for your time and for the opportunity to comment.

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