



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: P.O. Box 43200, Olympia, WA 98504-3200 • (360) 902-2200 • TDD (360) 902-2207
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia, WA

August 30, 2017

The Honorable Maria Cantwell
United States Senator
511 Hart Senate Office Building
Washington, DC 20510

Dear Senator Cantwell:

Thank you for providing the Washington Department of Fish and Wildlife (Department) the opportunity to comment on the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). We appreciate your continued leadership on fisheries and oceans issues.

The MSA is solidly grounded in the principles of fisheries science and management. Its National Standards align well with the Department's mandate to conserve marine resources while enhancing the economic well-being and stability of the fishing industry, promoting orderly fisheries, and improving recreational and commercial fishing. The regional fishery management council (Councils) system creates a public forum for open and transparent consideration of a wide range of social, economic, and ecological policy goals and provides opportunities for local differences in priorities.

In short, our position is that the MSA should be reauthorized without major amendments and that it continues to serve its policy goals well. Many of the proposed MSA amendments are focused on increasing flexibility in annual catch limits (ACLs), stock rebuilding, and the administrative process for analyzing, reviewing, and implementing the Councils recommendations. We agree that some additional flexibility in these areas could be beneficial; however, we would propose refinements, rather than a major overhaul. Many of the Department's perspectives align with the August 23, 2017, testimony of the North Pacific Council Chairman, Dan Hull, to the Senate Commerce's Subcommittee on Oceans, Atmosphere, Fisheries and Coast Guard.

We believe that replacing some of the more formulaic and rule-based provisions in the Act with performance standard, risk-based approaches provides increased flexibility while avoiding attempts at a "one-size-fits-all" solution. Assessing trade-offs and risks with due caution and weight given to scientific uncertainty are warranted, while blanket exemptions to ACLs and rebuilding requirements, in contrast, raise concerns.

While we support the retention of catch limits, applying them in multi-species fisheries is challenging, particularly with data poor stocks, and especially on an annual basis. The concept of rebuilding “as quickly as possible” would seem to benefit conservation and long-term sustainability, but may be overly simplistic. As summarized by a 2014 National Research Council review, whether the long-term gains of rebuilding outweigh the adverse economic consequences caused by rebuilding restrictions depends on several factors.¹ In our experience with the Pacific Fishery Management Council, the standard of proof used to demonstrate the “needs of fishing communities” relative to rebuilding has been applied too strictly and may be contrary to the intent of the MSA.

With regard to National Environmental Policy Act related changes, we believe procedural and analytical requirements could be aligned with the MSA to better achieve the purposes of the two statutes by allowing the Councils more capacity for adaptive management and ecosystem-based fisheries management.

In summary, these issues raise important questions of policy but are not urgent needs from the conservation or economic perspective of our regions. We appreciate how inclusive Congress has been in providing opportunity for the Councils and others to engage and comment on MSA reauthorization. The Council Coordinating Committee (CCC) has been instrumental in bringing together the views from all councils. We would encourage Congress to continue engaging the Councils, and perhaps through the CCC, allow time for consensus to build and differences to be clarified before acting on major amendments.

Please consider the comments we provided in this letter as a high-level overview of our position regarding the need for major amendments to the MSA. There are other issues, such as the relationship of the MSA to the other federal conservation statutes and national marine sanctuaries and the need for the Councils to consider conservation and management of state managed fisheries, which we have been tracking through the reauthorization process. If helpful, we would be happy to provide additional comments on how we see specific bills or provisions affecting our work.

Thank you again for the opportunity to comment and your support of Washington’s fisheries.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Unsworth', is written over a light blue horizontal line.

James Unsworth, Ph.D.
Director

¹ National Research Council. 2014. *Evaluating the Effectiveness of Fish Stock Rebuilding Plans in the United States*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/18488>.