



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

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November 7, 2017

The Washington Congressional Delegation
Senate and House of Representatives Members
Washington, DC

SENT VIA EMAIL

Dear Washington Delegation Members:

On behalf of the Washington Department of Fish and Wildlife (WDFW), I am writing to express the agency's position on the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (MSA). We offer some general comments about a reauthorization followed by thoughts specific to S. 1520 – the Modernizing Recreational Fisheries Management Act of 2017.

The MSA is solidly grounded in the principles of fisheries science and management. Its National Standards align well with WDFW'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 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, stock rebuilding, and the administrative process for analyzing, reviewing, and implementing the Councils' recommendations. While we agree that some additional flexibility in these areas could be beneficial, we would prefer fairly minor refinements over major overhauls. Many of WDFW's perspectives align with the North Pacific Fishery Management Council's October 17, 2017, letter to Senator Sullivan, and the Pacific Fishery Management Council's April 18, 2017, letter to Representative Herrera-Beutler (copies enclosed).

Specific to S. 1520, WDFW has concerns with some of the bill's proposed revisions as we believe they are not necessary, nor desired, for fisheries within our region. These include the temporary moratorium on the submission and approval of Limited Access Privilege Programs (LAPPs) to allow a proposed study on existing LAPPs for mixed use fisheries by the Ocean Studies Board of the National Academy of Sciences. Not only is the moratorium unnecessary, but we are concerned about potentially shifting funds away from important activities (e.g., fishery-independent surveys, stock assessments, regional fishery management councils) in order to complete the proposed year-long study.

Additional concerns with S. 1520 include the sections relative to exempted fishing permits (EFPs) and recreational data collection. S. 1520 adds considerable criteria and analyses for EFPs, which appear excessive and we do not believe are necessary. Similarly, our recreational data collection programs work well on the West Coast and in the North Pacific. WDFW recreational sampling and data collection programs underwent a comprehensive review by the Marine Recreational Information Program in 2009-2010 to discuss best practices and identify program improvements. In response, we have implemented many of the recommendations, but need additional funds to restructure our data collection programs to increase accessibility for anglers, maximize efficiency, and improve our catch accounting.

Other provisions in S. 1520, such as the rebuilding section, alternative fishery management measures, and the exemption for annual catch limits for data poor stocks all appear to be redundant with the existing MSA, although we may not be clear on the scope and intent behind these proposed amendments. The current MSA provides the flexibility for adding the mean generation time for rebuilding, taking the actions described as alternative fishery measures, and using mixed stock exemptions for annual catch limits. However, given that the proposed language is somewhat vague, we are concerned that these provisions could create unnecessary legal uncertainty and increase chances of resource draining litigation. The simplest improvement to the rebuilding provisions, and one that is widely agreed upon among fisheries managers and scientists, would be to remove the 10-year rebuilding schedule requirement. The 10-year requirement causes an arbitrary disparity for stocks of similar status and biology that fall on either side of that threshold. The mean generation time standard is more biologically based and has proven successful on the West Coast.

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.

Thank you again for your consideration of our position on MSA reauthorization and concerns with S. 1520.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Unsworth", written in dark ink.

James Unsworth, Ph.D.

Director

Enclosures