Testimony
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Chairman Huffman, Ranking Member McClintock, and Members of the Subcommittee, thank you for the opportunity to testify before you today regarding the state of U.S. fisheries. My name is Bob Dooley. I am here today in my capacity as a lifelong commercial fisherman along the West Coast and in Alaska, and as a Board Member of the Seafood Harvesters of America. I was recently appointed by the Secretary of Commerce to serve as a California representative on the Pacific Fishery Management Council, but will not be representing my work in that capacity.

I have lived in Half Moon Bay, CA my entire life and was a commercial fisherman for more than 40 years before recently retiring. My family has been active in commercial fishing and its supporting businesses on the West Coast for more than 70 years. Over the course of my fishing career, I have owned and operated several fishing vessels with my brother, John, including vessels in the Bering Sea Pollock and Pacific Cod fisheries, the West Coast Pacific Whiting fishery, and the Dungeness Crab fishery.

The Seafood Harvesters of America is a national commercial fishing organization with 17 member organizations participating in fisheries off every coast. We are focused on federal fisheries policy and committed to the stewardship of fisheries resources and accountability in our nation's fishing industry.

I would like to begin my testimony by stating that in the past 40 years, we, as a fishing industry, have made enormous strides in the management of our fisheries resources for their long-term sustainability, thanks in large part to management principles established in the Magnuson Stevens Fishery Conservation and Management Act (MSA). Through its successive reauthorizations, industry-supported changes were made to ensure that not only are the fish stocks responsibly managed, but that our businesses are profitable and we are able to provide consumers access to one of the greatest sources of renewable protein: wild caught seafood. We owe the current success of our nation's fisheries to the forethought of our predecessors who had the wherewithal to include conservative guardrails in the last reauthorization.

As we look to the future of our U.S. fisheries, we must be mindful of our history of overfishing and prevent a return to those days. We must recognize the current success of our fisheries and stand proud as the global leader in supplying sustainable seafood to consumers around the country and abroad. And, we must prepare for the changes in our marine environment as the climate continues to change. To that end, I'd like to focus my testimony on the following issues:

1. The success of the MSA
2. Rising Observer Program costs
3. Climate change impacts on fisheries
4. NOAA funding

The Success of the MSA
The Magnuson Stevens Act is an excellent piece of legislation. I stated this last time I testified before the House Natural Resources Committee in 2013, and I stand by this statement today.

MSA is our nation's foundational fisheries law and we ensure a plentiful and lasting seafood harvest for this country through the science-based management system it prescribes. We don't need massive changes to the law; rather, we need to work on the interpretation and implementation of the existing law.

When we put accountability at the center of our fishing practices and the management of our fish stocks, we make economic success possible. When we ensure the long-term sustainability and growth of our fish stocks by using science-based management measures, we are able to grow both the commercial and recreational fishing industries.

We have seen the success of the MSA in a number of regions, but I want to touch on one in particular that is close to my heart.

I grew up fishing for West Coast groundfish. My family was a fishing family, so it was the natural path for me. Before I was allowed to work on boats, I worked with my older brother, John, in my mom's restaurant and crab stand while my dad went out to fish. My uncle was a commercial fish buyer and a recreational charter boat operator - we all worked the restaurant, the docks, and the boats in support of the family business.

The summer I turned 11, I got my first fishing job on the back deck of the Monterey Clipper and I never looked back. After that summer, my brother and I started a lifelong partnership, starting off trawling in the West Coast Groundfish fishery in the "Wild West" days of fishing. There wasn't a lot of fisheries management back then, and certainly not at all how we think of it today. This was before catch limits were even contemplated; we had no sense of how much fish we were taking out of the water. Even in the late 70s, we could sense the declining catch rates in the groundfish fishery. But it wasn't until the 1990s that we put the pieces together: the groundfish complex (includes many rockfish species, flounder, sablefish, and sole) was so overfished that we knew we had to nearly halt fishing. In 2000, the fishery was declared a disaster and the Pacific Council implemented severe catch restrictions; catch limits were so low it wasn't even worth going out for these fish.

Fast forward to last fall. NOAA announced that many of the West Coast groundfish complex species had recovered *ahead* of their rebuilding timelines and as a result, the Agency proposed *increased* catch limits for a number of species (these went into effect at the beginning of this year). NOAA originally proposed a 45+ year rebuilding timeline for the long-lived rockfish species in this complex, but in less than 10 years, many of these species have been declared

recovered. The last two species left on the rebuilding list will likely be taken off next year after the next stock assessment.

Significantly higher quotas for a number of groundfish species means an estimated $60 million increase in fishing income for commercial fishermen across the three West Coast states and an increase in the variety of fish available to consumers in grocery stores and restaurants throughout the region. This fishery is now also MSC-certified, providing consumer confidence in the sustainability and harvest practices of this fishery. And on top of all this, it is estimated that the increase in quota means upwards of an additional 200,000 recreational fishing trips each year in Southern California.

This recovery was the result of following the letter and the spirit of the MSA. Commercial fishermen, processors, and coastal communities made sacrifices, but we knew it was the right thing to do. The fish stocks were hurting and our catches were dwindling. Industry worked with NOAA and we trusted their science to put us on the road to rebuilding the groundfish fishery and here we are today -- we've grown the pie so *all* sectors benefit.

There are some who want to argue for reauthorizing Magnuson to better address the differences in the commercial and recreational fishing industries and we agree, there *are* important differences. So, let's have that conversation about how to better manage recreational fisheries. But, that conversation does not mean we need to change the core principles of MSA. We should be looking towards improving the science and the catch accounting in the recreational sector rather than removing accountability measures and regard for the health of our stocks.

The core conservation tenants of the MSA are proven. MSA is working as we intended it to work. Sure, we can work on the implementation of certain parts of the law, but I hope that if you take away one thing from my testimony today, it's that we're seeing results. As we improve data collection through innovative technologies and methods, as we improve accountability in all sectors, and as we continue to base our fisheries management on science, we will continue to see positive results.

When we are able to maintain the health of our fish stocks, every sector benefits and we can help ensure the long-term sustainability of our fisheries resources *and* our businesses.

Rising Observer Program Costs

For the commercial fishing industry across the country, the rising cost of observers is a big concern. And, it's a concern for NOAA, as well, because they are still paying for human observers in some regions.

Commercial fishermen are committed to getting NOAA the observer data they require and need in order to manage our fisheries. However, as costs continue to rise, upwards of $500/day in some regions and fisheries, carrying these observers becomes an economic hardship, especially for small boats.

We think there's a better way and we have been working tirelessly with NOAA and industry partners over the past decade to develop and implement electronic technologies for monitoring

and reporting our catch data. Employing electronic monitoring and reporting systems on our commercial vessels has the potential to significantly reduce costs for vessel owners and improve data transmission to NOAA.

The prevalence and scale of pilot projects is indicative of the commitment from the industry, from NOAA, and from the private sector to help these electronic technologies succeed. Indeed, there are electronic monitoring pilot projects around the country, including several on the West Coast. Specifically, United Catcher Boats and Midwater Trawlers Cooperative have received an Exempted Fishing Permit, or EFP, from NOAA that allows for the use of EM systems onboard mid-water trawl boats fishing for Whiting to monitor and estimate the number and amount of discards in the Whiting fishery. This program has benefited fishermen in the Whiting fishery by reducing costs considerably ($576,956 in savings in 2015) and eliminating the problems that accompany human observers including scheduling and obtaining an at-sea human observer, and having to house and feed them onboard vessel with limited space. In the future, we hope that NOAA can more fully use these videos to inform catch accounting and stock assessments.

When working to implement EM, we've seen some great successes, but we've also run into a few problems. We've seen NOAA put off implementation of EM technologies because they are trying to build the Cadillac of electronic systems when all we really need is a Chevy workhorse. And in fact, we have built that Chevy in a number of pilot projects and proven its abilities. What we are tackling now is working with the agency to understand how we can help them fully utilize the electronic systems and data in a more efficient, real-time way to inform the management of our stocks.

At the Pacific Council, we are working with NOAA to determine how to pay for the costs associated with EM. Traditionally, the industry in this region has covered the costs of observers and we're willing to continue covering these costs, but we are concerned that if NOAA has a blank check from the industry, they will add zeros to the cost and we'll end up with a Cadillac system in 10 years instead of the Chevy in 12 months. We should be working to develop and implement fishery-specific systems that get NOAA the data they *need*, not necessarily that they *want*.

Tied into the cost of these systems are the issues of data storage and data review. Industry has been working with NOAA to try to determine a workable solution for both sides so that NOAA has access to the data they need for a reasonable amount of time, while the industry doesn't end up paying for years' worth of unnecessary storage. Additionally, the issue of data review, particularly who reviews the data and who pays for the review, must still be addressed. On the West Coast, industry will likely pay for data review, but NOAA is concerned that because industry is paying for the review, it may be biased. Our concern is that NOAA will then require industry to pay for a third-party audit of the review, adding an additional financial burden on the industry. Clearly, we still have a few things to work out with the Agency and we are willing to work with them to find common-sense solutions, but regardless of who pays the tab—industry or government—we must have a common goal of reducing costs while achieving a reasonable amount of certainty in our data and management.

Electronic technologies have the ability to vastly improve fisheries management—EM can be more reliable, cost-effective, and scalable. Additionally, EM has the ability to increase monitoring coverage and improve data robustness, helping to reduce uncertainty and improve the effectiveness and efficiency of fisheries management. As an industry, we need to use our vessels as platforms of opportunity to aid in the ultimate goal of improving management while reducing costs to the industry and to NOAA.

Climate change impacts on fisheries

Commercial fishermen are some of the first to tell you about the changes on the water in recent years as our oceans respond to a changing climate. On the West Coast, we've seen whales move closer to shore as their food source migrates landward, shellfish farms are having to adjust the pH of the water in which they're growing, and we've seen a rise in levels of domoic acid in our Dungeness crab fishery. These impacts, and others, affect our ability to find, catch, and supply markets and consumers with fresh seafood.

To help the industry respond and adapt to some of these changes, the Pacific Fishery Management Council recently formed the Climate and Communities Core Team (Ad Hoc CCCT) to "manage a scenario planning exercise on the topic of shifting stock availability (including shifting distribution) across species, FMPs, and communities across the west coast" (PFMC website, 2019). The goal of this ad hoc committee is not necessarily to prescribe outcomes, because we may not *know* what those outcomes will be, but to develop a framework, tools, and products to help our region more readily respond to the changes we're seeing on the water. I am hopeful that the committee's report this September will prove fruitful and productive.

The work that the Ad Hoc CCCT is doing, as well as the work happening elsewhere at the Council, and the local, state, and regional levels, is a result of the accountability in our fisheries over the past decades. We have a much better idea of what's going on in our fisheries, so we are able to quickly identify changes and variabilities in our fisheries. As we continue to monitor and track our fisheries and ocean conditions, we will be able to better model and predict future changes and then manage our fishing behavior appropriately.

Earlier this year, the California Dungeness crab fishery was forced to shut down due to interactions with whales. Changes in the ocean brought the bait closer to shore, which also brought the whales closer to shore where crab pots are set, this combined with season delays due to domoic acid present in certain areas, created the perfect storm for whale interactions with crab pots. The industry recognized the problem and sat down at the table with regulators and NGOs to come up with a solution. But before we were able to come to a workable solution, a lawsuit shut the fishery down.

In the Bering Sea, changes in the ice edge formation may have impacts on the productivity of the system and pollock stocks in the area. Water temperature and ice formations have changed over the past few years in the Bering Sea and the ice edge that normally forms on the Bering Sea shelf as a result of the frigid wind from the north, has not formed the last two years. Researchers are working to better understand if this ice edge, not just the upwelling that happens in these waters, helps to fuel the primary productivity that feeds the system and aggregates these huge schools of fish. Questions, like "Will the fish aggregations move to find more productive waters? Does

pollock recruitment suffer? What tools are necessary to prepare for such changes?", are just a few of the questions researchers are asking.

The West Coast isn't alone in managing fishing gear interactions, disease outbreaks, and changing ocean temperatures and chemistry. Fishermen across the country are witnessing changes on and in the water. What we'd like to see across the country isn't lawsuits and their resulting fishery closures, but collaborative research and partnerships to help add to the growing body of science and research that will help the fishing industry better respond to the changes we're witnessing. The changes witnessed are new and they don't always happen regularly. We need to be in the business of watching these changes, gathering data, researching, and modeling with the aim to develop the tools to help the industry productively deal with and adapt to the changes.

We must recognize that fisheries are part of the ecosystem. We must provide the resources and the tools for the industry to continue its business and to remain the frontline stewards of our marine resources. We can't turn fisheries on and off and expect them, and the communities that rely on them, to remain viable.

I am hopeful that the Ad Hoc CCCT can identify what tools we are missing out on the West Coast to be able to be responsive to the changes in our marine environment so that we can continue to fish without detriment to other organisms. And I hope other Councils continue their important work on researching and better understanding the changes occurring off our coasts.

I encourage Congress to support the work Councils and NOAA are doing to develop processes and frameworks so that our fishing industry can better respond and adapt to what's happening in and on our waters. By providing the resources necessary, you are signaling strong support for the science and the work done by our fishery management councils and NOAA, and empowering them to ensure our stocks are as healthy as they can be. In return, our businesses are able to continue to grow and support our coastal communities, and to provide quality domestic seafood to consumers across the country.

NOAA Funding

I recognize this is not an appropriations hearing, but I would be remiss if I did not, at the very least, mention the interconnectedness of good fisheries management and NOAA funding. NOAA funding is at the heart of the success of our nation's fisheries management system. Put simply, without adjusting NOAA's budget to keep up with facilities, labor, and program costs, the Agency is hamstrung and cannot carry out their core mission and functions.

The FY20 budget proposed by the President last month represents a nearly 18% cut across NOAA's discretionary budget from FY19 enacted levels. A similar percentage cut is proposed for NMFS's FY20 budget. Without adequately funding NOAA, we fail to equip the agency with the resources it needs to conduct research, gather data, and run models in order to make informed, responsible management decisions.

Tightening budgets at NMFS have real impacts on the Agency's ability to carry out parts of its core mission. Look at the North Pacific region, for example. Here, surveys for targeted species

have historically occurred annually. These annual surveys are critical for the effective management of fish stocks in the region, providing managers with robust data used to set the catch limits in those fisheries for the following fishing year. These surveys significantly contribute to some of the most well-managed fisheries in our country. However, at recent Council meetings, there have been discussions examining how to prioritize which stocks are surveyed each year because NOAA may not have the funding to keep up with the number of bottom trawl and midwater acoustic trawl surveys necessary to cover each targeted species annually. NOAA typically uses four vessels to complete these surveys, but one of their ships, the Oscar Dyson, has been out of commission and unable to conduct surveys. To make matters worse, survey tracts have historically been 10 nautical miles (nm) apart, but because NMFS can't afford the ship time, the tracts are being widened to 20 nm -- so that means we're halving the data NOAA receives from these critical surveys. We're short-changing science, hamstringing our scientists and managers, and hindering our ability to conduct timely, robust stock assessments. This, in turn, increases uncertainty and causes lower annual allocations to account for this uncertainty. Those fish are there, but withheld from the fishery, causing economic losses in the industry and to the nation, not to mention, a lower availability of quality seafood.

We're seeing a similar trend on the West Coast. At the last Pacific Council meeting, we were informed that two out of our four survey vessels will be eliminated for the next two years. Again, we're seeing the research capacity of NMFS cut in half. At this same Council meeting, the SSC announced that the sigma value, the scientific uncertainty buffer built into catch limits, will increase because our surveys are outdated. In the past, we've been able to deal with the buffer built into our catch limits because we had the vessels and the resources to conduct timely stock assessments. But as NOAA's budget flatlines or worse, shrinks, and they are unable to repair damaged vessels or update their technologies, our ability to fish takes a hit. The Council will have to add up to a 20% buffer to catch limits for stocks with assessments older than 10 years. That hurts our businesses and our communities. NMFS's primary job is science. Surveys and stock assessments are arguably the most critical thing NMFS does. They are the lifeblood of our fisheries and our businesses. Without adequate funding, we will be operating under uncertainty and poor science.

In 2017, NOAA completed its largest single-year total of stock assessments, including 31 first-assessments on mostly data-limited reef species (NOAA website, 2019). NOAA's budget that year was $1.2 billion more than what the President's budget proposes. If we want to grow the Blue Economy and have the growth based on real science and research, we cannot afford to hamstring the agency responsible for managing the resources on which the Blue Economy depends.

I have heard Members on both sides of the aisle and fishermen who fish for sport and for their livelihoods *all* say that when there is good science on the front end, we see good management results on the back end. I wholeheartedly agree. But our ability to feed good data into our management systems around the country depends on having the resources to do so. It is *critical* to fully fund NOAA. Without continued robust investments, we will see our management systems begin to fail not only for our resource management responsibilities, but ultimately for the businesses and communities who rely on those healthy fishery resources.

Conclusion

Each fishing vessel is a business. I'm here today because I want to see the long-term sustainability and growth of not just our fisheries resources, but each business that operates on the water. Fisheries in the U.S. are rebuilding and beginning to do well thanks in large part to a strong Magnuson Stevens Act, and we've come a long way since the MSA was first passed in 1976. We've come a long way from the days of overcapitalization, overfishing, and crashing fish stocks. We've rebuilt 42 stocks and many more are on the way to being rebuilt. We are expanding access to fish for commercial and recreational anglers. Most importantly, healthy, sustainable seafood is widely available to U.S. consumers.

Looking ahead, we have many opportunities to build on the successes we've seen in our fisheries. With improvements in electronic technologies on fishing vessels, we have the opportunity to provide more accountable, robust, and affordable data to fishery managers in near real-time to aid in more efficient analysis and management of our stocks. With the development of climate change frameworks and tools, fishery managers can better adapt their management recommendations and our businesses will have the opportunity to withstand changing ocean conditions. With good investments at NOAA, the agency will have the resources it needs to responsibly and sustainably manage our nation's fisheries resources under the MSA. Maintaining the core principles established under Magnuson will ensure our fisheries resources and the businesses that depend on healthy fish stocks will continue long into the future.