Testimony of Willy Goldsmith, Ph.D.
Executive Director of the American Saltwater Guides Association

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The Magnuson-Stevens Fishery Conservation and Management Act (MSA) is the cornerstone of effective marine fisheries stewardship in the United States. The law's emphasis on implementing science-based annual catch limits, mandating accountability across sectors, and requiring prompt rebuilding have led to numerous successes, recovering nearly fifty fish stocks since 2000 while resulting in over 90% of stocks with known status not experiencing overfishing.[1] Despite these victories, our fisheries continue to experience numerous challenges that MSA in its current form does not adequately address. These include improving fishery data collection, implementing management that considers and safeguards marine ecosystems in their entirety, accounting for the ongoing and increasing impacts of climate change, and ensuring fishery compatibility with emerging ocean uses. H.R. 4690, the *Sustaining America's Fisheries for the Future Act*, includes numerous provisions that promote the integration of these much-needed elements into our federal fisheries management framework.

The American Saltwater Guides Association (ASGA) represents fishing guides, small fishing-related businesses, and conservation-minded anglers who believe that long-term fishery and ecosystem health are the core foundation of a strong recreational fishing economy. Our members rely on abundant fish stocks, which drive angler opportunity and ultimately participation, to make a living. As a resource-first, not sector-first, group, we recognize that effective management of all users is paramount to success, and the recreational sector is no exception. The impact of the recreational sector, both ecologically and economically, cannot be understated. In 2019, recreational anglers in the continental United States and Hawaii took nearly 200 million fishing trips, catching almost one billion fish and releasing two-thirds of them[2], and the recreational fishing economy supports nearly half a million jobs and generates $75 billion in sales impacts.[3] For many of the most coveted recreational species—bluefish, black sea bass, and dolphinfish, for example—the recreational sector is responsible for the dominant share of harvest.[4] Effective fisheries management, therefore, must include effective management of and accountability for recreational anglers.

My views on the bill focus on the elements that are particularly important to guides and anglers, which include: (1) improving recreational fishery data; (2) conserving forage fish; (3) effectively

[1] NOAA Fisheries. 2021. Status of Stocks 2020: Annual Report to Congress on the Status of U.S. Fisheries. https://www.fisheries.noaa.gov/national/sustainable-fisheries/status-stocks-2020.
[2] NOAA Fisheries. 2021. Fisheries of the United States 2019. https://media.fisheries.noaa.gov/2021-05/FUS2019-FINAL-webready-2.3.pdf?null=.
[3] NOAA Fisheries. 2021. Fisheries Economics of the United States 2021. https://media.fisheries.noaa.gov/2021-09/FEUS2017-final-v1.3.pdf.
[4] NOAA Fisheries. 2021. Fisheries of the United States 2019. https://media.fisheries.noaa.gov/2021-05/FUS2019-FINAL-webready-2.3.pdf?null=.

protecting marine habitats; (4) promoting fishery resilience under changing ocean conditions; and (5) enhancing transparency and stakeholder participation in fisheries management.

Recreational Fishery Data

Section 406 of the *Sustaining America's Fisheries for the Future Act* makes critical strides toward improving catch data from the recreational sector. Such information is valuable not only for assuring recreational accountability but also for providing the highest quality data for input into stock assessments—particularly in cases when recreational anglers are the dominant source of fishing mortality. The federal Marine Recreational Information Program (MRIP) is the primary tool for assessing recreational catch and effort at annual and regional scales. But as numerous additional recreational data collection programs continue to be developed, it is imperative that these diverse sources of information are held to the same high standards. Section 406's establishment of federal guidelines to improve recreational fishing data, along with a strategic plan—developed in partnership with non-federal managers and anglers themselves—are invaluable steps toward maximizing data accuracy and precision on a national scale while recognizing the specific data collection challenges and needs associated with various fisheries and regions. In the meantime, managers should advance a precautionary approach that accounts for ongoing recreational data uncertainties and limitations to minimize the risk of overfishing.

Related but not limited to recreational data is H.R. 4690's emphasis on expanding electronic technologies research and development, as reflected in Sections 402 and 404 of the bill. The use of new technology to monitor commercial and recreational fishing activity, streamline reporting and data collection, and observe ocean conditions can increase the quality and timeliness of the data used to inform management while minimizing costs in the long-term, reflecting National Standards 2 and 7 of MSA.[5] Working directly with recreational and commercial fishery participants to design, develop, and test these new tools is imperative, and this priority is reflected both in H.R. 4690 and in Section 305 of H.R. 59, the *Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act.*

Forage Fish Conservation

Species targeted in commercial and recreational fisheries depend on healthy marine ecosystems to thrive. Robust populations and widespread abundance of the forage fish on which many predators rely is a key ingredient to fishery success, and can lead to spectacular sights such as the arrival of bluefin tuna—and the anglers who pursue them–to feed on immense schools of menhaden in the shadow of New York City this past fall. Some regional fishery management councils have been proactive in developing safeguards to protect forage fish, such as the Mid-Atlantic Fishery Management Council's adoption of its Unmanaged Forage Omnibus Amendment in 2016.[6] However, a national framework for conserving these species is sorely

[5] NOAA Fisheries. National Standard Guidelines. https://www.fisheries.noaa.gov/national/laws-and-policies/national-standard-guidelines (National Standard 2 requires the use of the best scientific information available. National Standard 7 directs managers to minimize costs and avoid unnecessary duplication where practicable. 16 U.S.C. 1851(a)(2 and 7)).

[6] Mid-Atlantic Fishery Management Council. 2017. Unmanaged Forage Omnibus Amendment. https://static1.squarespace.com/static/511cdc7fe4b00307a2628ac6/t/5a0b49b053450ab00cbe4e46/1510689203283/20170613_Final%2BForage%2BEA_FONSI%2BSigned.pdf.

needed. Section 508 of H.R. 4690 and H.R. 5770, the *Forage Fish Conservation Act*, would accomplish this goal through requiring managers to consider the needs of predators in setting forage fish catch limits and prohibiting the development of new fisheries for as-yet unmanaged species prior to evaluating whether management is needed (and implementing such management if warranted).

Habitat Protection

Changing ocean conditions and our efforts as a nation to respond to climate change—including the development of offshore wind energy—underscore the ongoing and increasingly urgent need to protect the important marine habitats that support our fisheries. While regional fishery management councils are required to describe and identify Essential Fish Habitat when developing management plans, MSA in its current form is vague in its directives and does not provide sufficient safeguards to ensure that the many activities in our increasingly crowded ocean do not harm key habitats and jeopardize the vitality of marine resources. Section 502 of H.R. 4690 strengthens the mandate to protect essential habitats from these activities, explicitly requiring that they avoid adverse impacts (or minimize and mitigate unavoidable impacts) and establishing a regulatory framework for the process.

While the need to confront the impacts of climate change is urgent, the emerging offshore wind industry also poses challenges in its impacts to the stock assessment process that is at the core of successful fisheries management. The 17 active wind energy lease areas along the east coast, which combined equal roughly the size of Delaware,[7] substantially overlap with numerous fishery-independent surveys that evaluate everything from plankton to finfish to right whales, necessitating the development of new survey approaches and designs.[8] Section 409 of H.R. 4690, which mandates a cooperative agreement between NOAA Fisheries and the Bureau of Ocean Energy Management (BOEM) to fund additional stock assessments and research to offset offshore wind development impacts, is key to ensuring that commercial and recreational fisheries can thrive in a changing ocean landscape.

Fishery Resilience Under Climate Change

Fishery stakeholders are acutely observing the impacts of a warming ocean. The most readily visible consequences to fishermen and managers alike are shifting stocks: The center of biomass for black sea bass, a commercial and recreational mainstay along the east coast, has shifted northward about 200 miles over the past half-century,[9] while cobia, historically a south Atlantic species, is projected to have more suitable summer habitat off the coast of New Jersey than any other state forty years from now.[10] Such shifts represent a significant management challenge as

[7] Bureau of Ocean Energy Management. Renewable Energy: State Activities. https://www.boem.gov/renewable-energy/state-activities.
[8] NOAA Fisheries Northeast Fisheries Science Center. June 22, 2021. Offshore Wind Energy and NOAA Survey Mitigation Updates. Presentation to the New England Fishery Management Council. https://s3.amazonaws.com/nefmc.org/1c.-NEFSC-Offshore-wind-update-June-2021.pdf.
[9] NOAA Fisheries and Rutgers University. OceanAdapt. http://oceanadapt.rutgers.edu/.
[10] Crear. D.P., Watkins, B.E., Saba, V.S., Graves, J.E., Jensen, D.R., Hobday, A.J., and K.C. Weng. 2020. Contemporary and future distributions of cobia, *Rachycentron canadum*. Biodiversity Research. https://doi.org/10.1111/ddi.13079.

species move across the jurisdictional boundaries of regional fishery management councils, raising concerns about the representativeness of the council tasked with managing a given species or stock. Section 105 of H.R. 4690 addresses this concern directly by providing a framework to ensure that management authority aligns with where on the coast a fishery occurs.

A less observable but even more challenging outcome of changing ocean conditions are impacts on fisheries productivity—the ability of species to successfully feed, grow, and reproduce. In the Gulf of Maine, which is warming faster than 99% of the world's oceans, a failure to account for the negative impact of increasing temperature on Atlantic cod spawning success in setting management measures has contributed to the stock's continued depressed state.[11] In the case of northern shrimp, its population in the Gulf of Maine has collapsed due in part to predation by a climate change winner—longfin squid—as it expands northward.[12]

Readily and consistently incorporating what is known about climate impacts into management while directing resources toward pressing research needs is imperative. Broadly, Title I of H.R. 4690 makes tremendous strides in this regard, requiring councils to include climate change considerations in fishery management plans, adding climate impacts to research priorities for NOAA Fisheries scientists, and establishing a Climate-Ready Fisheries Innovation Program to develop new approaches to managing fisheries in a changing ocean.

Ultimately, the best insurance policy against the often-uncertain impacts of climate change is a precautionary approach to management that promptly addresses overfishing and aggressively acts to rebuild stocks. By requiring councils to end overfishing immediately, improving oversight of rebuilding progress, and strengthening conservation provisions in the event of a failed rebuilding plan, Section 504 of H.R. 4690 positions our nation's fisheries to be resilient to climate impacts and provide long-term benefits to fishermen and the nation as a whole.

Transparency in Fisheries Management

As a final thought, both H.R. 4690 (Section 304) and H.R. 59 (Section 302) make meaningful strides toward improving the transparency and accountability of regional councils, including the ability for the public to attend meetings remotely and access recordings after the fact. One silver lining of the COVID-19 pandemic has been the increased ability of stakeholders to observe and participate in management as regional councils converted meetings to virtual formats. Maintaining this accessibility post-pandemic will help to ensure that the nation's fishery management process is a truly public one.

Thank you for the opportunity to submit written testimony on the topic of MSA reauthorization.

[11] Pershing, A.J., et al. 2015. Slow adaptation in the face of rapid warming leads to collapse of the Gulf of Maine cod fishery. Science 350(6262): pp. 809-812. https://doi.org/10.1126/science.aac9819.
[12] Richards, A.R., and M. Hunter. 2021. Northern shrimp *Pandalus borealis* population collapse linked to climate-driven shifts in predator distribution. PLoS One 16(7). https://doi.org/10.1371/journal.pone.0253914.