



Reversing Course

Hastings' 'Empty Oceans Act' would repeat failed fishery policies of the past

U.S. fisheries are on the rebound and are some of the best-managed in the world today. Under the Magnuson-Stevens Fishery Conservation and Management Act, the number of stocks subject to overfishing (catching fish faster than they can reproduce) has decreased from 72 in 2000 to 26 in September 2013. In addition, 34 fish populations have been rebuilt since 2000. Significant progress on preventing overfishing, rebuilding unhealthy fish populations, and incorporating science into management, however, would be lost under sweeping changes proposed by U.S. Rep. Doc Hastings.

In December, Hastings, chairman of the House Natural Resources Committee, released a proposal to amend the Magnuson-Stevens Act that would erase the bipartisan commitments to improve the health of fish populations and our oceans made by Congress during the act's 1996 and 2006 reauthorizations.

Specifically, the Hastings proposal would:

Extend overfishing on the most vulnerable fish populations

Scientists have shown that catch limits to end overfishing result in faster rebuilding. Under the Magnuson-Stevens Act, to prevent driving a highly vulnerable population into further decline, managers are given two years to develop and implement rebuilding plans to end overfishing immediately. Under the Hastings proposal, however, managers would be given three additional years to phase in restrictions on overfishing in rebuilding plans. When coupled with other provisions in the proposal and current law, this would permit overfishing to continue for at least five, and possibly up to seven, years. This would make rebuilding more difficult and delay significant economic returns stemming from a rebuilt fishery.

Cripple the rebuilding of vulnerable stocks with loopholes and excuses for inaction

Under the Magnuson-Stevens Act, rebuilding currently must be done in "as short a time as possible," and rebuilding plans have a target of up to 10 years, with the flexibility for extension if it is not biologically or ecologically possible, or an international agreement exists. Because of this existing flexibility, well over half of the current rebuilding plans are for periods longer than 10 years.

The Hastings proposal would weaken the legal requirement to rebuild quickly by altering the law's language from "possible" to "practicable," which would allow a number of other considerations to trump scientific recommendations for rebuilding. It would eliminate the 10-year rebuilding target and add a long list of loopholes that would jeopardize the restoration of vulnerable populations. The proposal would give regional fishery management councils authority to decide that vulnerable populations do not need to be rebuilt. The combination of these provisions would mean that many vulnerable populations might never be restored to healthy levels.

Undermine the scientific basis for annual catch limits

Under the Magnuson-Stevens Act, fishery managers currently are required to prevent overfishing by setting annual catch limits that do not exceed scientific advice and adopt accountability measures to enforce those

limits. The Hastings proposal would increase the likelihood that overfishing would occur by reducing the role of science in setting annual catch limits, exempting species from these requirements, and encouraging risky, politically influenced decisions.

Exempt fishery management from broader environmental review

Activities conducted under the Magnuson-Stevens Act are subject to an environmental review pursuant to the National Environmental Policy Act, which requires broad, impartial environmental review of the impacts of proposed federal management actions, and the development of alternatives to minimize identified impacts. The Hastings proposal would exempt fishery management actions from properly conducted NEPA analyses, depriving managers of critical information upon which to base better management decisions.

Reduce public access to fisheries data, including those collected with taxpayer dollars

Under the Hastings proposal, public access to fisheries data from onboard observers, electronic monitoring systems, and cooperative research programs among fishermen, universities, and government scientists would be restricted. Public members of the regional fishery management councils, nongovernmental scientists, fishermen, and the public would no longer be able to analyze the scientific information that is used to manage our ocean fish resources.

Complicate fisheries management in the Gulf of Mexico

Under the current federal rebuilding plan, Gulf of Mexico red snapper, a key target species caught in a multispecies reef fish fishery in federal waters, is finally turning a corner after decades of overfishing. The Hastings proposal would put management of this fishery under the fragmented jurisdiction of the Gulf states. The species' continued recovery could be put at risk by splintering the authority to manage it and expose the other reef fish to unsustainable and conflicting management among several states and the federal government.

The Hastings draft bill would move us in the wrong direction

The Hastings proposal would reinstate a management system that too often ignored science, succumbed to political pressure, and delayed action to restore vulnerable fish populations. This contributed to overfishing that drove the collapse of many fisheries in the 1980s and early 1990s.

Rather than undermine progress, Congress should build on the recent successes of the Magnuson-Stevens Act. To address the challenges of a changing climate and the damage caused by unsustainable fishing, we should shift to an ecosystem-based fisheries management approach that protects habitat, avoids the incidental catch of nontarget species, accounts for the important role of forage fish in the ocean food web, and requires ecosystem-level fishery management plans.

Reject the 'Empty Oceans Act,' a road map to devastating our oceans' fisheries and local economies.

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