

The Honorable J. Dennis Hastert  
The Honorable Nancy Pelosi  
United States House of Representatives  
Washington, DC 20515

June 7, 2006

Dear Mr. Speaker and Minority Leader Pelosi:

The Joint Ocean Commission Initiative, which represents the views of the members of the U.S. Commission on Ocean Policy and the Pew Oceans Commission, offers the following recommendations for enhancing H.R. 5018, legislation to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, which is scheduled for consideration on the House floor in the near future.

We greatly appreciate the commitment of House Majority and Minority Leadership to improving our nation's management of its fisheries, which is vitally important to the health of our economy and our oceans. We also applaud the work of the House Resources Committee, whose bill incorporates, in whole or in part, a number of the two Commissions' key recommendations, including, but not limited to, provisions that:

- Improve science-based management
- Promote cooperative research
- Authorize the development of ecosystem-based fishery management plans, regional stock assessments, and regional ecosystem research
- Promote the collection of socioeconomic data
- Establish a council member training course
- Authorize the establishment of Limited Access Privilege Programs
- Endorse joint fisheries enforcement
- Authorize the use of vessel monitoring systems

However, there are a number of provisions either contained in or missing from the legislation that are of concern to the Joint Initiative. We urge the House to take this opportunity to further strengthen the bill by addressing these provisions so that H.R. 5018 more closely tracks the recommendations made by the two Commissions.

Before discussing these provisions, we would like to clarify that the basis for the Joint Ocean Commission Initiative's comments are a set of fundamental principles that are articulated in both Commission reports and that we believe should ground all ocean policy reform (see enclosed statement of principles). These principles promote an ecosystem-based management

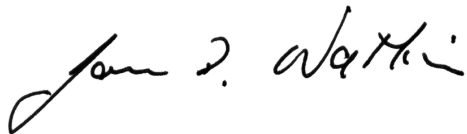
approach, a stronger reliance on science, greater participation and support of fishermen and the general public, an enhanced stewardship ethic, and adequate funding to support fishery management and recovery. We believe effective fisheries management legislation should incorporate all of these principles and look forward to continuing to work with both the House and Senate to put as many as possible in the final Magnuson-Stevens Act reauthorization bill.

The Joint Initiative respectfully requests that House leaders support the following changes to H.R. 5018:

- Modify bill language to prevent overfishing by ensuring accountability for and compliance with Science and Statistical Committee-recommended allowable biological catch levels. Such a measure is needed to reinforce the Council's responsibility for abiding by annual harvest levels, and if necessary, compensate within a fixed period of time for overharvest in a given year.
- Eliminate new exceptions to current rebuilding provisions that would allow stock rebuilding time frames to be extended beyond the ten years, delaying the recovery of many depleted fisheries.
- Remove the language exempting federal fishery management from compliance with the National Environmental Policy Act (NEPA). We appreciate the desire to harmonize Magnuson-Stevens Act and NEPA requirements and timelines, and we recognize that an improved regime would facilitate better adaptive management. However, we feel that granting the Secretary of Commerce the authority to issue a NEPA consistency determination for Fishery Management Plans or amendments would seriously compromise the integrity of NEPA and, if extended to other laws, would result in greater inconsistencies in natural resource management policies.
- Clarify that access to publicly owned fisheries resources under Dedicated Access Privileges or Limited Access Programs are a privilege by requiring periodic reviews of the plans and assigning quota share for a limited time period.
- Expand upon the provision allowing greater opportunity for public representation on Regional Fishery Management Councils by requiring the Governors to submit the name of individuals representing the broader public interest in addition to those from the fishing industry. Such an action would address long-standing concerns regarding the dominant role of fishing industry representatives in the development of the Council's recommendations.
- Enhance the requirement for training for new Council members by tying it to their voting privileges. Fisheries management is highly complex, and the decisions made by the Councils have significant economic ramifications. Thus, member training should be mandated.

We commend you for your efforts to undertake Magnuson-Stevens Act reauthorization in the 109<sup>th</sup> Congress. The Magnuson-Stevens Act is the cornerstone of our fisheries management regime. Its regional management process, reliance on strong science and public participation, and call for transparency of the information upon which management decisions are based are central to its effectiveness. Enhancing these elements during its reauthorization is crucial and long overdue. We look forward to working with you and your staff on passage of H.R. 5018 so that it can fulfill the principles the Joint Ocean Commission Initiative believes are essential to fisheries management reform.

Sincerely,



James D. Watkins  
Admiral, U.S. Navy (Retired)  
Chairman, U.S. Commission on Ocean Policy



The Honorable Leon E. Panetta  
Chair, Pew Oceans Commission

Cc: The Honorable John A. Boehner  
The Honorable Steny Hoyer  
The Honorable Richard W. Pombo  
The Honorable Nick Rahall