

TESTIMONY OF ROBERT K. MAHOOD, EXECUTIVE DIRECTOR  
SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL

BEFORE

THE UNITED STATES COMMISSION ON OCEAN POLICY  
CHARLESTON, SOUTH CAROLINA  
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Chairman Watkins and members of the Commission, thank you for allowing me to appear before you today. My name is Bob Mahood and I am the Executive Director of the South Atlantic Fishery Management Council (Council). I am honored to have this opportunity to candidly address a number of important issues relative to management of our marine fisheries resources in the Southeast.

The Council's primary function is to prepare fishery management plans and make recommendations to the Secretary of Commerce for regulations in each fishery that requires conservation and management in our jurisdiction. (See Attachment 1 "About the South Atlantic Fishery Management Council") Before final action on any proposed rule change is taken, the Council involves the public through a series of public scoping meetings and public hearings, and through input at Council meetings. In addition, the Council receives input and recommendations from knowledgeable people from other state and federal agencies, universities and members of the public who serve on various Council committees and advisory panels. Proposed rule changes are then submitted to NMFS for further review, public comment and approval before being implemented.

The Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) provides for a public process of fisheries management and very specifically includes the resource users in that process. Congress has created a good system for managing our nations marine fisheries resources, but there are problems. During your hearings around the country I believe you will learn there are regional fisheries issues as well as common national issues that must be addressed.

From my perspective there are two major problems that must be addressed and corrected in the south Atlantic if we are going to effectively manage

marine fishery resources in the future. These are inadequate stock assessments and a management system that has become slow and cumbersome.

### Stock Assessments

The lack of adequate stock assessments is a major problem, especially for the snapper grouper species complex managed by the Council. In most cases, data necessary to conduct accurate assessments do not exist. For example, out of 73 snapper grouper complex species managed by the Council, there are only 3 species where enough data exists to conduct biomass based stock assessments as mandated under the Sustainable Fisheries Act (SFA). This situation leads to imprecise management guidance and puts managers in the unenviable position of having to make decisions affecting the fishery resources, and individual's lives and livelihoods based on poor or non-existent data. Also, under these circumstances fishermen and other constituents do not believe the assessments. Even scientists may disagree with each other on the status of the stocks leaving managers in a very difficult position. The greatest management challenges our Council has faced has been with the snapper grouper complex. Where data are available the Council has been able to implement successful management strategies that insure future maximum sustainable yields from the fisheries (See Attachment 2 "South Atlantic Fishery Management Council Fishery Management Actions and Accomplishments").

Fortunately, the stock assessment dilemma can be corrected. There are several initiatives currently underway that will result in more and better data collection. These include implementation of the Atlantic Coast Cooperative Statistics Program (ACCSP), additional Congressional funding for the NMFS's data collection programs and the development of a formal southeast stock assessment workshop (SAW) and stock assessment review (SAR) process.

The major goal of the ACCSP is to implement coastwide standards and protocols for the way in which all Atlantic coast agencies collect, manage and disseminate fisheries statistics. It is a cooperative state and federal data collection and data management program. The ACCSP partners are the States, NMFS, Fish and Wildlife Service and the Councils. The purpose of this partnership is to coordinate and standardize the collection, processing

and storage of all marine statistics resulting in a coastwide program that is timely, credible, ensures compatibility, and eliminates duplicate reporting. This program is funded by Congress, and along with continued increased funding for NMFS data collection programs, should be aggressively supported. The Council, in coordination and partnership with NMFS, is also implementing the Southeast SAW/SAR process to formalize the stock assessments conducted on species under Council management. It is hoped this process will ultimately produce more precise assessments, develop consensus among scientists and build confidence in the fisheries constituency.

### Management Process

During the past several years the Magnuson-Stevens Fishery Conservation and Management Act process has become slow and cumbersome. It has been increasingly more difficult for managers to address fishery resource concerns in a timely fashion because the regulatory review process which they operate under is bogged down. As a consequence, our fishery resources and fishermen are not receiving the best responsive management the MSFCMA has to offer.

There are a number of factors that have contributed to the current situation, including more complex management issues; additional mandates under the Sustainable Fisheries Act (SFA); differing interpretations of the SFA relative to Maximum Sustainable Yield (MSY) and Optimum Yield (OY), bycatch, essential fish habitat and other applicable laws such as the National Environmental Policy Act (NEPA); and increased litigation. Too many overlapping levels of review at the NMFS and NOAA General Counsel regional and Washington levels, ever-changing NOAA legal direction and lack of coordination between the Councils and NMFS have compounded these factors.

The good news is that things are beginning to change. The new Assistant Administrator for Fisheries, Dr. Bill Hogarth, has made it known he intends to fix the problems that are plaguing the fisheries management system, and he has followed up his words with action. NMFS is developing a regulatory review streamlining process with the goal of reducing the levels review fisheries actions submitted to the Secretary of Commerce must undergo. Dr. Hogarth has provided the Councils with additional resources and support to

do a better job of addressing complex management issues and meeting the mandates of the SFA, NEPA and other applicable law. He has initiated efforts to strengthen the partnership between NMFS and the Councils and to make management responsibilities as seamless as possible.

However, policy change alone cannot correct all of the deficiencies in the management system. A number of amendments to the MSFCMA will be required. Attachment 3 is a list of recommendations from the Regional Fishery Management Council Chairmen regarding Magnuson-Stevens Fishery and Conservation and Management Act reauthorization issues. Although I don't have time to go into detail at this time, the Chairmen's key recommendations address the need for Congress to more clearly define: the relationship between the MSFCMA and NEPA; overfished and overfishing; essential fish habitat; the Councils' role under the Marine Mammal Protection Act and the Endangered Species Act; collection of economic data; and bycatch issues.

Again, thank you for the opportunity to be here. I will be glad to answer any questions at the appropriate time.