

**Public testimony of Eric Rardin before the US Commission on Ocean Policy on behalf of
the National Environmental Trust
January 24, 2003**

Admiral Watkins, members of the Commission, my name is Eric Rardin and I am the Outreach Coordinator for the Marine Conservation Program at the National Environmental Trust, (NET). NET is a 501 c(3) environmental advocacy organization that was founded in 1995 and has been active on ocean issues since 2000. Our headquarters are in Washington DC and we have organizers in 15 states across the country.

NET appreciates the opportunity to testify before you today. In addition to endorsing the recommendations of the Marine Fish Conservation Network, NET's comments will focus on three key areas; guiding principles, science and allocation, the precautionary approach. We appreciate what we perceive to be the intent of the draft proposals. However, as with everything, the "devil is in the details" and we offer some specific word changes that we believe will help these draft recommendations realize their original intent.

We strongly support your guiding principles with the following changes to the wording on Ecosystem based management, participatory governance, adaptive management, multiple use, the precautionary approach, and biodiversity.

Ecosystem based management

We strongly support the directive contained in the report to begin implementation of ecosystem based management. This is clearly the future for ocean management and we can no longer afford to wait to gather all the scientific information that is necessary. In addition to supporting the comments of the Marine Fish Conservation Network in this regard, we strongly believe that ecosystems should be defined by science and not council jurisdiction. As we point out below, we also believe that independent scientific boards should be formed to make the scientific recommendations to the Councils on allowable biological catches (including bycatch) annually for each fish stock. Therefore, it is not critical that the current council boundaries be maintained.

Participatory Governance

While we agree with the concept, it needs the following additions; after "importance" strike "and" and insert the following; " short term and long term consumptive and non-consumptive" before "value" and retain the rest of the sentence.

Adaptive Management

This management mechanism can be useful, however, it can also be used, in the case of the oceans, to avoid fulfilling one's legal obligations to take action. To minimize the chance for abuse, we suggest that the purpose of "adaptive management" is not to re-evaluate goals but to re-evaluate the effectiveness of management procedures. As such, we recommend the following change; after "future management. Reevaluation of", strike "goals and" and insert "the".

Multiple Use

NET is not opposed to the concept of multiple use. However, the proposed definition is particularly problematic without it being made clear that management decisions on “multiple use” need to be made in context of the long term health of the marine ecosystem of which the activity is a part. At the end of the definition, after “competing interests.” Add the following: “consistent with maintaining the long term health of the marine ecosystem.” Failure to include consideration of the ecosystem will lead to the continuation of the very problems that commission was created to address.

Precautionary Approach

We support the changes suggested by Lee Crockett in his statement on behalf of the Marine Fish Conservation Network.

Biodiversity

We support the goals of this section and believe that conservation of biodiversity must be a cornerstone of any effort to strengthen our ocean governance. As such we believe that conservation of biodiversity must be an explicit “goal” not just a “consideration” as stated in your draft.

Use and Review of Scientific Information

We completely agree with the goals of this measure – to separate allocation decisions from the determination of allowable biological catch (ABC) and stock assessments in general. However, the solution recommended in the draft document is insufficient and will not work. Specifically, the establishment of SSCs rather than fully independent scientific assessment teams to perform the task of setting ABC levels does not provide a sufficient ‘firewall’ between the councils and the scientific assessment process. Observations of councils that already have SSCs, such as the North Pacific Fisheries Management Council, clearly show that members of SSCs are vulnerable to political, economic, and social pressures that cause them to consistently over-estimate ABC. The only way to ensure that scientific decisions are made by scientists free from outside influences is to establish scientific assessment teams that are completely independent from the regional fisheries management councils (RFMCs). In addition, members of the scientific committees responsible for establishing ABCs must not derive any economic benefit from the fisheries being assessed, or from any participant in those fisheries. Finally, members of the scientific assessment teams setting ABCs should be subject to all federal conflict of interest laws, as should all members of the RFMCs.

Nomination and Appointment for RFMC Members

The composition and conduct of the councils has consistently been one of the most serious problems with current fisheries management and we support the Commission’s interest in this issue. However, the Working Group’s recommendation that the governors be required to submit two candidates from the commercial fishing industry, recreational fishing sector, and general

public will insure a more balanced slate of candidates, but will do little to actually insure balanced representation on the councils. The Secretary of Commerce should be legally required to appoint a balanced membership for each council. We also recommend that the Commission address the conflicts of interest of many council members. Given the fact that many council members have an economic interest in the fisheries they regulate, there is little wonder that they are reluctant to vote for conservation measures that will cost them money. We recommend the members of RFMCs be subject to the same federal conflict of interest laws that every other American is subject to. The Commission should also clarify that members of the general public are individuals that do not derive any economic benefit either directly or indirectly from participation in either commercial or recreational fishing. Finally, persons who have been convicted of a criminal violation of the Magnuson-Stevens Act must be prohibited from serving on any council, advisory panel, or SSC.

Dedicated Access Privileges

Renaming individual fishing quotas (IFQs) dedicated access privileges does nothing to address the harmful economic, social, and environmental impacts of these programs. We strongly urge the Commission to recommend a renewal of the moratorium on IFQs until Congress has established mandatory national standards that ensure equity and conservation benefits in all such programs. This was Congress's charge when the moratorium was established, and they have failed to fulfill this charge.

Thank you again for the opportunity to testify. We look forward to working with the Commission as you complete your report and prepare to release your recommendations.