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S. 1255: More Costly Delay for America's Fisheries and Fishermen

Senator Charles E. Schumer (D-NY) recently introduced legislation that would severely weaken the carefully written, bipartisan Magnuson–Stevens Fishery Conservation and Management Act (MSA), which governs America's commercial and recreational ocean fisheries. Representative Schumer's "Flexibility in Rebuilding American Fisheries Act of 2009" (S. 1255) would create loopholes in the Magnuson-Stevens Act by extending deadlines for rebuilding depleted fish populations and by allowing fishery managers to put short-term economic gains ahead of healthy fish populations.

After decades of costly fishery declines due to mismanagement, Congress reauthorized MSA in 2006. The law requires that rebuilding be "as short as possible," but no more than 10 years. Even so, it includes reasonable exceptions for biological differences in fish species, international agreements or other environmental factors.

Despite MSA's inherent flexibility, S. 1255 adds loopholes and exceptions that undermine rebuilding. Some of its troubling provisions include:

- Allowing fishery managers to delay rebuilding deadlines by attributing declines in fish populations to causes other than overfishing. This will result in continued fishing for already depleted populations.
- Permitting fishery managers to delay rebuilding deadlines if they can point to a "positive rebuilding trend." This could indefinitely extend rebuilding deadlines for a majority of fisheries.
- Delaying rebuilding of fisheries containing mixed stocks managed together. If one of these populations is on a "positive rebuilding trend," the bill allows for an extension of the deadline and continued exploitation of healthier populations at the expense of more vulnerable ones in the fishery.
- Rewriting the existing law by deleting the mandate requiring rebuilding to be "as short as possible" and replacing it with "as short as practicable." This undercuts the Congressional intent to make federal fisheries managers responsible for rebuilding depleted fish populations as quickly as possible.

The rebuilding requirement represents a cardinal conservation provision of the Magnuson-Stevens Act and should not be undermined. Further delay increases fishing pressure on vulnerable fish populations, threatens their ability to rebuild, and unnecessarily delays critical economic and ecological benefits to fishing communities.

For more information, please contact:

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