

The Future For Fishing: Managing A Lucrative Resource In The Face Of Climate Change

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Hawaii's \$100 million tuna industry was the latest focal point for members of Congress trying to decide how to improve the main federal law governing the management of U.S. coastal waters.

Conservationists and commercial fishing industry leaders came together on the need to restructure the Magnuson-Stevens Fishery Conservation and Management Act to adequately consider climate impacts during a panel discussion in Honolulu.

But that was about it for the common ground they found during the last stop on U.S. Rep. Jared Huffman's nationwide "listening tour" on reforming the MSA.



U.S. Rep. Ed Case hosted Rep. Jared Huffman's listening tour on reauthorizing the Magnuson-Stevens Act last week.

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The panelists, which also included state and federal officials, had diverging views on the effectiveness of marine national monuments like Papahānaumokuākea and whether the eight regional councils that the law set up to manage fishery resources nationally should have designated seats to ensure representation

from environmental, indigenous and scientific interests as well as the commercial fishing industry.

They took turns offering their suggestions on how to fix the MSA to Huffman, a California Democrat, and Hawaii Congressman Ed Case, who hosted the two-hour discussion last week at the Bishop Museum. Huffman participated through videoconference.

"I am not trying to completely reinvent the Magnuson Act," Huffman said, adding that pillars of the law have proven incredibly successful. "But we have to look at the future."



Wespac Executive Director Kitty Simonds reviewed the MSA during the discussion on how to reform the law.

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The law has undergone two major revisions since Congress passed it in 1976 as a means to create exclusive waters for U.S. fishermen between three and 200 miles offshore. Early on, some fish stocks were depleted but reforms in the law — like adding annual catch limits during the last update in 2007 — have helped reduce overfishing.

The latest annual fisheries report by the National Oceanic and Atmospheric Administration, released last week, shows overfishing in U.S. waters is now at an all-time low and the value of the nation's fisheries is at a record high. The data for 2018, the most recent available, shows Honolulu remains a top port by volume and value of seafood landed, ranking sixth nationally at \$106 million — mostly in bigeye tuna from the longline fleet.

But concerns remain over the hold that commercial fishing interests have over the councils, especially the Western Pacific Regional Fishery Management Council and what that means for its mandate to ensure sustainable practices. Wespac's 16 members manage the largest region, overseeing more than 1.5 million square miles of ocean.

A third update of the MSA is underway, led by Huffman. He chairs the House Water, Oceans and Wildlife subcommittee, on which Case also serves.

Huffman said prior attempts to reform the MSA devolved into partisan bickering. He is endeavoring to "reset the conversation" by trying to take politics out of it.



A panel of diverse stakeholders shared their thoughts on how to improve the Magnuson-Stevens Act.
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The Honolulu meeting was the seventh stop on Huffman's congressional tour, which started in October in California and has included meetings in Baltimore, Seattle, New Orleans and Miami.

He noted the commonalities from the series of meetings, like that the law is generally working well but could use a refresh, particularly when it comes to considering climate impacts. Hotter and more acidic oceans are shifting fish migration patterns and affecting stocks — something that must be considered in policy decisions.

The Hawaii panel members emphasized the climate aspect while adding their own suggestions, both broad and specific.

"The most significant issue facing our planet is global warming," said Suzanne Case, who heads the state Department of Land and Natural Resources. "We urge you to tackle these issues head on."

Her concerns focused more on jurisdiction. She wants Wespac to stop trying to influence state issues. She has a seat on the council as head of DLNR and noted as an example that aquarium fishing is on the federal council's March agenda. Yet, she said, she did not receive advance notice about it and it's a state fishery occurring within three miles of shore.



Hawaii DLNR Director Suzanne Case was among those calling for better representation on Wespac.
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She suggested updating the law to require the council to consult earlier with relevant parties on decisions, boost its transparency of expenditures and bolster Native Hawaiian representation.

Wespac is under federal investigation into its finances. Following a Civil Beat investigation and request from four congressmen, the U.S. Department of Commerce Office of Inspector General announced in October that it would be auditing Wespac over its handling of grants from NOAA's Western Pacific Sustainable Fisheries Fund.

Sol Kaho'ohalahala, who serves on the Papahānaumokuākea Reserve Advisory Council among other boards, underscored the need for Hawaiians on the council to bring an indigenous perspective to management.

"The question is if it's time for us to give that relevance to these times and acknowledge that Native Hawaiians have had this experience," he said.

Congressman Case said the MSA was set up on a pure western science framework and agreed that cultural practices should be included in the management structure.

David Henkin, a staff attorney for Earthjustice, said a broader representation with indigenous, conservation and science interests at heart would improve the regional councils.

"If you mandate that, in terms of the council composition, you're going to get better outcomes," he said. "The structure is fundamentally sound. The problem is you've got an industry-dominated membership."



Earthjustice attorney David Henkin said the statute of limitations to file a lawsuit should be extended from its current 30 days.

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Henkin also wants a much longer statute of limitations to challenge policy decisions in court. Instead of the current 30 days, which causes lawyers to scramble and just include every argument they can dream up in a lawsuit, he said it should be several years like other environmental laws allow.

Eric Kingma, a former Wespac staff member who heads the Hawaii Longline Association, said the MSA should prioritize climate science more and provide more funding for research.

He was interested in ways the law might be updated to improve the public perception of the commercial fishing industry, which he says has been demonized at times. He suggested updating the fish labeling law so that it's not just clear when fish are caught by foreign fleets but also obvious when it's a U.S. product, which generally meets far higher standards.

He refuted remarks that the council makeup is lopsided in favor of commercial fishermen, saying that only about one seat has been held by the industry. At the moment, that's Mike Goto of the United Fishing Agency, which runs the Honolulu Fish Auction.



Eric Kingma, executive director of the Hawaii Longline Association, said the MSA should prioritize fisheries science more, including climate science.

Nathan Eagle/Civil Beat

But Wespac's focus for decades has been doing what's best for commercial fishing, particularly Hawaii's tuna longliners. The council routinely votes to increase catch limits and has fought lawsuits over endangered species.

Goto said the Hawaii seafood industry wouldn't be where it is today without the MSA. He underscored how fishermen have taken steps to drastically reduce bycatch, unlike foreign vessels, and that Hawaii's reputation for quality ahi has led to the recent trend of poke shops on the mainland.

What's needed, he said, is more adaptive management. Several others emphasized the same point, again noting climate change as one of the main drivers in the need to be more flexible and nimble in managing the resources.

"We may take different viewpoints in terms of how to address our passions," Congressman Case said. "But we have common ground in that we're all passionate about our oceans."

He noted that he doesn't anticipate the MSA reauthorization passing this year.

Huffman encouraged public input on the reauthorization of the MSA through his website[here](#).