

**CAPT. JOHN MCMURRAY
PRESIDENT, AMERICAN SALTWATER GUIDES ASSOCIATION
TESTIMONY ON “THE STATE OF FISHERIES”**

**SUBCOMMITTEE ON WATER, POWER AND OCEANS
UNITED STATES HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.**

Mr. Chairman and Members of the Committee, thank you for inviting me to share my perspective on the current state of marine fisheries in the United States.

My name is Capt. John McMurray.

I am the owner and primary operator of One More Cast Charters in Oceanside, New York, the president of the American Saltwater Guides Association and a former three-term member of the Mid Atlantic Fishery Management Council.

I live on the water, work on the water, and draw the great majority of my income from marine resources. My family of four and I are inextricably tied to the sea.

Let me be clear that our country is not in a great place with the state of marine fisheries right now, but it's not in a terrible one either. I believe that the glass is half-full exclusively because of strong federal laws that have succeeded in keeping a few fish in the water.

I am fully aware that there are anthropogenic factors well out of the control of fishery managers, yet, when managers are forced to make the sometimes-difficult decision to constrain harvest, such resources do come back, often in very good numbers.

While there has been significant criticism, The Magnuson Stevens Fishery Conservation and Management Act has undoubtedly been successful in forcing the regional Councils and NOAA Fisheries to prevent overfishing and rebuild overfished stocks.

In 1996, Congress amended the Act. Councils were required to prevent overfishing, and to rebuild overfished stocks within a timeframe that, with limited exceptions, could not exceed 10 years. Yet, what really forced managers to control overfishing were the mandates put in place during the 2006 reauthorization. Most notably, Annual Catch Limits (ACLs) and Accountability Measures (AMs).

Since 2006, scientists in the form of the Council's Scientific and Statistical Committees (SSCs) - as opposed to what were often profit-focused stakeholders - set overfishing limits each year. Such scientists are required to account for scientific uncertainty – the level of confidence in the data – and apply “scientific uncertainty buffers” in setting the top level of catch, also known as Acceptable Biological Catch (ABC). The law is clear that Councils, which are largely composed of stakeholders, can adjust the ABC down (based on management uncertainty) but not up. This insulated the process from political pressure that allowed short term overharvest, at the expense of abundant healthy fish stocks and long-term sustainability.

The reauthorization further required that accountability measures (AMs) be put in place to ensure that Councils are motivated to comply with the Annual Catch Limits. If an overage occurs in one year, it must be paid back the following year.

Yes, the 2006 reauthorization required that we manage fisheries more conservatively than we had been, and that folks simply couldn't harvest as many fish as they had been able to in years prior. But history shows that when such harvest levels could be kept higher, a large number of federally managed stocks were depleted. Prior to 2000, 92 federally-managed stocks were overfished, and 72 were subject to overfishing. Early last year that number dropped to just 38 overfished stocks, and just 30 were subject to overfishing.

Still, as members of this Committee likely know, there has been a lot of pushback since the 2006 reauthorization. There have been calls to go back to the old way of doing things, to give federal fisheries managers the flexibility to avoid annual catch limits and accountability measures, and there have been legislative proposals that would allow numerous loopholes to the annual catch limit and accountability measure requirements. Furthermore, there have been calls to manage federal fisheries in a manner similar to the way states manage their fisheries, avoiding annual catch limits and accountability measures altogether.

But the truth is these simple conservation provisions contained in the current version of the Magnuson Act cut the number of stocks being overfished by more than half. Forty-five stocks have been successfully rebuilt from previously depleted levels. Recreational participation and seafood landings are both up as a result.

According to NOAA Fisheries, U.S. commercial fishermen landed 9.7 billion pounds of fish, valued at \$5.2 billion in 2015. That is a 24 percent increase in value from 2006 landings. While there are certainly complaints that we can't kill enough small fish, abundant fish populations have been a boon for anglers and the coastal communities that recreational fishing supports. In 2016, an estimated 9.6 million saltwater anglers took 63 million fishing trips.

Healthier recreational fisheries benefit not simply anglers, but also angling-related businesses including charter captains, boat dealers, marinas, bait and tackle sellers, restaurant owners, clothing and apparel manufacturers and retailers. When all of that is taken into consideration, in 2016, saltwater recreational fishing supported 472,000 jobs, \$67.9 billion in sales impacts, and \$24.3 billion in income impacts across the country. Thanks to healthy saltwater fisheries, anglers spent \$15.7 billion on boats and related expenses, \$3.7 billion on fishing tackle, and \$4.3 billion in fishing trip expenditures.

More importantly, from my perspective, it has increased access which is important when dealing with a public resource. Sure, folks can't kill small fish or as many fish as they once could, but the result is "abundance." What that means is folks can catch bluefish, summer flounder, scup and black seabass with some consistency close to shore, in the bays, and even from the beaches and the docks. Because they are managed conservatively, anglers don't have to run several miles offshore in an expensive boat to successfully find fish. Managing for this form of access, allowing a greater number of people to participate in the fishery, represents the right way to manage a public resource.

Of course, such healthy and abundant stocks generally benefit the commercial sector as well. If there are more fish available in the ocean, then there will be more fish to harvest. For example, the Mid-

Atlantic's scup population hit an all-time low in 1995 when abundance fell to just 4 percent of what biologists said was a healthy level. A rebuilding plan was implemented in 2000, and the stock was successfully restored by 2009. Fishermen benefited from that rapid recovery; in 2015, commercial fishermen landed 16.95 million pounds of scup, compared with just 9.24 million pounds in 2007.

For my charter business, abundance equals opportunity and that drives participation. In other words, the more fish that are around for my clients to catch, the more fishing trips I'm going to book. Almost 20 years in the charter business has taught me that having the opportunity to catch numbers of fish, with the realistic hope of a large one, is more important than simply being able to fill a cooler. When stocks are depleted, and the fishing isn't good, I have a much harder time booking trips.

On a personal note, my 10-year-old boy simply won't go fishing if there isn't a reasonable expectation of encountering, say bluefish. If the fishing isn't good, he'd rather spend time indoors playing video games. And make no mistake, we are rapidly losing his part of the fishing demographic. We stand to lose it completely if we don't maintain a high enough level of abundance to keep young anglers, and new anglers, active and engaged.

On the issue of managing federal stocks like the states manage their fisheries, one need not look any farther than the Atlantic States Marine Fisheries Commission (ASMFC) – A cooperative compact of East Coast states that share migratory fishery resources. While their charter would certainly seem to suggest that they prevent overfishing and rebuild stocks, they have no federal or other mandate to do so. As a result, this body frequently bows to political pressure and allows overfishing.

The ONLY stock the Commission has successfully rebuilt since it was created in 1942, is Atlantic striped bass. Now, however, a recent stock assessment has revealed that even striped bass are once again overfished and subject to continued overfishing. Certainly, the Commission could have avoided that. And had striped bass been managed under federal law it's likely that they would have.

It is my opinion that such management body should be subject to some sort of federal oversight in the near future. It would be good if the Commission had to comply with the same federal mandates that the Councils do.

Let me be clear that federal fisheries management is not perfect. Yes, there have been some issues with summer flounder and black sea bass. Mandated rebuilding of such stocks has resulted in increasing abundance and a subsequent increase in availability and catchability. Abundance and availability drive angler effort, so as a fish stock recovers, more folks tend to target it and fish more often, which can lead to overfishing even when there are more fish around.

Anglers find themselves in a counterintuitive situation, where they are seeing more and larger fish, and managers say that the stock is getting larger, but regulations are growing more restrictive to offset the rapidly increasing effort. Yet, such situations usually stabilize after a few years, once the stock reaches its biomass target and supply and demand begin to balance out.

On the issue of ecosystem-based management, the Magnuson Act doesn't sufficiently compel managers to fully take into account ecosystem interactions, particularly as they relate to predator-prey relationships. The Councils are taking solid steps to develop ecosystem models but there is still no mandate to implement them. And while the Mid-Atlantic and Pacific Councils have taken solid steps to

prevent large scale harvest from taking place on currently unmanaged forage species, until the science is there to show such harvest is sustainable, this should be a mandate for all Councils.

Let me be clear that my entire fishing season revolves around forage concentrations. Without such aggregations, you simply don't have access to predators. With that in mind, the localized depletion occurring when commercial squid, herring or mackerel fleets harvest local concentration of "bait," should be acknowledged and addressed by the Councils.

It is also imperative that the councils amend their fishery management plans to account for the clear spatial and temporal shifts in marine fish stocks that are happening as a result of climate change.

Summer flounder is one of the best examples of a stock that has clearly shifted its center of abundance. Yet such a change in distribution is not thoroughly accounted for in the current allocation of commercial landings, which were based on landings during the 1980s when the flounder distribution was far different than what it is today.

New York, and other northeastern states are now in a position where most of the fish are located off their shores, but their fishermen aren't allowed to catch them in any quantity; New York's current daily trip limit is just 70 pounds. But boats from as far south as North Carolina, which have large allocations but few flounder off their shores, harvest summer flounder off Long Island, steam back down to their home state, offload to processors, who ship the fish back up to Fulton Fish Market in New York, in the meantime New York fisherman stay tied to the dock, with a quota too small to make a directed fishery profitable.

Magnuson-Stevens should include a clear mandate requiring managers, using the best available and most recent science, to adjust allocations to reflect local abundance. Relying on a baseline that's three decades old is unfair, economically inefficient and not in the public interest.

The climate change issue also provides another reason to keep strong conservation provisions in Magnuson-Stevens. Maintaining marine fish stocks at high levels of abundance will render such stocks more resilient, and better able to deal with the changes likely to occur with warming waters.

Finally, as good fishery management relies on good fishery data, marine resource data collection must receive more adequate funding, especially on the recreational side. The current Marine Recreational Information Program (MRIP), while good for determining regional trends over time, is not well suited for state by state, year by year management. While it represents the best available science currently available, we can and should do better. There is a lot of promise in the development of smartphone reporting; although data quality issues prevent it's use today, money and time will hopefully provide solutions. We must ensure the funding is there, to let us take that step forward.

In short, fishery managers face serious environmental challenges, in the form of climate change, pollution, toxic runoff and similar problems they can't control, but must address as best as they can. But one thing they can surely control, right now, is the harvest of marine resources. Making sure we have well-funded agencies to manage those resources, and strong laws that ensure their abundance and resilience in the face of the many environmental challenges is well within our realm.

Thank you again for the opportunity to share my views with you today.