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Testimony on
Restoring Atlantic Fisheries and Protecting the Regional Seafood Economy

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Chairman Bishop and Members of the Committee, thank you for inviting me to share my perspective on Restoring Atlantic Fisheries and Protecting the Regional Seafood Economy. My name is Patrick Paquette and I currently live on Cape Cod in the village of Hyannis, MA. I have spent the bulk of my life in and around the many aspects of the recreational fishing industry and community. As an angler I have grown from teenage dock rat, to mate, eventually earning a U. S. Coast Guard Masters license. I have worked for multiple for hire operations and still run the occasional trip whenever possible. Although striped bass, winter flounder, black sea bass and fall funny fish are my favorite targets these days; over the course of any given year, I fish for most of the recreational target species found both inshore and offshore in the Northeast. I am an outdoor writer and have published over one hundred articles and even more columns and blogs for both print and digital media outlets. In the tackle industry I have worked as pro staff, local salesman for a company based on Long Island and more recently have consulted for companies trying to introduce products into the Northeast market.

I am best known for more than twenty years involvement within the community of recreational fishing organizations between Maine & North Carolina. That volunteer service lead me to fisheries management and roughly ten years ago, I launched a career as a professional advocate/consultant working within the realm of fisheries management. I am a bit of a jack-of-all-trades, covering the New England & Mid Atlantic Fishery Management Councils (NEFMC/MAFMC) and the Atlantic States Marine Fisheries Commission (ASMFC). I believe my vast experience allows me to provide you testimony this morning from an East Coast wide-angle view, as opposed to being focused on any one state.

Flexibility Failed America's Oldest Fishery

In July of 2013, I was invited to testify before the Senate Committee on Commerce, Science & Transportation at one of the first hearings focused on reauthorization of the Magnuson Stevens Fishery, Conservation and Management Act (MSA). In the more than two years that have passed since then, some of the debate has focused on adding flexibility to the law, particularly for rebuilding timelines and the use of science-based annual catch limits in order to prevent overfishing. I believe it's important to recognize that since the MSA was last reauthorized, significant progress has been made toward ending overfishing and rebuilding many fish stocks.

I further believe that there is already enough flexibility within MSA for Councils to manage a fishery experiencing a decline in abundance.

No clearer example of this exists than what NEFMC & NMFS did when a stock assessment in 2011/2012 confirmed what some fishermen had been saying for a few years: there was an ongoing and significant decline of our nation's oldest fishery, Gulf of Maine Cod (GOM Cod). Management decisions took advantage of existing flexibility within MSA to push back mandatory rebuilding timelines; initiate interim measures that delayed and lessened the immediate impact of reduced catch limits and conduct a previously unscheduled back-to-back stock assessment to corroborate the decline.

Ultimately, however, these allegedly creative ways to use existing flexibility within MSA once again delayed needed rebuilding of the stock and merely paved the way for quotas so small that recreational harvest of GOM Cod was shut down for all of 2015, because the recreational quota of 30% of the annual catch limit was used up by discard mortality that occurs when fishing for other species. This use of the existing flexibility under MSA seemed eerily familiar to the failed management practices of the past.

Moreover, such management by crisis wastes limited resources that could be better dedicated to advancing modern management needs, which I address later in my testimony. The evidence shows that increased flexibility, whether it is for GOM cod, summer flounder, or other valuable species will not provide the sustained fishing opportunities our fishermen and communities need. Many small boat commercial and nearly all recreational fishermen that rely on GOM Cod and other iconic species will respectfully urge you to be careful what you might ask for when it comes to flexibility. Flexibility Failed GOM cod.

Managing for Abundance

Instead of managing a fishery in decline with flexibility, I suggest there is significant evidence that managing a fishery for abundance presents much more upside for both commercial and recreational fisheries alike. A classic example of managing for abundance is Atlantic striped bass, which are managed by the ASMFC.

Many have been told about the successful recovery of striped bass after the collapse of the 1970s and 80s. The recovery began with the complete moratorium on striped bass fishing following the enactment of the Atlantic Striped Bass Conservation Act of 1984. Additional key aspects of the recovery were the permanent prohibition of striped bass fishing in federal waters (EEZ) or as I explain it, the establishment of the striped bass savings account and the buy in of recovery efforts by all involved. Combined these actions led to the stock's rebound by the early 1990s.

As striped bass stocks grew in the late 1990's & early 2000's, coastal communities up and down the coast experienced a great increase in recreational fishing and

related commerce. The boom started with small fish and fueled the proliferation of saltwater fly-fishing and other light tackle opportunities. As the fish grew, the participation, commerce, and economic impact of the fishery exploded. At the height of the abundance in the 2000's, increased harvest was justified and ASMFC adopted the two fish coastal standard. That standard lasted for roughly a decade.

Unfortunately, after quite a few years of high abundance and record participation in the fishery, seven of the year classes measured between 2001 and 2010 were below average. This resulted in a decline of both abundance and participation. By 2012 the lack of smaller fish recruiting into the fishery was driving coast wide demand to preserve abundance by reducing mortality. In 2014, the decision was made to return to a one fish standard and take a 25% commercial reduction. Early data from 2015 sources shows that a rise in price of commercially sold striped bass appears to have covered the 25% reduction and the commercial fishery actually increased in value, somewhat mitigating the impact of the cuts.

To be clear, the small year classes are not believed to be the result of overfishing. It is fact that the largest spawning stock biomass in the time series produced some of the smallest and the largest year classes on record. Environmental factors not yet understood are suspected to be what drives the success of year classes.

The good news is that the 2015 stock assessment update indicates that the decline may be leveling out. In addition, two of the last four-year classes appear to be above average. Instead of finding ways to avoid reductions when needed, taking proactive action to maintain abundance appears to be paying off. With striped bass, we are not in the position of having fished down a stock via flexibility, thus managers are not dealing with a small spawning stock biomass that may not be large enough to fuel growth. We have maintained relative abundance and instead of fighting over the scraps left over from management flexibility, we took a mild reduction, avoided shortened seasons, and the fishery continues to provide a great amount of recreational and related commerce.

I do not mean to suggest that that I think striped bass are managed perfectly. Ideally, the ASMFC management of striped bass would adhere to the same terms, definitions, & standards for ensuring abundance as federally managed fisheries under MSA. However, after seeing a roller coaster history of significant growth and decline over the past twenty plus years, managing striped bass for abundance has resulted in the striped bass fishery being one of the most important and stable fisheries in our nation.

As a side note, the issue concerning the slice of federal waters between Block Island and Montauk is not unique. There are other areas and sectors within the maritime community that have issues with the hard to understand placement of the boundary line between state and federal waters. The solution should not be to open up striped bass fishing within federal waters and deconstruct a key component of a successful management plan. In addition I would suggest caution when considering

proposals that create an almost impossible to enforce exemption that might open the door for poachers to operate. A more permanent solution might be for Congress to initiate a coast wide review of the state/federal waters boundary line. A review of this type would give stakeholders from multiple states the opportunity to seek needed relief from a situation that anglers in multiple states feel makes no sense.

Continued Transition to Ecosystem Based Fishery Management

I think many on all sides of the MSA debate would agree rather than rehashing old arguments about flexibility, we should continue to move away from a single species management system to one that is ecosystem-based.

I remember early presentations introducing Ecosystem Based Fishery Management (EBFM) to stakeholder and management bodies suggested it was a complicated issue to understand. But as a fisherman, I understood the basic theory immediately because it was taught to me at a very young age. From the absolute first fishing trip anyone has ever made, the lesson is taught that big fish eat small things. Whether it's for catching fish or ensuring abundant fish populations, commercially and recreationally important fish need a healthy supply of prey. There is another EBFM concept that is easy to understand: fish are sensitive to water temperature and quality. One of my first adult fishing revelations was that the first wave of migrating striped bass show up on Martha's Vineyard when the water hits 50 degrees. I'll never forget that old timer laughing at this teenager who had figured out what I later learned was a common bit of knowledge. Recognizing the importance of and ensuring quality habitat and healthy ecosystems are critical for sound fishery management.

Already, NFMS and Councils around the country have begun to transition to this approach. Because of that, I think there is a real leadership role for Congress to play when it comes to mandating and facilitating the ongoing transition from single species management to EBFM. Right now, there exists an enormous amount of data regarding how species interact with each other and the larger environment, but it is not properly or consistently channeled into management decisions. I understand that when you are dealing with a system wide community of stakeholders, scientists and bureaucrats; human nature can step in, fear of the unknown can take over, and major change is naturally resisted, however EBFM is really necessary to ensure our fisheries are productive for the long run. The following are a few critical areas of EBFM that I believe Congress should embrace.

Fishery Ecosystem Plans

The best path forward that I have heard thus far is that a reauthorized MSA should mandate what are known as Fishery Ecosystem Plans (FEPs). These plans touch on all ecosystems under the jurisdiction of a management body. These plans should be based on existing scientific data, and include as comprehensive a description of the ecosystem as is possible, establish indicators or reference points that include both

environmental and economic health, and set simple realistic goals to start. These plans would be created by the Councils' and would not replace existing Fishery Management Plans but would complement them by helping managers understand the comprehensive effects of a management action for one species and how that will effect another species or fishery within the ecosystem. Some data to actually gauge or measure trade offs would already be an improvement to the status quo. In fact, Councils managing Pacific fisheries have already embraced this model and are working to implement FEPs, however there isn't a lot of guidance from NMFS about how FEP's should be developed or what they should include. This is where I envision Congress building on this work by providing within a reauthorized MSA, a consistent framework that NMFS can use to guide Councils on hose to best take this next small step toward the future that is EBFM.

Protection of Forage

As I mentioned, forage species, or what many might call bait-fish, are important to the long term health and productivity of all of our other fisheries. We can never expect to rebuild and achieve healthy sustainable fisheries if we don't recognize the importance of forage by setting catch limits that account for the critical role they play in the ecosystem. Moving forward, we should require that fisheries managers develop plans to ensure these functions are addressed, particularly with regard to emerging or new forage fish fisheries.

This is already happening both at the ASMFC and some Councils. Earlier this year, ASMFC voted to include considerations regarding the ecological role menhaden play when determining annual limits on its catch. Menhaden are a critical forage fish that serve as prey for striped bass, summer flounder, and all of the other species we like to catch. Sound management of these fish will ensure that have the food they need to sustain abundant populations.

The Pacific Council has also made strides in conserving forage fish, as it recently approved changes to its FMPs that identify a suite of unmanaged forage fish as ecosystem component species and limit fishing to current levels. Some stocks like sardine have declined dramatically in recent years. Taking their cue, the Mid Atlantic Council has established a process that is ongoing to conserve forage fish that are currently unmanaged. This work is important, but is happening in an inconsistent way around the Councils, and needs Congress to step in. Fisheries in New England for example could really use greater conservation measures for important forage fish like herring, particularly if we have any hope of restoring iconic species like cod.

Unmanaged Fisheries

Another subject I feel should be included in a reauthorized MSA is that any and all new fisheries, especially but not limited to forage fisheries, should be required to meet certain criteria before being allowed to proceed. Tools such as experimental

fishery permits can be used to test new fisheries while details and scientific requirements are developed. The reasons I support this idea is two fold. First, before we start harvesting a species on a regular basis, we should make sure we understand the impacts harvest will have on both the target species and that species' relationship to other species. We clearly do not want to "fish down the food chain" or affect an existing fishery because we did not exercise due diligence in understanding impacts of new endeavors.

My other reason is simply put, financial responsibility. If a business wants to initiate a new fishery, the already stretched to the limit tax-payer funded resources of fisheries management cannot be automatically expected to come up with more staff time, a monitoring program, a data collection program and other resources needed to manage a new fishery. New fisheries must expect that the cost of harvesting a natural resource will include being responsible for the cost of management, at least taking on the cost of monitoring and data collection required to ensure impacts and sustainability should be required under MSA. Think about this, could I start a company, go to the mountains, desert or city green space and start harvesting a natural resource for profit without some oversight and financial responsibility? Of course not. Although this might seem to be an exercise in common sense, over the past 18 months, a deep-water recreational fishery for blue line tilefish and a commercial fishery for chub mackerel that is reportedly over 15 years old and has caught as much as five million pounds in at least two separate years were not previously known by the MAFMC and have been discovered. Without upfront planning, the MAFMC and NMFS are scrambling to manage two more species that need to be incorporated into management plans, stock assessments, data collection and existing budgets

Climate Change and impacts on fisheries management

I don't care if you call it "global warming," "ocean warming," "accelerated evolution" or "extreme temperature fluctuation." If you spend any time on the water from year to year, it is impossible to deny that what I choose to call Climate Change is one of the most serious and problematic issues facing not only fisheries but our nation and planet as a whole. Regardless of whether you support flexibility or abundance, EBFM or Single Species Management, in any of these methodologies, we can only manage natural resources that are present and can be expected to be present. And Climate change is affecting what fish we are finding and where we are finding them.

The major problem amongst many issues related to Climate Change is that what we used to know about where fish are is now in question and long held scientific assumptions are no longer holding true. I'm talking about a lot more than some small amount of "Florida" fish, such as lion fish now being caught in NY waters. I'm talking about tackle shops in and around Boston selling gear to anglers now targeting Black Sea Bass in the Gulf of Maine. What impact will this new fishing effort have on stock health, allocation schemes, commercial markets, and other fishery management considerations? Without a prudent understanding of how black

sea bass range is changing, it could be the next Gulf of Mexico red snapper, which I know you are familiar with.

In short, while our society attempts to effect climate change on a global scale, with regard to managing Northeast fisheries our eyes need to be wide open. We should be funding the science and data that necessary to account for these changes in our management decisions. That 100 million dollars spent in less than ten years on Gulf of Maine Cod flexibility and its consequences to a less than 50 million dollar commercial fishery seem like poorly spent money in this context.

Recreational Fishery Specific Issues

The last MSA reauthorization brought with it great promise of improvement within recreational data collection. Many years of the flawed MRFSS program had led to no confidence in the data being produced and the critics of the program were widespread. The new Marine Recreational Information Program (MRIP) was going to revolutionize recreational data collection. All recreational anglers had to do was participate in a national salt water fishing registry which really was the segway to a national or state by state fishing license. After much hesitation all states came into compliance.

Unfortunately, here we are many years later and the MRIP program has still not developed to the point we have a methodology that has lasted even two years without being overhauled, again. Almost a year ago the MRIP program discovered and confirmed that recreational effort is many orders of magnitude larger than has been previously calculated. I am no scientist but that kind of correction must bring into question long held assumptions about allocation, biomass and most importantly the value of recreational fishing to our nations economy.

If I could only change one aspect of a reauthorized MSA, I would want a greatly expanded definition of Optimum Yield. The economic impact of recreational fisheries is far more than the value of the fish landed, but is easily dismissed by Councils during decision-making. The value of forage fish to sustain these massive inshore recreational fisheries is surely more that the pennies per pound those tiny fish are sold for when simply harvested by and industrial fishery to be shipped to some third world country for aquaculture or fertilizer.

Congress should really created some new language within MSA to mandate NMFS not only complete the MRIP catch and effort program development but jumpstart a new commitment to quantify and qualify the recreational fisheries true contribution to our nations economy and demand that value and those jobs be incorporated into a council process rigged to ignore the impacts of recreational fishing.

Conclusion

Although specific problems with management of single species must be considered when it comes to the debate that leads to what will or will not be included in the

reauthorization of MSA, I want to close with the request that you not treat MSA reauthorization like a Fishery Management Plan and not use this important overarching law to solve problems within management of a single species. MSA should set the standards and parameters within which all FMP's must comply. MSA should provide guidance and tools that all Councils need to address their specific problems. These tools should be available to all Councils and fishery specific or Council specific or regional specific measures should be eliminated. MSA should put a heavy focus on the future and be updated to properly focus and guide the ongoing transition from single species management to a more ecosystem-based approach

Thank You
God Bless America