

# Congressional Testimony on the Opening of the EEZ

July 27, 2006

Tom Fote

As part of my written testimony, I am submitting the JCAA comments to NMFS regarding the EIS on the opening of the EEZ. I will not be including this information in my oral testimony but it is really crucial to understanding the history of this issue. I am also including a point-by-point rebuttal that JCAA presented regarding the ASMFC comments on the proposed reopening of the EEZ.

Striped bass is one of the few great success stories when it comes to fisheries management. Two years ago I would have included summer flounder and weakfish as successes but that is no longer possible. While summer flounder is clearly a success when we consider rebuilding the stocks, the current actions proposed by NMFS makes summer flounder anything but a success story as far as management goes.

Striped bass has always been an inshore fishery. When we closed the EEZ we had guaranteed that striped bass would remain the most available inshore fishery for all user groups. This includes anglers who fish from bulkheads, in the river, on piers and in the bays and estuaries. These are precisely the anglers who would be shortchanged if striped bass becomes primarily an offshore fishery. Striped bass is truly the "everyman" fishery. That's why striped bass has been called the poor man's gamefish. JCAA will oppose any action that changes this availability to all anglers.

The overriding concern is that striped bass is of huge economic importance to the states within its path of migration. In the Chesapeake Bay striped bass is the only finfish available to both recreational and commercial fishermen. The charter boat and party boat fleets in the Chesapeake Bay depend on striped bass for their very existence. The same is true of the Hudson River Estuary and Delaware Bay charter and party boat fleets. While summer flounder and weakfish are sometimes available in the Hudson and Delaware, striped bass remains the "money fish" all year round. Opening the EEZ is not worth the potential economic and quality of life costs.

The reason that we have so much concern is that we are very close to the point at which we will have to consider reducing the harvest of striped bass. In three of the last six years reductions have been considered by the Atlantic States Marine Fisheries Commission. Most of those concerns center on the numbers of older fish and age class distribution. Opening the EEZ would target the fish that are of most concern.

This is not a recreational vs. commercial issue. The commercial fishery is capped on the coastal stocks. The harvest for the commercial fishery would not increase with the opening of the EEZ. However, the bycatch and discard rate could increase dramatically. Since this proposal by NMFS would allow commercial fishermen who were not a major part of the historical fishery and have not harvested in the EEZ in many years to begin harvesting striped bass in the EEZ, the numbers of commercial fishermen targeting this fishery would rise. With the rise in the number of commercial fishermen, the number of nets and other gear would increase as well. In order to accommodate this increase for the commercial fishery without violating the existing caps, trip limits would become necessary and discards would increase. We can only imagine the escalating enforcement problems and cost.

The prospect of an expanded recreational fishery is a nightmare. This Congress and Senate have been considering Marine Protected Areas (MPAs) for some time. What we have here is an MPA for striped bass that has a 15-year history – all positive. The closure protects the big fish when they are in the EEZ and allows the historical recreational and commercial fishery to grow and survive. If we open the EEZ, I predict that within 3 years we will exceed the targets, the biomass will decrease and the ASMFC will be asking for further restrictions on the recreational sector. The only way to accommodate this increase will be to raise the size limit and cut the bag limit. This will serve to further damage the inshore fishery and have dramatic economic consequences.

At the current time, recreational anglers have absolutely no trust in the management of any species that is jointly managed by ASMFC and NMFS. All we have to do is look at what is happening with summer flounder. NMFS is proposing a reduction of the summer flounder quota to 5 million pounds. In 2004 ASMFC and NMFS said we could go to over 30 million pounds in 2005 and 33 million pounds in 2006. Both of those quotas were approved and endorsed by both organizations. In 2005 they reduced the quota from 33 million pounds to 23.6 million pounds. This recommendation seemed absurd to every state director, council and commission member, commercial and recreational angler that I spoke with. The proposal of 5 million pounds will basically shut down the fishery and destroy the industries that depend on the commercial and recreational harvest. They may as well decide the quota is zero pounds. The excuse that NMFS provides is they are abiding by the law. The intent of the law was to rebuild the stocks to promote a healthy fishery for both the recreational and

commercial anglers. It is my belief that NMFS is interpreting the law, not following either the letter or the intent.

We need to keep reminding ourselves that striped bass is an economic and management success. We need to keep it that way. If we look at their history, no one wants NMFS to be involved with striped bass. And the way to guarantee they don't have an opportunity to ruin another fishery is to keep the EEZ closed and keep their hands off striped bass.