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**Committee on Natural Resources**  
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**Opening Statement of**  
**Chairman Doc Hastings**  
**Before the Full Natural Resources Committee**  
**on Legislation Amending the**  
**Magnuson-Stevens Fishery Conservation and Management Act**  
**Thursday, December 01, 2011, 10:00 a.m.**

In 2010, U.S. commercial fishermen landed over 8 billion pounds of fish valued at \$4.5 billion. In addition, approximately 10 million recreational fishermen made more than 71 million recreational fishing trips. Clearly, the economic activity created by the Nation's fishery resources is significant, especially for coastal communities.

As Members know, the Magnuson-Stevens Fishery Conservation and Management Act is the primary statute governing fishing activities in Federal waters. At the end of 2006, Congress passed a major reauthorization of the Act. That reauthorization, which was signed into law in 2007, placed a new emphasis on science with the expectation that all of the eight regional fishery management councils would have the same high level of scientific information that the North Pacific Council has enjoyed for years. Unfortunately, we have learned that several regions of the country do not have frequent stock surveys or stock assessments and, with the current budget climate, that is unlikely to change.

In July of this year, the Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs held a hearing on fisheries science and whether there was sufficient scientific information available for fishery managers to make informed decisions. One concern raised during the hearing was that in cases where there is limited data available, the agency and fishery management councils were being overly cautionary in their decisions, which is resulting in artificially low harvest levels.

The new requirement for setting annual catch levels and accountability measures was partially based on the availability of better, more time-sensitive recreational harvest data. A new recreational data collection program was supposed to have been finished two years ago and would have provided better information for establishing science-based harvest levels. But without it, the agency and councils are forced to use more precaution when setting recreational harvest levels. This is resulting in fishery closures and uncertainty for businesses that rely on fishing opportunities. That was not the result Congress expected or intended.

Under the Magnuson-Stevens Act, there has always been a balance between conservation and the full utilization of our Nation's fishery resources. The trend toward more precaution in setting harvest levels has altered this balance and is resulting in lost economic opportunity and lost jobs.

While the intention of the 2006 amendments was to base harvest levels on science, the intent was not to create a new avenue for litigation. Unfortunately, the requirement that all fishery management plans contain measures for setting annual catch limits is now being cited as the basis for new lawsuits. The result is that the agency is becoming even more precautionary. At a time when jobs are precious and the economies of many of our coastal communities are fragile, restricting fishing opportunities through multiple levels of bureaucratic precaution is not what Congress intended.

One of the bills before us today deals with the issue of catch shares. As we have seen on the West Coast, catch shares can work when they are developed by the industry and are developed from the bottom up. However, they are not likely to work when they are developed from the top and forced onto the participants in the fishery. Whether right or wrong, the perception is that the agency is pushing catch shares and the agency is determining how they will be established.

Today's hearing will focus on eight bills that address specific concerns with the Magnuson-Stevens Act. Some of the bills are a reaction to regional concerns while others address national concerns. I hope today's witnesses will help this Committee identify where the Act could be amended to resolve the major problems that are currently facing fishermen and fishing communities without sacrificing the concept of basing harvest levels on sound science.