

Testimony of Peter Baker

Cape Cod Commercial Hook Fishermen's Association

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Good morning Mr. Chairman and members of the committee. I'd like to thank you for the opportunity to give testimony before you today. It is an honor and a privilege.

My name is Peter Baker. I am the Campaign Director for the Cape Cod Commercial Hook Fishermen's Association (CCCHFA). The Hook Fishermen's Association is a member based non-profit organization located in Chatham, Massachusetts on Cape Cod. We have approximately 2500 members, including commercial and recreational fishermen, charter boat captains, and coastal residents concerned about the health of our fishing communities and the ocean. The Hook Fishermen's Association was founded in the early 1990's by a group of hook and line fishermen who were concerned then, and remain concerned today, that overfishing and habitat destruction are leading to the demise of the traditional near shore hook and line fishery and the coastal communities they support.

The Hook Fishermen's Association actively campaigns for a healthy marine environment. We also take part in cooperative research, public education, and the promotion of community based fisheries management. We are members of the Marine Fish Conservation Network and the National Farmer's Union. This year we became the first fishing organization to win the Environmental Hero award from the National Oceanic and Atmospheric Administration. The basic premise at the Hook Fishermen's Association is this: the Nation is best served by maintaining healthy marine fish stocks and a commercial fishing fleet to catch them for delivery to consumers.

My testimony today will address aspects of striped bass conservation and management. Striped bass is a success story and proof that conservation works. Once beleaguered, striped bass has rebounded to sustainable levels because managers had the foresight and fortitude to make the decision to protect crucial habitat and put the long term needs of the fish above the short term desires of fishermen. The successful conservation of striped bass has allowed the Commonwealth of Massachusetts to maintain a healthy commercial fishery side-by-side with a healthy recreational fishery. When the needs of the fish are put first, fishermen and fish eaters reap the rewards. Perhaps no other fish on the East coast better proves that conservation works.

CCCHFA supports a commercial striped bass fishery

In Massachusetts, the decision has been made to allow a limited commercial fishery. This decision is an example of the Commonwealth exercising its prerogative as a state. The commercial fishery is well managed. It is a Total Allowable Catch, or TAC, based fishery that shuts down when the annual catch limit is caught. The fishery is hook and line only. Only fish over 34 inches are retained. The fishery is open four days a week from roughly Independence Day until the TAC is caught. TAC based management of the striped bass fishery provides biological benefits to the stock in the form of a sustainable harvest.

By setting up the fishery in such a manner, consumers in Massachusetts can eat fresh, locally caught fish during the heart of the summer tourist season. On Cape Cod, where I live and where our fleet is based, many restaurants highlight striped bass as their seasonal special. Consumer demand for the fish is high and commercial fishermen get a strong price for their fish. Consumers who cannot afford, are not able, or do not wish to angle are afforded the right to eat striped bass. This provides a clear social benefit to the non-angling public.

Because of the demise of the inshore cod fishery due to poor management, the closing of the dogfish fishery due to politics, and the poor productivity of the bluefin tuna fishery due to international overfishing, the striped bass fishery has become an important component of the commercial season for near shore commercial hook and line fishermen in Massachusetts. Restaurateurs, fish buyers, cutting houses, fish mongers, and supermarkets profit from the availability of commercially caught striped bass. The commercial striped bass fishery provides economic benefits to a wide range of businesses in Massachusetts.

In addition to the biological, social, and economic benefits that a well managed commercial striped bass fishery provides, there is also an issue of fairness. Various attempts have been made to make striped bass a game fish on the entire East coast, thereby eliminating the commercial harvest. There is no biological justification for Congress to declare that states no longer have the right to have a commercial striped bass fishery.

This is a case in which the tenants of state's rights should be respected. Some states have decided to allocate 100 percent of their share of the striped bass resource to recreational anglers. This is the decision of the individual state. But in

the Commonwealth of Massachusetts, we have decided to divide our share of the resource between anglers and commercial hook fishermen. Massachusetts has a long history of commercial fishing. Indeed, people fished commercially here for hundreds of years before angling became a popular sport. The commercial striped bass fishery has been pursued in Massachusetts for decades. Currently, recreational anglers land more than 60% of the striped bass in Massachusetts and cause more than 70% of the mortality.

Rather than declaring striped bass a game fish, a better approach would be for Congress to leave well enough alone and allow states to make their own decisions about how to best utilize their share of the striped bass resource to meet the needs of their residents and businesses. Choosing the commercial enterprise of charter boat fishing over the commercial enterprise of directed commercial hook and line fishing is unfair and not the role of Congress. After all, these are often the same people, in the same boats, using the same gear. One is catching fish to sell; the other is catching fish to sell charters.

CCCHFA supports the re-establishment of a controlled striped bass harvest in the EEZ

We support the position of the Massachusetts Division of Marine Fisheries in regards to opening the Exclusive Economic Zone (EEZ) for a controlled striped bass harvest. We see no biological justification for keeping the EEZ closed.

The Hook Fishermen's Association stands in support of the position outlined by Massachusetts Division of Marine Fisheries Director Paul Diodati, who, on May 25, 2006, wrote the following to National Marine Fisheries Service:

"To regain fishing access in the EEZ and to preserve the regulatory approach of individual states, I recommend that the Secretary of Commerce defer to state regulations for striped bass management out to 12 miles, i.e. within the territorial sea. Removing the federal harvest moratorium within the territorial sea would allow a fishery to occur in this area under regulatory limits (e.g., size limit, bag limit, season, etc...) set by states with enforcement applied shore-side when fish are landed, as it is now."

By allowing the regulations of individual states to apply in the territorial sea, states would be allowed to make decisions about how to use their share of the striped bass resource in federal waters adjacent to their state waters. States that wish to have a fishery that is purely recreational would have the right to regulate in that manner out to twelve miles. States such as Massachusetts would have the right to manage for both a recreational and commercial fishery.

In conclusion, the Cape Cod Commercial Hook Fishermen's Association opposes attempts to declare striped bass a game fish, thus usurping the right of states to maintain a commercial striped bass fishery in the waters they regulate. In addition, we support opening the territorial sea within the Exclusive Economic Zone to striped bass harvest under the regulations of the adjacent states.

It has been a privilege and an honor to testify here today and we stand ready and willing to assist this subcommittee in any way that we are asked in the future.