

**TESTIMONY OF**  
**BEN MARTENS**  
**EXECUTIVE DIRECTOR**  
**MAINE COAST FISHERMEN'S ASSOCIATION**  
  
**BEFORE THE**  
**WATER, POWER AND OCEANS SUBCOMMITTEE**  
**NATURAL RESOURCES COMMITTEE**  
**UNITED STATES HOUSE OF REPRESENTATIVES**  
  
**SEPTEMBER 26, 2017**

Thank you for the courtesy of your invitation to testify on the successes and challenges of the MSA. I am Ben Martens, Executive Director of the Maine Coast Fishermen's Association (MCFA). MCFA is an industry-based, non-profit organization that identifies and fosters ways to restore the fisheries of the Gulf of Maine and sustain Maine's fishing communities for future generations. Established and run by Maine fishermen, MCFA works to provide a voice for our fishing communities; sustain a productive and healthy marine ecosystem; and help build viable fishing businesses on our coast. We do this important work through advocacy, research, education, and marine stewardship but more importantly by empowering fishermen to innovate and focus on the future of their businesses and communities. MCFA is also a founding member of the Fishing Communities Coalition (FCC), an association of community-based, small-boat commercial fishing groups. The FCC represents more than 1,000 independent fishermen and business owners from Maine to the Gulf of Mexico to Alaska who share a commitment to the sustainable management of America's fishery resources. Because the FCC was formed to strengthen and unify the individual voices of our member organizations, my testimony today is endorsed by the FCC.

Healthy domestic fisheries and prosperous fishing communities benefit everyone from the fisherman out on the water to the consumer back home, so it's not surprising that the Magnuson Stevens Act has historically garnered strong bipartisan support. As we have shown time and again in this country, when we work together we can solve even the most difficult of problems, and rebuilding and managing our nation's fisheries is no exception. Today, less than 16% of the nation's assessed fish stocks are overfished and less than 9% are subject to overfishing. Since 2000, more than 41 fish stocks have been successfully rebuilt, and these healthier stocks have produced increased landings, greater revenues, and more jobs in every region of the United States. The 2006 MSA amendments, which imposed new accountability measures, have been essential to these rebuilding efforts.

That is not to suggest that MSA is perfect. Some of our most iconic fisheries, including the groundfish fishery back home in Maine, are struggling to rebuild. But New England groundfish is the exemption that proves the rule, as poor accountability within the fishery has hampered rebuilding efforts and undermined science, sustainability, and management. Instead of moving away from science and accountability, I want to embrace our successes and lean into a model that demands accurate and timely data from fishermen, scientists, and managers. Fisheries

management is a data-hungry industry when managed correctly and it is our hope that MSA will continue to focus on ensuring that the data we rely on will only get better as the world and ecosystem change at an increasingly rapid pace.

While MCFA and the FCC believe that the MSA is working well, we recognize that reauthorization presents an opportunity to build off the 2006 MSA amendments, which imposed new accountability measures and reinforced science-based decision making. These changes have been essential to rebuilding efforts throughout the U.S. My remarks today are made in an effort to highlight opportunities to promote and strengthen science-based decision making, to improve fishery data collection, to ensure accountability from all harvesters of the resource, and to better protect our vital commercial fishing communities. With that in mind, while MCFA and the FCC approve of certain provisions of H.R. 200 and H.R. 2023, we cannot support the full bills as they are currently written.

We look forward to working with the subcommittee on finding the best path forward for reauthorization that does not compromise or roll back the successes we have seen to date. That is why my comments also come directly from the MSA legislative package crafted and approved by the members of the FCC, with the full support of MCFA. With your permission, Mr. Chairman, I would like to submit this legislative package for the Subcommittee's consideration.

### **COUNCIL ACCOUNTABILITY, TRANSPARENCY AND PUBLIC PROCESS**

The FCC MSA legislative package includes portions of HR 200—sponsored by Congressman Don Young—including requiring each Scientific and Statistical Committee (SSC) to develop advice in a manner that is both fully transparent and also allows for public involvement. Additionally, in the name of transparency, we would require Council meetings to be posted on their website and require Council and SCC meeting notes and transcripts to be maintained by the Council and made available to the public. To increase accountability of all Council members we propose that all non-procedural votes at Council meetings be taken by recorded vote.

### **FINANCING OF FISHERIES MONITORING PROGRAMS**

We propose to expand to all Councils the discretionary authority to impose fees presently only available to the North Pacific Fishery Management Council (NPFMC). This important tool has allowed the NPFMC to establish fees—the amounts vary from fishery to fishery—as part of a fisheries plan in order to partially offset monitoring costs. The program has been a great success in the North Pacific region by providing more comprehensive observer coverage at a lower cost to individual fishermen. The fishermen I work with in Maine recognize the importance of high levels of accountability, but they simply can't afford the \$600 a day it costs to carry an observer. This is one of the reasons why MCFA has been at the forefront of electronic monitoring as a replacement for expensive at-sea observers. The FCC legislative proposal would create a dedicated regional fishery observer fund in the Treasury for each Council. Taking these steps should help strengthen important monitoring and data collection measures without increasing the cost to the federal government.

## **RECREATIONAL FISHING/CATCH LIMITS**

The work MCFA does on strengthening monitoring programs, helping fishing communities, and ensuring healthy ecosystems can only be fruitful when we have healthy, sustainable fish stocks. That is why MCFA and the FCC have become increasingly concerned about what we are hearing from certain corners of the recreational sector. This debate is not just limited to the Gulf of Mexico, but it one that is taking place to some extent in every region. Mr. Chairman, you've heard a lot from recreational fishing groups, boat and engine manufacturers about how the MSA is not working for them. The FCC, the MCFA, and the community-based commercial fishermen we represent are sympathetic to the challenges and management dilemmas faced today by the ever-increasing number of recreational fishermen. Commercial fishermen have struggled through similar situations which resulted in fewer fishing opportunities, stringent quotas, and the loss of fishing jobs and families. By fighting through those obstacles and working through the MSA and Council process, we have rebuilt many stocks, created healthy fishing businesses, and sustainably harvested new and underutilized species. I would urge the recreational sector to work with the MSA process, rather than weakening it by working around it!

The Modernizing Recreational Fisheries Management Act of 2017 (H.R. 2023), sponsored by Rep. Graves, is based on the premise that recreational and commercial fishing are fundamentally different activities and therefore require different management approaches. I must point out that the MSA already recognizes not two, but three sectors engaged in harvesting fish. The law recognizes that there are two sectors involved in commercial enterprises: commercial fishing and charter/for-hire fishing. Recreational fishermen, more appropriately called private anglers, are the third sector defined by the MSA. The FCC legislative proposal clarifies the distinction between these three sectors. I mention this because it is important to recognize that the MSA is working for the charter or for-hire sector. Indeed, in the red snapper fishery, the charter boat sector has received their own allocation of the catch limit and are managing that allocation in a way that's good for their business.

To provide private anglers greater access—i.e., more fish—to our nation's marine fisheries, H.R. 2023 allows fishery managers to use alternative management measures and effort controls for recreational fisheries. Unfortunately, these measures weaken the science-based conservation standards and approach of the Magnuson-Stevens Act (MSA). And I can tell you from personal experience, effort controls without strict catch limits do not work. In New England effort controls led to the decimation of the cod stocks. It was thought that as long as fishermen used a certain size net that theoretically wouldn't catch small fish, fishermen could fish as much and as often as they wanted. Our cod fishermen are still paying for that terrible and shortsighted mistake. In weakening the conservation standards and eliminating catch limits for private anglers, the bill ignores the precautionary principle for data-poor stocks; stymies research and innovation by making the EFP process unworkable and burdensome; undermines the 10-year stock rebuilding requirement, and; establishes a moratorium on new catch share programs, thus taking away from the Councils an important tool from the management toolbox. We do support whatever management measures work best for recreational fisheries, so long as there is an overall catch limit for that sector, just like every other harvesting sector.

Additionally, as the commercial sector has learned, greater access—more fish—brings with it greater responsibility and accountability. The commercial sector is subject to a high degree of accountability measures including licenses, permits, mandatory catch reporting, at-sea observers, electronic monitoring, vessel tracking devices, mandatory notification of fishing trips, and more. While H.R. 2023 does include beneficial mandates for cooperative data collection, it does not address the fundamental challenge of tracking recreational catch and holding the recreational sector accountable for its catch.

While we agree that recreational, charter, and commercial fishing are different activities with different objectives, the end result of all three sectors is the same: the harvesting of a public resource. I would urge this Subcommittee to ensure that sound science and individual accountability are the foundation of any new proposal for best management practices for recreational fishing.

Mr. Chairman, as you are aware, the biggest challenge in managing the recreational sector is knowing how much fish is caught on a timely basis and when fishing should stop to avoid exceeding the allocation. To address this problem, the FCC MSA legislative package includes a section that provides Councils the discretionary authority to require permits and catch reports from commercial, charter, and recreational fishing vessels. I note that the Mid-Atlantic Council has just required charter or for-hire vessels that harvest MSA-managed fish in the EEZ to obtain permits and report catch electronically within 48 hours of completing a fishing trip. Our amendment simply clarifies that the Councils can require vessel permits for all three sectors.

In 2006, Congress attempted to address the lack of data from the recreational sector by requiring the Secretary to establish regional registries for recreational fishermen. While well intentioned, these provisions (Sec. 401 (g)) lacked the essential requirement of catch reporting and they provided for broad exemptions. We propose to amend the current regional registry program for recreational fishermen fishing in the EEZ by requiring the reporting of vessel catch and landings information on a timely basis. This section also limits the exemption from the registry for State licensing programs to those State programs that require the reporting of catch.

Finally Mr. Chairman, I would point out that licensing recreational vessels or anglers is not a new idea. More than a decade ago the U.S. Commission on Ocean Policy included in its report to President Bush and the Congress a recommendation to license saltwater anglers.

#### **Recommendation 19–8**

The National Marine Fisheries Service (NMFS), working with states and interstate fisheries commissions, should require that all saltwater anglers obtain licenses to improve in-season data collection on recreational fishing. NMFS should review existing saltwater angler licensing programs to determine which approaches best facilitate the collection of data. Based on this review, existing programs should be modified as needed and used wherever possible, developing new programs only if necessary. Priority should be given to fisheries in which recreational fishing is responsible for a large part of the catch, or in which recreational fishermen regularly exceed their allocated quota.

## **FORAGE FISH**

Forage fish are the foundation of our marine ecosystem and having a vibrant forage base is essential to maintaining healthy fisheries. We cannot expect to rebuild iconic species like cod, haddock, and flounder if we do not ensure that there is enough food in the ocean for those species to grow and prosper. Our legislative package requires the Councils to develop a list of unmanaged forage fish and prohibit the expansion or development of new commercial or recreational directed fisheries until the Council has had adequate opportunity to assess the scientific information and considered the potential impacts to existing fisheries, fishing communities, and the marine ecosystem. Science and data for new and emerging fisheries is vital, especially in light of shifting and mitigating fish stocks. Additionally, management plans need to be in place before any new fishery is opened in order to advance ecosystems approaches to fisheries management. The provision is modeled after the Mid-Atlantic Council's Unmanaged Forage Omnibus Amendment.

## **STRENGTHENING FISHING COMMUNITIES**

When Congress reauthorized the MSA in 2006 it included a new section—Section 303A—dealing with limited access privilege programs. This section included provisions designed to allow fishing communities to participate in those programs. Unfortunately, after more than a decade not one fishing community has been able to use these provisions to secure an allocation of fish. Our legislative package proposes to update and streamline the current, unsuccessful MSA provisions. This is an extremely important issue not only to fishing communities in New England but also in Alaska and other rural fishing communities on every U.S. coast. Over the past 15 years we have seen dozens of groundfish boats, based in Maine's fishing communities, sold to other states because they lacked adequate quota. We have seen our groundfish history literally disappear because our fishing communities did not have a community allocation. We have learned the hard way that once fishing permits and quota migrate away from our fishing communities, they are gone forever.

To improve the likelihood that fishing communities can actually participate in limited access programs, our legislative package establishes national standards for the minimum requirements of a community sustainability plan, allows a community to submit a plan to the Council for approval, and requires that when a Council creates a new LAPP, it must consider the needs of fishing communities and provide a process for communities to participate in the program.

## **NEXT GENERATION**

Lastly, I would like to highlight the challenges facing the next generation of commercial fishermen. Despite the important role our industry plays in our nation's economy, there is not a single federal program devoted to supporting and developing entry-level commercial fishermen. And the time for such a program has never been greater. With the average age of U.S. commercial fishermen increasing, we are deeply concerned that the graying of America's fleet poses a substantial and growing threat to the future of our industry.

The next generation faces daunting challenges, including high cost of entry, financial risks, and limited entry-level opportunities. In Maine, as elsewhere, these challenges are reflected in the declining number of young people entering the industry and the ongoing attrition of fishing rights from remote fishing communities.

Not long ago, the agriculture industry faced similar challenges and worked with Congress to create the Beginning Farmers and Ranchers Development Program. The Young Fishermen's Development Act (H.R. 2079), championed by Congressman Don Young, is modeled after this successful program and aims to create a national program exclusively dedicated to assisting, educating, and training the next generation of commercial fishermen. Specifically, this innovative program would provide competitive grants to foster collaborative state, tribal, regional and local partnerships; promote mentorship opportunities for retiring fishermen and vessel owners; and provide support for regional training and education programs focused on accountable, sustainable fishing and sound business practices.

This bill is an important part of ensuring fishermen in Maine and other regions have the tools and education they need to enter into a successful and fulfilling career. It would also ensure American's fishing communities continue to thrive for future generations by supporting economic opportunity, jobs, and food security while preserving a proud heritage and way of life. I want to thank Congressman Young again for introducing and championing this effort, and I would urge the Subcommittee to give its full consideration to this bill.

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In closing, I would again like to sincerely thank the Chairman and this Subcommittee for holding this hearing. I am happy to answer any questions or provide more information or clarification, and look forward to working with the Members of this Subcommittee and your staff on MSA reauthorization.