

My name is David Goethel and I have been the captain of various fishing vessels sailing from Hampton Harbor, New Hampshire continuously since 1973. In addition I have a degree in biology from Boston University and I am a member of the New England Fisheries Management Council. I am here today to testify on the 2006 amendments to the Magnuson-Stevens Fisheries Conservation and Management Act and their effects on the small boat fishermen of New Hampshire.

I can report today that the NEFMC will achieve the Congressional mandate to implement Annual Catch Limits (ACL) and Accountability Measures (AM) in all managed fisheries within its jurisdiction except the small mesh multispecies fishery (silver hake and red hake). The ACL setting information for this fishery will not be available until after a data poor workshop to be held by the Northeast Fisheries Science Center in Dec. 2010. This is the good news; the bad news is that the ACL and AM setting process has uncovered many problems which may lead to the complete elimination of commercial fishermen from many of the New England fishing communities, especially those of New Hampshire. The largest single systemic problem encountered has been the inability to provide fishermen or the council with analyses of the economic and social costs and benefits of various management options that are adequate to support meaningful public comment and debate. For example, in groundfish, we voted an allocation scheme and management regimes in June and the ACL's in September; and yet no fisherman has any idea what these mean in terms of their catch and business viability in 2010. This rapid decision-making process has been necessary to meet the arbitrary timelines for Magnuson-Stevens Act implementation, but has been described by one observer of the process as, "Fire, Ready, Aim!" When the individual allocations are finally announced, the outcry and anger will be loud and long.

The ACL setting process has forced the councils for the first time to allocate shares of fish between the commercial and recreational fisheries as well as catch shares to individual commercial fishermen. In this process our council, in my opinion, failed to adhere to the mandate of National Standard 4 to allocate fish fairly and equitably among user groups. You may refer to my dissenting opinion filed with the Secretary of Commerce, for more details. I would be grateful if that could be included in the hearing record along with my testimony. The end result is that commercial fishermen of New Hampshire have received far less of key species than they should have if National Standard 4 had been followed. Combine this with the amount of allowable catch removed by the Science and Statistical Committee to account for scientific and management uncertainty, and most of the fishermen in New Hampshire will not receive a quota share that is large enough for them to be remotely considered a viable business.

Second, because of the switch to hard Total Allowable Catches (TAC's) it has become obvious in New England that a very extensive and expensive monitoring system will be required. Commercial Fishermen will be expected to pay for this after the first year even though the cost of the monitoring will probably exceed the value of

the catch in New Hampshire. This is clearly an issue Congress and the National Marine Fisheries Service must deal with soon or risk the complete removal of commercial fishing with its attendant costs to tourism and the restaurant trade from most of the small boat fishing communities throughout New England. This potential removal of fishing fleets from communities raises National Standard 8 issues which have not been analyzed or addressed. In contrast, the recreational fishery is left to be monitored by recreational fishing permits to be issued by 2011 and enhancement of the Marine Recreational Fish Survey (MRFS). MRFS is woefully inadequate for the task and, absent some kind of structured monitoring program, the recreational fishery may exceed its ACL's which may result in complete or partial closure of recreational fisheries in the following years.

Third, in providing commercial fishermen with their catch history for the purpose of determining their individual allocations, numerous flaws in the recording of the catch across fisheries have been found. Data gaps are multiple and systemic, coming from both dealers and misrecording by the National Marine Fisheries Service itself, but should have been discovered by some kind of auditing process long ago. Now many fishermen are left to fish in 2010 for less than their fair share and scientists are left wondering how stock assessments will have to be modified, when and if a reliable landings census, can be constructed.

One might ask, then, what are the practical implications of the aforementioned problems? The short answer is that, absent massive intervention at a Congressional level, most commercial fisheries in New England will contract to a handful of large boats in large ports and a way of life that has existed in New Hampshire for over 400 years will be lost. In addition, a 40% scientific uncertainty in the herring assessment, delivered by the most recent SSC advise, a stock which is not overfished and there is no overfishing occurring, will lead to removal of over half the bait necessary for the prosecution of the New England's iconic lobster fishery which will be thrown into chaos by lack of affordable bait.

Last, what solutions can Congress provide absent a rewrite of Magnuson-Stevens? First, reaffirm the importance of National Standard 4, so that all fishermen are put on a common, fair and equitable baseline when determining allocation. Second, provide adequate funding for monitoring to make sure that both recreational and commercial fishermen do not exceed their ACL's. Third, provide adequate funding to either correct the landings data base or require the National Marine Fisheries Service to request the councils to consider alternative currency exchange methods, other than landings, when converting from effort control systems to allocation based systems. Fourth, provide clear guidance on how much consolidation is acceptable as the cost of effort control. Finally, specifically, in the case of New England Groundfish, create a government funded permit bank that buys retiring groundfish permits at an equitable price and divides the allocation evenly among remaining fishermen. The boats would be required to be scrapped as part of the sale. This program could be run similarly to

one completed on the Pacific Coast in which 50% of the boats were removed and their allocations distributed to the boats that remained prior to inauguration of their catch share plan. This will stop the speculation by venture capitalists and private permit banks, which have already sprung up, driving permit costs beyond the ability of the small boat fishermen to compete. Most of the fishermen I know wish to continue fishing as independent small boat owner/operators, not as share croppers for venture capitalists and multinational corporations.

I thank you for your time and look forward to your questions.

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