

Committee on Resources

Subcommittee on Fisheries Conservation, Wildlife and Oceans

Statement

Oral Testimony of Kevin Wark
to the House Resources Committee:
Subcommittee on Fisheries Conservation, Wildlife and Oceans

March 9, 2000

Thank you, Chairman Saxton

It's an honor to appear before you representing the fishermen of your home state.

My name is Kevin Wark. I am a lifelong resident of Barnegat Light, New Jersey. I started fishing part time with my grandfather, a full time bayman, when I was in grade school. When I graduated from high school I started working full time as a deck hand then mate on numerous commercial fishing vessels, moving from fishery to fishery to broaden my experience. I've worked on longlining and gillnetting vessels out of Florida, North Carolina and New Jersey ports. I'm now fishing with my second boat, which I had built last year for the gillnet fishery out of Barnegat Light. I've gotten involved in the fisheries management process as a logical extension of my work on the water. I've served on a number of industry advisory panels for the Mid-Atlantic Council, the Atlantic States Marine Fisheries Commission and the New Jersey Marine Fisheries Council. I'm a founding director of Garden State Seafood Association.

My focus today will be on several aspects of the essential fish habitat issue. These include:

- 1) Is the definition of the entire EEZ as Essential Fish Habitat too broad to be meaningful?
- 2) Do the regional councils and the National Marine Fisheries Service have enough information to designate Essential Fish Habitat for all managed species?
- 3) Is there enough information available to determine the effects of fishing gear on essential fish habitat?

First, let me start off by emphasizing that I, along with all the other fishermen in New Jersey, know that the fish we catch are totally dependent on clean water and healthy habitat. We believed that protecting habitat in the Magnuson Fisheries Conservation and Management Act was a good idea.

But, the Mid-Atlantic Council has, for all intents and purposes, designated the entire EEZ out to 200 miles and between Montauk and Cape Hatteras as essential habitat for the various species which it manages.

As fishermen we recognize that some areas of the ocean are extremely important to particular species of fish and shellfish. Some aren't. We don't understand how the entire ocean out to 200 miles off our state, Mr. Chairman, can be considered essential and declared off-limits to particular activities. By designating entire

area essential, we've cheapened the term.

The idea that the entire EEZ as has been declared "essential" is a good indication that neither the Council nor NMFS knows which areas are really important to which species. In many cases the only information being used to determine if an area is essential to a species is whether that species is ever found there. This doesn't seem to us to be a very scientific way to determine habitat value.

While fishermen initially welcomed the good intentions expressed by Congress to protect habitat, the reality is that protecting habitat has been turned into something we did not expect. We assumed that habitat that was highly vulnerable to human impacts, like New Jersey's many estuaries, was going to be protected from those impacts. This hasn't proven to be the case. The only human impacts that the Council can address are those supposedly caused by commercial harvesting.

In the Mid-Atlantic there are two basic types of mobile fishing gear that interact with bottom habitat. These are trawls and dredges. Trawls are designed to harvest deep-swimming fish species by skimming along the bottom. Some dredges are designed to harvest bottom dwelling scallops by riding along the bottom. Clam dredges are designed to harvest surf clams and ocean quahogs buried in the sand or mud using jets of water to loosen them from the sediments.

Though these gear types have differing effects on the bottom, none of them, as far as I can see, causes anywhere near the disturbance as the average winter storm. I've seen productive fishing areas ruined, the bottom soured, by the tossing and churning of bottom sediment by winter storms.

By comparison trawl fishermen, scallop fishermen and surf clam/quahog fishermen have fished the same traditional areas and beds for generations. Mr. Chairman, if these trawls and dredges are as destructive as some people would have you believe, the areas would have become unproductive long, long ago.

Mr. Chairman, this makes me think that protecting habitat should be the means by which we maintain the productivity of our fisheries, rather than a way of preventing the use of some of our most productive fishing gear.

From what I've seen, there is very little reliable information available about the effects of fishing gear on habitat. In New Jersey, as you know, we're fortunate enough to have Dr. Ken Abel at Rutgers University conducting pioneering research on the effects of dredges on the bottom. Dr. Abel's work suggests that bottom impacts are minimal. I hope that his experiments can be extended to other areas and other gear types, putting to rest once and for all the issue of fishing gear destroying bottom habitat.

Thank you., Mr. Chairman, for the opportunity to comment. I would like to supplement my remarks with written comments and would be glad to try to answer any questions you or the members of the Subcommittee may have.

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