

Statement of Nick Muto
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Testimony on the Reauthorization of the
Magnuson-Stevens Fishery Conservation and Management Act
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Chairman Begich, Ranking Member Rubio and Members of the Subcommittee, my name is Nick Muto, I'm a commercial fisherman from Chatham, MA. I've fished for nearly 15 years and have participated in just about every fishery we have on Cape Cod from weir fishing in Nantucket Sound to groundfishing on Georges Bank. I've fished with almost every highline captain in our community. In 2009, I decided that it was time to make the transition from crewman to captain, and I took on a tremendous amount of personal debt and risk to go out on my own.

I now own and operate a 36 foot fishing vessel that primarily targets lobster, but I also catch dogfish, and striped bass. In the winters, in addition to doing trap work, I fish on another Chatham boat that targets monkfish and skates 100 miles to the south.

I also serve as Chairman of the Board of the Cape Cod Commercial Fishermen's Alliance (formerly the Cape Cod Commercial Hook Fishermen's Association). We are an organization founded over 20 years ago by independent small-boat family fishermen on Cape Cod. We now work with over 100 commercial fishing businesses annually catching more than 12 million pounds of seafood worth millions of dollars each year. These businesses support hundreds of fishing families and form the backbone of our area's coastal economy.

I appreciate the opportunity to speak with you today about the future of our fisheries.

Lack of fish means lack of opportunities

I started fishing commercially in 2001, and I'm now one of the younger captains in our port. When I started working on groundfish boats, there were still dozens of trips of day boat codfish coming across our pier daily. We'd bring in 6,000 to 8,000 pounds of cod a day for weeks until the tide ran too hard to fish and we got a few days off before starting again. Almost every boat fished in multiple fisheries over the course of the year, but cod was our mainstay and had been for centuries. Today, I get a text or call at home anytime someone lands more than a few hundred pounds a trip. People get excited about that little now. It's not that we don't have the quota; it's not that we can't get paid for them; it's that the codfish aren't there to catch! To me, *that's* the disaster in our community. And as I talk to guys all over New England and I look at the daily report of what's getting landed in other ports, it's clear that the story is much the same throughout New England.

Over the last 20 years, I've also seen our traditional fish-weir fishery for squid, scup and pogies in Nantucket Sound go from thriving and profitable to almost extinct. This fishery, one of the oldest in the country, relies on healthy populations of forage stocks inshore. It hasn't been too-tight regulations that destroyed this fishery; it's that we've depleted our bait stocks to the point that it's not even viable to pursue it. Traps that used to be overflowing with fish are completely empty! That means that there's almost nothing in our inshore waters to catch, or for fish like cod, striped bass and tuna to eat.

When we allow our forage base to be depleted like it is now, particularly in inshore areas, no one should be surprised when all the stocks that rely on that bait don't rebuild. We need to manage the whole ecosystem. To me, that means we need to pay attention to the way these fish interact in the water. Fishermen have focused on understanding those interactions ever since the first fisherman ever set a net; it's time for our managers to catch up to fishermen in recognizing the importance of managing the whole ecosystem.

I bring up these fisheries, not make the whole thing seem hopeless, but to help describe the nature of the disaster we're facing. We need help! But the help we need isn't pretending our fish stocks aren't depleted and trying to roll back regulations. We need a renewed commitment to rebuilding these stocks so that my generation has a future in this industry. That commitment is the cornerstone of the Magnuson-Stevens Act and it's essential to turning our fisheries around in New England.

Accountability, monitoring and enforcement

Those rebuilding efforts depend on accountability. There are still plenty of people around that remember the 'good old days' before regulations when a guy could go out, fill his boat and do it again the next day without ever worrying about calling in or filling out a trip report. But those days are gone forever. Today, to manage to annual catch limits we need to have systems for monitoring and catch accounting that track information in real-time and feed it into our management decisions. Unless we can reliably account for how many are being caught, we're not actually managing our fisheries to ACLs.

But, as we build these monitoring systems, we need to keep in mind what our fisheries and vessels look like. I fish all winter on a small boat with three other guys. We steam over 100 miles each way, often through terrible weather, to the fishing grounds. That means we steam for over 24 hours to actually fish for less than 6 hours. Unless we're able to use electronic monitoring tools, we're building a system to put an observer on a very small boat in dangerous conditions to sleep for 24 out of 30 paid hours. With all due respect to our observers, and many of them are really good, hard-working people, I've never seen a camera show up late for the boat; puke over the rail; or stay in a bunk below-deck when we're hauling gear. Electronic monitoring can get us the information we need without the cost, safety concerns or logistical hassles of trying to get the same coverage with observers. We need to accelerate using this technology for many of our fisheries; we just can't keep refusing to change how we do things.

I want to briefly discuss enforcement. Unfortunately in New England, because of serious abuses by some people at NOAA, 'enforcement' has become a dirty word. Almost any time I hear a politician talk

about enforcement, they just want to rail against what happened years ago. Well, I want any NOAA employee that abused their authority in prosecuting fisheries violations punished and removed. The culture of that office had to change. But we absolutely need strong and fair enforcement in our fisheries to keep the playing field level; and, right now, I don't see it. Without solid enforcement of our fishing rules, we might as well stop making new rules. Unreported catch and landings are quietly stealing from the future of our fisheries. We've got big enforcement problem and we need to fix it.

Need for annual stock assessments

Another critical part of improved management is mandating annual assessments for almost all our commercial stocks. Earlier I mentioned our winter fishery targeting monkfish and skates. There are actually seven different skate stocks all managed under one plan in New England. Years ago, one of these stocks, the barndoor skate was declared overfished and a landings prohibition was put in place to help them rebuild. These measures worked and now both fishermen and the government trawl survey are catching more and more barndoor skates each year. When we're fishing for monkfish in the winter, we now spend most of our time picking tens of thousands of pounds of marketable barndoors out of our nets and throwing them senselessly over the side, often dead. That's just on one trip on one boat.

Why? Because we're told that a formal assessment is needed before fishermen can be allowed to land and sell even a small amount of barndoor skates. This gets us back to the problem: we haven't had an actual skate assessment since 2006 and we don't have one planned until at least after 2016. That means that for this multi-stock, open-access, targeted fishery, we won't have an actual assessment in over a decade. That's completely unacceptable! And in the meantime, our fisheries are wasting an unthinkable volume of this product at a time when we can't afford to waste any opportunity for sustainable harvest in New England.

Without annual assessments, we can't protect the stocks that need protecting or reap the benefits of management measures that work.

Investing in our fisheries

I understand that more frequent stock assessments, better science, and expanded monitoring all cost money and that the regions need resources to make these changes. But, I think this can be done without increasing federal spending. In the last Congress, Senators John Kerry and Olympia Snowe authored a bill that would reform the use of the Saltonstall-Kennedy (S-K) Fund. This money, taken from duties on imported fish products was always intended to provide resources for fisheries research and management. But over the years, it's been redirected into NOAA's Operations Account. This has totaled almost \$1.7 billion from 2001 to 2010 and the estimated funds for 2014 are about \$115 million.

It's time we recommitted these funds to the kinds of research projects and regional priorities like stock assessments and monitoring that they were always intended to pay for.

Strengthening and supporting seafood markets

We also have to work to build and support markets for those fish that are abundant. Don't get me wrong, Georges Bank and the waters off New England are full of fish, they just aren't the ones we have traditionally harvested and sold. Instead of cod, haddock and flounder the ocean is full of dogfish, skates and monkfish. Unfortunately, the markets for these species are extremely limited and the prices fishermen get when we can sell these fish often barely cover fuel and bait costs.

We're getting paid less now for our dogfish than we were over a decade ago, and this after fishermen took the cuts and made the sacrifices to rebuild the stock. We need congressional help to rebuild our markets. If there were greater demand and better markets, we could keep boats working in New England. And if we were paid even a nickel or dime more per pound, it would make a huge difference.

So the Fishermen's Alliance, working with other New England fishing groups, has requested the USDA to include dogfish in their commodity food purchase program. This is a good product that could be used in many federal food aid programs and food pantries. Our request has been supported by virtually the entire New England congressional delegation who I'd like to thank. Support from this Subcommittee for USDA purchases of dogfish could go a long way in helping create a domestic demand. As a country, we have invested and worked to stabilize markets for our nation's agricultural products; and we must take a similar approach with our domestic fisheries.

Protecting our communities

One of the last topics I'd like to comment on is how we protect our fishing communities as we reinvest in our fisheries and rebuild the resource. I hear the term 'community' thrown around all the time now. But the fishermen on Cape Cod take great pride in our community and always have. We take pride in our traditions, our independence and in the idea that we've received something from our fathers' and grandfathers' generations and are passing that knowledge on to the future.

The transition to new management systems, if done wrong, can put communities like ours out of the game from the start unless we have the tools to protect ourselves and preserve access to the fisheries we've always depended on. That doesn't mean that we can or should fight off needed changes to our management. It means we need to expand and support the kinds of innovative solutions that small fishing ports around the country are already building. Through the Fishermen's Alliance and working with a local economic development group, fishermen in our ports have built the Cape Cod Fisheries Trust, a permit bank that works to secure permanent and affordable fisheries access for independent Cape Cod fishermen. Whether it's through low-cost quota and loans to fishermen; business planning assistance to help young fishermen build stronger businesses; or local cooperative research, permit banks can offer an important tool for strengthening all fishing communities.

Congress should be looking for every opportunity to support these efforts

Conclusion

There's no denying that we're facing a disaster in New England. The groundfish fishery, especially, is in a freefall and the codfish stock that sustained our ports for centuries is on the verge of a total collapse. We need to make changes. We need to help the guys in the groundfish fishery who took on debt and bought permits with the promise that things would turn around and who are now losing their boats and their homes. They have no options and they are desperate. Congress has to act.

But I wouldn't be here if I didn't believe in the future of our fisheries, if I didn't believe that we can make the changes that will result in more robust fish stocks and more profitable fisheries. I've built my business and tied my family's fortunes to the success of commercial fisheries. That's why I'm here today: I'm all in.

In closing, I want to say we already have a strong law. It's not perfect; but, with due respect to the Committee Members, few laws are perfect. The Magnuson Act is a solid foundation for moving forward and we need to build off of it and improve it. I think we can.

Thank you, I'd be happy to answer any questions you have.