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TESTIMONY ON “NEW ENGLAND AND MID-ATLANTIC PERSPECTIVES ON
MAGNUSON-STEVENSON ACT REAUTHORIZATION”**

**OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD SUBCOMMITTEE
COMMITTEE ON COMMERCE, SCIENCE & TRANSPORTATION
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Chairman Begich, Ranking Member Rubio, and members of the Subcommittee, thank you for inviting me to share my perspective on the Magnuson-Stevens Fishery Conservation and Management Act (MSA) in the Northeast and Mid Atlantic regions. My name is Patrick Paquette and I am a recreational fisherman from the Commonwealth of Massachusetts. Since my first job as a regular customer turned mate on Gloucester Party boats fishing for New England ground fish, I have spent over twenty years working in the many sub sections of the recreational fishing industry. My experience includes working my way up the chain as a mate, captain and owner of a small charter fishing vessel, working in the development, sales and marketing of fishing tackle and writing about both sport fishing and regional recreational fishing management issues for a variety of media outlets. I have served in dozens of volunteer and elected positions in the organized recreational fishing community. More than a decade ago I became heavily engaged within the fishery management system. My body of experience has led me to work with recreational fishing and beach access groups from North Carolina to Maine seeking a balance between sound management and conservation all aimed at benefiting the recreational fishing community.

I regularly attend meetings of both the New England and Mid Atlantic Fishery Management Councils, in addition to the Atlantic States Marine Fisheries Commission. I have and continue to serve as an advisor to various sub groups under each of these management bodies.

I am honored to be invited to testify this morning and do so representing no specific organization. In this testimony, I'll cover the unique importance of the recreational fishing community and the challenges we face, and I'll discuss significant progress that could be made without changing the law, and offer some thoughts I hope you keep in mind as you begin the process of reauthorization.

The MSA is Working

I want to emphasize the overarching point that the Magnuson-Stevens Act is working, the results of the 2006 reauthorization have only just begun to take effect and any changes at this time should be given extremely rigorous consideration. I am sure that today and through out the process, the Subcommittee will hear about

problems we face in the Northeast and Mid Atlantic fisheries, but I think it's important to recognize that progress has been made toward ending overfishing and rebuilding many fish stocks is underway.

I do not believe the MSA needs an overhaul. In fact, as you consider opinions and proposals, I urge you to approach this reauthorization always keeping in mind the unfortunate reality that each and every change, even to a single word, has the potential to inspire costly legal challenges that can drag on for years. This legal wrangling always frequently puts our fish stocks, our fishermen, and the goal of ensuring consistent, healthy and sustainable long-term fisheries further away from being realized.

This being said, I do see challenges in fisheries management that I think Congress should consider during the process of reauthorizing the Act. My good news to you this morning is that many of these issues are the result of either incomplete implementation of the Act (specifically the 2006 reauthorization) or failures of leadership, management and the ability of strained resources preventing science from keeping up with an increased change in our ocean environment rather than the problems being found within the Act itself. I believe this is good news, because it is much easier to repair the plumbing than to demolish and rebuild the whole building.

The Value of Recreational Fishing in the Northeast

Recreational fishing is a national pastime, but it is also an economic engine that is a major and growing source of jobs and income, supporting small businesses along the coast. For too long, our community has been underappreciated, our economic impact underestimated resulting in our being underrepresented in federal fisheries management, and this has played out in both allocation decisions and a lack of developing management strategies to manage our portion of fisheries in a manner that is fair and makes sense.

The latest National Oceanic and Atmospheric Administration (NOAA) "Fisheries Economics of the U.S. 2011" report found that recreational fishermen took over 70 million trips in 2011, which I think is probably an underestimate. To put that in perspective, the entire Major League Baseball attendance for the same year was around 73 million. In the Northeast, 3.7 million anglers took 22.1 million fishing trips. Recreational fishing jobs, income, sales, and the overall value it has added to the U.S. economy have all increased significantly since 2008 despite downward national economic trends.

Each individual trip has much broader secondary impacts in terms of income and jobs through associated businesses and industries including boat sales and maintenance bait and tackle, even gas and food in coastal communities. According to the NOAA report, in 2011 recreational fishing added \$1.1 billion in sales impacts in New England alone. In the mid-Atlantic, the contribution was even larger, \$3.8

billion in sales impacts which was greater than the contribution of commercial fishing.

Unfortunately, the council makeup in our regions does not reflect this reality, so we often lose out in decisions. For example, past allocations of quotas for many key species have become fossilized. We need a more equitable distribution of stakeholders on councils. Although this can be addressed without opening the Act, I fear Congress may need to intervene to fix this imbalance of representation.

The Benefits of MSA Conservation Successes

Again, while I see room for improved implementation I want to emphasize the law is working. The MSA's conservation requirements are strong and smart, and the law is working to benefit our nation, including millions of recreational saltwater fishermen like me. The National Marine Fisheries Service (NMFS) reported in its latest Status of U.S. Fisheries that 32 previously overfished federally managed stocks, like summer flounder and bluefish, have been rebuilt since 2000. While states played an important role in contributing to these successes, the MSA was a driving force that instituted a science-based approach to management in the Northeast, and it will accomplish far more if it is fully implemented.

My first marine fishing was done with my father and brothers fishing for winter flounder from the docks and piers of Boston Harbor. We would watch busloads of anglers rent skiffs or hire charter vessels in coastal communities like Quincy MA to fill buckets with winter flounder. These tourists populated hotel rooms and frequented seaside businesses. As winter flounder stocks collapsed for many reasons, the busses no longer came and the children of Boston no longer lined the docks on a weekend afternoon. Due to many circumstances, it has taken a long time to rebuild winter flounder but it is happening. In recent years catch limits for winter flounder have increased. I am convinced that without the MSA, this rebuilding would not be ongoing.

NMFS has said that the return on investment from rebuilding all federal stocks would be \$31 billion in sales activity and 500,000 new jobs. Many of these gains would be realized by recreational fishermen and associated businesses. So I believe that Congress must heed these successes and stay strong in its current commitment to ending overfishing and restoring populations through science-based catch limits based on well informed stock assessments coupled with reasonable accountability measures that support robust rebuilding plans. We can, nonetheless, improve on the current system—especially with regard to the recreational sector.

A Changing Ocean

Fisheries in New England and the mid-Atlantic are changing at a pace that is hard for someone not regularly on the water to understand. To comply with the MSA, fisheries management must be able to keep up with this new reality. The best

example that I can provide is that in the summer of 2012, black sea bass, a species associated with the Mid Atlantic and Southern New England were encountered in surprisingly catchable numbers in Boston Harbor, a place where previously it was a news item when even one of these fish was caught. The spring and summer of 2013 has seen both private anglers and for-hire operators actually targeting black sea bass and while doing so, they are now catching scup, another fish not known to be common north of Cape Cod. Another example of this is that over the last month I have heard multiple reports of cobia being caught in RI and southern MA waters.

I view these personal observations, in the context of recent scientific studies, as irrefutable evidence that climate change or ocean warming is affecting fisheries at a previously unseen rapid pace. One important way managers can react to these kinds of changes is for the management system to be producing timely catch data. The only solution is to invest in recreational management and complete the implementation of the 2006 required update to recreational data collection so that the best possible science drives management, adjustments can be made quickly, and accountability measures will be based on reliable and timely data. Managers should not be asked to choose between timeliness and accuracy of data. We need to make decisions on better than three year old data and we must collect data in the most accurate way possible. I understand this is an expensive suggestion. My response to the obvious question is to urge you to take a hard look at how much money is being spent on recreational fisheries in the North East and Mid Atlantic and compare it with both the direct and indirect economic impact of recreational fishing.

There is a fundamental difference between managing commercial and recreational fisheries. Commercial fisheries effort and catch is more predictable and easier to manage because it is based on how much fish is taken from the ocean, usually done in pounds. Recreational catch and more important to the scientific analysis, recreational fishing effort is largely determined by availability of fish stocks or numbers of fish. In essence, commercial fisheries require fish, while recreational fisheries require the opportunity to catch fish. In that sense, recreational fishery impact can seem less tangible—but as I explained earlier there is hard data to suggest that recreational fishing has a momentous effect on the economy. It may be appropriate to consider MSA provide some direction that clarifies managers can use different tools to approach this fundamental difference. Managers must have the ability to address this difference across a comprehensive management plan strategy as opposed to the current norm of picking some specific point and doing a calculation that in almost every case sees negative consequences for the recreational fishery. My view is that ability to address these fundamental differences exists now, however an institutionally the management system seems stuck in a “this is how we do it” state of mind. Also preventing progress is a lack of consideration of economic impacts and a lack of representation on councils, which muffles fresh ideas before they are given serious analysis, and consideration.

The Need for Improved Management of Recreational Fisheries

The 2006 MSA reauthorization recognized major problems in recreational fishing management and required a total restructuring of how recreational fisheries data is collected, how catch is monitored, and how the results are analyzed. This new program was named the Marine Recreational Information Program (MRIP). I submit to you that although most state and local communities adhered to the program, the implementation of MRIP thus far has not gone well and is a long way from being complete. State by state, community by community, managers and the public went through great pains implementing the MRIP's required federal registry which in most cases became a salt water fishing license. While this was going on, NMFS focused on developing new analytical methods.

Unfortunately, by choosing to develop the MRIP analysis methodology before completing development of MRIP data collection methodology, the first experiences of the recreational community under the new system involved being presented with an updated way of looking at the same data most agree is unreliable, and has failed independent scientific review because it was never designed to be used for the kind of management it was informing. Instead of building on the promise of the reauthorized Act, the result was disappointment and a feeling that our community was simply tricked into paying for the right to go fishing.

Without improved recreational data to provide the foundation, there is no chance management will be able to make better decisions. No amount of good will and outreach by NMFS will supercede our problems with data reports that in some cases do not pass even a common sense review.

My point is that damage has been done. A change to the Act will not repair this damage. What will begin the long process of repairing the recreational fishing communities trust is finishing implementation, stabilizing the data collection methodology and getting new and better data into the system. It is tough for me to consider changing a system that is not yet online after seven years.

For my community, the rubber really meets the road when management decisions get translated into accountability measures in the context of the large amounts of uncertainty or imperfection of recreational catch data. I can not repeat enough the reality that recreational fishing effort fluctuates on both actual availability of fish to catch and on the ability to catch fish. Councils definitely need to approach accountability measures based on unique situations, and that flexibility already exists in the MSA. With the exception of the fundamental constraint of not allowing overfishing, the Act allows plenty of opportunity for creative management strategies when it comes to determining recreational annual catch limits and accountability measures. It is wrong to tell a community it needs to pay a price after adhering to measures established by management.

An example of this is that In June, the Mid-Atlantic Fishery Management Council (MAFMC) adopted an innovative new policy for recreational accountability, where the Council's management response to annual overages will take into consideration

the health of the fish stock and the quality of the data. This change was largely driven by a looming crisis with black sea bass, which is rebounding in some areas so that anglers are blowing through quotas. Even though the stock is considered healthy, managers were faced with shutting down the 2014 season completely due to past overages. This problem was resolved within the MSA's existing flexibility.

While I see stocks rebounding, severe underlying threats have not been addressed, such as the destruction of fish habitat, increasing temperatures and acidity of the sea, and the catch or bycatch of fish with ecologically critical roles that just aren't factored sufficiently into management strategies. I have spent a great deal of my time building coalitions between recreational, small boat commercial, and environmental organizations in order to improve fisheries management and promote conservation. My experience is that the one common belief among all of these very diverse and often adversarial communities is that we need to move from single species management to something that better accounts for the interconnected relationships between species and the environment.

The Needed Transition to Ecosystem-Based Fisheries Management

The transition to Ecosystem-Based Fisheries Management (EBFM) must be accelerated. In the recreational fishing community, most of us find the concept of EBFM to be easily understood. When you are first taught to fish, every child learns that big fish eat little fish. Once you are old enough to fish on your own, the second lesson you learn is that to catch fish, all you have to do is find the bait. It's a simple fact that much of this bait—forage fish—serves as the linchpin for the whole marine food web. It is this common sense truth that has led me to dedicate many years to encouraging managers to look at forage species with a special eye. These little fish are one major part of the equation for the long-term success of our fisheries.

Bait or forage species are important locally both because of their ability to draw in and increase the availability of predator species, and also because of their role as food for valuable fish stocks. We can never expect to rebuild and achieve healthy sustainable fisheries by fishing down the food chain. And leaving more forage fish in the ocean makes common sense, and it's also the right decision economically.

A reauthorized Magnuson-Stevens Act should recognize the importance of forage species by requiring that ecosystem functions be included in scientific assessments and fishery management plans, and accounting for the critical ecological role of forage fish and the needs of predators when we set catch limits. We should require that plans to ensure these values are protected are in place before forage fisheries are started or expanded. Under the existing authority of the Act, Councils are moving forward with developing policies to improve the management of forage fish, but a legal requirement to do so would speed up this process. Earlier this year, I attended a full day forage fish panel organized by the MAFMC, which is being translated into a policy. Unfortunately, other councils including the NEFMC are lagging behind.

We also need to do a better job of tending to fish habitat and minimizing the wasteful bycatch of species of fish we aren't even targeting. The MSA currently requires that this bycatch should be minimized, and that essential fish habitat should be protected, but the Councils and NOAA have done an inconsistent and often poor job of achieving these important goals. Over the past few years the New England Council & NMFS allocated a large amount of juvenile haddock to the Atlantic Herring Fishery while and this year, two short years later raised the minimum size of recreationally caught haddock to a point where NMFS scientists developed a model that predicted recreational catch of haddock was so unlikely that the recreational community did not have to take the significant reductions being taken by the vessels that harvest haddock for food. Essentially management has turned apportionment of haddock caught for food and private harvest into lobster bait. This quite frankly is an outrage to small boat commercial fishermen, for hire charter operators and private anglers alike, all done in the name of preserving one industrial fishery that provides few jobs and a small economic impact.

Just last week NMFS rejected a community wide demanded action passed by the New England Council to place 100% monitors and limit dumping of unwanted catch over the side on industrial scale herring harvesters. To their credit these harvesters had stepped up and offered to pay for part of the monitoring costs. The NMFS lawyers have a reason for deciding that what has been figured out in fisheries managed by other councils and was passed by the NEFMC is not allowed in New England. Once again I feel this is an issue of implementation and NMFS leadership rather than in the Act itself but Congress may need to strengthen protection of non target species so that we are getting the most value out of our fisheries.

One way Congress can make these ecosystem safeguards a reality, and consistent across the country, through the next MSA reauthorization would be by requiring that broader fishery ecosystem plans be developed and integrated into all individual fishery management plans. This way Congress could ensure that such plans are in place to account for current ecological impacts, and for consideration in future actions before opening or expanding a forage fishery can take place.

These combined steps would add up to ensure that the species we depend on for food and for recreation can rebound if overfished, and that their populations are resilient enough to prosper for generations into the future.

Conclusion

In conclusion I hope my overall message today has been that as written the act does a good job ending overfishing and does not need significant changes. I urge you to allow and even accelerate implementation of the actions required in the prior reauthorization of 2006 and to add language that accelerates the transition from single species management to a more ecosystem based system.

Thank you again for allowing me the honor of providing testimony and I am available for questions.