

Chairman Hastings and Ranking Member Markey, thank you for inviting me to testify today.

My name is Peter Shelley. I am a senior attorney with New England's Conservation Law Foundation, the oldest regional conservation advocacy group in the nation. I have worked on federal fishery management issues in New England since 1989.

Next to my computer at work, I have a post-it note with formula on it:

31 billion (dollars more in fish product sales) + 500,000 (new jobs) +
2.2 billion (more dollars flowing to America's fishermen and their communities).

Those are the results that rebuilt fisheries in this country could produce. Even if they were half those numbers, rebuilding fisheries would be an important national objective.

Those were the goals Congress had when it overwhelmingly passed the Magnuson Reauthorization Act in the Bush Administration in 2006.

To get to those goals, I believe, Congress needs to do three things:

1. Allow the current law to work and the regional councils and the agencies to implement it -- it's only just begun to take effect.
2. Fund the Act so it can work, perhaps on the order of three times the current appropriation for the essential tasks of stock assessments, monitoring, and data collection, and
3. Invest in our working waterfronts and coastal communities so they will be there to benefit from a healthy, restored ocean.

In my view, three of the bills before the Committee today are aligned with those actions. The other five bills, notwithstanding the good intentions of their sponsors, are not.

The Coastal Jobs Creation Act, sponsored by Representatives Pallone and Pingree, is a great piece of legislation with broad support. The infrastructure and capacity investments the bill identifies are essential to our maritime and fishery future and will be repaid many times over. H.R. 594 should be supported by the Committee.

Rep. Frank's Asset Forfeiture Fund bill and Rep. Keating's Strengthen Fisheries bill also have merit. These two bills are the only ones before the Committee today that make an effort to identify new funding streams for the fisheries science and data collection that is critically needed in the regions.



HR 2753 also has merit but no new funding source. In my opinion, the other four major bills before the Committee, H.R. 1646, 2304, 2772, and 3061, would move this country farther from our common goals, perhaps out of reach.

Without exception, they

- impose new costs and mandates for marginal benefits and without new funding
- create more business uncertainty and volatility for fishermen
- require substantial new regulations and guidelines
- cause more procedural delay in the management process
- seem to mandate that councils take higher risks than they might deem advisable
- and eliminate one of the only market-driven and de-regulatory tools in the management toolbox—the LAPPs.

By providing the least protection to the weakest fish populations, these four bills increase the probabilities of future stock failures and job losses.

I think that they could put New England’s groundfisheries right back in the ditch they have just now started to climb out of.

The first New England groundfishing season using a management plan in full compliance with the new Reauthorization Act requirements ended April 2011.

The net profits to the small business boat owners that year are reported to have increased \$10.8 million—in a year when quotas were significantly cut, the Council started an entirely new management program, and diesel prices went up 30%.

If the New England Council had not shifted to the “sector” catch share program they now use, the economic estimates were that the fleet might *lose* 15 million dollars.

As stated in a letter sent to the New England Congressional delegation on Nov. 14, 109 fishing captains – some of N.E.’s best small business owners in the groundfishery – want to retain the current catch share program and management program.



By my count, these folks have seen rules changes on average every four months from March 1994 to May 2010. They think that's enough and I tend to agree with them. They believe they can make the Magnuson Act work and I agree with them there as well.

These four bills do not directly address one of the three specific things those knowledgeable fishermen have asked for in their letter to the delegation.

- 1) Management stability
- 2) New opportunities to target rebuilt fish stocks and reduce operations costs
- 3) Funding to improve and increase frequency of stock assessments to support effective management

Despite the often heated rhetoric, it is clear to me that more New England fishermen are starting to have some hope based on the success of the sectors program. These fishermen now need regulatory stability so they can continue to grow their businesses.

There are strong signs that the Magnuson Act Reauthorization is working around the country. Overfishing is finally stopping and many fish stocks are growing, sometimes rapidly.

I believe they will continue to improve. But decades of overfishing can't be turned around over overnight. Full recovery will take time and patience and there will be some very rough spots ahead. I think we can get through them without new law.

Congress created this fishery management council system that many skeptics thought couldn't work. But the system brings regional and local values and local political accountability to these complex and multi-faceted fishery decisions and management actions and risks get adjusted for local conditions.

I urge the Committee to continue to trust the council system and the agencies with these tough management decisions without statutory micromanagement and fund them so they can succeed.

Thank you and I look forward to answering your questions.