



Long Island Commercial Fishing Association

P.O. Box 191~Montauk, N.Y. ~11954

Phone 516-527-3099~ Fax 631-668-7654~E-mail Greenfluke@optonline.net

www.licfa.org <https://www.facebook.com/LICFA> Twitter@LICommFishAssn

Sustainable Fisheries and Fishermen for the 21st Century

Testimony of Bonnie Brady

Executive Director

Long Island Commercial Fishing Association

Oversight Field Hearing

“Restoring Atlantic Fisheries and Protecting the Regional Seafood Economy”

December 7, 2015

Committee on Natural Resources

U.S. House of Representatives

Mr. Chairman and members of the Committee,

Thank you for the opportunity to speak before your committee today. On behalf of commercial fishermen throughout New York, I would like to welcome you to Long Island, where 99 percent of New York’s wild-caught seafood is landed. In 2013, the most recent year on record, that catch equaled 33,281,388 pounds of seafood, worth just under \$57 million dollars.

Our state’s top port, Montauk , is the 59th largest port in the US, and seventh largest in the Mid-Atlantic, landing over 13 million pounds of fish worth just under \$18 million dollars at the dock. Our top three ports, Montauk, Shinnecock and Greenport, landed just under 20 million pounds of fish in 2013. Long Island’s commercial fisheries spread just under \$260 million dollars to our coastal communities, and from boat-to-table, it is a \$1.4 billion dollar industry to New York overall.

As I thought about the discussion topics I could broach for this meeting today, my mind kept returning to the fishermen and their families that I represent, the eleven different gear types from 14 different ports, everything from the pin-hooks to traps, the gillnets to the trawls, long lines to pots. Long Island has over one thousand food-fish license holders.

Surrounded by water, commercial fishing has taken place on Long Island for over 200 years. Not a stretch to say that most every family knows at least someone that is or was a bayman, or a clammer, or a commercial fisherman. When you live in a small coastal town you come to know all that work on or near the water.

While I am not from Long Island originally, what I have to come to learn in my 26 years of living here is that everyone who lives here has a connection to the sea, and a connection to fishing and fishermen. Long Island's fishing communities are a patchwork of mom-and-pop-shop small businesses that are threaded together by fishing. Those that do it for a living, do it for fun, provide shoreside support for those that do, whether it's gear, bait, ice, fuel, food, tourist rentals- boats, or rooms. It is as much a part of the average coastal resident's life as is sand in our cars. Those that aren't connected directly, come out on their weekends and vacations to partake in it recreationally or through a charter, and enjoy the bounty of the sea in many of our seasonal or year-round restaurants.

So my thoughts today were what would those fishermen say if they had the opportunity to be here before you this morning. I apologize that many could not be here today, but as a small business one must work to get paid, and most start their day at 4 a.m. Depending on trip limits and what they are targeting, they could be home by nightfall. Or not, they do after all call it fishing, not catching. There are no guarantees of a paycheck.

So the question I'd like to help you answer is how can you as a committee help the Long Island region as well as the overall US commercial fishermen and their communities who depend on harvesting wild-caught seafood? I believe the items below can help:

- Continued effort to work with Senate counterparts to assure a Senate version of H.R. 1335 is introduced and passed this year. I'd also like to thank Chairman Bishop for his leadership on this bill, Congressman Young for introducing it, Chairman Bishop, Congresswoman Aumua Amata and Congressman Byrne for their sponsorship, and Congressman Zeldin for his continued efforts to help the bring legislative fairness to the commercial fishermen of Long Island.
- Legislation requiring imported seafood to adhere to the same environmental and regulatory requirements and standards that US commercial fishermen must abide by every day in harvesting their catch. US commercial fishermen adhere to the strictest fisheries regulatory standards in the world, and should not be undermined by unfair competition from cheap, imported, unsustainable, and unregulated seafood. In 1995, 55% of seafood consumed in the US was imported, it is now 90 percent.
- Funding of a national campaign promoting US wild-caught seafood that educates consumers as to the US' gold-standard in fisheries conservation. Buy American Fish, good for the fish, good for the fishermen, good for their communities and ultimately the consumer. Additionally, through the NMFS, combat inaccurate, false fisheries PR campaigns tailored toward consumers.
- Congressional legislation to create a process by which the Bureau of Ocean Energy Management (BOEM) must adhere to a set of standard offshore energy policy procedures before allowing for any future leases of federal/state offshore bottomland. At present, no policy or legislation is in

- place allowing for BOEM to restrict future offshore energy sites to approved specific sites in consultation with NOAA/NMFS and with approval by the regional fishery management councils BEFORE a site is chosen.
- Committee support for H.R. 303- the MAST act, introduced by Congressman Jones and Young, preventing unilateral designation through Executive Order of underwater marine “monuments,” without the approval of Congress and each state within 100 miles of the affected designation.
 - At the regional level, three recommendations
 - A Committee request to the Northeast Fisheries Science Center to schedule a full benchmark assessment of the summer flounder stock in the first half of 2016.¹
 - A legislative amendment to the MSA to disallow the MAFMC’s state-by-state fishing quota regulations as a method of distributing federal fishery quotas in the commercial fluke fishery, and replace it with a coastwide federal quota.
 - Amend the MSA to add three seats (one New York state DEC fishery management representative, one New York stakeholder-compulsory seat and one stakeholder at-large seat) to the New England Fishery Management Council (NEFMC).

Passing of H.R. 1335

Federally, our commercial fish stocks are in very good shape. Of the 308 commercially caught (230 of which represent 90 percent of all commercial landings) stocks, 84% are not overfished and 92% overfishing is not occurring, while 37 stocks have been rebuilt since 2000. Additionally, the 2014 National Research Council’s Ocean Studies Board study on Evaluating Effectiveness of Fish Stock Rebuilding Plans² found that for some 20 stocks evaluated as overfished, representing 36 percent of overfished species, many were not.

“Although at the time these stocks were declared overfished their biomass was estimated to be below the MSST, the most recent assessments indicate that 20 (36%) of these stocks were not overfished in the year before designation (YD-1), and 10 were actually above B_{MSY} (Table 3.4; Figure 3.11)³

Nothing has destroyed our local New York fish economies more than the unintended consequences of a rigid, ten-year timeline for rebuilding a fishery to a supposed Spawning Stock Biomass (SSB) level that does not take into account the economic

¹ <http://www.nefsc.noaa.gov/saw/pdfs/Schedule-worksheet-assessments-2015-11-27.pdf>

² <http://www.nap.edu/catalog/18488/evaluating-the-effectiveness-of-fish-stock-rebuilding-plans-in-the-united-states>

³ *ibid* p45

effect to fishing communities that must suffer these cuts, and the cumulative effect when more than one fishery is need of rebuilding. I refer to it as the death by a thousand cuts. This was not, I believe, the intent of Magnuson.

I liken it to the difference between paying a 10 or 15-year home mortgage. On both, the principal is still paid, yet on the 10, the financial stress to a family can almost be insurmountable, while the 15-year allows a family to have some financial breathing room. If the fish population and its SSB are still growing at an appropriately positive trajectory, why would anyone want to see people lose their businesses, or watch their families crumble under the economic stress, just so it can be said it must be done in ten years and not one or two years more. If it doesn't matter to the fish, and the fish stocks maintain their trajectory, why should families have to suffer needlessly?

While H. R. 1335 has made it out of the House, in part due to the excellent leadership by the Chairman and members of the committee, it is vitally important that a Senate companion bill is introduced that pays great attention to the detail, especially the removal of the SFA-created 10-year timeline. No one should lose their home, their dignity, a marriage or a child's chance to go to college because we must rebuild a fishery in exactly ten years and not one day more, when it can all be achieved with families intact in exchange for a bit more time flexibility as long as the stock continues to grow.

Legislation regarding imports

Regarding parity among imports versus our domestic wild-caught product, cheap, unregulated, often untested imports are destroying the US market. In 1995, according to NOAA, imports were responsible for 55 percent of the US' overall seafood consumption, 20 years later we are at 90 percent imported seafood. In 1998, 61 million pounds of tilapia was imported, valued at \$52 million dollars.⁴ In 2014, that figure jumped to 418 million pounds of tilapia imported at a value of \$1.02 billion dollars⁵

Imported farmed shrimp, which makes up the largest single imported seafood in the US, has been shown to be tested less than one percent of the time ⁶ Additionally, several investigative reports have surfaced this year that those employed in the overseas farmed shrimp industry have been kidnapped, trapped and held as slaves in Thailand and the Phillipines ^{7 8}. Overseas fish importers from Thailand and

⁴ <http://www.st.nmfs.noaa.gov/st1/trade/documents/trade98.pdf>

⁵ <http://www.st.nmfs.noaa.gov/Assets/commercial/trade/Trade2014.pdf>

⁶ <http://www.americanshrimp.com/mediakit/aspa-supports-consumer-reports-shrimp-report-released-today/>

⁷ http://www.nbcbayarea.com/news/local/Slave-Labor-Frozen-Shrimp-Sold-at-Costco-Tied-to-Company-Lawsuit-322352182.html?_osource=SocialFlowTwt_BAYBrand

Indonesia are often nothing more than human traffickers trapping and enslaving workers.⁹¹⁰ American consumers deserve to know where their seafood is coming from and that imported seafood is held to the same standard as that which is caught in the US. Being misled to think that imported pole-caught is better, when the pole-caught is being caught by slaves with no regulation toward fish size or hook size or habitat where it is caught (ie nursery) is misleading and should not be allowed.

Funding a national Buy US fish campaign; combatting false PR fisheries campaign narratives tailored toward unknowing consumers.

Because American fishermen uphold the highest conservation standard of our nation's seafood, no matter what the gear type or the regulations required under the Magnuson Stevens Act, our nation, through the Department of Commerce, should take the steps necessary to fund and create a national "Look for the US label" seafood campaign highlighting and promoting our nation's sustainable wild-caught US seafood.

While many states, Alaska and Maine come to mind, have individual state-sponsored wild-caught fish consumer campaign programs, all American consumers who want to do the right thing by their local fishing communities should have the informed ability to vote with their pocketbook when it comes to the promotion of the sustainability of our nation's seafood. It will require however funding of an actual public relations and education campaign, similar to the work of Fishwatch.gov, run by NOAA, which educates consumers on the web as to the sustainability of US-landed fish and the sustainability regulations that all US commercial gear types must adhere to.

There should be no prejudice or bias toward one commercial fishing gear type over another as is seen in many environmental-industry organizations "seafood sustainability cards," and has also been seen in several bills related to the tracing of seafood. All US commercial gear must adhere to copious regulations written specifically for that gear type so that it maintains its sustainability. Americans do not tolerate prejudice, and our nation's seafood, landed by all of its commercial fishermen through varied gear types, should not be marginalized in the face of under-regulated and illegal imports, where often no standard is upheld.

By that same note, the Department of Commerce (DOC) through NOAA/NMFS should address directly through NOAA/NMFS sponsored press releases any public relations campaign that, through misinformation, tries to misrepresent the status of a US commercial fishery, or science re a stock of fish to the American consumer.

⁸ http://www.theguardian.com/global-development/2014/jun/10/supermarket-prawns-thailand-produced-slave-labour?CMP=share_btn_tw

⁹ <http://bigstory.ap.org/article/902c12eeae348f3a6e4e5ee3a21b038/thai-man-arrested-boat-believed-be-carrying-slave-fish>

¹⁰ <http://interactives.ap.org/2015/slave-fishermen/>

As a reference, in 1998, Pew Charitable Trust's funding of the "Save our Swordfish" (SOS) campaign by the National Resource Defense Council and Seaweb, did nothing to actually save swordfish, which at the time was overfished and overfishing was occurring, mostly as a result of international harvest. Instead, by asking restaurateurs to pledge not to serve swordfish, they punished the only sector that was adhering by the rules in the Highly Migratory Species (international agreements) swordfish fishery, the American commercial sword fisherman.

Put on a US fisheries management plan (FMP) swordfish were given a precautionary size limit for harvest that allowed spawners to still spawn, and quota that allowed for limited harvest while still allowing the stock to grow each year throughout its rebuilding timeline. By 2003, only four years later, it was at 94% of its SSB according to NMFS¹¹ allowing for increased harvest based on 2002 ICCAT regulations, yet the damage was already done to the US fishing fleet.

The SOS campaign incorrectly linked purchase of US swordfish to wiping out of the swordfish stock via scare tactics, and asked chefs to not purchase swordfish for their menus¹². Instead of helping swordfish stocks, Pew's campaign hurt US fishermen and created a backlash at the market so that their fish prices tanked, their market disappeared ultimately putting more than half of the US pelagic fleet out of business. Meanwhile imported swordfish, without any of the regulations or limits that US fishermen were held to, were still imported into the country, and demand for them during the same time period increased by 470 MT in 2000¹³. Both the international stock of swordfish and the US commercial sword fisherman lost as a result of Pew's policy.

In 2002, swordfish had attained 94% of its SSB, and were declared no longer overfished four years later in 2006. Since 2013, the US fishery for the last two years has not been able to fill their quota, instead transferring quota to Canadian swordfishermen because there are not enough active sword fishermen in the US, and the subsequent loss of fishing dollars to our coastal communities.¹⁴ Then the Canadian fishermen, who import 100% of their quota to the US, further undercut US fishermen still fishing for swords by flooding the US market with once-caught US fish.

Congressional legislation of BOEM 's offshore windmill energy site plan policy

The Bureau of Ocean Energy management at present has no legislative policy as it relates to the placement of offshore windmills and policy re site-plan conflicts with fish, essential fish habitat, habitat areas of particular concern, or maintaining

¹¹ http://www.nmfs.noaa.gov/sfa/SFA-Report-FINAL7_1.pdf pg 8

¹² <http://www.nytimes.com/1998/01/21/dining/eating-well-serving-no-swordfish.html>

¹³ <http://www.st.nmfs.noaa.gov/st1/trade/documents/trade2000.pdf>

¹⁴ <http://www.theonlinefisherman.com/how-to/a-swordfish-tale>

traditional fishing grounds through federal fisheries law, National Marine Fisheries Service's interpretation of it, or the regional fishery management councils.

MSA at present includes no specific legislation addressing how BOEM should site an offshore energy facility and where it may not be sited with relation to fishing grounds. As such, any company can go in and lay claim to a site, at which point BOEM, in conjunction with that state's energy task force, begins the process to determine whether an offshore energy site can be approved for future offshore energy site leases. There is no comprehensive offshore energy list of sites that have been already approved or disapproved due to existing commercial and recreational fishing grounds, or migratory patterns of fish, or nursery grounds of migratory stocks.

Each time a company decides they want to claim a site, the process begins again. The result for fishing communities is a whack-a-mole process where energy companies have unregulated precedence over traditional historical stakeholders and important habitat and breeding grounds. Even though fishery management councils can offer input into the process, BOEM is not required to adhere to what fishery management councils recommend as it relates to fish, user groups of fishermen, or essential fish habitat, and no comprehensive regulatory policy exists.

Having fought to protect Long Island's inshore and offshore commercial fishing grounds for the last 12 years, I implore you today to address this issue legislatively as soon as possible before productive and extremely important commercial and recreational fishing grounds are in effect sold to the highest bidder due to tax credits that make an unviable and biologically destructive industrial corruption of the ocean floor not only a reality, but for sale to the highest bidder.

A Committee request to the Northeast Fisheries Science Center (NEFSC) for a full benchmark assessment of summer flounder during the first half of 2016

Only a benchmark assessment, as a rule done every three years, allows for new models or information to be incorporated into an assessment. An operational assessment is not allowed to take in new information or models other than to add in a new year of data to the old model. The last benchmark for summer flounder took place in 2013, using a model that did not incorporate sexually dimorphic natural mortality or growth rates based upon sex of the fish. Considering the drastic 29% cut for the next three years to the fluke fishery catch limits that is projected for 2016-2018, a benchmark incorporating all new information should be required to confirm the necessity of those cuts.

Request for full committee and Congressional support for passage of H.R. 303- the MAST act

The most recent push by some environmental industry groups in the Northeast to bypass the democratic process and instead appeal for an Executive Order (EO) of the President through the Antiquities Act (to create a series of underwater marine "monument" reserves) is disingenuous, undemocratic, and basically is an attempt by

well-heeled and politically-connected environmentalists out of touch with working families to circumvent Congress and the MSA, using political influence to disenfranchise working fishing families and communities through an attempt at cronyism and back-door deal-making.

The attempt to slip the marine “monuments” concept through using a covert EO process is exactly the kind of situation that the MSA, through its establishment of the eight regional fishery management councils and transparent stakeholder process, was created to prevent from happening.

Democracy is not a plan that should only be adhered to when things are going one’s way, and no user group should attempt to circumvent the process because of their mistaken belief that the laws do not apply to them if they have political connections. All should be treated equally under Magnuson, where due diligence breeds results, not short cuts nor influence.

Whether for this specific underwater “monument” request or for a more broad request in the future for marine reserves, not based on proven need via science but through feelings instead, without input and consent from the regional fishery management councils whose stakeholders would be affected, we humbly request that the Committee pass H.R. 303 and work with your Senate counterparts to achieve passage in the Senate, by a veto-proof margin.

A legislative amendment to the MSA to remove the MAFMC’s state-by-state fishing quota method as a method of allocating federal fishery quotas in the commercial fluke fishery

NY commercial fluke fishermen have been disenfranchised from the commercial fluke fishery since the establishment of a state-by-state quota system that was prejudicial against New York because of the inability of New York to produce weighout data.

As the only state unable to produce that data, when the quota system was decided by the Mid Atlantic Fishery Management Council (MAFMC) in 1991 and ratified by NOAA in 1992, it created an economic inequity that disregarded National Standard Four (acknowledged as such by the MAFMC in 1996 when establishing Amendment 8 to the scup FMP, pg 64. see attached State-by-State quota inequity background document,) and National Standard Eight.

Without a way through the council process to ever convince other states with more quota, (based on weighout data for the fluke fishery in years 1980-89 when no regulations existed,) and have them agree to a more fair and equitable system for all states and win a vote to amend the process, the only other possible solution is to write legislation to disallow the state-by-state quota system for the commercial fluke fishery and allow for a federal coastwide quota instead, with trip limits accordingly.

Since this fishery is prosecuted in federal waters, and landings data from the 80s only related to which state’s boat landed the fish, not the port in which it was

landed, it is the only method which could allow for equal access to the fishery under the law. As an interim measure, allowing those New York fishermen that have other states' permits to land in their home port would allow for some New York fishermen to, at the very least, be able to overcome some of the economic hardship of being disenfranchised by other states in the fluke fishery.

Amend the MSA to add three seats (one New York state DEC fishery management representative, one New York stakeholder-compulsory seat and one stakeholder at-large seat) to the New England Fishery Management Council (NEFMC).

Finally, New York is also regulated by the New England Fishery Management Council (NEFMC) across several fisheries (small mesh fisheries, monkfish, Northeast multispecies, dogfish) and yet has no representation on the council that is responsible for regulating its fisheries. The New York Fair Fishing Act has been on the books since 2003, first introduced by Congressmen Steve Israel and Tim Bishop. Making this legislation part of a Magnuson reauthorization would finally balance the inequities New York suffers at the hands of the NEFMC for having no representation.

* * *

The heavy lifting and tightening of industry's collective belt that was necessary due to the unintended consequences of over capitalization in the late 1970s and early 1980s is over. Fish stocks in the US are in recovery from the nadir of the 80s, and now the last piece of the rebuilding program necessary is to save the US fisherman, fishing family and their communities, before they go the way of the historical family farm. We have healthy stocks, and strong, hard-working communities.

We are not looking for a handout, we just need your continued diligence and oversight to balance the biological needs of future fish with the socio-economic needs of fishing communities.

It is with these requests I have listed above that I believe this House committee before me can affect true change to help the men and women of New York's commercial fishing industry and the US commercial fishing industry at large grow and prosper in the 21st century.

Thank you.