

Testimony of Eric Hansen
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before the
Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard
United States Senate Committee on Commerce, Science and Transportation
Field Hearing on Magnuson-Stevens Act Re-Authorization
November 4, 2013

Good morning, Chairman Begich and Senator Warren. My name is Eric Hansen. I am a fourth generation fisherman and the owner of the *F/V ENDEAVOR*, home-ported in New Bedford. I have been fishing since 1978. My family has been harvesting fish and scallops from New England waters since the early 1900's. I appreciate the opportunity to appear here today, as a scallop fisherman and member of the Board of Directors of the Fisheries Survival Fund ("FSF").

In summary, Congress must confirm two main principles as part of Magnuson-Stevens Act reauthorization. First, NMFS and the Councils should manage recovered fisheries for long-term success. Second, Congress needs to make clear that essential fish habitat management should not equate to locking up productive historic fishing grounds and throwing away the key.

Summary of Testimony

FSF was organized in 1998 after the National Marine Fisheries Service ("NMFS") told us bankrupting cut-backs were necessary to rebuild our fishery and preserve our way of life. Our industry didn't just give up and complain. Instead, we invested millions of dollars, and thousands of hours, in cooperative research and scallop rotational management. Even by 1998, we had taken steps to end over-capacity and make other needed conservation changes.

Our investments and sacrifices have paid off. NMFS declared scallops rebuilt in 2001, and our fishery has flourished. We have created valuable, world-wide markets for scallops. For many years running, New Bedford, the center of the scallop fishery, has been the number one fishing port by value in the United States.

All is not well, however. We are facing a total of over 50% cuts in allowable catches over two years, despite the fact scallops remain at high, near record, levels of overall abundance. The problem is that NMFS and the New England Fishery Management Council have frittered away opportunity after opportunity to fix problems while we had the chance.

To be clear, we are facing a management failure, not a resource failure: a combination of demonstrably unproductive habitat closures on Georges Bank and strait-jacketed scallop management can derail in two years what it's taken us two decades to create.

The Scallop Management Approach

Scallops are managed using a combination of “open areas” subject to a days at sea (“DAS”) regime and controlled “access areas” of high abundance. Access areas exist within the Georges Bank Groundfish Closed Areas and in the Mid-Atlantic. We are allocated a certain number of annual trips with a prescribed catch limit in “access areas.” The three Mid-Atlantic access areas are specifically designed with scallop rotational management in mind. The areas are closed when large concentrations of small scallops are found, and opened once the scallops grow out.

Significantly, the scallop fishery is subject to spatially-based harvest limits. Thus, if a scallop is not available to the fishery, it does not “count” in setting allowable harvest levels, even though these scallops are still reproducing and count toward the overall population. No flexibility is allowed. In practical terms, scallop fishermen get no credit toward their annual catch target (“ACT”) for scallops that are contained in either permanent habitat closures or in scallop rotational grow-out areas. While this approach should work in theory, it fails when, as now, so many scallops are in closed areas.

Under this inflexible management approach, NMFS and the Council are ignoring about 75 million pounds of harvestable scallops in setting allowable catch levels. As a result, we are facing an 18% harvest cut in 2014, on top of the 35% cut we are dealing with this year. This is not, I repeat, a conservation failure. Our projected fishing mortality rate in 2014 (0.17) will be less than half the level that would yield overfishing (0.38). The Magnuson-Stevens Act does not require this short-sighted approach but NMFS has insisted on it, anyway.

Most critically, over 30 million pounds of scallops, valued at over \$300 million, are contained in historic scallop fishing grounds along the Northern Edge of Georges Bank, in Closed Area II. While some claim the area is “pristine” and has

never been fished, I, myself, have records showing I fished there often before the 1994 closures. So did many others, for generations.

In addition, we have all three Mid-Atlantic access areas closed for grow-out. These areas contain over 100 million pounds of maturing scallops.

Changes Needed for Successful and Stable Scallop Management

If the scallop fishery is to be managed for long-term success, managers need some flexibility to ensure consistent market supplies and at least some stability in business planning. Thankfully, harvest levels are expected to increase substantially when the Mid-Atlantic grow-out areas re-open, and other small scallops on Georges Bank reach harvestable size. But why must catch levels yo-yo up and down when a more balanced approach is possible and does not in any way jeopardize long-term sustainability?

Stable access to historic scallop fishing grounds is also critical to our long-term success. In late 1994, the New England Council enacted the three closed areas on or near Georges Bank, as an emergency measure to conserve commercially prominent groundfish stocks (Georges Bank cod, yellowtail flounder, and haddock, in particular). Significant parts of these areas remain closed to scallop and other fishing for habitat protection, even though no habitat conservation value from these closures has been identified in the intervening 20 years. These closures are not cost-free. There have been documented instances where we have lost millions of pounds of harvestable scallops due to natural die-offs. Meanwhile, efforts to revise habitat measures remain mired in over ten years of New England Council proceedings.

Conclusion

In conclusion, after nearly two decades of dedicated and consistent investments in scallop conservation and management, many scallopers' confidence in, and willingness to participate in, the management process is being eroded. All scallopers are concerned about potential losses in the world-wide markets they have created over the past decade. We would like to work with the Committee to make meaningful changes as the Magnuson-Stevens Act is re-authorized.

Thank you for the opportunity to submit this testimony.