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**TESTIMONY ON “REAUTHORIZATION OF THE MAGNUSON-STEVENS FISHERY
CONSERVATION AND MANAGEMENT ACT: OVERSIGHT OF FISHERIES
MANAGEMENT SUCCESSES AND CHALLENGES”**

**SUBCOMMITTEE ON OCEANS, ATMOSPHERE, FISHERIES, AND COAST GUARD
COMMITTEE ON COMMERCE, SCIENCE & TRANSPORTATION
UNITED STATES SENATE**

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My name is Tony Friedrich. I am a life-long recreational fisherman currently residing on the Eastern Shore of Maryland’s portion of the Chesapeake Bay. From 2009 to 2016, I was the Executive Director of CCA-Maryland. We advocated for the Chesapeake Bay TMDL from the EPA. We protected forage species because 70% of resident striped bass had mycobacteriosis from malnutrition. We were leaders for striped bass conservation and also lead the charge of reasonable speckled trout regulations. I’ve seen good and bad fisheries management decisions, and I’ve seen fish populations either recover or crash as a result. In my experience, those failures always stemmed from one problem – a failure to put the resource first. Often, these bad decisions were possible because of a lack of strong rules, or because political pressure prioritized more fishing now instead of the health of the fish stock. Recently, there’s been more and more pressure to make it even easier for those bad decisions to happen. Decision-makers should resist these calls to weaken the Magnuson-Stevens Act, since their goal – your goal - should be the same as mine: to make sure I leave this country’s natural resources in better shape than I got them, so that my children and grandchildren can love the outdoors like I do. I’ve dedicated over 20 years of my life to that.

Background

My family came to this country and thrived because its abundant natural resources gave us food, freedom, and opportunity. In the mid 1700s, my decedents sought refuge from the Seven Years War, and carved out a life in the marshes of Louisiana. The natural resources provided them a chance to live free and make a better life. You will never find people who care more for the natural resources of America. The land and sea gave them an opportunity to prosper.

My first memories are fishing with a cane pole for bluegills at a farm pond in rural Tennessee. Since then, there has never been a single moment when my heart wasn’t firmly planted in the outdoors. I tell time by the tide and understand the habits and needs of fish far more than I ever will understand humans.

I am incredibly fortunate to have spent so much of my life working with fishermen to protect the natural resources we care about. I’ve sat on countless councils, advisory boards, and committees over the last

twenty years and for almost eight years while I was the Executive Director of CCA-Maryland. Through CCA, I worked with large groups of recreational fishermen, listening to their concerns and acting on them through grassroots advocacy. From the Atlantic States Marine Fisheries Commission to the Mid-Atlantic Fishery Management Council, I used my influence to better the resource with the help of a small army of dedicated volunteers that believed in me and putting the resource first.

The fishermen I know care about conservation. We worked tirelessly on habitat issues, forage species conservation, and improving scientific methods and practices. We broke “the rules” by working hand in hand with environmental groups. My philosophy was simple: if you put the fish first, everything else works out. Too often, you see people fighting over their slice of the pie, always wanting a bigger slice even it means taking it from someone else, hurting the resource, and ignoring, or worse, defaming, the best available science. I tried to help folks understand that if you make the pie bigger, we’d all get along. It’s only through working together, bringing recreational and commercial fishermen, scientists and managers to the table, and making decisions that consider the long-term health of the resource, that we can all win.

The National Marine Fisheries Service released a survey in 2013. The survey looked at the attitude and preferences of saltwater recreational anglers from every coast. Almost ninety percent of the anglers valued spending time with family and friends more than any other aspect of the sport. Eighty percent of those surveyed just wanted to catch fish. Importantly, less than forty percent wanted to fill their limits every time out. This falls directly in line with my experience with the recreational sector. The bulk of fishermen want to encounter fish during their trips. Harvesting these fish is far less important. We fish for the experience.

So now you know who we really are. But, I sit here today to speak for the resource because it needs a voice. It needs a voice to remind decision-makers that things were far worse in the not so distant past. It needs a voice that says there are so many people in coastal communities that rely on a healthy resource. Frankly, there needs to be a voice of reason.

We’ve made progress towards sustainable fisheries, but that’s now in jeopardy

Prior to 1996, and the passage of the Sustainable Fisheries Act (SFA), New England groundfish, red snapper, and summer flounder were on the verge of disaster. Pursuant to standards established by SFA, 86 different species were declared overfished. But thanks to that law and the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act passed in 2007 (Magnuson-Stevens Act, or MSA), things started to slowly get better. Measures were put in place to set up annual catch limits (ACL) based on science that prevent overfishing. Depleted stocks were put into rebuilding plans to restore them to sustainable levels. As of June 30, 2017, only 30 of stocks are still on the overfished list, and most of those are either highly migratory species or part of the New England groundfish stock.

It is hard to think of another a law that has such a positive impact in such a short time frame. When you dig a little deeper, you begin to understand that MSA’s robust system of standards and stakeholder participation empower decision-makers to make the right decisions. All too often lately, we hear complaints about how catch limits negatively impact the economy, and are unfair to recreational fishermen. But when stocks decline because of overfishing, businesses fail, communities suffer and there’s less fishing for everyone.

Gulf of Mexico red snapper and Mid-Atlantic summer flounder are somehow now the rallying cries for those who seek to weaken the Magnuson-Stevens Act. But the irony is, neither species would be available to catch if not for the catch limits and rebuilding plans required by the MSA.

It is an accurate statement when people say that they have never seen more red snapper in the Gulf of Mexico. Red snapper stocks crashed in the 90's. It has been more than 50 years since the stock was truly healthy. The stock has recovered well in the past decade, but it still has a long way to go. And yes, the federal red snapper season in the Gulf of Mexico is short, but that's not the fault of MSA. The recreational sector has consistently overfished red snapper. The average size of the fish is growing. State seasons take 70-80 percent of the recreational quota, leaving very little for the federal season. As an example, Texas has a 365 day season with a four fish limit. Then, the states and some Gulf anglers get upset when the season in federal waters is shortened. Instead of solving the problems of overfishing and long state seasons, people are attacking the National Marine Fisheries Service and MSA. In reality, everyone should be thanking them for the return of the iconic fish. The numbers tell the story.

In 1990, red snapper landings were just slightly over 4 million pounds. By 2000, the landings increased to almost 10 million pounds. In 2014, the landings were just short of 16 million pounds. We are watching a success story in the making. Red snapper spawning potential hasn't been this high since 1968. However, red snapper can live to be 50 years old. The oldest fish are the most valuable to the resource. A 5 year old red snapper produces 8x the eggs of a three year old and a 10 year old produces 33x the eggs of a 3 year old. Since red snapper stocks are managed on spawning potential and snapper are long lived, rebuilding will take a while. Right now, the bulk of the population is about 10 years old. The numbers are rising but we have to be patient because that is what the biology of the fish demands.

Likewise, summer flounder was chronically overfished at the end of the 20th century. I've seen that population ebb and flow over the last twenty years. Every single time we've taken cuts, we've seen improvement. In 2016, stock assessment updates indicate that fishing mortality exceeded the threshold by 26%. The spawning stock biomass is only 58% of the target and sits only 16% above the threshold. The overall biomass has been trending downward since 2010. This has been driven by low recruitment and also illegally harvested flounder that may have resulted in large overages of the fisheries annual catch limit. New York and New Jersey caught 88% of the total quota in 2016. The two states totaled 4.771 million pounds while the coast wide quota is 5.42 million pounds. Science told us that drastic reductions in harvest are needed. New Jersey just went out of compliance with the Atlantic States Marine Fisheries Commission's summer flounder management plan. New Jersey fishermen created a narrative that reductions would destroy the industry. So, we have a state that has the lion's share of the fish and may now be overharvesting, too.

More flexible systems fail to manage sustainably

We hear an awful lot from those who claim to represent the recreational sector about the need for "flexibility." If you want to see flexibility in action, look no further than the Atlantic States Marine Fisheries Commission (ASMFC). ASMFC isn't held to the same standards as the eight regional councils established through MSA. ASMFC can ignore overfishing and is not required to rebuild overfished stocks. The results of this "flexibility" are much less impressive than fisheries regulated with annual catch limits and accountability measures.

Striped bass on the Atlantic coast, which is not managed under MSA, is a good example for why sustainable limits are needed. In 1986, the stock was collapsing. East Coast anglers made only 300,000 trips. Rather than address the issue when the first signs of decline became apparent, ASMFC bowed to political pressures to do nothing, and waited until severe measures were necessary. A full moratorium was put in place in federal waters, and several states closed their seasons as well. The stock started to recover, and was declared rebuilt in 1995. Immediately, the number of striped bass trips jumped to 5,000,000. By 2007, the number of trips was a staggering 10,500,000. During that timeframe, the coast wide creel limit stayed at two fish at a 28" minimum size limit; the creel limit never changed. . The lack of an annual catch limits leaves striped bass very vulnerable to overfishing. Annual catch limits allow the managers to respond more quickly to changes in the fishery. However, striped bass is managed by mortality rates, an "alternative" management measure many tout today as the way forward. But what it means is we can't compare our catch to a sustainable limit at the end of each season - we have to wait years for stock assessments to tell us how the stock is doing. While we are waiting, we are still fishing at the same rates. This leaves striped bass in a situation where it takes years to acknowledge overfishing and even longer to address it. Currently, striped bass numbers are declining again. The spawning stock biomass is hovering just above the threshold to be declared overfished. Trips have fallen to just over 6 million. If we want to support the \$115 billion dollar recreational industry and the 800,000 jobs it supports, we should focus on stable and abundant fish populations that are managed by science-based annual catch limits and for the benefit of the general population.

And it's not just striped bass that is in decline under ASMFC's more flexible management system. Weakfish populations are so low that there might not be enough genetic diversity left to support a viable stock.

Weakfish were once a staple of the Chesapeake Bay. Every tackle shop had rows and rows of local lures called "trout bombs" lining the aisle. You could go out and have a reasonable expectation that you would catch weakfish from the mouth of the Potomac to north of the Bay Bridge. In 2002, the weakfish population dropped below the spawning stock biomass threshold. In 2009, a stock assessment was completed that showed weakfish population at 3% of an unfished stock. It took seven years to begin to address the plummeting population of weakfish under ASMFC. We kept the same creel and size limits in place during that time period knowing all the while that the population was in serious trouble. The years of inaction decimated the population to a point where draconian measures had to be implemented to save the stock. I'd much rather make minor adjustments to harvest on an annual basis rather than see a stock collapse. After all this, ASMFC still refused to take the advice of scientists and close the fishery. If they had taken this action, the stock might have recovered by 2020. Now, we don't know if it ever will.

The case of spot is no different. Spot are managed on abundance and harvest metrics know as a TLA, not annual catch limits. The TLA (Traffic Light Analysis) is a precautionary management tool that identifies trends and suggests management options. It is not as effective as annual catch limits. Spot abundance is on the decline. The first ever coast wide stock assessment is currently under review. In the meantime, spot have become the number one bait for striped bass in the Chesapeake Bay. It is not uncommon for anglers to go out with hundreds of spot in their live wells. The TLA and stock assessment process lacks the regulatory strength and timely response necessary to account for trends in increased effort.

Please, take it from me and the rest of the recreational anglers of the Chesapeake Bay, you don't want to use ASMFC as a model. American eel, American shad, horseshoe crabs, and tautog are also on the decline. ASMFC staff and scientists are top notch, but ASMFC as a governance body is not bound by MSA. There are no ACL's or accountability measures. They have plenty of flexibility. There is no legal authority to follow science even for setting rebuilding timelines. It doesn't work.

The science is sound and better than it has ever been, but there's room for improvement

Accurate and timely catch information is critical to making effective fisheries management decisions. For the recreational sector, that catch and effort data is provided by MRIP (Marine Recreational Information Program), a national program overseen by NMFS but in nearly all cases is implemented by states. While MRIP isn't perfect, it was recently reaffirmed as both legitimate and accurate by the National Academy of Sciences. Yet MRIP is being called into question by the same people asking for more flexibility. Anyone who remembers MRFSS (Marine Recreational Fisheries Statistics Survey) should embrace MRIP. Under MRFSS, phone numbers were taken from a phone book. The first question in the survey was "Do you fish?" Currently, under MRIP, every angler is issued a FIN (Fishery Identification Number) thus supplying managers with a database of actual fishermen.

Gathering recreational data is hard. Recreational fishing involves large numbers of individuals fishing from many different locations, making it very difficult to estimate the number of fish caught. But MRIP is doing a decent job, according to the National Academy of Science: "MRIP has made significant improvements in gathering information through redesigned surveys, strengthening the quality of data. Although many of the major recommendations from the 2006 report, "National Research Council. 2006. *Review of Recreational Fisheries Survey Methods*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/11616>." have been addressed, some challenges remain, such as incorporating technological advances for data collection and enhancing communication with anglers and some other stakeholders." We've come a long way from cold calls, and both the catch and effort data from MRIP has vastly improved. The system becomes more accurate as the number of surveys grows.

With that said one of the key problems in getting more in-season data is that the state survey programs use vastly different methodologies and send their data to MRIP at inconsistent times. There is a significant calibration effort needed to make sure we aren't comparing apples to oranges, and this means the data coming out of MRIP is delayed. The one exception is the LA Creel program out of Louisiana, which uses the same design as MRIP but can survey with greater frequency. It is odd that critics of MRIP are broadly supportive of the LA Creel program. To improve MRIP, we should follow the advice of the National Academy of Sciences and improve communication, technology, and survey rates. In addition, state surveys could be improved and designed to better fit with MRIP, and all our data programs could be better funded. If recreational fishing is worth \$115 billion dollars and supports 800,000 jobs annually, shouldn't we be funding it properly?

This is a chance to make things better for fisheries

We have an incredible opportunity in front of us with a reauthorization effort. We have a chance to secure healthy marine environments for generations to come. The fishermen I know want MSA to be more robust. They aren't interested in removing annual catch limits and they know that "flexibility" is a euphemism for overharvest. They are also keenly aware that state management would remove many of

the safeguards in MSA and open the door to overfishing; just look at New Jersey and summer flounder under ASMFC. We should embrace the opportunity to further protect our future. As fisheries around the world collapse, 89% of our domestic federal fisheries are not overfished. The Magnuson-Stevens Act is working. But we can make it even better.

Keep annual catch limits in place, don't allow for more flexibility, support angler-led innovation, and work within the system to improve and fund scientific research:

- Keep annual catch limits and accountability measures – it is the single most effective tool that fishery managers have had over the last ten years. Ignore the rhetoric and look at the numbers.
- Managers and scientists need more funding, not less, for better and more frequent stock assessments.
- Implement better catch and effort data collection methods for the recreational sector. Innovative, angler-led electronic tools, like smartphone apps, show a great deal of promise.
- Have an honest discussion about how to best protect critical habitat areas like the Louisiana marsh, the Chesapeake Bay, and the Everglades.

Let's take a page out of Theodore Roosevelt's conservation ethos and do the hard things now so we can reap the benefits for generations to come. Let's not focus on next quarter's results, let's focus enabling the next generation to enjoy our natural resources. My solemn prayer is that I can convince all of you that recreational fishermen are true conservationists. Our number one desire is to watch our children and grandchildren embrace the outdoor heritage that makes our country so unique. In the end, we just want to watch them smile from ear to ear as they are reeling in a fish.

Thank you for allowing me to participate in this process. I am forever grateful for this opportunity and look forward to ensuring my heritage for generations to come.