

[House panel eyes Magnuson reform](#)

By **Richard Gaines** Staff Writer

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The U.S. House Natural Resources Committee heard more than three hours of testimony Thursday on eight bills to reform federal fishery laws, with the chairman asserting his intention to modify the Magnuson-Stevens Act, a move sought by fishing industry leaders throughout the East and Gulf Coasts.

The plethora of bills to amend Magnuson — it does not require reauthorization for another five years — and a brief exchange between a Democratic member of the committee from New Jersey and the Republican chairman from Washington State demonstrated a shift toward action, at least in the House.

"We should schedule a vote," said Congressman Frank Pallone, the New Jersey Democrat who has been at the vanguard of the movement to instill some statutory language in Magnuson that allows flexibility in rebuilding time lines. "I hope we can mark up these bills," he added.

"My intentions are to deal with these bills," was the response from Doc Hastings, the chairman.

The bills — including legislation by Reps. Barney Frank and William Keating, Massachusetts Democrats, Pallone and Republicans Walter Jones of North Carolina, Jon Runyon of New Jersey, Rob Wittman of Virginia — all "provide fertile ground for moving forward," noted Rick Marks, a fishery scientist, industry lobbyist and former member of the Mid-Atlantic Fishery Management Council.

Marks described the shared concern of flexibility advocates — that the 2006 reauthorization brought the nation "the Alaska model," where the scale of the industry produces enough revenue to support stock surveys, acute technological monitoring, and scientifically based findings allowing confident calibrations of conservation and fishery yields.

The approach is "a good idea," Marks testified, "provided the scientific capabilities of the Alaska region also applied.

"We all know they don't," he continued. "Instead, we ended up with a rigid implementation model resulting in precautionary buffers and lower yields at the expense of our industry and our nation."

That problem was the rallying cry for the February 2010 outdoor gathering of up to 5,000 fishermen at the U.S. Capitol, which was organized by the New Jersey based Recreational Fishing Alliance.

The pending bills and Thursday's hearing were seen as among the first tangible results from the 2010 rally — and they come with plans already afoot for a second "United We Fish" rally sometime next spring.

In his opening remarks Thursday, Hastings provided a similar analysis to Marks'.

But skepticism about rewriting or modifying the underlying fisheries conservation and management act within its year cycle was expressed by Massachusetts Congressman Edward Markey, the Malden Democrat, and Peter Shelley of the Conservation Law Foundation, among others.

NOAA Fisheries Administrator Eric Schwaab demurred on putting the Obama administration's opinion about any of the bills on record, including those that would constrain the rapid expansion of catch share programs that have become the signature fisheries policy for the administration.

Markey echoed the administration view that Congress already wrote flexibility into Magnuson.

"I'm concerned that (Congress) will legislate flexibility that already exists," Markey said.

Shelley cited a letter from 109 New England fishermen earlier this month as evidence of a regional desire for the status quo — even though the roughly 120 signers represent between a quarter and a fifth of the active groundfish permit holders.

Shelley also argued that Gov. Deval Patrick's recent filing of socio-economic research with Secretary of Commerce John Bryson to support a renewed application for a declaration that the catch share system in the New England groundfishery has forged an economic disaster for the Massachusetts fleet actually serves as a validation of keeping catch shares as an option.

Among the pending legislation are a number of bills aimed at controlling the spread of catch shares, including one by Runyon, Jones and Rep. Ileana Ros-Lehtinen, a Florida Republican, which would shut down catch share programs should the consolidation and concentration of capacity put 15 percent of fleet out of the fishery.

The Saving Fishery Jobs Act has a Senate analog filed by Republicans Scott Brown of Massachusetts and Kelly Ayotte of New Hampshire.

"These (catch share) programs have been a favorite of NOAA Administrator Jane Lubchenco and she has chosen to force them upon Atlantic and Gulf fishermen, even going as far as calling catch share programs by a different name to avoid a referendum vote, as required by law, in New England," said Runyon. "Ms. Lubchenco has a previously stated goal of seeing, 'a sizable fraction of the (fishing) fleet eliminated,'" he added. "Catch share programs are the means to her end goal of putting fishermen out of business."

Congressman John Tierney, who has worked side-by-side with Frank and other coastal lawmakers on fisheries issues, was not at the hearing. But, in a statement to the Times, he said he was in "another hearing at the Oversight and Government Reform Committee, on which I serve."

"I am pleased that my colleagues were there in support of our efforts," Tierney said. "The chairman's engagement on this issue is critical, and I hope today's hearing will soon lead to legislative action that helps local fishermen and puts an end to the hardships they have been confronting."

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