

Chairman Breaux, Members of the Committee:

Thank you for letting me testify today. As many of you know, I have a personal commitment to the Magnuson Act, having served on the Merchant Marine Committee in 1975 when the law was originally passed. I remember very well the hours, debate and discussion that went into this law.

In 1975 I believed that a national system for fisheries management was vitally necessary. I believed that the federal government had an economic and social commitment to "manage and promote" United States fisheries. I believed that the United States fishing industry had the potential to expand and develop.

I still believe it. I don't believe that this is what has happened under the Act.

Ten years have gone by since we passed the Fisheries Conservation and Management Act, time enough to assess its effects and effectiveness. It has become painfully clear to me that in Oregon, and along the West Coast, the Magnuson Act is not working.

Instead of promoting a thriving industry, the Pacific Management Council has been reduced to regulating the wreckage of the West Coast fisheries. It is estimated that half of the fishermen in Oregon will be bankrupt in the very near future. Processors are going out of business. Last year there was no commercial coho season off Oregon coast. The commercial chinook season is half what it was in 1979. Groundfishermen are operating under daily and weekly catch limits.

Part of these problems can be traced to the warm water currents of El Nino. Part are the result of overcapitalization and overfishing. Part are, obviously, a result of recent court decisions regarding Indian fishing rights.

But these problems have been exaggerated by the Magnuson Act itself. Last week, I traveled to California and Oregon to conduct informal field hearings on the state of the fishing industry. I found a lot of frustration -- and a consensus that the Magnuson Act needs some fine-tuning.

In Eureka, California, a fisherman told me that, instead of adhering to the concept of "optimum sustainable yield," the Pacific Council had developed a policy of "optimum sustainable regulation."

In Newport, Oregon, a salmon fisherman told me that Congress had created a "self-serving bureaucratic monster without a heart" that doesn't listen to salmon fishermen. It should be added that, though salmon trollers are the most regulated or over-regulated group under Council jurisdiction, they've never had a representative appointed to the Council.

A ground fisherman claimed that, "The (Council is) trying to set the 1985 season ...but don't have their data from 1984 because they don't have the staff to do it."

And, a member of the Pacific Council stated that, "One of our biggest problems right now is the (lack of) information, there is a lot of guesswork and we end up falling back on models and extrapolation...its not the best way to do business."

A report I commissioned from the General Accounting Office in 1983 backs up these allegations. The report indicated that the most accurate biological indicator used by the Council, the Oregon Production Index, was off by an average of 16% a year, and that some indicators were off by as much as 40%.

Incomplete information makes it difficult for Councils to operate in a timely fashion. Lack of hard data and lack of representation can spell the difference between financial success and failure for many fishermen -- and the health of the resource in the long run.

A second major area of concern is habitat. In Oregon, where the government owns 50% of the land, where hundreds of sites have been identified for small scale hydro development, where Forest Service logging and energy development on the Outer Continental Shelf are increasing problems, Councils have no authority over fisheries habitat. Regional councils cannot promote and manage fisheries simply by manipulating ocean fishing seasons. We need gravel to gravel management.

As a biologist testified in Newport, "increased habitat authority would place fishery management in a comprehensive framework that includes all public policy actions -- not those during just part of the fish's life cycle."

As a sport fisherman told me, "we keep putting more (hatchery salmon) in and getting less back. Why? Because they have no place to spawn, because of degraded inland habitat, because of water problems..."

With these concerns, and others, in mind, I've studied both the first and second drafts of Chairman Breaux's proposed bill. I've also looked at an alternative proposal, based on the suggestions of Fishermen's Solidarity, put together by Congressman Doug Bosco of California.

I'm pleased to see that the Committee has made some important revisions since it released its original draft bill. Particularly, the decisions to drop the phase-out date for direct foreign fishing and joint ventures, as well as the proposal to consolidate the Pacific and West Pacific Councils. Still troublesome are the provisions allowing for a lien on fishing vessels, and new bilateral agreements for foreign fishing. We need more adherence to existing fish and chips policy, not less.

Though it's a vast improvement, I don't believe the second committee draft goes far enough. Given the problems that plague the fishing industry on the West Coast, the time has passed for business as usual. Specifically, I would request that the committee incorporate two specific changes.

First, go beyond the habitat language in the bill to give the Councils and the Secretary of Commerce authority to comment on, and possibly delay, actions of other federal agencies that have an adverse impact on fisheries habitat.

The National Wildlife Federation has developed a habitat proposal which has the strong support of the Fishermen's Solidarity group and many of the regional Fishery Management Councils. I strongly support these provisions and urge that they be adopted by the Committee.

Second, provide stronger guidelines to insure that user groups are adequately represented on the Pacific Council. And provide that Councils will have the wherewithal to gather up-to-date and accurate information for use in setting fishing seasons.

The commandment in the Magnuson Act that that Councils use the best available biological data when setting seasons apparently is no guarantee that they will have good information. In fact the situation has gotten so bad that some fishermen in my district, those who can afford it, have actually contracted for their own biological data. Clearly, this cannot continue. I pledge my efforts to work with you for enough funding to allow proper assessment to take place.

And, while the provisions in the Act governing appointments to the Council should be sufficient to allow user group representation, this just hasn't happened on the Pacific Council. As I mentioned before, we've never had a salmon troller on the Pacific Council, and we've had sparse representation from other groups. What we've gotten instead are insurance agents and retired weekend fishermen.

5 of 5

5 of 5

Last year in my district I had fishermen burning their boats, and hanging -- in effigy -- the Governor and the director of the state department of fish and wildlife. There is a mutual distrust between the Council and fishermen that makes it very, very difficult to get things done.

User groups have a right to be represented. The law must be changed to insure that, on the Pacific Council, they are.

I realize that you have a difficult task ahead. I stand ready to assist in any possible way, and thank you again for allowing me to testify today.