



October 20, 2015

The Honorable John Fleming
Chairman
Committee on Natural Resources
Subcommittee on Water, Power,
and Oceans
1324 Longworth HOB
Washington, D.C. 20515

The Honorable Jared Huffman
Ranking Member
Committee on Natural Resources
Subcommittee on Water, Power,
and Oceans
1329 Longworth HOB
Washington, D.C. 20515

Dear Chairman Fleming and Ranking Member Huffman,

The Marine Fish Conservation Network (Network) is a coalition of commercial and recreational fishing associations, regional and national conservation groups, aquaria, and marine science organizations committed to sustaining fish populations, healthy marine ecosystems, and robust fishing communities. We believe that Congress must continue to sustain and improve our federal fisheries policy, the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), to ensure that all Americans can benefit from productive fisheries and healthy and resilient marine ecosystems for generations to come.

On behalf of our diverse network of members, I am writing to express our strong opposition H.R. 3094, the “Gulf States Red Snapper Management Authority Act,” under consideration this week in the House Subcommittee on Water, Power and Oceans.

H.R. 3094 would transfer federal management and stewardship of red snapper from the Magnuson-Stevens Act to the control of the five Gulf states and a currently non-existent organization comprised of each of the states’ fisheries commissions directors. This legislation sets a dangerous precedent in federal fisheries management, rewards state noncompliance with federal rules, and would put at risk not only the species’ recovery, but also the livelihoods of fishermen and small-businesses across the Gulf region and the country.

H.R. 3094 is Inconsistent with Science-Based Management.

The Magnuson-Stevens Act is working – according to the National Marine Fisheries Service (NMFS) the number of fish stocks listed as overfished or subject to overfishing in 2014 has dropped to the lowest levels since records started being kept in 1997.¹ Gulf of Mexico red snapper are recovering from severe overfishing more quickly than anticipated. In fact, in 2015, red snapper quotas in the Gulf of Mexico saw their largest one-year increase on record.² While this is good news, and there are certainly more red snapper in the Gulf than in recent history, the stock has not yet fully recovered. Red Snapper needs continued protection and we must proceed cautiously to ensure the stock fully recovers.

Transfer of red snapper management authority to the Gulf states would jeopardize the scientific processes required for the determination of annual catch limits (ACLs) since the Gulf states under H.R. 3094 are not required to adhere to the Magnuson-Stevens Act. Eliminating the requirement of successful tools like ACLs and accountability measures (AMs) will slow and could ultimately reverse the recovery of this iconic fish stock. This will hurt the livelihoods of fishermen and the communities that rely upon harvesting red snapper, as well as impacting the American consumer that deserves access to this public resource. We cannot afford to let that happen.

H.R. 3094 Rewards **State Noncompliance**.

Gulf states regularly enact regulations that are inconsistent with federal rebuilding plans and science-based management. For example, in 2014, *100% of the Gulf states were non-compliant with federal red snapper regulations* and established seasons and bag limits that deliberately conflicted with the scientific recommendations under federal regulations. This directly resulted in shorter federal-water red snapper seasons than would have existed had the states followed federal rules, constraining access to harvest red snapper in federal waters to a matter of days. Texas was the most egregious violator – allowing its state fishermen to catch red snapper in state waters for 365 days³ – while the federal season lasted a mere nine.⁴ Setting a fishing season *40 times longer* than what is scientifically justified is a slap in the face to managers, fishermen, and the American public. We do not believe the states that ignore science-based management are in a position to manage this fishery.

H.R. 3094 Sets a **Dangerous Precedent**.

Fishermen and other stakeholders around the country are paying close attention to the red snapper management debate in the Gulf of Mexico because it has the potential to set precedent for other fisheries in the United States and could open the door for state takeover of other critical fisheries. More than 40 commercial fishing/seafood supply associations nationwide, representing thousands of commercial fishermen and tens of millions of pounds of commercially important seafood, have weighed in and formally denounced the transfer of the commercial red snapper fishery to the Gulf states.⁵ Amongst the many problems with the plan, it fails to detail how public involvement will be maintained in the regulatory process and fails to safeguard the interests of the commercial fishery by instead prioritizing recreational fishing interests above all others. Overall, it would remove accountability to the Magnuson-Stevens Act that has successfully been managing our nation's fisheries for more than two decades.

H.R. 3094 would **Eliminate Jobs and Hurt the Economy**.

According to the most recent report of fisheries economics of the United States, commercial fishermen in the U.S. harvested 9.6 billion pounds of finfish and shellfish in 2012, earning \$5.1 billion for their catch. Additionally, commercial fishing contributes 1.3 million jobs and \$141 billion in total sales to the economy of the U.S.⁶ H.R. 3094 directly threatens the seafood industry and our economic contribution to the nation by removing accountability to the Magnuson-Stevens Act, failing to protect the commercial fishery, eliminating public involvement in the regulatory process, and prioritizing recreational fishing interests above all others.

H.R. 3094 fails to provide any information about how the seafood industry and the commercial red snapper fishery in the Gulf of Mexico will be managed and protected in the future. The existing Gulf commercial individual fishing quota (IFQ) program has been in place for more than half a decade and is succeeding in stabilizing a once-unstable fishery, increasing profitability for fishing businesses, and stopping overharvesting of red snapper by the commercial fleet.⁷ H.R. 3094 does not address this issue, nor is there currently any commitment to maintain the program. We cannot support any measure that could eliminate this successful management program.

We strongly recommend Congress focus on fixing and improving the existing red snapper management process under the Magnuson-Stevens Act rather than handing it off to the Gulf states as in H.R. 3094. We believe that efforts should be made within the current law to improve the stock assessment process, including improvements to the quality, quantity, and speed of survey and catch data; advancing electronic monitoring programs; moving toward a system of annual stock assessments (rather than assessing the health of red snapper every 3-5 years); and securing funding/appropriations to ensure the success of these efforts.

If you would like more information, please contact me at rvandermark@conservefish.org or visit our website at www.conservefish.org.

Thank you for your consideration of our concerns.

Sincerely,

Robert C. Vandermark

Robert C. Vandermark
Executive Director

¹http://www.nmfs.noaa.gov/sfa/fisheries_eco/status_of_fisheries/archive/2014/2014_status_of_stocks_final_web.pdf

² http://www.nola.com/outdoors/index.ssf/2015/03/gulf_council_wants_to_increase.html

³http://sero.nmfs.noaa.gov/sustainable_fisheries/lapp_dm/documents/pdfs/2014/red_snapper_2014_season_length.pdf

⁴ http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/reef_fish/2013/rs_2014_rec/

⁵ http://shareholdersalliance.org/documents/PressRelease_4-28-15.pdf

⁶ <https://www.st.nmfs.noaa.gov/Assets/economics/documents/feus/2012/FEUS2012.pdf>

⁷http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/red_snapper/overview/rebuilding/index.html