



May 27, 2015

The Honorable Rob Bishop
Chairman
Committee on Natural Resources
United States House of Representatives

The Honorable Marco Rubio
Chairman
Subcommittee on Oceans, Atmosphere,
Fisheries, and Coast Guard
United States Senate

The Honorable Raúl M. Grijalva
Ranking Member
Committee on Natural Resources
United States House of Representatives

The Honorable Cory Booker
Ranking Member
Subcommittee on Oceans, Atmosphere,
Fisheries, and Coast Guard
United States Senate

On behalf of the Gulf of Mexico Reef Fish Shareholders' Alliance (Shareholders' Alliance) and the commercial fishermen and women we represent, please accept the following letter regarding the "Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act" (Act) in its capacity as a reauthorization to the Magnuson-Stevens Fishery Conservation and Management Act (MSA). We appreciate your consideration of our feedback on this Act.

The Shareholders' Alliance is a non-profit organization that represents the interests of commercial reef fish fishermen and other stakeholders in the Gulf of Mexico. We work hard to maintain accountability and conservation-based management for our region's fisheries for today and future generations. By working closely with regional managers, state agencies, and federal representatives, we strive to stabilize and improve fishery management to ensure that we can continue to provide the American public with a sustainable source of domestically-caught Gulf of Mexico seafood. Everything we do is founded in our belief that conservation and stewardship protect fish populations *and* fishermen's businesses.

Overall, we believe that Magnuson is working. It is helping rebuild important fish stocks while providing economic stability and profitability to fishing businesses and communities. In fact, 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. The MSA is a solid backbone for our fishery management process and deserves to be protected.

Unfortunately, we believe the "Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act" falls short of advancing conservation and promoting sustainability. Specifically, we have strong concerns with the following provisions of this Act:

Extending Rebuilding Timelines.

The Act proposes to weaken the rebuilding provisions of the MSA in the name of “flexibility.” We strongly oppose any move to undermine the science-based rebuilding timelines that are currently succeeding in rebuilding critical fish stocks. Managers don’t need more loopholes that push back rebuilding timelines, don’t need to allow overfishing to occur during the first three years of a rebuilding plan, and don’t need additional exceptions to the rules that diminish their relevancy. Fishermen, fishing businesses, and fishing communities thrive on healthy fish stocks, and any attempt to water down strong science-based rebuilding timelines puts our businesses, communities, and the next generation of fishermen at risk. Just look at the situation our fellow fishermen in New England are dealing with - where the existing “flexibility” in the MSA has allowed the Gulf of Maine cod stock to plummet to 3% of healthy levels. We cannot afford to provide even more opportunities put critical species like red snapper on the same path as cod.

Weakening ACL Requirements

The Act proposes to limit which fisheries are required to have annual catch limits (ACLs) and to allow these ACLs to be further influenced by a range of economic, social, or “ecosystem” factors. The impact of this will likely result in ACLs being inflated beyond what would be biologically justified, which can have negative stock rebuilding consequences in the future. We also have concerns that applying a single “multi-species ACL” to a group of species would weaken protections for some commercially-important species within that complex - “Target” and “Non-Target” species are not, and cannot be, uniformly defined and vary between regions, communities, and even individual fishermen themselves.

Limitations on Catch Shares.

The Act proposes to limit the effectiveness of catch share programs. Catch shares are a fishery management tool that has shown success in increasing fishery profitability and stopping overharvesting. The Act specifically limits the effectiveness of catch shares in the Gulf of Mexico by proposing language that identifies the pool of eligible referendum participants as the “permit holders” rather than “shareholders.” Those fishermen that hold reef fish permits but not shares cannot actively fish in the reef fish fishery, therefore we question why they should be considered in the referendum. Furthermore, including permits with landings within the five year period preceding the referendum date doesn’t accurately capture the true and present involvement in the fishery. Therefore, we propose that the Congressman consider updating this referendum language to identify those current active fishery participants by striking “permit holder(s)” and replacing it with “shareholder(s),” and by striking “with landings from the fishery being considered for the catch share program within the five year period preceding the date of the referendum.”

Mandating Reallocation Discussions Every Three Years.

Through an Amendment, the Act proposes to impose a requirement on the Gulf Council to consider reallocating mixed use fisheries every three years, starting two years after the enactment of the Act. This “reshuffling of the deck” will impose economic harm on thousands of small fishing businesses in the Gulf of Mexico and South Atlantic that deliver hundreds of millions of pounds of domestic seafood to the American consumer. With specific regards to the Gulf of Mexico red snapper fishery, reallocation does not promote conservation, is not economically justified according to the best available scientific information, will penalize commercial fishermen for living within their sustainable quotas while rewarding the recreational sector for routinely exceeding its limit (through no fault of its own), does not solve the problem of recreational overharvesting, and does not provide a viable management plan for the private angler sector. It is neither fair nor equitable to any component of this fishery. Additionally, given that the Gulf Council may take three years (or more) to fully discuss reallocation, demanding this issue be

addressed every three years will virtually guarantee that the Gulf Council will be perpetually dealing with reallocation. Finally, we have strong concerns with federal legislation mandating regional allocation discussions. We believe that the Gulf Council, comprised of regional representatives who are directly involved in these issues, is in the preferred position to determine if/when such a discussion should happen.

Removing of Measures that Prevent Overharvesting.

The Act proposes to strike Section 407(d) of the MSA, which “*establishes separate quotas for recreational fishing (which, for the purposes of this subsection shall include charter fishing) and commercial fishing that, when reached, result in a prohibition on the retention of fish caught during recreational and commercial fishing, respectively, for the remainder of the fishing year; and ensures that such quotas reflect allocations among such sectors and do not reflect any harvests in excess of such allocations.*” Removal of this section will eliminate important language that requires fishing to stop once sustainable limits are met. Red snapper are a renewable resource, and taking too many today will reduce the amount we or the next generation of fishermen can catch in the future. Striking this language will not promote conservation and we cannot in good conscience support it. Furthermore, we can’t support the removal of language that credits fishermen for exceeding their sustainable limits. This, too, undermines conservation and is not fair or equitable to those fishermen that adhered to the rules. Finally, we propose that the Congressman consider offering language to *update*, rather than remove, Section 407(d) to reflect that the Gulf Council and NMFS have acknowledged that there, in fact, exists *three* sectors in the Gulf of Mexico red snapper fishery – a commercial sector, a recreational charter/for-hire sector, and a recreational private angler sector. The Congressman himself acknowledges this three-sector scenario in the Act. Amendment 40 to the Gulf of Mexico Reef Fish Fishery Management Plan recognized the fundamental differences between recreational charter/for-hire fishermen and recreational private anglers, and formally identified these as separate recreational sectors. Some individuals raise concern that since the MSA only recognizes a single “recreational” sector, one component (i.e. charter/for hire) could be shut down prematurely if the other component (i.e. private anglers) overharvests so that the entire recreational quota is harvested. If overharvesting was simply stopped, one sector would not be shut down by another. Updating the language in the MSA to reflect this Gulf Council and NMFS decision acknowledging three red snapper sectors will address these concerns and bring the MSA current with federal fisheries management actions. Stopping overharvesting will render this issue moot.

Requiring Stock Assessments Every Five Years.

The Act proposes to establish a schedule for Gulf of Mexico stock assessments every five years. We feel that the Act doesn’t go far enough to shorten the gap between assessments and minimize the uncertainty that results from infrequent analysis. We believe that NMFS should be moving towards a system of annual stock assessments that include real-time electronic catch and effort reporting for *all* sectors of the fishery, and a more comprehensive survey program to complement these efforts. We propose that the Congressman consider offering language to advance annual stock assessments and work to secure the appropriations necessary to achieve this goal.

Extending Gulf State Water Jurisdictions.

The Act proposes to extend state water jurisdiction to nine miles for the entire Gulf of Mexico. We oppose this because of the lack state compliance with federal red snapper regulations. In 2014, 100% of the Gulf States decided to go non-compliant with federal red snapper regulations and established seasons and bag limits that allowed excessive mortality on this species. This directly resulted in shorter federal red snapper seasons than would have existed had the states followed federal rules; this directly reduced opportunities to fish for red snapper in federal waters to a matter of days. Furthermore, we do not believe that the funding will be available to enforce this regulation. We cannot, in good conscience, support such an

unfunded mandate with the expansion of area where blatant noncompliance exists and there doesn't exist the funding available to effectively enforce federal or state regulations.

Transfer of Stock Assessment Authority.

The Act proposes to strip the authority to conduct stock assessments away from NMFS and transfer it to the Gulf States Marine Fisheries Commission (Commission). The Commission is an advisory body not a scientific body, and doesn't have the resources or the funding necessary to carry out the costly and intensive stock assessment process. This funding and capacity gap will only be exacerbated as we move towards an annual stock assessments. We encourage the Congressman to support opportunities to increase the effectiveness and accuracy of the existing fishery stock assessment process.

Ignoring Known Sources of Fish Mortality

The Act proposes to ignore red snapper mortality associated with oil rig removal and illegal fishing by foreign vessels in US waters. It seems counterintuitive to advocate for improving the stock assessment process but to disregard known removals of fish. The red snapper killed during oil rig removals and the fish caught by illegal foreign poachers all come out of the same population of fish. Removal of these fish leaves fewer fish for responsible American fishermen to catch. Ignoring this information only serves to promote uncertainty in the assessment and management process, which ultimately restricts fishing opportunities. We encourage the Congressman to move in the other direction and promote legislation and secure funding to reduce illegal, unreported and unregulated fishing (HR774), as well as to support opportunities to increase the effectiveness and accuracy of the existing fishery stock assessment process.

Prohibition on Inter-Sector Trading.

The Act proposes to prohibit the transfer of any commercial allocations in the Gulf of Mexico between the commercial sector and any other sector. The Shareholders' Alliance opposes inter-sector trading in the Gulf of Mexico reef fish fishery because of the potential disruption of the quota marketplace and the need to maximize commercial allocation for the American seafood consumer. Furthermore, we have strong concerns with federal legislation mandating regional allocation decisions. We believe that the Gulf Council, comprised of regional representatives and fishermen who are directly involved in these issues, is in the preferred position to approve such a prohibition.

Despite the strong concerns we have with the above language of the Act, there are several provisions that the Shareholders' Alliance supports. These include:

Establishing a Framework for Councils to Implement Electronic Monitoring.

The Act proposes to advance a framework for the implementation of electronic monitoring (EM). EM can be an affordable and reliable tool for data collection and vessel monitoring. Use of EM can lead to improved accountability, minimized uncertainty, better utilization of quotas, enhanced management stability, recovery of fishery resources, and enriched consumer access to sustainably-harvested Gulf of Mexico seafood. Added value is created throughout the seafood supply chain and it all starts with improvements to data collection and management. The commercial fishing industry in the Gulf of Mexico has been frustrated with the lack of progress made by NMFS and the Gulf Council towards implementing EM, and we are not alone – commercial fishermen throughout the US have been advocating for this tool's implementation for years, and have been stymied by a culture of seemingly endless pilot programs. We believe that this provision of the Act can go a long way towards implementing this needed and desired tool to improve fishery data collection and catch monitoring.

Enhancing Cooperative Research and Management Programs.

The Act proposes to prioritize cooperative research and management programs and to prioritize data collection on data poor species. Improvements to data collection will help inform stock assessments and minimize uncertainty, which ultimately leads to better management, increased access, and healthy fish stocks and communities. Data-poor species can be important components of commercial and recreational catch, yet too often “fall through the cracks” as time and resources are diverted to the management of other species. Involvement of the fishing industry in data collection is critical, as catch and effort information is an essential component of fishery stock assessments. Furthermore, cooperative research opportunities help improve the quantity and quality of fishery data while building capacity and formalizing trust between fishermen, scientists, and managers. Finally, we believe that Saltonstall-Kennedy (S-K) funds should be used for what they were intended - for fisheries science, stock assessments, and other activities that directly aid fisheries and fishing communities. For years, NMFS has used S-K funds to offset their operations budget, contrary to the intent of the law. Language in this Act would go a long way towards righting these wrongs and initiating a stable source of funding for important fishery data and assessment programs.

The Shareholders’ Alliance supports improvements to the existing MSA that will continue to rebuild fish stocks and protect our businesses and fishing communities while steering clear of disruptive reallocation mandates and the removal of language that promotes conservation. We favor the move to a system of annual stock assessments, enhanced data collection including electronic monitoring and reporting, and improved accountability. We believe this can be achieved while still maintaining a vision of conservation and sustainability. The “Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act” advances some of these priorities, including improved reporting and monitoring. However, a number of provisions in the Act will move us in the wrong direction and we strongly oppose them. We cannot afford to roll back the years of progress we have made protecting valuable fish stocks, fishing businesses, and fishing communities. We encourage the Congressman to continue to advance improvements in reporting, monitoring, and stock assessments in a bipartisan way so that we can look back at this once-in-a-decade reauthorization and celebrate its pivotal role in revamping data systems.

Thank you for your consideration of our comments.

Sincerely,



Buddy Guindon, Executive Director
Gulf of Mexico Reef Fish Shareholders’ Alliance