



February 8, 2018

Senator John Thune, Chairman
Committee on Commerce, Science, and
Transportation
United States Senate
512 Dirksen Senate Office Building
Washington, DC 20510

Senator Bill Nelson, Ranking Member
Committee on Commerce, Science, and
Transportation
United States Senate
512 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Thune and Ranking Member Nelson,

Please accept this letter on behalf of the Gulf of Mexico Reef Fish Shareholders' Alliance (Shareholders' Alliance) regarding our concerns with the *Modernizing Recreational Fisheries Management Act of 2017* (S. 1520). While the bill proposes to help recreational fishermen, a number of provisions would impose harm on the nation's commercial fishermen and seafood supply chain. Helping recreational fishermen doesn't have to come at the expense of hurting commercial fishermen, and for that reason we cannot support S. 1520 as written.

The Shareholders' Alliance is the largest organization of commercial snapper and grouper fishermen in the Gulf of Mexico, with a substantial membership base on the west coast of Florida. We work hard to ensure that our fisheries are sustainably managed so our fishing businesses can thrive and our fishing communities can exist for future generations. We are the harvesters that provide much of the American public with a reliable source of domestically-caught wild Gulf seafood, and we do this through a philosophy that sustainable seafood and profitable fishing businesses depend on healthy fish populations.

To that end, we offer the following comments on S. 1520.

We are encouraged by the language in Sections 201 and 202 towards improving recreational and third party data collection and partnerships. Science-based management is the foundation of our nation's successful fishery law – the Magnuson-Stevens Fishery Conservation and Management Act (MSA) – and we support opportunities that strengthen the core of this successful legislation.

That being said, we have strong concerns with the following provisions of S. 1520:

Relaxing Rebuilding Requirements

Congress strengthened the statutory rebuilding timeline requirement in 2007 because fish stocks were not being rebuilt and were at a significant risk for overfishing. Section 104's relaxation of those requirements would create great uncertainty regarding rebuilding timeframes and perpetuate

depleted stock conditions, which would have downstream effects on our businesses (increased risk, economic uncertainty) and the nation's seafood consumers (restricted access, higher prices).

Moratorium on LAPPs

We have strong concerns with prohibiting management tools from being considered even if a majority of fishermen support them. Section 103 would establish a temporary ban on new LAPPs for all mixed-use fisheries until a National Academy of Sciences (NAS) study on LAPPs is completed. This ban is indefinite until the study is completed, despite the one-year deadline for completing the study. Also, Section 103 would require the NAS study to focus only on perceived inequities of LAPPs in mixed-use fisheries and suggests some possible "solutions" to these perceived inequities before the study even determines whether any such inequities actually exist. By only focusing on the inequities of LAPPs, any benefit of the LAPPs would be overlooked in the NAS analysis.

Section 103's moratorium and requirement to apply recommendations that the Congress has not yet even seen would deprive councils and commercial fishermen of a potentially useful management tool. MSA already includes several fishery participant protection requirements that apply to councils considering establishing or modifying a LAPP. It is unclear whether Section 103 applies only to LAPPs modified during the moratorium or also to LAPPs approved or modified after the NAS report. Also, the exception to the moratorium for any fishery currently managed under a LAPP appears to require modification of the LAPP to conform to the NAS recommendations, but it is unclear how this actually applies.

In short, restricting commercial fishermen from developing and using LAPPs will not improve recreational fishery management.

Restricting the use of EFPs

Section 106 would establish a host of regulatory hurdles for approving EFPs and limiting their timeframe, making them significantly more challenging to use for any purpose or to renew within the applicable time limits. These are unnecessary burdens on the approval process for EFPs, which are an invaluable tool for fishermen that want to pilot new and innovative ideas to modernize fishery management. For example, the Gulf of Mexico Fishery Management Council (Gulf Council) just last week approved EFPs from each of the five Gulf States proposing to manage their recreational red snapper fisheries. Had Section 106 been in effect, this kind of valuable collaboration would have been stifled and it's unlikely that these EFPs would have been approved.

In short, similar to the concerns with LAPP restrictions, restricting commercial fishermen from developing and using EFPs will not improve recreational fishery management.

Burdensome Allocation Reviews

Section 101 would overly burden two of the nation's eight fishery management councils (the South Atlantic and Gulf of Mexico) by mandating fishery allocation reviews for 28 stocks and six stock complexes. This unfunded mandate would effectively mean that these councils would need to continuously devote significant time and resources to these controversial discussions, leaving little if any time to devote to improving management, enhancing data collection, or developing better reporting systems. Councils already have the authority to review allocations at any time.

Establish Exemptions from ACL Requirements

We have concerns with Section 105 that would freeze an ACL under certain conditions even if scientists recommend lowering it. Overriding science-based management is a move in the wrong direction and could increase the risk that overfishing may occur, which threatens the long-term stability of our businesses and our access to the fish we depend on. This is especially true as the recreational sector as it continues to grow exponentially in some areas of the Gulf.

Alternatives to Annual Catch Limits

While alternative management measures may sound promising, it's unclear whether Section 102 would exempt such alternative measures from the MSA requirement that councils develop ACLs for each managed fishery. If so, this would undercut MSA's primary tool for rebuilding overfished fisheries nationwide and would have negative impacts on commercial fishing businesses, the seafood supply chain, and the end users – the nation's seafood consumers.

Recreational anglers in the Gulf of Mexico have exceeded their red snapper catch limits in *23 of the last 27 years*. Nothing in S. 1520 will address this chronic problem. The commercial sector, on the other hand, has adopted reforms and now complies with its catch limits every year. Yet, a number of provisions in S. 1520 would restrict, constrain, and/or inhibit commercial fishermen. Congress doesn't need to hurt commercial fishermen to help recreational fishermen – there is a better path forward.

The nation's fishermen, seafood suppliers, consumers, and congressional leaders must protect the gains we have made under the last 40 years of the MSA. It is in everyone's best interest to pass on to the next generation vibrant national fishery resources. This will help to ensure Americans have access to sustainable seafood today and for years to come. The *Modern Fish Act*, unfortunately, would not accomplish that goal, and instead would eliminate some of the critical protections that have helped many of the nation's fisheries rebound including the iconic American Red Snapper in the Gulf of Mexico. For that reason, the Shareholders' Alliance must oppose S.1520 as it is currently written.

Sincerely,



Eric Brazer, Deputy Director
Gulf of Mexico Reef Fish Shareholders' Alliance