



Modern Fish Act Holds Little Hope for Fishermen

Posted by [Eric Brazier](#) Feb 20, 2018

With a name like the “*Modernizing Recreational Fisheries Management Act*,” many fishermen had hope.

Private recreational fishermen were hoping for legislation that truly modernized the way recreational fisheries are managed in the United States. Commercial fishermen hoped for this as well – and hoped that it wouldn’t come at the expense of commercial fishing businesses and communities. Unfortunately, the unfittingly-named “*Modern Fish Act*” didn’t deliver on this promise and ultimately fell short for recreational and commercial fishermen alike.

The commercial fishermen of the [Gulf of Mexico Reef Fish Shareholders’ Alliance](#) pride themselves in being active participants in the fishery management process. Whether we are attending meetings of the [Gulf of Mexico Fishery Management Council](#) (Gulf Council) or walking the halls of Congress, we are invested in working with managers and regulators to ensure that our fisheries are sustainably managed so our fishing businesses can thrive and our fishing communities can exist for future generations.

It is this unique position that provides us the opportunity to see just how the *Modern Fish Act* is undermining the work of the stakeholder-driven and state-led Gulf Council.

To the credit of the developers of the Modern Fish Act, the bill does contain some promising language that could, if implemented properly, improve recreational and third party data collection and partnerships. But the harm brought down on commercial fishermen and seafood suppliers by the other provisions of the bill far outweigh the potential gain. Furthermore, this speaks nothing to the fact that the *Modern Fish Act* is actively undercutting progress being made presently by the Gulf Council and its stakeholder members in the following ways:

1. The *Modern Fish Act* restricts use of exempted fishing permits (EFPs) while the Gulf Council is trying to test EFPs for recreational red snapper fishery.

At its January meeting in New Orleans, the [Gulf Council approved EFPs](#) from [each of the five Gulf States proposing to manage their recreational red snapper fisheries](#). Yet Section

106 of the *Modern Fish Act* 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 who want to pilot new and innovative ideas to modernize fishery management. Had Section 106 been in effect, the kind of valuable collaboration we witnessed firsthand at the Gulf Council meeting would have been stifled and these EFPs would not have been approved in time for the 2018 fishing season.

2. The *Modern Fish Act* mandates burdensome allocation reviews that will prevent Gulf Council members and staff from developing real recreational fishery solutions.

Section 101 of the *Modern Fish Act* 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 32 stocks and six stock complexes. This unfunded mandate would effectively mean that the Gulf Council would need to continuously devote significant time and resources to these controversial discussions, leaving little if any time to devote to improving recreational data collection, developing better data reporting systems, and working with recreational fishermen to develop real solutions that improve access while preventing overfishing.

The Gulf Council is currently working on [nearly twenty different fishery plans](#) ranging from the development of electronic logbooks to charter/for hire reform to sea turtle release protocols to state management of red snapper. Congressional reallocation mandates would effectively terminate work on these important plans that are essential to the management of fisheries throughout the Gulf.

3. The *Modern Fish Act* establishes a temporary moratorium on limited access privilege programs (LAPPs) while the Gulf Council works on developing two potential LAPP proposals.

The Gulf Council has been working with charter and headboat fishermen for years to develop two fishery management plans ([Amendment 41](#) and [Amendment 42](#)) that would consider, among other things, LAPPs for these fisheries if the industry wanted them. Section 103 of the *Modern Fish Act* would establish a temporary ban on new LAPPs for all mixed-use fisheries until a National Academies of Science (NAS) study** on LAPPs is completed.

While Section 103 would permit implementation of LAPPs already under development, it is not clear that this protection would apply if the LAPP had been formally tabled. To that end, commercial fishermen sat in the audience at the Gulf Council meeting and witnessed a full

court press by recreational advocates and state directors to table Amendments 41 and 42. Thankfully, this uprising was squashed; but had it been successful and had the amendments been tabled, Section 103 would've made it challenging, if not impossible, for these programs to be implemented even if a majority of fishermen demanded them.

Commercial fishermen believe that decisions about EFPs, LAPPs, and reallocations should be made on the ground by the people most directly involved in the fishery, not by Congress. Sixteen of the seventeen members of the Gulf Council are approved or nominated by the Gulf States themselves, which gives the Gulf States a significant voice in the management process. We have strong concerns when Congress wants to tie the Gulf Council's hands, restrict its options and dictate its workplan.

To truly modernize recreational fisheries, the *Modern Fish Act* needs to hold the private recreational sector to its science-based annual catch limits while encouraging development of better data collection systems and creative management ideas. We believe that recreational anglers should have an opportunity to succeed while working within a scientifically-justified, conservation based backstop to protect against potential problems, without impacting commercial fishermen in the process.

Congress shouldn't have to hurt commercial fishermen in order to help recreational fishermen. Until that happens, the *Modern Fish Act* isn't ready for prime time.

***Also, Section 103 requires 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.*

Eric Brazer grew up on a fishing boat off the coast of Maine and now runs the [Gulf of Mexico Reef Fish Shareholders' Alliance](#), an organization of conservation-minded commercial reef fish fishermen in the Gulf.

<http://conservefish.org/2018/02/20/modern-fish-act-holds-little-hope-fishermen/>