

September 27, 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,

On behalf of our Florida-based businesses, we want to thank you for your leadership to support healthy oceans and sustainable fisheries and express our appreciation of the work being done to improve S. 1520, *Modernizing Recreational Fisheries Management Act of 2017*. However, we still have concerns that this bill will put the sustainability of our nation's fisheries resources at risk and continues to single out and harm commercial fishermen despite being promoted as helpful to recreational fishermen. There still remains work to be done on S. 1520 and we urge the Committee on Commerce, Science and Transportation (Committee) to address these concerns.

Some of us represent commercial fishermen while others rely on commercial fishermen to provide us the seafood we need to feed millions of consumers in Florida and throughout this great nation. We are:

- **Baystar Restaurant Group** is the parent company of seven restaurants in Pinellas County, Florida – **Marina Cantina, Salt Cracker, Salt Rock Grill, Seaweed, Island Way Grill, Rumba, and Salt Rock Tavern**. Frank Chivas is the CEO and has been in the seafood industry since he was sixteen years old.
- **Jackacudas Seafood & Sushi, Brotulas Seafood House & Steamer, and Cuvée Kitchen & Wine Bar** are owned by Tyler Jarvis and Chris Ruyon.
- **Sunset Bay Café, Slick Lips Seafood & Oyster House, and Sandestin Resorts** are owned by Bryce Jarvis.
- **Wild Seafood Company** is a fish house in John's Pass, Florida. Fishermen at Wild Seafood Company are held to the highest standards of sustainability and environmental stewardship. Wild Seafood Company is a participant in Gulf Wild - a fishermen's organization focused on fully traceable domestic seafood.
- **Gulf Fishermen's Association** is an organization of proactive commercial fishermen based in Crystal River, Florida.

Mandatory Allocation Reviews

Undertaking the sweeping allocation reviews set forth in S. 1520 would exacerbate the controversy and divisions that have only heightened between private anglers and commercial fishermen. It would also take enormous amounts of time and effort at the Gulf of Mexico Fishery Management Council (Council), diverting resources from other Council priorities and requiring the National Marine Fisheries Service to divert funding from other councils to fund this additional work. The councils already have the ability and power to review allocations, as demonstrated by the Council initiating a scoping document to evaluate the allocations of red snapper (even though the last review of red snapper allocation ended in 2016).¹ As you recall, the last effort the

¹ Gulf of Mexico Fishery Management Council. 2017. Red Snapper Allocation Scoping Document. <http://gulfcouncil.org/wp-content/uploads/B-10-Red-snapper-reallocation-scoping-doc.pdf>

reallocate red snapper, Amendment 28, took seven years and was ultimately struck down in court, wasting the Council's time and resources. Of course, any reallocation would result in direct impacts to our businesses, as well as hurting seafood consumers in Florida and around the country. Mandating periodic allocation reviews is heavy handed and would only result in more waste of Gulf Council resources and ensure tensions between stakeholder groups and the Councils remain high. It would also exacerbate the instability of commercial fishing businesses by creating market uncertainty.

Additionally, we question why mandatory allocation reviews only need to take place in the Gulf of Mexico and South Atlantic. Of the eight fishery management Councils in the U.S., these are the only two singled out in S. 1520. What qualifies the other six management councils to be exempted from this unfunded mandate?

Study of Limited Access Privilege Programs (LAPPs)

While we appreciate the removal of the moratorium on Limited Access Privilege Programs (LAPPs), we still have concerns about the LAPP study. The issue of LAPPs and catch shares has already received significant study by both the public and private interests, including the National Academy of Sciences (NAS).² Furthermore, if NAS is to conduct a study on LAPPs, why is the North Pacific excluded? It is clear the motives behind this are to target certain areas where recreational political pressures are high.

Again, we appreciate the Committee's efforts to address some of the challenges with S. 1520. However, merely improving S. 1520 is not the full picture. Should S. 1520 be passed, it could be conferenced with H.R. 200, which is a more damaging piece of legislation. Provisions in H.R. 200 that could negatively impact our nation's fisheries include:

- Exempting numerous species from annual catch limits, which have been essential in the rebuilding of fish stocks across the country;
- Banning the creation of new LAPP programs in the Gulf of Mexico and South Atlantic, even if a majority of fishermen support them; and
- Banning the use of exempted fishing permits to develop and test LAPP pilot programs.

Each of these could threaten our family-owned American businesses, as well as the sustainability of the fisheries resources on which we depend. There is no need to dial back the successful science-based measures that have guided fisheries management in our country over the last forty years and led to stronger fishing and seafood businesses and the rebuilding of dozens of stocks across the nation.

Please, support Florida commercial fishermen, Florida businesses, and Florida fish stocks by opposing S. 1520 as written. We appreciate your consideration.

Sincerely,

Frank Chivas (Baystar Restaurant Group)

Tyler Jarvis & Chris Ruyon (Jackacudas Seafood & Sushi, Brotulas Seafood House & Steamer, and Cuvée Kitchen & Wine Bar)

Bryce Jarvis (Sunset Bay Café, Slick Lips Seafood & Oyster House, and Sandestin Resorts)

Jason DeLaCruz (Wild Seafood Company)

Glen Brooks (Gulf Fishermen's Association)

CC: Senator Marco Rubio
284 Russell Senate Office Building
Washington, DC 20510

² National Research Council. Sharing the Fish: Toward a National Policy on Individual Fishing Quotas Committee to Review Individual Fishing Quotas, Ocean Studies Board. National Academies Press, Washington, D.C (1999)