



May 29, 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

Dear Senator Rubio, Senator Booker, Representative Bishop, Representative Grijalva,

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 to the proposed legislative plans to 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 non-existent body has neither the authority nor the responsibility to manage this fishery. Overall, this proposal within H.R. 1335, the *Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act*, and the many others being considered, set a dangerous precedent in federal fisheries management, reward blatant 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.

Transfer would be Inconsistent with **Science Based Management**.

Thanks to a successful 2006 reauthorization, the Magnuson-Stevens Act now requires fishery management plans to use the best scientific information available to determine annual catch limits (ACLs) and accountability measures (AM) to help rebuild overfished fish populations. ACLs are 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 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 This is good news for red snapper and for the commercial, charter/for-hire, and private recreational fishermen that catch them; as well as for the American seafood consumer who gets their access to red snapper via their dinner plate.

But we can't take our foot off the gas yet. While there are certainly more red snapper in the Gulf than in recent history, the stock has not yet fully recovered. It needs continued protection. A long-lived fish like red snapper requires healthy year classes and continued opportunities to spawn – most red snapper landed in the Gulf of Mexico are fairly young and less than 10 years of age. A 5-year old red snapper produces about eight times as many eggs during a fishing season as a 3-year old red snapper and a 10-year old red snapper produces 33 times as many eggs as a 3-year old red snapper.³ As the stock rebuilds, the number of fish older than 10 years will greatly increase and so too will the health and sustainability of the stock.

Transfer of red snapper management authority to the Gulf States would jeopardize the scientific process required for the determination of ACLs. Any attempts to strip the authority to conduct stock assessments away from NMFS and transfer it to the Gulf States Marine Fisheries Commission (Commission) are ill advised. 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. Transferring assessment authority to the Commission, coupled with transferring management authority to a non-existent organization of state managers, will undermine years of strong and successful science-based management under the Magnuson-Stevens Act. Restructuring the stock assessment process without the needed capacity and funding, and eliminating the use of successful ACLs and AMs will slow and ultimately reverse the recovery of this iconic fish stock. This will hurt the livelihoods of fishermen and their communities that rely on harvesting red snapper. We cannot afford to let that happen.

Transfer would Reward **State Noncompliance**.

Gulf States regularly enact regulations that are inconsistent with federal rebuilding plans. For example, in 2014, *100% of the Gulf States were 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, constraining opportunities to fish for 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 days⁴ – while the federal season lasted a mere nine days.⁵ 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 thumb their noses at science-based management deserve the authority and responsibility to manage this fishery.

Transfer would set 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. The plan by the Gulf States 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 like the Gulf of Maine cod. 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 red snapper fishery.⁶ They do not support the State management plan in the Gulf because they would not support it at home. Amongst the many problems with the plan, it eliminates public involvement 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.

Transfer 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.⁷ The Gulf states' ploy 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.

The Gulf States plan 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 individual fishing quota (IFQ) program has been in place for more than half a decade and is succeeding in stabilizing this once-unstable fishery, increasing profitability for fishing businesses, and stopping over-harvesting of red snapper by the commercial fleet.⁸ The Gulf States' plan does not address this issue, nor is there currently any commitment to maintain the program. The refusal by the Gulf States to explain how the commercial fishery will be managed, coupled with the political pressure to eliminate the commercial fishery altogether, potentially threatens the long-term economic stability of coastal communities and the thousands of small businesses that provide the American public with a source of domestic, sustainably harvested red snapper.

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 states. 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 towards 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.

In closing, the Network's coalition opposes any legislative efforts, such as those within H.R. 1335, that would undermine progress to rebuilding red snapper and deny the national and regional economic benefits of a healthy population. 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

Cc:

The Honorable John Boehner, Speaker of the House, U.S. House of Representatives
The Honorable Nancy Pelosi, Democratic Leader, U.S. House of Representatives
The Honorable Kevin McCarthy, Majority Leader, U.S. House of Representatives
The Honorable Steve Scalise, Majority Whip, U.S. House of Representatives
The Honorable Steny Hoyer, Democratic Whip, U.S. House of Representatives
The Honorable Don Young, U.S. Representative, Alaska's At-Large District

¹ http://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;

http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/reef_fish/2015/rs_framework_quota/

³ http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/red_snapper/overview/rebuilding/index.html

⁴ http://sero.nmfs.noaa.gov/sustainable_fisheries/lapp_dm/documents/pdfs/2014/red_snapper_2014_season_length.pdf

⁵ http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/reef_fish/2013/rs_2014_rec/

⁶ http://shareholdersalliance.org/documents/PressRelease_4-28-15.pdf

⁷ <https://www.st.nmfs.noaa.gov/Assets/economics/documents/feus/2012/FEUS2012.pdf>

⁸ http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/red_snapper/overview/rebuilding/index.html