

Kellie Ralston
Southeast Fisheries Policy Director
American Sportfishing Association

*Testimony on "Legislative Hearing on H.R. 1834, H.R. 2236, H.R. 4679, H.R. 4723, H.R. 5126,
and H.R. 5548*

Committee on Natural Resources
Subcommittee on Water, Oceans and Wildlife
United States House of Representatives
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On behalf of the American Sportfishing Association, I am honored to have been asked to testify before the House Committee on Natural Resources Subcommittee on Water, Oceans and Wildlife regarding several important bills impacting marine resources and the recreational fishing industry.

The American Sportfishing Association (ASA) is the sportfishing industry's trade association committed to representing the interests of the sportfishing industry as well as the entire sportfishing community. We give the industry and anglers a unified voice when emerging laws and policies could significantly affect sportfishing business or sportfishing itself. ASA invests in long-term ventures to ensure the industry will remain strong and prosperous, as well as safeguard and promote the enduring economic, conservation and social values of sportfishing in America.

Recreational fishing is truly an all-American activity. Our fisheries resources, which are held in the public trust and conserved through sound laws and policies, are envied the world over. Nearly 50 million people go fishing each year in the U.S., supporting over 800,000 jobs and contributing \$125 billion to the economy.

All of this fishing activity supports the economy, connects people to the outdoors and provides substantial funding for conservation. Through fishing license purchases, excise taxes and direct donations, the recreational fishing community contributes approximately \$1.5 billion toward aquatic resource conservation each year. I am confident in saying that no other user group contributes nearly as much toward ensuring our nation's waterways and fisheries are healthy and accessible to the public.

Our community is also working hard to ensure that the sport continues for generations to come. After about two decades of stagnant participation, the number of recreational fishermen in the U.S. has steadily grown recently, increasing from 45.4 million Americans in 2010 to 49.4 million Americans in 2018¹. A substantial part of this increase has come as a result of efforts to bring

¹ Recreational Boating & Fishing Foundation and The Outdoor Foundation. 2019 Special Report on Fishing. Available online at: https://www.takemefishing.org/getmedia/d35536df-732f-4723-b620-6300405ef8f5/2019-Special-Report-on-Fishing_RBFF_FINAL2.pdf

diverse audiences into the sport. Some of the largest increases in participation have come from Hispanics (increasing from 3.3 million in 2010 to 4.4 million in 2018) and females (14.4 million in 2010 to 17.7 million in 2018). In addition, participation among youths ages 6-12 increased from 6 million in 2010 to 7.3 million in 2018, providing hope that future generations will do more than just stare at their smartphones all day. While participation in many other outdoor recreation activities has declined, we in the recreational fishing industry are fortunate that so many Americans still want to “wet a line” despite all the other distractions in modern society.

None of this fishing participation would be possible without healthy and abundant fisheries resources. As ASA’s past President, Mike Nussman, would often say, “most recreational fishermen aren’t any good - myself included - so there needs to be a lot of fish out there for us to have a chance.” We are grateful that the Committee is considering several bills that will build upon current policies and adapt to new challenges to help ensure the conservation of the nation’s marine resources for the benefit of all those who enjoy them.

H.R. 2236 – Forage Fish Conservation Act

As part of its conservation mission, the recreational fishing community has long advocated for efforts to conserve forage fish – the suite of smaller fish that provide much of the food for sport fish.

For example, in 2014, the Commission on Saltwater Recreational Fisheries Management, chaired by Bass Pro Shops Founder and CEO Johnny Morris and Maverick Boats President Scott Deal, released a report – known as the “Morris-Deal Report” – identifying key policy changes to the federal marine fisheries management system to benefit fisheries conservation and public access. One of the six key recommendations of that report was improving management and conservation of forage fish.

The Forage Fish Conservation Act would follow through on this recommendation by implementing important considerations for forage fish in the Magnuson-Stevens Fisheries Conservation and Management Act (Magnuson-Stevens Act).

Forage fish provide food for nearly all recreationally important fish species, as well as seabirds and other marine life. Meanwhile, human demand for these nutrient-rich species continues to increase. As these integral parts of the marine food web may become targeted for commercial exploitation, it is critically important that forage fish management accounts for their role in marine ecosystems.

However, the Magnuson-Stevens Act is not currently designed to account for the unique role of forage fish in the marine ecosystem, instead largely relying on traditional single-species management approaches and the concept of maximum sustainable yield. The Forage Fish Conservation Act would require that the impacts on fish populations and the marine ecosystem

be considered before allowing the development of a fishery on any currently unmanaged forage species, and that predator needs be accounted for in existing management plans for forage fish.

While conserving the forage base should be an issue that all parties involved in marine fisheries management can support, I'd like to address concerns that have been expressed about the bill.

- Some assert the definition of “forage fish” in the bill is too broad, even going so far as to claim that every fish in the sea could be considered a forage fish. The bill defines forage fish as:
 - any fish that, *throughout its life cycle* (emphasis added):
 - is at a low trophic level;
 - contributes significantly to the diets of other fish, marine mammals or birds; *and* (emphasis added)
 - serves as a conduit for energy transfer to species at a higher trophic level.

The term “low trophic level” is defined as “a position in the marine food web in which the fish generally consume plankton.” Taken together, this definition makes clear that the bill is targeting species like sardines and anchovies, not salmon and red snapper. The goal of the legislation is to provide an overarching, science-based definition from which individual Councils can then develop region-specific lists. However, the bill still allows flexibility for the Fishery Management Councils to include other fish as they may see fit that do not strictly conform to this definition.

- It has been argued that nothing in the Magnuson-Stevens Act prohibits Councils from conserving forage fish; therefore the bill is unnecessary. It is true that a few regions have proactively implemented regulations similar to what some provisions of the bill would require. For example, both the Mid-Atlantic and Pacific Fishery Management Councils approved unmanaged forage fish lists, prohibiting the development or expansion of directed commercial fisheries on unmanaged forage species until assessing scientific information and considering potential impacts to existing fisheries, fishing communities, and the marine ecosystem. While these actions are laudable, most of the Councils have not implemented similar protections for unmanaged forage fish. Similarly, the degree to which Councils have accounted for ecosystem impacts when setting catch limits on forage fish varies widely.

In addition to inconsistency in how or whether Councils have implemented various forage fish conservation measures, a recent determination by NOAA Fisheries related to the Mid Atlantic Fishery Management Council's interest in developing conservation measures for bullet and frigate mackerel brings into question the premise that current law is adequate for conserving forage fish. It is currently unclear which, if any, Regional Fishery Management Council has authority to enact management measures for these mackerel that are significant prey for important sportfish because of geographical

jurisdiction issues between Councils over forage fish designations as ecosystem component species. The Forage Fish Conservation Act seeks to implement consistent fisheries conservation policy throughout the country, rather than continuing to rely on the patchwork set of inconsistent, ad hoc actions that have been taken to date.

- Fisheries data in general, and especially in my home region of the southeastern U.S., is rarely at the quantity and quality that fisheries managers and stakeholders would prefer. We appreciate the continued actions by Congress to increase funding for fisheries data collection, particularly for key data-limited species like South Atlantic red snapper and urge more attention to these data challenges in the future.

The continued need to improve data should not preclude regulation and conservation altogether. It has been claimed that adequate scientific information is lacking to meet the requirements of the Forage Fish Conservation Act, particularly related to the role of forage fish in the ecosystem. However, for the section of the bill requiring Councils to develop unmanaged forage fish lists, the only costs would be standard Council processes associated with developing fishery management plans and amendments. The development of an unmanaged forage fish list in and of itself does not require new research. If a Council would later seek to develop or expand a fishery on one of these species, analysis of the impacts of such harvest on the ecosystem and the fishing community would need to be conducted. We believe this is a common sense, good governance approach. It would be irresponsible for managers to allow new commercial harvest on a potentially critical part of the ecosystem without first thinking through what impact that might have. The purpose of these requirements is to have a proactive policy in place that prevents costly resource failures.

For currently managed forage fish, the requirement to “assess, specify, and reduce” catch limits based on the diet needs of predators may require scientific studies, models and diet estimates. For some fisheries much of the requisite data may already be available, and the main costs would be associated with transitioning in terms of technical and management changes.

In addition to considering the scientific and management costs of the bill, it is equally important to consider the costs of inaction. If we want to improve the economic productivity of our fisheries resources, managers need to leave enough prey in the water to be available for valuable predators. The Forage Fish Conservation Act would help ensure a healthy food base for recreationally- and commercial-important predator fish, not to mention birds, whales and other valuable components of the ecosystem, for the benefit of fishing communities and the economy.

While ASA welcomes constructive input on how to refine the bill to avoid potential unintended consequences or unnecessary workloads, we stand strong in our belief that the fundamental purposes of the bill are sound and are in the best interest of the nation and all who rely on the marine environment.

H.R. 5126 – Direct Enhancement of Snapper Conservation and the Economy through Novel Devices Act (DESCEND Act) of 2019

The Gulf of Mexico’s recreational fisheries contribute \$11 billion to the economy annually and support 111,816 jobs. The region’s recreational fishing community is comprised of 2.7 million saltwater anglers and thousands of fishing-dependent businesses who strongly support healthy marine resources.

Gulf of Mexico red snapper has arguably been the most politically controversial fish in the nation over the last decade. While the Gulf of Mexico Fishery Management Council and NOAA Fisheries implemented controversial management approaches like catch shares and sector separation to cater to commercial and some charter fishing interests, private recreational fishermen were left with shorter and shorter fishing seasons despite red snapper abundance increasing beyond anyone’s expectations.

Thankfully, beginning in 2017, the Department of Commerce began taking this problem seriously. NOAA Fisheries worked with each of the five Gulf states, who ASA long believed were better equipped to manage recreational fishing for Gulf reef fish, to develop a pilot study for state-based management of Gulf red snapper. Using their superior data collection programs and allowing for state-by-state adaptability, this program has been a tremendous success, affording private recreational fishermen with seasons that range from 38-97 days in federal waters while still adhering to the quota. The sportfishing industry is deeply grateful to Secretary of Commerce Wilbur Ross, Assistant Administrator for NOAA Fisheries Chris Oliver, each of the five Gulf state fishery directors, and to Congressional leaders like Senator Richard Shelby and Representative Garret Graves for their leadership in helping to address this seemingly intractable issue and providing recreational Gulf red snapper fishermen with reasonable and responsible fishing access.

Despite these successes, there are still challenges related to Gulf red snapper management that need to be addressed, including that of discard mortality. Red snapper and other reef fish are often thrown overboard for a variety of reasons (e.g., being caught out of season or undersized). Due to the rapid change in pressure from being brought to the surface from depth, many of these fish cannot swim back down and end up dying at the surface. As a result, hundreds of thousands of Gulf red snapper are wasted each year. This is an economic and conservation travesty that is limiting rebuilding of the Gulf red snapper population and future fishing opportunities.

From 2008-2012, NOAA Fisheries and the Gulf of Mexico Fishery Management Council approved requirements for commercial and recreational fishermen to possess and use venting

tools, which, when used to puncture the swim bladder of a fish suffering from barotrauma, can relieve pressure and allow the fish to swim back down to depth and survive. Implementation of the venting requirement resulted in the discard mortality rate in the recreational fishery to be cut approximately in half, and in the commercial fishery by 15-17 percent. However, this regulation was abandoned primarily due to the difficulty in ensuring the use of proper venting techniques.

In recent years, there have been rapid advances in the development of descending devices that typically attach to the fish (e.g., via a lip clamp) and allow it to be descended to a depth at or near where it was hooked. Numerous studies² conducted on descending devices have found promising results, in some cases showing 100 percent survival of fish.

Significant efforts have been made to increase voluntary use of descending devices in the Gulf of Mexico. Notably, from 2015-2017, ASA, in partnership with NOAA Fisheries and the Gulf states, coordinated a project that engaged more than 1,000 anglers in the Gulf of Mexico region to improve the survival of angler caught-and-released fish. Participants in the project were provided with information on best practices for handling and releasing fish, and with SeaQualizer descending devices. They were then asked to evaluate their experience.

Participating anglers collectively reported releasing between 16,000–28,000 red snapper and between 13,000–22,000 other fish by applying best practices techniques and using the SeaQualizer when needed. Based on the most recent research on the benefits of descending fish under conditions typically encountered in the Gulf of Mexico, an estimated 3,000–9,000 red snapper survived during this project period through the use of the SeaQualizer alone, plus an unknown number of fish that survived as a result of improved handling techniques. Nearly 75 percent of participants had little or no knowledge of descender devices prior to participating in this project and indicated that are now likely to use a descender device to release most or all fish when needed. This project helped to demonstrate the benefits of increased education and use of descending devices.

A similar project was recently approved for funding through the Deepwater Horizon Natural Resource Damage Assessment and Restoration. Funded at \$30 over eight years, the “[Reduction of Post-Release Mortality from Barotrauma in Gulf of Mexico Reef Fish Recreational Fisheries](#)” project involves distributing and promoting the use of descending devices and other tools when targeting Gulf reef fish, promoting best handling practices, and conducting surveys on the use and effectiveness of descending devices. ASA supports this project and believes it will help further improve the use and understanding of descending devices. However, we also believe that voluntary efforts can only go so far, and without regulatory action requiring that anglers possess these devices, their use and subsequent conservation benefits will fail to reach full potential.

² Literature review available online at: <https://asafishing.org/wp-content/uploads/2019/04/Rapid-Recompression-Studies.pdf>

Several West Coast states require the use of descending devices and/or venting tools, and a requirement was recently approved for possessing descending devices that are ready for use in the South Atlantic. While there have been discussions within the Gulf of Mexico Fishery Management Council about regulatory action related to requiring possession or use of descending devices, no such action has been implemented to date. Instead, the Gulf Council developed an [outreach and monitoring policy on venting tools and descending devices](#), which “strongly encourages” their use.

The primary argument against regulatory action related to descending devices in the Gulf seems to be a legal interpretation that requiring the use of descending devices would prevent oil spill funds from being eligible for related projects. Therefore the “Reduction of Post-Release Mortality from Barotrauma in Gulf of Mexico Reef Fish Recreational Fisheries” project, which has broad support within the Gulf fisheries community, would not proceed. Many Gulf Council members do not want to put at risk this \$30m project, and this concern has played a major factor in no descending device-related regulation being considered.

Given the importance of Gulf red snapper to the region’s economy and culture, the many years of hard work and sacrifices by fishermen to rebuild the fishery and the millions of dollars put toward Gulf red snapper research, management and conservation, I believe it is our collective responsibility to minimize wasteful discard mortality of the stock. We should not allow bureaucratic roadblocks to stand in the way of good conservation practices.

By requiring reef fish fishermen in the Gulf of Mexico possess descending devices, and by clarifying that oil spill recovery funds can be used for related projects, the DESCEND Act would be a tremendous step toward reducing wasteful discard mortality and ensuring the sustainability of the iconic Gulf red snapper and other reef fish. Thank you, Chairman Huffman and Representative Graves, and to the Senate leads, Sens. Bill Cassidy and Doug Jones, for your leadership on this important issue. ASA looks forward to continuing working with you to ensure this bill’s passage.

H.R. 4679 – Climate-Ready Fisheries Act of 2019

Climate change is having an impact on marine fisheries, particularly affecting species distribution and habitat as the oceans warm and become more acidic. These impacts will have a profound impact on marine fisheries management and conservation.

ASA was encouraged to see representatives from the New England Fishery Management Council, Mid-Atlantic Fishery Management Council, South Atlantic Fishery Management Council and Atlantic States Marine Fisheries Commission convene at the March 2019 South Atlantic Fishery Management Council Meeting to discuss ways to address shifts in stocks across jurisdictional boundaries and look at both scientific and management needs. During that meeting, managers agreed to form two groups to address related management challenges: one to address [science and data](#) (e.g., how to better detect, understand and assess shifting distributions and

changing productivity of marine species).; and another to address governance (e.g., how to manage species when their range shifts in or out of certain jurisdictions). These types of ongoing collaborative efforts are needed for fisheries managers to better prepare and adapt to the impacts of climate change.

ASA supports the Climate-Ready Fisheries Act of 2019, as it will identify current approaches and future needs related to the management and scientific challenges of climate change on our nation's marine fisheries.

H.R. 5548 – Fishery Failures: Urgently Needed Disaster Declarations (Fishery FUNDD) Act

The fishery disaster assistance program has been critical to help recreational fishing dependent businesses recover in the wake of disasters such as the Deepwater Horizon oil spill; Hurricanes Sandy, Irma and Michael; and the 2008 West Coast Salmon fishery failure.

However, based on current statute, declarations can only be made where there is a “commercial fishery failure”, and that criteria is the basis for Congress to appropriate funds for disaster assistance. Therefore, while recreational fishing-dependent businesses have been eligible for relief funds after disasters have been declared, our industry is excluded from the declaration process and the determination of economic impact.

Our industry has also been frustrated by the slowness and complexity of the disaster relief process. The Fishery FUNDD Act makes significant progress in both better including the recreational fishing industry in the disaster declaration process and expediting the delivery of relief dollars.

We ask that the Committee continue to work with the sportfishing industry to ensure that the bill clearly and sufficiently incorporates all relevant aspects of the sportfishing industry.

Conclusion

Thank you again for the opportunity to provide the sportfishing industry's perspective on these important bills. We are grateful for the ongoing work of the House Natural Resources Committee to advance legislation that will strengthen the management and conservation of the nation's public lands and waters. We look forward to working with the Committee on these and other important measures that impact the recreational fishing industry and America's 49 million anglers.