



SEAFOOD HARVESTERS OF AMERICA

FISHERMEN UNITED FOR ACCOUNTABLE AND THRIVING FISHERIES

July 9, 2018

Dear Member of Congress:

We understand that H.R. 200, the “Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act,” is on the schedule for floor debate and a vote on Wednesday afternoon. The Seafood Harvesters of America (SHA) remains staunchly opposed to this bill as it would do very little to improve the management of the recreational fishing industry while severely undermining the sacrifices the commercial fishing industry has made to ensure that we are sustainably harvesting fisheries resources.

The Seafood Harvesters of America is a broadly-based organization that represents commercial fishermen and their associations. Our members reflect the diversity of America’s coastal communities, the complexity of our marine environments, and the enormous potential of our commercial fisheries. As domestic harvesters of an American public resource, we recognize and embrace our stewardship responsibility. We strive for accountability in our fisheries, encourage others to do the same, and speak out on issues of common concern that affect the U.S. commercial fishing industry, the stewardship of our public resources, and the many millions of Americans who enjoy seafood.

In addition to the threats posed by H.R. 200 as we’ve outlined in previous letters (below), we are concerned with a proposed amendment to H.R. 200 that will be debated during the floor vote.

Specifically, we are concerned with Amendment #26 which directs the General Accountability Office to develop a report to Congress on the “resource rent” of Limited Access Privilege Programs (LAPPs) in the Gulf of Mexico and Southeast, and examine “fiduciary conflicts of interest” on these Regional Fishery Management Councils. First, by studying only LAPPs without also studying recreational fishing and non-LAPP fisheries, this language **unfairly singles out LAPPs and is aimed at attacking these successful programs**. Commercial fishermen already pay for their commercial permits, quota, licenses, vessel registration, business taxes, observer costs, among other costs. On top of that, fishermen in LAPPs pay an additional fee to recover costs of administering the program. There is no reason to limit an analysis of the fishing value extracted to LAPPs and such a biased analysis would lead to false conclusions. Second, the Regional Fishery Management Councils were purposely created to involve fishery stakeholders from all sectors in the Council process to guide policy and regulations. The process by which Council Members are appointed is thorough and well-vetted, and already requires financial disclosure of their fishing interests. This language shows a misunderstanding of the Council structure designed within the Magnuson Stevens Act (MSA). Targeting commercial and charter fishermen representatives on Councils for these two regions **would not only undermine the intended Council appointment process to encourage stakeholder participation in management of our fisheries resources, but set a dangerous precedent for the rest of the country**.

As we've outlined in our previous letters, the Harvesters remain opposed to H.R. 200 because of a number of sections that pose a direct threat to sustainable fisheries management:

- 1) H.R. 200 risks overfishing and imperils rebuilding of overfished species
 - Despite significant flexibility already incorporated into the MSA, Section 303 establishes multiple exceptions to the rebuilding timeline. Congress previously strengthened the rebuilding timeline requirements because many fish stocks were *not* recovering and were at risk of continued overfishing. Without this statutory standard, rebuilding timelines could vary dramatically, **perpetuating depleted stock conditions and harming our businesses' bottom lines.**
 - Overfishing has been illegal since the MSA was first signed into law in 1976, but the 2007 requirement for annual catch limits (ACLs) truly put an end to the practice. Section 204 waives the requirement for ACLs for a large number of species, including virtually all bycatch species and many fish that are caught in international waters, **significantly raising the risk of overfishing.**
 - Repealing MSA Section 407 entirely (Section 306 in H.R. 200) would **remove backstops against recreational quota overages and allocations for Gulf of Mexico red snapper** which, combined with H.R. 200's sweeping ACL exemptions, increases the risk of overfishing and makes it difficult for management bodies to allocate quota to prevent quota overages.

- 2) H.R. 200 hinders Councils' ability to manage our fishery resources
 - Councils already have the flexibility to conduct allocation reviews as necessary, so requiring that the South Atlantic and Gulf Councils conduct a review of commercial and recreational allocations every 5 years (Section 202) is **duplicative, costly, and would effectively prevent these Councils from having the time and money to manage the resource** (i.e. stock assessments, habitat management, among other responsibilities).
 - Section 304 establishes a suite of procedures that would make **the use of Exempted Fishing Permits (EFPs) nearly impossible**, removing a pathway for Councils to work with industry to develop and test innovative gear, fishing, and management technologies aimed at improving resource management. Additionally, this Section bans the use of EFPs to test for Limited Access Privilege Programs (LAPPs).

- 3) H.R. 200 would impose unnecessary Congressional interference
 - Fishermen are deeply involved in the development of catch share programs, which often take years of deliberation with extensive public input. Under current law, Councils can require referenda on these programs at their discretion. Mandating additional referenda and specifying who should be allowed to vote in them is unnecessarily intrusive to the Council process and creates undue hurdles to catch share development (Section 205). While we recognize that a catch share program may not be appropriation for every fishery, we feel strongly that this management tool should remain a viable option.

We are disappointed to see this bill move along near partisan lines. The reauthorization of the MSA has traditionally been a bipartisan effort that advances the sustainability of our nation's fisheries. Instead, what we see today is a partisan effort to advance the interests of the recreational fishing industry at the expense and to the detriment of the commercial fishing industry.

As thousands of commercial fishermen around the country stand in opposition to this bill, we urge House Leadership to reconsider bringing this bill to the House floor for a vote. We are serve as a direct connection to the ocean for many inland citizens and we take our responsibility as stewards of the ocean very seriously. We stand ready to work with Mr. Young and others to develop a bill that works for all sectors and progresses fisheries management across the board.

We appreciate your consideration of our request. Please reach out to our Executive Director, Leigh Habegger, should you have any further questions.

Sincerely,



Christopher Brown
President
Seafood Harvesters of America

Member Organizations

Alaska Whitefish Trawlers Association
Cape Cod Commercial Fishermen's Alliance
Cordova District Fishermen United
Fishing Vessel Owners' Association
Fort Bragg Groundfish Association
Georges Bank Fixed Gear Cod Sector, Inc.
Gulf Fishermen's Association
Gulf of Mexico Reef Fish Shareholder's Alliance
Midwater Trawlers Cooperative
New Hampshire Groundfish Sectors
North Pacific Fisheries Association
Purse Seine Vessel Owners Association
Rhode Island Commercial Fishermen's Association
South Atlantic Fishermen's Association
United Catcher Boats