Dear Chairman Thune and Ranking Member Nelson,

We understand the Committee is planning to consider the Modernizing Recreational Fisheries Management Act of 2017 (S. 1520) during a February 28 Executive Session. On behalf of the over 1,000 American fishermen representing fishing communities from every coast of our great nation, we strongly urge the Committee to postpone action on S. 1520.

While we appreciate the need to improve recreational sector management and data collection, we believe S. 1520 falls short on a number of fronts and instead removes accountability for the recreational sector and further restricts and harms the other fishing sectors. In short, this misnamed legislation proposes to roll back decades of successful management under the Magnuson-Stevens Act (MSA) by enacting changes that run counter to the MSA’s proven, science-based decision-making process. As active members of the national fishing community, we ask for more time to work with the Committee to address our concerns and chart a course toward a reasonable compromise.

We are particularly concerned about provisions in S. 1520 that would relax requirements for scientifically-determined annual catch limits (ACLs) for the recreational sector and remove incentives and mandates for catch accounting. Scientifically set ACLs have been instrumental in rebuilding fish stocks around the country. As the recreational sector continues to grow, it will be increasingly important to ensure that that component of the fishery is managed sustainably and with a focus on rebuilding and accurate data collection.
Additionally, we are deeply troubled by the new restrictions placed on exempted fishing permits (EFPs), which could delay the EFP process by months or even years. EFPs have proven to be remarkably effective in the development of improved, innovative, and sustainable fishing practices; any additional delay would therefore result in stalling improvement in fisheries management. These restrictions are particularly worrisome in light of the fact that the Gulf of Mexico Fishery Management Council recently approved five Gulf state EFP proposals to test recreational red snapper management solutions over the next two years.

Postponing action on S. 1520 until these controversial provisions can be refined will give stakeholders the opportunity to work with your staffs and other Committee members to reach consensus on as many provisions as possible. We have been encouraged by recent discussions and believe that a successful compromise is within reach.

Lastly, we strongly urge the Committee to only consider S. 1520 in the context of other ongoing legislative efforts that seek to reauthorize the MSA. As you know, reauthorizing the MSA has traditionally been a genuinely bipartisan process that incorporates a broad range of voices within the fishing community. It is our hope that this proven approach will continue; finding a solution to challenges within recreational sector management and data collection is something all stakeholders should be able to work together on.

With this in mind, we again strongly urge you to postpone action on S. 1520 in order to allow sufficient time to resolve as many outstanding issues as possible. In the absence of agreement or postponement, we stand ready to contribute to a series of amendments addressing fishing community concerns to be offered during the February 28 Executive Session.

Sincerely,

Fishing Communities Coalition
Alaska Longline Fishermen’s Association
Alaska Marine Conservation Council
Alaska Trollers Association
Alward Fisheries, LLC
Cape Cod Commercial Fishermen’s Alliance
Coastal Marine Research
Cordova District Fishermen United
Deep Sea Fishermen’s Union
Fishing Vessel Cherokee, LLC
Fishing Vessel Lara Lee
Gulf of Mexico Reef Fish Shareholders Alliance
Half Moon Bay Groundfish Marketing Association
Maine Coast Fishermen’s Association
Mor Commercial Fishermen’s Organization
North Pacific Fisheries Association
Purse Seine Vessel Owners Association
United Cook Inlet Drift Association
United Southeast Alaska Gillnetters
February 16, 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,

We understand that the Committee may soon consider the Modernizing Recreational Fisheries Management Act of 2017 (S. 1520), so we want to inform you of our concerns. The Seafood Harvesters of America opposes S.1520, as introduced, because the bill would harm the nation’s commercial fishermen and seafood supply chain. Improving recreational fishery management doesn’t require undercutting commercial fishery management, yet this bill is much more focused on the latter than on the former. It is unclear how diminishing the accountability of commercial fisheries will better serve the nation's interests or enhance the quality or duration of recreational fishing in the instances where stocks are shared.

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.

We oppose the following provisions of S. 1520:

**Moratorium on limited access privilege programs (LAPPs)**
Section 103 would establish a temporary ban on new LAPPs for all mixed-use fisheries until an NAS study on LAPPs is completed. It also would require the National Academies of Science (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. We strongly oppose prohibiting regional fishery management...
councils from using currently authorized management tools, especially when the fishermen in the regulated fishery support their use. Also, by only focusing on the inequities of LAPPs, any benefit of the LAPPs would be overlooked in the NAS analysis. Section 103’s moratorium and requirement to apply recommendations that the Congress has not yet even seen would deprive councils and commercial fishermen of a useful and proven management tool. The Magnuson-Stevens Fishery Conservation and Management Act (MSA) already includes several fishery participant protection requirements that apply to councils considering establishing or modifying a LAPP. Restricting commercial fishermen from developing and using LAPPs will not improve recreational fishery management.

**Restricting the use of exempted fishing permits (EFPs)**
Section 106 would establish a host of regulatory hurdles for approving EFPs and shorten their duration, making them significantly more challenging to use for any purpose or to renew within the applicable time limits. These are unnecessary burdens on using EFPs, which are an invaluable tool for fishermen who want to pilot new and innovative ideas to modernize fishery management. EFPs are, and have been, the foundation of conservation engineering efforts. Without this important tool, the technological advancement of increasingly selective fishing gear would become impossible. As an industry, it is how we continue to learn and, in our view, it is preposterous to deliberately limit the potential for improvements in any aspect of harvesting. For example, the Gulf of Mexico Fishery Management Council (Gulf Council) recently approved EFPs from each of the five Gulf States proposing to manage Federal waters recreational red snapper fisheries. Had Section 106 been in effect, these EFPs could not have been approved in time for the 2018 fishing season. Section 106 exposes the hypocrisy of the bill’s recreational fishing supporters. We oppose this section, as restricting commercial fishermen from developing and using EFPs will not improve recreational fishery management.

**Relaxing Rebuilding Requirements**
Congress strengthened the statutory rebuilding timeline requirement in 2007 because fish stocks were not being rebuilt and were at a significant risk for overfishing. We oppose Section 104’s relaxation of those requirements, which would create great uncertainty regarding rebuilding timeframes, perpetuate overfished stock conditions, and have negative downstream effects on our businesses (increased risk, economic uncertainty) and the nation’s seafood consumers (restricted access, higher prices). Success is a function of discipline. At a time fraught with significant, documented environmental stresses on the East and West coasts and Alaska, disasters in the Gulf of Mexico, and a general lull in systemic fishery productivity, it is not clear to us how ushering in a lower level of stewardship is in our nation's interest.

**Establish exemptions from annual catch limit (ACL) Requirements**
We are concerned that Section 105 would freeze an ACL under certain conditions even if scientists recommend lowering it. Overriding science-based management is a move in the wrong
direction and could increase the risk that overfishing may occur, which threatens the long-term stability of our businesses and our access to the fish we depend on. We oppose this section.

Burdensome Allocation Reviews
Section 101 would overly burden two of the nation’s eight regional fishery management councils (for the South Atlantic and the Gulf of Mexico) by mandating fishery allocation reviews for 32 stocks and six stock complexes. This unfunded mandate would effectively require these councils to continuously devote significant time and resources to these controversial discussions, leaving little if any time to devote to improving management, enhancing data collection, or developing better reporting systems. Councils already have the authority to review allocations at any time. For example, the Gulf Council recently initiated this process for red snapper.

Allocation reviews do nothing to improve the condition of a stock, the sole objective of fisheries management. Reconsideration and redistribution of fish from a more accountable sector to a less accountable sector would lengthen recovery time and reduce overall benefits to both recreational and commercial fishermen. It is our belief that management reviews would greater serve all parties than allocation reviews. The determination of how effectively a fishery management plan controls mortality should be the focus of improvement efforts. Failure to control mortality using ineffective measures should not pave the way to a larger share. Because this is contrary to that which serves our national interest, we oppose Section 101.

S.1520 includes only three sections that appear intended to improve recreational fishery management. While these sections provide some positive direction to that effect, two of them should be clarified to prevent potential harmful effects.

Alternative management measures
While alternative management measures for recreational fisheries sound promising, it’s unclear whether Section 102 would exempt such alternative measures from the MSA requirement that councils develop ACLs for each managed fishery. If so, this would undercut MSA’s primary tool for rebuilding overfished fisheries nationwide and would have negative impacts on commercial fishing businesses, the seafood supply chain, and the end users – the nation’s seafood consumers. This section should explicitly continue to apply ACLs to such fisheries.

Data Collection
We are encouraged by the language in Sections 201 and 202 regarding improving recreational and third party data collection and partnerships. Science-based management is the foundation of MSA, our nation’s successful fishery law, and we support opportunities that strengthen its core. However, we recommend that Section 202’s direction to the NAS on studying in-season management of recreational fisheries focus on how it can be improved to stay within ACLs, not on whether it is appropriate to do so. Also, we oppose using Saltonstall-Kennedy funds, which
are intended to help U.S. commercial fishing compete with foreign commercial fishing, to pay for State recreational data collection activities.

In summary, S.1520 does not appear to be focused on providing better management tools to enable recreational fishermen to enjoy longer fishing seasons without exceeding their ACLs. Instead, a number of provisions in S. 1520 would restrict, constrain, or inhibit commercial fishery management. Congress doesn’t need to harm commercial fishermen to improve recreational fishery management – there is a better path forward.

The nation’s fishermen, seafood suppliers, consumers, and Congressional leaders must protect the gains we have made over the past 40 years under MSA. It is in everyone’s best interest to pass on to the next generation vibrant national fishery resources. This will help to ensure Americans have access to sustainable seafood today and for years to come. Unfortunately, the Modernizing Recreational Fisheries Management Act of 2017 would not accomplish that goal, and instead would eliminate some of the critical protections that have helped many of the nation’s fisheries thrive. For that reason, the Seafood Harvesters of America must oppose S.1520, as it was introduced.

Sincerely,

Christopher Brown, President
Seafood Harvesters of America

Member organizations:
Alaska Bering Sea Crabbers
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

CC: Senate Commerce, Science, and Transportation Committee members
S.1520 co-sponsors
February 8, 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,

Please accept this letter on behalf of the Gulf of Mexico Reef Fish Shareholders’ Alliance (Shareholders’ Alliance) regarding our concerns with the Modernizing Recreational Fisheries Management Act of 2017 (S. 1520). While the bill proposes to help recreational fishermen, a number of provisions would impose harm on the nation’s commercial fishermen and seafood supply chain. Helping recreational fishermen doesn’t have to come at the expense of hurting commercial fishermen, and for that reason we cannot support S. 1520 as written.

The Shareholders’ Alliance is the largest organization of commercial snapper and grouper fishermen in the Gulf of Mexico, with a substantial membership base on the west coast of Florida. We work hard to ensure that our fisheries are sustainably managed so our fishing businesses can thrive and our fishing communities can exist for future generations. We are the harvesters that provide much of the American public with a reliable source of domestically-caught wild Gulf seafood, and we do this through a philosophy that sustainable seafood and profitable fishing businesses depend on healthy fish populations.

To that end, we offer the following comments on S. 1520.

We are encouraged by the language in Sections 201 and 202 towards improving recreational and third party data collection and partnerships. Science-based management is the foundation of our nation’s successful fishery law – the Magnuson-Stevens Fishery Conservation and Management Act (MSA) – and we support opportunities that strengthen the core of this successful legislation.

That being said, we have strong concerns with the following provisions of S. 1520:

**Relaxing Rebuilding Requirements**
Congress strengthened the statutory rebuilding timeline requirement in 2007 because fish stocks were not being rebuilt and were at a significant risk for overfishing. Section 104’s relaxation of those requirements would create great uncertainty regarding rebuilding timeframes and perpetuate
depleted stock conditions, which would have downstream effects on our businesses (increased risk, economic uncertainty) and the nation’s seafood consumers (restricted access, higher prices).

**Moratorium on LAPPs**
We have strong concerns with prohibiting management tools from being considered even if a majority of fishermen support them. Section 103 would establish a temporary ban on new LAPPs for all mixed-use fisheries until a National Academy of Sciences (NAS) study on LAPPs is completed. This ban is indefinite until the study is completed, despite the one-year deadline for completing the study. Also, Section 103 would require 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.

Section 103’s moratorium and requirement to apply recommendations that the Congress has not yet even seen would deprive councils and commercial fishermen of a potentially useful management tool. MSA already includes several fishery participant protection requirements that apply to councils considering establishing or modifying a LAPP. It is unclear whether Section 103 applies only to LAPPs modified during the moratorium or also to LAPPs approved or modified after the NAS report. Also, the exception to the moratorium for any fishery currently managed under a LAPP appears to require modification of the LAPP to conform to the NAS recommendations, but it is unclear how this actually applies.

In short, restricting commercial fishermen from developing and using LAPPs will not improve recreational fishery management.

**Restricting the use of EFPs**
Section 106 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 that want to pilot new and innovative ideas to modernize fishery management. For example, the Gulf of Mexico Fishery Management Council (Gulf Council) just last week approved EFPs from each of the five Gulf States proposing to manage their recreational red snapper fisheries. Had Section 106 been in effect, this kind of valuable collaboration would have been stifled and it’s unlikely that these EFPs would have been approved.

In short, similar to the concerns with LAPP restrictions, restricting commercial fishermen from developing and using EFPs will not improve recreational fishery management.

**Burdensome Allocation Reviews**
Section 101 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 28 stocks and six stock complexes. This unfunded mandate would effectively mean that these councils would need to continuously devote significant time and resources to these controversial discussions, leaving little if any time to devote to improving management, enhancing data collection, or developing better reporting systems. Councils already have the authority to review allocations at any time.
Establish Exemptions from ACL Requirements
We have concerns with Section 105 that would freeze an ACL under certain conditions even if scientists recommend lowering it. Overriding science-based management is a move in the wrong direction and could increase the risk that overfishing may occur, which threatens the long-term stability of our businesses and our access to the fish we depend on. This is especially true as the recreational sector as it continues to grow exponentially in some areas of the Gulf.

Alternatives to Annual Catch Limits
While alternative management measures may sound promising, it’s unclear whether Section 102 would exempt such alternative measures from the MSA requirement that councils develop ACLs for each managed fishery. If so, this would undercut MSA’s primary tool for rebuilding overfished fisheries nationwide and would have negative impacts on commercial fishing businesses, the seafood supply chain, and the end users – the nation’s seafood consumers.

Recreational anglers in the Gulf of Mexico have exceeded their red snapper catch limits in 23 of the last 27 years. Nothing in S. 1520 will address this chronic problem. The commercial sector, on the other hand, has adopted reforms and now complies with its catch limits every year. Yet, a number of provisions in S. 1520 would restrict, constrain, and/or inhibit commercial fishermen. Congress doesn’t need to hurt commercial fishermen to help recreational fishermen – there is a better path forward.

The nation’s fishermen, seafood suppliers, consumers, and congressional leaders must protect the gains we have made under the last 40 years of the MSA. It is in everyone’s best interest to pass on to the next generation vibrant national fishery resources. This will help to ensure Americans have access to sustainable seafood today and for years to come. The Modern Fish Act, unfortunately, would not accomplish that goal, and instead would eliminate some of the critical protections that have helped many of the nation’s fisheries rebound including the iconic American Red Snapper in the Gulf of Mexico. For that reason, the Shareholders’ Alliance must oppose S.1520 as it is currently written.

Sincerely,

[Signature]

Eric Brazer, Deputy Director
Gulf of Mexico Reef Fish Shareholders’ Alliance