

**H.R. 200, “STRENGTHENING FISHING COMMUNITIES
AND INCREASING FLEXIBILITY IN FISHERIES
MANAGEMENT ACT”; H.R. 2023, “MODERNIZING
RECREATIONAL FISHERIES MANAGEMENT ACT
OF 2017”; H.R. 3588, “RED SNAPPER ACT”; AND DIS-
CUSSION DRAFT OF H.R. ____, “STRENGTHENING
FISHING COMMUNITIES THROUGH IMPROVING
SCIENCE, INCREASING FLEXIBILITY, AND
MODERNIZING FISHERIES MANAGEMENT ACT”**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON WATER, POWER AND OCEANS

OF THE

COMMITTEE ON NATURAL RESOURCES

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

Tuesday, September 26, 2017

Serial No. 115–22

Printed for the use of the Committee on Natural Resources



Available via the World Wide Web: <http://www.fdsys.gov>

or

Committee address: <http://naturalresources.house.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

27–026 PDF

WASHINGTON : 2017

For sale by the Superintendent of Documents, U.S. Government Publishing Office
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**LEGISLATIVE HEARING ON H.R. 200, TO
AMEND THE MAGNUSON-STEVENSON FISHERY
CONSERVATION AND MANAGEMENT ACT TO
PROVIDE FLEXIBILITY FOR FISHERY MAN-
AGERS AND STABILITY FOR FISHERMEN,
AND FOR OTHER PURPOSES, “STRENGTH-
ENING FISHING COMMUNITIES AND IN-
CREASING FLEXIBILITY IN FISHERIES
MANAGEMENT ACT”; H.R. 2023, TO MOD-
ERNIZE RECREATIONAL FISHERIES MAN-
AGEMENT, “MODERNIZING RECREATIONAL
FISHERIES MANAGEMENT ACT OF 2017”;
H.R. 3588, TO AMEND THE MAGNUSON-
STEVENSON FISHERY CONSERVATION AND
MANAGEMENT ACT TO PROVIDE FOR MAN-
AGEMENT OF RED SNAPPER IN THE GULF
OF MEXICO, AND FOR OTHER PURPOSES,
“RED SNAPPER ACT”; AND DISCUSSION
DRAFT OF H.R. ___, TO AMEND AND REAU-
THORIZE THE MAGNUSON-STEVENSON FIS-
H-ERY CONSERVATION AND MANAGEMENT
ACT, AND FOR OTHER PURPOSES,
“STRENGTHENING FISHING COMMUNITIES
THROUGH IMPROVING SCIENCE, INCREAS-
ING FLEXIBILITY, AND MODERNIZING FIS-
HERIES MANAGEMENT ACT”**

**Tuesday, September 26, 2017
U.S. House of Representatives
Subcommittee on Water, Power and Oceans
Committee on Natural Resources
Washington, DC**

The Subcommittee met, pursuant to notice, at 10:06 a.m., in room 1334, Longworth House Office Building, Hon. Doug Lamborn [Chairman of the Subcommittee] presiding.

Present: Representatives Lamborn, Wittman, McClintock, Gosar, Graves, Hice, Webster, Johnson, Bishop; Huffman, Costa, Beyer, Barragán, Sablan, Gomez, and Grijalva.

Also present: Representatives Young and Byrne.

Mr. LAMBORN. The Subcommittee on Water, Power, and Oceans will come to order. The Water, Power, and Oceans Subcommittee meets today to hear testimony on H.R. 200, sponsored by Mr. Don Young of Alaska; H.R. 2023 and H.R. 3588, both sponsored by Mr. Garret Graves of Louisiana; and a discussion draft authored by Ranking Member Jared Huffman of California—who is on his way and will be here momentarily—entitled “The Strengthening Fishing Communities Through Improving Science, Increasing Flexibility, and Modernizing Fisheries Management Act.”

Under Committee Rule 4(f), any oral opening statements at hearings are limited to the Chairman and Ranking Minority Member and the Vice Chair. Therefore, I ask unanimous consent that all other Members’ opening statements be made part of the hearing record if they are submitted to the Subcommittee Clerk by 5:00 p.m. today.

Without objection, so ordered.

We will begin with opening statements, starting with myself, for 5 minutes.

STATEMENT OF THE HON. DOUG LAMBORN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Mr. LAMBORN. Today, the Water, Power and Oceans Subcommittee will consider a series of bills aimed at improving Federal fisheries management for commercial, recreational, and charter-for-hire fishermen alike. Many of the proposals discussed here today are products of continuous back-and-forth between Congress, stakeholders, and the current and recent administrations.

It is my goal that we can work within the proposals discussed here today to produce a product that reauthorizes and makes critical reforms to the Magnuson-Stevens Fishery Conservation and Management Act.

I would first like to comment on H.R. 200, the Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act, introduced by our colleague and Chairman Emeritus of the House Committee on Natural Resources, Congressman Don Young of Alaska. H.R. 200 is composed of provisions aimed at getting better fisheries data to Federal managers so that they can make informed decisions regarding our Nation’s fisheries.

This bill affords the necessary tools to regional fishery managers to tailor fishery management plans to the unique characteristics of their region, promotes transparency in fishery science and management, and improves the science and data that dictate the management plans of our Nation’s fisheries. This bill is nearly identical to Mr. Young’s bill from last Congress that passed the House with bipartisan support in June of 2015.

We will also hear testimony on a similar discussion draft authored by our colleague, Jared Huffman.

Additionally, we will consider here today H.R. 2023, the Modernizing Recreational Fisheries Management Act of 2017, introduced by our colleague, Congressman Garret Graves of Louisiana. While specifically aimed at recreational fisheries management, H.R. 2023 is largely based on the same principles as H.R. 200.

Congressman Graves' bill aims to increase access for recreational anglers in Federal waters, improves Federal data collection by encouraging the inclusion of state-gathered data, and allows Federal fisheries managers to use alternative measures to implement recreational fishing regulations. This bill allows managers to move away from a one-size-fits-all approach to Federal fisheries management and toward the use of different approaches that may be appropriate for different types of fishing.

Finally, we will consider another bill by Congressman Graves that looks to remedy a problem specific to the Gulf of Mexico, but one that certainly has gained national notoriety. H.R. 3588, the Red Snapper Act, takes a creative approach to a long-standing issue of recreational access to the red snapper fishery in the Gulf of Mexico. Under current law, the five Gulf states' management of red snapper extends out to 9 miles from shore. This proposal would further extend the states' management of this important fishery to 25 miles from shore, or to a depth of 25 fathoms, whichever is further.

As many of my colleagues here know, last Congress this Committee considered and passed a red snapper proposal that would have granted the Gulf states exclusive management of the red snapper fishery in the Gulf of Mexico. While we were not able to find consensus on that proposal, I want to thank Mr. Graves and the co-sponsors of this bill for bringing a fresh approach to the table and advancing the conversation toward a permanent fix for red snapper in the Gulf of Mexico. I look forward to hearing from Mr. Graves on the details of this proposal.

Many of you here today probably consider this to be a fishery hearing, but I assure you it is much more than that. Whether we are talking about a commercial, recreational, or charter boat operation, the working waterfront that provides shore-side support, a boat manufacturer, or your local mom-and-pop bait and tackle shop, today's hearing is about supporting American small businesses.

It is my hope that we can use these bills in front of us today to produce a strong, bipartisan Magnuson-Stevens reauthorization that supports jobs and our fishermen by strengthening the science, data, and process used in Federal fisheries management.

[The prepared statement of Mr. Lamborn follows:]

PREPARED STATEMENT OF THE HON. DOUG LAMBORN, CHAIRMAN, SUBCOMMITTEE ON
WATER, POWER AND OCEANS

Today, the Water, Power and Oceans Subcommittee will consider a series of bills aimed at improving Federal fisheries management for commercial, recreational, and charter-for-hire fishermen alike. Many of the proposals discussed here today are products of continuous back and forth between Congress, stakeholders, and the current and recent administrations. It is my goal that we can work within the proposals discussed here today to produce a product that reauthorizes and makes critical reforms to the Magnuson-Stevens Fishery Conservation and Management Act.

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characteristics of their region, promotes transparency in fishery science and management, and improves the science and data that dictate the management plans of our Nation's fisheries.

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As many of my colleagues here know, last Congress this Committee considered and passed a red snapper proposal that would have granted the Gulf states exclusive management of the red snapper fishery in the Gulf of Mexico. While we were not able to find consensus on that proposal, I want to thank Mr. Graves and the co-sponsors of this bill for bringing a fresh approach to the table and advancing the conversation toward a permanent fix for red snapper in the Gulf of Mexico. I look forward to hearing from Mr. Graves on the details of his proposal.

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It is my hope that we can use these bills in front of us today to produce a strong, bipartisan Magnuson-Stevens reauthorization that supports jobs and our fishermen by strengthening the science, data, and process used in Federal fisheries management.

Mr. LAMBORN. I now recognize the Ranking Member, Mr. Huffman, for 5 minutes for his statement.

STATEMENT OF THE HON. JARED HUFFMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. HUFFMAN. Good morning, Mr. Chairman. I apologize for my late arrival. Our caucus meeting was running a little bit late, and discussing a subject that I think I would be remiss if I didn't bring it up right away, and that is the terrible tragedy and the destruction that is being visited upon our country by Hurricanes Harvey, Irma, and Maria over the past month. I know Federal agencies are already responding to these disasters, and I am confident that Congress will provide additional resources to aid in the recovery. But it is important that we remember that our fellow citizens in Puerto Rico and the U.S. Virgin Islands need our help. And it is our duty to make them whole.

Today, we are having a hearing on multiple fisheries bills, and I want to thank you, Mr. Chairman, for your willingness to include

the discussion draft of my bill in this hearing. I hope that is a sign of more bipartisan cooperation to come.

Congress has not reauthorized the Magnuson Act since 2006, and that bill, like all major fisheries legislation dating back to the original Act of 1976, passed Congress with overwhelming bipartisan support.

Unfortunately, the most recent attempts at reauthorization, which started in 2013, have been undermined by a partisan process. Instead of making meaningful improvements to our most important fisheries statute, this process has focused on weakening fundamental environmental protections in place of making meaningful improvements to our important fisheries management framework.

This partisan process does a disservice to hardworking fishermen across the country, including those in my district. It has also needlessly delayed important legislative updates to build on the law's strong foundation of flexibility and accountability in fisheries management.

So, it is time for Congress to stop using Magnuson reauthorization to push ideological agendas and, instead, focus on a pragmatic approach that optimizes our best-in-the-world fisheries conservation and management system. This is the only approach that will truly benefit commercial fishermen, recreational anglers, and the coastal communities and economies that depend on them.

To do this, Republicans and Democrats have to work together to advance legislation that includes mutually agreed-upon priorities and puts aside the poison pill provisions that have stalled progress in recent years.

I have no doubt that this Committee will continue to debate the merits of the Endangered Species Act, the Antiquities Act, the Marine Mammal Protection Act, the National Marine Sanctuaries Act, NEPA, et cetera. But if we are going to be serious about reauthorizing Magnuson, we have to resist the temptation to have these philosophical proxy wars in the context of fishery management.

Instead, we should focus on issues that are universally important to fishing communities, like modernizing the management of recreational fisheries; protecting the marine ecosystems, including habitat and forage fish that support healthy fish stocks; and applying industry know-how, non-governmental expertise, and 21st century technology to fisheries monitoring and data collection.

These elements are all present in each of the bills before the Committee. The key to finding true bipartisan agreement, as always, will be putting in the hard work to separate the wheat from the chaff. The draft bill that I have put forward today represents Committee Democrats' attempts to do that.

While we feel strongly about many of the provisions that are and are not included in this draft, I do not believe it is a finished product. So, I want to be clear that I welcome additional feedback from stakeholders and my colleagues across the aisle. I am certain that our draft does not do everything that any one group wants, but it pulls together concepts from both sides of the aisle that have broad support across a range of fisheries stakeholders. It also ensures that we do not backslide on the progress we have made over the

last 20 years by allowing overfishing, ignoring science in setting catch limits, or returning to the perpetual cycle of failed attempts to rebuild overfished stocks.

Additionally, our draft offers increased flexibility in fisheries management without undermining core environmental protections or core management provisions in the MSA. Instead of dismantling the progress that we have made in rebuilding overfished stocks, conserving fish habitat and forage, and reducing fisheries bycatch, this draft builds upon the progress made in each of these areas.

Most importantly, instead of moving us back to the shakier and divided ground of the past, this draft bill builds on the solid and successful foundation of recent amendments to the MSA. That is because this Act is working. The United States is a global leader in fisheries management because of the progress this law has helped us make in rebuilding stocks, reducing overfishing, and supporting a \$200 billion per year industry.

So, let's work together to improve it, not weaken the components that have made it such a success. I look forward to this hearing, thank the witnesses for being part of the conversation, and yield the balance of my time.

[The prepared statement of Mr. Huffman follows:]

PREPARED STATEMENT OF THE HON. JARED HUFFMAN, RANKING MEMBER,
SUBCOMMITTEE ON WATER, POWER AND OCEANS

Thank you, Mr. Chairman.

Before we begin, I would like to take a moment to acknowledge the terrible destruction visited upon our country by Hurricanes Harvey, Irma, and Maria over the past month. Federal agencies are already responding to these disasters and I am confident that Congress will provide additional resources to aid in recovery. But I would be remiss if I did not point out the especially challenging circumstances faced by our fellow citizens in Puerto Rico and the U.S. Virgin Islands, and remind members of the Committee of our duty to make them whole, as well.

Today, we are having a hearing on multiple fisheries bills this Congress, and I sincerely appreciate the willingness of Chairman Lamborn and his staff to include my discussion draft on today's hearing agenda. I hope this is a sign of more bipartisan cooperation to come.

Congress has not reauthorized the Magnuson-Stevens Fishery Conservation and Management Act (MSA) since 2006. That bill, like all major fisheries legislation dating back to the original fishery Conservation and Management Act of 1976, passed Congress with overwhelming bipartisan support.

Unfortunately, the most recent attempts at reauthorization—which started in 2013—have been undermined by a partisan process. Instead of making meaningful improvements to our most important fisheries statute, this process has focused on weakening fundamental environmental laws in place of making meaningful improvements to our most important fisheries statute.

This partisan process has done a disservice to hardworking fishermen across the country, including those in my district. It has also needlessly delayed important legislative updates to build on the law's strong foundation of flexibility and accountability in fisheries management.

It is time for Congress to stop using MSA reauthorization to push ideological agendas and instead focus on a pragmatic approach that optimizes our best-in-the-world fisheries conservation and management system. This is the only approach that will truly benefit commercial fishermen, recreational anglers, and the coastal communities and economies that depend on them.

To do this, Republicans and Democrats must work together to advance legislation that includes mutually agreed upon priorities and puts aside the poison pill provisions that have stalled progress.

I have no doubt that this Committee will continue to debate the merits of the ESA, the Antiquities Act, the Marine Mammal Protection Act, the National Marine Sanctuaries Act, and NEPA. But if we are going to be serious about reauthorizing the MSA, we must resist the temptation to have these philosophical proxy fights in the context of fisheries management.

Instead, we should focus on issues that are universally important to fishing communities: issues like modernizing the management of recreational fisheries, protecting the marine ecosystems—including habitat and forage fish—that support healthy fish stocks, and applying industry know-how, non-governmental expertise, and 21st century technology to fisheries monitoring and data collection.

These elements are present in each of the bills before the Committee. The key to finding true bipartisan agreement, as always, will be putting in the hard work to separate the wheat from the chaff. The draft legislation I have put forward today represents Committee Democrats' attempt to do that. While we feel strongly about many of the provisions that are—and are not—included in this draft, I do not believe it is a finished product and I welcome additional feedback from stakeholders.

I am certain that our draft does not do everything that any one groups wants. Rather, it pulls together concepts from both sides of the aisle that have broad support across a range of fisheries stakeholders. It also ensures that we do not backslide on the progress that has been made over the past 20 years by allowing overfishing, ignoring science in setting catch limits, or returning to the perpetual cycle of failed attempts to rebuild overfished stocks.

Additionally, our draft offers increased flexibility in fisheries management without undermining the core conservation and management provisions of the MSA. It takes major steps to improve fisheries data collection and analysis so fisheries management can be more timely and precise. It also acknowledges—for the first time—the unique nature of recreational fishing and promotes data collection and management strategies tailored to the recreational sector.

Instead of dismantling the progress we have made in rebuilding overfished stocks, conserving fish habitat and forage, and reducing fisheries bycatch, this draft builds upon the progress made in each of these areas. It improves the transparency and accountability of the Regional Fishery Management Councils on the front lines of managing marine fisheries. And it strengthens our diverse fishing communities by recognizing the importance of subsistence fishing, streamlining the fishery disaster relief process, and re-dedicating funding to promote and develop sustainable fisheries.

Most importantly, though, instead of moving us back to the shakier and divided ground of the past, this draft builds on the solid and successful foundation of recent amendments to the MSA. That's because the Magnuson-Stevens Act is working: the United States is a global leader in fisheries management because of the progress this law has helped us make in rebuilding stocks, reducing overfishing, and supporting a \$200 billion industry. Let's work together to improve this law, and not weaken the very components of it that have made it successful over the last 40 years.

Mr. Chairman, as an angler myself who represents many commercial and recreational fishermen in Northern California, I strongly believe that today's hearing should be the beginning of a conversation between Republican and Democratic members of the Committee, not the end of one.

I look forward to working with you, your staff, and other interested Members to advance a bipartisan fisheries bill that can not only pass this Committee quickly, but receive broad support on the Floor so that we can work with the Senate and actually get a reauthorization of these important programs signed into law.

Mr. LAMBORN. OK, thank you. I now recognize Mr. Young for 5 minutes to testify on his bill.

**STATEMENT OF THE HON. DON YOUNG, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF ALASKA**

Mr. YOUNG. Thank you, Mr. Chairman. As the father of this legislation, I can remember 40 years ago visiting the city of Kodiak, and seeing a city floating in the water. No action from the states of California, Washington, or Oregon had any interest in the so-called Magnuson-Stevens Act. And Gerry Studds and myself took over the program, recognizing we had to have a sustained yield of fish.

I started this bill with Gerry Studds in this House, in this Committee, just about 40 years ago, and worked with my Senator.

And, of course, we passed the first bill, a bipartisan bill that worked.

We did not have the—I call it the interest groups—that wanted to set-aside, it was about fishing. And they want to set it aside now on other issues. Because our object was to have a sustained yield of fishes in our waters for our communities and our fishermen without interference of monuments, all the other agencies. We are working on and we have done so in the North Pacific Fishing Council by providing a sustained yield species savings without interference from other interest groups. It is about fish, it is about sustained yield.

I have personally worked with the agencies, Federal agencies have some differences of opinion. And my bill, my good friend from California says it weakens the Magnuson Act. It does not. His attempt, it weakens it according to his jurisdiction. He says it weakens the original Magnuson Act. It strengthens the Magnuson Act, because it gives some of the Councils the flexibility needed for a time without being run from Washington, DC, and the agencies.

I have worked to take and reauthorize this. It passed last year, but got stuck in the Senate, as you know. That is no fault of the House. It was threatened to be vetoed by President Obama, and thank God he is no longer in the fishing field. And I am going to work very hard to make sure we pass a bill out of this Committee.

I am always interested—and everybody says we have to be bipartisan. This is a two-way street. I have not had any real suggestions of why my bill is wrong. Not scientific at all. It is mostly on philosophy.

So, my goal, as the father of this legislation, is to reauthorize with the main interest of maintaining the species, making sure it retains itself healthily, and retains the communities that rely on fisheries.

I look forward to these hearings. I look forward to working on it. And I expect, Mr. Chairman, to pass my legislation with or without bipartisan support. This is something that means a great deal to me. And you may not think so, because you are Johnny-Come-Latelies, but I have been here a long time, and I will expect to get the job done right.

I yield back.

Mr. LAMBORN. Thank you. Now we will introduce our witnesses. Our first witness is the Honorable Jonathan Mitchell, mayor of the City of New Bedford, Massachusetts; our second witness is Mr. Chris Blankenship, Commissioner of the Alabama Department of Conservation and Natural Resources from Montgomery, Alabama; our third witness is Mr. Ben Martens, Executive Director of the Maine Coast Fisherman's Association from Brunswick, Maine; our fourth witness is Mr. Chris Oliver, Director of the National Marine Fisheries Service, from Washington, DC; our fifth witness is Ms. Susan Boggs, Co-Owner of the Reel Surprise Charter Fishing, from Orange Beach, Alabama; our sixth witness is Mr. Mike Merrifield of the Southeastern Fisheries Association, from Tallahassee, Florida; and our final witness is Mr. Chris Macaluso, Director of the Center for Marine Fisheries with the Theodore Roosevelt Conservation Partnership from Baton Rouge, Louisiana.

Thank you all for being here. Each witness' written testimony will appear in full in the hearing record, so I ask that witnesses keep their oral statements to 5 minutes, as outlined in our invitation letter to you and under Committee Rule 4(a).

I want to explain also how our timing lights work. When you are recognized, press the talk button to activate your microphone. Once you begin your testimony, the Clerk will start the timer and a green light will appear. After 4 minutes, a yellow light will appear. At that time, you should begin to conclude your statement. At 5 minutes, the red light will come on. You may complete your sentence, but I ask that you stop thereafter.

Now, I would like to take this moment to recognize our good friend and Chairman Emeritus of the House Natural Resources Committee, Don Young of Alaska. Congressman Young has been a long-time leader of Federal fisheries management since its creation, and we greatly benefit from having his expertise on these issues here in the Committee.

As such, it is only appropriate to yield the Subcommittee gavel to our Chairman Emeritus for this hearing.

Mr. YOUNG [presiding]. You are safe, because you are growing a beard. You can't be all bad, let's put it that way.

Mayor Mitchell, you are now recognized for 5 minutes.

**STATEMENT OF THE HON. JONATHAN MITCHELL, MAYOR,
CITY OF NEW BEDFORD, MASSACHUSETTS**

Mr. MITCHELL. Thank you very much, Mr. Chairman, Ranking Member Huffman, Committee Ranking Member Grijalva, and members of the Subcommittee. My name is Jon Mitchell, and I am the Mayor of New Bedford, Massachusetts, the Nation's highest-grossing commercial fishing port. I appreciate the opportunity to speak to you today about the proposed reauthorization of Magnuson-Stevens.

Generally speaking, Magnuson-Stevens has been a success story. America's fisheries are at once among the world's largest and most sustainable. For 40 years, the Act has demonstrated that a scientifically-based regional approach to fisheries management can sustain marine ecosystems—

Mr. YOUNG. Your microphone is not close enough to your mouth or something, or my hearing is going real bad. I don't know which one it is. That is better.

Mr. MITCHELL. All right, there we go.

So, as I was saying, for 40 years the Act has demonstrated that a scientifically-based, regional approach to fisheries management can sustain marine ecosystems and fishing communities alike. By facilitating the rebuilding of stocks, the Act has enabled the fishing industry, for the most part, to preserve steady jobs and to make available to Americans a critical source of food. That the Act is subject to reauthorization every 10 years is a recognition that marine environments, fishing technology, and scientific methods are dynamic, and that the statutory framework governing commercial fishing must keep up.

That time is upon us now, and it is a testament to the success of the Act and the framers like you, Mr. Chairman, that none of the proposals from either side of the aisle would rework the Act's

basic framework. Rather, the range of discussion is focused on reasonable adjustments to the Act in light of the last 10 years of experience. In my view, many of these adjustments can advance the Act's seemingly conflicting goals of promoting commerce and preserving the environment. I will outline briefly what I believe are the key areas for reasonable reform.

One of the central tenets of the Act is that fisheries management can be effective only if it is tailored to the unique characteristics of America's various fisheries. There is enormous diversity in marine ecosystems and fishing communities along America's coasts. Under Magnuson-Stevens, fisheries management is designed, therefore, to be bottom up.

Rulemaking is driven, accordingly, by the Regional Fisheries Management Councils, which are comprised largely of individuals drawn from industry, academia, and government. The Councils are empowered with a variety of tools to manage fish stocks to pursue the goals of the Act relying on the input from their scientific committees and from the public, including fishermen, local government officials, and environmental groups.

Although Council decisions are subject to approval by the Secretary of Commerce to ensure some semblance of national uniformity and rulemaking, the whole system is based on the idea that the Councils, not officials in Washington, are in the best position to evaluate the economic and ecological conditions in their regions, and that they should have sufficient flexibility to promulgate rules, in light of the conditions and the goals of the Act.

One of the major problems with the existing law, I will note, is that the flexibility under the Act was severely limited in 1996 with the passage of the Sustainable Fisheries Act. The 10-year requirement that was part of that Act unrealistically mandates that fisheries managers rebuild stocks within a 10-year period, and that this has caused distortion in the system.

The 10-year rule is arbitrary, and its establishment was at odds with the underlying premise of regional management. Regional Councils should have the flexibility to set rebuilding timelines for stocks under their jurisdiction, based on the unique biological and ecological conditions, and by giving appropriate weight to the economic well-being of fishing communities.

I will note that eliminating the 10-year rule should not be regarded as compromising the conservation imperatives of the Act. Quite to the contrary, replacing the 10-year rule with one that is based on the regeneration rate of threatened fish stocks, as some members have proposed, will lead to clearer, more predictable outcomes without causing unnecessary disruption to fishermen, and without compromising the rebuilding of stocks.

In the time remaining I will just note a few other things that I think ought to be built into the bill.

The annual catch limit (ACL) flexibility that your bill contemplates, Mr. Chairman, is on track. The mixed stock exception is very important to the fisheries in the North Atlantic. We have multi-species fisheries in which the choke stocks, true to their name, prevent fishermen from catching all their ACLs of other healthier stocks of fish, and that leaves fish in the sea and fewer economic opportunities on land.

I also applaud the encouragement in both of the bills to provide for opportunities for collaboration between scientists and industry. I think that is very important. I think the Committee should be looking at things like the siting of NOAA facilities and fishing ports, which is, I think, direly needed in places like New Bedford. That will facilitate conversation.

I will note, in closing, that one thing that fishermen and the regulators agree upon all the time is that there is a need for funding for research. Everybody agrees on that, and to the extent that even in a resource-constrained environment like the one we are in, additional funding will go a long way.

Thank you for the opportunity, Mr. Chairman.

[The prepared statement of Mr. Mitchell follows:]

PREPARED STATEMENT OF JON MITCHELL, MAYOR OF NEW BEDFORD,
MASSACHUSETTS

Good morning, Chairman Lamborn, Ranking Member Huffman, and members of the Committee. My name is Jon Mitchell, and I am the Mayor of New Bedford, Massachusetts, the Nation's highest grossing commercial fishing port. I appreciate the opportunity to speak to you today about the proposed reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act (the "Magnuson-Stevens Act" or "MSA").

Generally speaking, the Magnuson-Stevens Act has been a success story. America's fisheries are at once among the world's largest and most sustainable. For 40 years, the Act has demonstrated that a scientifically-based, regional approach to fisheries management is necessary to sustain marine ecosystems and fishing communities alike. By facilitating the rebuilding of stocks, the Act has enabled the fishing industry for the most part to preserve steady jobs and to make available to Americans a critical source of food.

That the Act is subject to reauthorization every 10 years is a recognition that marine environments, fishing technology and scientific methods are dynamic, and that the statutory framework governing commercial fishing must keep up.

That time is upon us now, and it is a testament to the success of Magnuson-Stevens that none of the proposals from either side of the aisle would rework the Act's basic framework. Rather, the range of discussion has focused on reasonable adjustments to the Act in light of the last 10 years of experience. In my view, many of these adjustments can advance the Act's seemingly conflicting goals of promoting commerce and preserving the environment.

I will outline what I believe are the key areas for reasonable reform.

FLEXIBILITY IN THE REBUILDING PERIODS

One of the central tenets of the Magnuson-Stevens Act is that fisheries management can be effective only if it is tailored to the unique characteristics of America's various fisheries. There is enormous diversity in marine ecosystems and fishing communities along America's coasts. Under Magnuson-Stevens, fisheries management is designed, therefore, to be bottom-up.

Rulemaking is driven accordingly by the eight Regional Fisheries Management Councils, which are comprised largely of individuals drawn from industry, academia, and government. The Councils are empowered with a variety of tools to manage fish stocks and pursue the goals of the Act, relying on the input from their scientific committees and public input from fishermen, local government officials, environmental groups, and other regional stakeholders. Although Council decisions are subject to approval by the Secretary of Commerce to ensure some semblance of national uniformity in rulemaking, the whole system is based on the idea that the Councils, not officials in Washington, are in the best position to evaluate the economic and ecological conditions in their regions, and that they should have sufficient flexibility to promulgate rules in light of those conditions and the goals of the Act.

One of the major problems with the existing law is that Council flexibility was severely limited in 1996 with the passage of the Sustainable Fisheries Act, which sought to end overfishing immediately, rebuild stocks as quickly as possible, and to reduce fishing capacity through limited access programs. To effectuate these laudable goals, the '96 Act imposed a strict, 10-year rebuilding schedule for overfished

stocks. There is, however, no real biological justification for such a timetable. Suffice it to say, nature doesn't adhere to round-number deadlines.

As a result, our fishermen are often unable to catch their full scientifically-justified quota. Let me explain.

The 10-year requirement places unrealistic mandates on fisheries managers, especially given that many stocks do not have the quality and quantity of scientific data that would be necessary to make accurate 10-year estimates. Many species have their annual allocations set too conservatively as a result. When quota is set too low on certain species, it prevents fishermen from catching the other, healthy species that intermingle with them. These so-called "choke" species are the reason why fishermen in the North Atlantic cannot catch their full quota of healthy and abundant species such as haddock.

The 10-year rule is arbitrary, and its establishment was at odds with the underlying premise of regional management. Regional Councils should have the flexibility to set rebuilding timelines for stocks under their jurisdiction based on the unique biological and ecological conditions, and by giving appropriate weight to the economic well-being of fishing communities.

Eliminating the 10-year rule should not be regarded as a compromising of the conservation imperatives of the Act. Quite to the contrary, replacing the 10-year rule with one that is based on the regeneration rate of a threatened fish stock—as some members have proposed—will lead to clearer, more predictable outcomes without causing unnecessary disruption to fishermen, and without compromising the rebuilding of fish stocks.

The term "flexibility" should not be understood as a euphemism for de-regulation. The Councils are in the business of finely calibrating decisions in light of relevant environmental and economic data, and their own experience and expertise. In the discharge of their duties, they tend not to win friends either in the fishing industry or in the conservation community, and given the goals of Magnuson-Stevens, that's probably the way it should be.

It may not be easy, but by working together, across the aisle and across the sometimes gaping divide between the fishing industry and conservation communities, it should be possible to formulate a biologically-based rebuilding framework that provides both scientifically-justified flexibility and appropriate accountability.

SETTING OF ANNUAL CATCH LIMITS AND THE MIXED-STOCK EXCEPTION

In a similar vein, the Councils should have greater flexibility in setting Annual Catch Limits, or ACLs, to ensure that management decisions fairly reflect all of the goals of the Act. Recently, NOAA revised the National Standard One Guidelines, instructing the Regional Councils to consider both scientific and management uncertainty when setting quotas. Many of these recommendations, such as the application of a mixed stock exception to the Act's annual ACL requirement, and the authorization for Optimum Yield (OY) to be expressed qualitatively in data poor situations, would significantly improve the Councils' ability to achieve the Act's stated goal of achieving optimum yield "on a continuing basis." This is a step in the right direction.

Inasmuch that the Act calls on Councils to balance the health of the fishery and the socio-economic impact of its decisions on fishing communities, the setting of ACL should reflect that careful balancing.

ENCOURAGING COLLABORATION

The Act also should encourage cooperative research, especially between government and the industry, as well as to encourage the creation of new scientific working groups to ensure that information used by NOAA and the Management Councils undergoes proper scientific review.

In New England, some of our best scientific innovations have come from collaborations between the industry, government and independent scientists. For example, in the 1990s, the Atlantic scallop fleet began deploying video survey technology to generate additional measurements of the scallop population. These surveys, together with additional research on gear and habitats, led to revised, more accurate estimates of scallop abundance, and are one of the primary reasons the Atlantic scallop fishery became the most successful in the world. Scientists at the University of Massachusetts-Dartmouth are currently developing new methods to apply the same video survey techniques to the region's groundfish stocks.

The problem is that these collective victories tend to be one-off. The Act must lead to a more systematic approach to encouraging cooperative research. Requiring NOAA to come up with a plan to implement and conduct cooperative research programs would go a long way. Gathering data from various sources will lead to greater

accuracy in stock assessment and reduce the need for uncertainty buffers in the setting of annual catch limits.

Cooperation also could be greatly facilitated by siting NOAA facilities in fishing communities. In too many places across the country, geographic distance between regulators and commercial fishermen is an impediment to cooperation. The reality is that many key NOAA scientific and administrative facilities are not located in or near fishing communities, making it more difficult to achieve some level of understanding between the regulators and the regulated community. One of the more egregious examples concerns the Port of New Bedford. Despite accounting for more than a third of the landings in New England, New Bedford is the site of fewer than 10 out of over 500 of NOAA employees in New England. If there is to be real collaboration, NOAA must give strong consideration in its siting decisions to locating facilities in places where commercial fishing is actually taking place.

ANTIQUITIES ACT

In March, I submitted testimony to this Subcommittee concerning the implications of last year's designation of Northeast Canyons and Seamounts Marine Monument under the Antiquities Act. The problem with the designation was fundamentally a procedural one. The process that led to the designation lacked the scientific rigor and industry input that ordinarily come with temporary ocean closures, much a less a permanent closure.

As I argued then, the continued use of a parallel process outside the Magnuson-Stevens Act, however well-meaning, ultimately works against the long-term interests of all stakeholders.

We all lose when the checks and balances employed in the Council process are abandoned. A decision-making process driven by the simple assertion of executive branch authority ultimately leaves ocean management decisions permanently vulnerable to short-term political considerations.

Although the current administration has taken steps to revisit the Atlantic monument designation, I believe there needs to be a legislative fix of the inherent conflict between the Magnuson-Stevens and Antiquities Acts, so that decisions to close areas of the ocean to commercial activity can have the full benefit of a rigorous and transparent process.

"OVERFISHING"

I agree with the proposals to revisit the term "overfishing," which is used in the Act to describe a stock that has fallen below a minimum biomass such that "maximum sustainable yield" (MSY) cannot be generated. "Overfishing" is a charged term that may not accurately describe why a particular stock is diminished. There can be a number of reasons for the loss of biomass of a given fish stock that have nothing to do with fishing activity, including the effects of climate change, pollution, changes in migration patterns, other offshore activity, or increased presence of natural predators. The term also can complicate management of multi-species complexes and management measures that are necessary to address stock diminishment. Describing threatened stocks instead as "depleted" would be a more neutral, and often more accurate, label.

RESOURCES

Stock assessments are the most important source of information in the regulatory process. If there is one area where the regulators and the regulated community always agree, it is that maintaining, and indeed enhancing, funding for scientific research will be imperative in the long run to fishing communities and fish stocks, alike.

CONCLUSION

Our Nation's fisheries are already some of the best managed and most conservation-minded and sustainable fisheries in the world. By making reasonable revisions to the Magnuson-Stevens Act, Congress can ensure that our fisheries are environmentally sustainable, and that commercial fishermen can continue making vital economic contributions to their communities.

Mr. YOUNG. Thank you, Mr. Mayor.
Mr. Blankenship, you are recognized for 5 minutes.

**STATEMENT OF CHRIS BLANKENSHIP, COMMISSIONER,
ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL
RESOURCES, MONTGOMERY, ALABAMA**

Mr. BLANKENSHIP. Chairman Young, Ranking Member Huffman, and Subcommittee members, thank you for the opportunity to speak with you today. My name is Chris Blankenship, and I am the Commissioner of the Alabama Department of Conservation and Natural Resources.

Consistent management and access to healthy fisheries, especially red snapper, is of the utmost importance to Alabama. Even though we have the smallest coastline on the Gulf of Mexico, we land, on average, 30 to 35 percent of the recreationally caught red snapper from the entire Gulf.

I would like to thank Secretary Ross, the Department of Commerce, and NOAA fisheries for working with the Gulf states this year to allow additional access to the red snapper fishery in Federal waters. The renewed desire to work together has been very refreshing.

We have such a great red snapper fishery off of our coast because we have built the largest artificial reef system in the country. Through partnerships with many organizations, we have placed over 17,000 reefs in the 1,200 square miles of reef zones managed by the state. We managed the building of the reefs and the creation of this productive habitat, but currently NOAA fisheries manages the fisheries.

The Magnuson-Stevens Fishery Conservation Act has done a marvelous job of managing the commercial fisheries of the United States. It has also been very effective at protecting fisheries that were undergoing overfishing. Such was the case with red snapper in the 1990s. However, the management regime under MSA is not conducive to rapidly improving fisheries such as the current situation with red snapper and grey triggerfish in the Gulf of Mexico.

The hard quotas and lack of flexibility causes the season to get shorter and shorter, even though the fishery is more robust than it has been in over three decades. For example, the stock assessment process is very slow. There are many years between stock assessments, and the data used in the assessments are generally terminated a year or more before the assessments commence.

In short, this means that the management decisions and quota set for this year uses data that is over 5 or 6 years old. The season is set and the catch is measured against what the population was 5 years ago. This causes the total allowable catch for a rebuilding fishery to be set artificially low. The larger, more abundant fish are landed, and cause the artificially low quota to be caught very quickly. This has crippled the access for recreational anglers for red snappers and triggerfish.

Changes were made to the Federal MRIP program in 2013. Each of the Gulf states has implemented a state-specific red snapper data collection program because there is little belief that the current MRIP estimates for short-season fisheries like red snapper are correct.

To determine the actual catch of red snapper landed in Alabama, we have developed and implemented the mandatory red snapper reporting system, the Alabama Snapper Check. This system has

been very successful, and it shows that individualized data collection that best fits the geography and circumstances of each state can be very beneficial.

Alabama also continued with the current MRIP system, and has conducted both systems simultaneously to have a comparison of the validity. The results are striking. Federal estimates for red snapper landings for 2016 were almost 2.8 million pounds, while the Alabama Snapper Check system estimated about 1.6 million pounds were landed. That is a 72 percent discrepancy. This is very consistent with the results from 2014 and 2015, as well.

This inaccuracy has had a profound negative effect on the red snapper season length and, consequently, a profound negative effect on the economy of coastal Alabama. Even though we have been working with NOAA fisheries every step of the way since 2014 to certify the Alabama Snapper Check system, to date we have still not received that certification. We are promised a decision by the end of this year. Three years is a very long time to work toward this certification.

With the management regime proposed by H.R. 3588, the Alabama Snapper Check system will be vitally important to accurately estimating the catch, and ensure that overfishing does not occur.

The Gulf-wide single-stock Federal management of red snapper and grey triggerfish is not working for all the states. There is a need for management on the regional or state level. For true regional management, each region needs the ability to conduct a stock or population assessment for the fishery within its region, and then manage that stock independent of the other regions.

Alabama just completed our own comprehensive population estimate of red snapper for the area south of our coast. Our population estimate in the Alabama Snapper Check program gives Alabama the ability to adequately manage the red snapper fishery off of our coast in totality. We can conduct stock assessments, we can set a healthy quota, and we can accurately monitor the catch to ensure that the red snapper fishery is not overfished, while at the same time allowing access to our fishermen. I feel that Alabama has more of an opportunity to manage this fishery under the provision of these bills than we currently have under Federal law.

Thank you for this opportunity to participate in this most worthy discussion, and I will be happy to answer any questions you may have at the appropriate time.

[The prepared statement of Mr. Blankenship follows:]

PREPARED STATEMENT OF CHRISTOPHER BLANKENSHIP, COMMISSIONER, ALABAMA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Mr. Chairman and members of the Committee, thank you for the opportunity to appear before you today to testify on the extremely important subject of red snapper management. I am Chris Blankenship, and I am the Commissioner of the Alabama Department of Conservation and Natural Resources. Under Alabama Law, the Alabama Department of Conservation and Natural Resources (ADCNR) has full jurisdiction and control of all seafoods existing or living in the waters of Alabama, and it shall ordain, promulgate and enforce all rules, regulations and orders deemed by it to be necessary for the protection, propagation or conservation of the same. The Marine Resources Division (MRD) of ADCNR is responsible for managing the fisheries in the coastal waters of Alabama and advising the Commissioner of

Conservation relative to saltwater fisheries and seafoods. Prior to my current position, I was the Director of the Marine Resources Division for 7 years.

I am so honored to appear before you today because, for the state of Alabama, the red snapper fishery is the most important recreational fishery in the Gulf of Mexico. Prior to 1997, the red snapper fishery was open 365 days a year with very liberal creel and size limits or no limits at all. The red snapper fishery was being overfished, and additional management measures were put in place to protect the stock. In 1997, the recreational season was shortened to 330 days with progressively shorter seasons in 1998 and 1999 when the season length was 240 days. During the years of 2000 through 2007, the season was stable at 194 days. In 2008, the recreational season really began to be curtailed when the season was shortened to 65 days. In 2012, the season was 45 days long, in 2013 the season was 28 days, and from 2014–2016 it was around 10 days. In 2017, the private recreational season was initially set at 3 days!

The Magnuson-Stevens Act (MSA) has been a great tool for managing the commercial fisheries of the United States. The MSA has also been instrumental in rebuilding fisheries that have undergone overfishing. I am happy to report that the red snapper fishery is no longer considered to be undergoing overfishing. However, the MSA has not been very effective at allowing recreational access to fisheries as the fishery has been rebuilt. We are seeing this in the Gulf of Mexico in both the red snapper and grey triggerfish fisheries. Stock assessments are several years behind and quotas are set based on levels observed in the fishery many years earlier. This creates quotas that are unnecessarily low for these rebuilding fisheries. As the fisheries rebuild, both the average weight and the abundance increase, causing the fishery to meet these unnecessarily low quotas at a much faster pace. This has led to very brief seasons or, in the case of gray triggerfish, no season. The continued reduction and fluctuation of fishing seasons has placed a real hardship on the recreational and charter fishermen of the state of Alabama and other Gulf states.

Alabama has a relatively small coastline compared to the other Gulf states. Even though the coastline of Alabama is less than 5 percent of the total Gulf coastline, we land on average 30–35 percent of the recreationally caught red snapper in the Gulf of Mexico. The city of Orange Beach is known as “The Red Snapper Capital of the World.” The charter and for-hire fleet in Orange Beach contains more than 200 vessels. This is the largest homeport for charter and for-hire vessels in the entire Gulf of Mexico. The people of the coastal areas of Alabama and particularly the people of the cities of Orange Beach, Gulf Shores and Dauphin Island are proud of the outstanding red snapper fishery we have in the Federal waters adjacent to Alabama. You might wonder how a state with such a small coastline could land that many red snapper. The state of Alabama has built this premier red snapper fishery through the creation of man-made artificial reefs.

ARTIFICIAL REEFS

Alabama has the largest artificial reef program in the United States. Red snapper, as well as other reef fish, need structure to thrive. The water bottoms off the coast of Alabama are relatively flat with very little relief. Until the last 50 years, the only places that red snapper were caught off our coast were on the very few natural reefs and outcroppings in the Gulf. Beginning in the 1950s, the Alabama Marine Resources Division began placing material in the waters offshore to create habitat for reef fish. The initial placements were so successful that in the 1970s Alabama worked with the Corps of Engineers to create the Alabama Artificial Reef Zone. This 1,030-square-mile area in Federal waters adjacent to Alabama is managed by the Marine Resources Division. Over the past 40 plus years, more than 17,000 reefs have been placed in the reef zone. These reefs include over 100 decommissioned military tanks, concrete bridge rubble and metal bridge spans, over 1,000 10-foot-tall concrete pyramids, many barges, ships, tugs, airplanes, dry docks, oil and gas rigs, concrete culverts, and pipes. Private companies and individuals have also placed several thousand reefs that met reef construction protocols and were permitted by the Marine Resources Division. This habitat creation has caused the population of red snapper to increase substantially off the coast of Alabama.

I would like for ADCNR to take full credit for the success of the Alabama Artificial Reef Program, but it cannot. Although the program is managed by the Marine Resources Division and the state of Alabama has invested millions of dollars in reef construction, the level of success we have seen would not have been possible without the partnerships we have participated in with the charter industry, recreational fishing organizations and private industry. The Orange Beach Fishing Association has been instrumental in partnering with us to fund reef construction. Through the Red Snapper World Championship Fishing Tournament, hundreds of

thousands of dollars were raised to build reefs. The Alabama Road Builders Association and the oil and gas industry saw the great fishery we were building in Alabama and provided material and funds to construct reefs. The Coastal Conservation Association has been a valuable addition to recent participation in reef-building activities both in Alabama waters and in adjacent Federal waters. The most recent partnership has been the creation of the Alabama Gulf Coast Reef and Restoration Foundation. This group was formed to bring together state, county and local governments as well as coastal chambers of commerce, coastal businesses and fishing interests to continue to fund reef-building.

The millions of dollars that have been invested in artificial reefs and the foresight of so many people have created this great red snapper fishery, but these same people are only able to have access to this fishery for a few days out of the year due to current stringent fishing seasons.

REGIONAL MANAGEMENT OF RED SNAPPER

The Gulf of Mexico Fisheries Management Council and the National Marine Fisheries Service are currently tasked with the management of red snapper. Currently, the red snapper stock is managed as a single stock in the Gulf of Mexico with an overall Gulf-wide quota. The overall quota is divided between the recreational sector, with 49 percent of the quota, and the commercial sector, with 51 percent of the total quota. The recreational quota is again split between the private recreational fishermen and the federally permitted charter-for-hire vessels. Once the recreational quota is met, or is projected to be met, the recreational red snapper fishery in the Federal waters of the Gulf of Mexico must close. The commercial sector is managed under an Individual Fishing Quota program (IFQ). The IFQ program has been very successful at managing the commercial catch each year.

As previously stated, currently the red snapper stock in the Gulf of Mexico is managed as a single unit. This single unit management includes both fish caught in state waters as well as fish caught in Federal waters. Some of the states have red snapper seasons in state waters that differ from the Federal red snapper season, which is within their sovereign rights. The issue for a state like Alabama is that the fish caught during these state seasons is deducted from the overall Gulf-wide quota which shortens the seasons in Federal waters off the coast of Alabama.

The large decrease in the recreational season length coupled with the inconsistent red snapper seasons by some states has many people looking for solutions. One of those possible solutions is regional management of red snapper and other reef fish. Many aspects of regional management remain under discussion but one thing is clear: the current Gulf-wide, single-stock management system through the Gulf of Mexico Fisheries Management Council has not satisfactorily served the fishermen of the Gulf of Mexico or the resource.

Three proposed amendments to the Red Snapper Fishery Management Plan are currently before the Gulf of Mexico Fisheries Management Council to establish state management of red snapper off the coasts of Alabama, Louisiana and Mississippi. Each state would be allocated a portion of the recreational red snapper quota as set by the Science and Statistical Committee of the Gulf Council. This allocation would be determined using prior landing history and other factors to establish a fair distribution of allocation. Once a state receives its allocation of the total quota, the state could enact management measures that would best fit the needs of that state. This flexibility would assist in lengthening the season for most states, but the biggest benefit would be that seasons and management measures could be tailored to optimize the socio-economic needs of each region. Currently, the red snapper season begins on June 1 of each year and runs consecutively until the quota is projected to be met. Some states, due to tourism, weather patterns, or other factors, would prefer a season at a different time other than June each year. For example, some states might want a season in April or May, some would like a weekend-only season, and some would like a fall season while others would want a split season. Regional management would allow each region or state to set seasons that would provide the greatest benefit to the fishermen and coastal economies within their state while still protecting the red snapper stock.

Regional management and quota allocation would also solve the problem of different state water areas and incompatible regulations. Each region would be allotted a certain amount of pounds to manage. It would not matter if the fish were caught in state waters or Federal waters; it would still be counted toward that one region's allocation without adversely affecting another region. Regions could also use other measures to better manage the fishery in their region, including setting different bag limits or size limits or assigning different sectors a portion of the regional quota.

H.R. 3588, as proposed, would use a different regional or state management strategy. This depth/distance-based concept is very interesting. I think this has a great deal of potential. It would allow the states flexibility in setting the seasons for the private recreational fishermen. It would not change the system or seasons for the charter-for-hire or commercial fisheries. Those sectors have been consistent in their desire to stay under current Federal management. Red snapper live and thrive out to about 600 feet or 100 fathoms. Limiting private recreational fishing to waters less than 25 fathoms would establish something like a sanctuary for most of the red snapper biomass. The fallacy I see with the plan is that the quota and total allowable catch are set by NOAA Fisheries under the current system. It does not appear that the biomass in the areas outside 25 fathoms and not available for recreational harvest would be credited to the plan. If the state and selected NOAA scientists can work together to produce a comprehensive stock assessment or population estimate for each region or state and then manage the resultant quota with the means that protect the red snapper stock while also allowing greater access to recreational fishermen that would be a vast improvement over the current system.

NOAA Fisheries needs to use a better procedure and timeline for certifying state data collection programs. The current Alabama Snapper Check program was begun in 2013. The development of the program has been partially funded by NOAA, and we have worked with the MRIP staff and the NOAA consultants every step of the way. Certification should be a simple matter of accepting the report and agreeing that we have used the methods suggested by NOAA and the consultants. We submitted our final report and request for approval months ago. It is now anticipated by NOAA MRIP staff that we will have a decision before the end of calendar year 2017. Having a 6-month deadline for the Secretary to certify programs should be an improvement.

RECREATIONAL RED SNAPPER DATA COLLECTION

Due to changes in the Federal Marine Recreational Information Program (MRIP) in 2013, the reported catch of red snapper was drastically inflated over previous years. The public has lost confidence in this system and, frankly, so have many of the Gulf states. Each of the Gulf states has implemented a state-specific red snapper recreational data collection program because none of them believes that the current MRIP estimates are correct. There has been a consensus in Alabama from the charter fishermen and many recreational fishermen that for the opportunity to pursue regional management they would be willing to take a more active role in reporting their catch. In order to determine the actual catch of red snapper that is landed in Alabama, the Alabama Marine Resources Division developed and implemented a mandatory Red Snapper Reporting System, beginning with the 2014 red snapper season. This program requires both charter and recreational fishermen to report their catches of red snapper upon their return to the dock. This system has been very successful in its first 3 years and shows that individualized data collection that best fits the geography and circumstances of each state can be very beneficial.

Alabama implemented this new system in 2014, but we also continued with the current MRIP system and conducted both programs simultaneously so we would have a comparison of the validity. The results were striking. The Alabama system estimated that 601,155 pounds of red snapper were landed during the 2014 season, while the Federal MRIP system estimated that 1,091,000 pounds were landed. In 2015, Alabama Snapper Check estimated 1,485,778 pounds of red snapper were landed in Alabama while MRIP estimated 2,373,392 pounds. In 2016, 1,620,879 pounds were estimated by Snapper Check and MRIP estimated 2,791,051. For the 2017 season Alabama Snapper Check preliminary landings are estimated at 1,733,527 pounds. The Federal MRIP estimate for the 2017 season will not be available for many more months.

Alabama validated its results by using video counts of vessels launched at coastal boat ramps. These video count estimates were a near identical match to the Alabama red snapper reporting system data. We feel that the Federal system has repeatedly overestimated the catch for Alabama by nearly double. This gross inaccuracy has a profound effect on the red snapper season length and consequently a profound negative effect on the economy of Coastal Alabama. Alabama plans to continue the mandatory red snapper reporting system in 2018 and beyond. We have worked with NOAA Fisheries throughout the development and implementation of Alabama Snapper Check. I would have anticipated that NOAA Fisheries would have certified our system by now, but they have been very slow at evaluating and approving our methodologies. We are also working with NOAA Fisheries to calibrate the MRIP system and to explore how the Alabama data can be used in that system and in future assessments.

The charter fleet in Alabama has proposed 100 percent electronic trip reporting to ensure compliance and to assist in quota monitoring. In Alabama we are continuing to explore new technology to improve the reporting of recreational catch. Alabama has shown that under regional management we have the desire and the ability to better monitor the catch of red snapper than the current Federal system. With the management proposed by both H.R. 2023 and H.R. 3588, the Alabama Snapper Check system will be vital to accurately estimating the catch to ensure overfishing does not occur. I am concerned about the cost of additional data collection. Whether this fishery is managed under a form of regional management or continued Federal management, adequate funding for recreational data collection is imperative.

REGIONAL MANAGEMENT AND STOCK ASSESSMENTS

The proposed concept of regional management is a step in the right direction. The flexibility to set seasons and other management measures by region will go a long way toward providing tailored management that best suits the socio-economic and fishery management needs of the region. However, not all regions have the same habitat and, therefore, not all regions have the same stock characteristics. As previously stated, Alabama has the largest artificial reef program in the United States. We have more than 17,000 reefs that have been placed in our reef zones. This large amount of habitat has produced a large amount of fish. Not all states or regions have this large concentration and population of red snapper and other reef fish. Currently, the red snapper stock is assessed and managed as a single unit. For true regional management, each region needs the ability to conduct a stock assessment or population estimate for the fishery within its region and then manage that stock independent of the other regions. The current Magnuson-Stevens Fishery Conservation and Management Act (MSA) does not allow this type of true regional management.

In some cases, the data collected by NOAA Fisheries is not adequate to fully inform the stock assessment models. To obtain a large portion of the data included in the red snapper stock assessment, NOAA Fisheries conducts fishery independent data collection for reef fish using a bottom long line. NOAA conducts this work from the Texas/Mexico border to the tip of Florida. However, their sampling protocol explicitly excludes the Alabama Artificial Reef Zones from its data collection. To me this is akin to conducting a census of the United States but excluding all the cities and just sampling the rural areas. Our United States population count would be drastically different if the census were conducted in this manner. I feel the red snapper information collected by NOAA is also skewed by excluding the areas where over 30 percent of ALL the red snapper in the Gulf of Mexico are caught. In order to collect this information and have it included in the red snapper stock assessment, Alabama has funded and conducted our own bottom long line data collection program in Federal waters. Alabama is spending the hard-earned money of our citizens in order to collect data that NOAA Fisheries should be collecting. Again, this is blatantly unfair to the citizens of Alabama.

Alabama has completed our own comprehensive population estimate of red snapper within the Alabama Reef Zones. This population estimate was conducted by Dr. Sean Powers of the University of South Alabama. The estimate shows that we have more red snapper off the coast of Alabama than is being estimated by NOAA Fisheries. We will continue to refine this estimate and work to have the information included in the next benchmark red snapper stock assessment. We are currently conducting a red snapper stock assessment for the area south of the Alabama coast. When the Alabama Red Snapper Population Estimate and the Alabama Red Snapper Stock Assessment are peer-reviewed and scientifically accepted, they will show that Alabama has the ability to adequately manage the red snapper fishery in totality. We can conduct the stock assessments, we can set a healthy quota, and we will be able to accurately monitor the catch to ensure that the red snapper fishery is not overfished while at the same time allowing access to our fishermen. I feel that Alabama has more of an opportunity to manage this fishery in totality under the provisions of H.R. 2023 and H.R. 3588 than we currently have under NOAA Fisheries and current Federal law.

Thank you again for the opportunity to participate in this most worthy discussion. The red snapper fishery is of utmost importance to the people and the coastal economy of the state of Alabama. If I can ever assist in any way, please feel free to contact me.

QUESTIONS SUBMITTED FOR THE RECORD BY REP. JOHNSON TO CHRIS BLANKENSHIP,
COMMISSIONER, ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Questions Related to Red Snapper Act

Question 1. As a member of the Louisiana Congressional delegation and a former member of the Louisiana House of Representatives, I am quite aware of the contention that the red snapper fishery has caused in the Gulf over the years. It seems, however, that we may finally be on a path forward toward a resolution.

- *1a. I'd like some clarity on the major differences between this current red snapper bill (H.R. 3588) and last year's red snapper bill. What steps does H.R. 3588 take to strike a better balance between improving the needed public access, protecting the rights of recreational anglers, and fairly managing commercial fisheries?*

Answer. The RED SNAPPER Act would permit access in a larger area for private recreational fishermen to sustainably harvest red snapper, while creating a conservation area for red snapper at the greatest depths. States would retain the authority to manage the fishery and establish seasons for harvesting red snapper in state waters—9 miles. However, the bill also creates an expanded area out to 25 fathoms, but not less than 25 miles, for states to establish season lengths for private anglers to harvest red snapper. Fishing days beyond 9 miles would have to be managed in accordance with both the national standards and other criteria outlined in the bill, mindful that this bill still retains the Gulf Council's ability to establish the total allowable catch. This bill would provide access for private recreational fishermen within a new area, making the length of the Federal season for private recreational anglers moot.

Currently, states manage the red snapper fishery out to 9 nautical miles. H.R. 3588 retains that authority and also proposes extending a state's management authority to establish private angler seasons based upon depth and distance from the shoreline. This bill would not transfer management authority of the entire fishery to the states and does not divide allocations among the Gulf states. Finally, this bill would also give more weight to state harvest data to help provide NOAA with more timely information about catch rates and effort.

H.R. 3588 does not establish any new regulatory or advisory group. The previous red snapper bill proposed creating the Gulf Red Snapper Management Authority (GRSMA) to review and approve other states red snapper management plans. H.R. 3588 does not delegate total management authority to the states or regions as was proposed in H.R. 3094.

H.R. 3588 would not change the management structure for federally permitted charter for-hire vessels or commercial red snapper fishermen. Changes to those fisheries management structures were allowed under H.R. 3094.

- *1b. How does the management structure of the different fishing sectors in this bill differ from last years bill?*

Answer. Under H.R. 3588, NOAA Fisheries still sets the Total Allowable Catch and the states or regions are bound by this quota. In the referenced proposed red snapper bill in the last Congress, the states would set the quota for each region and there was no total allowable catch set by NOAA Fisheries.

H.R. 3588 does not change any management structure or quota for the commercial red snapper IFQ program. H.R. 3588 also ensures that the charter for-hire season will not change in duration or timing from what they enjoyed this year. Most of the charter fishermen have been satisfied with the current 49-day season that begins June 1.

- *1c. If I understand you correctly, this bill is not changing the way the commercial sector of the red snapper fishery is managed, correct?*

Answer. Correct, see answer above.

Question 2. Recreational fishermen and women are a huge part of Louisiana's economy. Having a healthy stock is important to them and the local businesses associated with recreational fishing. This may be an overly simplified way to phrase it, but if the recreational fisherman fish all of the fish, then they will have no fish left to fish—I highly doubt that is their goal.

- *What safeguards does this bill put in place to ensure the red snapper stock is not depleted?*

Answer. When establishing seasons, states must ensure season lengths are consistent with the National Standard Guidelines in MSA. Second, because the RED SNAPPER Act amends section 407(d) of MSA, overages by any sector are of greater consequence for that particular sector. NOAA has stated “*accountability measures require that a component that exceeded its ACL in a year must have the component ACL in the next year reduced by the amount of the overage of the total ACL.*” (2017 Gulf of Mexico Red Snapper Recreational Season Length Estimates) In 2016, NOAA estimated that the private angling sector exceeded its component ACL by 25 percent (1M lbs ww) and the Federal charter landings were 30 percent (908K lbs ww) below the component ACL. However, for 2017, due to current law, the entire recreational sector overage was only reduced by 129,906. The RED SNAPPER Act would fix this disparity. Third, the Secretary still has the authority to regulate a state season if a state is taking actions or has failed to take action that leads to implementation of a Federal fishery management plan being negatively affected.

According to a *federally funded study through the State of Alabama Department of Conservation* done by Dr. Sean Powers, Chair, Dept. of Marine Sciences; Director, Center for Environmental Resiliency, University of South Alabama & Senior Marine Scientist III, Dauphin Island Sea Lab, just 19 percent of red snapper occur in water less than 25 fathoms. In other words, 81 percent of the stock is conserved from the recreational fishermen under this legislation. Furthermore, former Louisiana Sea Grant Director, Dr. Charles Wilson has similar numbers from a MMS study done for Louisiana oil platforms.

In addition, the bill does not eliminate quotas and allows NOAA the ability to more effectively manage any quota overages by a particular sector. For example, any quota overage in 2017 by any sector would lead to a decrease for that specific sector's ACL in 2018. Any effort indirectly or otherwise to manage beyond prescribed Annual Catch Targets or quota limits could lead to quota overages, greater paybacks for a specific sector and overfishing.

State surveys also offer more accurate and timely data on harvest rates and fishing effort. States can better manage opening and closing their waters to prevent overfishing. Certified surveys and other means of data collection will ensure the Federal Government has better data. The Federal program that estimates angler harvest—the Marine Recreational Information Program (MRIP)—can provide baseline trends in fishing effort. But, for many offshore, short season fisheries, MRIP does not provide data at the level of accuracy or timeliness needed for in-season management.

Red snapper, prefer habitat(s) near both artificial and natural reefs and at deeper depths. As a result, when these fish are caught, the rapid ascent can cause a series of internal injuries due to the pressure differences between the deep and the surface. These pressure-related injuries are known as barotrauma. There are, however, techniques to help red snapper recover and minimize the potential of the species dying or becoming an easy target for ocean predators. This bill would require the states to develop and implement programs to reduce barotrauma. Red snapper are more susceptible to injury or death from barotrauma in depth over 150 feet of water. Limiting the fishing pressure in the deeper water outside 25 fathoms under this bill will most definitely reduce barotrauma mortality.

Finally, those private anglers caught illegally harvesting red snapper will continue to face appropriate penalties when caught by state or Federal law enforcement officers.

Mr. YOUNG. Thank you, Mr. Blankenship. I am impressed. You are from Alabama and you are on time, I am really impressed. You have a hell of a football team, but you keep time. Thank you, sir.

Mr. BLANKENSHIP. Yes, sir.

Mr. YOUNG. At this time, I ask unanimous consent that the gentleman from Alabama, Mr. Byrne, be allowed to join the Subcommittee on the dais and participate in the hearings.

Without objection, so ordered. Welcome.

The next witness is Mr. Martens. You are recognized.

**STATEMENT OF BEN MARTENS, EXECUTIVE DIRECTOR, MAINE
COAST FISHERMAN'S ASSOCIATION, BRUNSWICK, MAINE**

Mr. MARTENS. Thank you, Mr. Chairman, for the opportunity to testify—

Mr. YOUNG. Get that microphone closer to your mouth.

Mr. MARTENS. Yes, sir. All right. Thank you, Mr. Chairman, for the opportunity to testify on the successes and challenges of the Magnuson-Stevens Act. My name is Ben Martens, and I am the Executive Director of the Maine Coast Fisherman's Association (MCFA), an industry-based non-profit that identifies and fosters ways to restore the fisheries of the Gulf of Maine, and sustain Maine's fishing communities for future generations.

Additionally, MCFA is a founding member of the Fishing Community Coalition, a coalition of like-minded industry groups from Maine to the Gulf Coast to Alaska who believe in long-term preservation of our fishing communities through stewardship.

My comments also come directly from the MSA legislative package crafted by the members of FCC. With your permission, Mr. Chairman, I would like to submit this legislative package for the Subcommittee's consideration, with a focus on our priority areas, which include: accountability, data and monitoring, forage fish protections, and strengthening fishing communities. I go further into detail on these priority areas and others in my written testimony.

Recently, I was with Randy Cushman, a fourth-generation fisherman from Port Clyde, Maine, and the only groundfish fisherman left in a town that was built off the landings of species like flounder, haddock, and cod. Randy was reflecting on his past, and ended up telling me stories about his father, Captain Lee Cushman, who, as fish stocks were declining and jobs were being lost, confessed to his oldest son, "If I had known then what I know now about fish and about fishing, I would have done a lot of things differently." We all would have done a lot of things differently. We just did not know what we were capable of.

We now understand what we are capable of, not only as far as catching fish, but also as to how to rebuild our marine resources and protect our fishing communities. We understand it takes good data and accountability to effectively manage our Nation's fisheries. And a strong Magnuson-Stevens Act has delivered.

Today, less than 16 percent of our Nation's assessed fish stocks are overfished, and less than 9 percent are subject to overfishing. No matter what else we identify as important within this bill, fishermen big and small, commercial and recreational, can all agree that we need robust and healthy fish stocks to sustain our fishing future.

MSA has had great success in achieving that goal, and today I am here to ask you to support a strong MSA rooted in science and accountability in this reauthorization. I don't mean to suggest that MSA is perfect. Some of our most iconic fisheries, including the groundfish fishery back home in Maine, are struggling to rebuild. But New England groundfish is the exception that proves the rule, since poor accountability within that fishery has hampered rebuilding efforts and undermined science and management.

Instead of pushing for change, I want to embrace our successes, and lean into a management model that demands accurate and

timely information. Fisheries management is a data-hungry industry when done correctly, and it is our hope that the MSA reauthorization will focus on ensuring that the data fisheries rely on for successful businesses continues to improve as the world's oceans and ecosystems change at a rapid pace.

Maine is known for our lobsters. But in 1995, lobster only represented 30 percent of Maine's landings. In contrast, by 2015, 87 percent of Maine's landings could be attributed to that one fishery. During this period, Maine lost hundreds of permits for species like scallops and groundfish that add to community economic diversity and create protections for future ecosystem shifts.

Language currently exists in MSA that was intended to allow communities to preserve historic access. To date, it has never been used. We hope that you will address this provision to help allow communities to engage in this process because once those rights are lost they are lost forever. This is something that we cannot afford to continue.

Now, while Randy may be the only groundfish fisherman in Port Clyde, we are working to ensure that he is not the last. The next generation of fishermen face daunting challenges, including the high cost of entry, financial risks, and limited entry-level opportunities.

The Young Fisherman's Development Act, championed by Congressman Young, aims to create a national program modeled after one that already exists for farmers and ranchers. This program would be exclusively dedicated to assisting, educating, and training the next generation of commercial fishermen. I want to thank the Congressman for introducing this language, and I would ask that the Committee give its full consideration to this bill. This is very important to the work that we are doing in Maine and elsewhere.

We appreciate the work that has gone in the current legislative drafts, but MCFA and the FCC cannot support them as they currently stand. The reauthorization of the Magnuson-Stevens Act is an opportunity to reinforce what we have learned. We need accountability throughout our fisheries. We need stronger protections for forage stocks and important habitat. We need science-based decision making, and we need increased protections for our fishing communities.

Our work here is not done, and we cannot afford to look back and say, "If only we had known better," because we do. Randy is building off the knowledge his father left him on how to be a better steward of marine resources. Let us build off the successes of our past, learn from our failures, and ensure that tight lines and full nets are part of our futures.

Thank you for your time today.

[The prepared statement of Mr. Martens follows:]

PREPARED STATEMENT OF BEN MARTENS, EXECUTIVE DIRECTOR, MAINE COAST FISHERMEN'S ASSOCIATION

Thank you for the courtesy of your invitation to testify on the successes and challenges of the MSA. I am Ben Martens, Executive Director of the Maine Coast Fishermen's Association (MCFA). MCFA is an industry-based, non-profit organization that identifies and fosters ways to restore the fisheries of the Gulf of Maine and sustain Maine's fishing communities for future generations. Established and

run by Maine fishermen, MCFA works to provide a voice for our fishing communities; sustain a productive and healthy marine ecosystem; and help build viable fishing businesses on our coast. We do this important work through advocacy, research, education, and marine stewardship but more importantly by empowering fishermen to innovate and focus on the future of their businesses and communities. MCFA is also a founding member of the Fishing Communities Coalition (FCC), an association of community-based, small-boat commercial fishing groups. The FCC represents more than 1,000 independent fishermen and business owners from Maine to the Gulf of Mexico to Alaska who share a commitment to the sustainable management of America's fishery resources. Because the FCC was formed to strengthen and unify the individual voices of our member organizations, my testimony today is endorsed by the FCC.

Healthy domestic fisheries and prosperous fishing communities benefit everyone from the fisherman out on the water to the consumer back home, so it's not surprising that the Magnuson-Stevens Act has historically garnered strong bipartisan support. As we have shown time and again in this country, when we work together we can solve even the most difficult of problems, and rebuilding and managing our Nation's fisheries is no exception. Today, less than 16 percent of the Nation's assessed fish stocks are overfished and less than 9 percent are subject to overfishing. Since 2000, more than 41 fish stocks have been successfully rebuilt, and these healthier stocks have produced increased landings, greater revenues, and more jobs in every region of the United States. The 2006 MSA amendments, which imposed new accountability measures, have been essential to these rebuilding efforts.

That is not to suggest that MSA is perfect. Some of our most iconic fisheries, including the groundfish fishery back home in Maine, are struggling to rebuild. But New England groundfish is the exemption that proves the rule, as poor accountability within the fishery has hampered rebuilding efforts and undermined science, sustainability, and management. Instead of moving away from science and accountability, I want to embrace our successes and lean into a model that demands accurate and timely data from fishermen, scientists, and managers. Fisheries management is a data-hungry industry when managed correctly and it is our hope that MSA will continue to focus on ensuring that the data we rely on will only get better as the world and ecosystem change at an increasingly rapid pace.

While MCFA and the FCC believe that the MSA is working well, we recognize that reauthorization presents an opportunity to build off the 2006 MSA amendments, which imposed new accountability measures and reinforced science-based decision making. These changes have been essential to rebuilding efforts throughout the United States. My remarks today are made in an effort to highlight opportunities to promote and strengthen science-based decision making, to improve fishery data collection, to ensure accountability from all harvesters of the resource, and to better protect our vital commercial fishing communities. With that in mind, while MCFA and the FCC approve of certain provisions of H.R. 200 and H.R. 2023, we cannot support the full bills as they are currently written.

We look forward to working with the Subcommittee on finding the best path forward for reauthorization that does not compromise or roll back the successes we have seen to date. That is why my comments also come directly from the MSA legislative package crafted and approved by the members of the FCC, with the full support of MCFA. With your permission, Mr. Chairman, I would like to submit this legislative package for the Subcommittee's consideration.

COUNCIL ACCOUNTABILITY, TRANSPARENCY AND PUBLIC PROCESS

The FCC MSA legislative package includes portions of H.R. 200—sponsored by Congressman Don Young—including requiring each Scientific and Statistical Committee (SSC) to develop advice in a manner that is both fully transparent and also allows for public involvement. Additionally, in the name of transparency, we would require Council meetings to be posted on their website and require Council and SCC meeting notes and transcripts to be maintained by the Council and made available to the public. To increase accountability of all Council members we propose that all non-procedural votes at Council meetings be taken by recorded vote.

FINANCING OF FISHERIES MONITORING PROGRAMS

We propose to expand to all Councils the discretionary authority to impose fees presently only available to the North Pacific Fishery Management Council (NPFMC). This important tool has allowed the NPFMC to establish fees—the amounts vary from fishery to fishery—as part of a fisheries plan in order to partially offset monitoring costs. The program has been a great success in the North

Pacific region by providing more comprehensive observer coverage at a lower cost to individual fishermen. The fishermen I work with in Maine recognize the importance of high levels of accountability, but they simply can't afford the \$600 a day it costs to carry an observer. This is one of the reasons why MCFA has been at the forefront of electronic monitoring as a replacement for expensive at-sea observers. The FCC legislative proposal would create a dedicated regional fishery observer fund in the Treasury for each Council. Taking these steps should help strengthen important monitoring and data collection measures without increasing the cost to the Federal Government.

RECREATIONAL FISHING/CATCH LIMITS

The work MCFA does on strengthening monitoring programs, helping fishing communities, and ensuring healthy ecosystems can only be fruitful when we have healthy, sustainable fish stocks. That is why MCFA and the FCC have become increasingly concerned about what we are hearing from certain corners of the recreational sector. This debate is not just limited to the Gulf of Mexico, but is one that is taking place to some extent in every region. Mr. Chairman, you've heard a lot from recreational fishing groups, boat and engine manufacturers about how the MSA is not working for them. The FCC, the MCFA, and the community-based commercial fishermen we represent are sympathetic to the challenges and management dilemmas faced today by the ever-increasing number of recreational fishermen. Commercial fishermen have struggled through similar situations which resulted in fewer fishing opportunities, stringent quotas, and the loss of fishing jobs and families. By fighting through those obstacles and working through the MSA and Council process, we have rebuilt many stocks, created healthy fishing businesses, and sustainably harvested new and underutilized species. I would urge the recreational sector to work with the MSA process, rather than weakening it by working around it!

The Modernizing Recreational Fisheries Management Act of 2017 (H.R. 2023), sponsored by Rep. Graves, is based on the premise that recreational and commercial fishing are fundamentally different activities and therefore require different management approaches. I must point out that the MSA already recognizes not two, but three sectors engaged in harvesting fish. The law recognizes that there are two sectors involved in commercial enterprises: commercial fishing and charter/for-hire fishing. Recreational fishermen, more appropriately called private anglers, are the third sector defined by the MSA. The FCC legislative proposal clarifies the distinction between these three sectors. I mention this because it is important to recognize that the MSA is working for the charter or for-hire sector. Indeed, in the red snapper fishery, the charter boat sector has received their own allocation of the catch limit and are managing that allocation in a way that's good for their business.

To provide private anglers greater access—i.e., more fish—to our Nation's marine fisheries, H.R. 2023 allows fishery managers to use alternative management measures and effort controls for recreational fisheries. Unfortunately, these measures weaken the science-based conservation standards and approach of the Magnuson-Stevens Act (MSA). And I can tell you from personal experience, effort controls without strict catch limits do not work. In New England effort controls led to the decimation of the cod stocks. It was thought that as long as fishermen used a certain size net that theoretically wouldn't catch small fish, fishermen could fish as much and as often as they wanted. Our cod fishermen are still paying for that terrible and shortsighted mistake. In weakening the conservation standards and eliminating catch limits for private anglers, the bill ignores the precautionary principle for data-poor stocks; stymies research and innovation by making the EFP process unworkable and burdensome; undermines the 10-year stock rebuilding requirement; and establishes a moratorium on new catch share programs, thus taking away from the Councils an important tool from the management toolbox. We do support whatever management measures work best for recreational fisheries, so long as there is an overall catch limit for that sector, just like every other harvesting sector.

Additionally, as the commercial sector has learned, greater access—more fish—brings with it greater responsibility and accountability. The commercial sector is subject to a high degree of accountability measures including licenses, permits, mandatory catch reporting, at-sea observers, electronic monitoring, vessel tracking devices, mandatory notification of fishing trips, and more. While H.R. 2023 does include beneficial mandates for cooperative data collection, it does not address the fundamental challenge of tracking recreational catch and holding the recreational sector accountable for its catch.

While we agree that recreational, charter, and commercial fishing are different activities with different objectives, the end result of all three sectors is the same: the

harvesting of a public resource. I would urge this Subcommittee to ensure that sound science and individual accountability are the foundation of any new proposal for best management practices for recreational fishing.

Mr. Chairman, as you are aware, the biggest challenge in managing the recreational sector is knowing how much fish is caught on a timely basis and when fishing should stop to avoid exceeding the allocation. To address this problem, the FCC MSA legislative package includes a section that provides Councils the discretionary authority to require permits and catch reports from commercial, charter, and recreational fishing vessels. I note that the Mid-Atlantic Council has just required charter or for-hire vessels that harvest MSA-managed fish in the EEZ to obtain permits and report catch electronically within 48 hours of completing a fishing trip. Our amendment simply clarifies that the Councils can require vessel permits for all three sectors.

In 2006, Congress attempted to address the lack of data from the recreational sector by requiring the Secretary to establish regional registries for recreational fishermen. While well intentioned, these provisions (Sec. 401(g)) lacked the essential requirement of catch reporting and they provided for broad exemptions. We propose to amend the current regional registry program for recreational fishermen fishing in the EEZ by requiring the reporting of vessel catch and landings information on a timely basis. This section also limits the exemption from the registry for state licensing programs to those state programs that require the reporting of catch.

Finally, Mr. Chairman, I would point out that licensing recreational vessels or anglers is not a new idea. More than a decade ago the U.S. Commission on Ocean Policy included in its report to President Bush and the Congress a recommendation to license saltwater anglers.

Recommendation 19–8

The National Marine Fisheries Service (NMFS), working with states and interstate fisheries commissions, should require that all saltwater anglers obtain licenses to improve in-season data collection on recreational fishing. NMFS should review existing saltwater angler licensing programs to determine which approaches best facilitate the collection of data. Based on this review, existing programs should be modified as needed and used wherever possible, developing new programs only if necessary. Priority should be given to fisheries in which recreational fishing is responsible for a large part of the catch, or in which recreational fishermen regularly exceed their allocated quota.

FORAGE FISH

Forage fish are the foundation of our marine ecosystem and having a vibrant forage base is essential to maintaining healthy fisheries. We cannot expect to rebuild iconic species like cod, haddock, and flounder if we do not ensure that there is enough food in the ocean for those species to grow and prosper. Our legislative package requires the Councils to develop a list of unmanaged forage fish and prohibit the expansion or development of new commercial or recreational directed fisheries until the Council has had adequate opportunity to assess the scientific information and considered the potential impacts to existing fisheries, fishing communities, and the marine ecosystem. Science and data for new and emerging fisheries is vital, especially in light of shifting and mitigating fish stocks. Additionally, management plans need to be in place before any new fishery is opened in order to advance ecosystems approaches to fisheries management. The provision is modeled after the Mid-Atlantic Council's Unmanaged Forage Omnibus Amendment.

STRENGTHENING FISHING COMMUNITIES

When Congress reauthorized the MSA in 2006 it included a new section—Section 303A—dealing with limited access privilege programs. This section included provisions designed to allow fishing communities to participate in those programs. Unfortunately, after more than a decade not one fishing community has been able to use these provisions to secure an allocation of fish. Our legislative package proposes to update and streamline the current, unsuccessful MSA provisions. This is an extremely important issue not only to fishing communities in New England but also in Alaska and other rural fishing communities on every U.S. coast. Over the past 15 years we have seen dozens of groundfish boats, based in Maine's fishing communities, sold to other states because they lacked adequate quota. We have seen our groundfish history literally disappear because our fishing communities did not

have a community allocation. We have learned the hard way that once fishing permits and quota migrate away from our fishing communities, they are gone forever.

To improve the likelihood that fishing communities can actually participate in limited access programs, our legislative package establishes national standards for the minimum requirements of a community sustainability plan, allows a community to submit a plan to the Council for approval, and requires that when a Council creates a new LAPP, it must consider the needs of fishing communities and provide a process for communities to participate in the program.

NEXT GENERATION

Last, I would like to highlight the challenges facing the next generation of commercial fishermen. Despite the important role our industry plays in our Nation's economy, there is not a single Federal program devoted to supporting and developing entry-level commercial fishermen. And the time for such a program has never been greater. With the average age of U.S. commercial fishermen increasing, we are deeply concerned that the graying of America's fleet poses a substantial and growing threat to the future of our industry.

The next generation faces daunting challenges, including high cost of entry, financial risks, and limited entry-level opportunities. In Maine, as elsewhere, these challenges are reflected in the declining number of young people entering the industry and the ongoing attrition of fishing rights from remote fishing communities.

Not long ago, the agriculture industry faced similar challenges and worked with Congress to create the Beginning Farmers and Ranchers Development Program. The Young Fishermen's Development Act (H.R. 2079), championed by Congressman Don Young, is modeled after this successful program and aims to create a national program exclusively dedicated to assisting, educating, and training the next generation of commercial fishermen. Specifically, this innovative program would provide competitive grants to foster collaborative state, tribal, regional and local partnerships; promote mentorship opportunities for retiring fishermen and vessel owners; and provide support for regional training and education programs focused on accountable, sustainable fishing and sound business practices.

This bill is an important part of ensuring fishermen in Maine and other regions have the tools and education they need to enter into a successful and fulfilling career. It would also ensure American's fishing communities continue to thrive for future generations by supporting economic opportunity, jobs, and food security while preserving a proud heritage and way of life. I want to thank Congressman Young again for introducing and championing this effort, and I would urge the Subcommittee to give its full consideration to this bill.

In closing, I would again like to sincerely thank the Chairman and this Subcommittee for holding this hearing. I am happy to answer any questions or provide more information or clarification, and look forward to working with the members of this Subcommittee and your staff on MSA reauthorization.

Mr. YOUNG. Thank you, Mr. Martens.
We now recognize Mr. Oliver.
Welcome.

STATEMENT OF CHRIS OLIVER, DIRECTOR, NOAA FISHERIES, WASHINGTON, DC

Mr. OLIVER. Thank you, Mr. Chairman, and good morning. Good to see you, Mr. Young, Ranking Member Huffman, and other members of the Subcommittee. Thank you for the opportunity to testify. My name is Chris Oliver, and I am the fairly new NOAA Assistant Administrator for Fisheries, otherwise known as National Marine Fisheries Service.

In my previous role as Executive Director in the North Pacific Fishery Management Council, I participated in both the 1996 as well as the 2006 reauthorization processes. As I said in a recent hearing on the Senate side, I am wearing a bit of a different hat

today, and this Administration has not yet taken formal positions on the bills that have been introduced. But my fundamental perspectives remain built upon the outstanding success of the Magnuson-Stevens Act, and the successes that we enjoyed in the North Pacific through that Act.

In partnership with Councils, Commissions, and other stakeholders, we have effectively ended overfishing in this country, and are rebuilding fish stocks across the board. Even though we have not taken formal positions as an Administration, I will make some general comments relative to the legislative concepts which are currently under consideration in the various bills.

While we do have a successful construct for fisheries under the Magnuson-Stevens Act, we have challenges in some of our fisheries, particularly those which lack robust stock assessments or which lack real-time catch accounting or data collection methods. Based on my North Pacific experience, I continue to believe that annual catch limits are a cornerstone of sustainable management, but they do present significant management challenges for some of these fisheries. I have gone on record in previous hearings as supportive of some degree of flexibility in certain situations, as long as it does not result in overfishing and does not compromise the long-term sustainability of our resources.

I want to be clear about that. I do not support doing away with annual catch limits and I do not support doing away with rebuilding requirements. But I do believe additional flexibility and how we apply annual catch limits and accountability measures in rebuilding schedules could help address some of the issues we are dealing with.

Many of the bills under consideration address the issue of data collection and the need for improved data collection. This is entirely consistent with ongoing efforts by the agency in collaboration with the states and the Councils, the Commissions, and other stakeholders. We are aggressively exploring the improvement of data collection in our own house, including the expedited certification of state data collection programs, which I have made a renewed priority.

However, I would caution that improved data collection in and of itself will not necessarily resolve the underlying problem in some of these fisheries. And snapper may be an example of that, depending on the data that we get with the improved data collection system.

We face formidable challenges managing recovering stocks to benefit both commercial and recreational user groups who have fundamentally different goals and objectives, and who are seeing increased fish interactions due to strong management measures that have improved historically overfished populations. Snapper is a prime example.

I am committed to working with you on bills put forth by this Subcommittee to ensure that ACL's accountability measures, rebuilding measures, and other aspects are working, again, while predicting long-term sustainability that we enjoy.

One of the most significant challenges we face is striking a balance between commercial and recreational fishing. Legislative provisions which require re-examination of allocations are consistent

with existing agency policy directives, which provide direction to the Regional Councils for evaluating all fisheries allocations. I can tell you in my experience we have gone through many allocations in the North Pacific. Because it is a very deliberative, stakeholder-driven process, it can take time and it can result in incremental changes.

We are working to explore ways to address this growing challenge in ways that accommodate the differing needs among regions, and look forward to working with you on that issue.

We have supported the Gulf Council's efforts to develop a Gulf-wide management strategy which would delegate additional authority to the states under certain conditions, and we look forward to working with the states, various stakeholders, and Congress that provides a solution for reasonable fishing opportunities for recreational fisheries without compromising our long-term sustainability.

Regarding provisions which are aimed at clarifying conflicting statutes, we are currently engaged in a broad initiative across the agencies in terms of agency and regulatory reform under the auspices of various executive orders, which is also consistent with this general goal.

Finally, I want to underscore the value of exempted fishing permits and developing some of our most important management programs around the country.

I am running out of time, so I will just say that, in conclusion, the current Act works very well for most fisheries, but there may be workable opportunities to provide additional flexibility to more effectively manage some of our fisheries and increase fishing opportunities without throwing out our basic tenets of sustainability.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Oliver follows:]

PREPARED STATEMENT OF CHRIS W. OLIVER, ASSISTANT ADMINISTRATOR FOR THE NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE

INTRODUCTION

Good afternoon, Chairman Lamborn, Ranking Member Huffman, and members of the Subcommittee. I appreciate the opportunity to speak with you today about the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). My name is Chris Oliver and I am the Assistant Administrator for the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) in the Department of Commerce. From daily weather forecasts, severe storm warnings, and climate monitoring to fishery management, coastal restoration, and supporting marine commerce, NOAA's products and services support economic vitality and affect more than one-third of America's gross domestic product. NOAA's dedicated scientists use cutting-edge research and high-tech instrumentation to provide citizens, planners, emergency managers, and other decision makers with reliable information they need when they need it.

Today, I will describe the agency's work under the Magnuson-Stevens Act, which sets forth standards for conservation, management, and sustainable use of our Nation's fisheries resources.

PROGRESS UNDER THE MAGNUSON-STEVENS ACT

The Magnuson-Stevens Act provides the Nation with a very successful fisheries management construct. U.S. fisheries are among the world's largest and most sustainable. For 40 years, Magnuson-Stevens has demonstrated that a dynamic science-based management process is fundamental for sustainably managing fisheries. The goal of fisheries management is to achieve fisheries that are environmentally,

economically, and recreationally sustainable. In partnership with the Regional Fishery Management Councils (Councils), interstate fishery commissions, and our stakeholders, and driven by the Magnuson-Stevens Act, the agency has effectively ended overfishing and is rebuilding domestic fish stocks. As of December 31, 2016, 91 percent of stocks for which we have assessments are not subject to overfishing and 84 percent are not overfished.¹ By preventing overfishing and rebuilding stocks, we are strengthening the value of fisheries to the economy and communities that depend on them, and also ensuring a sustainable supply of seafood for the Nation in the future.

Our most recent data show that after adjusting for inflation the landed volume and the value of commercial U.S. wild-caught fisheries remained near record highs. U.S. commercial fishermen landed more than 9.7 billion pounds of seafood valued at \$5.2 billion in 2015.² The seafood industry—harvesters, seafood processors and dealers, seafood wholesalers and seafood retailers, including imports and multiplier effects—generated an estimated \$208 billion in sales impacts and supported 1.6 million jobs in 2015, the most recent year for which economic impact numbers are available.

Saltwater recreational fishing is among the Nation's favorite pastimes and is a major contributor to the U.S. economy at all levels. In 2015, the Nation's 9 million saltwater recreational anglers took more than 60 million fishing trips and spent \$28.7 billion on fishing trips and durable fishing related equipment while spending time outdoors with friends and family. Their expenditures drove \$63 billion in sales impacts, a 5 percent increase from 2014, supported 439,000 jobs, and contributed \$36 billion to the U.S. gross domestic product.³ In partnership with the recreational fishing community, NOAA Fisheries is committed to ensuring abundant and enduring saltwater recreational fishing opportunities now and into the future. To this end, I am pleased to announce that NOAA Fisheries is partnering with the Atlantic States Marine Fisheries Commission to host a national summit on saltwater recreational fisheries in March 2018 to chart a course toward future success.

Marine aquaculture production totaled 90 million pounds valued at \$3.8 million in 2014, with the largest regional producer being the Atlantic, which represents almost 50 percent of the total value.⁴ Aquaculture production has tremendous untapped potential and NOAA will be working to expand aquaculture opportunities, a key priority for Secretary Ross.

Marine fish and fisheries—such as tropical tunas in the Western and Central Pacific, salmon in the Pacific Northwest, halibut and groundfish in Alaska, cod in New England and red snapper in the Gulf of Mexico—are vital to the prosperity and cultural identity of coastal communities in the United States. U.S. fisheries play an enormous role in the U.S. economy. In Alaska, where I have lived for the last 27 years, Dutch Harbor leads the Nation for the 19th consecutive year as the port with the highest volume of seafood landed (787 million pounds valued at \$218 million).⁵

Around the country, commercial fishing supports fishermen, contributes to coastal communities and businesses, and provides Americans with a valuable source of local, sustainable, and healthy food. Recreational and subsistence fishing provides food for many individuals, families, and communities; is an important outdoor family activity; and is a critical economic driver of local and regional economies, as well as a major contributor to the national economy. Subsistence and ceremonial fishing also provides an essential food source and has deep cultural significance for indigenous peoples in the Pacific Islands and Alaska and for many tribes on the West Coast.

Under the Magnuson-Stevens Act, the United States has many effective tools to apply in marine fisheries management. The advancement of our science, management, and enforcement tools has resulted in improved sustainability of fisheries and greater stability for industry. Yet, as we look to the future, we must continue seeking opportunities to further improve our management system. Our progress has not come without costs. For example, fishermen, fishing communities, and the Councils

¹ See Status of the Stocks 2016. NMFS Office of Sustainable Fisheries, available at: http://www.nmfs.noaa.gov/sfa/fisheries_eco/status_of_fisheries/archive/2016/status-of-stocks-2016-web.pdf.

² See NOAA Annual Commercial Fisheries Landings Data base, available at <http://www.st.nmfs.noaa.gov/commercial-fisheries/commercial-landings/annual-landings/index>.

³ See Fisheries Economics of the U.S. 2015. NMFS Office of Science & Technology, available at: https://www.st.nmfs.noaa.gov/economics/publications/feus/fisheries_economics_2015/index.

⁴ See Fisheries of the United States, 2015. NMFS Office of Science & Technology, available at: <http://www.st.nmfs.noaa.gov/commercial-fisheries/fus/fus15/index>.

⁵ See Fisheries of the United States, 2015. NMFS Office of Science & Technology, available at: <http://www.st.nmfs.noaa.gov/commercial-fisheries/fus/fus15/index>.

have had to make difficult decisions and absorb the near-term costs of conservation in exchange for long-term economic and biological sustainability.

MAGNUSON-STEVENS ACT FLEXIBILITY AND REGIONAL APPROACH

The Magnuson-Stevens Act created broad goals for U.S. fisheries management and a unique, highly participatory management structure centered on the Councils. Given my past work as the Executive Director of the North Pacific Fishery Management Council, I can attest to the value of the Regional Fishery Management Council system established through the Magnuson-Stevens Act. This structure encourages a collaborative, “bottom up” process where fishermen, other fishery stakeholders, affected states, tribal governments, and the Federal Government all provide input and influence decisions about how to manage U.S. fisheries.

Flexibility to determine what approach will be most effective for their fisheries is a fundamental element in the success of the Council system. The Councils can choose from a variety of approaches and tools to manage fish stocks and meet the mandates of the Magnuson-Stevens Act—e.g., catch limits, catch shares or other allocation mechanisms, area closures for habitat or protected species considerations, and gear restrictions. These measures are submitted to the Secretary of Commerce for approval and are implemented by NMFS.

The 2007 Magnuson-Stevens Act reauthorization provided more explicitly for market-based fishery management through Limited Access Privilege Programs and addressed the need to improve the science used to inform fisheries management. Limited Access Privilege Programs, while not appropriate for all fisheries, are an important tool in our collective toolbox, and the current Act allows for development of such programs to be tailored to the specific needs of each fishery.

Fulfilling one of the Magnuson-Stevens Act’s goals—to provide the Nation with sources of domestic seafood—also creates stable domestic fishing and processing jobs. Today—more than ever—U.S. consumers are seeking options for healthy, safe, sustainable, and local seafood. Therefore, this goal has even greater purpose now than when the original Act was passed. Fishing communities rely on fishing-related jobs, as well as the non-commercial and cultural benefits derived from these resources. Marine fisheries are the lifeblood of many coastal communities around our Nation. Communities, fishermen, processors, and various fishing dependent industries rely not only on today’s catch, but also on the predictability of future catches.

Critical to our success is the Magnuson-Stevens Act feedback loop that ensures accountability in our management system. Councils are able to adapt and respond to changing conditions in their fisheries within the framework of preventing overfishing and rebuilding stocks. While this can be challenging, a shared understanding of our goals and requirements to respond when the data indicate it is necessary are hallmarks of our well-functioning system.

Under the standards set forth in the Magnuson-Stevens Act the Nation has made great strides in maintaining more stocks at biologically sustainable levels, ending overfishing, rebuilding overfished stocks, building a sustainable future for our fishing-dependent communities, and providing more domestic options for U.S. seafood consumers in a market dominated by imports. Thanks in large part to the strengthened Magnuson-Stevens Act and the sacrifices and investment in conservation and science-based management made by fishing communities across the country, the condition of many of our most economically important fish stocks has improved steadily over the past decade.

REGIONAL SUCCESSES

There are many examples of what fishermen, scientists, and managers can do by working together to bring back a resource that once was in trouble.

Atlantic sea scallops provide one example of rebuilding success. In the early 1990s, the abundance of Atlantic sea scallops was near record lows and the fishing mortality rate was at a record high. Fishery managers implemented a number of measures to allow the stock to recover, including an innovative area management system. The stock was declared rebuilt in 2001. In real terms, gross revenues in New England increased more than sixfold from \$44 million in 1998 to \$287 million in 2015, making New Bedford the Nation’s top port by value of landings since 2000.⁶

In the Pacific Islands Region, NMFS, the Western Pacific Fishery Management Council, the state of Hawaii, and fishing communities have ended overfishing of the Hawaiian archipelago’s deep-water bottomfish complex—a culturally significant grouping of seven species of snapper and grouper. This has enabled NMFS to

⁶See Fisheries Economics of the U.S. 2015. NMFS Office of Science & Technology, available at: https://www.st.nmfs.noaa.gov/economics/publications/feus/fisheries_economics_2015/index.

increase annual catch limits for these stocks for both commercial and recreational fishermen and ensure these fish are available year-round.

On the West Coast, NMFS and the Pacific Fishery Management Council, the fishing industry, recreational anglers, and other partners have successfully rebuilt a number of once overfished stocks, including coho salmon, lingcod, Pacific whiting, widow rockfish, canary rockfish, and petrale sole. These and other conservation gains, including implementation of the West Coast groundfish trawl rationalization program, enabled NMFS to increase catch limits for abundant West Coast groundfish species that co-occur with groundfish species in rebuilding plans.

In the Southeast Region, NMFS, the Gulf of Mexico and South Atlantic Fishery Management Councils, fishing industries, recreational anglers and other partners have successfully rebuilt a number of once overfished stocks. This includes gag, red grouper and king mackerel in the Gulf of Mexico and black sea bass in the South Atlantic. These and other conservation gains enabled NMFS to increase catch limits for a number of stocks or stock complexes and eliminate or reduce two fixed seasonal closures.

I'm most proud of the accomplishments in Alaska where our management decisions have led us to be widely recognized as one of the most successfully managed fisheries in the world. In 2015, landings revenue totaled about \$1.7 billion, a 25 percent increase from 2006 in real terms after adjusting for inflation.⁷

REMAINING CHALLENGES—LOOKING TO THE FUTURE

Amid these successes, some critical challenges remain. We are working hard within the Administration and coordinating closely with our Council partners to address these concerns and are committed to working with Congress on legislative solutions where needed.

One of our current challenges is maximizing sustainable harvest. For example, while our West Coast groundfish management has rebuilt several important stocks, in recent years fishermen are leaving a substantial amount of the available harvest of some groundfish species in the water due to regulatory or bycatch species constraints. In this fishery and others, we must find ways to maximize allowable harvests while still protecting vulnerable non-target species.

Annual catch limits (ACLs) have been and remain an effective tool in ending overfishing and rebuilding fish stocks. However, implementing them and associated accountability measures has been challenging in some fisheries—particularly where data are scarce and where commercial and recreational user groups have fundamentally different goals and objectives. For example, setting effective ACLs for species in coral reef ecosystems in the Pacific Islands and Caribbean regions, is one of our biggest challenges due to lack of data regarding stock status and fishing harvests. Calls for increased ACL flexibility are also coming from some recreational fisheries along the Atlantic and Gulf coasts. In these fisheries, total harvest data can be much more difficult to collect and report in a timely fashion than in most commercial fisheries. NMFS is exploring ways to improve data collection and apply science-based and innovative management mechanisms in ways that provide flexibility and while also rebuilding fish stocks.

Stock assessments provide the fundamental information necessary to successfully manage sustainable fisheries. Preservation and enhancement of this science is imperative as we look to the future of U.S. fisheries and the seafood they provide the Nation. Independent of Magnuson-Stevens Act reauthorization, we are re-examining our stock assessment and data collection systems in close cooperation with states, Regional Fisheries Management Councils, and all involved stakeholder groups. NMFS has already made a substantial effort to monitor recreational fisheries and incorporate data from these fisheries into stock assessments. We are applying new and improved methods for estimating total catch by the millions of recreational saltwater anglers, but more needs to be done. Strengthening our partnerships to conduct efficient and cost-effective monitoring will be an important component of that effort. As NMFS assesses the most effective and efficient ways to support sustainable fisheries management and fishing communities, there also may be a need to refocus limited monetary and staff resources on core, mission critical activities such as basic stock assessment and catch accounting.

Improvements in our regulatory processes may also be possible, not only in the number of specific regulations we promulgate, but in the more general regulatory processes under which we operate. For example, the Magnuson-Stevens Act intersects with a number of other important statutes including the National Environ-

⁷ See Fisheries Economics of the U.S. 2015. NMFS Office of Science & Technology, available at: https://www.st.nmfs.noaa.gov/economics/publications/feus/fisheries_economics_2015/index.

mental Protection Act, the Endangered Species Act, and the Marine Mammal Protection Act, which establish other core responsibilities for the agency. There may be opportunities for more efficient and consistent mechanisms to meet these multiple statutory mandates. NMFS also recently sought public comment on the efficacy and effectiveness of the current regulatory process, including the application of Federal regulations under these statutes and to aquaculture.

Another priority is expanding U.S. seafood production and exports. America's seafood industry is world-renowned and our fisheries set a global gold standard for sustainability. However, the majority of the seafood we consume is imported. Through maintenance or enhancement of wild-stock harvests and expanded aquaculture production, we can position the Nation to make inroads on that seafood trade deficit. We should also pursue further efforts to ensure a level playing field for U.S. producers by ensuring that fish imports are from well-managed and monitored fisheries. Efforts are underway to detect and address IUU fishing and marine mammal bycatch in excess of U.S. standards. We must take advantage of opportunities to streamline regulatory processes related to aquaculture and to that end, NMFS recently entered into a Memorandum of Understanding with six other Federal agencies related to permitting offshore aquaculture in Federal waters of the Gulf of Mexico.

We face formidable challenges managing recovering stocks to benefit both commercial and recreational user groups with fundamentally different goals and objectives, and who are experiencing increased fish interactions due to the strong management measures that have improved historically overfished populations. Together with our partners, it is essential that we continue to explore innovative, science-based management approaches and regional management tools. We must remain dedicated to exploring ways to maximize economic opportunities from wild-caught fisheries for commercial and recreational fishermen, processors, and communities. We are committed to working with Congress on the bills put forth by this Subcommittee, to ensure that annual catch limits, accountability measures, stock rebuilding, and other aspects of our management construct are working, while protecting the overall, long-term conservation and sustainability of the Nation's fishery resources.

Additionally, one of the most significant fishery management challenges we face is striking a balance between commercial and recreational fishing. Looking back over 40 years, this management challenge is not unique to the Gulf of Mexico. We are working closely with stakeholders to explore ways to address this growing challenge in ways that accommodate the differing needs among regions, and look forward to hearing Congress' thoughts on this issue.

CONCLUSION

We support legislative opportunities to provide flexibility in applying annual catch limits, improve our science, and create innovative management approaches to rebuild more fish stocks. We believe that legislation intended to address region-specific problems should be tailored such that it does not impact or constrain fisheries management in other regions of the United States and empowers Regional Fishery Management Councils to meet the needs of their fisheries. We look forward to working with Congress to ensure that any potential legislation streamlines current processes and is consistent with existing requirements under other governing statutes (e.g. National Environmental Policy Act, Endangered Species Act, etc.). NOAA Fisheries stands ready to work with the Congress to craft a reauthorization bill that addresses current fishery management challenges and ensures the Nation's fisheries are able to meet the needs of both current and future generations.

Mr. YOUNG. Thank you, Mr. Oliver. I appreciate your input and your experience.

Ms. Boggs, may I ask you a question? Are you related to Lindy Boggs?

Ms. BOGGS. No, sir, not that I am aware of.

Mr. YOUNG. OK. I was just curious about that. She was a great Congresslady. I served with her and we have a close relation as far as Alaska and Louisiana and the Boggs Visitor Center. So I am glad you are not, but I wish you were. Thank you.

Ms. BOGGS. Thank you, sir.

**STATEMENT OF SUSAN BOGGS, CO-OWNER, REEL SURPRISE
CHARTER FISHING, ORANGE BEACH, ALABAMA**

Ms. BOGGS. Good morning, Mr. Chairman and members of the Subcommittee. My name is Susan Boggs and I am from Orange Beach, Alabama. My family and I enjoy recreational fishing, and we earn a living taking anglers who do not have their own boats out to catch fish in Federal waters, as well as supplying boat owners with slips and fuel so that they could pursue their passion for fishing.

We provide access to recreational anglers who either cannot afford or choose not to bring their own boats. Our customers come from all over the country and are a driving force for our tourism-based coastal economies. My family's livelihood, and the livelihood of my employees, depend on access to our fisheries based on sound science. Going back to the bad old days of low population sizes would cripple our business and deprive my family and our customers of our favorite pastime.

There are several species of fish that are critical to the charter-for-hire sector in the Gulf of Mexico, but perhaps no more than the red snapper. Since 2007, when annual catch limits became a requirement, the recreational sector's quota for red snapper has tripled. The Magnuson-Stevens Fishery Act has worked for us, including authorizing pilot programs to try new management approaches that substantially increase our fishing seasons without fishing more than our sector's allocation.

Specifically, in 2014 and 2015, a total of 19 head boats participated in the Gulf Headboat Collaborative fishing permit, which provided access to 200,000 recreational anglers from 48 states. We oppose the provisions in some of these bills that would hamstring the EFP process.

Real-time data collection was a key component of the EFP, and effective. For example, my husband returned from fishing late one afternoon, left the boat, and drove 3 miles to the Fairfield Inn for a scoping hearing. When he arrived at the meeting, a law enforcement official commented on his catch that day. That is how quickly that data was transferred and received.

Amending MSA is not the answer to the issues that we face in the Gulf of Mexico. It is not fair to waive standards with respect to private anglers who have the fishing power to drive down the population of many of the fish we rely on. If the current management system is not working for private anglers, they can use the Council process, as we are, to pursue solutions.

The commercial fishery and the charter industry are able to operate our businesses with some certainty, while fishing within an ACL. These two groups, which make our living from the fishery, came to the table with ideas and plans to fix our management systems.

The typical private angler has a whole life outside the fishery, which forces them to rely on outside groups and the states to look out after their best interests. Instead of coming up with a plan that works within MSA, all they have done is blame someone else or say, "Just give us control," without any details on how they would do it better.

H.R. 200 and H.R. 2023 would increase the risk of overfishing by waiving the requirements for annual catch limits. Removing MSA section 407 entirely would remove backstops against recreational quota overages. Extending state management boundaries for red snapper to 9 miles would increase fishing effort during state seasons. Longer state seasons, such as 60 days in Alabama, played a major role in shortening the Federal season.

Some anglers assert that recreational fishing cannot function under quota management, but they do not explain how else overfishing would be prevented. They say, "Trust us," but don't provide the verification.

While we appreciate the interest and better data collection in the bills being discussed, the fleet is already working with the Gulf Council to improve it, and the states are pursuing their own programs, which are beginning to be certified by NMFS. Managing the red snapper fishery in the Gulf of Mexico is complicated enough as it is. Extending the states' red snapper management zone out to the depth/distance proposed under H.R. 3588 would be difficult to enforce.

These bills lack provisions to ensure that the private angler sector stays within its quota. This is a major concern, since this sector has consistently exceeded its quota. The charter-for-hire sector opposes any changes to MSA that would jeopardize the sustainability of the fishery.

Instead, I suggest that a Federal red snapper angler license would improve the management of this fishery and lead to longer seasons. Even a \$10 license fee would help fund better data on the number of anglers targeting the species, stock assessments, and better landings data, including real-time reporting from private anglers using currently available technology.

Thank you again for the privilege of testifying before your Committee, and I look forward to answering any questions.

[The prepared statement of Ms. Boggs follows:]

PREPARED STATEMENT OF SUSAN BOGGS, CO-OWNER OF REEL SURPRISE
CHARTER FISHING

Good morning Mr. Chairman and members of the Committee. Thank you for giving me the opportunity to testify before you today on the important issue of fisheries management in the Gulf of Mexico.

My name is Susan Boggs and I am from Orange Beach, Alabama. My family and I enjoy recreational fishing and we earn a living taking anglers who don't have their own boats out to catch fish in Federal waters, as well as supplying boat owners with slips and fuel so that they can pursue their passion for fishing.

Specifically, my husband and I own SanRoc Cay Marina in Orange Beach. Our marina is a full-service marina with 50 boat slips, a fuel dock that sells approximately 500,000 gallons of fuel per year, and a charter office that books for 24 inshore and offshore charter boats (including 3 of our own). My family's livelihood and the livelihood of my employees depends on access to our fisheries based on sound science. Going back to the bad old days of low population sizes would cripple our business and deprive my family and our customers of our favorite pastime.

The three vessels we own carry 10–35 passengers. We offer walk-on trips or shared expense trips that charge a per person fee; the majority are 6-hour trips for under \$100. We provide access to recreational anglers who either cannot afford or choose not to bring their own boats. Our customers come from all over the country and are a driving force for tourism-based coastal economies.

I am here today to tell you that MSA is working. This law was written to bring fisheries back from collapse, to ensure long-term sustainability for future generations, and to provide a conduit for stakeholders to be a part of the management process. There are several species of fish that are critical to the charter-for-hire

sector in the Gulf of Mexico, but perhaps none more than red snapper. Since 2007, when annual catch limits became a requirement, the recreational sector's quota for red snapper has tripled. MSA has worked for us.

You may wonder why charter/for-hire participants are mostly satisfied with the MSA, while private angling groups complain mightily about it. I can speak for our sector in saying that the MSA has given us the tools to pursue pilot programs to try new management approaches that can increase our access to 365 days.

Specifically, in 2014 and 2015 a total of 19 head boats had the opportunity to participate in the Gulf Headboat Collaborative Exempted Fishing Permit. These participants invested approximately \$2,500 of their money in a Vessel Monitoring System plus the monthly fee for monitoring. These participants faced much criticism from those docked around them. During this 2-year EFP, these boats provided access to over 200,000 recreational anglers from 48 states; 120,000 of them fished for gag grouper or red snapper. Headboat discards decreased by approximately **half**. We proved that we could fish and stay within an allocation and that it would give us the flexibility to operate our businesses in a safe and profitable manner. As you can imagine, we oppose the provisions in some of the bills before the Committee today that would hamstring the EFP process.

We have been asked for years to participate in the Gulf Council's fisheries management process, to come up with solutions. These head boats found a solution that allows them to operate their businesses while increasing accountability and sustainability.

The Headboat Collaborative even won a 2016 Bronze Medal, the highest honor award granted by the Under Secretary of Commerce for Ocean and Atmosphere. National Marine Fisheries Service (NMFS) was awarded this medal for developing the program, which was the first of its kind in the recreational fishery, as well as the first catch share program to use a real-time landings monitoring system for the recreational fishery in the southeastern United States.

In general, amending MSA is not the answer to the issues that we face in the Gulf of Mexico. Through the Council process we have made significant progress that holds our industry to higher standards along with separating our sector from purely private anglers to ensure we are not overfishing. We don't consider it fair to waive standards with respect to private anglers, who have the fishing power to drive down the population of many of the fish we all rely on. If the current private angler management is not working for that subsector, they can use the Council process, as we are, to pursue solutions. That is even more critical now, when the additional 39 days added to the private angler season will likely generate huge overages and the agency will have to figure out how to deal with that problem.

Those in the commercial fishery started working on solutions over a decade ago. Those of us in the charter industry started a few years later and are well on our way to fishing within an ACL while being able to operate a business with some certainty. These two components of the fishery are accountable, sustainable, and have a future. There is one difference between these groups and the private recreational anglers which have found themselves in an overly restrictive fishery. These two groups, which make our living from the fishery, came to the table with ideas and plans on how to fix it. Joe Fisherman out there has not been able to do that, because he has a whole life outside the fishery. Jobs, families, soccer games and etc. have forced him to rely on outside groups and the states to look out after his best interests. After over a decade, instead of doing anything to help him, instead of coming up with a plan that is honest, all they have been able to do is point fingers or say just "give us control"—this all without any details of how they would do it better.

The proposed changes under H.R. 200 (Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act) and H.R. 2023 (Modernizing Recreational Fisheries Management Act of 2017) create a risk of overfishing by waiving the requirements for Annual Catch Limits. To remove Section 407 entirely would remove backstops against recreational quota overages and allocations that would reflect such overages. Extending state management boundaries for red snapper to 9 miles adds an unknown amount of increased fishing effort during the longer state non-compliant seasons for private anglers, resulting in a decreased Federal season that satisfies no one and jeopardizes the health of the fishery. While the 3-day Federal season satisfied no one, we should acknowledge that longer seasons in state waters (such as 60 days in Alabama) played a role in the 3-day season.

Data collection is often at the forefront of red snapper discussions, but it is hard to see how the bills up for discussion actually improve data. The draft bill and H.R. 200 instruct NMFS, the states, and recreational fishermen to simply "develop and implement a real-time reporting and data collection program for the Gulf of

Mexico red snapper fishery using available technology.” H.R. 3588 requires the “development and implementation of **voluntary** electronic reporting applications for use by the private anglers.” The data collection requirements in H.R. 2023 are weak and have no standards. None of the bills mandate data collection that will improve the management of this fishery. While we appreciate the interest in better data collection, the fleet is already working with the Gulf Council to improve it, and the states are pursuing their own programs, which are beginning to be certified by NMFS.

H.R. 2023 (Modernizing Recreational Fisheries Management Act) also makes exceptions to Annual Catch Limits. Some anglers assert that recreational fishing cannot function under quota management—but they do not explain how else overfishing would be prevented. Stocks that are overfished but not undergoing overfishing still need ACLs to make sure they rebound. Stocks for which “fishing mortality is below the fishing mortality target,” but where there is no recent peer-reviewed stock assessment, still need to have ACLs to make sure we don’t damage a stock that may be undergoing changes. Again, the MSA was put in place because we, in America, do not manage our fisheries as a free-for-all, and that is why we have thriving industries dependent on science-based management. That is why we are able to have a recreational fishing industry and all of the enjoyment and economic opportunity that it entails. That is why we have sources of fresh, healthy, wild seafood and an increasingly important hospitality industry that depends on it—especially on the Gulf Coast.

Managing the red snapper fishery in the Gulf of Mexico is complicated enough as it is. To extend the red snapper management zone out to depth/distance as proposed under H.R. 3588 (RED SNAPPER Act), would be difficult to enforce. The private recreational component wants state management of their portion of the Gulf Red Snapper fishery. After speaking with commercial fishermen and other charter-for-hire owners and captains, however, I can attest that the vast majority of them prefer to remain under Federal management and the security, stability, accountability and opportunity for stakeholder involvement that comes with it.

A suggestion that I would offer to this Committee that would have a meaningful impact on the management of this fishery would be a Federal Red Snapper angler license. No one can tell you how many anglers target Red Snapper in the Gulf of Mexico. This license does not have to be cost prohibitive. Even a \$10 fee would provide better data on the number of anglers targeting this species and could generate millions of dollars that could be used for cost recovery, stock assessments and better landings data which should include more real-time reporting using current technology from private anglers.

In contrast to the chronic lack of information we have with regard to the number of anglers on the water and what they are catching, the commercial and for-hire sectors have ever-improving systems to keep tabs on what we catch. On January 1, 2007, Reef Fish Amendment 26 was implemented and established an Individual Fishing Quota (IFQ) for the commercial red snapper fishery, which requires real-time reporting of catch. Currently, the Modifications to Charter Vessels and Headboat Reporting Requirements is awaiting approval by the Secretary of Commerce. When implemented, these modifications would **require** charter vessels and headboats to submit fishing records to NMFS for each trip prior to off-loading fish. This is another example that the Council process does work, especially when real stakeholders are involved and engaged.

I share the desire to give private recreational anglers more flexibility and certainty in their fishing opportunities. The proposed bills lack provisions to ensure that the private recreational sector stays within their quota. This is a major concern since this sector has exceeded its quota 9 of the last 12 years. I cannot support any changes to MSA that would jeopardize the sustainability of the fishery and undermine the accomplishments of the commercial and charter-for-hire sectors.

I would like to thank you again for the privilege of testifying before your Committee, and I look forward to answering your questions.

QUESTIONS SUBMITTED FOR THE RECORD BY REP. HICE TO MS. SUSAN BOGGS, CO-OWNER, REEL SURPRISE CHARTER FISHING

Question 1. I see in your testimony that you suggest establishing a Federal fisheries licensing system to manage recreational anglers in Federal waters. Are you advocating that a new division be added to NOAA to manage such an undertaking? How much would this cost? And how would this expansion of the Federal bureaucracy benefit recreational anglers?

Answer. Thank you for your question. Reliable catch data is critical to monitoring the health of our fish stocks and setting catch limits at maximum sustainable levels. The U.S. Fish & Wildlife Service recently tracked over 6,000,000 saltwater fishing licenses having been issued in the five Gulf of Mexico states; however, it is unknown how many of those anglers fish offshore for reef fish. Not knowing which recreational fishermen are targeting reef fish presents a barrier to accurately sampling daily catches and on the ability to predict catch rates for the upcoming year. For example, the recreational component of the fishery has overfished the quota for 16 of the last 20 years.

There are examples of strong recreational data collection systems that could be followed to address this issue. The Louisiana Department of Wildlife & Fisheries requires their anglers to obtain a Recreational Offshore Landings Permit (ROLP) on top of a saltwater license. That allows them to more accurately and more regularly sample a much smaller universe of anglers that are actually targeting red snapper. Louisiana's recreational anglers volunteered to have their license fees increased to fund this permit and a robust data collection system. Combined together, it has allowed the state to monitor catch rates in near real-time. With better data, the state can monitor how much of its quota has been caught and decide in near real time whether enough additional fish remain to allow the season to continue, providing the additional access anglers want.

A similar Gulf-wide endorsement could be implemented by the Gulf Council and the states, thus identifying the number of anglers who are actually targeting species in Federal waters, thereby making the current Federal survey much more effective. As an example, the USFW operates a similar program for hunters with the Federal Duck Stamp for migratory waterfowl that are shot across multiple states. That stamp, which is purchased in the same places that sell hunting licenses, helps define the universe of duck hunters and funds conservation efforts.

Although I am not an expert in how these systems work, I do not believe that additional NOAA personnel would be necessary to run such a program. The Gulf Council is fully staffed and NMFS currently operates data collection systems for both the charter and commercial sectors. Additionally, a small fee (such as the fee for the Federal Duck Stamp) could be used to fund this system, a worthwhile investment to help expand sustainable access and prevent overfishing as required by the Magnuson-Stevens Act (MSA). In my view, the MSA has been the main driving force that has rebuilt our fishery and provides the Council, states, and recreational anglers with the tools necessary to increase access to the fishery for private anglers just as it has with the commercial and for-hire sectors.

Mr. YOUNG. Thank you, Ms. Boggs.
Mr. Merrifield.

STATEMENT OF MIKE MERRIFIELD, SOUTHEASTERN FISHERIES ASSOCIATION, TALLAHASSEE, FLORIDA

Mr. MERRIFIELD. Chairman Lamborn, Chairman Young, Vice Chairman Webster, Ranking Member Huffman, and the members of the Subcommittee, thank you for the opportunity to share our perspective on this MSA reauthorization. Southeastern Fisheries Association (SFA) is hopeful modifications can be incorporated that maintain conservative conservation objectives, but provide flexibility while maintaining a high standard of accountability and balanced stakeholder representation. Collectively, we should be seeking ways of achieving optimum yield from each fishery.

We would like to thank the Subcommittee and especially Congressman Don Young and staff for bringing forward H.R. 200

for consideration. SFA particularly supports targeted rebuilding and ACL modifications, use of the term “depleted,” the comprehensive definition of “catch shares,” “improvements,” and “data collection,” “cooperative research,” and “stock assessments,” focus on data-poor stocks in the Gulf and South Atlantic, and the catch share referendum.

We request the Subcommittee examine Section 302 and make changes necessary to re-balance the Gulf Council.

The South Atlantic Red Snapper Fishery has been closed for over 7 years. The lack of quality data has undermined the stock assessment, resulting in a fishery classified as overfished, even when there is no fishing. MRIP is inadequate, and cannot produce the quality data required to assess an economically important species in the Gulf and South Atlantic.

SFA supports the clarification that MSA is the pre-eminent fisheries management law regarding overlap with National Marine Sanctuaries Act, Antiquities Act, and the Endangered Species Act. We ask that the National Ocean Policy be added to the list.

H.R. 2023 states recreational and commercial fishing are fundamentally different, which is true, except for one indisputable fact: we both kill fish. SFA believes we should all be accountable for the impact we have on shared fishery resources. Exempting private anglers from accountability and oversight of a federally managed fishery risks conservation and equitable access.

We empathize with the recreational sector, whose access is suffering due in part to inadequate data. SFA supports alternative management measures, MRIP funds being made available for the states to improve data collection, monitoring, catch accounting, and discard mortality estimates, provided these are MSA-compliant.

SFA supports the NAS allocation study, but only if the Subcommittee requires the commercial economic valuation include ex-vessel price plus harvest expenses, bait, gear, groceries, fuel, et cetera, dock facilities, transportation, processing and distribution, and distribution from the vessel through the processor to the seafood markets, grocery stores, and restaurants, similar to the recreational valuation.

Currently, current commercial fishermen and consumers have access to just 27 percent of all fin fish resources in the South Atlantic. For example, the commercial quota for mahi-mahi is 10 percent. In 2016, the recreational sector harvested less than half of their 90 percent quota, leaving 7.5 million pounds unharvested. So, we fell short of the OI and undermined our trade deficit, since we import over \$200 million worth of mahi from 40 countries.

SFA is opposed to H.R. 3588. There is a narrative being used to justify the extension of state authority in management of red snapper in the Gulf based on the misconception that anglers are only able to fish red snapper for 39 days in Federal waters when, in fact, they can fish 365 days per year for red snapper and the other 38 species in the reef fish complex. Anglers can only kill red snapper on 39 of those days.

Uncertain catch and discard mortality estimates reduce the total recreational ACL, resulting in an abbreviated Federal season. Extending state authority without certifiable data collection, reporting, and monitoring, accompanied with adequate enforcement

disregards MSA fairness and accountability standards and sets a precedent that could erode MSA, species by species, jeopardizing conservation and undermining the domestic seafood supply.

We thank Ranking Member Huffman for the recent copy of the discussion draft. SFA has not had adequate time to conduct a thorough review, but a cursory glance reveals conceptual common ground on flexibility, improved science, cooperative research, MRIP, and Council transparency. There are red flags: expansion of HAPC concept; Councils having to recover EFH; and bycatch plans for forage species. SFA will examine this bill in greater detail and engage with staff.

Thank you for the opportunity, and we are willing to work with the Subcommittee and others to seek improvements to ensure long-term sustainable fisheries resources for all stakeholders.

[The prepared statement of Mr. Merrifield follows:]

PREPARED STATEMENT OF MIKE MERRIFIELD, FISH SECTION CHAIRMAN,
SOUTHEASTERN FISHERIES ASSOCIATION, TALLAHASSEE, FLORIDA

Chairman Lamborn, Vice Chairman Webster, Ranking Member Huffman and members of the Subcommittee, I appreciate the opportunity to speak with you on behalf of the Southeastern Fisheries Association about the reauthorization of the MSA and more specifically, about H.R. 200; H.R. 2023; H.R. 3588; and Mr. Huffman's new Discussion Draft.

My name is Mike Merrifield, I am part-owner in Cape Canaveral Shrimp Company and Wild Ocean Seafood Market, a Florida-based seafood business with a commercial fishing dock in Port Canaveral, a processing facility in Titusville (just west of the Kennedy Space Center), and two retail locations. We distribute seafood to restaurants, retail operations and distributors primarily in the state of Florida. I'm currently the chairman of the South Atlantic Fisheries Management Council's Deepwater Shrimp Advisory Panel.

I currently serve as Southeastern Fisheries Association (SFA)—Fish Section Chairman. SFA is a 501(c)(6) non-profit association representing fishermen, fish houses, retail/wholesale dealers, processors, distributors and restaurants across the southeastern United States since 1952. Florida members handle, process or distribute over 80 percent of the seafood produced in the state. SFA has been a leader in sustainability and the push for cooperative research.

I have always enjoyed recreational fishing and quality seafood and thought that going into the seafood business, offering high quality local, wild-caught seafood to people that don't own a boat or cannot catch their own, would be a no-brainer. However, I soon began to feel the pressure from an ever-rising tide of regulations emanating from multiple state and Federal agencies reducing access and product availability.

There was quite a bit of talk about sustainability, precautionary factors, over-capitalization, as well as protections from marine monuments and sanctuaries. It became apparent we had to participate in the South Atlantic Fisheries Management Council process. I joined the Deepwater Shrimp Advisory Panel in 2008 which I chair today, mostly because Rock Shrimp is one of our signature Florida products and we were growing concerned about future access to this resource.

I have always considered myself to be more environmentally conscience than the average person. However, over time there has been a steady vilification of the commercial fishing industry and the men and women that provide seafood products to all of us, often at great personal risk. In addition to this societal shift, we now see the recreational fishing industry reacting to shrinking fishing seasons, attempting to obtain additional allocation from the commercial sector. This will further reduce access to the American consumer. Decreased Annual Catch Limits (ACLs) and over-harvest are the direct result of poor quality data.

The 2006 Amendments passed by Congress and subsequent implementation by NOAA fundamentally changed the focus and goals of domestic fisheries management. The focus would shift to science-based decision making while the goal would be ending overfishing immediately, adding accountability, rebuilding stocks as quickly as possible and reducing fishing capacity through limited access programs.

One of the more critical components of the last reauthorization and implementation of the National Standard Guidelines (NSGs) is that the Regional Fishery

Management Councils (RFMCs) must consider both scientific and management uncertainty when setting quotas. Given the lack of quality data and insufficient funding to assess all stocks required to be in a management plan by a specific date, precautionary factors were applied that erred on the side of over-protecting the stocks. This was accomplished over time with less concern being given to achieving Optimum Yield (OY) on a continuing basis, and the negative impacts on fishermen, fishing communities, the economy and food supply to our Nation.

The 2006 Amendments also required accountability from all stakeholders—commercial, for-hire, and private anglers. For our part, the commercial fishing industry is subject to comprehensive reporting at multiple levels (i.e. Federal observer requirements, vessel log books, vessel monitoring systems, vessel trip tickets and dealer reports, Highly Migratory Species reporting, etc.) to multiple agencies (NOAA, individual states) with strict enforcement and substantial penalties for non-compliance.

The commercial fishing industry has also suffered reductions in fishing capacity through Federal Catch Share programs, permit reduction requirements (whereby a South Atlantic snapper-grouper fisherman must purchase two permits and retire one, to secure just one usable permit), ACL reductions, limited access programs, new permit moratoriums, gear limitations, and reduced access to prime fishing areas, among other things.

During the past 10 years these restrictions have contributed to substantial and negative financial and infrastructure losses in terms of less fishermen and fewer fishing vessels, docks, fish houses (wholesale and retail distributors) and shore-side processors. Besides job loss and reduced opportunity for new money into the Florida economy, we have greatly reduced the public's access to one of our Nation's best natural resources. According to Dr. W. Steven Otwell, Emeritus Professor University of Florida, Director Seafood HACCP Alliance, "U.S., Wild-caught seafood is the safest, best source of muscle protein in the world today."

Further complicating the situation, especially in the Gulf of Mexico and particularly the South Atlantic, is that we often do not have the quality data necessary to ensure robust stock assessment models. Thus, we cannot minimize factors leading to negative impacts from scientific and management uncertainty and precautionary decision making. The data are insufficient to properly manage commercial fisheries alone, much less mixed-use fisheries. The combination of insufficient data on many stocks, including unreliable estimates of recreational catch and discards, along with interjection of uncertainty considerations in the quota setting process has resulted in closures, precautionary buffers, and yields far below OY at the expense of all stakeholders and our Nation.

Catch Share programs, largely unwanted by a vast majority of industry members in the South Atlantic region, continue to be encouraged by NOAA and fomented by environmental organizations. MSA catch share reforms are necessary to protect the industry and prevent top down implementation of these often harmful programs.

We are also struggling mightily with appropriate implementation of the 1990 Amendments requiring the Secretary ensure fair and balanced apportionment of *active* participants in the commercial and recreational fisheries. In our opinion, the Secretary has failed to meet the requirements of Section 302(b) with respect to striking a fair balance, especially on the Gulf of Mexico Fishery Management Council.

In NOAA's most recent *2016 Report to Congress on Disclosure of Financial Interest and Apportionment of Membership for Regional Fishery Management Councils* the agency reports an equal 4:4 balance (recreational: commercial) on the Gulf Council. However, SFA believes this accounting to be false and inconsistent with the original intent of Section 302(b). In our practical experience, the Gulf Council is out of balance whereby the industry finds itself in a situation with only ONE voting member being *active* in the commercial fishing industry. There are SEVEN recreational voting members plus the state directors, which by our observation tend to support sport anglers most of the time. An amendment requiring a balance of interests on the RFMCs and a fair annual accounting by the agency must be added to any legislation reauthorizing the MSA.

Whenever comprehensive changes are made to complex policies like MSA—we don't get it all right all the time. We view this reauthorization as an opportunity to work with Congress and other stakeholders to restore some flexibility and balance and we appreciate the Subcommittee's leadership in this regard. It is in this context that we offer the following comments on legislation pending before this Subcommittee.

H.R. 200: “STRENGTHENING FISHING COMMUNITIES AND INCREASING FLEXIBILITY IN FISHERIES MANAGEMENT ACT”

SFA supports H.R. 200 and appreciates Congressman Don Young and his staff and this Subcommittee and its staff to bring this bill forward for further discussion. In particular, we offer the following comments on specific provisions.

Rebuilding Flexibility

H.R. 200 removes the 10-year rebuilding time frame and substitutes the time a fishery could be rebuilt without fishing, plus one mean generation. The 10-year requirement has long been considered by industry to be arbitrary. In 2013, the National Academy of Science (NAS) concluded in their report titled “Evaluating the Effectiveness of Fish Stock Rebuilding Plans in the U.S.” that the pre-set 10-year rebuilding requirement was indeed arbitrary and harmful, thus ending the debate. We agree with the NAS and support replacing this requirement with a more scientifically valid metric.

H.R. 200 also provides several common-sense exceptions to the rebuilding time period including: (1) biology of the stock, environmental conditions or management measures under an informal international agreement; (2) the cause of depletion is outside the jurisdiction of the Council or can’t be affected simply by limiting fishing; (3) if a stock is part of a mixed-stock fishery that cannot be rebuilt in the time frame if that causes another component to approach depleted status, or will lead to significant economic harm; and (4) informal trans-boundary agreements that affect rebuilding.

H.R. 200 also adds helpful new flexibility requirements that rebuilding plans take into account environmental factors, including predator/prey relationships; a schedule for reviewing rebuilding targets and progress being made on reaching those targets; and consideration of alternative rebuilding strategies including harvest control rules and fishing mortality targets, provided we maintain MSA consistency.

Fishery Disasters

SFA supports the provision in H.R. 200 requiring the Secretary publish the estimated cost of recovery from a fishery resource disaster no later than 30 days after the Secretary makes a formal designation. Further, we support requiring the Secretary to act on a fishery disaster request within 90 days of receiving an estimate of the economic impacts from the entity making the request.

In May 2009, the Secretary of Commerce closed the Gulf of Mexico snapper-grouper commercial fishery to protect sea turtles for 5 consecutive months. The governor of Florida issued a formal request to the Secretary for a fisheries disaster declaration. The Secretary did not respond to the request until early 2011, finally issuing a determination that despite hardship the industry ultimately survived the closure so no disaster declaration was necessary.

By comparison, it took the Secretary of Commerce just 90 days to respond to the 2013 disaster request for a commercial fishery failure for Frazier River Sockeye in Washington State.

Modifications to the ACL Requirements

H.R. 200 provides Councils with increased flexibility in setting ACLs. The ACL requirement is retained in the Act but the RFMCs could consider changes in ecosystem and economic needs of the communities when setting limits. In light of changing environmental conditions, these additions make scientific and common sense as long as all proposed changes are discussed in the open and subject to input from stakeholders.

There are also helpful targeted ACL exceptions for Ecosystem Component Species that are not overfished or subject to overfishing or likely to become subject to those conditions. Since these non-targeted species are such minor components it makes sense to retain them generally in the management system but not as species technically considered “in the fishery.” This allows for important ecological monitoring but does not increase management complexity or precipitate negative economic ramifications from a choke scenario.

The Act currently provides an exemption from the ACL control rules for stocks managed under international agreements and for species whose life cycle is approximately 1 year that is not subject to overfishing. These provisions are helpful but are narrow in scope and do not address species that are truly trans-boundary in nature that have an informal agreement (or no agreement) in place, or are species whose life history characteristics prevent RFMCs from being able to apply the ACL control rules in an efficient manner.

From a Florida perspective—SFA (and the FL Fish & Wildlife Commission) supports the provision contained in H.R. 200 that provides for ACL relief for the spiny

lobster fishery in the Gulf of Mexico. While valued at \$375M and supporting more than 3,500 jobs in Monroe County, Florida alone—U.S. fishermen account for just 6 percent of the total harvest. Genetic evidence indicates that stock recruitment occurs almost entirely outside U.S. jurisdiction.

In 2011, NOAA's Southeast Data Assessment Review (SEDAR) determined it was not possible to establish population benchmarks based only on the U.S. segment of the population and there is no agreement (formal or informal) or stock assessment available to manage this international stock. Despite the true trans-boundary nature of this stock and insufficient data available to render a status determination, current MSA requirements could force the RFMCs to set precautionary ACL control rules for this species that will harm U.S. fishermen with no measurable biological benefit to the stock.

Overfished and Overfishing Defined

SFA supports correctly defining "overfishing" and removing the term "overfished" from the Act, substituting the newly defined term "depleted." We also support changing the annual Status of Stocks report submitted by the Secretary to distinguish between stocks that are depleted or approaching that condition due to fishing and those meeting that definition as a result of other factors. We support the separation and clarification of the two terms and the requirement to differentiate sources of mortality when projecting stock status and setting ACLs.

Transparency and Public Process

H.R. 200 requires RFMC Science and Statistical Committees (SSCs) to develop advice in a transparent manner and allow for public input. The 2006 MSA amendments greatly increased the complexity of the management process and ceded unprecedented authority to the SSCs. The use of video/call conferencing/webinar technology has increased to where critical decisions can be made mostly outside of the public eye. Therefore we believe there is a need to consider some improvements to public access in current reauthorization while at the same time not overburdening the RFMCs.

While each Council operates differently, and the range of comfort in the regulated community varies from region to region based on those differences, there is no reason why we should not require RFMC, SSC and Council Coordinating Committee (CCC) meetings be widely available in some timely manner and archived for public access.

H.R. 200 requires the Council and CCC to provide a live broadcast only if practicable to do so, but does require an audio recording, video (if the meeting was in person or via video conference), and a transcript of each Council and SSC meeting on its website within 30 days.

Limitations on Future Catch Share Programs

The SFA does not support dismantling existing catch share programs in the Gulf and South Atlantic Regions. However, we are concerned about the process used to develop and implement such programs and the negative results. So, we must make improvements to prevent future mistakes and avoid unintended consequences.

First, we support a clear and comprehensive definition of the term "catch share" such as the one contained in H.R. 200.

Second, we support H.R. 200 requiring a formal, simple majority, catch share referendum process applicable to future catch share programs in New England, Mid-Atlantic, South Atlantic, and Gulf of Mexico regions. SFA supports this provision, and there is broad support across the fishing industry in these regions for an iron-clad, transparent referendum process.

Many in the commercial fishing industry, particularly in the Gulf and South Atlantic, consider the catch share process to be a top-down process designed to reduce the size of the commercial fleet. For example, in the Gulf of Mexico we observed NOAA pressuring the Council to set landing criteria so high that many working fishermen were locked out of voting under the existing referendum requirements for the snapper-grouper program.

Recently, we were forced to oppose efforts by NOAA and some South Atlantic Council members to implement a "pilot" catch share program via the Experimental Fishery Permit (EFP) process absent any referendum requirement whatsoever.

Reforming the referendum process contained in Section 303(A) is crucial to protecting the industry. The current law as written does not protect fishermen, particularly small boat fishermen Gulf of Mexico. Also, there is no referendum requirement for the South Atlantic and Mid-Atlantic regions, leaving the industry in those areas exposed to proliferation of catch share programs they do not want and for which there is often insufficient scientific information.

SFA's position is that all legitimate commercial fishermen with an active permit and verifiable landings in a Federal fishery in the Gulf of Mexico and South Atlantic should be allowed to participate in a fully informed vote. We also believe there must be an adequate stock assessment and accurate landings information upon which to build a catch share program. SFA strongly believes we should not lose one more commercial fisherman due to government regulations.

Data Collection

There is widespread industry support for the improved data collection and focus on Data-Poor stocks contained in H.R. 200, especially in the Gulf of Mexico and South Atlantic regions. H.R. 200 focuses on Data-Poor fisheries to gather fishery independent data, to survey/assess "Data-Poor" fisheries, to develop cooperative research to collect fishery independent data, and for the RFMCs to list and prioritize Data-Poor fisheries. NMFS should also be required to include active, resource stakeholders in developing cooperative research programs.

NOAA currently manages approximately 528 stocks of fish. Of this total, it is generally believed about 114 are adequately assessed by the agency. Most of the 114 assessments (approximately 80) occur regularly on economically important stocks in Alaska and New England. In other regions, the assessment periodicity is far less—approximately 15 per year in the Gulf of Mexico, South Atlantic and Caribbean combined. Thus, a large majority of fish stocks are Data-Poor or not adequately assessed at all with the results being uncertainty and reduced opportunity for achieving OY.

GOMEX Cooperative Research and Red Snapper Management

There is long-standing and widespread industry support in the Gulf of Mexico and South Atlantic for requiring the Secretary to work collaboratively with states, GMFMC/SAFMC, and commercial/charter/sport stakeholders to develop and implement a cooperative research program for both regions with a priority on Data-Poor stocks.

H.R. 200 outlines specific requirements for timely surveys and stock assessments and task prioritization at the NMFS Southeast Regional Science Center—there is widespread industry support in the affected regions for these requirements.

An example of why we need congressional intervention in this regard can be understood by looking at red snapper in the South Atlantic. The fishery was completely closed in 2010 by way of a controversial RFMC vote and using results from what many consider to have been a deeply flawed assessment. Despite the total closure, swirling controversy, and data poor circumstances, the Agency chose not to collaborate with industry in the intervening years and did not conduct a new stock assessment until 2016. This new assessment has also come under fire with respect to its still-unresolved data poor characteristics yet the closure persists.

Clearly, we must look to Congress to help resolve these problems in the Southeast Science Center via the MSA process. Fishery closures should only occur when there is irrefutable evidence and if enacted should include a sunset clause (e.g. less than 5 years) to ensure active data collection and continual re-evaluation.

Consistency With Other Laws

SFA supports the provision in H.R. 200 that clarifies MSA should prevail in the context of managing fisheries under the National Marine Sanctuaries Act (NMSA), Antiquities Act, Endangered Species Act (ESA), and we hope also the National Ocean Policy (NOP). This provision does not amend these other statutes but rather, would apply the MSA process to achieve consistent fisheries management throughout the range of a species.

Regarding Marine Sanctuaries, the new NOAA site nomination policy (2014) precipitated a number of initiatives to create new protected areas, including one off the northeast coast of Florida. If not for fully coordinated state and local opposition we may well have ended up with a 7,000 square nautical mile sanctuary off the coast of Florida and no transparent public process by which to manage our fisheries in the area.

The potential for widespread adverse industry impacts from Antiquities Act authority increases during the latter part of every administration. The prior administration was no exception, setting historic records for acreage added to Federal designations, phasing out commercial fishing from productive areas absent a transparent science-based process.

Regarding conflicts with the ESA—we have had to deal with loggerhead sea turtles in the Gulf of Mexico longline fisheries and Atlantic right whales in our very small South Atlantic gillnet fisheries. By using the MSA/RFMC process with fishing experts at the table, we can best tailor ways to meet the ESA requirements that also enable our fishing communities to remain viable in the process.

SFA supports clarifying that the MSA is the controlling statute in regard to Federal fisheries management. By using the MSA process to develop regulations instead of the National Marine Sanctuary Act, the ESA, or the Antiquities Act, we will ensure that when it comes to fisheries there will be thoughtful and thorough analysis and the opportunity for public comment.

H.R. 2023: “THE MODERNIZING RECREATIONAL FISHERIES MANAGEMENT ACT OF 2017”

SFA has substantial concerns with elements of this legislation. The central theme proponents use to justify this legislation is that recreational and commercial fishing are fundamentally different activities. Factually, this statement is true. However, there is one inescapable similarity between the two activities—both commercial and recreational fishermen kill fish. These exact same impacts on shared resources must be clearly and fairly accounted for so that no one group (or the consumer) is disadvantaged.

The national recreational fishing lobby would have Congress believe how well the states manage their fisheries but fail to disclose that states manage many fisheries such that anglers get most or in some cases, all of the fish. Of course they prefer state management of species such as redfish, trout, snook, and striped bass (and now potentially red snapper . . .) because consumer access to a fair portion of these fish has largely been removed from people who do not own a boat.

SFA firmly believes there should be no reward for exceeding ACLs and that all stakeholders—commercial, for-hire and private anglers—should each be held accountable for their impacts on our Nation’s fish resources. We must resist changes to the law that could be interpreted to remove this accountability.

Reallocation Review

H.R. 2023 requires the NAS conduct a study of allocations in mixed-use fisheries in the Gulf and South Atlantic regions. Unlike many of our colleagues in the commercial fishing industry around the Nation who fear the precedential nature of this provision, SFA actually supports the study with two caveats. The Subcommittee must make very clear the NAS study and the resulting RFMC process take the following into consideration:

First, we strongly urge the Subcommittee clarify that the NAS must consider the fair and full value of the commercial fishing and seafood industry, encompassing harvest, dock activity, processing, transportation, and distribution through the seafood markets, grocery stores and all restaurant activity. This is only fair since a recreational valuation will likely include bait, tackle, boat, trailer, hotel, vacation home, air fare, etc.

Recently, someone asked me about their seafood dinner that cost \$50 per plate. The ex-vessel price of the fish they ate was \$1.50/lb. or about \$0.50 per serving. When calculating the economic value of commercial fishing activity, the entire economic chain must be included to accurately reflect the total economic value to the economy.

Second, the NAS must also be directed to take into consideration the quota allocation disparity in the South Atlantic region that artificially lowers the value of commercial fishing and reduces consumer access. Currently, *U.S. consumers have access to just 27 percent of all finfish resources in the entire South Atlantic region*, hardly an equitable split for the non-fishing public.

For example, in the 2016 SAFMC’s mahi (dolphinfish) fishery the commercial sector allocation was 10 percent (recently increased from 7.54 percent) for a total of 1,534,485 pounds. The recreational allocation was 90 percent, or 13,810,361 pounds. In 2016, the angler sector utilized just 46 percent of their entire allocation, leaving more than 7.5 million pounds unharvested.

In that same year, NOAA statistics show that the United States imported 47,218,731 pounds of mahi from 40 different countries totaling \$199,878,831. Under the policies of the SAFMC it seems we would rather pay fishermen in Suriname and China and compound our seafood traded deficit problems rather than allow U.S. fishermen to achieve OY. I can assure you the value of 7.5 million pounds of underutilized mahi would have contributed substantially to our commerce and provided a highly sought-after seafood product to the American public.

Alternative Fisheries Management Methods for Private Anglers

SFA can support the use of alternative methods for estimating recreational catch and discard mortality *provided* the methodology is MSA-compliant, subject to Federal oversight, and is fair and equitable to the commercial and for-hire sectors.

Permanent Moratorium on new Catch Share Programs

We oppose a permanent moratorium on new catch share programs and request a referendum vote be applied to allow the industry to determine whether a catch share program is the most appropriate management tool for accessing commercial quota.

Retaining the 10-Year Rebuilding Requirement

SFA opposes the 10-year rebuilding requirement and supports the more flexible science-based alternative provided in H.R. 200.

ACL Exemption for Sport Fisheries

SFA cannot support any changes that attempt to solve the lack of recreational accountability and poor data by providing ACL exemptions for private anglers or allow shifts in allocation to address quota overages.

Since the 2006 Amendments the management system has struggled to complete and implement a proper accounting system for recreational catch and discards. In 2006 the National Research Council began a critical review of the Marine Recreational Information Program (MRIP) and its results were finalized in 2017. Clearly, work must continue to complete implementation of the MRIP. The significant delays in successfully implementing MRIP are in our opinion inexcusable and have resulted in serious management inefficiencies and precipitated stakeholder infighting. The Subcommittee must hold NOAA accountable to complete the MRIP.

Limitations on Experimental Fisheries Permits (EFPs)

H.R. 2023 would handicap the national Exempted Fishing Permit (EFP) process with an overly prescriptive set of requirements that to us appears designed to undermine the system. EFPs can be a critical component to cooperative research, gear development, conservation engineering, and data collection if developed with participation from affected stakeholders. The process must be open from the start and not kept internally within NOAA until the plan is ready to launch.

However, we agree that specific limitations on use of EFPs to implement catch share programs outside of Section 303(A) are warranted. We have dealt with this specific issue in the South Atlantic region and request the Subcommittee consider adding a protective measure here, while not undermining the benefits of the entire EFP program.

Cooperative Data Collection; Federal/State Partnerships; Data Collection Efforts to Improve Recreational Data

SFA can support Federal Marine Recreational Information Program (MRIP) funds being made available to the states to improve accounting and reporting of recreational catch and discard mortality provided the programs are MSA compliant and Federal oversight is maintained.

H.R. 3588: "THE RED SNAPPER ACT"

SFA strongly opposes this legislation. The justification is built entirely on the misconception that anglers can only fish for red snapper for 3 days (now 39 days) in Federal waters in the Gulf of Mexico. This is a false narrative. Anglers can fish 365 days per year for red snapper and all of the other 38 species in the Gulf reef fish complex. They can only *kill* red snapper on 3 (or 39) of those days. To be clear, there is unlimited *fishing* opportunity for recreational anglers in the Federal waters of the Gulf which calls into question the actual need for, and defense of, this legislation.

- H.R. 3588 allows for recreational catch limits to be set which do not take into account recreational quota overages.
- H.R. 3588 would extend state management authority anywhere from 25 to 65 miles offshore (the exact distance is unclear and depends on the contour of the 25-fathom curve . . .) but there is no indication and no guarantee the five Gulf states will adequately provide for added enforcement, monitoring and data collection responsibilities in the newly expanded areas.
- H.R. 3588 does not require consistency with the MSA in terms of ending overfishing, rebuilding, use of best available science, fairness and equitability or any of the other national standards.
- H.R. 3588 does not require a report to Congress on the health of the red snapper resource under the requirements of this Act until 2024.
- H.R. 3588 preserves only the *percentages* of the total allowable catch (TAC) of red snapper for the commercial and for-hire sectors, but not the actual *quotas*. The actual quota amounts made available to commercial and for-hire sectors will depend on the health of a resource subject to what is expected

to be excessive recreational harvest with no accountability. The likely result—reduced quotas for commercial and for-hire sectors, though their *percentages* of the TAC will remain the same.

- H.R. 3588 does not require that all state red snapper recreational fisheries surveys be submitted and certified by the Secretary.

SFA is also concerned this legislation will set an unhealthy precedent for other species in the region and around the Nation. We would rather see efforts put into improving MRIP and accurate estimates of recreational catch and discard mortality.

MSA DISCUSSION DRAFT OF REP. HUFFMAN

We would like to thank Ranking Member Huffman and his staff for recently providing a copy of the “Discussion Draft” dated September 18. SFA has not had adequate time to assess the pros and cons of this proposed legislation. We will examine this bill in more detail in the coming weeks and continue to engage in the MSA reform conversation including on all legislative offerings.

Based on an initial cursory review the Draft appears to be a comprehensive mix of components. The Draft contains some *concepts* similar to what we are supporting in H.R. 200—including some enhanced ACL and rebuilding flexibility (incl. removal of the 10-year timeline); improved science, cooperative research, and recreational data collection (incl. MRIP); as well as improvements to Council transparency and the fishery disaster declaration process, among other things. We note the Draft does not include an ACL exemption for Florida’s spiny lobster fishery, something the Florida industry and the Florida Fish & Wildlife Commission do support.

However, the Draft incorporates some components that are red flags for our industry. These include but are not limited to: expansion of the habitat areas of particular concern (HAPC) concept, requirements for RFMCs to *protect and recover* essential fish habitat; and bycatch reduction plans for forage species. We have struggled under the negative impacts of HAPCs under the current Act and cannot afford to increase these problems. Similarly, NGOs have pressured the management system and Congress for forage fish management as a way to choke off commercial fishing activities for target species. Here again, we must resist efforts to include these harmful elements in the reauthorization.

ADDITIONAL PROVISION TO BE CONSIDERED FOR ADDITION TO ANY H.R. 200 MANAGER’S AMENDMENT

Section 302(b) must be revised to ensure we achieve a fair and balanced apportionment of active participants in the commercial and recreational fisheries; and that the Secretary must clearly and fairly assess these apportionments in the annual Report to Congress. Additionally, the specific requirements of Section 302(b)(2)(D) regarding membership on the Gulf Council *which sunset at the end of Fiscal Year 2012* should be re-examined, clarified and reinstated.

CLOSING

Thank you Chairman Lamborn, Vice Chairman Webster, Ranking Member Huffman and members of the Subcommittee for your interest in the Florida commercial fishing industry’s perspective on MSA reform. We look forward to working with this Subcommittee and your staff to support the passage of fair, balanced legislation that will fulfill the intent of the Magnuson-Stevens Act. I am happy to answer any questions that you or other members of the Subcommittee may have.

Mr. YOUNG. Thank you, Mr. Merrifield. I appreciate that. Now Mr. Macaluso.

STATEMENT OF CHRIS MACALUSO, DIRECTOR, CENTER FOR MARINE FISHERIES, THEODORE ROOSEVELT CONSERVATION PARTNERSHIP, BATON ROUGE, LOUISIANA

Mr. MACALUSO. Chairman Young, Ranking Member Huffman, members of the Committee, thank you for the opportunity to be here today. My name is Chris Macaluso, I have been the Center for Marine Fisheries Director for the Theodore Roosevelt Conservation Partnership (TRCP) for the last 5 years. I have also worked as a

freelance outdoor writer for the last two decades. I am an avid hunter, angler, conservationist, and a lifelong resident of the Sportsman's Paradise.

The TRCP's mission is to guarantee all Americans quality places to hunt and fish. We have 56 partners representing a wide range of perspectives on hunting and fishing, land and water access, and resource conservation. The TRCP and our partners, like the Coastal Conservation Association, American Sports Fishing Association, and National Marine Manufacturers Association are optimistic. For the first time in many years of working with Congress to improve Federal recreational fisheries management, there are companion bills in the House and Senate and both have broad, bipartisan support.

The requirements in these bills to examine alternative management, improve data collection, and that NOAA work with state fishery agencies, research institutions, and anglers are all recommendations made by the TRCP and its sports fishing partners, and our 2014 report on improving recreational fishing, and our 2017 report on alternative management.

Each report is the result of a year or more of working with the Nation's leading fishery scientists, managers, economists, lawmakers, environmental groups, and angling and conservation organizations, and with Congress. I am proud and appreciative that you and your colleagues have worked with us. Thank you very much.

With the Modernizing Recreational Fisheries Management Act of 2017, the Senate has benefited from the bill being first introduced here in the House, and has been able to clarify some possibly confusing language. We would encourage the House to work with the Senate to have the two bills be as aligned as closely as possible.

It is no secret that there is great discontent and distrust among anglers over Federal management. However, anglers are mostly satisfied with state management approaches. State managers understand they can apply different management approaches to recreational and commercial fishing, while having healthy and sustainable stocks.

State managers know anglers are willing to spend their own money on improving management and conservation. I am proud to say one of the best and most successful examples of this is in my home state. Five years ago, Louisiana's fisheries managers decided they could not work with the imprecise and often flawed data being produced by MRIP, especially with fish like red snapper managed with ACLs and short seasons. Louisiana managers created a new system called LA Creel, which dramatically increased the number of harvest and effort surveys.

Louisiana also created a recreational offshore landing permit, which was developed to identify who was fishing for offshore species like red snapper and amberjack. In this year's red snapper season, Louisiana put a self-imposed limit of 1.04 million pounds on charter and recreational fishermen. Some estimated the length in season would mean nearly 2 million pounds of snapper harvested in Louisiana, but LA Creel showed the state finished the season more than 100,000 pounds under the 1.04 million pound self-imposed limit.

Louisiana's legislature had to double the state's fishing license fees to pay for LA Creel, something that recreational fishermen overwhelmingly supported. LA Creel does not use lotteries, tags, or individual quotas. It has been widely championed by anglers, fisheries managers, and environmentalists, and is a prime example of what better data collection can produce, and what is possible with alternative management.

America's 11 million salt water anglers create more than \$63 billion in annual sales. Anglers have contributed \$9 billion for better management and habitat through excise taxes, and fishing license fees have created another \$21 billion for conservation and management.

The sportsman's conservation ethic means more than dollars, though. Recreational fishermen have also pioneered and championed significant conservation movements, including catch-and-release fishing, barotrauma reduction devices, the use of circle hooks, and assisting state management agencies on fish-tagging programs. A lot of times this comes out of their own pockets.

The TRCP and its sport fishing partners urge this Subcommittee, the Natural Resources Committee, and others in the House to continue to work with anglers and the Senate to make the Modernizing Recreational Fisheries Management Act law.

We thank you and the Administration for working with us and for listening to our concerns. Finally, I thank you personally for the opportunity to be here today to represent my organization, myself, my children, my family, and anglers and conservationists across the country. Thank you. I would be happy to answer any questions, and they don't have to be about red snapper.

[Laughter.]

[The prepared statement of Mr. Macaluso follows:]

PREPARED STATEMENT OF CHRIS MACALUSO, CENTER FOR MARINE FISHERIES
DIRECTOR, THE THEODORE ROOSEVELT CONSERVATION PARTNERSHIP

Chairman Lamborn, members of the Committee and staff, thank you for the opportunity to be here today. My name is Chris Macaluso. I have been the Center for Marine Fisheries Director for the Theodore Roosevelt Conservation Partnership (TRCP) for the last 5 years and have worked as a freelance outdoor writer and radio show host for the last two decades. I am an avid hunter, angler and conservationist and a lifelong resident of Baton Rouge, Louisiana.

The TRCP's mission is to guarantee all Americans quality places to hunt and fish. We are a true partnership and work with 56 official partners representing a wide-range of perspectives on hunting and fishing, land access and resource conservation. Our partners include Ducks Unlimited, the National Wildlife Federation, American Sportfishing Association, Coastal Conservation Association, the Nature Conservancy, Association of Fish and Wildlife Agencies and many others.

My work for the organization focuses on collaborating with our partners as well as state and Federal fisheries managers on improving Federal fisheries policy and legislation related to recreational fishing. I also work with a host of conservation and sportsmen's groups on habitat restoration in the Gulf of Mexico region and the Everglades. I would not be here today representing the TRCP if my views were not reflective of the majority of the sportfishing community.

Today, I am more optimistic about the future of Federal recreational fishing management than I have been at any other time in the last 10 years. I know it's unusual for recreational fishermen, or anyone else for that matter, to come to Washington to say thanks. I do so because the bills under consideration today contain provisions that would help improve Federal fisheries management for recreational fishing, potentially marking the first time in the history of the Magnuson-Stevens Act that the law specifically recognizes the vital role recreational fishing plays in our economy and identifies that recreational fishing is a fundamen-

tally different activity than commercial fishing that requires a different management approach.

The requirements in these bills that alternative approaches to current Federal management be examined and possibly implemented, the improved data collection efforts prescribed and the requirement that NOAA Fisheries work with state fishery agencies, research institutions and anglers to develop and incorporate better data are all recommendations made by the TRCP and its sportfishing partners in the 2014 report “A Vision for Managing America’s Saltwater Recreational Fisheries.”

The alternative management approaches likely to be examined and considered will include the ones that the TRCP and its partners and other sportsmen and conservation groups have explored and considered in the 2017 report “Approaches for Improved Federal Saltwater Recreational Fisheries Management.”

In each case, the conclusions and recommendations in these reports are the result of a year or more of meetings and discussions with fisheries management experts on the state and Federal level, biologists, environmentalists, anglers, economists and law and policy makers. They all represent an honest and earnest effort on the part of the sportfishing community to improve fisheries management and improve the conservation of the resource. It is clear in reading these bills that those efforts have made an impression and have been carefully considered by members of this Subcommittee and beyond. I have included links to both the Marine Vision report and the Alternative Management report as attachments.

The TRCP and its partners are optimistic because for the first time in working with Congress to advance improvements to Federal recreational fisheries management over the last 5-plus years, there are companion bills in the Senate. In the case of the “Modernizing Recreational Fisheries Management Act of 2017,” the Senate has benefited from the bill being first introduced in the House and has been able to clarify some possibly confusing language regarding Annual Catch Limits and rebuilding time frames. We would encourage the House to work with the Senate to have the two bills be as closely aligned as possible and we have been given assurances that those discussions are ongoing and that having the two bills align is the goal.

It is my job to work on fisheries management policy and law, but first and foremost I am an angler. I will not disclose how much I fish for fear of reprisal from my bosses and my wife, but I will say that I have spent many extended lunches trying to catch largemouth bass from the ponds in Baton Rouge and I have no shame in admitting I have arranged it so many of my work duties require a boat ride and a rod and reel. I get as much satisfaction from a fishing trip for 10-ounce bluegills as I do 150-pound yellowfin tuna. Now that I have a young son and daughter, the joy has shifted more to watching them soak it all in and start to gain an appreciation of why going fishing is such an incredible experience. It’s not just the fish you catch, but the alligators and the snakes you see, the bird life, the dolphins, the way a school of mullet explodes from the surface when a big redfish chases them or a shrimp skips across the water when a speckled trout is in pursuit. Every day on the water is a learning experience and a chance to make a connection and gain a greater appreciation for what nature has provided. Being a sportsman is about gaining these appreciations and about ensuring that these resources, the fish and game of our country, remain publicly held resources that all Americans have a chance to experience and enjoy.

Improving Federal recreational fisheries management will go a long way in ensuring that the experiences that I have enjoyed and hope to continue to enjoy will be available as my children and many others grow and become the next generation of sportsmen working to conserve our natural resources.

It is no secret that there is great discontent and distrust among anglers over the way recreational fisheries have been managed in Federal waters. I believe this distrust is born out of trying to force policies and regulations designed to manage commercial fishing into managing recreational fishing. This level of anger, distrust and discontent is not seen at the state fisheries management level. Certainly, there are some who will disagree with any level of government management or involvement in fisheries management, but anglers are mostly satisfied with state management approaches, even in fisheries where there are commercial and recreational harvests such as black drum, southern flounder, sheepshead, blue crabs, catfish and others. State managers have understood for a long time that the same rules and regulations do not have to apply to commercial and recreational activities. They also understand that the value in a fish is not always tied directly to how much that fish can be processed and sold for. The value in a fishery also comes from the ice, fuel, bait, fishing line, baloney sandwiches and toilet paper that anglers buy on their way to the marinas in the morning or when heading out for a long weekend on the coast.

The importance of changing Federal fisheries management and exploring alternatives to current management is not simply because it could lead to more days on the water for anglers but because it has the chance to improve trust among anglers and Federal managers and make anglers much more willing to participate in the process of gathering data and conservatively managing fish.

Once that trust gains traction, Federal managers will discover what state fisheries managers have known for a long time, that anglers are trusted partners in conservation and are willing to spend their own money in pursuit of their passions and in improving the management, conservation and long-term sustainability of fisheries resources.

There are examples of this happening all over the country, but I am proud to say that one of the best and most successful is in my home state of Louisiana. Five years ago, Louisiana fisheries managers decided they could no longer work with the imprecise and often flawed data being produced by the Federal Marine Recreational Information Program, especially as it was applied to fish like red snapper that were being managed using Annual Catch Limits and in-season closures. The irony of MRIP, is that it's actually a very useful tool in managing state-based fish like speckled trout and redfish that have very consistent seasons but it struggles mightily at managing fish caught in Federal waters and managed under ACLs. Louisiana managers created a new system call LA Creel, which dramatically increased the number of harvest surveys conducted at the dock and utilized e-mails and phone call surveys to gauge effort.

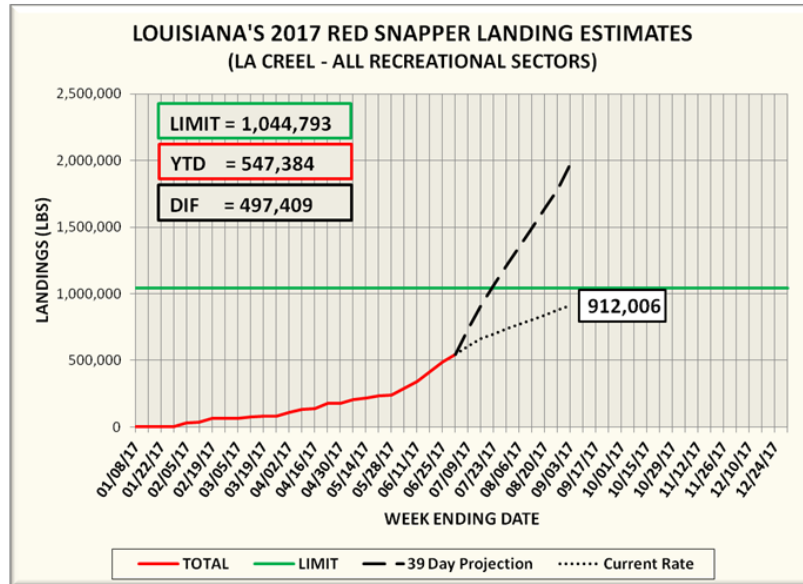
Louisiana also implemented the Recreational Offshore Landing Permit program, which requires anyone fishing for red snapper, grouper, tuna and any other offshore species to provide contact information and to have the cost-free permit with them when offshore fishing. This has allowed state managers to differentiate between saltwater anglers fishing offshore from those who only fish inshore, something MRIP cannot do. The more precise data about who is fishing for what species has allowed the state to get a much better handle on effort and harvest of fish like red snapper. It has also helped state biologists break down harvests of inshore and nearshore species basin by basin and could allow for adjustments of creel and size limits in targeted areas to improve fish stocks showing signs of distress.

In order to pay for these programs, Louisiana's Department of Wildlife and Fisheries had to ask the largely conservative Louisiana Legislature to double the saltwater fishing license fee. The legislature approved the increase because the state's anglers overwhelmingly supported it. LA Creel has been widely championed by anglers, fisheries managers and environmentalists as a dramatic improvement to recreational fishing data collection and management and it is being paid for by anglers who supported an increase in their license fees.

I'm certain the members of this Subcommittee have heard from those who are happy and appreciative of the deal struck between the Department of Commerce and the five Gulf of Mexico states to extend this year's red snapper season in Federal waters in the Gulf as well as those who believe the season has jeopardized the long-term rebuilding process and health of the Gulf's snapper population. Louisiana used LA Creel to closely monitor recreational harvest and effort during the 39-day season. Louisiana has historically harvested between 14–15 percent of the total Gulf recreational red snapper quota and it was estimated before the 39-day season that 1.7 million pounds of red snapper would be caught by Louisiana anglers.

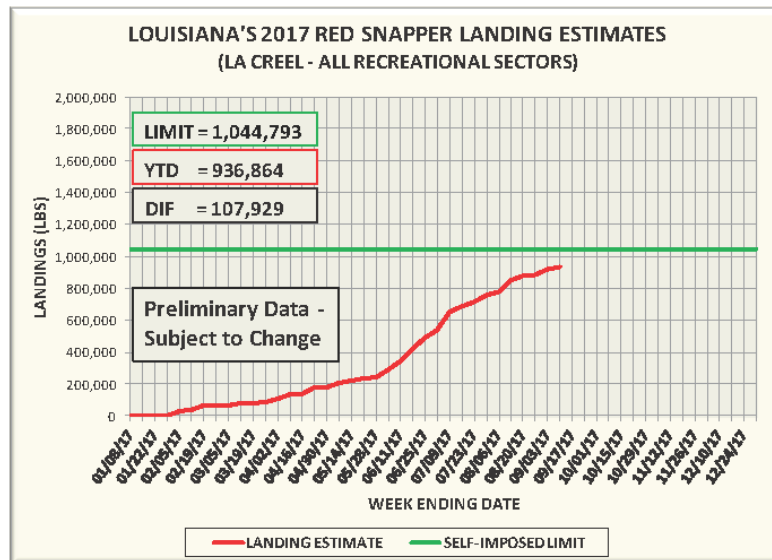
LA Creel, which does not utilize lotteries or individual quotas to limit access to the fish, showed that Louisianans actually harvested less than 1 million pounds, about 100,000 pounds less than Louisiana's historic percentage and self-imposed quota. About 300,000 pounds of red snapper were caught in Louisiana state waters between February 1 and early June before the 39-day Federal season. If the fish harvested during that state season had been applied to a snapper season in all state and Federal waters, it is conceivable that Louisiana could have had a 60–70 day red snapper season this year out to 200 miles. Graphs of LA Creel Red Snapper harvest follow.

Louisiana LA CREEL landings data from July 12, 2017 with Estimate for federal red snapper season total



Information Based on Data Collected Through 9/10/2017

Document prepared on 9/20/2017



NOTE:

Landing data provided is preliminary and subject to change. The table below contains preliminary recreational landing data by sub-sector and is subject to change.

Red Snapper Weekly Landing Estimates (39 Day Season)					
			Landing (Lbs)		
Week	Begin Date	End Date	Charter	Private	Total
24	6/12/2017	6/18/2017	18,235	59,061	77,295
25	6/19/2017	6/25/2017	37,205	33,206	70,411
26	6/26/2017	7/2/2017	16,479	34,273	50,752
27	7/3/2017	7/9/2017	8,784	106,742	115,527
28	7/10/2017	7/16/2017	20,419	15,507	35,925
29	7/17/2017	7/23/2017	455	27,251	27,706
30	7/24/2017	7/30/2017	5,700	35,494	41,193
31	7/31/2017	8/6/2017	3,163	19,219	22,382
32	8/7/2017	8/13/2017	906	65,947	66,853
33	8/14/2017	8/20/2017	0	33,250	33,250
34	8/21/2017	8/27/2017	0	4,620	4,620
35	8/28/2017	9/3/2017	742	32,019	32,761
36	9/4/2017	9/10/2017	1,343	17,787	19,130
Average Weekly Landing			8,725	37,260	45,985

LA Creel is alternative management and is a shining example of what can be accomplished when anglers support and participate in innovative data collection efforts and when management approaches are designed to fit into how, when and where anglers fish. It is also an example of what can be accomplished when anglers trust who is managing their fish and they feel like they can participate in the management process. Using LA Creel as an example, the bills before you would finally give state and Federal fisheries managers the opportunity to work together to develop other innovative management approaches.

Far too many anglers have thrown up their hands when it comes to Federal fisheries management and subscribed to the belief that they are ignored by Regional Councils, Federal fisheries managers and the law. To a certain extent, they are right to feel that way. The passage of the bills before us today can go a long way in helping build confidence among anglers that their concerns are being addressed and their economic and cultural contributions matter on a Federal level.

NOAA estimates there are more than 9 million saltwater anglers in America who create more than \$63 billion in annual sales. Anglers also pay for better fisheries management, habitat restoration and invasive species control through excise taxes on tackle and gear that have totaled nearly \$9 billion since 1951. Fishing license fees have generated another \$21 billion for resource conservation and management and anglers donate millions annually to improve habitat and resource conservation.

The conservation ethic among anglers goes beyond dollars and fees, however. Recreational fishermen have pioneered and championed significant conservation efforts including catch and release fishing, the use of barotrauma reduction devices on Pacific Rockfish and now on Gulf Reef Fish, the use of circle hooks to avoid gut hooking fish to improve catch and release survival rates and assisting state agencies on fish-tagging efforts which are helping account for migratory patterns and better determine how fish respond to seasonal and other changes to habitat and environment.

It is in the best interest of all involved to have anglers involved and engaged in management. An important path to growing confidence among anglers and having them as allies for Federal fisheries managers exists in the bills being considered today.

The TRCP and its sportfishing partners urge the members of this Subcommittee, the Natural Resources Committee, and others in the House to continue to work with anglers and with the Senate to agree on language that gives the Modernizing Fisheries Management Act a clear path to becoming law. We thank you and the Administration for listening to our concerns and appreciating the importance of recreational fishing to America's culture and economy and for crafting legislation that will finally help us work toward better fisheries management. And, finally, I thank

you personally for the opportunity to be here today to represent my organization, myself, my children and anglers and conservationists across the country.

The following documents were submitted as attachments to Mr. Macaluso's testimony. These documents are part of the hearing record and are being retained in the Committee's official files:

- Report: "A Vision for Managing America's Saltwater Recreational Fisheries," <http://www.trcp.org/wp-content/uploads/2016/10/Visioning-Report-fnl-web.pdf>.
- Report: "Approaches for Improved Federal Saltwater Recreational Fisheries Management," <http://www.trcp.org/wp-content/uploads/2017/07/103098-TRCP-Alt-Mgmt-Report-4.pdf>.

QUESTIONS SUBMITTED FOR THE RECORD TO MR. CHRIS MACALUSO, DIRECTOR,
CENTER FOR MARINE FISHERIES

Question Submitted by Rep. Hice

Question 1. Mr. Macaluso, you are a lifelong resident of Louisiana. From the standpoint of your family and friends, how is the red snapper fishing this year? How do your personal observations and those of your family and friends reconcile, or not, with recent NOAA decision making about red snapper management?

Answer. The red snapper fishing is unbelievable. We have some incredible fishing in Louisiana. We are blessed. But what we are seeing right now with the numbers of red snapper off Louisiana's coast defies description. It is difficult to fish any structure in 50 feet of water or more without catching red snapper. It's very difficult to target other species, even fish high in the water column like mangrove snapper, without catching red snapper. It's a conservation accomplishment that all anglers should be celebrating. But, unfortunately because of management approaches that don't fit with recreational fishing and poor data collection efforts, as well as contentious ideological battles between those pushing for privatizing public fisheries and expanding individual fishing quotas and the sportsmen and charter captains who want the fish to remain publicly held, the conservation gains have been overshadowed by frustration and arguments.

The decision to give anglers more opportunity to fish Federal waters this year in exchange for fewer days in state-only waters was welcomed by most Louisiana fishermen. State-water snapper fishing is limited to the eastern one-third of Louisiana's coast, meaning anglers who have camps or live in the western part of the state were only going to have 3 days to target snapper from their home ports. When the additional 39 days were agreed to, anglers and marina owners largely welcomed the additional opportunity.

In Louisiana's case, its wildlife and fisheries commission committed to using LA Creel, the state recreational harvest monitoring program, to ensuring Louisiana anglers did not overharvest snapper this past season. There were some who projected Louisianans would harvest nearly 2 million pounds of snapper. LA Creel showed that less than 1 million pounds was actually harvested. The fact that Louisiana's wildlife and fisheries department can manage harvest that closely gives Louisianans a great deal of confidence that the state is more than capable of allowing additional access to abundant fisheries while ensuring there isn't overfishing. The lengthy process of getting NOAA to certify LA Creel is frustrating and breeds more distrust of Federal management.

At the heart of that frustration is a Federal management approach that doesn't seem to make a lot of sense when compared to how other fisheries and game are managed. In the case of red snapper, anglers are punished with less access because the stock is at historically high levels. It doesn't make sense that a decade ago the red snapper season lasted half the year even though the stock was much smaller than it is today. Now that the stock is larger and the average size of the fish has increased, it makes little sense to the average angler that the season has to be much much shorter. It's counter-intuitive. Duck hunters wouldn't be facing a shorter duck season each year if the number of mallards and teal increased. Redfish anglers wouldn't see a reduction in limits and days to catch a few for the dinner table if redfish stocks were at all-time highs. This notion that recreational fishermen are irresponsible simply by fishing the seasons they have been allowed is absurd. They

are the same fishermen who are duck hunting and fishing for other species and they aren't considered irresponsible by hunting and fishing those seasons. The culprit isn't fishermen.

It's important that state and Federal fisheries managers be given the tools needed and the options to explore management approaches that are better suited to managing recreational fishing. For Louisiana, that could mean allowing the state much more opportunity to work with NOAA Fisheries to use its superior data collection effort in LA Creel to manage harvest of red snapper and other fisheries in the EEZ.

Questions Submitted by Rep. Johnson

Question Related to the Modern Fish Act

Question 1. As technology advances, more and more industries are collecting their data electronically.

- *What role do you see electronic data collection playing in the future of fisheries management and what are some examples of electronic data collection working in the Gulf region?*

Answer. I believe there is a prevalent role for electronic data collection in the future of fisheries management. Many anglers I have spoken with would gladly report what they catch electronically. We must, however, take a very realistic approach to what electronic data collection is capable of providing. It is nearly impossible for electronic data collection programs to track every single fish landed, yet that's what some hope to accomplish by implementing electronic reporting requirements.

It is impossible to enforce mandatory reporting requirements. There are some fishermen who will forget to report their catch and some who will likely refuse. If management is contingent upon 100 percent accuracy of electronic reporting, it may not succeed. However, if fisheries managers can establish reporting requirements that take into account that all fish will not be reported and that there may be biases in the data based on who is more willing to report their catches, then electronic data collection efforts can be very useful.

One of the best examples of electronic reporting is the iAngler Ap, Angler Action Program developed by the Snook and Gamefish Foundation. iAngler allows anglers to log the fish they catch in their phones. Anglers can record weight and length of the fish they keep and release and the Ap even tracks GPS locations, weather and tides and other conditions. It is a way of gathering data that benefits the anglers by letting them keep an online log book of their fishing activities while giving managers valuable data on effort and catch. iAngler is not a mandatory program. It is strictly voluntary. But it has enough users now that fisheries managers in Florida are getting a large enough sample size to reduce some of the biases and get relatively accurate information that can help augment other fisheries harvest and stock monitoring. The Florida Fish and Wildlife Conservation Commission is using data from iAngler to assist with stock assessments of sea trout and snook.

Electronic data can provide some extremely valuable information. Rather than trying to count every fish caught, though, perhaps a more realistic goal for electronic data collection is that enough anglers use it to help augment existing, proven management approaches being used currently by state agencies.

Question Related to the Magnuson-Stevens Act

Question 2. In coastal Louisiana, fresh water environments are disappearing each day with 16 square miles disappearing from the coast each year. Misguided application of Federal policy is proving to be a huge obstacle to my state's restoration and protection efforts. In order to remedy this, the definition of 'essential fish habitat' needs to be changed to exclude areas that are experiencing extreme historic land loss—areas that did not previously provide a habitat for saltwater species.

- *In an effort to protect coastal projects, would you support language in H.R. 200 that would redefine 'essential fish habitat' in this way?*

Answer. Being from Louisiana, I have seen the precipitous coastal land loss and habitat loss my entire life. It is truly the greatest threat to Louisiana's fisheries and coastal communities and fisheries across the Gulf. I have spent more than a decade working on coastal restoration efforts in Louisiana and understand that diversions of freshwater and sediment from the Mississippi River are vital in any kind of comprehensive effort to save the wetlands that haven't yet washed away and subsided.

Some current environmental laws are not nuanced enough to take into account changes to an ecosystem that occur from efforts to restore that ecosystem. That seems to be the case with NOAA Fisheries' interpretation of the 'essential fish habitat' requirements in the Magnuson Act. NOAA has suggested that diversions could potentially violate the Magnuson Act by changing existing marine fisheries habitats. However, that interpretation is simply based on existing conditions. It does not examine past conditions where some of the areas that would be affected by the freshening of water from diversions were fresh and brackish marsh or swamp in the last century before levees and navigation projects drastically changed the salinities in Louisiana's coastal estuaries. The law is also being interpreted as having no capacity to account for the long-term improvements to fisheries habitat and the long-term increases in forage base production that could come from increasing habitat by allowing sediment diversions to rebuild marsh and deliver sediments.

Permitting processes and bureaucracy and having to navigate inflexible interpretations of laws like Magnuson all lead to decades-long efforts to engineer, design and build large-scale ecosystem restoration projects like diversions. Louisiana's coastal marshes don't have decades to wait for these projects to be built. The more time passes, the more difficult it becomes to restore the wetlands the diversions aim to restore. Also, diversions are meant to work in concert with dredging projects, barrier island restoration, ridge restoration and other coastal restoration efforts. The longer it takes to have working diversions feed sediment into these other projects, the less effective the projects will be.

The future of Louisiana's coast and fisheries depends on effective marsh restoration projects. Projects like diversions that are critical for the long-term production of fisheries should not be so hampered by laws meant to protect and enhance fisheries.

Mr. YOUNG. I had a new name for the red snapper, but I won't bring it out today right now.

I want to thank the panel. Good testimony from each one of you, so I do appreciate it. And customary as I do, I will recognize the Ranking Member of the Subcommittee for questions of the Council, then I will ask questions, then we will alternate back and forth.

So, Mr. Huffman, you are up.

Mr. HUFFMAN. Thank you, Chairman Young. I would like to start with Mayor Mitchell.

Welcome to Washington. I appreciated your very constructive testimony. We have talked a lot about the bipartisan history of this Magnuson Act, the bipartisan successes that we have had over the years. This, after all, is an Act that is named after two bipartisan Senators. It could just as easily have been named after the bipartisan duo in the House. In fact, I think the Young-Studds Act would have maybe been more memorable.

[Laughter.]

Mr. HUFFMAN. But the history is clear, and I think it has been part of the success.

There are some signs after several years of a really partisan disconnect, that we may be trying to work together again. The key will be what happens after this hearing, when we start legislating.

I just want to ask you, maybe by way of reaffirming what I think I heard you say in your testimony, do you believe that a bipartisan negotiation will result in more legitimate and lasting legislation to amend and reauthorize the MSA?

Mr. MITCHELL. Well, I appreciate the question, Congressman, but I cannot sit here and be against bipartisanship. You know, I am a mayor, after all, and we mayors tend to be all about getting things done.

And I think that is true of this bill. It has been marked over the years by considerable bipartisanship, every reauthorization. And I do know—I mean I haven't done a line-by-line study of both bills, but what strikes me is that there is not a whole lot of daylight between the two. It is hard to know what the Senate is going to do. I suspect that you guys are going to get something done. And to the extent that it is seen as bipartisan, I think it stands a much better chance of getting through the Senate.

Mr. HUFFMAN. Thank you.

On that note, I know that my friend from Alaska said that he hasn't heard anything from Democrats about where his bill is wrong. I want to hand him a copy of the Democratic staff memo, which I hope his staff has, because there are seven very specific points laid out in that memo, some of them technical. Some of them would be regarded as partisan poison pills, but we can work them out.

Also, the bill that we have put forward as a discussion draft is an attempt to start a collaboration, so that we can do something different in this Congress. Instead of putting forward a bill that did not include bipartisan collaboration and input and sat in the Senate and had poison pills and was not acted upon, we can actually use the next few weeks to do something this Congress has not done in a while, and send a strongly bipartisan successful bill over to the Senate with a lot of momentum, and we can go shoulder-to-shoulder to our Senators and urge them to get this thing done, which I think would be a good thing for the industry, good thing for this country.

Mr. Oliver, I appreciated your testimony. Congratulations, by the way, on your new position. Very big job. I certainly look forward to working with you.

In my home state of California, we have dealt with a number of overfished stocks through the Pacific Fisheries Management Council. We have accepted it when science shows that a stock is depleted. We have set precautionary rebuilding plans. We have bit the bullet, when necessary, to significantly reduce pressure on these stocks. We have done it with lingcod, seven different rockfish stocks, and we have seen the results.

All of the overfished stocks in California are either rebuilt or are on their way to rebuilding. Most recently, Bocaccio and darkblotched rockfish were declared rebuilt. And I know that, nationwide, 43 ocean fish populations have been successfully rebuilt under the MSA. Of those, 40 were rebuilt after the 2006 reauthorization that required science-based annual catch limits and rebuilding plans that immediately stopped overfishing.

I want to ask if you agree that the conservation and management measures put in place in 2006 have been critical to preventing overfishing and to rebuilding these stocks?

Mr. OLIVER. Absolutely, I agree, sir.

Mr. HUFFMAN. And I think I heard you—well, let me just ask a somewhat separate question. NOAA recently estimated that fully rebuilt fisheries in this country would generate an additional \$31 billion for the economy and 500,000 jobs. Does that comport with your understanding?

Mr. OLIVER. I don't know the exact numbers, offhand. I am going to assume you have accurate numbers, sir. And I think that sounds about right, if my recollection is correct.

I think many of those have been rebuilt, as you point out, and we have realized a significant amount of that gain, as you point out, since the implementation of the annual catch limit and rebuilding measures that were put in place under the Act. So, that is a long-winded way of saying I agree with that.

Mr. HUFFMAN. Thank you. Good. I yield back.

Mr. YOUNG. I do thank the gentleman. I will remind the gentleman of one thing when you talk about bipartisanship.

The fault of this Congress is that no longer do the committees write legislation. It had to go through Nancy's office, or it had to go through Boehner's office, or had to go through Ryan's office, and had to go back through Nancy's office. The committees used to build a cohesive bill by working together before it went to the Floor. I will remind everybody of that, that the partisanship has been created by the lack of the Chairmen running the committees.

I am just giving you a little lecture on what should happen, but we have lost control because no one really has a bipartisan capability in the Committee. I worked on this Committee when I wrote this bill with, at that time, Chairman Murphy. And we worked together. But right now it is a Democrat bill, it is a Republican bill. There are no solutions.

I will say the original Act, as in place now, does work. And I will go back to what I said before: As long as we write a bill that does not interfere with sustainable yield, good for the communities, and good for the activities without having the, I say, over-reach, which brings me to a point.

Mayor, you mentioned the closure of red snapper in the South Atlantic, coupled with the issues in the Gulf that we all know well. Is this an issue with personnel and NOAA, or—what happened down there? Merrifield, excuse me.

Mr. MERRIFIELD. I am sorry, sir, could you repeat that question?

Mr. YOUNG. You mentioned the closure of red snapper in the South Atlantic, coupled with the issues in the Gulf that we all know well. Is it regional, is it personnel with the Federal agency?

I am one that does not really—and Mr. Oliver, don't take this personal—I do not like the direction coming from Washington, DC. I like it to be running by the Council. It is my information that maybe personnel got involved and did not like—really, they wanted to run it from their office instead of listening to other people like the Council.

Mr. MERRIFIELD. I think, at the time, there was a lot of pressure on the Council to bring a lot of the fisheries into management plans, and there was just a lot of poor or unavailable data at the time, so there was a lot of precautionary factors put into the models. And when red snapper came up, it was a very, very controversial 7 to 6 vote. It was one vote off to push it into a closed status.

So, I just think it had to do with where we were at the time, in terms of the data that was available to put into the models and the pressure to bring them under.

Mr. YOUNG. I appreciate that. I will say I am looking for a new name for the red snapper, and I am going to call it the Graves

snapper. I think that is going to be called the Graves snapper. You know, we named this Magnuson-Stevens Act, so we will call it the Graves snapper. You just went down in history, Mr. Graves, I can tell you that right now.

Mr. Oliver, successes in the state of Alaska and the Pacific, would you like to mention some of those?

Mr. OLIVER. Sure, Mr. Chairman. I do believe this was alluded to earlier. When we talk about things like annual catch limits, and if I were testifying with my Counsel hat on from a previous life, I would probably say you do not need a whole lot of change in the Magnuson-Stevens Act, it is working really well for Alaska.

But we also have a long-term, long-standing participation on my part through the Council Coordination Committee, with the other Councils and regions in the countries, and recognize, certainly now with the broader hat on, and looking around the country at all of our different regions and fisheries with that broader hat on, I can see some room for flexibility.

For example, the things that are contained in your bill have some potential. But I will say, when you look at Alaska—our successful model up there is built on a number of things, including the fact that we have a very productive ecosystem, we have a very good stock assessment program, we have a very good real-time catch accounting program, we long implemented an ecosystem-based approach to management that takes into account habitat and protected resources and other considerations. But I would say that the pillar of our success, in my opinion, is based on the fact that we have been using catch limits for 40 years.

Mr. YOUNG. Good. Along those lines, while you were on the Council, working for the Council as a director, how did you take care of the commercial side and the recreational side? This is what this battle is all about, as far as snapper goes. How did we handle that up there?

Mr. OLIVER. Well, Mr. Chairman, it was a little bit unique, and probably somewhat different than a lot of the recreational and commercial conflicts that you have in other parts of the country. Our biggest recreational issue that we grappled with as a Council—and I am not dealing with state of Alaska and salmon fisheries that were dealt with by the state—but our biggest challenge was the halibut fishery. We ultimately separated the guided halibut from the non-guided, similar to a situation you have with that certain snapper species in the Gulf, the Graves red snapper.

And, we ultimately established a guideline harvest level for that sector. We currently have a catch share allocation between the commercial and the guided halibut fishery, and it is managed similar to the way red snapper is in the Gulf on the recreational side, where we estimate what the catch was the previous year, what we anticipate the effort is going to be, and we adjust seasons in order to try to attain that quota. But it is not as if you are shutting the fishery down in season with a hard cap, so that is the kind of flexibility I think of when I think of flexibility in ACL management.

We also have a mechanism in Alaska recently, through the establishment of this CQE, or community quota entity, that will allow an entity to be formed that can acquire quota from the commercial sector in the event that the recreational fishery wants to invest and

acquire greater access to the fishery and more recreational fishing opportunities.

Mr. YOUNG. I appreciate it. My time is up, but I am not going to quite finish asking questions yet. But timekeeper, when the Chairman is talking, you just don't start the time.

[Laughter.]

Mr. YOUNG. I am not finished yet.

Mr. Mayor, the challenge I see from all these witnesses is the NOAA estimate of the stocks took you, what did you say, 3 years?

Mr. MITCHELL. Well, there is the 10-year rebuilding period.

Mr. YOUNG. Yes, but the report comes in—has anyone ever thought about an independent, totally independent, group that would take and find out how many fish we have, instead of waiting for a long period of time, so this argument doesn't take place?

I have heard all kinds of testimony on the Graves snapper about how many there are from the Federal Government, and then how many the local people say. Yet, the basis of the catch is on Federal Government level.

Mr. MITCHELL. Right, there is a big disconnect. There are a couple ways to get at that, and I think one is to promote collaborative research.

In the Northeast, in the groundfish industry, fishermen maintain, as you have heard over the years, that there are a lot more fish than the stock assessments indicate. And they insist that there are flaws in the methodology, NOAA uses its research vessel in ways that do not fairly reflect how fish are caught and where they are caught, and therefore do not come back with accurate data.

So, there are new techniques on real fishing vessels for scientists to get on board, government scientists and third-party scientists alike, to do clear stock assessments that mimic the way that fishermen fish. I think that is something to be encouraged, and I think the bill does that.

And then, as far as oversight goes, I think there are opportunities for committees to be formed that effectively act as another layer of peer review that, again, hopefully will lead to a more robust data set that can inform ACLs.

Mr. YOUNG. Before I pass to Mr. Sablan, I would ask each one of you to look at H.R. 200, because that is one prerogative I have, and give me specific language you think is important to make the bill work better. I think that is the responsibility on your part.

I want specific language, and we will study that, because you are the interest groups, and I really, very frankly—and I think Mr. Oliver will testify to the fact—that I do a lot of on-ground listening to the fishermen themselves, recreational, charter, and commercial. Most of the suggestions of H.R. 200 came from those people. But you all represent a different group, and I think it is important that we have suggestions that will work.

With that, Mr. Sablan, you are up.

Mr. SABLÁN. Thank you very much, Mr. Chairman, and thank you, everyone. First, I would like to associate myself with the opening comments made by Mr. Huffman of our government providing all necessary assistance to the people of Puerto Rico and the U.S. Virgin Islands at this time of great tragedy. We experienced typhoons ourselves, huge, when the whole island was devastated.

So, keep them in our prayers, and I hope my colleagues would assist the people of Puerto Rico.

Mr. Oliver, I have long been concerned with inappropriate activities of WestPac. In 2014, I engaged in a series of letters with your predecessors about improper lobbying activities in an effort to remove the green sea turtle from the endangered species list. More recently, WestPac has been organizing and leading a national campaign to abolish marine monuments that had led to additional cause for reform.

Section 203 of the discussion draft introduced by Mr. Huffman includes a section on Council reform, with provisions to require recorded non-procedural votes, increase access to Council meetings, and increase transparency from Council members, including conflicts of interest and interactions with Members of Congress. Do you think that this additional oversight is needed to improve the Council process?

Mr. OLIVER. I don't, sir. I don't understand exactly what the concern is you are getting at. I do know that there are current conflict-of-interest standards that Council members and staff are required to adhere to and to have file on record, and I understand there are restrictions against lobbying. I understand there are already in place recusal standards based on the conflict-of-interest information.

So, I don't know to what extent additional measures are necessary. The Councils are a very transparent process in their current status.

Mr. SABLON. No, really? I am talking about WestPac in particular. It is 4,000 miles away from my district. And it is very difficult to find out what they are doing, because they do not even put transcripts of their meeting on the webpage, as required by law.

Could you take a look into that, so that you don't tell me that you don't know what I am asking about?

Mr. OLIVER. I certainly can. I do know that there are requirements for broadcasts of the meeting and transcriptions.

Mr. SABLON. So, require WestPac to follow the law.

Mr. OLIVER. Yes, sir. I will look at that.

Mr. SABLON. Yes, because I have been trying for 8 years, 9 years, going on 10, to get them to do that.

Mr. OLIVER. OK.

Mr. SABLON. Now, again, Mr. Oliver, on the Presidential Proclamation 8335, the management plan for the Marianas Trench National Monument was due on January 6, 2011. That was almost 7 years ago. There is still no management plan. Can you update me on when the proposed management plan will be issued?

Mr. OLIVER. Sir, that is something I am not familiar with. You said the date was 2011 that that was due?

Mr. SABLON. Yes, sir, it is required. That was the date the report, the management plan was due on January 6, 2011.

Mr. OLIVER. Yes, sir. My understanding was that—maybe we are talking about a different area—but that Marianas Trench area is now under a monument closure designation. And, if so—

Mr. SABLON. No, sir. It is not.

Mr. OLIVER. It is not? OK, I am sorry.

Mr. SABLON. How long have you been on this job, Mr. Oliver?

Mr. OLIVER. Almost 3 months, sir.

Mr. SABLAN. OK, sir. I appreciate that you have been on the job such a short time, but I ask you questions. Would I please get answers to those questions?

Mr. OLIVER. Absolutely, sir. I will look into it.

Mr. SABLAN. I appreciate that. Thank you.

Mr. OLIVER. I am sorry I don't have the answer on the top of my head.

Mr. SABLAN. Thank you very much. I have a question, one more question for Mr. Oliver, but I will go to Ms. Boggs, because I don't have too much time.

Ms. Boggs, I would like to ask you about the issue of accountability and recreational fisheries management. Is it true that commercial charter and party boats must report their catches of species like red snapper?

Ms. BOGGS. Currently, the commercial industry is required, as well as the headboats. There is a modification that we are waiting on for the Secretary of Commerce to sign that will require the charter vessels to do it, as well.

Mr. SABLAN. Is it also true that, because of these commercial charter and party boats, rarely, if ever, exceed their science-based annual catch of sought species?

Ms. BOGGS. The commercial sector, since they have implemented their individual fishing quota system, they have not overfished. And the headboats, charter-for-hire, since sector separation was implemented, they have stayed under their quota.

Mr. SABLAN. I am not the Chairman, so my time is up, thank you.

Mr. YOUNG. You are up from Florida, Mr. Webster.

Mr. WEBSTER. Thank you, Mr. Chair.

Mr. Blankenship, you had noted in your testimony that a lot of the problems with the Federal recreational fisheries management was due to a lack of timeliness and accuracy of both stock assessments and harvest estimates. Do you believe that more management flexibility, as found in H.R. 2023, is needed?

Mr. BLANKENSHIP. Yes, sir. Thank you for your question.

Mr. YOUNG. H.R. 200 has a lot of flexibility.

Mr. BLANKENSHIP. The stock assessment process in the Gulf of Mexico is not what Mr. Oliver has described the way they do it in Alaska and some other places. So, the time between stock assessments and the ability through MRIP to account for the catch leads where we really do need flexibility, especially for the recreational fisheries in the Gulf of Mexico.

Mr. WEBSTER. Do you think that the flexibility found in this H.R. 2023 is adequate?

Mr. BLANKENSHIP. I think that the flexibility in that bill would go a long way toward getting us where we need to be to have some flexibility for management, especially for the recreational fisheries.

Mr. WEBSTER. Mr. Merrifield, I had a question about, from the standpoint of a commercial fisherman, what do you think the best way to improve the data collection is, so we can really understand what is in the fishery?

Mr. MERRIFIELD. The best way, in my mind, to improve the data collection is to get more involved, get more programs of cooperative

research. It is more cost effective if you are using constituents to actually go out and do the research. You get better data, you get more data, because it is more cost effective, and you get buy-in from the stakeholders that are actually taking part in the process.

Mr. WEBSTER. Do you think that should be a collaborative effort? Should it be a Federal effort? Or what do you think the best way to perform that is?

Mr. MERRIFIELD. Well, we have done some cooperative work with the state that has been very productive. It is just a matter of getting that into the Federal process. There has been some resistance in accepting that. But I think that if there is—

Mr. WEBSTER. From a lack of receiving the data, actually—or acknowledging that the data is accurate, or—what would be the problem there?

Mr. MERRIFIELD. It would probably be that it is sticking to a very strict scientific method of not including outside data, so doing the stock assessment the way it has been done. And I think there needs to be some things that say we need to look at introduction of new sources of data because there is just not, especially in the South—NOAA cannot access or cannot get the data, given the means that they have. There are too many stock assessments, we are lucky to get four complete stock assessments a year, and we have over 80 species of commercially harvested fish.

Mr. WEBSTER. Is there a standard, an acknowledged standard, by which the data would be collected, or does there need to be a new standard, or there is no standard?

Mr. MERRIFIELD. No, I think that there was—I mean the Fisheries and Wildlife Research Institute in Florida, I think they had very good standards for collecting that data.

Mr. WEBSTER. Thank you very much. I yield back.

Mr. YOUNG. Ms. Barragán.

Ms. BARRAGÁN. Thank you, Mr. Chairman. My district is home to the Port of Los Angeles and the community of San Pedro, which were once home to a healthy commercial fishing and canning industry. In fact, my grandmother used to work at one of these canneries on the docks. At its height during the 1950s, Los Angeles Harbor was home to 16 canning operations that accounted for 80 percent of all canned tuna produced in the United States at the time. They employed 5,000 people with payrolls of \$15 million.

Unfortunately, by the early 1970s, foreign fleets were consistently out-competing San Pedro fishermen, pushing our fishing and canning operations to the brink of collapse. The first large cannery to shut down did so in 1984, with others following suit not long after.

As we all know, the original goal of the Magnuson-Stevens Act was to protect domestic waters from foreign fishing. Through its initial passage in 1976 and subsequent reauthorizations, we have been able to craft a fisheries management strategy that is flexible and based in sound science.

The MSA is unique among natural resource laws, in that best practices are crafted by fishermen and other stakeholders to deal with specific regional challenges. While some of my colleagues may feel otherwise, management measures like biomass-based catch limits are indeed working.

Under the MSA, overfishing is at an all-time low, and 41 fish stocks have been rebuilt to healthy levels. However, work still remains. Nationwide, 30 commercially and recreationally important fish populations are still subject to overfishing, and 38 stocks remain overfished.

In order to ensure that fish stocks remain plentiful enough for fisheries in Southern California and beyond, it is imperative that we reauthorize the MSA in a way that allows us to build upon the significant progress toward sustainability that we have made in the past 40 years.

My first question is for you, Mr. Martens. Do you agree that precautionary management of forage fish is important to the health of fisheries? And do you think the Magnuson-Stevens Act should be updated to reflect that?

Mr. MARTENS. Thank you for the question. Forage space is extremely important to rebuilding any fish stocks. It is a foundation of the ecosystem. And in Maine we actually had a very robust canning fishery for a long time for sardines and herring that has since disappeared, in part because of the lack of forage that we have seen take place over a period of time.

So, we are struggling to rebuild groundfish stocks in New England right now. And part of the reason that many fishermen think that is is because there is not enough forage base out there to make sure that we are adequately allowing them to go out and grow and eat enough.

When we are looking at Magnuson, we want to make sure that forage continues to be an important piece of it. If we can highlight the importance of that even further, I think that we should. Without stuff to eat, those fish are not going to grow, they are not going to get bigger, and we are not going to be able to go out and catch them.

Ms. BARRAGÁN. All right, thank you.

Mr. Oliver, NOAA Fisheries recently issued a final rule developed by the Mid-Atlantic Council to limit fishing on about 50 species of previously unmanaged forage fish. The Council Coordinating Committee has also adopted a policy position representative of this action. Fishing should be prohibited on unmanaged forage fish until baseline science regarding the role in the ecosystem and the potential impacts of fishing them are better understood.

Do you think this should serve as a model for managers across the country?

Mr. OLIVER. Thank you for that question. As a former member of the Council Coordination Committee and a long-time Executive Director of the North Pacific, we in the North Pacific many years ago, at least 15 years ago, as part of our overall—a very critical part of our ecosystem approach to management prohibited fishing on forage fish species as a prime component of that. I do agree with you that that is an important—

Ms. BARRAGÁN. OK, I only have just a second left. Do you think your agency should be encouraging precautionary management of forage fish? Yes or no?

Mr. OLIVER. Yes.

Ms. BARRAGÁN. Thank you. I yield back.

Mr. YOUNG. Mr. Wittman.

Mr. WITTMAN. Thank you, Mr. Chairman. I am going to go first to Mr. Macaluso.

I wanted to get your perspective from your experience on an issue that we are dealing with in my region, specifically cobia. As you know, cobia recently has come under some additional attention by Federal fisheries managers as to how to manage the stocks. Right now, at worst, the data there is wildly inaccurate; at best, blatantly incomplete.

In the face of that, there is still a forcing mechanism that says put in place these management mechanisms, many of them Draconian. In the region, too, there has been a lot of interest in fishermen, a lot of them calling me saying the observational data does not match the data that is lacking or inaccurate from the Federal fisheries managers. The fishing community, recreational fishing community, has worked very hard to gather data.

But, as you know, if data does not come from that haloed group of regulators within a fishery's management community in the Federal Government, that is chastised. We don't want this. It cannot be accurate because it did not come from the divinity that exists within the Federal fisheries managers. So, with that, here we are. We are in this situation where we have a fishery that is on the precipice of closing.

Give me your perspective. Do you think that the Federal management regime that we have right now, with lack of data and forced annual catch limits based on that lack of data, is the proper way for us to go about managing fisheries? And should we not look at changing that in upcoming fisheries legislation?

Mr. MACALUSO. Thank you for the question. I will say this—I don't believe, and I don't think that it has been proven, that ACLs are an absolute necessary tool to conservatively manage a fishery. I think there are a number of fisheries that have been very successfully managed without the use of that, by looking at alternative approaches to doing stock assessments and gathering data, and that managing through ACLs only really works if the information that you are plugging into that management is accurate or timely.

As Mr. Blankenship noted in his testimony, sometimes we have a lag time, even on a fishery like red snapper, that is very closely examined and paid attention to, and maybe even understood a little bit more than cobia. Cobia tend to be a little bit of a mystery. I mean it is hard to do a stock assessment on cobia, because they migrate. They move around. At certain times of year they are in one place, at certain times of year they are in another. But I think, even with red snapper, when you have such a lengthy lag time between stock assessments, and you are trying to set a season based on a hard-poundage quota on that, you can have some big gaps there, there could be some inaccuracies.

So, ACLs, I think, are a useful tool, but only if the information that you are plugging into them is accurate.

Mr. WITTMAN. Thank you. I know you talk about cobia being a little bit of a mystery. They are not a mystery to our Federal fishery scientists. They are convinced that cobia from the Middle Atlantic swim to the Georgia-Florida line, they do not swim any further. There is no mixing of the stocks there. So, it is great to me that there is a conclusion that there is no mixing there of those

stocks. Fish have tails, but they only swim there to the border, and they go, oops, sorry, there is a stop light here, we have to swim back to the north.

Anyway, I am going to go to Mr. Blankenship. Give me your perspective on where we need to go with giving a recreational fisheries perspective on how we look at Magnuson-Stevens. How do we modernize it to make sure that we are not only rebuilding stocks—and yes, you can point to certain situations where we have rebuilt stocks under Magnuson-Stevens. No debating that.

But the question is, does it always serve the interest of the recreational fishermen that may be different in how we look at those stocks, and the needs for recreational fishermen, whether it is quantity of catch or quality of catch?

Mr. BLANKENSHIP. Thank you for the question. I agree. The Magnuson-Stevens, like I said in my testimony, has been very effective at rebuilding fisheries that were in trouble. The problem comes in after those fisheries are rebuilt, and as they are rapidly rebuilding, the lag time between the stock assessment and setting the fishing seasons causes these extremely short recreational seasons, and are meeting that quota so much faster than is necessary.

So, I think having some flexibility where we can use other methods like distance-based management, fisheries mortality estimates, escapement rates, or something like that, that we use in our state fisheries for recreational fisheries could be very effective, and would be a good addition to the great work that is already being done through the MSA.

Mr. WITTMAN. Thank you, Mr. Chairman. I yield back.

Mr. YOUNG. Mr. Grijalva.

Mr. GRIJALVA. Thank you, Mr. Chairman. And welcome, Mr. Oliver, and congratulations on your new responsibility.

I was glad to hear the priorities that you talked about in terms of reform or rewrite of Magnuson-Stevens, having to do with catch limits, catch accountability, and an ecosystem-based management concept. I think those priorities have to be consistent in whatever we do, going forward.

In your position—I have been very concerned about NOAA's lack of enforcement action against Carlos Rafael of New Bedford, Massachusetts. Mr. Rafael, who pled guilty to crimes after an IRS investigation, was sentenced to prison yesterday, but he still has not been charged by NOAA for a multitude of significant violations of the Magnuson-Stevens Act. Does NOAA plan to bring strong enforcement action against Mr. Rafael to ensure that he and his associates do not profit from these crimes?

Mr. OLIVER. Mr. Chairman, sir, I wish that I could, but I cannot comment on that case. It is the subject of an ongoing investigation.

Mr. GRIJALVA. OK. I appreciate that. I will drop additional questions on that. I bring it up because I think that there is an opportunity here, depending on where the agency goes with this, to seize and redistribute to honest fishermen the assets of those permits that are currently in the possession of Mr. Rafael and his associates. I appreciate and I understand your response, sir.

In June, when you got the job, we sent a letter asking questions about the action taken and the decision made to extend the Gulf of Mexico private recreational red snapper season to allow the over-

fishing of that stock. I still have not received a response, and did Secretary Ross and NOAA leadership decide to extend the season with or without the advice of NOAA scientists, or against the advice of NOAA scientists or the best available science?

Can we get a response within 30 days, including the materials that were requested in that letter? Is that a possibility, as well? So, both those questions.

Mr. OLIVER. I am not immediately familiar with the status of the letter. I apologize for that. I will look into that and make sure that we get a response to you as soon as possible.

When the Secretary put in place the 39-day season, I think that was—Mr. Blankenship alluded to this earlier—an attempt to get back to a unified management approach with the states. And that process—

Mr. GRIJALVA. Yes, with all due respect, Mr. Oliver, I think the point is—the information that I think we seek on this side is, did the Secretary and NOAA leadership decide to extend that season against the advice of NOAA scientists and the best available science?

Mr. OLIVER. No, sir. I don't believe so.

Mr. GRIJALVA. If we could get that information that we requested in our letter in June to share with the entire Committee, we would appreciate that very much.

Mr. OLIVER. I will absolutely follow up on that.

Mr. GRIJALVA. Thank you. And following up on a colleague's questions regarding the Atlantic States Marine Fisheries Commission's finding that New Jersey was out of compliance with the fishery management plan for summer flounder—since that time we have repeatedly asked your staff for one piece of paper, NOAA's recommendation to Secretary Ross on whether or not to accept that finding.

We have not received an answer, and the questions remain the same. Was this non-compliance recommendation provided through the Secretary? Did the NOAA Fisheries recommend that Secretary Ross find New Jersey to be out of compliance? And, again, we would urge within 30 days, if possible, to share with the entire Committee the answers to those questions.

Mr. OLIVER. Yes, sir. I will look into that. The Secretary made the decision. We provided some information to the Secretary upon which he based that decision, and we will get that information to you.

Mr. GRIJALVA. I appreciate it very much, sir. Thank you.

Mr. YOUNG. We will hear from the Graves snapper now. Mr. Graves, you are up.

Mr. HUFFMAN. Make it snappy.

Mr. YOUNG. Make it snappy.

[Laughter.]

Mr. GRAVES. Thank you, Mr. Chairman. I appreciate all of you being here today.

Mr. Blankenship, I would like to start with you. In some of the testimony today, folks have suggested that states are ill-equipped or not capable of sustainably managing fisheries. Could you tell me a little bit about the fisheries that Alabama has managed in an

unsustainable manner? Meaning which species have you allowed to be overfished in the state of Alabama?

Mr. BLANKENSHIP. Thank you for your question, Mr. Graves. As far as I am aware of, under the time that I have been working with the state of Alabama for 23 years, we have not allowed any species of fish to be overfished in our state.

Mr. GRAVES. Are you aware of any state-managed fisheries in the Gulf Coast where a state's management practices have allowed for overfishing?

Mr. BLANKENSHIP. No, sir, not that I can think of.

Mr. GRAVES. Thank you very much. I appreciate that.

Mr. Oliver, thank you very much for being here. Suffice to say that the number of rec fishers in each of the coastal states of the United States is different, meaning we do not have 100,000 rec fishers in each coastal state, correct? You have a different number of recreational fishers in each state. In some cases the recreational fishing demand is much greater than in other states, is that fair to say?

Mr. OLIVER. Yes, sir.

Mr. GRAVES. Is it also fair to say that the species that are targeted by rec fishers are different in different states and different regions? In many cases, for example, the salmon fishing in Louisiana is not that big?

Mr. OLIVER. I am pretty sure that is the case.

Mr. GRAVES. And it is not because we overfished them. The point I am trying to get to is, isn't it appropriate to say that some flexibility in how fisheries are managed is appropriate because you have different demand on different species, from commercial, from recreational sides, as opposed to sort of a standard approach across the board in all 35 coastal states and territories?

Mr. OLIVER. Yes, sir, I would agree to that.

Mr. GRAVES. Do you believe along the lines of what Mr. Blankenship stated, that the states in many cases are fairly well equipped, and share the objective of NOAA to sustainably manage fisheries?

Mr. OLIVER. Yes, sir. I do believe that.

Mr. GRAVES. Right now, I believe that Oregon, Washington, and California manage Dungeness crabs. I think that the state of Alaska manages salmon. On the East Coast, Atlantic striped bass are state-managed. Where have those states mismanaged the species?

Mr. OLIVER. I am not aware that they have mismanaged them.

Mr. GRAVES. Thanks, I appreciate that.

Ms. Boggs, SanRoc Cay, Louisiana Lagniappe is one of our favorite restaurants, and I know that Congressman Byrne has given us a list of other restaurants we need to hit over there. We enjoy going. In fact, I think we actually might have fished with you all once before.

But in Louisiana, the charter industry—and I don't want to pretend to speak for all of them—largely is supportive of legislation that we have proffered in the past in regard to a change in snapper management. I understand that you may have concerns about some of the proposals that are out there.

But going back to Mr. Blankenship's comments, it appears that the states actually have a pretty good history of sustainably managing species whenever I think back. And I am not going to allege that I have a perfect memory, but whenever I think back, the overfishing that I can think of is largely attributable to the Federal Government's management of fisheries, as opposed to the states. Can you help me understand your concerns a little bit better about giving states more of a role in fisheries management?

Ms. BOGGS. Thank you for the question. The red snapper species, Graves snapper—

Mr. GRAVES. Is Louisiana Lagniappe your favorite restaurant?

Ms. BOGGS. Mine is Georgia Brown's here. But the snapper is a federally managed species, and I believe that the states going against the Federal seasons and opening their waters additional days has created an extended effort on catching of the species. So, therefore, that, in my opinion, is what is causing overages, because now you have a shortened Federal season, but you have extended days within Federal waters.

Mr. GRAVES. OK, thank you.

Mr. Macaluso, in regard to the comments that she just made, can you tell me which of the five Gulf states, their rec seasons as negotiated this year, has resulted in an overfishing beyond allocations?

Mr. MACALUSO. Well, we have not seen numbers from Florida.

Mr. GRAVES. Right.

Mr. MACALUSO. But in the case of Louisiana and Alabama, as mentioned by Mr. Blankenship, no, it has not resulted.

I think what we have seen is the development of pretty accurate accountability measures from the recreational side, and keeping track of that stock. And I think, in the case of Louisiana, you saw its commission voluntarily say that if the LA Creel system were to show that we were approaching that self-imposed limit, or about to exceed it during the course of that 39-day season, they would have shut the season off before we reached all 39 days.

Mr. GRAVES. Thank you.

And, Mr. Chairman, I know you are not paying attention to the clock right now, so if I can just very, very quickly ask, is better science collected by the states or by the Federal Government in regard to fishery stocks in Louisiana?

Mr. MACALUSO. I think both are working the best they can, but I think we trust the states. I mean, again, to emphasize a point that you have been making, I cannot think of a fishery in Louisiana that has been mismanaged on the recreational side, or really even the commercial side, by our state fisheries agency.

And I can tell you this, that anglers—I find it surprising, the number of accusations that have been made. Because the very same anglers that are up there discussing with their state managers about limits on large mouth bass, redbass, and speckled trout, are the same ones who are fishing for red snapper. They are not advocating to have no limits or no seasons and things like that. They just want good management.

Mr. GRAVES. Thank you.

Mr. YOUNG. Thank you.

Mr. Gomez.

Mr. GOMEZ. Thank you, Mr. Chairman. I think over the years we have seen Republicans and Democrats agree that conserving America's ocean fish makes good economic and environmental sense. And we have seen that through multiple reauthorizations of the Magnuson-Stevens Fishery Conservation and Management Act. And it honestly has represented the best tradition of bipartisan and collaborative policy making.

As we consider legislation to sustain and improve our Federal fisheries policy, it is my hope that this Committee continues that tradition of bipartisan support for the MSA, and preserves its legacy of success by opposing any efforts to weaken the law.

Mr. Oliver, it is well understood that the annual catch limit requirement was modeled after the North Pacific Council's practice of setting total allowable catch levels for its fisheries. Given your years of service at the North Pacific Council, I understand that very few stocks in the North Pacific are subject to overfishing, and that that is the norm there. And, presumably, because there is little overfishing, only four stocks have ever been listed as overfished in the North Pacific, most of which have been rebuilt successfully.

Quick question. Could you talk to us about the North Pacific Council's track record of using catch limits for over 30 years now, and discuss whether this is related to the low number of stocks that have fallen into an overfished status in the North Pacific?

Mr. OLIVER. Sure. Thank you for the question.

Mr. GOMEZ. That was a quick question.

Mr. OLIVER. Yes. I think that the use of annual catch limits is absolutely a fundamental reason that we have no overfished fin fish stocks in the North Pacific. And I believe there are two crab stocks currently classified as overfished, one of which has not had a fishery on it for several decades, and for which fishing has no impact on its overfished status.

The short answer to your question is I think the over-arching annual catch limits that we have had in place for 40 years is absolutely a key part of that reason.

Mr. GOMEZ. Thank you so much. I yield back the rest of my time.

Mr. YOUNG. Mr. Hice.

Dr. HICE. Thank you, Mr. Chairman. My home state of Georgia has a relatively small coast line, more or less 100 miles on the Atlantic seaboard. But that small distance certainly is made up for by the importance of the coast line's economic and social impact on our state.

Recreational and commercial fishing makes up a sizable portion of that economic impact, generating about a half-billion dollars a year and some 2 billion overall to Georgia's tourist economy.

In addition to that, many Georgians obviously go to the Gulf for fishing—be it Florida, Alabama, or wherever—to enjoy recreational fishing. And I am proud, frankly, of the Georgia Department of Natural Resources and the job they have done managing the coastal fish species and making agency staff available when addressing public concerns and questions.

But very honestly, I, along with many others here, have heard from numerous individuals the frustrations that they have dealing with Federal fishery management. Not only have anglers in the South Atlantic had to handle the frustrations and damage to busi-

nesses due to the 5-year moratorium on red snapper, but those thousands of Georgians who travel to the Gulf of Mexico to fish red snapper are faced every year with an almost year-round closure to Federal waters and overly burdensome policies.

I think it is important for us to recognize that flexibility should not be a code word for overfishing. It ought to be an understanding of the willingness of our Federal Government to compromise for the citizens of the United States and for what is in their best interest. I am a co-sponsor of the Modern Fish Act, and I hope that we will be able to show some of that flexibility.

Mr. Blankenship, let me go to you to begin. Would you say that the Magnuson-Stevens Act has made it easier or more difficult for Regional Councils and NOAA fisheries to apply the principles of adaptive management?

Mr. BLANKENSHIP. I would say it has made it more difficult to do something other than to have a total allowable catch and set a quota and a season, which is where we have gotten into this tail-spin with these short recreational fishery seasons, particularly for red snapper, or this year with gray triggerfish, where we had no season at all.

Dr. HICE. Would you in any way even challenge the term "adaptive management"?

Mr. BLANKENSHIP. I would. I am not a big fan of the term "adaptive management." I like to look at it more in a level where we are looking at these fisheries and we are managing it relevant to that fishery.

We do this in the state waters for all different species. We have so many different species that we manage very successfully for commercial harvest, recreational harvest, and charter harvest. We feel like, with some of those, that flexibility, exactly like you said, is not a code word for overfishing, that just gives different abilities to manage these fisheries.

Dr. HICE. Well, the adaptive management is one thing. But what we really are dealing with is a one-size-fits-all type scenario, which is not very adaptive, in my opinion. How would you compare the one-size-fits-all approach, and how does it affect, say, the Southeast, compared to, say, the Western Pacific?

Mr. BLANKENSHIP. If you use adaptive management in that sort of term, you are right, we need to have some adaptability to the different types of management. But what we have in the Gulf is—I have never been to Alaska, I would love the opportunity to go and see how they manage the fisheries there. But my understanding is that it is much more commercially-based fisheries and less recreation, where in the Gulf we have a very good split between commercial and recreational fisheries. And that makes for a little bit different paradigm for how these fisheries need to be managed.

Dr. HICE. Do you feel that some of the modifications to the annual catch limit in the Modern Fish Act would increase predictability and allow commercial anglers to better set business plans and budgets, and at the same time recreational anglers to better plan fishing excursions?

Mr. BLANKENSHIP. Yes, sir.

Dr. HICE. OK. Thank you very much, Mr. Chairman. I yield back.

Mr. YOUNG. Mr. Beyer.

Mr. BEYER. Thank you, Mr. Chairman.

Ms. Boggs, under national standard two of the Magnuson Act, all conservation management measures for all fisheries should be based on the best scientific information available. NOAA's guidelines provide a robust process for Councils in the statistical and scientific communities to follow when determining what constitutes the best-available science, and this was based on recommendations from the National Academy of Sciences.

Does the inclusion of data from states and from the fishery Councils and even from constituents, is this helpful? Is this useful? Or does this undermine a scientific approach?

Ms. BOGGS. Thank you for your question. I am not real familiar with the national—I believe it is, I am sorry, I just went blank—the organization that you refer to.

Data collection is one of the most important key components to managing this fishery. MSA is working, the accountability measures are necessary to fish within the quotas that are set by this Council.

I am not sure that I answered your question, and I apologize.

Mr. BEYER. I guess the part I am trying to get to, the philosophical thing, is it sufficient or necessary to require on our Federal scientists alone through the NOAA processes, or is it helpful or hurtful to look at the state data, and specifically even the constituent data, the fishery data?

Ms. BOGGS. I think it is important that we look at both of them. I know that the states—Louisiana has done well with the LA Creel program. I know that the state of Alabama is currently trying to develop their Snapper Check program. I don't think it has yet been certified by the Federal Government. But I think the data that is collected by both can be useful in managing the species.

Mr. BEYER. Great, thank you very much.

Mr. Martens, climate change is always a tricky issue on this Committee. But, in general, we can say most people would agree that many bodies of water are getting warmer—the Chesapeake Bay, the Gulf of Maine. And you are seeing shifts in species and in stocks.

What are the best ways to improve coordination across boundaries? And can we use the Magnuson-Moss reauthorization to essentially accelerate the accommodation for these shifting stocks?

Mr. MARTENS. Thank you for your question. I think we have to, when you look at how rapidly things are changing. And fishermen are seeing it. They are the ones that are out on the water. They are experiencing this, especially in the Gulf of Maine, where we are seeing new stocks coming in to our waters that we never used to catch, ones like black sea bass that we used to catch off of New Bedford that we are now seeing in lobster traps up in Maine.

We need a way to deal with these shifts, and the Council process, better communications, better coordination, making sure that that is a priority as we are looking forward in time, is really, really important to this reauthorization process.

Mr. BEYER. Great, thank you. And do you have an opinion, too, on this use of constituent data, in terms of trying to decide how

best to regulate various fishing stocks? I mean, you do not have red snapper, probably, in the Gulf of Maine, but you must have——

Mr. MARTENS. We have other problems in the Gulf of Maine. But I do. In the New England groundfish fishery we do have an issue where fishermen are seeing very different things than what the stock assessment is showing us. That goes in both directions, though. We are seeing a lot more of species like cod, and a lot less of species like haddock and pollock, compared to what the stock assessment might say.

So, in our organization and others throughout New England, we are actually putting cameras on our boats to try to get verified fishermen's information into the scientific process. We are working with scientists out of U Mass Dartmouth to try to figure out how do you take fish data that is coming directly from fishermen and is verified through this data collection system, so that we can have more streams of data going into the scientific process.

We need to get the stock assessments correct, and we think with all these boats out on the water, the best way to do it is add more scientific research platforms out there.

Mr. BEYER. And would this still constitute the best available science?

Mr. MARTENS. I think it would. I think that there are different ways that you can incorporate data streams into the stock assessment process that we have to consider, considering our current constraints when it comes to resources in doing trawl surveys and other types of research.

The trawl surveys are a crucial component of any stock assessment process, and we cannot throw those out, but we do need to add new ways to add data into our stock assessment process, and work with our Federal Government partners to make sure that they can accept and understand what that data looks like as it is coming to them.

Mr. BEYER. Thank you very much.

Mr. Chair, I yield back.

Mr. YOUNG. Thank you. One of the worst things that ever happened to these regulatory branches of our government is the best science available. Most of the time it is not the best, it is what is available. That is the thing that bugs the daylights out of me, and they use that as an excuse.

Mr. Byrne.

Mr. BYRNE. Thank you, Mr. Chairman. I appreciate your convening this hearing, and I appreciate the seriousness with which the Committee is taking this very important topic. It is very important to my district. I guess I am the only one here that has not one, but two constituents on the panel. And I am very proud of that; you all did a great job.

Mr. Oliver, you were very gracious to spend some time with me right soon after you were appointed and took your position, and I expressed to you at that time the concerns that I had about the data that was being developed by your office. And you were too new in the job to be able to respond to that, I didn't expect you would.

You have heard from Mr. Blankenship and from others about the really good data we are getting on the actual catch in the Gulf of Mexico, and we do have good, reliable data there.

The other half of that is what is the health of the stock. And that conversation you and I had was my concern that you are not sampling on reefs, where these fish live. I would like to extend an invitation to you to come down to my district.

The University of South Alabama Marine Sciences Program that is led by long-time expert in this field, Dr. Bob Shipp, they would love to take you out and show you how they do it. These are Ph.D. scientists, they are not a bunch of recreational guys like me. And I think if you saw that, I think you would see that we can give you very, very high levels of science, much more accurate than what you have.

Your office said that there were zero—no snapper—caught off the Mississippi Gulf Coast. I am here to tell you that is not true, because I know people who have caught red snapper off the Mississippi Gulf Coast. I am not picking on anybody, but when your data obviously is that skewed, I think it tells you that you need to look more closely at how you are doing it.

You are still pretty new on the job, and I don't expect you to have your hands on everything, but we would like to show you how we are doing it. I think you would be very impressed with the level of science that we have. So, we will get somebody from my office to contact your office, give you some specific dates. I would love for you to come down and see what we are doing down there, because I think you will see this is the right way to do it, and we will get better data.

If you want to respond to that—

Mr. OLIVER. I would appreciate that offer, and look forward to it.

Mr. BYRNE. Thank you.

Ms. Boggs, you have a great business, it is a family business, and a great family, by the way. As we make policy here in Congress, we have to keep in mind the health of your business, because you are representative of a large number of businesses in the charter industry that is important across the fishery and the Gulf Coast. And I just wanted to partially make sure that I said that to you, because I don't want you to think that we are up here just talking about recreational sectors and not thinking about you, as well, because we are.

Ms. BOGGS. I appreciate that comment, thank you.

Mr. BYRNE. Mr. Blankenship, after the data you just gave us regarding the actual catch—and I think we also had similar data from Louisiana—it seems to me that we have quite a discrepancy, compared to estimates about how much we were going to be catching, actually, this season, given the elongated season.

What did these estimates show about how we can balance a healthy fishery with an extended amount of days for private anglers to fish?

Mr. BLANKENSHIP. Thank you, Congressman, and thank you for your continued interest on this issue.

We thought that the issue with the extended season, that it would spread out the effort. So, if there wasn't a derby, where we had 3 days or 7 days that people feel like they just have to go, that

people would spread out their trips, and that the catch would be less than it has been, much less than was estimated by NOAA Fisheries and some of the other groups with this extended season.

And that is exactly what we saw. We saw that when people had more opportunity to fish, they picked days that were best for them and their families, with the weather, and then our catch is going to be somewhere in the neighborhood of 350,000 pounds less than what would have been our 31 or 32 percent of the catch in the Gulf of Mexico.

Mr. BYRNE. I appreciate that.

Mr. Chairman, I got to go fishing for snapper this summer for the first time in 3 years. The last time I went was with Susan and her husband. And let me tell you something. You go out there on the Gulf of Mexico right now, you put your hook in the water, you are going to catch a snapper. There is absolutely no question about it. We would love for you to come and to show you exactly what we are doing, because the truth of the matter is there are plenty of fish out there for everybody, for commercial, for charter, for recreational. We just have to get our science right.

And I think the bills that are being considered by this Committee will get us there, and I appreciate the professionalism of everybody on the panel. I yield back.

Mr. YOUNG. I want to thank the panel for your kind attention and giving us this good testimony. And remember my request, because we are going to use the vehicle of H.R. 200. And I am going to be working with Mr. Huffman, and we are going to see if we cannot come to some conclusion, reauthorizing and making the bill better.

But the basic skeleton of the Magnuson Act is going to retain its original concept. The father of this bill is sitting in the audience. I will not embarrass him right now, but he wrote the bill with me 40-some-odd years ago, and has been involved in the reauthorization. So, we are trying to keep the skeleton whole. If there are some improvements, we will gladly try to address those, and I will warn everybody this is not a vehicle to promote other activities outside of the conservation, sustainable yield, community support for fisheries. So, we will be working together.

Mr. Graves, we now in the bill are going to put a section calling it the Graves snapper, so we can have some interesting times. I may do that. I named a transportation bill after my wife and they had a big fight about that, and I said I can do anything I want to do, and if I want to name it the Graves snapper, it will be the Graves snapper.

With that, I do appreciate the members of the Committee, and especially the staff, for being here today. And we are going to try to get something moving by October or November of this year.

With that, the Subcommittee is adjourned.

[Whereupon, at 12:05 p.m., the Subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

PREPARED STATEMENT OF THE HON. GARRET GRAVES, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF LOUISIANA

Today's hearing seeks to address Federal fisheries management issues that we have been discussing in this Committee for quite some time now. Commercial and recreational fishing are fundamentally different activities that warrant different management strategies, but for decades Federal policy has largely ignored the nuances of these two sectors and opting instead for the current, one-size-fits-all approach. The Magnuson-Stevens Act has largely focused on commercial fishing, while not addressing the needs of recreational anglers. H.R. 2023, the Modernizing Recreational Fisheries Act, seeks to create the flexibility necessary to effectively balance management of commercial and recreational fisheries.

The Modern Fish Act will not only modernize to the Magnuson-Stevens Act, it will promote public access for America's 11 million saltwater recreational anglers, and improve fisheries data collection and spur economic growth in fishing communities around the country. The Modern Fish Act is a step in the right direction when it comes to managing our Nation's natural resources, and will maximize economic benefits for thousands of businesses and provide access to American fishers that rely on strong, healthy fisheries.

Mr. Chairman, I have another bill that will be discussed in today's hearing. Last year I offered a bill that would place management of Gulf Red Snapper in the hands of the Gulf states; however, we were not able to get that bill over the finish line. This year, with the help of all stakeholder groups, we have decided to approach the issue in a different way that allows for some state-based management while also managing to a quota to ensure responsible fishery management.

H.R. 3588, the RED SNAPPER Act seeks to address the issue of shorter and shorter seasons for recreational fishers in the Gulf by giving the states the ability to set season lengths in a new area that extends from the seaward boundary to 25 feet or 25 fathoms, whichever is furthest. Longer recreational red snapper fishing seasons can be achieved while meeting conservation goals through depth and distance based management because the majority of the red snapper stock found beyond 25 fathoms (>150 feet) will remain unfished.

In addition to the conservation zone created by depth and distance based management, the RED SNAPPER Act addresses additional conservation concerns by including five conservation measures. Among those are, sector separation to ensure that the payback provisions in the Magnuson-Stevens Act only apply to the sector that goes over its quota; statutory language to ensure that the fishery management plan adheres to the national standards laid out in the Magnuson-Stevens Act; the nuclear option, which allows the Secretary to close the fishery if the Secretary feels that the fishery management plan is not properly followed; and finally including state data programs like LA Creel so that we are actually using the best available science.

Mr. Chairman, I believe that the proposed changes to the Magnuson-Stevens Act in both bills are not only reasonable but necessary if we are going to provide commercial and recreational fishermen with a management system that reflects their needs. In closing, I would like to say that I will continue to work with the Committee and all stakeholder groups to put forth a final product that reflects the needs of our recreational fishing community.

[LIST OF DOCUMENTS SUBMITTED FOR THE RECORD RETAINED IN THE
COMMITTEE'S OFFICIAL FILES]

Submitted by Rep. Moulton from Massachusetts

- Letter to Dr. John Quinn, Chairman of the New England Fishery Management Council, from Representative Seth Moulton requesting feedback on H.R. 200. Dated September 19, 2017.
- Letter from Dr. John Quinn, Chairman of the New England Fishery Management Council, to Representative Seth Moulton discussing H.R. 200. Dated September 29, 2017.

