

Testimony Submitted to the
Natural Resources Committee
of the
U.S. House of Representatives
by
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My name is Captain Mike Jennings and I am the President of the Charter Fishermen's Association, representing Charter Captains and Private Recreational Members throughout the Gulf States. I appreciate the opportunity to testify today in support of achieving sustainable and accountable fisheries in a way that will increase all user groups' access to our nation's natural resources. The most effective way to reach these goals is to ensure that congressionally-created Regional Fishery Management Councils have the flexibility to explore all management options available. Restrictions from Washington, D.C. on what management options we can and cannot try could devastate our industry.

I have been a licensed charter boat captain fishing the Gulf of Mexico off Texas for over 25 years. I grew up fishing Texas's inshore and offshore waters and I am proud to make a living by taking my clients fishing and giving them access to the fisheries in the Gulf of Mexico. In fact, the for-hire industry in the Gulf of Mexico provides access to millions of fishermen every year who cannot afford their own boats, live far away or who want to fish with an experienced captain. This year my boats took more than 1500 people out to fish in the Gulf. Our customers come from all over the country and are a large part of the economic machine that supports thousands of small businesses like mine and is a primary driver of our coastal communities.

Several species of fish that are critical to the recreational fishing industry in the Gulf have suffered from fishing effort in years past that has put a strain on the overall populations and are subject to increasingly restrictive management measures. Fishing seasons have gotten shorter and bag limits have gotten smaller. These factors make it very difficult for charter boat operators like me to stay in business. The service we provide to our clients is access to ocean fisheries, but in recent years government regulations have prevented us from providing this access. Either the seasons are closed, in which case going fishing is not even an option, or the size and bag limits are so restrictive that clients cannot justify the expense of going fishing. These increasingly stringent measures are blocking public access to fishery resources, and in the process hurting our businesses and local economies.

We can't go back to the days when unrestricted fishing crashed important stocks, but we can't watch our seasons get shorter and shorter while bag limits get smaller and smaller. Fortunately, there are solutions that can simultaneously provide increased access to our fishery while also providing for the long-term conservation of those resources. There is flexibility in the existing Magnuson-Stevens Act that can move us towards that increased access as these fish stocks rebound. In fact, we believe that it is critically important to maintain the integrity of the Magnuson-Stevens Act (MSA) to enable continued, long-term access to this valuable resource. Congress needs to leave the MSA alone. Rather than amend the MSA Congress should:

- Ensure there is sufficient funding for fisheries science rather than creating loopholes
- Allow fisheries managers to use all management tools that might benefit the fishery, and
- Protect valuable habitat that is now in place in the Gulf of Mexico.

Legislation was recently introduced that would exempt or limit fisheries from the use of basic fisheries management practices, including the setting of annual catch limits (ACLs) and extending rebuilding timelines. In 2012 NMFS reviewed more stocks than ever before, including numerous stocks in the Gulf of Mexico and we strongly support funding for stock assessments and fishery independent surveys. But similar to other regions with a large number of managed species, traditional population assessments are not always available to inform the setting of ACLs in the Gulf.

In those cases, management is based on information that can be obtained without complex and resource-intensive models, such as fishery catches, species life span and discard mortality just to name a few. These are all essential pieces of information needed for population assessments, along with other information about the biology and population trends of a species in question. It is a myth that a fishery can only be managed with complex population assessments. Good management systems are adaptable and are designed to accommodate a range of uncertainties.

There continues to be a push for fishery managers to sacrifice long-term sustainability for short term gain. There have been numerous legislative attempts to extend rebuilding time frames for US fish stocks. In some cases these efforts could extend rebuilding almost indefinitely. Currently, the law requires stocks to be rebuilt in ten years but includes sufficient flexibility and takes into account the biology of the stocks. In fact, over half of rebuilding plans extend past the 10 year time line. Some Pacific Rockfish species have rebuilding timelines that exceed 70 years. Healthy and rebuilt fish stocks are a critical component of healthy coastal economics. In fact, according to NMFS, fully rebuilding US fish stocks would generate \$31 billion in revenue and create 500,000 new jobs.

The law offers ample flexibility in determining rebuilding time lines and setting catch limits, but we need additional flexibility to try different management approaches. Traditional methods

simply aren't working. We would like to explore the possibility of alternative management approaches on the local level as afforded us by the MSA. We see no reason to limit any option provided to the Charter Industry or any other user group that is currently allowed under law. Those alternatives may include sector allocations or even Limited Access Privilege Programs, (LAPP) if the user group feels this is in their best interest.

Limited Access Privilege Programs, (LAPP) may not be appropriate for all fisheries and all fishermen. For example, we do not believe they should be used to manage private anglers. But the Charter Industry should have the option to explore them if they see fit. Under the Magnuson-Stevens Act, the regional fishery management councils now have the option to implement a LAPP where the stakeholders in a fishery want such a program. Here in the Gulf of Mexico any new LAPP is subject to a fishermen referendum and must be approved by a majority of the active participants in the fishery before it can be implemented. No other fishery management program requires that level of fishermen input.

There have been numerous attempts, and some successes, to prohibit our right to work on options for our industry in the Gulf of Mexico. Today's current management system is failing our industry and failing the Fisherman who seeks to access it. Alternative Management Systems can be useful in some fisheries. For example, the Gulf of Mexico Red Snapper Commercial ITQ program may not be appropriate for others, such as private anglers. Regardless, it is not up to Congress to decide what tools fisheries managers and fishermen can and cannot use in their fisheries. We need to let fishermen determine what tools work best for them. The Magnuson-Stevens Act was set up in a manner that allows local issues to be managed at the local level. Congress should allow that process to take place.

One of the top priorities for recreational fishermen in the Gulf of Mexico today is maintaining the Rigs to Reef program. Gulf of Mexico offshore oil and gas production platforms were originally designed and built to provide our nation with energy. However these structures have become critical habitat for many types of marine life and are also a valuable asset for recreational fishing and diving. The federal Rigs to Reefs program successfully allows removal of hazardous materials while allowing the useful habitat to remain and has been working great for decades. Many businesses and user groups have come to rely on the structures, which have improved our quality of life and ability to enjoy our Gulf of Mexico.

Unfortunately, recent changes to federal policy are causing beneficial habitat to be destroyed at a huge cost to our communities and the Gulf ecosystem. The Department of Interior announced on September 15, 2010 that it would begin enforcing a long-dormant rule requiring rigs to be removed within five years from the time they cease production. This has sped up the process of removing non-producing rigs, regardless of their value as fish habitat. As a result, much habitat has been lost and continuing to remove more rigs will harm our businesses.

The Gulf of Mexico Fishery Management Council is also expressed concern about the method and rate of oil and gas platform removal. The Council has sent a series of letters asking the agencies responsible for rig removal to reconsider the use of explosives to remove rigs because explosives are known to kill fish dwelling near those structures. The Council also asked that the rate of rig removal be slowed or discontinued until more information is gathered regarding the effects of Structure removal on the fishery. We strongly support the Council in these efforts.

Sustainable fisheries provide seafood to America's dinner plate, public access for sportfishing enthusiasts, and long-term economic health for fishermen, and our coastal communities. Congress is pushing to take steps, encouraged by antiquated thinking by a few "leave us alone" fishermen of old, who are willing to trade the long-term sustainability of our coastal communities for shortsighted personal and political gain. Current fishing rules hurt anglers, fishing businesses, and our nation's fisheries by severely limiting fishing with short or even closed seasons and promoting wasteful discards due to outdated management practices, but this is solved by giving fishermen management flexibility and not through rolling back conservation provisions and creating management loopholes.

The CFA sees our role in this fishery as a position of providing more access to the average American who just simply has no other avenue or opportunity to fish in the Gulf of Mexico. Current management practices are stripping the American public of this access. We also pledge to work to meet the mandates set by Congress through the promotion of fishery management practices that are beneficial to the American public, the fishery in general as well as the fishing industry. Now should be the time when Congress is giving us more tools to manage our fisheries, not less. The Charter Fisherman's Association looks forward to working with Regional Councils, Congress and the Administration towards long-term solutions, including any and all options that may increase fishing time, improve businesses, and ensure a sustainable fishery. We need all the options at our disposal and we need to allow the user groups to work within the guidelines of the MSA at the council level to best manage our fisheries.