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Testimony on H.R 3094 – Gulf of Mexico Red Snapper Management Act
October 22, 2015

Subcommittee on Water, Power and Oceans
Committee on Natural Resources
United States House of Representatives

Chairman Fleming, Ranking Member Huffman, and Members of the Subcommittee

I would like to thank you for the opportunity to express my professional perspective on H.R. 3094, the Gulf States Red Snapper Management Authority Act. I approach this legislation with multi-faceted experience, a lifetime of participation in Gulf of Mexico fisheries, and a commitment to the proper management of Gulf of Mexico reef fish and red snapper fisheries.

Every aspect of my life has revolved around healthy and robust Gulf fisheries. For the past 39 years I have plied my trade and provided for my family by spending a large portion of my life at sea in the Gulf of Mexico. During the course of my fishing career I have worn many hats, including that of a recreational fisherman operating a successful charter for hire business during the summer and that of a high lining commercial fisherman in the winter. As my career is slowly coming to a close, I have further integrated my life in these fisheries by wearing the hat of investing partner and owner with my sons in three waterfront seafood restaurants located on Destin Harbor and Choctawhatchee Bay.

I come before this committee as a representative of my own small mom and pop fishing company, and as president of the Destin Charter Boat Association whose members make up the largest federally permitted charter-for-hire fleet in the Gulf of Mexico. I am also actively involved in promoting the entire Destin and Northwest Florida tourism community as a board member for the northwest Florida chapter of the Florida Restaurant and Lodging Association, the largest professional association in the state with over a million members. My comments will address my concerns with this proposed legislation, as well as the concerns of stakeholders in the red snapper fishery that I represent in northwest Florida and throughout the Gulf of Mexico.

First, I want to make clear that this legislation is very controversial among fishermen. Many of us strongly believe that if Congress passes it, it would be harmful to the fishery, and in short order, small coastal businesses and coastal tourism. I question the need for H.R. 3094 when there are existing provisions within the effective Magnuson-Stevens Act that address every issue that this Bill claims it can fix.

Although the law isn't perfect, most everyone in this room can acknowledge that the Magnuson-Stevens Act has done and continues to do its job. It has been so effective, in fact, that it exceeded even the authors of the legislation expectations. This legacy law has been the gold standard of resource management for decades. The original authors had assured that this historical law would remain relevant through the decades because they saw fit to add provisions that would allow future legislators to periodically improve the law and address any modern issue that has arisen over its 40 year existence.

Even though the MSA has served our nation well and provides the flexibility to make needed improvements, some want to circumvent this existing fair and open public federal fishery management process to get what they want. This Bill will take a single species of reef fish out of the MSA under the guise that somehow the individual coastal states can do a better job. But it is far from clear that this would actually manage the resource better, particularly when the bill would set up another bureaucratic entity with no written plans, no written state laws or state constitutional language that lay out resource management frameworks. In my professional opinion, HR 3094 will open the door for special interest political fishery management malfeasance by taking red snapper management away from established federal law and the oversight of congressional stewardship.

The rebuilding progress due to MSA provisions has been so effective that this year the Gulf of Mexico Fishery Management Council was able to approve a 30 percent increase in the annual catch limit for red snapper, bringing landings from 11 million pounds to over 14 million pounds. That is more than two times the entire annual catch limit of 5.1 million pounds in 2005. This increase is the result of uniform, gulf-wide management and happened despite that each of the five Gulf states had red snapper seasons inconsistent with the federal season in 2015. Even with the states actively working against federal management, provisions within the MSA are rebuilding the stock and ultimately expand long term access to red snapper for all Americans.

Charter-for-hire captains throughout the Gulf, and many commercial fishermen, chefs, and others involved in the seafood industry, are deeply concerned that this legislation will lead to an eventual, exclusive recreational fishery for Gulf of Mexico red snapper. My greatest concern is that this proposed legislation will give five state wildlife management directors total control of an individual iconic fishery in a system that has less oversight, fewer checks and balances, fewer financial and staff resources, less mandated science protocol, and less stakeholder input. It will create the reality that a three-member voting block out of five state directors can dictate who wins or loses in red snapper access issues. How can this system more effectively manage red snapper and not fall prey to local state-against-state politics, special interest policies, or unsavory influences that may harm other stakeholders in the fishery, and the fishery itself?

What is left out of this proposed shift in management responsibility is the concern for the resource. Where will be the focus when the state next door has a longer season than yours does? Will protecting the resource still be the focus? Proponents of H.R. 3094 made it clear that the new Gulf states management agency is modeled on the striped bass plan put into place by the Atlantic States Marine Fisheries Commission and tout it as a state management success. But that plan as well as this one does not require the ending of overfishing or rebuilding overfished stocks. It also did not require the same biological benchmarks and best available science mandated in MSA. And today that success story has now become a failure as striped bass stocks are in steady decline and soon will be required to be declared overfished.

Proponents of this bill do not offer any roadmap for how H.R. 3094 is to address supposed failures in the federal management of red snapper by the Gulf Council and NMFS. The five Gulf states already have significant influence in red snapper management decisions through the make-up of the Gulf council. Under the guidelines of the MSA, 17 members vote on the Gulf Council, and only one is a federal employee who addresses the position of NMFS and gives guidance to the rule of law and the process. Five voting members are paid state employees who express and address the specific policy of each state commission. In fact, the state directors themselves can all sit on this council and express their views and vote on issues before the council. The remaining 11 voting members are all appointed by each state governor and approved by the Secretary of Commerce.

Sixteen out of 17 voting members have direct ties to all 5 coastal states and their governors and state commissions. So the same state directors who already have the capability to manage and address their state's needs are asserting that the present system has failed. That seems hypocritical considering that those state agencies are also responsible for recreational data collection and establishing co-management policies with NMFS for the entire red snapper fishery. So now they say trust us, we can manage this federal resource better without your congressional oversight and federal guidelines while they are asserting that they failed at it. I say this tongue in cheek, but something smells fishy!

Leaders of the private recreational groups that are pressing for this bill have taken a "let them eat tilapia" attitude to the majority of American consumers and public saltwater anglers who access Gulf federal fisheries via federally permitted commercial and charter for hire vessels and businesses. Although these two sectors of the red snapper fisheries have tried to find compromise with the private boat lobby, it has now become apparent that their end game is not to share the resource in a fair and equitable manner but to end the commercial fishery, the seafood consumer's access nationwide and any other entity that would compete for their members' access, including the federally permitted charter for hire fleet.

Gulf states have already shown a desire to squeeze out those who want to fish in federal waters on charter-for-hire vessels by extending red snapper recreational seasons in the state waters they manage. This state water loophole has squeezed out our clients for more than six years, and this legislation opens the door for Gulf states to do more of the same. This scorched-earth

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policy has allowed the yearly recreational red snapper allocation to be caught by private boat anglers in state waters while the federal EEZ is closed, preventing our customers their historical access to the fishery. Through the council process and by following the mandates of the MSA, Sector Separation (Amendment 40) will prevent us from being handicapped by the harmful actions of the states and their commissions. And after working for eight years to become good stewards of this resource, we come to Washington to fight this latest attempt to put us back under the yoke of those same scorched-earth policies promoted by the states. The federally permitted commercial and charter for hire sectors have worked tirelessly through the council process and under federal law to develop fishery management plans that work for increased public access to the rebuilding red snapper fishery, promote tourism, commerce and successful fishing businesses Gulf-wide. It is only the private boat lobby and their state agencies who want to circumvent federal law to suit their own greed without coming up with solutions.

H.R. 3094 would exempt red snapper from successful management standards but still leave the federal government with the bill. Management would be turned over to the states with little oversight and virtually no standards or accountability and there is no plan in the bill that would determine how the states will pay for this new responsibility. Fiscally, this plan is a black hole and creates inefficiencies in bureaucracy that do not make good sense in our current budgetary climate. The states have the same capability as do we to work through the MSA-mandated Council process to transfer management of those portions of the fishery that desire it to the states. But our fleet has the ability to effectively manage the portion of allocation set aside for the non-boat owning saltwater angler and want no part of state management because we have no confidence in their ability to treat our customers and industry in a fair manner.

On behalf of the Destin Charter Boat Association and in my individual capacity as a Northwest Florida businessman and community representative, I respectfully ask the subcommittee members to end this attempt to circumvent the MSA and keep the red snapper fishery under federal management. Amendment 40 has given the charter for hire sector the ability to effectively manage the portion set aside for the non-boat-owning saltwater angler, and we have faith that the successes realized under the MSA will continue. For these reasons, we want no part of H.R. 3094 as well as the veiled attempt by the private boat lobby to rob our customers and seafood consumers of their historical access to this nation's fish resources.