

**Testimony of Robert Spottswood**  
**Chairman, Florida Fish and Wildlife Conservation Commission**  
**“Fishery Failures: Improving the Disaster Declaration and Relief Process”**  
**United States Senate Committee on Commerce, Science, and Transportation**  
**September 25, 2019**

Chairman Wicker, Ranking Member Cantwell, and members of the Committee, thank you for the opportunity to provide testimony at today’s hearing covering fishery disaster assistance. My name is Robert Spottswood, and I am Chairman of the Florida Fish and Wildlife Conservation Commission (FWC), which is the state agency that manages Florida’s fish and wildlife resources. I have had the pleasure to serve on the Commission since September 2015 and have been Chairman since 2018. Serving on the Commission is an honor and a privilege that I take seriously. As a life-long Floridian and sixth generation Conch from Key West, I grew up on the waters of Florida and have taught my children how to fish and care for our natural resources. Now I teach my grandchildren. Boating the emerald green waters of the Keys and passing my passion for Florida’s great outdoors to my children and grandchildren is a great pleasure in my life.

For those of us in Florida, today’s hearing is timely and relevant. In the last seven years, Florida has requested four fishery disaster declarations as a result of multiple natural disasters. As a result of our experience, we believe the fishery disaster process is broken. I am here today to share our perspective, relay the frustration we feel in our inability to get relief funding to impacted individuals in a timely manner, and offer some suggestions to improve the current draft of Chairman Wicker’s legislation. We are supportive and believe this legislation is on the right path to improve the process.

With more than 7,700 lakes, 12,000 miles of rivers, streams and canals, and 8,426 miles of tidal shoreline, Florida is a paradise for anglers and boaters. Florida waters are home to thousands of species of fish and wildlife. From red snapper to Key’s lobster, Florida supports thriving fisheries. Florida also is home to warm weather, sunshine and friendly people who love assisting others in having great fishing experiences. And at the end of the day, we also have wonderful restaurants that are willing to cook the bounty harvested from a beautiful day spent on Florida’s waters.

A closer look at the numbers reveals an expansive and engaged fishing community in Florida that is unrivaled anywhere in the world:

- 4 million Florida anglers,<sup>1</sup>
- \$11.5 billion economic impact from recreational fishing,<sup>2</sup>
- More than 106,000 jobs supported by recreational fishing,<sup>3</sup>
- \$226 million in commercial food fish dockside sales,<sup>4</sup>
- More than \$5.6 billion in value added economic impact by the commercial seafood industry,<sup>5</sup>
- 76,700 jobs supported by the commercial seafood industry,<sup>6</sup> and
- Home to 4,557 total game fish records, the world leader.<sup>7</sup>

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<sup>1</sup> 2011 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, Total Participation Estimate as updated by the American Sportfishing Association and Southwick Associates to 2018

<sup>2</sup> 2011 U.S. Fish and Wildlife Survey as updated by American Sportfishing Association/Southwick Associates to 2018

<sup>3</sup> 2011 U.S. Fish and Wildlife Survey as updated by American Sportfishing Association/Southwick Associates to 2018

<sup>4</sup> 2018 Fish and Wildlife Research Institute Commercial Landings Data

<sup>5</sup> National Oceanic and Atmospheric Administration (NOAA), Fisheries Economics of the United States, 2016

<sup>6</sup> NOAA, Fisheries Economics of the United States, 2016

<sup>7</sup> International Game Fish Association

For these reasons, Florida is the Fishing Capital of the World. However, even a fishing paradise like Florida can be impacted by natural disasters that have significant effects on our fisheries, our fishing industry and our communities. In fact, as I stated earlier, since 2012, Florida has requested federal fishery disaster assistance on four different occasions due to natural disasters.

First, in September 2012, then Governor, now United States Senator, Rick Scott requested a fishery disaster for Florida's oyster harvesting areas in the Gulf of Mexico, particularly in Apalachicola Bay, under the Magnuson-Stevens Fishery Management and Conservation Act. Florida's oyster harvesting areas were experiencing high rates of mortality caused from low-flow conditions in the Apalachicola River impacting oyster abundance and the fishery value. After requesting the declaration, United States Secretary of Commerce Rebecca Blank finally declared a fishery disaster in August 2013. As a result of the declaration, Florida received a \$6 million grant for communities affected by the commercial fishery failure, monitoring existing oyster resources and restoration efforts, vocational and educational training for affected fishermen, and processor facilities upgrades. However, this funding did not become available until August 2014, a year later. FWC is pleased to report that, except for some ongoing monitoring, all the funded projects were completed by 2016.

Second, in September 2017, Hurricane Irma, a Category 4 storm, made landfall in the Florida Keys and continued its path of destruction across the state. More than 70,000 people live in the Florida Keys with an additional almost 5 million visitors each year. I am a proud sixth generation Conch, and my family lives there today. I employ approximately 500 people across my various businesses in the Keys. My life is in the Keys, so Hurricane Irma was personal for me. In the blink of an eye, homes were destroyed, roads were demolished, businesses lost, and the comforts and ease of everyday living, such as water, food, and shelter, disappeared. This experience taught me that while alarming, pictures of natural disasters on television and in the press are nothing compared to witnessing the damage in person. Similarly, seeing interviews on television pale in comparison to the heartbreaking stories I heard from employees, friends, and neighbors. I hope I never have to witness that again in my life. Hurricane Irma hit our fishing community hard. Many fishermen lost income, fishing gear, and vessels, and have struggled to rebuild. Immediately after the storm, the commercial fishing industry estimated that it lost 94,000 lobster traps. Fishermen were displaced because of damages to their homes. Some even lost their homes entirely. Boats and boating facilities, including marinas and boat ramps were damaged. To date, nearly 1,500 derelict vessels have been removed from the Keys alone. The hospitality industry was severely impacted, and tourism came almost to a standstill, resulting in many canceled charter fishing trips. Fishery products were ruined because of power failures. Cellphone service was down, so even communicating with friends, family, employees, and employers was difficult.

Despite all of this, our commercial fishermen were resilient. Even though many did not have power, they managed to have ice shipped in to keep some of their product from spoiling. However, others needed weeks to attend to their homes and families before they were ready to fish again. Many of their deckhands lost housing and were forced to move to the mainland and get other jobs. Our FWC law enforcement officers were critical first responders. They facilitated entry of supply deliveries to the Keys after the hurricane and were helpful in communicating immediate needs of the fishing community to the mainland to ensure much-needed supplies could reach people. The National Oceanic and Atmospheric Administration (NOAA) and FWC did a rapid economic assessment of the impact of the storm to the commercial and recreational sectors of the fishery statewide. They found that damages exceeded \$200 million.

To address these impacts, on October 2, 2017, then Governor Rick Scott requested a fishery resource disaster be declared under Magnuson-Stevens Fishery Management and Conservation Act and the Interjurisdictional Fisheries Act. On February 8, 2018, United States Secretary of Commerce Wilbur

Ross granted the request and declared a fishery resource failure and concluded that commercial fishermen were harmed, therefore making Florida eligible for federal assistance. When President Donald Trump signed Public Law 115-123 on February 19, 2018, Florida received a commitment of \$44.6 million in assistance for the fishery improvements and direct relief for Florida's commercial fishermen. The funding, however, was not available until July 2019, nearly two years after the disaster and only now is beginning to reach those affected by the storm. It has now been a long two years since Hurricane Irma made landfall in the Florida Keys, and I have to say that for some residents, life has still not returned to pre-Hurricane Irma days. Unfortunately for some, life may never be the same.

Third, on October 2, 2018, Hurricane Michael ripped through Florida's panhandle as a Category 5 storm and one of the strongest hurricanes in Florida history. Destroying homes, offices, and just about everything in its path, Hurricane Michael damaged Florida's fishing industry significantly. The Florida panhandle and its coastal communities are home to thousands of people that depend on the fisheries there. The damage to the industry's infrastructure greatly affected restoration of the fisheries. On October 23, 2018, then Governor Rick Scott wrote United States Secretary of Commerce Wilbur Ross and requested that he declare a fishery resource disaster under the Magnuson-Stevens Fishery Management and Conservation Act and the Interjurisdictional Fisheries Act as well as hoping to trigger financial assistance from the Economic Development Administration. On October 31, 2018, United States Secretary of Commerce Wilbur Ross approved the request. Unfortunately, it took Congress more than seven months to pass legislation that funded Hurricane Michael disaster relief. On June 6, 2019, President Donald Trump signed Public Law 116-20. Yet, Florida is still waiting to receive its portion of the total \$19.1 billion appropriated for disaster relief included in the law. NOAA conducted a rapid economic assessment of the impact of Hurricane Michael on the fishing community. Nearly a year later this report has yet to be released.

Lastly, on May 24, 2019, Governor Ron DeSantis requested a fishery resource disaster under the Magnuson-Stevens Fishery Management and Conservation Act and the Interjurisdictional Fisheries Act. This request was the result of a prolonged red tide event that lasted from November 2017 through February 2019. While red tides are naturally occurring events, this was one of the most persistent and impactful in modern history. It followed another significant red tide that endured from October 2015 through February 2017. Millions of fish were killed during these events, and the state received more than 3,000 citizen reports of fish kills from October 2015 through February 2019. These two events affected Southwest Florida's charter and commercial fisheries and related tourism industry significantly. FWC estimated that the red tide events harmed more than 1,300 licensed charter fishermen and resulted in significant reductions in catch rates. Additionally, the commercial fishing industry – which boast \$55 million in commercial fishing landings supporting more than 1,700 fishermen and 273 wholesale businesses in Southwest Florida – experienced economic impacts. In some cases, commercial fishermen and wholesale distributors went out of business. As of today, United States Secretary of Commerce Wilbur Ross has not responded to Governor DeSantis's request.

I think it is important to highlight the following similarities across these disasters:

- For oysters in Apalachicola Bay, disaster assistance was approved 11 months after the request, and funding was not available for nearly two years.
- For Hurricane Irma, disaster assistance was approved five months after the request, and funding was not available until almost two years later.
- For Hurricane Michael, disaster assistance was approved eight days after the request with no funding available yet.
- For the red tide event, disaster assistance was requested five months afterwards with no response.

Yet those Floridians, businesses, and fisheries impacted by the disasters suffered immediately and experienced critical points in recovery over weeks and months, not years.

Based on Florida's experience of having gone through the fishery resource disaster process four times in seven years, any objective observer can reach only one conclusion: the fishery disaster process is broken. First, I presume that the purpose of fishery disaster assistance is to provide financial assistance to the fishing community and industry after a man-made or natural disaster, so that they can remain a viable economic engine. I know for a fact that fishermen have left the industry and found other jobs since the fishery disaster assistance process takes so long, and, while Small Business Administration loans are well intentioned, fishermen are not willing to get loans because they are not sure that they can pay them back. Putting money in fishermen's pockets as soon as possible after a disaster would help stabilize an industry more quickly, so that they can provide the services that consumers expect.

Second, as Florida's experiences clearly show, the approval process appears to have no prescribed objective criteria by which to determine a disaster. The United States Department of Commerce and NOAA are not at fault. They are doing their best to implement current statutes. We understand that we are just one state among many that may be applying for fishery resource disaster assistance. FWC is pleased with the relationship we have with our partners at the federal level. The support that has been provided by personnel at NOAA's Southeast Regional Office and from NOAA Headquarters has been outstanding as the state has gathered the information needed and assembled spend plans for federal approval. Their expertise is invaluable as we navigate our way through the complex nature of existing laws, and we look forward to continuing the collaborative relationship.

Third, deadlines help. Under current laws that govern fishery resource disaster management, the amount of time it takes for a declaration to be determined lacks a deadline. This makes it difficult to communicate with those who were affected and a huge impact on their ability to carry on everyday functions. We understand that some of the requests are labor intensive. For example, our red tide request is data intensive that requires significant analysis. But, when people need help, they should be able to get it. Even the United States Congress and the Executive Branch are under no deadlines to pass legislation and then issue the grants once a declaration has been approved.

I believe government can do better. As you know, two federal laws govern fishery resource disasters: Magnuson-Stevens Fishery Management and Conservation Act and the Interjurisdictional Fisheries Act. Some provisions of the laws are repetitive and having two laws govern fishery disaster resources does not make sense. That is why FWC is pleased that Senator Wicker has introduced S. 2346, the "Fishery Failures: Urgently Needed Disaster Declarations Act." By merging the two statutes that govern fishery resource disasters and by establishing objective timelines, FWC believes the legislation will improve the declaration approval process and improve service to the vast fishing industry in Florida. For example, this bill directs the Secretary of Commerce to notify the public and any fishery with a positive disaster determination that is unfunded of the allocation within 14 days after the date of the appropriation. Under current statutes, in June 2019, Congress appropriated \$150 million for Hurricanes Florence and Michael and Typhoons Yutu and Mangkhut. Yet, Florida has yet to be notified about the appropriation for Hurricane Michael.

We are supportive of S. 2346 and suggest the following changes to further strengthen it. We suggest reducing the number of days a requestor is required to complete a spend plan from 180 days to 60 days after the disaster is declared. We propose adding a provision that requires the Office of Management and Budget to approve the spend plan and other requests from NOAA associated with fisheries disasters within 15 days of receiving them from NOAA Fisheries. We also suggest reducing the number of days for the funds to be disbursed once the Secretary receives a spend plan from 90 days to 30 days. Also,

we have concerns about limiting the assistance to firms with less than \$2 million in net revenues annually. We suggest taking a second look at that provision to ensure that legitimate needs are not excluded. We appreciate that S. 2346 provides timelines for review and approval of disaster declarations and makes an exception for the Secretary to determine a declaration without conducting the analyses required in the bill. We would expect that such actions would be taken for extraordinary circumstances, such as those that we experienced from Hurricanes Irma and Michael. However, creating an entire spend plan would take the requestor some time and waiting for approval could take up to 90 days, as the legislation dictates currently. We would like to see some specific criteria to get funding to the fishing community under such circumstances without the final approval of a spend plan within 30 days of a declaration. The point I am trying to make is that we understand the need for administrative oversight and due diligence, especially when large amounts of funding are involved, but the commercial and charter fishing industry need assistance before they lose their businesses.

Finally, we encourage Congress to be diligent and act expeditiously about appropriating funds shortly after declarations of fisheries disasters are made. We believe these changes will improve S. 2346 and be beneficial to the commercial and recreational fishing industries that are affected by natural disasters.

In closing, I would like to thank all of you for all the good work you do every day for our great country, but especially for the work you do to conserve our fish and wildlife and natural resources. Florida's natural resources are a pillar of our state economy and support the lives and livelihoods of countless people in the fishing community. Our fishing community is a central and important part of our heritage and culture in Florida. Our natural resources are second to none in the world and our great fisheries not only sustain many local communities in Florida but add significantly to this country's economy. We must do everything we can to help our commercial and recreational fishermen in times of natural disasters and we look forward to continuing to work with our federal partners at all levels of government to do so.

We look forward to working with Sen. Wicker to advance S. 2346.

Thank you again for the opportunity to testify today.