Testimony of

Chris Horton
Fisheries Program Director
Congressional Sportsmen's Foundation

Before the

Subcommittee on Oceans, Atmosphere, Fisheries and Coast Guard
United States Senate

Regarding

Reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act: Oversight of Fisheries Management Successes and Challenges

September 12, 2017

Thank you Chairman Sullivan, Senator Peters and members of the Subcommittee. My name is Chris Horton, and I'm the Fisheries Program Director for the Congressional Sportsmen's Foundation (CSF). Established in 1989, CSF works with the bipartisan Congressional Sportsmen's Caucus (CSC), the largest, most active caucus on Capitol Hill. With nearly 300 Members of Congress from both the House and Senate, current Senate CSC Co-Chairs are Senators Jim Risch (R-ID) and Joe Manchin (D-WV), and Vice-Chairs are Senators Deb Fischer (R-NE) and Heidi Heitkamp (D-ND).

Thirteen years ago, CSF extended the legislative network from Washington, DC to states across the country, establishing the bipartisan National Assembly of Sportsmen's Caucuses, which today is made up of 48 state legislative caucuses, and includes over 2,000 legislators. Eight years ago, CSF established a bipartisan Governors Sportsmen's Caucus, which today includes 34 Governors and one Lieutenant Governor. Together, this collective force of bipartisan elected officials works to protect and advance hunting, angling, recreational shooting and trapping for the nearly 40 million sportsmen and women who spend $90 billion annually on our outdoor pursuits.

An avid angler myself, I began my career as fisheries research biologist for a state natural resource agency. Prior to joining CSF in 2010, I held the position of conservation director for B.A.S.S., the largest angling organization in the world. I currently serve on the Marine Protected Areas Federal Advisory Committee, and I have previously served on the Sport Fishing and Boating Partnership Council for the Secretary of Interior and on the board of the National Fish Habitat Partnership. Though perhaps most importantly relative to this hearing today, I'm an avid angler. In fact, my earliest memory as a child was fishing with my grandmother sometime around the age of 5. I've had the good fortune of fishing all around this great nation, from salmon and halibut in Alaska to mahi and sailfish off the coast of Florida. Of course, being from the south, our family makes an annual pilgrimage to the Gulf of Mexico to spend a week fishing for the infamous red snapper.

As a recreational angler, I sincerely thank the members of this Subcommittee for the opportunity to speak with you today about the success and challenges of the Magnuson-Stevens Fishery Conservation and Management Act as you work to reauthorize the nation's premier fisheries law. Recreational saltwater anglers are an important and significant component of our nation's marine fisheries. According to the 2015 NOAA survey, there were 9-million saltwater anglers who took nearly 61-million fishing related trips and who contributed $63 billion in sales impacts to our economy - resulting in 440,000 jobs (both full and part time) in that year alone.

However, as impressive and important as those numbers are to the nation, the role that anglers play as conservationists and our dedication to having sustainable fisheries for the future is often misunderstood or even ignored. It is important that the committee understand and appreciate that managing for better recreational fishing opportunities is not counterproductive to the conservation goals of MSA, as some may lead you to believe, but rather complimentary to the goal of sustainability and conservation of our marine resources.

Around the turn of the last century, our relatively young nation was beginning to realize that our once plentiful natural resources were not unlimited, and in fact were being overharvested, especially fish and wildlife populations. States began establishing natural resource agencies to help recover and manage fish and game populations for the benefit of the public. However, it soon became clear that license fees alone were not enough to adequately fund habitat restoration and management efforts. The hunting and firearms community stepped up, and with the help of Senator Key Pittman (NV) and Congressman Absalom Willis Robertson (VA), passed the Federal Aid in Wildlife Restoration Act in 1937. The Pittman-Robertson Act diverted an 11% excise tax on firearms and ammunition into a separate account, managed by the US Fish and Wildlife Service, that is then administered back to the states for funding wildlife and habitat restoration efforts. Soon thereafter, anglers and the sportfishing industry began a campaign to have Congress implement a similar model for fish and aquatic habitat restoration. In 1950, the Federal Aid in Sport Fish Restoration Act, led by Senator Edwin Johnson (CO) and Representative John Dingell (MI), was passed and signed into law. The Dingell-Johnson Act implemented a new 10% excise tax on fishing rods, reels, related components and fishing tackle. In 1984, the Wallop-Breaux amendment to the Act, again led by anglers and the sportfishing and boating industries, expanded the list of taxable items to include marine electronics, trolling motors, import duties on fishing tackle, yachts and pleasure boats, and also added a motor boat fuels tax, significantly expanding the revenues apportioned back to the states for fisheries and aquatic conservation.

From 1951 to 2016, these angler-supported taxes have generated more than $8.6 billion for fisheries and aquatic conservation. When combined with fishing license sales, the total funds anglers have willingly paid to ensure conservation of both freshwater and marine fish species is an astounding $27.3 billion. Known as the American System of Conservation Funding, this “user pays – public benefits” model is the lifeblood of the North American Wildlife Conservation Model, which is unique to the rest of the world and responsible to the abundant fisheries resources we have today. Again, all proudly paid for by recreational anglers.

In addition to providing funding for state fisheries management, these funds support a vital component of fisheries conservation – habitat restoration and enhancement. For example, the Alabama Department of Conservation and Natural Resource's Marine Resources Division used a portion of these funds to create the largest artificial reef system, primarily in federal waters, in the United States. More than just fish aggregators, these artificial reefs, placed in the predominantly featureless landscape of sand and muddy substrates, can be extremely effective at increasing the biomass of reef fish populations.

However, even beyond the license fees and excise taxes anglers have gladly supported, many will donate additional money and time to ensure our fisheries are healthy today and for future generations. A good example can be found with volunteers from the Coastal Conservation Association, the largest membership-based coastal fishing organization in the nation, who have donated countless hours on projects like building artificial reefs off Mississippi's Cat Island, planting seagrass in Florida's Indian River Lagoon or restoring marsh habitat in the Louisiana Delta. From a national perspective, CCA's Building Conservation Trust Fund has successfully leveraged member donations to put an additional $14 million towards nearly 40 projects to benefit fisheries sustainability. This is one of countless examples from throughout the country of anglers leading volunteer efforts to restore fisheries habitat and fish populations.

Recreational anglers have long recognized that to have healthy fish populations to afford numerous encounters with fish and an enjoyable day on the water with family in friends, it is essential to properly manage and conserve the resource, not just for sustainability, but for abundance. That is why we have willingly invested, both money and time, in fisheries conservation for nearly a century. Concurrently, the more opportunities there are to access an abundant fishery, the more anglers will buy licenses, equipment, boats and fuel and perpetuate this vital funding mechanism for the long-term health of our fisheries resources.

Since its original passage in 1976, the Magnuson-Stevens Fishery Conservation and Management Act (MSA) has made progress in ending overfishing, rebuilding depleted fish stocks, protecting essential fish habitat and a variety of other improvements to the nation's marine resources. No doubt, the health and abundance of our nation's fisheries resources are much better now than they would have been without MSA. However, it remains primarily a model for commercial fisheries management and fails to adequately address the significant socioeconomic, cultural and conservation values of recreational fishing, as well as recognize that these are two distinct activities.

Federal fisheries management under MSA is focused on treating fisheries resources as commodities, where the value of a fishery is predominantly tied to a price per pound. In contrast, state fisheries management is based more on the Public Trust Doctrine, where everyone owns the resource and should have an equal opportunity to enjoy that resource. Unlike the states, federal managers are required by law to manage a fishery, in part, on the concept of maximum sustained yield (MSY), which by its very definition causes managers to decrease the abundance of a population and squeeze the most pounds out of a fishery while trying not to collapse it. Because of the inherent variability in their assessments that rely heavily on harvest estimates, they must include conservative buffers to keep from exceeding the overfishing limit. The fewer the fishermen in the fishery, the easier it is to achieve this goal. Conversely, states manage for a healthy population and a robust fishery in order to optimize access for fishermen, both commercial and recreational. From a species conservation, harvest sustainability, and overall public satisfaction perspective, the state approach is simply a better methodology for many fisheries.

For this reason, we support making a few simple adjustments to MSA that allow our nation's primary federal fisheries law to truly recognize the value and significance of recreational fisheries, provide more tools for optimizing recreational fisheries management, while still maintaining and supporting the conservation goals of the Act. We believe the Modernizing Recreational Fisheries Management Act (S. 1520) or Modern Fish Act, provides the necessary adjustments to achieve these goals. A few examples include:

Alternative Management - For most mixed-use fisheries, NOAA and the Regional Fishery Management Councils (RFMC's) manage both the recreational and commercial sectors using ACL's based on hard-poundage quotas enforced in near real time. While this management approach seems to work well with the relatively few number of commercial fishermen whose catch can be accurately counted and weighed, this approach does not work well for the much larger number of recreational anglers whose catch is estimated based on an often very small sample size and extrapolated to another estimate of overall effort over a longer period of time. This data uncertainty in the recreational sector often leads to unnecessarily large buffers and reduced opportunity for anglers. States successfully manage recreational fisheries using a variety of methods that control the rate of harvest, though very rarely do they use poundage-based quotas to manage angling effort. This provision of the Modern Fish Act would clarify that NOAA and the RFMC's could use management approaches more suited to the recreational component of the fishery, while still adhering to the conservation goals of MSA.

Allocation Review – This provision of the Modern Fish Act would establish a mechanism for periodic review of fishery allocations in mixed use sectors in the South Atlantic and Gulf of Mexico, as well as provide clear guidance on how allocation decisions are made. Most allocation decisions were made in the 1980's and based on recent catch data at the time. Despite the numerous other changes that have occurred within the fishing industries and the fisheries management world in the decades since, nearly all allocations have remained the same. This is particularly problematic in the southeastern U.S., where population growth and interest in offshore recreational fishing have grown substantially in the last several decades. Unfortunately, there currently is no mechanism to prompt allocation reviews, and because reallocations are often contentious, there is no incentive for Councils to adequately evaluate whether an allocation shift is warranted based on the current social, economic or environmental conditions.

Better Data – While "better data" has been a universal request for both the recreational and commercial sectors each time MSA has been reauthorized, it has generally been to direct NOAA to allocate more resources to the problem. However, the Modern Fish Act looks to incorporate more cooperative, non-federal data and data collection approaches into fishery assessments and management decisions. For example, the Marine Recreation Information Program (MRIP) is the only estimate of recreational harvest used for stock assessments and determining if ACL's have been exceeded. While MRIP is generally a good program for evaluating trends over a relatively long period of time and across a broad geographic area, it was never intended to be used for in-season management of individual species, and particularly not for determining in season closures for recreational fisheries with extremely short seasons, as in the case of red snapper in the Gulf of Mexico. For this reason, each of the Gulf States have developed their own data collection system to get better, more timely estimates of angler harvest. Louisiana's LA Creel program is a prime example of how a state agency, with the help of recreational anglers who went to their state legislature and secured the necessary funds, solved the problem. Unfortunately, neither the LA Creel data, nor those of any of the other Gulf states, have been certified by NOAA to be used in stock assessments. In addition, there is an increasing level of interest and use among anglers of angler logbook smartphone apps, such as iAngler. While states like Florida have worked with the recreational fishing community to incorporate data from these programs into their management decisions, NOAA Fisheries has been resistant to considering this emerging technology.

In summary, recreational angles were among the nation's original conservationists and continue to be so. Healthy, abundant fish populations have always been our goal, and we have been more than willing to personally invest in the long-term sustainability of our fisheries resources. The much-needed changes to the Magnuson-Stevens Act found in S. 1520 will not weaken the conservation principals of the law, nor does it pit recreational anglers against commercial fishermen. It would simply allow the law governing fisheries management in the United States to provide federal managers and regional councils with the necessary tools to manage marine recreational fisheries more appropriately and with the same level of emphasis as commercial fisheries.