

Captain Kelly Windes

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United States Senate

Committee on Commerce, Science, and Transportation

Washington, DC 20510-6125

To Whom it May Concern;

My name is Kelly Windes. I am a third generation boat captain, fishing out of Destin, FL. I am fishing now primarily in the charter boat industry, although throughout my 40 plus years in the business I have participated in the commercial sector for about half the time. The commercial fishing is more of a multi-day endeavor, suitable for the young and hardy. I also have the privilege of serving on the Okaloosa County Board of County Commission (District 5).

In regards to progress made to date by the Magnuson-Stevens Act, I would say in general that the act was certainly necessary, and has basically had substantial accomplishments. I would say that there is room for improvement in management policy by the National Marine Fishery.

Of particular concern is the red snapper fishery. There are more and bigger red snapper in the Gulf than when I was fishing as a kid, yet we are allowed to catch fewer every year. There is always a reason why we are further restricted. The latest reason is "well the fish are bigger now!" Surely after all these years of sacrifices we could enjoy a little success. I believe that the Act refers to economic impact. We see very little consideration in this area.

I would say that the biggest problem in the implementation is the lack of fair and equitable policies within the various sectors. The strategy has been to divide and conquer the fishermen. Special consideration is given to one sector and the other sectors feel short changed. In general, it's the charter industry (fare carrying) versus the commercial fishermen versus the recreation or private sector, followed by the shrimpers versus all fishermen. This divide and conquer attitude has worked fine for the bureaucrats that run the system and pretty well for commercial fishermen, but poorly for everyone else!

The commercial fishermen have "historical quota," which is a good tool for the few fishermen that have survived. It is good for the market in a sense that all the allowable catch doesn't show up at one time. Fishermen have the ability to be consistent and provide product when it is needed. Commercial fishermen have the flexibility to catch fish year-round as the market dictates.

On the other hand, the charter industry has very little consistency. Seasons are different every year. Different species are closed at different intervals each year. The National Marine Fisheries people have no idea about consistency and keeping the customer in mind. They get paid every two weeks no matter what the weather. They don't have to produce a product or satisfy a customer to make a living!

The best tool I can imagine to mend these discrepancies would be an "independent sector" for fare carrying vessels. These fishermen have been in the business for decades and don't have near the security that the commercial fishermen have.

If the charter boat sector had the same flexibility to catch fish year-round that the commercial sector has, it would become much more fair and the divide and conquer stigma would be reduced.

Another factor in the setting of the "total allowable catch" is the term "best available science." This can be anything the National Marine Fisheries want to use. They determine the amount of fish caught on an annual basis by a random phone survey on owners of everything that floats, whether it fishes or not! Every other management agency use stamps or endorsements to determine how many hunters are harvesting what. Look at deer, ducks, salmon, tuna, swordfish, bear, moose, most everything else. There is absolutely no clue on what is being caught by the private sector. These boats tie up at private residences in out of the way locations with no accountability. The fish and wildlife officers are spread way too thin to enforce the guidelines. A license or endorsement for various species would solve this and National Marine Fishery would suddenly have a place to hang their hat and the best available science would be "believable." The fishermen believe that National Marine Fishery does not want a more credible system so they can make assumptions that make results more to their liking.

As far as tools for regulations go, I would be in favor of a more regional management policy. The Gulf of Mexico has areas that produce different quantities of fish. In the fisheries management business, the one size fits all method is simply not the best approach. If the Gulf was divided into zones, either by states or geographical boundaries, policies would be more targeted and more effective, not to mention more fair.

I am most appreciative for the opportunity to express my views. Hopefully some of these recommended changes could be implemented in order to reduce the animosity between fishermen and allow coastal communities to prosper and not be penalized unnecessarily by policy.

The fishermen have learned over the last twenty or so years that we must be aware and diligent to protect our marine resources. We would like to do so under a not so punitive situation. For years and years we have been told to cooperate and things will "get better!"

We have seen none of this, our seasons continue to get shorter every year while our customers suffer along with the fishermen. This can be done more fairly if the policy makers will listen.

Respectfully submitted



Capt. Kelly Windes