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4 JOINT OVERSIGHT HEARING ON RESTRICTED ACCESS AT BISCAYNE

5 NATIONAL PARK AND IMPLICATIONS FOR FISHERMEN, SMALL

6 BUSINESSES, THE LOCAL ECONOMY AND ENVIRONMENT

7 Monday, August 3, 2015

8 House of Representatives,

9 Committee on Natural Resources,

10 joint with the

11 Committee on Small Business,

12 Washington, D.C.

13 The Committees met, pursuant to call, at 10:00 a.m., in

14 William F. Dickinson Community Center, 1601 N. Krome Avenue,

15 Homestead, Florida, Hon. Rob Bishop [Chairman of the

16 Committee on Natural Resources] presiding.

17 Present from the Committee on Natural Resources:

18 Representatives Bishop and Beyer.

19 Present from the Committee on Small Business:

20 Representative Curbelo.

21 Also Present: Representatives Ros-Lehtinen, Diaz-

22 Balart, and Jolly.

23

24           The Chairman. I appreciate your attendance here. This  
25 hearing is going to be a significant one. This is the House  
26 Natural Resources Committee and the Small Business Committee  
27 that are having a joint hearing today on the topic officially  
28 called "The Restricted Access at Biscayne National Park and  
29 Implications for Fishermen, Small Businesses, the Local  
30 Economy and Environment," which has a unique acronym, if  
31 anyone can actually remember that many letters. But we  
32 appreciate you being here.

33           By way of introduction, I am Rob Bishop. I am the  
34 Chairman of the House Natural Resources Committee. I also  
35 represent the 1st District in Utah, which is very close to  
36 here, if you are on a fast jet.

37           To my left is Don Beyer from Virginia, who will be  
38 sitting in as the ranking Democrat from the Resources  
39 Committee.

40           To my right is Congressman Curbelo, who you all know  
41 here, who is acting today as the chairman of the Small  
42 Business Committee.

43           We are also joined by three other members of Congress  
44 who need no introduction to you: obviously, Congresswoman  
45 Ros-Lehtinen and Congressman Diaz-Balart, Congressman Jolly,

46 all from the State of Florida. We appreciate them being here  
47 representing this particular area and their interest in this.

48 We would also like to ask unanimous consent that these  
49 representatives be allowed to sit with the Committee to  
50 participate in the hearing, and hearing no objection, that  
51 will be so ordered.

52 To begin today's hearing, I am going to defer to my  
53 colleague, Carlos Curbelo, who represents the City of  
54 Homestead, for a few introductions at the beginning of our  
55 meeting.

56 Carlos?

57 Mr. Curbelo. Thank you very much for being here today,  
58 and thank you, Chairman Bishop, for agreeing to host this  
59 very important field hearing.

60 Since this is a congressional hearing, we are going to  
61 begin as we do every session of the House of Representatives,  
62 with a prayer, the posting of the colors, and the Pledge of  
63 Allegiance.

64 I now recognize Deacon Alpha of Sacred Heart Catholic  
65 Church in Homestead to lead us in prayer.

66 [Prayer.]

67 Mr. Curbelo. Thank you very much, Deacon.

68 Please remain standing.

69 I now recognize Boy Scout Troop 69 of Homestead,  
70 Florida, to post the colors and to lead us in the Pledge of  
71 Allegiance.

72 [Colors.]

73 [Pledge of Allegiance.]

74 Mr. Curbelo. Please be seated. Thank you very much.

75 As a token of our appreciation, we have flags flown over  
76 the Capitol both for Troop 69 and for Deacon. If you would  
77 please come up and get your flag now.

78 The Chairman. I want to express my appreciation to the  
79 Deacon for the prayer. And for the Scout Troop, you did a  
80 marvelous job in posting the colors. You brought a great  
81 deal of respect to not only your institution but to the  
82 country as well.

83 I want to thank Mr. Curbelo for starting this out here  
84 today.

85 I do have an opening statement. I am going to refrain  
86 from giving it here. I am just going to post it for the  
87 record. But I do want to recognize Mr. Curbelo for a brief  
88 opening statement that he was prepared to give now.

89

90 STATEMENT OF THE HON. CARLOS CURBELO, A REPRESENTATIVE IN  
91 CONGRESS FROM THE STATE OF FLORIDA

92

93 Mr. Curbelo. Thank you very much, Mr. Chairman.

94 Located between Miami and the Keys, Biscayne National  
95 Park is unique among our country's national parks. Ninety-  
96 five percent of the park is covered by water. The park's  
97 beauty, cultural heritage, and natural resources make it an  
98 urban oasis for local residents and tourists.

99 Biscayne National Park is used for a variety of  
100 recreational and commercial activities including fishing,  
101 boating, scuba diving, snorkeling, and observing wildlife.  
102 Strong stewardship is needed to preserve and help restore  
103 Biscayne National Park's coral reef system and to effectively  
104 manage the park's natural resources.

105 However, this must be done in a responsible way that  
106 does not negatively affect fishermen, small businesses, and  
107 the local community. Furthermore, the park should be managed  
108 so as not to put increased pressure on surrounding resources.

109 While I share the National Park Service's commitment to  
110 protecting Biscayne National Park's coral reefs and fishery  
111 resources, I am concerned that the Final General Management

112 Plan will unnecessarily restrict the public's access to the  
113 park and negatively affect fishermen and other small  
114 businesses.

115 The Marine Reserve Zone will prohibit fishing in over  
116 10,500 acres of the park's most popular and productive  
117 fishing waters. This plan will affect the livelihoods of  
118 fishermen and local small businesses.

119 I am also concerned with the National Park Service's  
120 proceeding with a General Management Plan despite strong  
121 opposition from the Florida Fish and Wildlife Conservation  
122 Commission. Under Federal law, the National Park Service  
123 must consult with the State of Florida on any fishery  
124 management decisions in Biscayne National Park. So the  
125 Commission's opposition to the plan should be given serious  
126 weight and consideration.

127 Biscayne National Park is a treasured recreational area  
128 for South Florida. When the public visits the park, they  
129 spend money at small businesses such as restaurants, hotels,  
130 and bait and tackle shops. Charter and guide fees and  
131 revenues from sustainable commercial fishing operations also  
132 provide vital income for local job creators. Those  
133 expenditures allow small businesses, their employees, and the

134 families they support to put a roof over their heads and food  
135 on their tables. That is why it is so critical that we are  
136 having a conversation about the restrictions this plan will  
137 impose on access to the park and the ramifications for our  
138 community, fishermen, small businesses, and consumers that  
139 rely on fresh, domestically-caught seafood.

140 I want to thank Chairman Bishop and Chairman Chabot of  
141 the Committee on Small Business who could not join us today  
142 for agreeing to hold this important hearing. I also want to  
143 thank each of our witnesses for their participation. I look  
144 forward to your testimony.

145 Mr. Chairman, I yield back.

146 The Chairman. Thank you.

147 I now recognize Mr. Beyer from Virginia to give an  
148 opening statement.

149



150 STATEMENT OF THE HON. DON BEYER, A REPRESENTATIVE IN CONGRESS  
151 FROM THE STATE OF VIRGINIA

152

153 Mr. Beyer. Thank you, Mr. Chairman, very much. And  
154 thank all of you for joining us today.

155 Just last week in Washington, the Natural Resources  
156 Committee held a hearing during which the Clean Air Act  
157 regulations were blamed for killing Florida manatees. Today  
158 we convene a hearing to criticize a new management plan for  
159 Biscayne National Park that is designed, in part, to protect  
160 Florida manatees.

161 The coral reefs of Florida, or what is left of them,  
162 present us with a perfect example of Garrett Hardin's  
163 "Tragedy of the Commons." This famous paper appeared in the  
164 journal Science in 1968, the same year Congress designated  
165 Biscayne National Monument in an attempt to protect the  
166 natural beauty of the Upper Keys and the native plants,  
167 animals, and fish that call it home.

168 Sadly, we have loved Biscayne nearly to death. Only 6  
169 percent of the park's once-thriving corals are alive today.  
170 Just imagine if we had killed off 94 percent of the old  
171 growth forest in Redwood or Olympia, or 94 percent of the

172 bison in Yellowstone, or 94 percent of the grizzlies in  
173 Denali.

174       Some say the new management plan for Biscayne National  
175 Park is Draconian, even though it places no new use  
176 restrictions on 90 percent of the park and two-thirds of the  
177 reef. State officials contend that the park should only  
178 employ marine-protected areas as a last resort. But through  
179 documented declines in corals' diversity and biomass, and  
180 commercial and recreational landings, the science shows us  
181 that we have reached that point.

182       The science also shows us that marine reserves work to  
183 restore fish populations and improve coral reef health.  
184 Study after study has documented that putting a core area of  
185 a critical marine habitat off limits to extractive activities  
186 benefits the protected area and also has spillover effects  
187 that grow fish stocks and improve fishing in adjacent areas.

188       I am a hiker. I have logged more than 1,200 miles on  
189 the Appalachian Trail, and I understand the disappointment of  
190 having a trail closed for maintenance. But sometimes it is  
191 necessary to improve the health of the ecosystem and to  
192 improve the experience of the visitors.

193       At the end of the day, I am better off finding a

194 different trail to hike while the damaged one is restored,  
195 and I cannot think of another resource in another national  
196 park that needs to be closed for maintenance more than the  
197 coral reefs of Biscayne Bay. They are dying, plain and  
198 simple.

199 Yes, global warming has played a role, and I challenge  
200 my colleagues to work together in efforts to reduce  
201 greenhouse gas emissions. But in the meantime, we must  
202 control the factors we can control, and it is clear that  
203 decades of chronic over-fishing contributed significantly to  
204 the degradation of the reef.

205 The measured approach being taken by the General  
206 Management Plan is the least park officials can do to fulfill  
207 their responsibility as stewards of the resource and give all  
208 Americans the opportunity to experience this beautiful place  
209 now and in the future.

210 Mr. Chairman, I yield back.

211 The Chairman. Thank you.

212 [Applause.]

213 The Chairman. I appreciate your enthusiasm. I will  
214 tell you right now, if we are going to get through this  
215 hearing on time, I can't have those kind of reactions. So, I

216 love your enthusiasm; don't do it again.

217 We will now hear from Congressman Ileana Ros-Lehtinen.

218 Ileana?

219

220 STATEMENT OF THE HON. ILEANA ROS-LEHTINEN, A REPRESENTATIVE  
221 IN CONGRESS FROM THE STATE OF FLORIDA

222

223 Ms. Ros-Lehtinen. Thank you. Ileana. That is good  
224 enough. Whatever comes kind of close is good. "Hey You" --

225 The Chairman. I recognize Congressman Hey You --

226 [Laughter.]

227 The Chairman. -- from Florida, for her opening  
228 statement.

229 [Laughter.]

230 Ms. Ros-Lehtinen. Thank you, thank you, Mr. Good  
231 Looking, for this opportunity.

232 [Laughter.]

233 Ms. Ros-Lehtinen. This is the second congressional  
234 oversight hearing that the Natural Resources Committee has  
235 held on Biscayne National Park's General Management Plan. I  
236 testified at the 2012 hearing in D.C. to tell this committee  
237 about the strong objections to the GMP that I heard from  
238 frequent park users, my constituents. They were concerned  
239 that the Marine Reserve Zone would close off over 10,000  
240 acres of the park to fishing based on the conclusions of a  
241 few outdated studies that were not corroborated by the

242 Florida Fish and Wildlife Conservation Commission's extensive  
243 scientific expertise and experience in fisheries management.

244 That first hearing and thousands of public comments  
245 helped convince the Park Service to work with FWC to develop  
246 new alternatives without an MRZ. But two months ago, the  
247 National Park Service reneged on its partnership with FWC to  
248 support the very same MRZ that they had previously discarded  
249 based on the very same outdated studies that FWC had already  
250 refuted.

251 Once again, the stubborn and unsupported inclusion of an  
252 MRZ in the park's preferred proposal seems to be the result  
253 of a process that treats collaboration like a checkbox on a  
254 form rather than as a serious dialogue between partners. And  
255 once again, it is not right, and we should demand better from  
256 our Federal Government.

257 Today we will hear that FWC's experts continue to argue  
258 that there are other scientifically supported and less  
259 restrictive tools that can restore fish stocks without  
260 leaving fishermen high and dry.

261 So I reject the false dichotomy that we must choose fish  
262 or fishermen. To truly protect Biscayne Bay, it is vital  
263 that we reconnect South Floridians with the natural lands and

264 waters that surround and support our community. This means  
265 giving folks as many opportunities as possible to enjoy and  
266 thrive alongside our watery wonderland in Biscayne National  
267 Park. We must choose both fish and fishermen.

268 By undertaking the second round of congressional  
269 oversight on the park's GMP process and working to pass my  
270 Preserving Public Access to Public Waters Act through  
271 Congress, I hope to bring all stakeholders back to the table  
272 to forge a scientifically supported and consensus-backed plan  
273 that balances the protection of Biscayne's environmental  
274 resources with the preservation of economic and recreational  
275 opportunities for South Florida's fishermen and their  
276 families. That is the type of GMP that my constituents want,  
277 and that is the type of GMP that they deserve.

278 Thank you, Mr. Bishop, for this hearing. Thank you.

279 The Chairman. Thank you. I appreciate your comments.

280 We will now turn to Representative Diaz-Balart for his  
281 opening statement.

282

283 STATEMENT OF THE HON. MARIO DIAZ-BALART, A REPRESENTATIVE IN  
284 CONGRESS FROM THE STATE OF FLORIDA

285

286 Mr. Diaz-Balart. Mr. Chairman, thank you for being  
287 here. I also want to thank Chairman Curbelo and the Ranking  
288 Member as well for being here, Mr. Beyer, and also to the  
289 rest of my colleagues.

290 A couple of things. There are a number of us here --  
291 frankly, everybody on this dais has worked very closely with  
292 the Park Service. We are strong supporters of the  
293 environment and the Park Service. But I have a scoop, Mr.  
294 Chairman, for you, and for everybody else here.

295 The Federal Government is not always perfect. Surprise,  
296 surprise. The Federal Government does not have a monopoly on  
297 perfection and on exactly knowing what is right for every  
298 little park of our entire country. And the Federal  
299 Government and the Park Service, again that we are strong  
300 supporters of, are essential. But let's remember this:  
301 there are also other players, whether it is local people,  
302 whether it is the states, that also have, I will tell you, as  
303 much concern and sometimes even more concern about the  
304 environment than anybody else from faraway parts, including



305 the ivory towers in Washington.

306 So, a couple of my concerns, because we have to start  
307 with the premise that the National Park Service, which I  
308 respect and admire and love, is not infallible, and there are  
309 other entities, local entities, state entities, who have  
310 expressed grave concerns. I think not being aware and open  
311 to those concerns would be gravely irresponsible.

312 There is also the potential of what precedent we could  
313 be setting in places such as the Ten Thousand Islands,  
314 whether there is the possibility of doing the same kind of  
315 thing there.

316 I know I have been told that is not the case. I don't  
317 know if we will hear it today, but that is what we were told  
318 after the Dry Tortugas, that that would not happen anywhere  
319 else.

320 Now, again, I am not saying that it shouldn't happen  
321 anywhere else. What I am saying is that we have to be very  
322 concerned when there is clearly at least the perception from  
323 folks that we hear from all the time that the Park Service  
324 has not been responsive and it has not been listening. Yes,  
325 they have had hearings, but there is a difference between a  
326 hearing where you incorporate people's legitimate concerns in

327 hearings.

328       And I know this is another scoop, the Federal Government  
329 does this from time to time, hearings where you do the pro  
330 forma thing and then you ignore the suggestions, the concerns  
331 of the locals, of the state and others.

332       So that is why I am very grateful to you, Mr. Chairman,  
333 for coming here from Utah, as you said very close to Florida,  
334 getting over here, as well as the Ranking Member and  
335 everybody else, because it is important that we listen, that  
336 we get the information, that we listen to the Park Service,  
337 but also the small mom-and-pop businesses, many that are  
338 generational businesses who depend on these resources and who  
339 care deeply about the environment because their livelihood  
340 depends on a viable, healthy environment, and also the other  
341 institutions like the Florida Fish and Wildlife Conservation  
342 Commission.

343       I look forward to this hearing and I thank you, Mr.  
344 Chairman, Ranking Member, all of you for your attendance, and  
345 more importantly for the folks who we will be hearing from  
346 today.

347       Thank you, Mr. Chairman. I yield back.

348       The Chairman. Thank you.

349           And finally, from Representative Jolly.  
350           Dave, you are recognized.  
351

352 STATEMENT OF THE HON. DAVID JOLLY, A REPRESENTATIVE IN  
353 CONGRESS FROM THE STATE OF FLORIDA

354

355 Mr. Jolly. Thank you, Mr. Chairman. In the interest of  
356 time, I don't have a prepared opening statement. I would say  
357 welcome to Florida, thank you for being here, and to  
358 everybody in the room, look, clearly, based on the turnout  
359 today, this is an issue that evokes strong passions, strong  
360 interest on both sides.

361 The bottom line is we simply need to get it right.  
362 There is a way to protect our fisheries and protect the  
363 environment, find the right balance that gets it right.

364 So, I appreciate everybody being here today.

365 Mr. Chairman, I appreciate you having the hearing.  
366 Thank you.

367 The Chairman. Thank you.

368 I appreciate those opening statements. I appreciate all  
369 of you being here today.

370 There was a tweet that went down a couple of days ago  
371 from one of the employees in the Federal Government Park  
372 Service that said that this was going to be a circus. This  
373 is not a circus. We are deadly serious about this particular

374 issue. We want to find solutions. We want to move forward  
375 in a positive, positive way.

376 So, we are now going to turn to our panel of witnesses.  
377 Each of your written statements is part of the official  
378 record, but our rules -- it was actually Rule 4(a) -- limits  
379 your oral statements to 5 minutes, and I am going to be  
380 trying to manage that as quickly as possible. So if I bang  
381 the gavel down in mid-sentence, that means you have to quit  
382 talking.

383 For those of you who have not been part of Washington  
384 and know the drill, in front of you there is one timer, and  
385 there is a timer up here, if you want to look at it,  
386 whichever you can see easier. If it is green, you are in  
387 great shape. As soon as it goes yellow, you have 1 minute to  
388 finish. When it turns red, that is when I need to cut you  
389 off in mid-sentence. But as usual, as I said, everything  
390 that you have submitted in writing is already part of the  
391 record.

392 So I want to also once again urge the audience that we  
393 are looking for written submitted comments from you as well.  
394 We want to include as many comments as possible in the  
395 record. There are comment forms at the room entrance. You

396 can also submit comments at our committee website, which is  
397 naturalresources.house.gov under the "Contact Us" section.  
398 We do want to hear from you.

399 Now, our panel of witnesses today include Mr. Carl  
400 Liederman, who is the Owner of Captain Harry's Fish Supply in  
401 Miami, Florida; Mr. Brian Carlstrom, who is the  
402 Superintendent of Biscayne National Park in Florida; Ms.  
403 Jessica McCawley -- I hope I am pronouncing these properly.  
404 I am not, I can see -- Director of the Division of Marine  
405 Fisheries Management at the Florida Fish and Wildlife  
406 Conservation Commission in Tallahassee; Dr. Jerry Ault, who  
407 is a professor at the University of Miami; Mr. Bouncer Smith,  
408 the Owner of Bouncer's Dusky 33 Fishing Charters, a charter  
409 fisherman here in Miami; Mr. Ernie Piton, commercial  
410 fisherman from this area, the Florida Keys Commercial  
411 Fishermen's Association in Key Largo; Mr. Bryan Boyd, who is  
412 the Owner of the Ocean Blue Yacht Sales in Stuart, Florida;  
413 Mr. Scott Salyers from Bonnier Corporation. Did I at least  
414 get Bonnier right? Okay, Bonnier Corporation, Palmetto Bay,  
415 Florida; and Mr. Jimbo Thomas, who is the Captain of Thomas  
416 Flyer, also in Miami.

417 So, I appreciate all of you being here. We are looking

418 forward to your testimony.

419 I am now going to recognize Mr. Liederman, who is the  
420 Owner of Captain Harry's Fishing Supply, for your 5-minute  
421 testimony. You are recognized. Kind of keep one eye up  
422 here. It is the closest thing we can do for you.

423

424 STATEMENT OF CARL LIEDERMAN, OWNER, CAPTAIN HARRY'S FISHING  
425 SUPPLY, MIAMI, FLORIDA

426 Mr. Liederman. Good morning, Mr. Chairman, members of  
427 Congress. Before I get started --

428 The Chairman. Can you pull that even closer to your  
429 mouth?

430 Mr. Liederman. How is that? How is that?

431 The Chairman. No. Yes, you are on, because the green  
432 means it is on.

433 Mr. Liederman. I know, but you still can't hear me.

434 Now can you hear me?

435 The Chairman. That is a little bit better. Can you  
436 switch mics, see if that one works?

437 Mr. Liederman. Can you hear me?

438 The Chairman. That is perfect. Thank you, sir.

439 Mr. Liederman. Before I get started, I would like to  
440 introduce into the record over 100 charter boat captains who  
441 have signed a petition against the marine reserve in Biscayne  
442 National Park.

443 The Chairman. Without objection.

444 [The petition against the marine reserve in Biscayne



445 National Park follows:]

446

447 Mr. Liederman. Good morning, Mr. Chairman, members of  
448 Congress. My name is Carl Liederman. I am President of a  
449 small family-owned business known as Captain Harry's Fishing  
450 Supply in Miami. We have been in business for over 45 years  
451 and employ 30 people. Because our business has a huge  
452 financial dependence on healthy and sustainable fisheries, I  
453 have been involved in fisheries-related issues on the local,  
454 state, and Federal level for over 30 years.

455 Saltwater recreational fishing in the State of Florida  
456 has economic value and supports more jobs than any other  
457 state, and South Florida is the epicenter for the state's  
458 marine and recreational fishing industries. Recreational  
459 fishing's economic value to the State of Florida, both  
460 freshwater and saltwater, is greater than the Florida citrus  
461 industry.

462 A great percentage of fishing trips occur right here in  
463 South Florida in our two national parks and portions of the  
464 Florida Keys Marine Sanctuary. Much of the popularity of  
465 Florida's fisheries can be attributed to Florida Fish and  
466 Wildlife Commission, which is widely recognized as one of the  
467 finest fish and wildlife management agencies in the country.

468 In 2004, I was asked to become part of Biscayne National

469 Park's Fisheries Working Group. Our group was being given  
470 the opportunity to help identify deficiencies in fisheries  
471 resources within the park and help craft methods to restore  
472 these fisheries. From the onset, our group looked forward to  
473 the opportunity because as part of the process we could  
474 develop a plan that would ensure the protection of the park  
475 and its resources for future generations while allowing the  
476 fishing community to continue to use and enjoy the park. The  
477 group was made up of recreational and commercial fishermen,  
478 scientists, divers, and assorted conservation groups.

479 As the process moved forward, it became apparent that  
480 the park and the Florida marine sanctuaries, which had  
481 partnered with the park already, had their own agenda. In  
482 their minds, fisheries management could not be accomplished  
483 without the additions of marine protected areas. This was  
484 pushed in spite of the fact that a Memorandum of  
485 Understanding had already been signed between the park and  
486 FWC that implied all fisheries management would be the  
487 responsibility of the state and closures would be used only  
488 as a measure of last resort if all other management tools  
489 failed.

490 In the end, in spite of their attempt to put the onus of

491 closures on the backs of fishermen and other stakeholders,  
492 two Federal agencies lost their bid to get MPA in the  
493 document that was presented by the Fisheries Working Group on  
494 June 15th, 2004. The Working Group identified a series of  
495 comprehensive recommendations to improve the condition of the  
496 park's fisheries resources, including a boating permit that  
497 would help fund management activities, more stringent  
498 species-specific fishing regulations, and improved  
499 enforcement and education. I am confident that these  
500 strategies would work if given a chance.

501       Instead of working with the panel that they had seated,  
502 and FWC, who is charged with protecting Florida's natural  
503 resources, the park has chosen to go it alone. While they  
504 choose to point out that they are closing only 6 percent of  
505 the park's waters, they are in fact closing almost 40 percent  
506 of the park's reef area, which is some of the most productive  
507 fishing bottom in our area.

508       While significant in terms of lost public access,  
509 closing this area will do nothing biologically to improve the  
510 overall fisheries condition in the park.

511       In closing, I would like to point out that our national  
512 park system is truly one of our country's treasures. It

513 should be nurtured and treasured for future generations.  
514 Unfortunately, when it was created by Congress 99 years ago,  
515 they may have erred in the lack of oversight of management  
516 decision-making within individual park units. What was  
517 created is probably the only example of an aristocracy that  
518 exists in the U.S. Government.

519       When an agency is able to disregard input from partner  
520 agencies unwilling to work toward common solutions and  
521 trample on groups that are part of the park's history and  
522 tradition, it might be time for Congress to revisit the  
523 process.

524       Thank you.

525       [The prepared statement of Mr. Liederman follows:]

526

527           The Chairman. Thank you very much. Thank you.

528           Again, please note, no demonstrations.

529           I will next recognize Mr. Brian Carlstrom, who is the  
530 Superintendent of the Biscayne National Park, for 5 minutes.

531

532 STATEMENT OF BRIAN CARLSTROM, SUPERINTENDENT, BISCAYNE  
533 NATIONAL PARK, HOMESTEAD, FLORIDA

534 Mr. Carlstrom. Thank you, Chairman Bishop. Thank you,  
535 Chairman Curbelo, other members of the Committee. I  
536 appreciate this opportunity to appear before you today to  
537 discuss Biscayne National Park and the continuing public  
538 access to it.

539 The focus of this hearing is two long-term planning  
540 efforts at Biscayne National Park, the General Management  
541 Plan and the Fishery Management Plan, and in both cases the  
542 National Park Service is following through on our mission to  
543 preserve and protect natural resources and to provide  
544 enhanced visitor experiences that are fundamental to the  
545 reason this area is included in the National Park System.

546 Biscayne National Park encompasses 173,000 acres. About  
547 95 percent of that is marine estuary. And the park was  
548 established to preserve and protect for the education,  
549 inspiration, recreation and enjoyment of present and future  
550 generations a rare combination of terrestrial, marine, and  
551 amphibious life in a tropical setting of great natural  
552 beauty.

553           In 2014, visitors spent an estimated \$32.4 million in  
554 local communities, including right here in Homestead, while  
555 visiting the park. That supports 459 jobs, \$17.9 million in  
556 labor income, and \$44.8 million in economic output within the  
557 local communities. The National Park Service is keenly aware  
558 of how important parks are to gateway communities and how  
559 changes to rules in a park can affect those very businesses.  
560 Our process for developing the management plan include taking  
561 into consideration all of these affected parties.

562           FMP and the GMP set forth two very important goals. The  
563 Fishery Management Plan is to improve the condition of the  
564 fishery by 20 percent in both size and abundance of specific  
565 species. The General Management Plan is to update the  
566 overall management strategy for the park itself, which  
567 includes the Marine Reserve Zone.

568           The FMP was developed through a partnership between FWC  
569 and the park. FWC acknowledged that resources within the  
570 park should be managed more conservatively than surrounding  
571 non-park waters and endorsed working collaboratively to  
572 develop the FMP. An MOU was signed between the two agencies  
573 in 2012, renewed in 2007, and again in 2012, as the FMP was  
574 being developed. The final FMP was reviewed and approved by



575 FWC and released by the National Park Service in May of last  
576 year.

577       Actions to achieve this goal could include changes in  
578 bag or size limits for some species, gear restrictions on  
579 spear fishing, and implementing a gradual phasing out of  
580 commercial fishing within the park. Many of these specific  
581 management actions would be implemented in conjunction with  
582 FWC through their rule-making process, and that will take  
583 time.

584       Specific to commercial fishing, the phase-out would be  
585 accomplished by the issuance of non-transferrable use-or-lose  
586 commercial permits that require annual renewal, thus  
587 protecting any individual's business for his or her lifetime.  
588 This does not have a date certain associated with it. That  
589 will eventually reduce harmful effects of trawling, traps,  
590 and other commercial practices to the park's resources.

591       The final FMP incorporated nearly all the  
592 recommendations of the Fisheries Working Group that helped to  
593 develop this. It was made up of the very people that utilize  
594 the resources. The commercial fishermen, the divers, the  
595 environmental community all contributed to that, and those  
596 recommendations also included phasing out commercial fishing.

597           A recently completed economic study concluded that  
598 because current park fishers will be eligible to reserve  
599 permits, impacts would not occur until they retire or cease  
600 fishing, which is likely to be years in the future, and the  
601 park would provide technical assistance to coordinate with  
602 the small businesses to identify opportunities to assist  
603 commercial operations that may be impacted.

604           Another long-term planning effort is the General  
605 Management Plan. It has been underway since the year 2000,  
606 and it has taken into account extensive agency collaboration  
607 and public engagement. We have held more than 30 public  
608 meetings, 22 hearings in communities all over South Florida.  
609 We received more than 43,000 pieces of unique correspondence  
610 and reviewed or considered more than 107,000 comments.

611           The Florida Reef Track is the only living coral reef  
612 system in the United States, and a significant portion of  
613 that is contained within Biscayne National Park. It is our  
614 signature feature. We want to take care of it and leave it  
615 in better condition than we found it today so it can continue  
616 to be enjoyed for future generations.

617           Public use of nearly 90 percent of the park will remain  
618 the same as it is today, and 72 percent of the park's reef

619 will remain open to fishing. The majority of public comments  
620 on the GMP supported alternatives that included a Marine  
621 Reserve Zone.

622 Highly prized fish species targeted in the reef  
623 environment are very rare. When seen, their sizes are small,  
624 and they are not even the legal limit to harvest. Some  
625 species have disappeared from the park completely. These  
626 declines in fish populations, species diversity, and live  
627 coral cover affect the experience of all visitors. We want  
628 to make sure we leave that in better condition than we had it  
629 before. We know that MRZs work. They work around the world,  
630 and I welcome your questions at the end of the hearing.

631 Thank you very much, sir.

632 [The prepared statement of Mr. Carlstrom follows:]

633

634 The Chairman. Thank you.

635 We are now going to Ms. Jessica McCawley.

636 How is that supposed to be pronounced?

637 Ms. McCawley. McCawley.

638 The Chairman. Thank you. Director of the Florida Fish

639 and Wildlife Conservation Commission's Division of Marine

640 Fishery Management from Tallahassee.

641 For 5 minutes you are recognized.

642

643 STATEMENT OF JESSICA MCCAWLEY, DIRECTOR, DIVISION OF MARINE  
644 FISHERIES MANAGEMENT, FLORIDA FISH AND WILDLIFE CONSERVATION  
645 COMMISSION, TALLAHASSEE, FLORIDA

646 Ms. McCawley. Chairman Bishop, Chairman Curbelo, and  
647 members of the Committees, thank you for the opportunity to  
648 testify at this important hearing regarding the General  
649 Management Plan for Biscayne National Park. My name is  
650 Jessica McCawley, and I am the Director of Marine Fisheries  
651 Management for the Florida Fish and Wildlife Conservation  
652 Commission, which I will refer to as the FWC.

653 FWC is the state agency responsible for managing fish  
654 and wildlife resources in Florida, and based on our many  
655 years of experience we are confident that public access to  
656 natural resources can be balanced with conservation. FWC and  
657 the park have been working together as partners for almost 15  
658 years to develop management plans for the park.

659 In 2002, the two agencies signed an MOU to guide  
660 development of a fishery management plan. This MOU stated  
661 that the park would not implement a no-fishing MRZ under this  
662 plan unless both parties agreed it was absolutely necessary.  
663 The MOU acknowledged that the park might consider

664 establishing a no-fishing zone under the GMP, but only for  
665 purposes other than fisheries management.

666 FWC was pleased that creative compromises were explored  
667 when working on the GMP. However, we were disappointed when  
668 the final document included a no-fishing zone for fisheries  
669 management purposes that comprises 37 percent of the park's  
670 best habitat for reef fishing. The Park Service has claimed  
671 that prohibiting fishing in the MRZ is necessary for  
672 restoring the visitor experience and is not fisheries  
673 management. However, the GMP contradicts this claim.

674 The GMP states that the purpose is to provide visitors  
675 with the opportunity to experience a healthy natural coral  
676 reef with larger and more numerous tropical reef fish and an  
677 ecologically intact reef system. It says the objectives are  
678 larger, healthier diverse corals and a larger number and  
679 diversity of fish. These purposes are clearly fishery  
680 management in nature and are a breach of the MOU.

681 We recognize that no-fishing zones can be effective when  
682 they are well designed and used appropriately, and we have  
683 supported their use under these circumstances. FWC supported  
684 the creation of two zones in the Tortugas. Both were  
685 relatively large, supported historical fish aggregations,

686 were strategically located close to oceanic currents that  
687 would disperse fish larvae widely and improve fisheries well  
688 beyond the no-fishing zone, and have limited impact to  
689 fishers because of their distance from the mainland Florida  
690 Keys.

691 FWC also supported their creation because of how  
692 responsive the process was that led to their development.  
693 The working group that developed these zones was keenly aware  
694 of the impacts to fishing stakeholders and worked to minimize  
695 those impacts, even completely relocating one of the zones  
696 based on how the region was used by stakeholders. This is  
697 directly contrasted to the MRZ being proposed by Biscayne.  
698 The park's MRZ does not host any known historical fish  
699 aggregations, it is not located near unique oceanic currents  
700 that might benefit regional fish populations, and the MRZ is  
701 adjacent to one of the largest urban areas in the entire U.S.

702 While the park did create a working group to gather  
703 input, a no-fishing zone is contrary to this group's  
704 recommendations. And additionally, while the park held  
705 several public workshops, it has not been as responsive to  
706 the concerns about impacts to businesses and the fishing  
707 public. Furthermore, the MRZ is not based on solidly applied

708 science and has not been analyzed to determine if it will  
709 even achieve its stated purpose.

710       Unfortunately, the Park Service has used research  
711 conducted within the much larger Tortugas MRZ to justify  
712 expectations that this closure, implemented under far  
713 different conditions, will achieve the stated objectives. It  
714 is unclear why the park expects that prohibiting fishing  
715 while still allowing diving and snorkeling will result in a  
716 healthy natural coral reef given the large body of science  
717 that affirms the negative impacts of these activities on  
718 coral reefs.

719       Today you will hear testimony from small business owners  
720 that rely on the park for their livelihood. If the GMP is  
721 implemented, more than 10,000 acres of prime fishing habitat  
722 will be lost to business owners and private citizens.  
723 Visitors will be forced to seek other locations to fish, and  
724 jobs will be lost. This will have a harmful effect on  
725 Florida's economy.

726       FWC believes there are viable alternatives that would  
727 result in a better balance of public access and conservation  
728 and satisfy the goals of all the partners. Mr. Chairman, FWC  
729 is committed to continuing to work with the park to best



730 benefit the fish and wildlife resources, the people who enjoy  
731 these resources, and the Florida businesses that rely on  
732 them. We hope the Park Service will remove the no-fishing  
733 restriction and work with the FWC to implement a plan that is  
734 a true partnership that benefits all involved.

735 In conclusion, Mr. Chairman, thank you for the  
736 opportunity to be part of this important hearing and inviting  
737 FWC to present its views, and I am happy to answer any  
738 questions.

739 [The prepared statement of Ms. McCawley follows:]

740

741 The Chairman. Thank you. I appreciate your testimony.

742 We will now turn to Mr. Jerry Ault with the University

743 of Miami.

744 You are recognized for 5 minutes.

745

746 STATEMENT OF JERRY AULT, PROFESSOR, UNIVERSITY OF MIAMI,  
747 MIAMI, FLORIDA

748 Dr. Ault. Chairmen Bishop and Curbelo, ranking members  
749 and distinguished Committee members, thanks for the  
750 opportunity to provide this testimony.

751 My name is Jerry Ault. I am a Professor of Marine  
752 Biology and Fisheries at the University of Miami's Rosenstiel  
753 School of Marine and Atmospheric Science. For more than 25  
754 years my research has focused on assessing fish population  
755 risks from fishing and environmental changes, particularly in  
756 the Florida Keys ecosystem. I published more than 200  
757 scientific journal papers, book chapters and textbook  
758 reports. I love to fish, and I am considered the world's  
759 foremost authority on Atlantic tarpon and gun fish.

760 South Florida's marine science, despite ideas to the  
761 contrary, is strong, deep, and current. The coral reef  
762 ecosystem supports a multi-billion-dollar fishing and tourism  
763 industries, but the human stressors are severe.

764 South Florida's human population reached 6.9 million in  
765 2014. That, by the way, exceeds the population of 38 states  
766 in the Union. Recreational fishing fleet size has grown by

767 500 percent since 1964. Fishing efficiency has greatly  
768 increased from technological advances.

769 In response, numerous indicators reveal that fish  
770 populations are experiencing unsustainable rates of  
771 exploitation. Landings have declined precipitously, by about  
772 95 percent, since the 1960s. Catches have shifted from  
773 commercial to recreational fishers, with about 90 percent of  
774 the mortality from recreational fishing.

775 The average size of groupers has plummeted to 20 percent  
776 of the historical levels, and in Biscayne National Park most  
777 snappers caught are undersized, and 99.9 percent of the  
778 recreational fishing trips taken in the park fail to catch  
779 grouper. The fish are simply gone, leaving the national park  
780 experience far below what the typical visitor expects.

781 Regional scientific assessments show that 70 percent of  
782 the stocks in the snapper grouper complex are below the  
783 minimum standards for sustainability. Some populations are  
784 less than 1 percent of their historical abundance. A  
785 formerly common species, Nassau grouper, is being considered  
786 for endangered species listing. Reef fish mortality is two  
787 to four times higher than allowed by the Magnuson-Stevens  
788 Fishery Conservation Management Reauthorization Act. This

789 has had significant economic consequences, from veteran  
790 anglers saying "Fishing in the Keys is not what it used to  
791 be; I'm going to Belize."

792       The opportunity lost cost now exceeds \$1 billion per  
793 year. The notion that current regulations prevent over-  
794 fishing and all is honky dory is simply not accurate. Over-  
795 fishing of predators has been exacerbated by over-fishing of  
796 prey. Commercial landings at Biscayne Bay of pink shrimp, a  
797 key food for reef and game fishes, have grown from 200,000  
798 pounds in the 1980s to 1.5 million pounds today. Prey  
799 declines may explain, for example, why the bone fish  
800 population is less than 30 percent of historical abundance  
801 despite that they are not harvested and considered game fish  
802 by the state.

803       Reef fish are particularly prone to over-fishing and are  
804 difficult to manage by size limits and effort limits alone,  
805 as evidenced by two decades of use in Florida that have not  
806 prevented over-fishing. Many exploited reef fish have no  
807 regulations. Magnuson-Stevens mandates that over-fishing be  
808 eliminated, and marine reserve, in conjunction with  
809 traditional fishery controls, is a viable strategy to achieve  
810 that goal.

811           Protected areas have received strong public support on  
812 land. For example, duck hunters in North America saved duck  
813 hunting by establishing wildlife refuges where hunting was  
814 not allowed. The underlying principles are the same in  
815 marine waters.

816           Marine reserves have already shown to be an especially  
817 effective management tool in the coral reefs of Florida. Our  
818 published research has demonstrated that the Tortugas  
819 reserves increased abundance, fishery yields, and  
820 reproductive capacity. We found that 35 to 60 percent of the  
821 spawning populations for principal exploited species resided  
822 within Tortugas reserve.

823           Finally, the state has said that marine reserves are a  
824 last resort, but really, the last resort is closing up a  
825 fishery entirely; which, by the way, has happened in Florida  
826 for goliath grouper, Nassau grouper, queen conk, stony  
827 corals, and sea turtles. Reserves represent an important  
828 environmental insurance policy.

829           Increased abundance of reef fish in South Florida will  
830 not only serve to help build small businesses and their  
831 revenues but more fish and fishermen on the water in Florida  
832 and sustain the legacy that made Florida the fishing capital

833 of the world.

834 Thank you for the opportunity to provide these remarks.

835 [The prepared statement of Dr. Ault follows:]

836

837 The Chairman. Thank you.

838 Next we will turn to Mr. Bouncer Smith.

839 You are also recognized for 5 minutes for your opening  
840 statement.

841



842 STATEMENT OF BOUNCER SMITH, OWNER, BOUNCER'S DUSKY 33 FISHING  
843 CHARTERS, MIAMI, FLORIDA

844 Mr. Smith. Good morning, ladies and gentlemen. Please  
845 allow me to introduce myself. I am Randolph W. Smith, better  
846 known as Bouncer. I have been fishing Biscayne National Park  
847 for almost my entire life. I started working full-time on  
848 party boats and charter boats in the summer of 1966. I got  
849 my captain's license in March of 1968 and started running  
850 charter boats the next day. These boats entertain the local  
851 population and mostly visitors from around the world by  
852 helping these people catch fish. I entertain these groups  
853 more than 400 times per year.

854 Over the years I have been honored by the Miami Beach  
855 Rod and Reel Club and the South Florida Fishing Club with  
856 their conservation awards. The Met Fishing Tournament  
857 honored me with the Henry Hyman Award for contributions to  
858 recreational fishing in South Florida. I was the Bluefish  
859 Foundation Captain of the Year in 1999. In 2014, I was  
860 inducted into the National Game Fishers Association's  
861 Legendary Captains and Crews. There are only 40 inductees at  
862 this time. This year I have been chosen to receive the

863 Bluefish Foundation John Rybovich Lifetime Achievement Award.

864 I have contributed to the decline of reef fish in South  
865 Florida for over 50 years. Fifty years ago we caught big  
866 grouper at will. We caught 10- to 20-pound mutton snappers  
867 in great numbers. We caught 6-pound yellowtail snappers one  
868 mile off of South Beach. Pork chop 1.5-pound white runs and  
869 barracudas were found in big schools.

870 Today we work for days to catch a 10-pound grouper for  
871 our guests. We carried the satellite tag for Nova Southeast  
872 University for two months looking to plant it on a barracuda.  
873 We had to give it back as we failed to find a single  
874 barracuda.

875 I never intended or believed that we could wipe out  
876 these marine treasures, but we have depleted many of these  
877 species to next to none.

878 Every day, my charter guests, my crew and myself go out  
879 trying to find the last big grouper off of Miami Dade County.  
880 So do 5 to 500 other boats. Our Florida Wildlife Commission,  
881 FWC, is supposed to protect the future of our fisheries. A  
882 roomful of recreational fishermen, charter fishing guides and  
883 divers beg for better protection of mutton snappers, now  
884 depleted from the targeted 10-pound average fish to an

885 occasional 3-pound catch. Over two years later, the FWC has  
886 taken no action.

887 Barracudas are in severe over-fishing collapse. Our FWC  
888 talks about a 20-fish bag limit. We can't catch 20  
889 barracudas in a month. They expect one fisherman be allowed  
890 20 a day.

891 It is clear that someone needs to do something to  
892 protect our fisheries in Biscayne National Park because the  
893 FWC won't act. The National Park Service has to step  
894 forward.

895 I am a small business owner. My business depends on  
896 catching fish. Some offshore species are holding their own.  
897 Most insured species are holding their own or improving  
898 because of good management. But reef fish are in big  
899 trouble. Bag and size limits aren't working because snapper,  
900 grouper, grunts, hogfish and barracudas suffer from  
901 barotrauma when brought to the surface from as little as 20  
902 feet down. Gases throughout the fish expand as the fish  
903 experiences declining atmospheric pressure, expands blood  
904 vessels in organs and eyes to paralyzing levels. Some fish  
905 will survive, but many die even if they are released. Only a  
906 marine reserve will prevent these problems from impacting

907 these valuable fish.

908       For years I have thought that the fact that there is no  
909 place for a big black grouper to swim and live unmolested was  
910 a tragedy, and I am becoming concerned about the future of my  
911 business. A few years ago I traveled to France to attend a  
912 meeting on marine reserves and research showing the success  
913 of marine reserves around the world. I have learned that  
914 they are the most viable way to save our reef fish  
915 communities.

916       I believe so strongly in the concept of marine reserves  
917 that I worked with Dr. Marty Arostegui and Captain Gil  
918 Muratori to create a presentation showing their benefits.  
919 For over a year we have attended fishing clubs, civic groups  
920 and schools to help them understand what marine reserves are  
921 and how to help prevent the collapse of fishing here in South  
922 Florida. Without marine reserves and other action to protect  
923 reef fish, our businesses and the future of fishing in  
924 Biscayne National Park in South Florida are in trouble.

925       My favorite comparison of Biscayne National Park is  
926 Yellowstone National Park. This was our first national park,  
927 and it stopped hunting in a big area of Wyoming in order to  
928 protect species that lived there. Today, millions of people

929 from all over the world go there to see nature at its best.  
930 I have been there six times in the last 15 years myself.  
931 Elk, buffalo, deer, bears, wolves, and many more roam the  
932 area without fear of being hunted by man. They hang out  
933 among the hotels. The park and local businesses thrive. The  
934 surrounding area has whole communities to cater to tourism,  
935 and hunting outside the park is world class.

936       This 16 square miles will offer a black grouper a chance  
937 to grow to 50 or 75 pounds, laying millions of eggs every  
938 spawning season. This reserve may allow several males to  
939 fertilize these eggs, producing a variety of gene pool to  
940 produce a better future for grouper survival. These free-  
941 floating eggs will float along all the reefs of the  
942 Southeastern United States, producing more black groupers  
943 throughout the range.

944       As time goes on, there will be too many black groupers  
945 for their territorial needs and many will move out of the  
946 reserve to treat anglers to an angling treat. The same will  
947 happen with many reef species.

948       We gave up hunting in national parks. We gave up  
949 fishing around cruise docks in Miami Beach Marina, and we  
950 still have plenty of great fishing.

951 Thank you for the opportunity.

952 [The prepared statement of Mr. Smith follows:]

953

954           The Chairman. Thank you.

955           We will now turn to Ernie Piton with the Florida

956 Commercial Fishermen's Association.

957

958 STATEMENT OF ERNIE PITON, FLORIDA KEYS COMMERCIAL FISHERMEN'S  
959 ASSOCIATION, KEY LARGO, FLORIDA

960 Mr. Piton. Good morning, Chairman Bishop, members of  
961 Congress. Thank you for having me here.

962 My name is Ernie Piton. I am the President of the  
963 Florida Keys Commercial Fishermen's Association and a 32-year  
964 veteran of the commercial fishing industry.

965 I was on the working group with Mr. Carl Liederman back  
966 when it started, back in the early 2000's.

967 I don't have a written statement, but I am going to use  
968 common sense here on a lot of stuff.

969 The first thing I said when I was a part of the working  
970 group was this is a big job we have. We have a nuclear power  
971 plant on one end of the park on the Bay. We have a big trash  
972 dumper on one end of it. And we have urban sprawl that is  
973 developing every day up there.

974 I fish the park every day during lobster and stone crab  
975 season. I fish. I just came in this morning from setting  
976 one of my traps in there. I hear a lot of things about how  
977 commercial fishing is degrading the park and how our traps  
978 are damaging the coral.



979 I took Mr. Carlstrom on a tour on a commercial fishing  
980 boat back a couple of years ago with Mr. Garcia, and we  
981 showed him how we set our traps. We don't set our traps on  
982 top of the coral. We keep them out in the -- they will not  
983 produce if they are on top of the coral, and we set them in  
984 the sandy bottom.

985 I also fish the Bay for stone crabs. We use strong  
986 lines back in the Bay. A trawl line, which is a long line of  
987 traps, anywhere from 10 to 50 traps on it, that is so we  
988 don't lose the traps, so we can grab the traps back up so the  
989 traps aren't lost, because there is a lot of boat traffic.  
990 We try to do everything we can to protect our resource and to  
991 protect our industry.

992 I have two sons that are coming up behind me. I hear  
993 about how they are going to phase out commercial fishing, and  
994 my two sons are out there setting their traps right now. One  
995 is 22 and one is 18. They should have the same chance I had  
996 and that a lot of the other people had to be able to fish in  
997 Biscayne National Park, because if they eliminate me, them  
998 boys have to go somewhere else.

999 And we have to think about what is going to happen if we  
1000 do put this marine reserve there and if we do close the park.

1001 All those traps, it is estimated it is 50,000-plus traps  
1002 coming out of the Miami River and Key Largo. All that is  
1003 going to be pushed down on the Upper Keys area. So if you  
1004 want to talk about having a devastating impact, we have to  
1005 think about it as a whole, what is going to happen to outside  
1006 the park with all the traps and all the recreational  
1007 fishermen, all the user conflict, everything that is going to  
1008 happen after that.

1009 As far as I am concerned, I hear about all the fishing  
1010 that is going downhill. I had my best year craw fishing last  
1011 year in Biscayne National Park. It is on record with the  
1012 State of Florida through my marine fisheries trip tickets  
1013 that I produce, and my catches have been going up every year  
1014 up there.

1015 The FWC does a great job in managing our fishery. We  
1016 have live wells on our boat. When we catch a short lobster,  
1017 we shore up the attractants. They are put in a live well so  
1018 we can use them in other traps.

1019 All the smaller fish, as Brian saw, if we catch a small  
1020 fish in the trap, most of them go right back. They swim  
1021 right back down to the bottom.

1022 So we are doing the best we can to protect our resource,

1023 and we thank you for being here and protecting us as citizens  
1024 and users of the resource, because we really need to continue  
1025 to make a living. I have three people that work for me, and  
1026 I have my other son who helps us after school.

1027       So, if you have any other questions on that, I would be  
1028 glad to take them.

1029       [The prepared statement of Mr. Piton follows:]

1030

1031           The Chairman. Thank you. I appreciate that.

1032           Now we will turn to Mr. Bryan Boyd for your

1033 presentation.

1034

1035 STATEMENT OF BRYAN BOYD, OWNER, OCEAN BLUE YACHT SALES,  
1036 STUART, FLORIDA

1037 Mr. Boyd. Thank you, Mr. Chairman and members of the  
1038 House Small Business and Natural Resources Committee. I  
1039 appreciate the opportunity to come before you today and  
1040 discuss the impact of proposed closures at Biscayne National  
1041 Park for the recreational marine industry.

1042 My name is Bryan Boyd. I am the Managing Partner of  
1043 Ocean Blue Yacht Sales. Our dealership has three locations  
1044 in Southeast Florida. We are a dealer for Tiara, Pursuit,  
1045 Shearwater and Skeeter brands for Southeast Florida. I  
1046 started this business six years ago.

1047 The Chairman. Mr. Boyd, I hate to do this to you.  
1048 First of all, is the green light on your mic?

1049 Mr. Boyd. Yes.

1050 The Chairman. All right. Can you pull it closer to  
1051 your mouth? Sorry about that. Good, thank you.

1052 Mr. Boyd. Ocean Blue Yacht Sales has 24 employees now  
1053 and sells primarily fishing boats.

1054 Recreational boating and the industry which supports it  
1055 is alive, but for many small businesses, according to

1056 statistics from the National Marine Manufacturers  
1057 Association, there are over 870,000 registered boats, 5,500  
1058 boating-related businesses, employing over 55,000 jobs in the  
1059 State of Florida.

1060       The economic impact from the boating industry for the  
1061 State of Florida exceeds \$10.3 billion annually. National  
1062 recreational boating employs 650,000 people, 35,000 marine  
1063 businesses, and contributes \$121 billion to the national  
1064 economic impact.

1065       The businesses and jobs which support the recreational  
1066 boating industry range from boat manufacturing plants,  
1067 marinas, service and repair facilities, and dealerships like  
1068 ours.

1069       Boating is a popular sport in Florida. Eighty-two  
1070 percent of all boats sold in the state are power boats  
1071 engaged in the type of leisure and recreational fishing that  
1072 goes on in places such as Biscayne National Park.

1073       The finalized General Management Plan for Biscayne  
1074 National Park is deeply troubling. Biscayne is the nation's  
1075 largest marine park and draws visitors from throughout  
1076 Florida, the U.S., and the world. I strongly believe that  
1077 the national park should be maintained for the use and

1078 enjoyment of the American people. Management practices to  
1079 preserve the national parks are valid endeavors. However,  
1080 management plans must balance the interests of conservation  
1081 with public access.

1082 The policies proposed in the finalized plan do not  
1083 achieve this balance. This plan also ignores the significant  
1084 economic impact of boating and angling businesses in our  
1085 region.

1086 Recreational boating and fishing industries have been  
1087 engaged in the management process for Biscayne for quite some  
1088 time. Initial proposals to close over 10,000 acres of park  
1089 were met with heavy resistance. Even our own fishing agency,  
1090 FWC, is opposed to the marine reserve. For the past several  
1091 years, FWC, stakeholders, and even elected officials pushed  
1092 for a compromise management approach that would allow public  
1093 access while ensuring sustainable fisheries. Some access is  
1094 better than no access at all.

1095 Marine reserves are one tool in the fishery management  
1096 toolbox. But as I and other witnesses agree, it should be  
1097 used as a last resort. The Park Service has jumped over less  
1098 restrictive options such as permits, seasonal closures, size  
1099 and bag limits, boaters and gear restrictions. Instead, they

1100 settled on the most dramatic management policy available,  
1101 complete closure.

1102       The lure of selling sport fishing boats, as we do, rests  
1103 on the ability of boaters to use their vessel for actual  
1104 sport fishing. Biscayne National Park is a popular  
1105 destination for our customers, and a drastic limit to  
1106 boaters' ability to fish in the park will not only deter  
1107 sales but will also impact the boating businesses that rely  
1108 on sport fishing activities.

1109       The marine reserve encompasses nearly 40 percent of the  
1110 reef track. Such a significant loss to public access and the  
1111 resulting economic impact cannot be ignored.

1112       Clean water and healthy and sustainable fisheries are  
1113 important to the marine industry. For every gallon of  
1114 gasoline purchased for marine engines, the money goes right  
1115 back to conservation efforts, a fund amounting to almost \$625  
1116 million annually. These efforts ensure access through ramps,  
1117 rebuilding marine habitat, and needed dredging to maintain  
1118 navigable waterways. Boaters want, need, and contribute to  
1119 water conservation, so to shut them out from the very  
1120 resource they help protect is unfair and unwarranted.

1121       Given the tremendous economic, social, and conservation



1122 benefits provided by recreational fishing and boating, we  
1123 cannot allow the bad policies to stall not only visitor  
1124 access but the livelihood of thousands of Floridians.

1125 I appreciate the opportunity to speak before you and  
1126 welcome any questions.

1127 [The prepared statement of Mr. Boyd follows:]

1128

1129           The Chairman. Thank you as well.

1130           We will now turn to Mr. Scott Salyers -- I got it right?

1131   Okay, fine -- for your presentation.

1132

1133 STATEMENT OF SCOTT SALYERS, FISHING GROUP PUBLISHER, BONNIER  
1134 CORPORATION, PALMETTO BAY, FLORIDA

1135 Mr. Salyers. Thank you. Good morning, Mr. Chairman and  
1136 members of Congress. My name is Scott Salyers, and I was  
1137 asked to present today as a user of the park. I am a second-  
1138 generation Miamian who has fished all my recollecting life.  
1139 I am also the group publisher for Sport Fishing, Water  
1140 Sportsman, and Marlin magazines.

1141 Whether it be catching bone fish, permit tarpon, capper  
1142 or grouper, or simply driving through on my way to another  
1143 fishing destination, Biscayne National Park is a vital part  
1144 of every trip I make. I consider myself one of the luckiest  
1145 people on earth having a mother and father who fished.

1146 Having a family that fishes together brings a closeness  
1147 that is far and away better than any make-believe cyberland  
1148 world we live in today. I believe this to my very core as I  
1149 wake up my 9- and 6-year-old in the morning at Zero Dark  
1150 Thirty. They might be slow getting ready, but once we push  
1151 away from the dock, they are filled with anticipation over  
1152 what lies ahead on the water. I hope my son is able to take  
1153 me fishing, as I did my father. My father and then-

1154 girlfriend who is now my wife would never miss an opportunity  
1155 to go fishing. You know you are in pretty deep when your  
1156 father, who was raised Southern Baptist, is fishing with your  
1157 black girlfriend.

1158       The relationship of my father and my future wife was  
1159 galvanized on those fishing trips. I remember one of the  
1160 last trips I had with my father when he passed, or before he  
1161 passed. He caught a trophy 36-pound permit on the flats  
1162 right outside Black Point Marina. Fast-forward to today as I  
1163 load the family at one of the local marinas, whether it be  
1164 Massahannock, Black Point, or Homestead Bay Front. You don't  
1165 have to go very far to see that folks who might not have bad  
1166 intentions just don't know any better.

1167       There is a distinction between the novices and those who  
1168 know how to use our resources responsibly. It is the  
1169 uninformed who have no ill will to Biscayne who can do  
1170 unintentional damage to the park. What if those folks were  
1171 informed of the laws and the best practices within the park?  
1172 Why not teach them how to use the park responsibly and make  
1173 their experience a successful one? Whether we teach them in  
1174 English, Spanish, or Creole, as I stated, most of these folks  
1175 mean no harm to the park. We just haven't done a very good

1176 job of telling them how to use it responsibly.

1177       Simply kicking them out sends the wrong message and  
1178 prevents the responsible users and their families from  
1179 enjoying the park as well. Back in 2013 I attended a  
1180 workshop on Biscayne and thought we had a great turnout.  
1181 About half of the room were men and women who fished and  
1182 didn't want to see any of the closures happen. Most of the  
1183 fishermen agree, with caveats, to some less restrictive  
1184 alternatives.

1185       I then came away feeling, with regards to whatever  
1186 management approach was adopted, we are still not doing our  
1187 part in educating the end user. As part of the General  
1188 Management Plan, I do believe the Park Service is committing  
1189 to establish kiosks to help educate the users of the park,  
1190 and also establishing mooring buoys to protect the reef.  
1191 What if we did this without closures? Or better yet, let's  
1192 give this information to all the folks attending the park  
1193 through all access points. It is possible to reach the  
1194 masses more effectively now than ever, be it print, digital,  
1195 or social media. Better educating the users, combined with  
1196 responsible management that allows for continued access, can  
1197 be effective in restoring the park's habitat if given a

1198 chance.

1199       If we have a closure, there will be more pressure on the  
1200 surrounding areas. That is a fact. I am also not sure how  
1201 another user group in divers and snorkelers, which I also fit  
1202 into, are able to enjoy the park under this new rule. When  
1203 there are signs that state that this group can be as hard, if  
1204 not harder, on the environment, how do you pick one user  
1205 group over another?

1206       So any way you slice it, barring no action, the plan  
1207 will affect someone somewhere down the line. The real key,  
1208 in my opinion, is education, enforcement, and good science.  
1209 We should strive to get the best of all three.

1210       I have heard Congressman Ileana Ros-Lehtinen eloquently  
1211 state, "Biscayne National Park should not be like a great  
1212 library that won't let anyone check out any of their books."  
1213 Amen.

1214       We fishermen want stable fisheries for years to come.  
1215 We want our children and their children to enjoy the park  
1216 that we have. We need good science to support decisions that  
1217 affect not only our wallets, as recreational fishing is big  
1218 business, but also our hearts. I humbly ask that you engage  
1219 the Park Service in bringing a plan that doesn't build

1220 barriers but enlightens everyone. Let's teach a man to fish,  
1221 as fish don't know borders, and what the National Park  
1222 Service is attempting to do doesn't solve the bigger issues.

1223 Thank you.

1224 [The prepared statement of Mr. Salyers follows:]

1225

1226           The Chairman. Thank you. I appreciate your testimony.  
1227           We will finally turn to Mr. Jimbo Thomas for his 5  
1228 minutes of testimony.  
1229



1230 STATEMENT OF JIMBO THOMAS, CAPTAIN, THOMAS FLYER, MIAMI,  
1231 FLORIDA

1232 Mr. Thomas. Thank you, Chairman Bishop --

1233 The Chairman. I can tell you are not on from here.

1234 Push it. There you go.

1235 Mr. Thomas. Thank you, Chairman Bishop and members of  
1236 the Committee. My name is Captain Jimbo Thomas, and I am a  
1237 U.S. Coast Guard licensed charter-for-hire fishing guide. I  
1238 have been fishing out of Miami Marina here in Miami. I also  
1239 hold state, Federal, and commercial licenses for snapper,  
1240 grouper, and pelagic species, and a commercial diving  
1241 endorsement to harvest Miami lobsters. I have been self-  
1242 employed as a fishing guide and commercial fisherman for the  
1243 past 35 years.

1244 Biscayne National Park's General and Fishery Management  
1245 Plans, they would have profound negative impacts on one of  
1246 the largest charter fishing fleets anywhere in the nation,  
1247 and the proposed Special Management Zone would deny access to  
1248 more than 10,000 acres of prime fishing territory for  
1249 snapper, grouper, and other bottom dwellers, and curtail  
1250 fishing activity to one of the more productive sail fish

1251 areas.

1252       The question for me and most fishermen I have talked to  
1253 is why? The fish stocks throughout the park waters are in  
1254 excellent condition, and that statement is supported by NOAA  
1255 stock assessments conducted over the past three to five  
1256 years, giving high marks to all of the key indicator species  
1257 such as black ring gag groupers, as well as mutton yellowtail  
1258 and mangrove snapper. I really don't understand why the  
1259 findings of the National Park Service conflict so  
1260 dramatically with those of NOAA and the national science  
1261 centers, one of which is located right here in Miami, and  
1262 they are charged with assessing the status of these species.

1263       Now, the National Park Service statements, they also  
1264 conflict significantly with my on-the-water experience with  
1265 more than 250 days annually fishing, much of it on Biscayne  
1266 National Park.

1267       Yesterday, I had an opportunity to take Councilman  
1268 Bishop and some of his colleagues out fishing in Biscayne  
1269 National Park just to show him how bad the fishing really is.  
1270 We had a few things going against us including a full moon  
1271 and not a whole lot of time to actually fish. We went to a  
1272 patch reef in 25 feet of water just north of Soldiers Key.

1273 We caught one gag grouper, one red grouper which became  
1274 dinner, five mutton snappers, ten yellowtails, two lane  
1275 snappers, 20 mangrove snappers, one nice mackerel, four  
1276 amberjacks, one porgy, two blue runners, and, I am  
1277 embarrassed to admit, only one brunt. We had 11 different  
1278 species equaling 48 fish, and this was not at any secret  
1279 spot, and we caught all those fish in 70 minutes. So the  
1280 fishing is not as dire as they are making it out to sound.

1281 Also, as a holder of a commercial lobster permit, when I  
1282 am not on top of the water I am usually under the water, and  
1283 I can safely say that I have experienced and dove almost  
1284 every portion of the park, and from what I can tell, not  
1285 being a scientist, the overall health of the sea grasses and  
1286 corals has remained pretty consistent over the years.

1287 In closing, a major part in the plan to eliminate  
1288 commercial fishing, that would have a major impact on my  
1289 livelihood. To summarize this, I fail to see the problems  
1290 being identified in Biscayne National Park as being  
1291 widespread and warranting widespread closures, size limits,  
1292 bag limits, spawning closures. Increased law enforcement and  
1293 other management tools are sufficient to address these  
1294 problem areas within Biscayne National Park. Large-scale

1295 closures are unwarranted, unjustified, and they lack  
1296 scientific support for their implementation.

1297 [The prepared statement of Mr. Thomas follows:]

1298

1299 The Chairman. Thank you.

1300 Mr. Thomas. You are welcome. Thank you.

1301 The Chairman. I appreciate all of you for your  
1302 testimony.

1303 At this point we are going to begin the questioning of  
1304 our witnesses.

1305 Voice: Mr. Chairman?

1306 The Chairman. You had better have a good reason for  
1307 interrupting.

1308 Voice: This park exists because [inaudible]. Many  
1309 years ago, in 1944, there were plans to build an oil rig on  
1310 the western shore of this bay. There would have been a  
1311 ship's channel 300 feet wide and 30 feet deep through the  
1312 reef [inaudible] all the way up through [inaudible] opposite  
1313 the Homestead area. It isn't there because we now have a  
1314 park. When we talk about [inaudible] --

1315 The Chairman. I am sorry. Sir, I appreciate what you  
1316 are doing. I am going to give you a minute to say something  
1317 right here. It is out of order. You are interrupting. This  
1318 is not part of the process. I apologize. This is extremely  
1319 unusual. I am going to give you one minute, and then I am  
1320 going to ask you to take your seat. Go for it.

1321           Voice: We are talking about a resource that we all  
1322 should enjoy. It should be there. It should not be  
1323 exploited. And much of what we have heard today is  
1324 exploitation. We can't take as many crawfish as we want. It  
1325 has to be managed.

1326           The resource belongs to all of us, not a few. So you  
1327 should consider that when you make your deliberations. It is  
1328 so important to save this place.

1329           The Chairman. Thank you. I appreciate that.

1330           [Applause.]

1331           The Chairman. And once again, we are trying to get  
1332 through this today. We can't have any demonstrations. It is  
1333 against the rules. I appreciate that. I appreciate you  
1334 coming out. I have respect for your position. We are going  
1335 to give you that time period. Don't anyone else try to do  
1336 that.

1337           We are now going to come up with the time for the  
1338 questioning of our witnesses to allow members to participate  
1339 and get as many as we can. Members are also limited to 5  
1340 minutes. I will try and restrict that as carefully as I can.

1341           I am going to defer my questions to the very end of this  
1342 so that others have a chance of coming in there.

1343 I will turn, first of all, to Congressman Curbelo for  
1344 his questioning of any of the witnesses.

1345 Mr. Curbelo. Thank you, Mr. Chairman.

1346 Superintendent Carlstrom, thank you very much for being  
1347 here today. My question for you, did the Service contact  
1348 individual small business stakeholders such as local tackle  
1349 shops, restaurants, and seafood wholesalers that will be  
1350 affected by the General Management Plan to seek their input  
1351 and feedback on the plan?

1352 Mr. Carlstrom. Yes, sir, we did.

1353 Mr. Curbelo. When were those small businesses  
1354 contacted? How often were they contacted? And how many  
1355 small businesses were contacted?

1356 In addition, did you contact small businesses directly  
1357 or through trade associations?

1358 Mr. Carlstrom. We contacted small businesses, any party  
1359 that was interested, through the General Management Plan  
1360 process. Many of them put their names of our distribution  
1361 list. We provided information to them through that. I met  
1362 directly with the Miami River fishing community at their  
1363 facility. This all took place over the course of the entire  
1364 planning process for the two-and-a-half years I have been

1365 involved in it, and it took place many years prior to my  
1366 involvement as well.

1367 I also met with the Miami Marine Association and gave a  
1368 presentation on the General Management Plan during 2012. So  
1369 we have been actively engaged with the small business  
1370 communities.

1371 Ernie, Mr. Piton, mentioned earlier, I went out on his  
1372 boat and saw the very appropriate, very responsible fishing  
1373 practices that they were partaking in. I understand the  
1374 concern of the small businesses, and that was taken into full  
1375 consideration during the development of this plan, sir.

1376 Mr. Curbelo. So do you have an estimate as to how many  
1377 small businesses you have been in constant contact with, how  
1378 often they were communicated with? You said some of them  
1379 signed on to your email list. What we have found in this  
1380 process is that many were unaware, so I am trying to figure  
1381 out what your outreach efforts consisted of.

1382 Mr. Carlstrom. They were through widely publicized,  
1383 available news releases presented by the park, news releases  
1384 that went out through the general media in the Miami  
1385 metropolitan area. In terms of specific numbers by category  
1386 for small business, we don't keep track of it in that format



1387 with that specific type of metric.

1388 Mr. Curbelo. Thank you. Superintendent Carlstrom, in a  
1389 PowerPoint presentation that you gave on December 1st, 2014,  
1390 it states that the National Park Service received 1,800  
1391 unique comments on the General Management Plan in 2013. How  
1392 many or what percentage of the unique public comments  
1393 received from fishermen and other small businesses in Miami  
1394 Dade and Monroe County, how many of those comments were from  
1395 small businesses? Do you have an estimate?

1396 Mr. Carlstrom. Off the top of my head, I do not, sir.  
1397 I would be happy to provide that as part of the written  
1398 record.

1399 Mr. Curbelo. Also regarding the comments, what does the  
1400 Service mean by a unique comment?

1401 Mr. Carlstrom. Well, with 108,000 comments in total,  
1402 many of those were form letters. There were 47,000 unique  
1403 comments that we looked at. There were over 60,000 that were  
1404 in that form letter, basically the same message that was  
1405 submitted in bulk.

1406 Mr. Curbelo. So form letters are not considered unique  
1407 comments?

1408 Mr. Carlstrom. One is. One is a unique comment, but

1409 not in totality. We go through an analysis process.

1410 Mr. Curbelo. Thank you, Superintendent.

1411 Mr. Liederman, are there actions that the National Park  
1412 Service has taken in Biscayne National Park that have been  
1413 more harmful than helpful to the fish populations in the  
1414 park?

1415 Mr. Liederman. One of the things that strikes me of  
1416 importance, over the past 10 or 12 years Biscayne National  
1417 Park has been systematically going through the entire park  
1418 system and removing small wrecks, different pieces of debris,  
1419 and this also includes ghost traps which need to be removed.  
1420 But all of these little pieces of debris in the bottom of the  
1421 bay were extremely good habitat and attracted what we call  
1422 forage fish.

1423 Forage fish are the very essence that all of the  
1424 predator fish feed on. By removing all of these little  
1425 wrecks and so on and so forth, they basically have removed  
1426 the habitat that attracts the forage fish into the bay.

1427 Mr. Curbelo. Thank you, Mr. Liederman.

1428 My time is running out. I just would like to briefly  
1429 ask the Superintendent why were these wrecks removed? Why  
1430 was this done if they had become part of the underwater

1431 landscape?

1432 Mr. Carlstrom. That is not a natural part of the  
1433 underwater landscape. It is not Park Service policy to have  
1434 artificial features become, de facto, natural habitat --

1435 Mr. Curbelo. Do you think they help or hurt the fishing  
1436 populations?

1437 Mr. Carlstrom. If they are not part of the natural  
1438 environment, we remove them to the best of our capability.

1439 Mr. Curbelo. Do you think they help or hurt the fish  
1440 population?

1441 Mr. Carlstrom. We operate very strictly that they are  
1442 not beneficial.

1443 Mr. Curbelo. Thank you.

1444 The Chairman. Mr. Beyer, Don, you are recognized.

1445 Mr. Beyer. Thank you, Mr. Chairman.

1446 Superintendent Carlstrom, how much of this difference in  
1447 policy preferences, Alternative 8 versus 6 and 7, has to do  
1448 with the very different goals of the National Park Service  
1449 from those of FWC? For example, in one of the letters from  
1450 Nick Wiley, the Executive Director, he said you have to make  
1451 clear fishery management goals. And yet, in one of your  
1452 written pieces you said, "The National Park Service mission

1453 is different from merely achieving sustainable fisheries.  
1454 Natural coral reef ecosystems contain the full size and age  
1455 spectrum of all the species found in them. Fishing size  
1456 limits, slot limits, bag limits cannot achieve the goal of  
1457 ecosystem repair."

1458 And then when Ms. McCawley spoke, in her written piece  
1459 she talked about the stated objectives were larger,  
1460 healthier, diverse corals, and a larger number and diversity  
1461 of fish, a healthy, natural coral reef, larger, more numerous  
1462 tropical reef fish, and an ecologically intact reef system."

1463 Do you see a fundamental difference in the goals of the  
1464 National Park Service from the fishers?

1465 Mr. Carlstrom. Yes, I do. We are fundamentally putting  
1466 forward preservation of a nearly imperiled resource, coral  
1467 reef. We are trying to put that at the forefront of  
1468 maintaining that in as good a condition as we possibly can.  
1469 We are not a regulatory agency. We have very little that is  
1470 within our control from a regulatory standpoint. Fishing is  
1471 one thing that we actually do have some -- and I emphasize  
1472 some -- regulatory authority over within Biscayne National  
1473 Park. We can't control other stressors on the reef. They  
1474 are out of our jurisdiction.

1475           We have worked very closely with FWC. We do day in and  
1476 day out. We are part of the conservation family within  
1477 Florida, but our missions do differ.

1478           Mr. Beyer. Ms. McCawley, Mr. Wiley's letter also talks  
1479 about -- and you reiterated this in most of your testimony --  
1480 the National Park Service misapplies the large body of  
1481 scientific literature, or these expectations are based on  
1482 misapplied science, or not clear fishery management goals  
1483 that truly have been successfully analyzed.

1484           Yet we have also read and heard that the scientific data  
1485 show that 71 percent of 17 species are over-fished, the  
1486 majority of the large fish have been removed from all the  
1487 populations, black grouper, gray snapper, hog fish on the  
1488 verge of collapse, reed fish are down 95 percent, that in  
1489 1960 you would catch 20 fish for one fish today. Bouncer  
1490 talked about the disappearance of the barracuda, et cetera,  
1491 et cetera. I think you wrote that if FWC wouldn't act, the  
1492 Park Service had to act.

1493           Where is the bad science that the National Park Service  
1494 is applying?

1495           Ms. McCawley. So, the FWC considers fish populations at  
1496 the population level. So other than, say, tropical

1497 ornamental reef species that are already closed from harvest  
1498 in Biscayne National Park, things like red grouper, black  
1499 grouper, mutton snapper, yellowtail snapper, et cetera, their  
1500 populations expand a large region outside Biscayne National  
1501 Park. So we look at things at the population level, and as  
1502 one of the other witnesses pointed out, those assessments for  
1503 those species have come back positive. Those are Federal  
1504 stock assessments.

1505 Mr. Beyer. Okay. Thank you.

1506 Dr. Ault, again, in one of the objections to the RMZ,  
1507 they talked about instead the Special Resource Zone as an  
1508 alternative that would allow people to fish. One of the  
1509 concerns of the proposal is that fishing may be merely  
1510 redistributed to periods when the area is open to fishing,  
1511 known as the Derby Effect. If this occurs, any gains made in  
1512 improving fisheries and protecting habitat may be reversed  
1513 due to intensive fishing efforts at the end of the closed  
1514 season. It may actually harm resources even more than  
1515 leaving the area open all year.

1516 What is your concern about Special Resource Zones and  
1517 the Derby Effect?

1518 Dr. Ault. Well, I think you put your finger on it.

1519 There are plenty of examples of that, partial protection in  
1520 time, resources are extracted immediately. A good example is  
1521 the Pacific halibut fishery that is basically down to 24  
1522 hours that receives the entire quota, closing the fishery for  
1523 the rest of the year. So it is pretty clear that the  
1524 protection is not there in cases where you have this partial  
1525 spatial protection that allows people to fish in places that  
1526 should be protected.

1527 Mr. Beyer. There was also, I think in Ms. McCawley's  
1528 testimony, I believe that she said that the small tropical  
1529 fish in the reef have been banned fishing for them for some  
1530 years. Why does it make sense to expect the recovery of  
1531 tropical reef fish if we have this MRZ, if you already can't  
1532 fish them now?

1533 Dr. Ault. Those fishes are -- I think she is really  
1534 referring to the aquaria industry that has protection. So  
1535 they really aren't sought by anglers, which is kind of a  
1536 different program. The protection itself of a reserve is  
1537 trying to rebuild the structure of the environment around the  
1538 fishes, and it is very clear and scientific evidence will  
1539 show that healthy reefs are clearly correlated with abundance  
1540 of fishes. So they work together.

1541 Mr. Beyer. Thank you.

1542 Thank you, Mr. Chair.

1543 The Chairman. Thank you.

1544 Ileana?

1545 Ms. Ros-Lehtinen. Thank you so much, Mr. Chairman.

1546 Jimbo, do you believe that you are an exploiter of the  
1547 park, or do you consider yourself a careful steward of the  
1548 environment?

1549 And, Scott, you live in my district, in Palmetto Bay,  
1550 and you recounted to us that you visit Biscayne National Park  
1551 quite often to fish. Could you explain to us how this MRZ  
1552 will impact you and your family?

1553 And, Ernie, lastly, if you could also share the negative  
1554 impact that the MRZ will have, and is it in your interest to  
1555 exploit this resource?

1556 Jimbo?

1557 Mr. Thomas. Well, as a commercial fisherman and charter  
1558 boat guy, I have to rely on catching fish, hopefully for the  
1559 rest of my life, and a lot of other people's lives too. So,  
1560 no, I don't want to exploit. I am a fisherman. So, yes, I  
1561 like to catch fish, just like most of the people in here, but  
1562 we do practice a lot of catch and release nowadays, a lot



1563 more than we used to, and that goes for pretty much all of  
1564 us.

1565       So we are not killing as many fish as we used to. We  
1566 are letting a lot of them go, and I think most all fishermen  
1567 are pretty conservation oriented.

1568       Mr. Salyers. Actually, I would like to echo Jimbo's  
1569 thoughts there because you will never get a bigger group of  
1570 conservationists than the angling community. I have seen  
1571 more of my friends teaching my sons and daughters how to  
1572 release fish properly.

1573       But to your question, when I go offshore or when I go  
1574 through the park, I do fish a lot on the shallow water side  
1575 for bone fish and tarp, and it doesn't affect us so much.  
1576 But when I head off to the reefs, it is going to definitely  
1577 affect being able to catch reef fish, be it snapper or  
1578 grouper, and also my bait fishing. When I go out to catch  
1579 the dolphin, tuna or wahoo, or an occasional sail fish, those  
1580 species I might not be able to target because I won't be able  
1581 to get my bait fish, so it will shift my thought process.

1582       Mr. Piton. Well, of course, it is like Jimbo said, we  
1583 are commercial fishermen, so we are taking from the resource,  
1584 but we practice on my vessel and a lot of the other vessels

1585 that I represent, being President of the Florida Keys  
1586 Commercial Fishermen's Association, we are conservationists.  
1587 Anything that comes up in our traps that we don't need, and  
1588 playing in shallow water inside the reef in Biscayne National  
1589 Park, all those fish are released unharmed. Occasionally you  
1590 will get a trap where a lobster eats one of the fish as part  
1591 of the normal process.

1592 And going back to the negative impacts of the marine  
1593 reserve, it is going to be huge because you are going to  
1594 displace so many people outside the marine reserve. And as  
1595 far as commercial fishing, if all of the commercial fishing  
1596 is eliminated, part of their trap production program through  
1597 FWC that is taken, every time we do a sale of our traps, 10  
1598 percent is reduced already. So if somebody wanted to buy  
1599 100, somebody is going to lose 10 in that process.

1600 But how the negative impact is going to be is you are  
1601 going to push all that commercial fishing outside of the  
1602 park, on top of one another. It is going to impact  
1603 communities, impact the resource outside there hugely,  
1604 because all those 50,000-plus traps, I think the estimate is,  
1605 are going to be put outside that reserve. It is going to be  
1606 total chaos if those traps are put outside of the park, and

1607 all the commercial fishing. You have guys that are going to  
1608 get displaced.

1609 So there are better ways to manage things by just  
1610 working with the user groups, managing it like -- I was on  
1611 the sanctuary working group. There are ways of managing  
1612 stuff without just pushing everybody out.

1613 Ms. Ros-Lehtinen. Thank you.

1614 Director McCawley, I don't think we will have enough  
1615 time, but maybe for the second round, can you explain to us  
1616 where FWC's input is evident in the design of the MRZ? And  
1617 related to that, if the MRZ goes into effect, would FWC  
1618 regard it as a violation of the Memorandum of Understanding  
1619 between FWC and NPS that calls for fisheries to be governed  
1620 cooperatively?

1621 Ms. McCawley. Yes. Thank you for the question. Yes,  
1622 we believe that it is a breach of the MOU to talk about  
1623 fisheries management in the General Management Plan. So we  
1624 do have a concern with that. The part that the FWC agrees  
1625 with is that if you are going to create a box, that the size  
1626 and shape of the box from all the alternatives is probably  
1627 the best size and shape, as opposed to some of the bigger  
1628 boxes that were in place and some of the other alternatives.

1629           However, FWC has gone on record that they don't think  
1630 that no fishing is the way to go. One of our comment letters  
1631 suggested that maybe the park could consider a seasonal  
1632 closure inside that MRZ area.

1633           Ms. Ros-Lehtinen. Thank you very much.

1634           Thank you, Mr. Chairman.

1635           The Chairman. Thank you.

1636           Mario?

1637           Mr. Diaz-Balart. Thank you, Mr. Chairman.

1638           Actually, Congresswoman Ros-Lehtinen just touched on one  
1639 of the questions that I was going to have.

1640           So I guess this would include 6 percent of the entire  
1641 park area that would be now limited, correct? Forty percent  
1642 of the reef area. Is that correct? Or do we know what  
1643 percentage of the reef area?

1644           Mr. Carlstrom. Twenty-eight percent.

1645           Mr. Diaz-Balart. Twenty-eight percent.

1646           Mr. Carlstrom. Seventy-two percent --

1647           Mr. Diaz-Balart. I'm sorry?

1648           Mr. Carlstrom. Seventy-two percent would remain  
1649 available for fishing.

1650           Mr. Diaz-Balart. Okay. And do we know what percentage

1651 of the fish that are taken from the park come from this 6  
1652 percent area?

1653 Mr. Carlstrom. Not specifically, we do not.

1654 Mr. Diaz-Balart. We do not. I am a little taken aback.  
1655 Anyway, all right.

1656 Let me go back to the FWC now. You all have supported  
1657 similar -- in the Tortugas, you all supported, frankly, what  
1658 some would have thought was pretty dramatic. You explain  
1659 why. Now you are saying you don't support this because it is  
1660 a totally different situation, but I don't think anybody  
1661 could accuse you of being anti-environment or not considering  
1662 the environment. Again, Ileana mentioned this, but you think  
1663 there are better solutions that would have the same results  
1664 or less results or better results? In other words, when you  
1665 talk about other options, what are the results potentially of  
1666 the other options that you are looking at?

1667 Ms. McCawley. Thank you for that question. First, I  
1668 would start with some of the alternatives that are listed in  
1669 the Fishery Management Plan. The Fishery Management Plan, as  
1670 the Superintendent mentioned, was finalized last year, and  
1671 there are a number of fishery management measures in that  
1672 plan, and they have yet to be implemented. So I think the

1673 FWC would want to see the measures in the Fishery Management  
1674 Plan implemented first and see what the effects are on the  
1675 fisheries populations before going about a no-fishing marine  
1676 reserve zone.

1677 Mr. Diaz-Balart. Thank you.

1678 I have a little time left. Let me ask, I guess, Jimbo  
1679 Thomas again, if you are not allowed to fish in the park,  
1680 where are you going to go? What are you going to do? I  
1681 mean, are you going to just go home and retire?

1682 Mr. Thomas. Well, we will have to find alternative  
1683 areas to fish, obviously, because I am not going to quit  
1684 fishing. It is all I have ever done. So we would just be  
1685 displaced and have to fish in other areas that might see a  
1686 lot more pressure right off the bat. That is a huge swath of  
1687 water. It is a prime area, as well as a lot of other areas  
1688 are prime also. So we would just fish in other areas, as  
1689 simple as that.

1690 Mr. Diaz-Balart. Lastly, Superintendent, we have heard,  
1691 and I think it is pretty logical, that there are a lot of  
1692 impacts that humans create, divers and snorkelers. Are you  
1693 looking at the possibility of also, then, at any time in the  
1694 future, shutting them off as well? And if not, why not? Or

1695 is it only fishing? And if it is only fishing, are you then  
1696 not getting into the fish management business?

1697 Mr. Carlstrom. Divers, snorkelers, the Marine Reserve  
1698 Zone would still be open to boating. We are under a constant  
1699 evaluation process within the National Park Service and  
1700 looking at the level of use that is going on, whether or not  
1701 it is appropriate. For the diving and the snorkeling, for  
1702 any of the commercial activity that would be taking place  
1703 through our Commercial Use Authorization process, we would  
1704 place and require as a condition that somebody in the water  
1705 be educating the divers and snorkelers. That is how we plan  
1706 to educate them when they are going in, when they are going  
1707 to be partaking in that specific activity.

1708 The MRZ would include a monitoring plan. We would be  
1709 looking at it every five years. We are evaluating it right  
1710 now. We have science going on and monitoring activity going  
1711 on continuously in the park. Part of that includes surveys  
1712 that reference back to -- we don't know specifically the  
1713 Marine Reserve Zone, but we do know the level of fishing  
1714 effort that is taking place in the park and the kind of  
1715 catches that are coming back in, and it has been in a state  
1716 of decline for over a decade.

1717 Mr. Diaz-Balart. Thank you, sir.

1718 And I see my time is running short. I yield back, Mr.  
1719 Chairman.

1720 The Chairman. Dave?

1721 Mr. Jolly. Thank you, Mr. Chairman.

1722 Mr. Carlstrom, my questions are largely going to be for  
1723 you. There were eight alternatives that were under  
1724 consideration, and the National Park Service chose the most  
1725 restrictive. What was the next most restrictive alternative  
1726 of the eight?

1727 Mr. Carlstrom. Actually, we did not choose the most  
1728 restrictive. The most restrictive was number 5. That  
1729 included a much larger area to be included within the marine  
1730 reserve.

1731 Mr. Jolly. So what was the next most restrictive that  
1732 would not have included a closure, a geographic closure?

1733 Mr. Carlstrom. There were two options of the same  
1734 geographic extent that would have been larger but not at the  
1735 same level of regulation. One would have been a permitting  
1736 system as outlined in Alternative 6 that we developed very  
1737 closely with FWC, and Alternative 7, which would have  
1738 included a seasonal closure option.



1739 Mr. Jolly. Permitting that would have included  
1740 commercial, for-hire, and wreck?

1741 Mr. Carlstrom. Commercial was being phased out through  
1742 both of those.

1743 Mr. Jolly. Okay. And FWC would have concurred with --

1744 Mr. Carlstrom. Alternative 6 they supported at the  
1745 time.

1746 Mr. Jolly. Okay. Was a study done or consideration  
1747 given to the science of the added pressure to fisheries  
1748 outside of the closure zone?

1749 Mr. Carlstrom. It was addressed in the cumulative  
1750 effects, though not specifically.

1751 Mr. Jolly. Addressed with any science behind it, any  
1752 study behind it?

1753 Mr. Carlstrom. Not specifically conducted by the Park  
1754 Service, because that is out of the park.

1755 Mr. Jolly. Because it leads to my next question. A red  
1756 flag that jumps out of your testimony is the goal of  
1757 increasing fisheries by 20 percent, and that starts to get to  
1758 the jurisdictional question I have. It is just a question.

1759 What is your authority compared to National Marine  
1760 Fisheries, to FWC, to NOAA, to the Department of Commerce?

1761 What level of coordination with NPS does the National Park  
1762 Service achieve?

1763 Mr. Carlstrom. We work with them very closely. They  
1764 conduct research in our park, and we consult with them on a  
1765 regular basis.

1766 Mr. Jolly. So is that consideration given for the  
1767 secondary effects of the pressure on the fisheries and  
1768 species-specific closures that NPS continues to wrestle with?  
1769 Was that incorporated into this?

1770 Mr. Carlstrom. We consulted with them all the way  
1771 through. They provided an opinion on the preferred  
1772 alternative. Yes, sir.

1773 Mr. Jolly. And as I understand your testimony, then,  
1774 you will measure the impact at a five-year increment and a  
1775 10-year increment. Is that correct?

1776 Mr. Carlstrom. Currently that is how it is phrased,  
1777 sir.

1778 Mr. Jolly. What you could have done under the next most  
1779 restrictive option. So if you had adopted the FWC proposal  
1780 of either seasonal or days, you could have then taken  
1781 measurements five years out to see if it had an impact on  
1782 improving the reef.

1783 Mr. Carlstrom. Yes, and we will continue doing that.

1784 Mr. Jolly. So, look, I think Mr. Miller's passion is  
1785 understandable and right on point. We all need to ensure  
1786 that we are protecting the reef, improving and strengthening  
1787 the reef. The issue clearly is the balance with fisheries,  
1788 and it leads me to my last question, which is commercial is  
1789 phased out -- and I want you to clarify because, again,  
1790 reading your testimony, it is only phased out as commercial  
1791 permits are not renewed, right?

1792 Mr. Carlstrom. Correct.

1793 Mr. Jolly. So existing commercial permit holders can  
1794 continue to fish as long as the use or lose renewal process,  
1795 as long as they continue to use it on a continuing basis.

1796 Mr. Carlstrom. That is the concept as it was put  
1797 forward in the Fishery Management Plan.

1798 Mr. Jolly. I hate to get into the politics of fish and  
1799 NPS, and I am from the Pinellas County St. Petersburg NPS  
1800 NOAA areas, but I have a question for you. It seems to me  
1801 that recreational loses once again in this decision, because  
1802 commercial actually is protected. They are able to continue  
1803 renewing their permits. But as you stated at the very  
1804 beginning, there was nothing -- there is no allowance now for

1805 recreational that would have otherwise been allowed for in  
1806 the next most restrictive alternative. Would you agree with  
1807 that?

1808 Mr. Carlstrom. The Marine Reserve Zone would restrict  
1809 recreational fishing, though over time we feel there is the  
1810 strong likelihood that a spillover effect would ensue that  
1811 could actually enhance recreational fishing.

1812 Mr. Jolly. But five years, 10 years, 15 years from now.

1813 Mr. Carlstrom. We are hopeful it might be less than  
1814 five years, but that is a very similar pattern to marine  
1815 reserve zones as they have been implemented all over the  
1816 country and the world.

1817 Mr. Jolly. So was there consideration given to how we  
1818 manage species-specific closures for recreational in terms of  
1819 the number of days? I believe that was alluded to, right?

1820 Mr. Carlstrom. That was Alternative 7, and those were  
1821 seasonal closures, and we did consult with NPS on that very  
1822 thing, and they provided input saying it was largely an  
1823 effective strategy.

1824 Mr. Jolly. But the concern was the Derby Effect.

1825 Mr. Carlstrom. Correct.

1826 Mr. Jolly. Which is a fisheries management

1827 jurisdictional issue. Yours is protection of the coral reef.

1828 Mr. Carlstrom. True.

1829 Mr. Jolly. And so eight days, let's say, of fishing to  
1830 take the frustration of those who fish for snapper, eight  
1831 days of open recreational fishing would have protected the  
1832 reef, right? We would still accomplish what we are trying to  
1833 accomplish while providing for the quality of life of  
1834 recreational fishermen if we had a short season.

1835 Mr. Carlstrom. It could provide potential improvement.  
1836 However, there still is the potential for additional impacts  
1837 from recreational fishing activities within the reef of the  
1838 proposed Marine Reserve Zone closure area.

1839 Mr. Jolly. Okay.

1840 Thank you, Mr. Chairman. Yield back.

1841 The Chairman. Thank you.

1842 Allow me to ask a couple of questions that may be more  
1843 procedural than the technical ones, because one of the  
1844 situations I face is that this situation that we are going  
1845 through is not atypical to this particular area, dealing with  
1846 Park Service and Forest Service areas in our country. We  
1847 also have the same kind of conflict taking place, and there  
1848 are, as I said, three myths of government. The third one I

1849 won't go into because it is the West needs to be protected  
1850 from itself, which doesn't apply to any of you.

1851 But the second one deals with whenever there is a  
1852 conflict between Washington and any kind of local government,  
1853 obviously Washington has to win. That is one of the myths I  
1854 want to try and explore in this particular area, because what  
1855 I am seeing here is something that is replicated in other  
1856 parts of the country on different types of issues.

1857 So let me go through a couple of these things as quickly  
1858 as I can. Let me start with you, Mr. Salyers.

1859 There are two things I would like you to explore just  
1860 very briefly. One is that if this were to go through, there  
1861 would be an impact on surrounding areas. What do you mean,  
1862 quickly, by that?

1863 Mr. Salyers. Well, generally speaking, you have the  
1864 box, and everyone knows what the box looks like. Those  
1865 surrounding areas, those people that normally fish within the  
1866 box have to be pushed either north or south or east or west  
1867 of that box.

1868 The Chairman. So the situation goes somewhere else.

1869 Mr. Salyers. It goes somewhere else, somebody else's  
1870 backyard.

1871 The Chairman. If that situation exists.

1872 Mr. Salyers. Correct.

1873 The Chairman. You also said divers are hard on the  
1874 environment. That is the phrase I think you said orally.

1875 Mr. Salyers. That is right.

1876 The Chairman. What do you mean by that?

1877 Mr. Salyers. Well, the diver -- again, it gets back to  
1878 --

1879 The Chairman. I assume you are talking about coral  
1880 reefs.

1881 Mr. Salyers. Coral reefs, yes. It can be. One of the  
1882 things that I just heard the Superintendent say is that he  
1883 was going to have somebody in the water the whole time. That  
1884 was news to me. I didn't understand that. I don't know if  
1885 that means we are going to have folks in the water with us as  
1886 we recreationally dive in that area. I mean, how does he  
1887 know?

1888 But to your question, inexperienced divers -- again, it  
1889 gets back to education. Inexperienced divers, inexperienced  
1890 fishermen anywhere on the reefs, whether it be within that  
1891 zone, north, south, east or west, we should teach folks how  
1892 to use the reefs and our resources responsibly, and I don't

1893 see it. That is my biggest concern.

1894 The Chairman. So a diver can have a detrimental effect  
1895 on it.

1896 Mr. Salyers. Sure, stand on the reefs --

1897 The Chairman. One of you mentioned the lack of  
1898 enforcement at Key Biscayne. I can't remember in whose  
1899 written testimony it was.

1900 Was it yours, Mr. Piton? Do you want to mention that  
1901 briefly for me?

1902 Mr. Piton. Well, the lack of enforcement, you don't see  
1903 many law enforcement boats out there. I mean, if the park  
1904 wanted -- in my opinion, and running a business, I try  
1905 logistics, and if you are going to manage something and take  
1906 care of something, education is what we try to do. When I  
1907 was with the sanctuary, education, water quality, and law  
1908 enforcement. If you have people getting educated out there,  
1909 officers and maybe people with boat ramps, as Bryan said,  
1910 people on the water doing that, what would this place be? It  
1911 would get better, because it is not being done right now and  
1912 it hasn't been done.

1913 The Chairman. Let me go on to another. Let me stick  
1914 with you.



1915           You were part of a working group.

1916           Mr. Piton.   Yes, sir.

1917           The Chairman.  What was the purpose of that group?

1918           Mr. Piton.   It is the commercial side of the fisheries

1919 management.

1920           The Chairman.  To advise the Park Service on this issue?

1921           Mr. Piton.   Yes, sir.

1922           The Chairman.  How often did you meet?

1923           Mr. Piton.   I believe it was scheduled for six meetings

1924 at first.  Carl was on that with me.  I think it was six

1925 meetings, and then it went to eight.

1926           The Chairman.  And when was the last time you met?

1927           Mr. Piton.   2004, I think, 2004.

1928           The Chairman.  It was 2004?

1929           Mr. Piton.   They added three meetings.

1930           The Chairman.  Okay, thank you.  I appreciate that.

1931           Let me come back to a couple more.  In those working

1932 group meetings, there was option number 1, which was no

1933 action.  Was that ever seriously considered?

1934           Mr. Piton.   Well, these options came up -- we made

1935 recommendations on the commercial side, on the fishing side

1936 of it, and they came up with the options afterwards.  Right,

1937 Carl? On a lot of that stuff, through working groups and  
1938 stuff like that.

1939 Mr. Liederman. There were no options on the table at  
1940 the time. We were charged with creating recommendations that  
1941 we presented to the Park Service.

1942 The Chairman. And I am assuming with the Park Service,  
1943 they are now far different from the recommendations that you  
1944 gave through them.

1945 Mr. Liederman. When they first came out with the  
1946 General Management Plan, I actually asked the previous  
1947 superintendent what happened to the fisheries working group  
1948 recommendations, because they had disappeared off the table.  
1949 Recently, a lot of the original recommendations have started  
1950 filtering back into the General Management Plan.

1951 The Chairman. Mr. Piton, I have 20 seconds. Go for it.

1952 Mr. Piton. Yes, sir, Mr. Bishop. When they had a  
1953 meeting in Key Largo about this, I did ask, just like Carl  
1954 was saying, about where did all our recommendations go, where  
1955 were they, where is everything we recommended, and the answer  
1956 I got was we don't know.

1957 The Chairman. All right. There are going to be a lot  
1958 of other -- I have other questions for some of the others

1959 here, especially on the role that Florida plays in this  
1960 particular issue structurally. So there will be another  
1961 round of questions, but my time is almost up. If I wait two  
1962 seconds, my time is up. I am red. All right.

1963 Carlos, do you have other questions?

1964 Mr. Curbelo. Yes. Thank you, Mr. Chairman.

1965 Mr. Carlstrom, I want to go back to this issue of the  
1966 wrecks because I am intrigued by it. I don't want to dwell  
1967 on it too long.

1968 So you said the small wrecks were removed because they  
1969 are not part of the natural environment. However, when I  
1970 visited the park, some of your team members told me that the  
1971 large wrecks had become habitats for fish and speaking of  
1972 them in a positive way. The large wrecks are not part of the  
1973 natural environment either, correct?

1974 Mr. Carlstrom. No, but they are historic resources that  
1975 have been there for over 50 years and clearly documented, and  
1976 we manage them as a cultural resource and part of the  
1977 maritime heritage of our country.

1978 Mr. Curbelo. And you have also highlighted how fish  
1979 have benefitted from the wrecks. Is that correct? That is  
1980 what I recall when I visited the park.

1981 Mr. Carlstrom. That is widely accepted, yes.

1982 Mr. Curbelo. Okay. I think there is an inconsistency  
1983 somewhere there, and I hope that we can find the time to  
1984 figure it out.

1985 With regards to small businesses, and I am doing the  
1986 best I can here to represent my committee, any of the small  
1987 business owners here, Superintendent Carlstrom stated in his  
1988 testimony that the Service is going to work with the Small  
1989 Business Administration to identify business opportunities  
1990 for commercial operations as a way to offset economic losses  
1991 as a result of the closure, and this is something that, of  
1992 course, we discussed in a previous meeting as well. Has the  
1993 Service contacted any of you regarding these potential  
1994 opportunities? Does anyone have a yes to that?

1995 Okay. Mr. Carlstrom, some of these people expect to  
1996 hear from the National Park Service.

1997 Mr. Carlstrom. As a concept that we just really started  
1998 developing within the last month, we will continue to reach  
1999 out to the SBA to determine the best way to move forward with  
2000 it.

2001 Mr. Curbelo. So you think they may be hearing from you  
2002 soon?

2003 Mr. Carlstrom. Yes, sir.

2004 Mr. Curbelo. Okay. Thank you.

2005 Mr. Boyd, the boating industry, we are all familiar with  
2006 the adverse effects the economic recession had on it. Do you  
2007 anticipate that this General Management Plan will pose  
2008 additional challenges to the boating industry that so many  
2009 Floridians depend on?

2010 Mr. Boyd. It is going to slow the growth of our  
2011 business. We were decimated in the '07-'08 period, and we  
2012 are struggling to get back to that. But anything that limits  
2013 people's access to boating and boating areas is going to slow  
2014 down the growth of our business, slow our growth. We have  
2015 been trying to grow our employment levels in all the marine  
2016 industries over the years, so anything would shorten that.

2017 Mr. Curbelo. Thank you.

2018 I think what is evident here today is that we are not  
2019 debating the "what" but the "how." I have a profound  
2020 appreciation for the job of the National Park Service. I  
2021 have spent time at the park. Mr. Carlstrom and many of you  
2022 here are aware of my statements on the environment, and more  
2023 importantly my voting record on the environment. But what we  
2024 are seeking here is a better balance.

2025           The point I think some of us are trying to highlight  
2026 today is that these people's lives here matter, and it is not  
2027 just their lives, it is the lives of all the people they  
2028 represent. This is an industry that feeds many families in  
2029 our state, and the goal here today is to find that careful,  
2030 healthy balance between conserving the reef and making sure  
2031 that the Park has all the resources that it needs. Mr.  
2032 Carlstrom and I have discussed bleaching. I am out there  
2033 talking about the rising temperatures of the seas, the rising  
2034 sea levels.

2035           I just hope that small business owners and fishermen  
2036 aren't being used as scapegoats for challenges that really  
2037 have nothing to do with them. We understand that they don't  
2038 control the temperature of the seas. I am sure they would  
2039 like to, but they don't. So we need to just make sure that  
2040 we are not scapegoating them and that maybe we can work with  
2041 groups like FWC to find a healthier balance here that will  
2042 not be detrimental to the lives of the people in our  
2043 community.

2044           With that, Mr. Chairman, I yield back.

2045           The Chairman. Thank you.

2046           Don?

2047 Mr. Beyer. Thank you, Mr. Chairman.

2048 And thanks again for all of you offering so much insight  
2049 to us.

2050 In the minority memo that they prepared for us, they  
2051 said that the FWC argues that the Memorandum of Understanding  
2052 it has with the park precludes the use of no-take marine  
2053 reserves, and it goes on to say that the MOU expired in 2014  
2054 and has not been renewed.

2055 Ms. McCawley, is that your understanding also?

2056 Ms. McCawley. That is correct.

2057 Mr. Beyer. Do you know why it wasn't renewed?

2058 Ms. McCawley. Yes, sir. It was not renewed because we  
2059 have been working with the park on the Fishery Management  
2060 Plan, and we are putting together a science team, and as we  
2061 move forward with that process we are developing a science-  
2062 specific MOU relative to the Fishery Management Plan, and  
2063 that is not completed yet.

2064 Mr. Beyer. Great. Thank you very much.

2065 From a small business perspective, in the majority memo  
2066 there was a great paragraph. It said the Florida Keys  
2067 Commercial Fisherman's Association estimates the economic  
2068 impact of the National Park Service's management actions

2069 would amount to more than \$40 million to commercial fishermen  
2070 in the affected area, \$40 million. But then in Dr. Ault's  
2071 testimony, he says that the decline in the ecological  
2072 condition of the resources has significant economic  
2073 implications and the opportunity cost, the opportunity lost  
2074 cost is the lost revenues from people saying fishing in the  
2075 Florida Keys isn't what it used to be, I am going to Belize.  
2076 The opportunity lost cost is estimated to be in excess of \$1  
2077 billion per year for the South Florida ecosystem. So \$1  
2078 billion in lost opportunity versus \$40 million from the MRZ.

2079 Dr. Ault, do those figures stand up? Do you think that  
2080 is a fair tradeoff?

2081 Dr. Ault. I am not sure I am here to advise on whether  
2082 it is a fair tradeoff. They are the numbers that were  
2083 produced by NOAA senior economists in looking at the Florida  
2084 Keys coral reef ecosystem as a whole. So the productivity of  
2085 the system has declined, and the economic loss is severe.

2086 Mr. Beyer. Dr. Ault, while you have the microphone, as  
2087 a scientist, could you talk about the impact that global  
2088 warming is having specifically on Florida's coral reefs?

2089 Dr. Ault. Without speculating, the science would  
2090 suggest there is an impact of global warming on the reefs.



2091 Whether it is affecting Florida in the proximal state is not,  
2092 in my opinion, yet clear. But what is clear is the rate of  
2093 fishing mortality is beyond that level that is basically  
2094 mandated under Magnuson-Stevens. We have gone way by that.

2095       So this issue about disaffecting individuals, the  
2096 reality is we are way over-capitalized in total use. We are  
2097 levying the system to death. Unless we come up with a  
2098 solution, we have a serious problem. One of the  
2099 recommendations, what could we do, we proposed the statement  
2100 several years ago implementing size limits because it would  
2101 have significant benefits in moving the stocks above that  
2102 stable threshold. But what that means is that the entire  
2103 fishery becomes a protected area because the bulk of the  
2104 resource is below these minimum sizes. So that wasn't  
2105 invoked.

2106       If you will, it is a system of compromises, but I think  
2107 the compromise we are looking for is for the whole to benefit  
2108 as a result.

2109       Mr. Beyer. Thank you, Dr. Ault.

2110       Mr. Liederman, this may not be a fair question for you  
2111 because I am not quite sure who wrote the letter, but it was  
2112 a letter representing the U.S. --

2113 Mr. Liederman. Which one? I'm sorry.

2114 Mr. Beyer. I am not sure you can see it, but you look  
2115 like the most authoritative person out there.

2116 On the second page it says a GMP for Biscayne National  
2117 Park should take a holistic approach to fisheries management  
2118 and not be determined solely on the self-interest of a small  
2119 group of wealthy landowners. Who would this small group of  
2120 wealthy landowners be who would benefit from an MRZ?

2121 Mr. Liederman. I am sorry. I am not --

2122 Mr. Beyer. Is there anybody? Bouncer? Mr. Smith?

2123 Mr. Smith. I can't answer that question, but I need to  
2124 mention one thing to the people gathered here today. The  
2125 marine reserve that we are talking about -- you guys went  
2126 fishing yesterday. You traveled 12 or 15 miles from the dock  
2127 and you were still 5 miles from the area we are discussing.  
2128 The closest boat ramp is at least eight miles from the area  
2129 we are discussing. And if you leave from any boat ramp, take  
2130 the closest access to the ocean and go straight out, on your  
2131 right may be the marine reserve, but on your left is just as  
2132 good a reef that is not in the reserve. Or if you go out the  
2133 south end of the access, which is the only other access to  
2134 the area, by the way, if you go to the left it is marine

2135 reserve, but if you go to the right it is open access.

2136 So one of the things that has not been addressed here is  
2137 the fact that this is an area that is hard to get to. In any  
2138 option, if you can get there, you can turn in the opposite  
2139 direction and get the same type of habitat not in the marine  
2140 reserve. So it is not like it is in our backyard, sir.

2141 Mr. Beyer. Thank you very much.

2142 Thank you, Mr. Chairman.

2143 The Chairman. Ileana?

2144 Ms. Ros-Lehtinen. Thank you. I will have Mr. Diaz-  
2145 Balart react to that.

2146 Director McCawley, I know that you have had experts who  
2147 have put forth the argument that there are other  
2148 scientifically supported, less restrictive tools that can  
2149 restore fish stocks without putting all of these guys out of  
2150 business. What happened to those recommendations?

2151 And I will just follow up with that.

2152 We have heard that FWC does excel at fisheries  
2153 management. To the fishermen here, why do you think that the  
2154 National Park Service is ignoring their input and your input?

2155 Director?

2156 Ms. McCawley. Thank you for the question. I would say

2157 that those other options are in the Fishery Management Plan,  
2158 and we are currently working with the park on that list of  
2159 options that have been proposed in that plan and, as I  
2160 mentioned earlier, trying to come up with a science MOU to  
2161 try to move forward with some of these less restrictive  
2162 options.

2163 Also as I mentioned earlier, we feel like these less  
2164 restrictive options should come first and then test the  
2165 results of those options before putting a closure in place.

2166 As to why the Park Service has maybe not included the  
2167 concerns of the fishermen, I really can't respond to that.

2168 Ms. Ros-Lehtinen. Ernie?

2169 Mr. Piton. Thank you, Ileana. You know, we hear the  
2170 stocks are declining and stuff, but there are so many other  
2171 issues that need to be addressed before you just push a user  
2172 group or user groups out, you know? We have water quality  
2173 issues that we have to deal with. I mean, I don't even think  
2174 that has been looked at. One of their sewer pipes ruptured  
2175 up there in Miami. When the sewage gets dumped, there are  
2176 water quality issues. There are so many other issues,  
2177 because fishery stocks as assessed by the South Atlantic  
2178 Council are coming back to strong or excellent. In some

2179 areas at different times of the year it might affect the  
2180 fishing. I am sure Jimbo can relate to that. I can tell you  
2181 all about long-term stone crab, and Jimbo can tell you about  
2182 at different times of the year there is a four-month closure  
2183 on black grouper and red grouper. Jimbo can tell you about  
2184 that.

2185 Ms. Ros-Lehtinen. Thank you.

2186 Mr. Piton. They are already protected.

2187 Mr. Smith. Right, we already face a four-month closure  
2188 on shallow water groupers, and that has been in effect for  
2189 roughly five years, off the top of my head. And we have  
2190 already seen a dramatic increase in the number of groupers  
2191 when the season does open, and during the closure we are  
2192 catching them and releasing them. So the closure is working,  
2193 and that is during the spawning season.

2194 Like Ernie says, the fish are very seasonal. They move  
2195 around a lot. This time of year when the water is warm, the  
2196 reef fish are out in deeper water, and as the water gets cold  
2197 we see a lot more fish up at the shallow reefs. As to why I  
2198 didn't go down into the park or where the proposed closure is  
2199 yesterday is because, as I mentioned, we were very limited on  
2200 time, and I don't have a race boat like Bouncer does, so I

2201 couldn't make it that far.

2202 Ms. Ros-Lehtinen. Thank you.

2203 Superintendent, this working group was established to  
2204 study and submit recommendations for the park's GMP and FMP,  
2205 and they did not recommend an MRZ. Why did the National Park  
2206 Service reject the reasoned and objective advice of their own  
2207 stakeholder working groups?

2208 Mr. Carlstrom. We actually did not. We took the  
2209 recommendations of the working group for the Fishery  
2210 Management Plan that both Carl and Ernie participated on and  
2211 put them into the Fishery Management Plan directly. The  
2212 General Management Plan is a separate action. We took their  
2213 comments as they were contributed through the full body and  
2214 everything else of the 47,000 unique comments. But the  
2215 General Management Plan was a separate environmental impact  
2216 statement in its own right, looking at the full scope of park  
2217 management, which includes the Marine Reserve Zone, which is  
2218 the area of highest controversy because it is a significant  
2219 change.

2220 Ms. Ros-Lehtinen. Thank you.

2221 If I could have Carl and Ernie respond to that?

2222 Mr. Liederman. We specifically were pushed to establish

2223 a no-fishing area when we met, and no matter how the Park  
2224 Service and Florida Keys Marine Sanctuary people encouraged  
2225 us to implement a no-fishing area, we felt that with the help  
2226 of FWC and the management recommendations that we put  
2227 forward, we could manage the fish in the park and help  
2228 rebuild the stocks.

2229 Ms. Ros-Lehtinen. Ernie?

2230 Mr. Piton. That came up during our discussions about  
2231 how much jurisdiction FWC has and for us to make  
2232 recommendations, and the FWC to work along with us.

2233 Can I say one more thing, Ileana, on this? The marine  
2234 reserve, it is like the fish are there -- like Jimbo said,  
2235 the fish come in during the winter, or if they are not there,  
2236 there might be another issue besides pushing people out.

2237 The Chairman. I have to cut you off here. Sorry.

2238 Ms. Ros-Lehtinen. Thank you, Mr. Chairman.

2239 The Chairman. Mario?

2240 Mr. Diaz-Balart. Thank you, Mr. Chairman.

2241 I think that is why hearings like this are so important.  
2242 I think one thing that is pretty evident, there is nobody  
2243 here who wants to destroy the environment. None of you are  
2244 here to try to wreck the environment, kill the fish, pollute

2245 the water. And I think it is just important that when things  
2246 are out there, that people understand that. As the Ranking  
2247 Member said, I think it was he who said it, this is a system  
2248 of compromises, and we have to reach the right compromise for  
2249 the environment, but also frankly for the folks who are  
2250 paying to protect that environment.

2251 I think there would be a consensus, I guess, if we said  
2252 that if no human being could go to a national park or to  
2253 Biscayne Bay or anything else, that that would probably be  
2254 good for the environment, but that is not something that we  
2255 consider as a viable compromise. I think everybody would  
2256 agree with that.

2257 So a couple of questions that have come up as I was  
2258 listening to the testimony, and also answering questions, and  
2259 I have to figure out who said that. I think it was Professor  
2260 Ault. By the way, I am a huge fan of what you do and your  
2261 institution. But did I hear that in this case -- maybe it  
2262 wasn't you, sir, so I apologize -- that the issue of limiting  
2263 takes or time would not work here or would not be -- somebody  
2264 said that, right? Or did I mis-hear that? Someplace.

2265 Dr. Ault. Well, you can infer that from the context of  
2266 the catch per trip, and what I pointed out was that 99



2267 percent of the trips in the park don't catch a grouper. So  
2268 limiting catch, if you will, bag limits, aren't going to  
2269 work.

2270 I would point out, when I mentioned the size limit  
2271 thing, that was actually a study commissioned by the park to  
2272 work with FWC to look at alternatives to protected areas to  
2273 come up with this compromise, what could be the right  
2274 solution broadly to maintain the economic productivity that  
2275 is associated with the park and to ensure long-term  
2276 ecological sustainability of the system so that our children  
2277 and grandchildren can enjoy it.

2278 Mr. Diaz-Balart. Sure, and I get that. Now, there are  
2279 different places where we do use that method successfully,  
2280 correct?

2281 Dr. Ault. Yes.

2282 Mr. Diaz-Balart. All right. Because otherwise, if it  
2283 doesn't work anywhere, we should get rid of it everywhere,  
2284 and that is not what we are suggesting or anybody is  
2285 suggesting.

2286 Dr. Ault. Let me just point out that reef fishes, in  
2287 what has been brought up, reef fishes suffer the Barotrauma  
2288 by being brought up. It is not a zero-sum game. When I

2289 bring those things to the surface from depth, they have a  
2290 bladder inversion. So there is a mortality, an unseen  
2291 mortality. You may think I am releasing it, it is okay.  
2292 There is a mortality associated with it.

2293 Mr. Diaz-Balart. But do we not use this in other places  
2294 on reef fish at all?

2295 Dr. Ault. Quotas?

2296 Mr. Diaz-Balart. Yes, quotas and size limits.

2297 Dr. Ault. Size limits for sure are invoked.

2298 Mr. Diaz-Balart. But they can be effective in some  
2299 cases? In some cases.

2300 Dr. Ault. Absolutely, and recommendations we have made  
2301 to the state with the park are actually to bump up  
2302 significantly the minimum sizes for reef fishes in the  
2303 Florida coral reef ecosystem. As I pointed out, the  
2304 consequence of doing that would be a short-term hiatus on  
2305 catches because the bulk of the resource presently is in a  
2306 very small size. We have truncated the large, big breeders,  
2307 if you will, through successive over-fishing for a lot of  
2308 years, and again for 70 percent of the complex.

2309 Mr. Diaz-Balart. I am not sure who mentioned -- thank  
2310 you, sir. I am not sure who mentioned the issue about the

2311 \$40 million impact on small businesses. The question there  
2312 would be which one of you would be willing to give up your  
2313 business? In other words, it is only \$40 million is what I  
2314 have heard, only \$40 million. Which one of you think that  
2315 your business is not meritorious to not be able to stay in  
2316 business? Or even better, which one of us believes we are  
2317 going to pick one of these individuals and others and say,  
2318 "You don't deserve to be in business"? Because potentially  
2319 over the years, we hope that this could be a billion-dollar  
2320 booming business. But in the meantime, we are going to pick  
2321 out individuals and say that they do not deserve to be in  
2322 business? That is part of the system of compromises that I  
2323 think is problematic. Whoever wants to talk about that.

2324 Mr. Smith. You are saying pick one guy and put him out  
2325 of business. The right answer or solution to this problem is  
2326 we all give up 5 percent of our business and maintain 95  
2327 percent of our business, because the area we are talking  
2328 about is only 6 percent of the park, and all of our  
2329 businesses operate outside the park. Therefore, we are going  
2330 to give up less than 6 percent of our business to have this  
2331 reserve.

2332 Mr. Diaz-Balart. I see somebody else also wants to

2333 comment on that.

2334 Mr. Piton. You know, with the permits the way they are  
2335 going to have it, either use it or lose it -- I will say this  
2336 quick -- if I get hurt or injured in an accident, that means  
2337 I lose my permit because I can't work or my sons can't run my  
2338 boat like that. So if I get injured or have a heart attack,  
2339 or whatever happens, I am out.

2340 Mr. Diaz-Balart. Hopefully we can continue to address  
2341 this, but we are out of time. I appreciate both of you.

2342 Thank you.

2343 The Chairman. Dave?

2344 Mr. Jolly. Thank you, Mr. Chairman.

2345 Just a couple of final questions for, first, Mr.  
2346 Carlstrom.

2347 Can you articulate just for the record, for everybody  
2348 that came here today with such interest, what the intended  
2349 impact of the closure will be, what the National Park Service  
2350 intends to achieve?

2351 Mr. Carlstrom. We hope to achieve a reestablished  
2352 ecosystem for a segment of the Florida Keys coral reef track,  
2353 the only one in the continental United States.

2354 Mr. Jolly. Okay, very good. One quick follow-up. So

2355 your testimony says measurement at 5 and 10 years. Before we  
2356 closed out before, you said perhaps it could be studied  
2357 earlier?

2358 Mr. Carlstrom. We have monitoring going on within the  
2359 entire park continuously that includes benthic monitoring,  
2360 which includes the corals going on right now.

2361 Mr. Jolly. Thank you.

2362 Impact on for-hire charter, Bouncer, can you tell us the  
2363 impact of this?

2364 Mr. Smith. As I mentioned before, it is only 5 percent  
2365 of where we theoretically fish, and it is a long distance  
2366 from every fishing port, whether it is a boat ramp or a  
2367 marina or whatever it is.

2368 But more importantly, it should succeed, because science  
2369 has shown that a black grouper that grows to full growth may  
2370 produce multi-millions of eggs every year, where a juvenile  
2371 grouper only produces a couple of thousand eggs a year. And  
2372 when you have a massive fish spawning, you get a healthier  
2373 biomass fertilizing the whole coast. So short-term we lose 5  
2374 percent of our fishing area. Long term we have enhanced  
2375 fishing, a better potential for more fish all across the reef  
2376 fish spectrum. So we are all winners eventually.

2377 Mr. Jolly. So, believe it or not, I spent days studying  
2378 the juvenile stock and the size and how they are larger or  
2379 younger, the whole thing. But the impact on for-hire. You  
2380 casually kind of mentioned lose 6 percent of the business. I  
2381 realize that is kind of a translation of 6 percent of the  
2382 closure.

2383 As a business person, as a for-hire charter, on the  
2384 record, help us understand what that looks like.

2385 Mr. Smith. Keeping it in perspective --

2386 Mr. Jolly. Sure.

2387 Mr. Smith. -- I have one of the most successful charter  
2388 boat businesses in South Florida.

2389 Mr. Jolly. That is why you are on the panel. That is  
2390 why we are asking you.

2391 Mr. Smith. The impact of this marine reserve short term  
2392 is almost non-existent.

2393 Mr. Jolly. Okay, thank you. Stop there. You got on  
2394 the record exactly what you wanted to say there.

2395 Commercial, Ernie, what is the impact on commercial?

2396 And I want to ask it in the context of what the National Park  
2397 Service has said, which is existing commercial permit holders  
2398 can continue to fish. Is that right?

2399 Mr. Piton. Well, it is like I told you, if I get hurt,  
2400 it is a use it or lose it permit. If something happens where  
2401 I get injured, if my name is on that permit, my sons aren't  
2402 going to be able to run the boat.

2403 Mr. Jolly. Define from your perspective "use it or lose  
2404 it." Educate us truly what that means for you today, your  
2405 concern about a use it or lose it permit.

2406 Mr. Piton. Yes. Like I said, if I don't renew my  
2407 permit or if I get hurt and I am the only one who is  
2408 registered to use that permit, like on my vessel, my South  
2409 Atlantic snapper and grouper permit, I have to lease that.  
2410 If my son wants to use that permit on his boat, I have to  
2411 lease that permit to his vessel.

2412 Mr. Jolly. And under the new rule you couldn't, because  
2413 it is not transferrable. Is that right?

2414 That is right, Mr. Carlstrom? He would not be able to  
2415 lease it to his son? Is that correct?

2416 Mr. Carlstrom. That is correct.

2417 Mr. Jolly. Okay. So renewals are measured, I guess,  
2418 annually or seasonally?

2419 Mr. Piton. Yes, sir. My birthday is on South Atlantic.

2420 Mr. Jolly. How is the "lose it" measured, Mr.

2421 Carlstrom?

2422 Mr. Carlstrom. If they did not continue maintaining it  
2423 from year to year, then they would lose the opportunity to  
2424 renew it and have a permit issued by the park.

2425 Mr. Jolly. Okay. So it is not actually measuring the  
2426 activity. It would be whether or not it is renewed. If it  
2427 is not renewed, then --

2428 Mr. Carlstrom. That is the way we currently have it  
2429 drafted.

2430 Mr. Jolly. Okay, thank you.

2431 Mr. Piton. And yet one of the things about what the  
2432 impact would be on that, the impact on my business would  
2433 probably just devastate it because all the traps coming out  
2434 of the Miami River, the historic Miami Port of Miami, those  
2435 traps are all going to come down in the Florida Keys National  
2436 Marine Sanctuary. That is going to be put on top of us. All  
2437 the upper Keys are going to be -- you are not going to be  
2438 able to fish. It is going to undermine the whole trap  
2439 production program that people have bought into. These tags  
2440 are up to \$300 apiece, and it is going to undermine it.

2441 Mr. Jolly. Got it.

2442 And finally, recreational. Scott, do you want to take



2443 that, the impact on recreational?

2444 Mr. Salyers. Sure. Again, we are talking about fishing  
2445 within a box or outside a box. With more and more folks on  
2446 the water, the pressure is out there. All you have to do is  
2447 go to any of the marinas on a Friday or Saturday morning, or  
2448 Sunday morning for that matter, and there are so many folks  
2449 there that we can't even handle some of the folks that are  
2450 actually splashing our boat.

2451 To Bouncer's point, that track is a little bit of a  
2452 distance away. However, with today's craft, people are  
2453 there. We will be fishing on top of each other outside of  
2454 that zone.

2455 Mr. Jolly. One last question, supply chain businesses.  
2456 Jimbo, from that perspective? Carl? Impact on supply chain.

2457 Mr. Liederman. Anytime that you close an area, you are  
2458 going to take sales away from bait guys, tackle guys, ice  
2459 guys, beer guys. It trickles all the way down through the  
2460 economy. It is not just a single-item area.

2461 Mr. Jolly. Thank you.

2462 Thank you, Mr. Chairman.

2463 The Chairman. Can I suggest the beer guys won't really  
2464 have an impact on me here?

2465 [Laughter.]

2466 The Chairman. Let me ask a few what I think will be  
2467 concluding questions here.

2468 Mr. Thomas, let me start with you, if I could. The Park  
2469 Service says it has over 600 species of fish in there, and  
2470 they have declined to historic levels. Actually, they have  
2471 produced the plan that basically said I couldn't do what I  
2472 did yesterday.

2473 Why is there basically this disconnect between what the  
2474 Park Service is saying and what fishermen are seeing?

2475 Mr. Thomas. That is what we are trying to figure out as  
2476 well. Their science is possibly outdated. I don't know how  
2477 their collection methods are, how they are coming up with  
2478 this data. Nobody ever contacted me or any of the charter  
2479 boat guys or commercial guys, that I am aware of.

2480 There are people that catch fish, and there are plenty  
2481 of people who don't know how to fish, and they say 90 percent  
2482 of the fish are caught by 10 percent of the fishermen, and  
2483 that is very true.

2484 The Chairman. All right, so there is a disconnect out  
2485 there.

2486 Mr. Thomas. Obviously.

2487           The Chairman. We are talking about historic levels, the  
2488 fish are 20 percent bigger. What is the baseline that is  
2489 being used?

2490           Mr. Thomas. I have no clue. Now, the fishing isn't as  
2491 good today as it was 20 years ago or 50 years ago or 100  
2492 years ago. I don't care if it is here or pretty much  
2493 anywhere in the world. But we still do have very good  
2494 fishing here, and it is not near as dire as what they are  
2495 making it out to be. That is why I think we need to let  
2496 these state laws and regulations do their job.

2497           The Chairman. I am not as good as I was 20 years ago,  
2498 either.

2499           Ernie, if I could ask you the same question, because  
2500 they are saying -- the Park Service is saying the refinement  
2501 plans will minimize the disruption to traditional uses and  
2502 businesses built among those who use it. Are you telling me  
2503 that you don't believe it is going to be a minimal  
2504 disruption?

2505           Mr. Piton. It is going to be huge. Like I said when I  
2506 was talking to Mr. Jolly there, this whole trap production  
2507 plan we are on, reducing the number of traps, those gentlemen  
2508 that bought traps up in Miami, they are going to be

2509 displaced. They are invested in this with the State of  
2510 Florida. They bought these certificates that are up to  
2511 almost \$300 apiece now, and they are all going to get pushed  
2512 down. They are not going to go north on the beach. They are  
2513 coming to the Florida Keys.

2514 The Chairman. So am I also seeing somewhat of a  
2515 disconnect if they are saying there is going to be minimal  
2516 disruption at the same time the Park Service wants to team  
2517 with the Small Business Administration to provide assistance  
2518 to fishermen and businessmen?

2519 Mr. Piton. Yes, sir, there is a disconnect.

2520 The Chairman. And do you see any fear of discussion  
2521 about if there really is an MRZ, that this reserve zone would  
2522 expand beyond the park to try and connect with other areas?

2523 Mr. Piton. It could happen because we are working on  
2524 stuff with the National Marine Sanctuary. I was on the  
2525 Florida Keys National Marine Sanctuary zoning group too, and  
2526 there are closed areas down there that we are dealing with  
2527 too, along with Everglades National Park. I mean, people are  
2528 getting pushed into such a small, confined area. I wish we  
2529 had a map. We could show you how many closed areas there  
2530 are. You guys would be amazed at how much closed area there

2531 is in South Florida.

2532 The Chairman. So, to misquote Yogi Berra, this could be  
2533 déjà vu all over again.

2534 Mr. Piton. The impacts are huge, and the closed areas  
2535 are huge.

2536 The Chairman. Ms. McCawley, what is the legal  
2537 responsibility that the Fish and Wildlife Service has to  
2538 fish?

2539 Ms. McCawley. We are charged with managing those fish  
2540 and wildlife resources, and we are also charged with working  
2541 on access, working with stakeholders about the use and  
2542 enjoyment of those resources into the future.

2543 The Chairman. What is the legal responsibility the  
2544 state has?

2545 Ms. McCawley. I can't quote the Constitution of our  
2546 specific authority in the Florida Constitution. I apologize.  
2547 But I could get that to you.

2548 The Chairman. It is okay. States do have  
2549 responsibility over habitat and wildlife, and I appreciate  
2550 that is why it is so essential. That is why also I am  
2551 somewhat concerned that if there are advisory groups that  
2552 have not been able to advise in over a decade, if the state

2553 has advised the Park Service on certain activities, and yet  
2554 the Park Service moves forward with something that is opposed  
2555 to what the advisory groups were saying a long time ago, if  
2556 we are dealing with a 15-year process in which some of the  
2557 science is based on data 15 years ago instead of data today,  
2558 I think one thing, Ms. McCawley, you were saying is that some  
2559 of your data is more recent than other data that was used. I  
2560 think I heard you say that at one time. Then it is a concern  
2561 of the direction in which we are going as to where the input  
2562 should actually be.

2563       Okay, you have 36 seconds. Go for it.

2564       Mr. Piton. I just want to let you guys know that in the  
2565 bay side of Biscayne National Park, in commercial lobster  
2566 fishing, there is no lobster in the Sound Bridge all the way  
2567 up to the north end of the park. There is no commercial  
2568 lobstering allowed at all in that area already. That is  
2569 already closed. There is stone crab in there and shrimp in  
2570 there, but that area is already shut down for craw fishing.  
2571 Like I said, we can stone crab in there, just for the record  
2572 so that you guys understand that.

2573       The Chairman. Thank you very much. I appreciate that.

2574       Let me turn to Congressman Curbelo as the acting

2575 chairman of the Small Business Committee, if he has any  
2576 closing comments.

2577 Let me ask this question for everyone. Are there any  
2578 other questions? We are okay? All right.

2579 Mr. Curbelo?

2580 Mr. Curbelo. Mr. Chairman, I want to thank you, all of  
2581 my colleagues, all of the witnesses, and everyone in the  
2582 public for having taken the time to be here today.

2583 The goal today, as I saw it, was to have a healthy  
2584 conversation about the park's decision to give everyone a  
2585 voice, the park experts and the people who feel that they  
2586 will be aggrieved by the park's decision, and I think the  
2587 goal has been achieved.

2588 I regret that some employees of Biscayne National Park  
2589 thought that this was going to be a circus. I regret the  
2590 flippant attitude that some in the organization have  
2591 manifested. But there are some serious concerns here, and  
2592 everyone has the right to have their voices heard. There are  
2593 some states' rights issues that are being explored here that,  
2594 by the way, aren't only shared by the Florida Wildlife  
2595 Commission but also by the general public. There is a  
2596 chemistry teacher in the audience today from a school in my

2597 district, Sean Batone. He is an environmentalist, and he  
2598 feels that he is being shut out of some of Florida's natural  
2599 treasures by the Federal Government.

2600 So these are all important issues.

2601 Mr. Carlstrom, I support the mission of the National  
2602 Park Service, of Biscayne National Park, your job as  
2603 Superintendent. But I would take a close look at the culture  
2604 in your organization that has encouraged in some way, for  
2605 some of your employees, to adopt such a flippant attitude  
2606 towards what we were trying to achieve here today.

2607 And I apologize because I am recovering from a very bad  
2608 cold.

2609 But in a democracy, in our democracy, everyone has the  
2610 right to be heard, and I think these issues should be aired  
2611 out and discussed in public.

2612 With that, and before I run out of voice, I want to  
2613 again thank the Chairman and yield back to you.

2614 The Chairman. Thank you.

2615 In conclusion, I would also thank the witnesses for  
2616 being here. I want you to know that Congressman Ros-Lehtinen  
2617 had a medical issue which she had to deal with. So she left  
2618 a little bit early, but she had the opportunity of going



2619 through -- not with her, but with her extended family -- she  
2620 had the opportunity of going through the questions.

2621 I appreciate you being here, answering the questions  
2622 that we have. This is one of these issues where, as I said,  
2623 I see implications through all our Park Service issues, not  
2624 just here in Florida but through the rest of the session.

2625 I will yield.

2626 Mr. Curbelo. When you are done, I have a list of people  
2627 here that I should really thank, as soon as you are done.

2628 The Chairman. Okay, I will do that very quickly.

2629 Gee, I wish I knew where I was. I was on a roll, too.  
2630 It was really coming good.

2631 [Laughter.]

2632 Mr. Curbelo. I apologize.

2633 The Chairman. You would have been thrilled with what I  
2634 was about to say at the end here.

2635 Let me once again thank everyone who happens to be here.  
2636 I am concerned as we are going forward. The Park Service  
2637 does have the responsibility of working in coordination with  
2638 the state, who does have a legal role to play here. I am  
2639 concerned about the length of time of the advisory groups and  
2640 the kinds of information and input they had and how long it

2641 has been. I am therefore concerned about where we are going  
2642 and the direction of this.

2643 Ms. Rutling has a bill that will be given a hearing as  
2644 soon as we get back this fall, so we will be looking at her  
2645 piece of legislation specifically dealing with this  
2646 particular issue.

2647 And my good friend here, Don, actually mentioned the  
2648 Tragedy of the Commons in his opening comments. I had to  
2649 read that for a class I am teaching this fall -- horrible  
2650 book -- based on the premise that there will be over-  
2651 population, there will be finite resources, and that the  
2652 world will be in hunger by the year 2000, none of which  
2653 actually came true. So sometimes we base decisions on  
2654 assumptions that flat-out aren't there, which is one of the  
2655 reasons there seems to be a disconnect with what is the  
2656 reality versus what is actually supposed to happen based on  
2657 science, which may in some cases be outdated or may be just  
2658 simply inaccurately obtained by the methodology which we use,  
2659 so I appreciate that.

2660 I want you to know I appreciate you coming here and  
2661 giving your statements. Your entire statement is in the  
2662 record, as well as answering our questions.

2663 I am appreciative of the audience here. I told you as  
2664 well that we do have the opportunity of having comments. I  
2665 would hope that everyone who was here would also avail  
2666 themselves of that opportunity to do comments.

2667 I also want to appreciate the audience for your  
2668 participation here and not changing this into a pep rally,  
2669 which was never our intention. This has been a very well  
2670 received and well heard hearing, and I appreciate everyone  
2671 who is here.

2672 Mr. Curbelo?

2673 Mr. Curbelo. Thank you, Mr. Chairman. I just want to  
2674 thank, from the City of Homestead, Mayor Jeff Porter and the  
2675 City Council. If any of you are here, please stand and be  
2676 recognized.

2677 I also want to thank the following employees from the  
2678 City of Homestead: City Manager George Gretsas; Dennis  
2679 Maytan; Pedro Renaldo; James Laurent; Ms. Brinson, who is the  
2680 Administrative Secretary of Parks and Recreation; Felix Diaz;  
2681 Jeff Malley; Jackie Pilkington, who is our receptionist here;  
2682 and the Miami Dade Correctional Works Squad for setting up  
2683 the facility; Police Chief Alexander Roll; Officer Alisa  
2684 Barker; Officer Mario Arswaga; and Anthony Oliver, a

2685 volunteer; and, of course, I would like to thank staff from  
2686 the Committee on Small Business as well.

2687 Thank you for indulging me, Mr. Chairman.

2688 The Chairman. Thank you for hosting us here in your  
2689 district, Carlos, I appreciate that very much.

2690 Those comments I heard about, and there may be other  
2691 questions that members have for the committee members, we  
2692 would ask for your response in writing. The committee record  
2693 will be held open for 10 days so that we can get those  
2694 comments, as well as any other references coming or comments  
2695 we may have from you and further questions.

2696 Unless there is any other business, this hearing is now  
2697 adjourned.

2698 [Whereupon, at 12:23 p.m., the Committees were  
2699 adjourned.]