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# MANAGEMENT OF RED SNAPPER IN THE GULF OF MEXICO UNDER THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

## OVERSIGHT HEARING

BEFORE THE

## COMMITTEE ON NATURAL RESOURCES
## U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

Thursday, June 27, 2013

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# OVERSIGHT HEARING ON "THE MANAGEMENT OF RED SNAPPER IN THE GULF OF MEXICO UNDER THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT."

**Thursday, June 27, 2013**
**U.S. House of Representatives**
**Committee on Natural Resources**
**Washington, D.C.**

The Committee met, pursuant to notice, at 10:04 a.m., in Room 1324, Longworth House Office Building, Hon. Doc Hastings [Chairman of the Committee] presiding.

Present: Representatives Hastings, Wittman, Fleming, Duncan, Southerland; Sablan and Huffman.

Also Present: Representative Scott.

The CHAIRMAN. The Committee will come to order, and the Chairman notes the presence of a quorum, which, under Rule 3(e), is two Members, and we have doubled that. Thank you all for being here.

The Committee on Natural Resources is meeting today to hear testimony on an oversight hearing on the management of red snapper in the Gulf of Mexico under the Magnuson-Stevens Fishery Conservation and Management Act. Under Rule 4(f), opening statements are limited to the Chairman and the Ranking Member of the Committee. However, I ask unanimous consent that any member of the Committee that would like to have an opening statement have it to the Committee prior to the close of business today.

[No response.]

The CHAIRMAN. Without objection, so ordered. I also ask unanimous consent that the gentleman from Georgia, Mr. Scott, Austin Scott from Georgia, be allowed to sit on the dais and participate, if he wishes, in the Committee hearing.

[No response.]

The CHAIRMAN. And, without objection, so ordered. I will now recognize myself for my opening statement.

## STATEMENT OF THE HON. DOC HASTINGS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

The CHAIRMAN. I want to welcome all of our witnesses here today. I know most, if not all, of you spent last week in the Gulf of Mexico Fishery Management Council meeting discussing the same topic we are going to discuss today: the management of the Gulf red snapper fishery under the Magnuson-Stevens Fishery Conservation and Management Act. I appreciate your being here to help us understand what the Council is doing and what we can do to help.

You have all heard me say this before. At its most basic level, the Magnuson-Stevens Act works. It provides direct public involve-

ment through a process that is open and transparent, and it allows for establishment of both recreational and commercial harvest levels based on science.

Through our previous hearings, we have heard a lot of testimony about how the Act has worked to create economic benefits for coastal communities through the sustained use of our Nation's fishery resources. Unfortunately, with the questionable data being used to set the fishing seasons, with States suing NOAA, and with States setting seasons in State waters that do not match the Federal fishery management plan, the management of red snapper cannot be considered one of those success stories.

The Magnuson-Stevens Act requires sound, scientific information to be effective, and it requires that stakeholders buy into that information. In the case of the red snapper, that does not seem to be the case. The scientific data has lagged behind the management measures, and fishermen do not believe that the restrictions required by that lag data are really necessary. Add to that a management system for the recreational sector that ignores the economic concerns of coastal communities, and it is not a surprise that the red snapper fishery is the subject of this hearing today.

Red snapper is one of the most valuable fisheries in the Gulf of Mexico. Yet the management of the recreational sector of the fishery has not provided the flexibility for States and communities to maximize the economic value of the charter sector, the weekend angler, or the coastal communities. Because of this, five bills have been introduced in the last few months that would take management of the recreational fishery away from the Federal Government.

Many people have tried to draw an analogy between the red snapper fishery and previous management of the striped bass on the East Coast. While there are some legitimate comparisons that can be drawn, there is one stark example that should not be duplicated. In the case of the striped bass, all Federal waters were closed with the promise that once the population of striped bass recovered, those waters would be open and users would benefit. Almost 30 years later, everyone agrees that the striped bass recovery has been successful. Yet the Federal waters remain closed.

We have seen this happen before, and we are now seeing it in New England. Once an area is closed to fishing, some groups will argue that the area should never be reopened to fishing, even if the closure is no longer warranted, and the opening is based on good, sound science.

That is a key reason I am so concerned with the ocean and coastal zoning plan that this Administration is pursuing under the guise of the National Ocean Policy. That policy creates a new process for Federal bureaucrats behind closed doors to zone our oceans, coastlines, and inland areas using vague criteria from an executive order. There is no statutory authority for this zoning process. And I am afraid groups would use this process to close more and more areas to fishing, both recreational and commercial.

But I digress. The National Ocean Policy is not the subject of today's hearing. Today we are here to listen to those who are closest to the red snapper fishery management, and to see if changes in

the Magnuson-Stevens Act are necessary to create a better management system for the red snapper in the Gulf.

I understand the Gulf Council at its last meeting took the first steps toward a regional plan that will allow States to meet their specific economic needs through different seasons, bag limits, and size limits. I look forward to hearing more about this from our witnesses, and whether Congress needs to act to help in this effort.

I hope we will also hear other suggestions for how the Magnuson-Stevens Act could be modified to provide for better management of our fisheries, and the red snapper fishing in particular.

[The prepared statement of Mr. Hastings follows:]

**Statement of The Honorable Doc Hastings, Chairman, Committee on Natural Resources**

I want to welcome all of our witnesses here today. I know most, if not all of you, spent last week at the Gulf of Mexico Fishery Management Council meeting discussing the same topic we are going to discuss today—the management of the Gulf red snapper fishery under the Magnuson-Stevens Fishery Conservation and Management Act. I appreciate your being here to help us understand what the Council is doing and how we can help.

You have all heard me say this before—at its most basic level, the Magnuson-Stevens Act works. It provides direct public involvement through a process that is open and transparent, and allows for the establishment of both recreational and commercial harvest levels based on science. Through our previous hearings, we have heard a lot of testimony about how the Act has worked to create economic benefits for coastal communities through the sustainable use of our Nation's fishery resources.

Unfortunately, with the questionable data being used to set the fishing seasons, with States suing NOAA, and with States setting seasons in State waters that do not match the Federal fishery management plan, the management of red snapper cannot be considered one of those success stories. The Magnuson-Stevens Act requires sound scientific information to be effective and it requires that stakeholders buy into that information. In the case of red snapper, that does not seem to be the case. The scientific data has lagged behind the management measures and fishermen do not believe that the restrictions required by that lagged data are really necessary. Add to that a management system for the recreational sector that ignores the economic concerns of the coastal communities, and it is not a surprise that the red snapper fishery is the subject of its own hearing by this Committee.

Red snapper is one of the most valuable fisheries in the Gulf of Mexico, yet the management of the recreational sector of the fishery has not provided the flexibility for States and communities to maximize the economic value for the charter sector, the weekend angler, or the coastal communities. Because of this, five bills have been introduced in the last few months that would take management of the recreational fishery away from the Federal government.

Many people have tried to draw an analogy between the red snapper fishery and previous management of striped bass on the East Coast. While there are some legitimate comparisons that can be drawn, there is one stark example that should not be duplicated. In the case of striped bass, all Federal waters were closed with the promise that once the population of striped bass recovered, those waters would be reopened and all of the users would benefit. Almost 30 years later, everyone agrees that the striped bass recovery has been successful. And yet Federal waters remain closed.

We have seen this happen before, and we are now seeing it in New England. Once an area is closed to fishing, some groups will argue that the area should never be reopened to fishing even if the closure is no longer warranted and the opening is based on sound science. That is a key reason I am so concerned with the ocean and coastal zoning plan that this Administration is pursuing under the guise of a National Ocean Policy. That Policy creates a new process for Federal bureaucrats, behind closed doors, to zone our oceans, coastlines, and inland areas using vague criteria from an Executive Order. There is no statutory authority for this zoning process and I am afraid groups will use this process to close more and more areas to fishing—both recreational and commercial.

But the National Ocean Policy is not the subject of today's hearing. Today we are here to listen to those who are closest to the red snapper fishery management and

to see if changes to the Magnuson-Stevens Act are necessary to create a better management system for red snapper in the Gulf.

I understand the Gulf Council at its meeting last week took the first steps toward a regional management plan that will allow states to meet their specific economic needs through different seasons, bag limits, and size limits. I look forward to hearing more about this from our witnesses and whether Congress needs to act to help this effort. I hope we will also hear other suggestions for how the Magnuson-Stevens Act could be modified to provide for better management of our fisheries and the red snapper fishing in particular.

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The CHAIRMAN. With that, I yield back the time and recognize the gentleman from the Northern Marianas.

**STATEMENT OF THE HON. GREGORIO KILILI CAMACHO SABLAN, A DELEGATE IN CONGRESS FROM THE TERRITORY OF THE NORTHERN MARIANA ISLANDS**

Mr. SABLAN. Thank you very much, Mr. Chairman, and good morning, everyone. Today we will hear testimony on the topic of red snapper management in the Gulf of Mexico. While I understand the economic importance of this fishery to many people in the Gulf region, I hope that the Committee will hold a hearing soon on the fisheries management challenges facing my constituents and others in the Western Pacific.

But focusing on the issue at hand, I believe a couple of facts can help put things in perspective. First, even though the abundance of red snapper has increased over the past several years, the stock remains over-fished. And over-fishing ended just last year.

Second, the time line for rebuilding the Gulf red snapper stock extends until 2032. Therefore, while red snapper restoration is moving in the right direction, we are not out of the woods yet. Conservative, science-based management of this fishery remains critical to achieving sustainable harvest levels, and helping the red snapper reclaim its role in the Gulf ecosystem from the Florida Keys to Flower Garden Banks.

Much has been said and written lately about the difficulties facing red snapper fishermen in the Gulf. And I understand and share the concerns of those who would like to see more timely incorporation of data to inform management. I also understand the frustration of anglers who have seen their fishing season shorten, even as the stock has improved, because of open access, increased fishing pressure, and skyrocketing harvest rates.

It is clear that something needs to change in the way that the recreational red snapper fishery is managed. However, I would argue that any approach that would soften annual catch limits, weaken accountability measures, or make enforcement of fishery laws and regulations more difficult is not in the long-term interests of those who depend on Gulf red snapper for their livelihood. These tools have been critical in kickstarting and sustaining the red snapper recovery, and cannot be abandoned.

Indeed, those with an interest in improving stability in recreational management measures would do well to use commercial red snapper fishermen as a model. The commercial sector has moved from a dangerous derby system to an individual fishing quota, an IFQ, that has ensured sustainable, accountable, and prof-

itable fisheries. This market-based system has allowed them to fish when the conditions are most favorable.

Some innovative ideas for recreation reform have been proposed, but I understand they have not been seriously considered by the Gulf Council. Development of an IFQ or a flexible "days at sea" program for head boat and charter for-hire operations show great promise. But we are only now getting to the pilot project stage with the development of an exempted fishing permit.

The use of fix tax to prevent over-harvesting by private anglers and improved data collection and integration has its roots in the successful American model of wildlife conservation, and has proven effective in recreational fishing contexts, such as the Florida tarpon and the Louisiana recreational offshore landings permit reporting program for tuna.

Finally, the concept of intersector trading of red snapper quota between commercial and recreational fishermen has the potential to create opportunities, but only if it is a fair market. I hope that this hearing will bring further attention to those ideas as alternatives to the status quo. I look forward to hearing from our witnesses.

And, Mr. Chairman, at this time I ask for unanimous consent to enter into the record a press release from the National Ocean Industries Association, praising the Department of the Interior's revised rigs to reefs policy developed pursuant to National Ocean Policy, because this is an example, an excellent example, of how the National Ocean Policy is working to find common-sense solutions, and will benefit red snapper fishermen in the Gulf of Mexico. Thank you.

The CHAIRMAN. Without objection, it will be part of the record.

Mr. SABLAN. Thank you very much, Mr. Chairman.

[The prepared statement of Mr. Sablan follows:]

**Statement of The Honorable Gregorio Kilili Camacho Sablan, a Delegate in Congress from the Commonwealth of the Northern Mariana Islands**

Thank you Mr. Chairman.

Today we will hear testimony on the topic of red snapper management in the Gulf of Mexico. While I understand the economic importance of this fishery to many people in the Gulf region, I hope that the Committee will hold a hearing soon on the fisheries management challenges facing my constituents and others in the Western Pacific.

Focusing on the issue at hand, I believe a couple of facts can help put things in perspective. First, even though abundance of red snapper has increased over the past several years, the stock remains overfished, and overfishing ended just last year. Second, the timeline for rebuilding the Gulf red snapper stock extends until 2032. Therefore, while red snapper restoration is moving in the right direction, we are not out of the woods yet. Conservative, science-based management of this fishery remains critical to achieving sustainable harvest levels and helping the red snapper reclaim its role in the Gulf ecosystem from the Florida Keys to Flower Garden Banks.

Much has been said and written lately about the difficulties facing red snapper fishermen in the Gulf, and I understand and share the concerns of those who would like to see more timely incorporation of data to inform management. I also understand the frustration of anglers who have seen their fishing seasons shortened even as the stock has improved because of open access, increased fishing pressure, and skyrocketing harvest rates. It is clear that something needs to change in the way that the recreational red snapper fishery is managed.

However, I would argue that any approach that would soften Annual Catch Limits, weaken Accountability Measures, or make enforcement of fishery laws and regulations more difficult is not in the long term interest of those who depend on Gulf

red snapper for their livelihoods. These tools have been critical in kickstarting and sustaining the red snapper recovery, and cannot be abandoned.

Indeed, those with an interest in improving stability in recreational management measures would do well to use commercial red snapper fishermen as a model. The commercial sector has moved from a dangerous derby system to an Individual Fishing Quota (IFQ) that has ensured a sustainable, accountable, and profitable fishery. This market-based system has allowed them to enjoy year-round seasons, and to fish when the conditions are most favorable.

Some innovative ideas for recreational reform have been proposed, but I understand that they have not been seriously considered by the Gulf Council. Development of an IFQ or a flexible days at sea program for head boat and charter for hire operations show great promise, but we are only now getting to the pilot project stage with the development of an Exempted Fishing Permit. The use of fish tags to prevent overharvesting by private anglers and improve data collection and integration has its roots in the successful American model of wildlife conservation, and has proven effective in recreational fishing contexts, such as Florida tarpon and the Louisiana Recreational Offshore Landings Permit Reporting Program for tuna. Finally, the concept of inter-sector trading of red snapper quota between commercial and recreational fishermen has the potential to create opportunities, but only of it is a fair market. I hope that this hearing will bring further attention to those ideas as alternatives to the status quo. I look forward to hearing from our witnesses.

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[The press release submitted for the record by Mr. Sablan follows:]

**NOIA PRESS RELEASE**

For Immediate Release: Wednesday, June 26, 2013

**Contact:** Nicolette Nye, (202) 465–8463, nnye@noia.org

**Revised Policies on Rigs to Reefs are a Step in the Right Direction**

**Washington, D.C.**—NOIA President Randall Luthi today issued the following statement regarding BSEE's Rigs to Reefs Interim Policy Document:

"The Interim Policy Document provides welcome additional flexibility to both industry and government agencies as they jointly identify and evaluate suitable structures to serve as continuing havens to thriving marine ecosystems following the end of oil and gas production. This is a great example of the progress that can be made when industry and regulating agencies communicate with each other. It is gratifying to see government and industry come together to cooperatively and responsibly address this complex and important environmental issue. The policy revisions are a step in the right direction for the responsible and environmentally conscious use and subsequent reuse of the oil and gas infrastructure located in the Gulf of Mexico. We appreciate the opportunity to work with BSEE, BOEM and other stakeholders in shaping this document, and look forward to further refining the process, particularly concerning better use of toppled structures on a case-by-case basis, and what additional materials can be left on structures as we work through decommissionings, rigs to reefs, and special artificial reef sites."

# # #

**ABOUT NOIA**

NOIA is the only national trade association representing all segments of the offshore industry with an interest in the exploration and production of both traditional and renewable energy resources on the nation's outer continental shelf. NOIA's mission is to secure reliable access and a fair regulatory and economic environment for the companies that develop the nation's valuable offshore energy resources in an environmentally responsible manner. The NOIA membership comprises about 300 companies engaged in business activities ranging from producing to drilling, engineering to marine and air transport, offshore construction to equipment manufacture and supply, telecommunications to finance and insurance, and renewable energy.

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The CHAIRMAN. Now I want to welcome the first panel here, and thank you very much for being here. We have Mr. Eric Schwaab, who is Assistant Administrator of the National Marine Fisheries Service of NOAA; Mr. Kevin Anson, Vice Chairman of the Gulf of

Mexico Fishery Management Council; Mr. Chris Blankenship, Director of the Marine Resources Division of the Alabama Department of Conservation and Natural Resources; Ms. Jessica McCawley, Director, Division of Marine Fisheries Management for the Florida Fish and Wildlife Conservation Commission; Mr. Randy Pausina, Assistant Secretary, Office of Fisheries of the Louisiana Department of Wildlife and Fisheries; Mr. Dale Diaz, Director of the Office of Marine Fisheries, Mississippi Department of Marine Resources; and Mr. Robin Riechers, Director of the Coastal Fisheries Division of the Texas Parks and Wildlife Department.

For those of you that have not had an opportunity to testify, let me explain the lights here in front of you. First of all, your full statement will appear in the record, and you are required to submit a full statement. However, you will have 5 minutes to make an oral statement to talk about your full statement, whatever you want to do within 5 minutes.

But the important part is the lights. When the green light is on, that means you are doing very, very well, within the 5 minutes. But when the yellow light comes on, that means you are now down to 1 minute before the 5 minutes is over. And when the red light comes on, well, we just don't want to go there, that is all.

[Laughter.]

The CHAIRMAN. I would ask you then to wrap up your oral statement when that red light comes on.

So, with that, we will first recognize Mr. Eric Schwaab, whom I said is the Assistant Administrator for NMFS within NOAA. And you are recognized for 5 minutes.

**STATEMENT OF ERIC SCHWAAB, ASSISTANT ADMINISTRATOR, NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

Mr. SCHWAAB. Thank you. Good morning, Mr. Chairman, Ranking Member Sablan, and members of the Committee. Thank you for the opportunity to testify today.

I would like to begin by saying that it has been a great honor for me to work with all of you, your staff, our State Council, commercial, recreational, and NGO partners, on behalf of NOAA over the past few years. Tomorrow I will be leaving NOAA, but I do so knowing that collectively we have made great progress ending overfishing and rebuilding fish stocks around the country. There is, of course, still much work to be done. But we should not lose sight of the progress made, or what is required to sustain that progress.

Today I will discuss the current status of the red snapper rebuilding efforts, the challenges in translating rebuilding benefits into increased recreational fishing opportunities, and some of the options the Council is considering to address ongoing management challenges.

Fishermen have harvested red snapper from the Gulf of Mexico since the mid-1800s. In the 1980s and 1990s assessments repeatedly showed that the population was over-fished, and undergoing over-fishing, and that the conservation measures in place at the time were not working. In 1997, a congressionally mandated independent peer review of the scientific and management basis for red snapper management was undertaken, and echoed those findings.

As required by the 2006 Magnuson-Stevens Act reauthorization, the rebuilding plan for red snapper was designed to phase out over-fishing between 2009 and 2010, and rebuild the population by 2032. Doing so required steep reductions in the catch limits.

At the same time, the commercial fishery moved to an individual fishing quota program, which allocates a percentage of the commercial annual catch limit based on the fisherman's individual landings history. There is clear evidence that these management measures and the sacrifices of fishermen they have required are paying off. The recently completed benchmark stock assessment indicates that we have successfully ended over-fishing, and that there are more red snapper in the Gulf of Mexico today than there have been in decades. The spawning potential of the population has more than doubled in the past 5 years. Recreational fishermen are landing red snapper at three times the rate they did in 2006. Fishermen on the West Coast of Florida can now target red snapper as the stock expands back to its historic range.

The commercial fishery is fishing year-round. And the average ex-vessel price of red snapper in 2012 was 27 percent greater than the average inflation-adjusted ex-vessel price in 2007.

However, the improved recreational catch rates have had unforeseen impacts. Recreational red snapper catch quotas increased by 62 percent from 2008 to 2012, but landings increased 148 percent during the same time period. The rate of landings is outpacing the rate of population growth. As a result, the recreational seasons have been progressively shorter to prevent catch overages. Recreational fishermen are understandably frustrated by this apparent paradox.

The good news is that the new assessment indicates that catch limits can be set higher. The Council is currently considering catch limits for 2013, ranging from 10 to 12 million pounds, which would result in more quota for commercial fishermen and more fishing days for recreational anglers.

But increasing season lengths alone will not fully address the long-term needs of recreational anglers. The Gulf Council is focused on several other improvements, including evaluating regional management. Regional management would give States the latitude to adjust seasons and bag limits within an allocated quota, according to the express preferences of that State's fishermen. Such a system will require the States to work closely together and with the Council to ensure fair treatment among the States, and adherence to Magnuson-Stevens Act standards. This increased flexibility would require strong commitments, investment of new resources, and new commitment to accountability on the part of the States.

Regarding science and data, we continue to work, working to improve the precision and accuracy of the data used in red snapper population assessments, and investments are being made in new sampling technologies to improve the efficiency and effectiveness of our scientific surveys.

We are also focused on implementation of the new MRIP, and ways to apply promising new technologies like iSnapper and iAngler. And just last week, the Council approved an amendment providing for electronic reporting to be used by head boats. It is noteworthy that this year is the first that the allowable red snap-

per catch limit will exceed the combined commercial and recreational catch limit in place before the rebuilding plan was implemented.

This is a critical time in the history of red snapper management, and we must respond with thoughtful and disciplined planning and decision-making to ensure the fishery is able to enjoy the benefits of this rebuilding effort, and meet the needs of both current and future generations.

I am available to answer your questions at the appropriate time. Thank you.

[The prepared statement of Mr. Schwaab follows:]

**Statement of Eric Schwaab, Acting Assistant Secretary for Conservation and Management, National Oceanic and Atmospheric Administration, U.S. Department of Commerce**

**Introduction**

Good morning, Mr. Chairman and Members of the Committee. I appreciate the opportunity to speak with you today about red snapper management in the Gulf of Mexico. My name is Eric Schwaab and I am the Acting Assistant Secretary for Conservation and Management at the National Oceanic and Atmospheric Administration's (NOAA) within the U.S. Department of Commerce (DOC). From daily weather forecasts, severe storm warnings, and climate monitoring to fisheries management, coastal restoration, and supporting marine commerce, NOAA's products and services support economic vitality and affect more than one-third of America's gross domestic product. NOAA's dedicated scientists use cutting-edge research and high-tech instrumentation to provide citizens, planners, emergency managers, and other decision makers with reliable information they need when they need it.

Today, I will discuss the current status of the red snapper rebuilding efforts, and how the plan to rebuild red snapper has benefited and will benefit the population, commercial and recreational fishermen, and fishing communities. Also, I will describe the challenges we face in translating rebuilding benefits into increased recreational fishing opportunities throughout the Gulf of Mexico. Finally, I will discuss several options the Gulf of Mexico Fishery Management Council (Gulf Council) is considering to address recreational management challenges.

**Historical Population Trends**

Fishermen have harvested red snapper from the Gulf of Mexico since the mid-1800s, more than a century before the first federal fishery management measures were established in 1984. Currently, this species is one of the most popular and studied in the Gulf of Mexico, and National Marine Fisheries Service (NMFS) has conducted ten population assessments since the late 1980s. The first assessment, conducted in 1988, concluded the population was overfished and undergoing overfishing, meaning there were too few fish in the water to maximize catches over the long term and fish continued to be removed from the population at too high a rate. Six assessments conducted in the 1990s confirmed that conclusion, suggesting conservation measures such as minimum size limits, commercial trip limits, and daily recreational bag limits implemented to end overfishing and rebuild the population, as required by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; P.L. 94–265) were not sufficient. A Congressionally-mandated independent peer review of the scientific and management basis for red snapper management, completed in 1997, also echoed these findings.

**Successful Rebuilding Efforts**

The Gulf Council implemented the first red snapper rebuilding plan in 1990, but has modified the rebuilding schedule and goals several times in response to new scientific information. A rebuilding plan is a strategy used to manage catch levels over a specified time period so that an overfished population can increase in size to a target level.

The current red snapper rebuilding plan was designed to phase out overfishing between 2009 and 2010 and rebuild the population by 2032. The timeframe to rebuild overfished populations varies depending on the status and biology of the overfished species. The red snapper rebuilding schedule is lengthy because red snapper is a very long-lived species, reaching more than 50 years of age, and was severely overfished for many decades.

Substantial changes to the plan, as implemented in 2007, were informed by a 2005 population assessment and followed a court ruling on a lawsuit filed by the Coastal Conservation Association, Ocean Conservancy, and Gulf Restoration Network, who found previous rebuilding measures to be insufficient to rebuild the population on schedule. These changes reduced the combined (commercial and recreational) red snapper catch limit by 45 percent from 9.12 million pounds to 5.0 million pounds; reduced the recreational bag limit from four to two fish to slow the rate of catch; reduced the commercial minimum size limit from 15 inches total length to 13 inches total length to reduce regulatory discards in that fishery; and specified a maximum level for shrimp fishing effort which, if exceeded, would trigger area closures to minimize the incidental take of red snapper in shrimp trawls.

Also in 2007 the commercial red snapper fishery moved to an individual fishing quota program (IFQ), which allocates participating fishermen a percentage of the commercial annual catch limit based on their landings history. The IFQ program is intended and has been demonstrated to better align the capacity of the fleet with the commercial catch limit, to mitigate short fishing seasons, improve safety at sea and increase the profitability of the commercial red snapper fishery. Participation in the commercial red snapper fishery, measured by the number of accounts holding red snapper IFQ shares, has declined by about 25 percent since the program was implemented. IFQ participants are targeting red snapper year round. The fishery is reportedly safer than it used to be when fishermen were required to compete for the catch during very limited season openings. The average ex-vessel price of red snapper in 2012 was 27 percent greater than the average inflation adjusted ex-vessel price in 2007.

There is clear evidence that the new measures implemented in 2007 are paying off. A 2009 red snapper assessment update, and a new assessment completed just last month, indicated those measures successfully ended overfishing and there are more red snapper in the Gulf of Mexico today than in decades. According to the new assessment, the spawning potential of the population has more than doubled in the last five years. Spawning potential is estimated to have reached 13.4 percent in 2013—more than half of the 26 percent rebuilding target (Figure 1). Spawning potential refers to the number of eggs a fish produces over its lifetime in a fished population compared to the number of eggs produced by a fish in an unfished population.

Many Gulf of Mexico fishermen echo the assessment findings, saying they are seeing more and larger red snapper than they have seen in their lifetime. Recreational fishermen are landing red snapper at three times the rate they did in 2006—an estimated 18,000 fish per day compared to 6,000 fish per day (Figure 2). In addition, each fish weighs more than twice as much as before (Figure 3), and fishermen on the west coast of Florida now have new opportunities to target red snapper as the stock expands back to its historic range. After decades of overfishing, the red snapper populations of the Gulf of Mexico were concentrated in offshore waters of the northern Gulf of Mexico. Now, catch data indicate red snapper landings are increasing both closer to shore and along the west coast of Florida, with some fishermen reporting landings as far south as the Florida Keys (Figure 4).

**Ongoing Rebuilding Challenges**

The rebuilding process is not yet complete. While the red snapper population has increased significantly in size, it has not yet reached the rebuilding target. Additionally, as a long lived species, red snapper depend upon a fully developed age structure. Currently, the population contains a disproportionate number of younger fish. A healthy population requires an appropriate mix of fish of different ages, including older, larger fish which produce more and healthier offspring. The need to complete this rebuilding process places continuing, but necessary constraints on the fishery.

Despite improved fishing experiences and opportunities, improved catch rates have unintended impacts on recreational fishing opportunities because the rate of landings is outpacing the rate of population growth. Recreational red snapper catch quotas increased by 62 percent from 2008–2012 compared to a 148 percent increase in recreational landings per day during that same time period. As a result, in compliance with Magnuson-Stevens Act requirements, the recreational seasons have been progressively shorter to prevent catch overages.

Recreational fishermen are understandably frustrated with this unexpected trend of progressively shorter fishing seasons. We recognize the adverse impacts of this trend on recreational fishermen and fishing communities and we are actively working with the Gulf Council to minimize those impacts throughout the red snapper rebuilding period while meeting the legal requirements of the Magnuson-Stevens Act.

When possible, we make adjustments in support of Gulf fisheries. We provided a supplemental recreational red snapper season in the fall of 2010 after the large-scale fishing closure was implemented in response to the Deepwater Horizon event that prevented the recreational fishery from reaching its catch limit. We also extended the length of the recreational red snapper fishing season in 2012 after determining a series of bad weather events likely caused fishing efforts to be lower than expected. We continue to look for these types of opportunities to adapt and improve our management approach to real time needs and conditions. Supplemental seasons have also been provided in the past in response to new scientific information, and we will work as quickly as possible to implement the Gulf Council's new catch limit recommendation this year.

**Opportunities for Growth and Improvement**

*Management*

Our immediate challenge is to continue to translate rebuilding success into enhanced recreational opportunity. But doing so will also require recreational fishermen to articulate a broad shared vision of expectations and needs. The current lack of agreement on management goals, how best to approach limiting catches, and the appropriate commercial/recreational allocation has significantly stifled Gulf Council action to address management challenges. Also, inequities created by state jurisdictional and regulatory inconsistencies have affected the distribution of recreational fishing opportunities and rebuilding benefits, deeply polarizing the Gulf Council on critical decisions needed to effectively address long-standing issues. A lasting red snapper management strategy will require broad agreement, equitable application and management support at both state and federal levels.

NMFS' primary goal for the recreational red snapper fishery is to stabilize the length of the fishing season to provide for-hire businesses and private anglers more certainty and security in planning their operations and vacations. After several years of very rapid growth and change, this goal is now more achievable as increases in population abundance and fish size begin to slow and level off. The new red snapper assessment that the Gulf Council reviewed the week of June 17 indicates that a new combined red snapper catch limit can be set at a level that is considerably higher than combined commercial and recreational catches before we initiated rebuilding, resulting in more individual fishing quota for commercial fishermen and more days of fishing for recreational anglers.

Before we reduced catch limits in 2007 to allow for rebuilding, the recreational red snapper season lasted for more than six months. Although the six-month season afforded recreational anglers more fishing opportunities, overfishing persisted and the quality of fishing suffered as a result. Now that the stock is rebuilding, the recreational catch limit is increasing and a lengthier, more stable fishing season may be achieved. But it is unlikely the current management approach will support a return to a six-month fishing season in the future. Fishery stakeholders and managers will need to work collaboratively and agree on common goals and solutions in order to maximize fishing opportunities and sufficiently account for scientific and management uncertainty that are inherent in managing this dynamic population.

Some of the region's commercial fishermen have looked to catch shares and other new tools to stabilize their fisheries and enhance economic opportunities. Commercial fishermen who participate in the red snapper IFQ program directly benefit from red snapper catch limit increases because they each receive additional pounds of red snapper quota that can be fished and sold. A five-year review of the commercial red snapper IFQ program recently completed by the Gulf Council and NMFS concluded the program has increased fishery profitability and achieved other stated goals, although there are still opportunities for continued improvement. We are proud of our achievements in the commercial red snapper fishery and will support Gulf Council action to maintain and build upon those successes as we continue to explore options for improving management of the recreational fishery.

Some recreational interests are also beginning to explore new and innovative tools and approaches, including regional management by states; recreational participation in the commercial IFQ program through intersector trading; a charter vessel days-at-sea program; separate management of the for-hire and private sectors (sector separation); and a tag program. But many of these new approaches are highly controversial, as they represent significant changes to the status quo. Also, their potential benefits are limited by several outdated and unique statutory requirements specific to Gulf of Mexico red snapper. For example, section 407(c) of the Magnuson-Stevens Act provides specific criteria for identifying participants in, and weighing votes cast, in referenda conducted in the fishery based on participation in the fishery between 1993 and 1996, restricting our ability to conduct fair and meaningful referenda on current management proposals. And section 407(d) of the statute re-

quires the Gulf Council and NMFS to establish a separate catch limit for the recreational fishery to apply to both for-hire and private participants, and to close that fishery in-season when we determine the catch limit has been reached.

Finally, at the recently completed Managing Our Nation's Fisheries III conference, considerable attention was devoted to new approaches to limiting volatility in catch limits. For example, with appropriate analysis and adjustment of fishery control rules, it could be possible to safely phase-in results of new scientific assessments, rather than immediately adjusting the catch limit to the point estimate from the assessment.

*Science and Data*

While red snapper is one of the most studied species in the Gulf of Mexico, we still have much more to learn. Great variability in the number of fish surviving to enter the fishery each year and key questions about the effects of numerous environmental variables, like climate change and oil spills, on long-term productivity have made it challenging to effectively manage the population.

We monitor commercial red snapper catches on a near real-time basis, but the current system does not enable us to evaluate recreational red snapper data as quickly. We monitor recreational red snapper catches by conducting both telephone surveys of angler fishing effort and shoreside surveys of angler catch per unit effort. The Agency's Marine Recreational Information Program (MRIP) has recently implemented survey design improvements that have significantly reduced the potential for bias in survey estimators of catch. The MRIP has been developing improved sampling and estimation methods in accordance with recommendations provided in the National Research Council's 2006 report "Review of Recreational Fisheries Survey Methods". While the improvements are yielding improved accuracy, recreational data are primarily delivered in two-month increments and generally available to fishery managers after an additional 45 days. This means that data collected when the recreational fishery opens in June may not be available until well after the season is closed. Timeliness of data delivery has been particularly problematic for red snapper because the population has been actively rebuilding, making it difficult to accurately project when the fishery will reach its catch limit. This has contributed to a number of recreational overages in recent years and we continue to work toward improving the data collection and delivery system.

We are also continuously working to improve the precision and accuracy of the data used in red snapper population assessments and recently implemented a number of improvements consistent with recommendations of the National Research Council's 1998 report "Improving Fish Stock Assessments", including maintaining at least one reliable abundance index for each stock. Maintaining long-term surveys of fish abundance is invaluable to assessments because those data provide an indicator of population status over time. The importance of such time series has been driven home by recent environmental events, including Hurricane Katrina, the oil spill in 2010, historic floods in the Mississippi River basin in 2011, and the severe drought of 2012; all of which have influenced commercially and recreationally important species and their habitats in the Gulf of Mexico.

Investments are being made in new sampling technologies to improve the efficiency and effectiveness of our scientific surveys. For example, studies are underway to examine the use of towed camera arrays for sampling untrawlable reef habitats that are critical for red snapper and other commercially and recreationally important fish stocks.

Electronic reporting regulations for commercial dealers and for recreational headboat captains will also soon be finalized for the Gulf of Mexico and South Atlantic areas. Support for the regulations is strong within the fishery management councils and the industry because it puts the data into scientists' and managers' hands more quickly.

**Current Management Options**

Gulf of Mexico red snapper management has always required balancing competing demands and fishery stakeholders and managers are divided regarding the appropriate path forward. The Gulf Council is currently exploring the following management options:

- A regional management strategy, which would enable recreational red snapper management to vary among states, or defined regions, to meet local needs while meeting Gulf-wide conservation goals.
- Increasing the amount of red snapper allocated to the recreational fishery when distributing future catch limit increases;

- An inter-sector trading program, which would allow for-hire permit holders and potentially private anglers to trade quota with commercial red snapper fishermen to increase the amount of fish available to the recreational fishery.
- A days-at-sea program for the for-hire sector, which would provide those participating in the program a certain number of days to fish per year, then allow participants to choose when to use those days.
- A fish tag program, like those used for hunting, which could limit the number of recreational fishermen that could target red snapper, but provide those fishermen greater flexibility in when they could fish.

At this time, the Gulf Council is primarily focused on evaluating regional management and allocation options. During its June meeting, the Council approved regional management options to share with the public for comment this summer and requested additional analyses of alternative allocation scenarios to review at its August meeting.

A regional management strategy could effectively resolve the current challenges created by inconsistent state jurisdictions and regulations. Some of these interstate management challenges are not unique to the Gulf of Mexico. In fact, they are present in every region where major fisheries span multiple state jurisdictions and have been addressed in different regions in different ways, such as through legislation authorizing the Atlantic States Marine Fisheries Commission as a coordinating body on the U.S. east coast. While there are any numbers of models that may work, each requires the collective involvement and support of the states, and full accountability to comply with agreed upon management strategies.

Since 1990, the Gulf Council has allocated 51 percent of the red snapper annual catch limit to the commercial fishery and 49 percent of the annual catch limit to the recreational fishery based on historical landings data for each fishery during 1979–1987. However, they are now considering reallocating some portion of future catch limit increases to the recreational fishery to achieve a more stable fishing season and provide recreational fishermen a greater opportunity to benefit from rebuilding progress.

Furthermore, the Gulf Council is exploring ways to improve the timeliness of data delivery, including how best to apply promising new technological innovations like iSnapper, iAngler, and electronic logbooks.

**Conclusion**

We have made great progress in rebuilding the Gulf of Mexico red snapper population. There is no denying the population is in better shape today than has been observed in many people's lifetime. But this achievement has not come easily, nor will it be sustained without continued attention.

This year is the first that the allowable red snapper catch limit will exceed the combined commercial and recreational catch limit in place before the rebuilding plan was implemented. This is a critical time in the history of red snapper management, and we must respond with thoughtful and disciplined planning and decision making to ensure the fishery is able to meet the needs of both current and future generations. We must continue the achievements we have gained in the commercial fishery while providing greater stability and predictability to the recreational fishery. Doing this will require fishermen, fishing communities, and other interested parties to define a common, clear vision for the fishery. This means grappling with difficult issues like allocation, fully exploring all reasonable management options, and allowing local debates about controversial approaches, such as catch shares and sector separation.

We must not lose sight of the fact that the current management challenges are a function of success. The red snapper population is rebuilding and that is a good thing. Now we need to make some tough decisions about how to best distribute the hard-earned benefits provided by this growing population.

Currently, all Gulf Coast states have expressed some form of support for a regional management strategy and the Gulf Council is working to implement such a regime in the recreational fishery for the 2014 fishing year. NMFS will continue to fully support discussion and exploration of this and any other option that has broad stakeholder support and provide the fishery greater stability.

Gulf of Mexico fishermen and fishing communities sacrificed a great deal to get us here. It is critical that all involved remain engaged and work together to find a way forward in the cooperative spirit that the regional fishery management council process promotes.

Thank you again for the opportunity to discuss Gulf of Mexico red snapper management. I am available to answer any questions you may have.

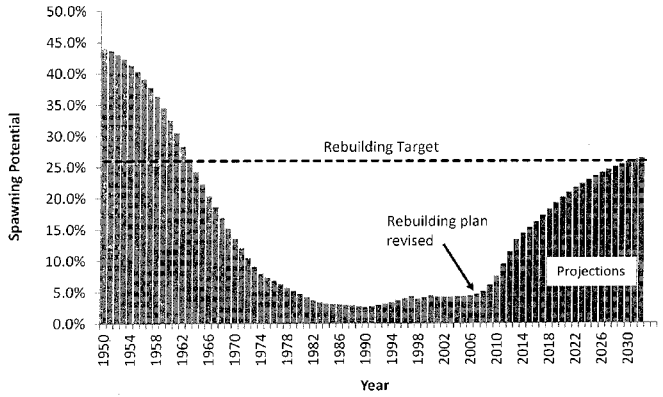


Figure 1. Historical and projected trends in Gulf of Mexico red snapper spawning potential ratio relative to rebuilding target.

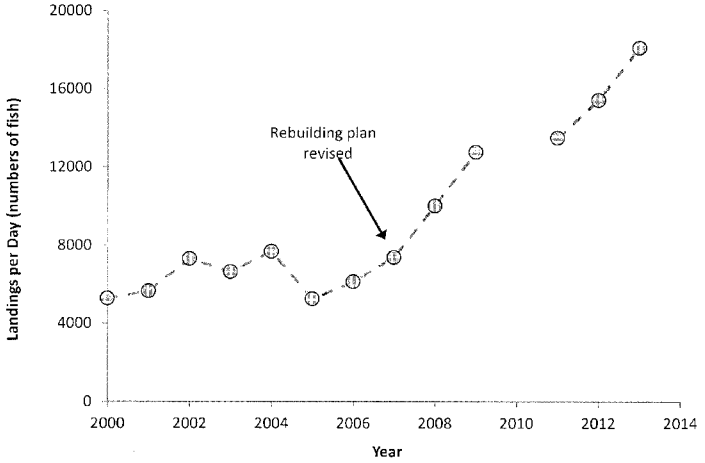


**Figure 2. Gulf of Mexico red snapper daily recreational landings (in numbers) during the federal fishing season, 2000-2012. The red snapper rebuilding plan was revised in 2007. Data for the 2010 red snapper season are not included because fishery closed areas were established in response to the Deepwater Horizon oil spill. Data for 2013 are projected.**

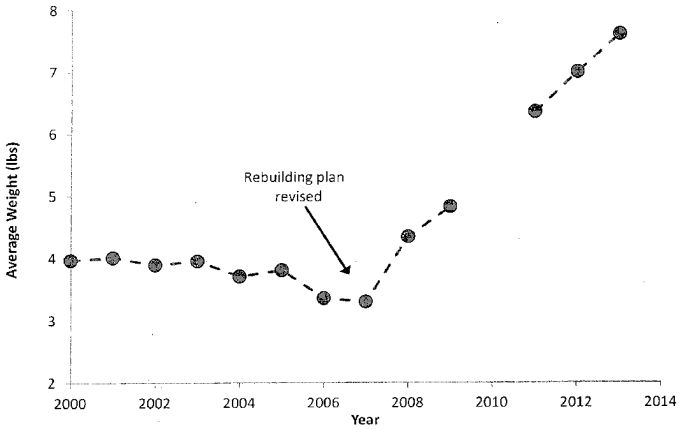


**Figure 3. Average weight of recreationally caught Gulf of Mexico red snapper, 2000-2012. Data for the 2010 red snapper season are not included because fishery closed areas were established in response to the Deepwater Horizon oil spill. Data for 2013 are projected.**

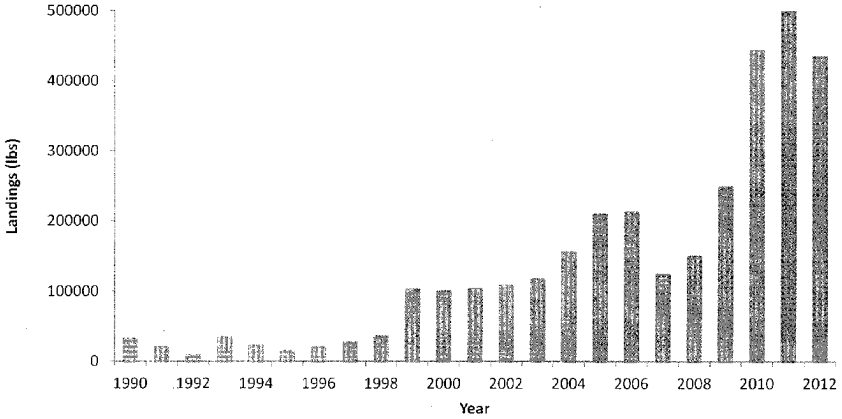


**Figure 4. Recreational headboat and commercial red snapper landings along the west Florida shelf, 1990-2012.**

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The CHAIRMAN. Thank you very much, Mr. Schwaab. And we are honored by your presence here the day before you are leaving the agency. So thank you for being here.

Mr. SCHWAAB. Thank you.

The CHAIRMAN. And thank you for your time.

Next, I will recognize Mr. Kevin Anson, Vice Chairman of the Gulf of Mexico Fishery Management Council. And you are recognized for five minutes.

## STATEMENT OF KEVIN ANSON, VICE CHAIRMAN, GULF OF MEXICO FISHERY MANAGEMENT COUNCIL

Mr. ANSON. Thank you. Good morning, Chairman Hastings and other members of the Committee. And thank you for providing me

the opportunity to speak today. I represent the Gulf of Mexico Fishery Management Council and serve as its Vice Chair. The Council is responsible for managing 31 species within its reef fish management plan. Red snapper has, for many years, received the most attention from the Council of all the species within this plan.

In fact, by the end of next month, two special Council meetings will have been held just this year with red snapper as its only topic. These special meetings were added to the Council's meeting schedule to speed up the decision-making process to maximize access for Gulf fishers to this economically and culturally important resource.

The commercial fishery is managed by an individual fishing quota system, also known as IFQ, which has provided significant stability to this sector. However, the recreational sector is an open-access system. And, as such, it is much harder to maintain harvest limits within management goals.

The reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act in 2006 set the stage for stricter management measures to rebuild over-fished stocks, including Gulf of Mexico red snapper. However, in order to abide by the provisions of the Act, the recreational red snapper fishing season has been restricted over 60 percent from 2009 to current limits for 2013. This reduction has negatively impacted coastal communities throughout the Gulf, and has led to increasing frustration among its anglers.

In addition to restrictive management, current measures for the entire Gulf may not provide equal benefits to coastal communities. For instance, a single, Gulf-wide fishing season may benefit one area of the Gulf, which may not suit the needs of another area, due to different weather patters and tourist seasons. In order to address these issues, an amendment to the reef fish management plan is under consideration by the Council, which would provide certain management authorities to the Gulf States for the management of recreational red snapper harvest.

This amendment, known as regional management, if passed by the Council in its current form, and approved by the Secretary of Commerce, will delegate to States the authority to set bag limits, size limits, fishing season lengths, and subdivide a State's quota allocation between private and for-hire sectors. This action will represent the first time in the Gulf delegation authority will have been given to the States to manage a fishery.

It appears the Council's regional management amendment will provide maximum flexibility to the States, short of conducting their own stock assessments and setting the amount of allowable harvest off their respective coasts, which will remain the responsibility of NOAA fisheries. In addition, NOAA fisheries will still retain the authority to close Federal waters if and when the total Gulf allowable quota has been met, or is projected to be met.

I was asked by the Committee to offer suggested changes to the Act which would provide better management of red snapper in the Gulf, and my only suggestion is to address Section 407 in the Act. This section refers to referendum related to limited access privilege programs. It is unclear at what point a referendum of permit holders is required when changes are made to an existing LAPP amendment. A Gulf Council review of the existing red snapper IFQ

program is underway, and the Council is unclear as to what point changes to the program will trigger a referendum vote.

That concludes my comments. Thank you again for the opportunity to address the Committee.

[The prepared statement of Mr. Anson follows:]

**Statement of Kevin Anson, Vice-Chairman, Gulf of Mexico Fishery Management Council**

Mr. Chairman and members of the Committee, thank you for inviting me to appear before you. My name is Kevin Anson and I represent the State of Alabama on the Gulf of Mexico Fishery Management Council (Gulf Council). My testimony today is an attempt to address your questions regarding the management status of red snapper in the Gulf of Mexico. Specifically, I will focus on our proposed regional management amendment which is intended to provide the Gulf States a stronger voice in managing the recreational red snapper component of the fishery and address needs for flexibility in managing our fisheries. As you are aware, red snapper management in the Gulf has been an ongoing challenge. Our attempts to meet the Magnuson-Stevens Fishery Conservation and Management Act (Act) objectives for rebuilding fish stocks and implementing annual catch limits in the red snapper fishery have negatively impacted our commercial and recreational fishermen and their respective communities. Management of red snapper is trapped between two competing goals: on one hand, meeting the biological concerns for rebuilding the stock and the speed of stock recovery, while on the other hand, maximizing the social and economic needs of our citizens and communities. We feel that the Act and associated National Standards appear to place greater weight on biological concerns, in terms of the speed of recovering overfished stocks, at the expense of the social and economic well-being of the fishery participants. The greatest need in Gulf red snapper management is to provide the Council with the flexibility to determine the balance between these goals.

**1. Council actions at the June 2013 meeting affecting red snapper and their impact on the 2013 season and future seasons.**

Red snapper is one of 31 species managed under the Reef Fish Fishery Management Plan of the Gulf of Mexico, yet at our recent June meeting, the Gulf Council devoted most of its time to addressing red snapper management issues. This speaks both to the importance of red snapper, culturally and economically, in our region and our constituents' frustrations with status quo management. We have several plan amendments under development as we explore management options that strive to meet the diverse needs of our fishing communities while remaining within the parameters of the Act.

NOAA Fisheries' Status of Stocks Report to Congress currently lists the red snapper stock as overfished, but no longer experiencing overfishing as of November 2, 2012. The red snapper stock, like many fisheries is managed in weight (millions of pounds). Data collected from the recreational sector indicate the average weight of red snapper landed throughout the Gulf has increased significantly in the past few years. This fact should be reason for optimism among the Gulf's anglers, however, the availability of larger red snapper means the quota is being met earlier, resulting in ever shortening fishing seasons. For example, in 2009 there was a 75-day recreational fishing season, but for this year (2013) only a 28-day fishing season was determined. Because the rebuilding process has been successful and fishermen are observing more and larger red snapper, they have expressed increasing frustration and dissatisfaction with how the recreational sector is being managed. Regional management is an attempt to provide individual regions (states) an opportunity to set the fishing season, bag and size limits and/or create sub-sectors (e.g. for-hire and private recreational) within the recreational sector.

Today, I will focus on two items discussed at our June 2013 meeting and address their impacts on the current and future fishing seasons: 1) the recently completed red snapper stock assessment and 2) a plan amendment for regional management of recreational red snapper, to be taken up in the next section.

The recently completed stock assessment for red snapper suggests that the rebuilding plan is ahead of schedule and a larger red snapper quota is warranted. Following presentation of the stock assessment results, the Gulf Council voted to increase the overall 2013 red snapper quota to 11.5 million pounds (mp), with 5.635 mp allocated to the recreational sector and 5.865 mp allocated to the commercial sector. This follows the allocation of 49% to the recreational sector and 51% to the commercial sector that was established in 1990. This allocation is currently being

reviewed in a separate plan amendment and could be revised, but is not part of the current action relative to the 2013 season. Final action on increasing the 2013 red snapper quotas will be taken at a special Council meeting to be held July 2013. Although 11.5 mp is currently the preferred alternative, a range of quotas between 10 mp and 12.1 mp are being analyzed for consideration at the July Council meeting.

There are two concerns with setting the 2013 quota based on the landings history of the recreational sector. First, in the event of a quota overrun, the Council does not want the total catch to exceed the 2013 overfishing limit of 13.7 million pounds. Given the requirements of the Act, to do so would cause NMFS to reclassify the stock as undergoing overfishing and force the Council to take immediate action to end overfishing. Second, although there have been several years with strong spawning success, the stock assessment indicated below average spawning success in the most recent two years. As a result, the Scientific and Statistical Committee set reductions in the acceptable biological catch beginning in 2014 and 2015, when the fish spawned in these poor year-classes become large enough to enter the fishery. The Council wants to establish management stability and consistency, especially for the recreational sector. To provide stability to the red snapper fishery and avoid the disruptive effects of declining quotas, the Council has requested the Science Center evaluate a strategy to hold harvest levels at the 10 mp through 12.1 mp catch level range for 2013; and then project what the yields would be for 2014 and 2015. By setting the 2013 quotas lower than the acceptable level, the Council intends to avoid the need to reduce the quota in subsequent years. This management decision is intended to provide socio-economic stability to the red snapper fishery.

Due to the requirements involved in publishing a proposed and final rule, the recreational quota increase will be implemented as a supplemental season and is anticipated to open no earlier than mid-September. Stakeholders who operate vessels in the for-hire industry have requested the additional fishing days be made available sooner than September to help their businesses while private recreational anglers will likely enjoy the fall fishing season which may provide a boost to local economies. The commercial quota increase will be implemented as additional individual fishing quota (IFQ) allocations issued to the IFQ shareholders.

The Council will also decide in July whether the supplemental recreational red snapper season should be open for a continuous period or for weekends only (Friday through Sunday). The estimate of how many days the recreational season can remain open still needs to be completed under each harvest scenario, but a weekends-only scenario will result in fewer fishing days than a continuous season because of higher fishing effort on weekends.

**2. Council progress on regional management to afford more flexibility in the existing management structure.**

At the June 2013 meeting, the Gulf Council reviewed a plan amendment for regional management of recreational red snapper. The movement toward regional management originated from the public's frustrations with ever shortening recreational red snapper seasons, as described. Although a supplemental season is expected, this year's 28-day season exemplifies the instability of recreational red snapper management and has deepened the fishing public's frustrations with federal fisheries management.

Regional management is intended to provide greater flexibility at the local level in managing the recreational red snapper quota. Regional management will allow varying regulations within identified regions of the Gulf, in contrast to uniform regulations applied to all federal waters. Such regionally specific regulations may be more appropriate to the fishing preferences of local fishermen. For example, regional regulations could accommodate various tourist seasons or rough weather conditions, thereby optimizing fishing opportunities around the Gulf. Whatever management options are used by the regions they still must comply with National Standards and meet the objectives of the Act.

Given our current preferred alternatives, regional management will employ the delegation provision of the Act, which grants a State the authority to regulate fishing vessels outside their state waters (16 U.S.C. §1856(a)(3)). Under delegation, each Gulf State will be assigned a portion of the total Gulf-wide recreational quota and be authorized to establish management measures for its state, including bag limits, minimum size limits, and season dates. It is assumed that the States will be better able to address the needs of a majority of their constituents, compared to Gulf-wide management. For example, if a longer recreational fishing season is desired, a State could establish their season given local periods of high and low fishing effort.

At the June 2013 meeting, the Gulf Council requested that public hearings be held in each Gulf State. The Council will review public hearing comments and make any changes to our preferred alternatives at the August 2013 meeting. We intend to take final action on the amendment as soon as the August meeting, with the expectation that regional management will be implemented prior to the beginning of the 2014 recreational fishing season, which opens June 1 each year.

**3. Adequacy of Council authority under the Magnuson-Stevens Act to implement a regional management plan and suggested changes to increase flexibility.**

Regional management is essentially a form of co-management, where the responsibilities for management will be shared between the State and Federal levels. As a form of co-management, the success or failure of regional management will depend on cooperation between the States and Federal agencies. Under delegation, management at the state level is required to remain consistent with the Act, other applicable laws, and the red snapper rebuilding plan. Although the States will be granted authority to set their own seasons, bag limits, and other management measures, the consistency requirements of the delegation provision will be interpreted by NMFS, which retains broad authority to revoke delegated authority.

The Act (Section 407(d)) requires NMFS to prohibit the retention of fish once the quota is met for the remainder of the year. Under the delegated authority of regional management, each State will be granted authority to establish management measures to constrain the recreational harvest of red snapper to within their apportioned quota, and have agreed to prohibit further harvest of red snapper once their portion of the quota is met or projected to have been met.

To date, NMFS has had limited success at constraining recreational landings at or below the quota; in five of the last six years, the recreational sector's quota has been exceeded. If regional management is implemented, it will be the first time the Council has used the delegation provision for such a program, and the first time the Gulf States will collectively manage a fishery by quotas.

Part of the difficulty in constraining recreational red snapper landings to the quota is due to the lack of timeliness and structure within the current data collection system, especially in combination with the short recreational season length. Under regional management, the Marine Recreational Information Program (MRIP) will continue to serve as the final determination of recreational landings, for all states except Texas. MRIP landings are calculated in two month intervals known as waves, and are not available until 60 days following the end of the previous wave. Although the delegation provision appears to provide the Council with the flexibility to accomplish regional management, cooperation with and by NMFS will be critical to its success as the States adjust to the new management regime.

**4. Suggestions for modifications to Magnuson-Stevens Act to create better management of red snapper in the Gulf of Mexico.**

Maximum flexibility remains the Council's greatest need in management. This includes the authority to negotiate biological and socio-economic objectives for our fisheries. Stringent biological requirements for short rebuilding plan timeframes should not overshadow the impacts on coastal communities. There is also need for added flexibility to increase the minimum set asides for research, broadly.

Finally, Section 407 of the Act pertains to Gulf of Mexico red snapper management. The elimination or extensive revision to Section 407 would contribute to improving the management of red snapper in the Gulf of Mexico. Specifically, it should streamline referendum requirements for the red snapper individual fishing quota (IFQ) program and provide a consistent set of requirements for referenda across the various IFQ programs implemented in the Gulf of Mexico. In addition, the elimination or revision of Section 407 should afford more flexibility in the definition of recreational red snapper quotas and better account for regional specificities which could improve the management of the resource. Finally, portions of Section 407 are outdated, e.g., Section 407(b) discusses restrictions relative to the preparation of IFQ programs for the commercial red snapper fishery and prohibits the preparation of such programs prior to October, 1, 2002. Should Section 407(c) be revised, Section 303A(6)(D) would need to be amended to address those changes.

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The CHAIRMAN. Mr. Anson, thank you very much for your testimony.

And next I will call on Mr. Chris Blankenship, who is the Director of the Marine Resources Division for the Alabama Department

of Conservation and Natural Resources. And, Mr. Blankenship, you are recognized for 5 minutes.

**STATEMENT OF CHRIS BLANKENSHIP, DIRECTOR, MARINE RESOURCES DIVISION, ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

Mr. BLANKENSHIP. Thank you, sir. Chairman Hastings, Mr. Sablan, Committee members, thank you for the opportunity to speak with you today. My name is Chris Blankenship, and I am the Director of the Marine Resources Division of the Alabama Department of Conservation and Natural Resources. On behalf of Governor Robert Bentley and Conservation Commissioner Gunter Guy, I am honored to speak with you today.

Red snapper management is of the utmost importance to Alabama. Even though we have the smallest coast line, with less than 5 percent of the total Gulf coast, we land, on average, 30 percent of the recreationally caught red snapper in the entire Gulf. There will be others here today to testify that know much more about the economic impacts of the fishery for Alabama, so I will leave the specifics of that to them. But suffice it to say that the red snapper fishery is the most important recreational fishery to our coastal economy, and it is also the area of the most consternation.

We have such a great red snapper fishery off of our coast, because we have the largest artificial reef program in the country. There have been over 17,000 reefs placed in the 1,200 square-mile reef zone managed by my division. Through partnerships with the Orange Beach Fishing Association, the Coastal Conservation Association, and other private businesses, we have placed over 100 military tanks, over 1,000 pyramids, derelict bridges and bridge spans, pipes, concrete culverts, barges, tubs, dry docks, World War II liberty ships, decommissioned oil rigs, and many other structures. These reefs have built a concentration in reef fish in higher proportion than in some other areas of the Gulf.

The City of Orange Beach is known as the Red Snapper Capital of the World, and has the largest charter fleet in the Gulf. But this year they and thousands of private recreational fishermen only have access to this great fishery for 28 days. Through 1997, the fishery was open year-round. As recently as 2007, the season was 194 days long. The season is consistently shortened, with this year being the shortest ever, even though the fishery has dramatically rebounded. This has severely affected the coastal economy of coastal Alabama.

Gulf-wide single stock red snapper management is not working for all the States. There is a need for management on the regional or State level. Regional management can be done. We do it now with other species like speckled trout and red drum, as well as other State-managed species. The States each have different management measures, commensurate with the stock size of those species within their respective States. As an example, Louisiana has a 25-fish limit on speckled trout, while in Alabama we have a 10-fish limit, because we have different stock sizes. But the system works. With management measures tailored to the circumstances of their particular fishery, all of the Gulf States have viable fish-

eries for these species. I don't think red snapper would be any different.

Currently, the season begins June 1st of each year in all Federal waters, and runs consecutively until the quota is projected to be met. Under the regional management, each State could set seasons that give the best access to the fish in that region. Some States might like to have a spring season. Some States, when winds or weather are more favorable, in the fall. Some States may want a weekend-only season, or some a split season. By allowing each State to manage their allotment of the quota, management plans can be crafted that will allow for the best combination of management measures for the fishermen and the economies of the States, while at the same time continuing to rebuild the stock.

For true regional management, the States and regions will need the authority to fully manage the fishery. This includes all aspects of management, the most important of which will be conducting our own stock assessments by region, and using that information to set seasons and management measures.

Due to the large number of reefs off the coast of Alabama, we have a high concentration of red snapper. We do not feel the increased habitat that has been created, and the corresponding increase in fish is being currently captured correctly in the Gulf-wide stock assessment. We are doing a good job of monitoring the stock of other State-managed fish, and we feel we could do the same with red snapper. This is an area that I feel would need to be addressed in the MSA reauthorization. From my understanding, the MSA does not currently allow for regional stock assessments such as this.

I have a couple of other things I would like to touch on in my remaining few seconds. All of the Gulf States need consistent water boundaries for fisheries management. Currently, the States of Texas and Florida have 9 miles, while the States of Alabama, Mississippi, and Louisiana have 3 miles. This is confusing to the public, and does not give a level playing field with the management of fisheries.

Removal of oil rigs with explosives have killed thousands of red snapper that we are working so desperately to rebuild and manage. I realize that the change was made yesterday, a policy change by the Bureau of Safety and Environmental Enforcement, and we appreciate that. But mechanical removal of the rigs instead of using explosives, and placing more of these structures as artificial reefs, will continue to assist in rebuilding this important stock.

Thank you so much for your time today, and I would be happy to answer any questions.

[The prepared statement of Mr. Blankenship follows:]

**Statement of Christopher Blankenship, Director of Marine Resources, Alabama Department of Conservation and Natural Resources**

Mr. Chairman and members of the Committee, thank you for the opportunity to appear before you today to testify on the extremely important subject of red snapper management. I am Chris Blankenship and I am the Director of the Marine Resources Division of the Alabama Department of Conservation and Natural Resources. Under Alabama Law, the Alabama Department of Conservation and Natural Resources (ADCNR) has full jurisdiction and control of all seafoods existing or living in the waters of Alabama and it shall ordain, promulgate and enforce all rules, regulations and orders deemed by it to be necessary for the protection, propa-

gation or conservation of the same. The Marine Resources Division (MRD) is responsible for managing the fisheries in the Coastal waters of Alabama and advising the Commissioner of Conservation relative to saltwater fisheries and seafoods.

I am so honored to appear before you today because for the State of Alabama, the red snapper fishery is the most important recreational fishery in the Gulf of Mexico. It has also become the most contentious fishery. Prior to 1997, the red snapper fishery was open 365 days a year with very liberal creel and size limits or no limits at all. The red snapper fishery was being overfished and additional management measures were put in place to protect the stock. In 1997, the season was shortened to 330 days with progressively shorter seasons in 1998 and 1999 when the season length was 240 days. During the years of 2000 through 2007, the season was stable at 194 days. In 2008, the recreational season really began to be curtailed when the season was shortened to 65 days. In 2012, the season was 45 days long and for the current year, the season was initially set at an astounding 28 days. I am happy to report that the red snapper fishery is no longer considered to be undergoing overfishing, although it is officially still overfished. The continued reduction and fluctuation of fishing seasons has placed a real hardship on the recreational and charter fishermen of the State of Alabama and other Gulf States.

Alabama has a relatively small coastline compared to the other Gulf States. Even though the coastline of Alabama only makes up less than 5% of the total Gulf coastline, we land on average 30% of the recreationally caught red snapper in the Gulf of Mexico. The City of Orange Beach is known as, "The Red Snapper Capitol of the World." The charter and for-hire fleet in Orange Beach contains over 200 vessels. This is the largest homeport for charter and for-hire vessels in the entire Gulf of Mexico. The people of the coastal areas of Alabama and particularly the people of the cities of Orange Beach, Gulf Shores and Dauphin Island are proud of the outstanding red snapper fishery we have in the federal waters adjacent to Alabama. You might wonder how a state with such a small coastline could land that many red snapper. The State of Alabama has built this premier red snapper fishery through the creation of manmade artificial reefs.

**Artificial Reefs**

Alabama has the largest artificial reef program in the United States. Red snapper, as well as other reef fish, need structure to thrive. The water bottoms off the coast of Alabama are relatively flat with very little relief. Until the last 50 years, the only places that red snapper were caught off our coast were on the very few natural reefs and outcroppings in the Gulf. Beginning in the 1950's, the Alabama Marine Resources Division began placing material in the waters offshore to create habitat for reef fish. The initial placements were so successful that in the 1970's Alabama worked with the Corps of Engineers to create the Alabama Artificial Reef Zone. This 1,200 square mile area in federal waters adjacent to Alabama is managed by the Marine Resources Division. Over the past 40 plus years, there have been over 17,000 reefs placed in the reef zone. These reefs include over 100 decommissioned military tanks, concrete bridge rubble and metal bridge spans, over 1,000 ten-foot tall concrete pyramids, many barges, ships, tugs, airplanes, dry docks, oil and gas rigs, concrete culverts, and pipes. There have also been several thousand reefs placed by private companies and individuals that met reef construction protocols and were permitted by the Marine Resources Division. This habitat creation has caused the population of red snapper to increase substantially off the coast of Alabama.

I would like for my Division to take full credit for the success of the Alabama Artificial Reef Program, but I cannot. Although the program is managed by MRD and the State of Alabama has invested millions of dollars in reef construction, the level of success we have seen would not have been possible without the partnerships we have participated in with the charter industry, recreational fishing organizations and private industry. The Orange Beach Fishing Association has been instrumental in partnering with us to fund reef construction. Through the Red Snapper World Championship Fishing Tournament, hundreds of thousands of dollars were raised to build reefs. The Alabama Road Builders Association and the oil and gas industry saw the great fishery we were building in Alabama and provided material and funds to construct reefs. The Coastal Conservation Association has been a valuable addition to recent participation in reef building activities both in State waters and in adjacent federal waters. The most recent partnership has been the creation of the Alabama Gulf Coast Reef and Restoration Foundation. This group was formed to bring together state, county and local governments as well as coastal chambers of commerce, coastal businesses and fishing interests to continue to fund reef building.

The millions of dollars that have been invested in artificial reefs and the foresight of so many people has created this great red snapper fishery, but these same people

are only able to have access to this fishery for a few days out of the year due to current stringent fishing seasons.

**Regional Management of Red Snapper**

The Gulf of Mexico Fisheries Management Council and the National Marine Fisheries Service are currently tasked with the management of red snapper. Currently, the red snapper stock is managed as a single stock in the Gulf of Mexico with an overall Gulf-wide quota. The overall quota is divided between the recreational sector, with 49% of the quota and the commercial sector, with 51% of the total quota. Once the recreational quota is met, or is projected to be met, the recreational red snapper fishery in the Exclusive Economic Zone of the Gulf of Mexico must close. The commercial sector is managed under an Individual Fishing Quota program (IFQ). The IFQ program has been very successful at constraining the commercial catch under their allotted quota each year. However, the recreational sector has exceeded its portion of the quota in 9 of the past 17 years.

As previously stated, currently the red snapper stock in the Gulf of Mexico is managed as a single unit. This single unit management includes both fish caught in state waters as well as fish caught in federal waters. All of the Gulf States do not have the same area of state waters. Texas and Florida have nine miles of state waters while the states of Alabama, Mississippi and Louisiana only have three miles. Some of the states have red snapper seasons in state waters that differ from the federal red snapper season, which is within their sovereign rights. The issue for a state like Alabama is that the fish caught during these state seasons is deducted from the overall Gulf-wide quota which shortens the seasons in federal waters off the coast of Alabama. The State of Alabama does not have many reefs within three miles of the shore and therefore there is not a sufficient red snapper population in state waters to have a season outside of the federal season. Until this year, all of the reefs we have constructed in the Gulf of Mexico are outside the state three mile territorial waters.

The large decrease in the recreational season length coupled with the inequality of state water area and inconsistent red snapper seasons by some states has many people looking for solutions. One of those possible solutions is regional management of red snapper and other reef fish. There are still many aspects of regional management that are under discussion but one thing is clear, the current Gulf-wide, single stock management system has not satisfactorily served the fishermen of the Gulf of Mexico or the resource.

As currently proposed by many states, regional management would divide the Gulf into five regions corresponding to the five Gulf State boundaries. Each state would be allocated a portion of the recreational red snapper quota. This allocation would be determined using prior landing history and other factors to establish a fair distribution of allocation. Once a state receives its allocation of the total quota, the state could enact management measures that would best fit the needs of the region. This flexibility would assist in lengthening the season for most states but the biggest benefit would be in tailoring seasons and management measures that would optimize the socio-economic needs of each region. Currently, the red snapper season begins on June 1 of each year and runs consecutively until the quota is projected to be met. There are some states that, due to tourism, weather patterns, or other factors, would prefer a season at a different time other than June each year. For example, some states might want a season in April or May, some would like a weekend only season, some would like a fall season while some would like to have a split season. Regional management would allow each region to set seasons that would provide the greatest benefit to the fishermen and coastal economies within their state while still protecting the red snapper stock.

Regional management and quota allocation would also solve the problem of different state water areas and incompatible regulations. Each region would be allotted a certain amount of pounds to manage. It would not matter if the fish were caught in state waters or federal waters; it would still be counted toward that one regions allocation without adversely affecting another region. Regions could also use other measures to better manage the fishery in their region including setting different bag limits or size limits or assigning different sectors a portion of the regional quota.

There has been a consensus in Alabama from the charter fishermen and many recreational fishermen that for the opportunity to pursue regional management they would be willing to take a more active role in reporting of their catch. That would greatly increase the accuracy of data collection and will assist in better management of the fishery. The charter fleet in Alabama has proposed 100% electronic trip reporting to ensure compliance and to assist in quota monitoring. As the Director of the Marine Resources Division, I am concerned about the cost of additional data collection. The funds received from NMFS in the last several years for data collection

for federal fisheries have been drastically reduced. For regional management, or continued federal management, adequate funding for data collection is imperative.

**Regional Management and the Magnuson-Stevens Fishery Conservation Act**

The proposed concept of regional management is a step in the right direction. The flexibility to set seasons and other management measures by region will go a long way to providing tailored management that best suits the socio-economic and fishery management needs of the region. However, not all regions have the same habitat and therefore not all regions have the same stock characteristics. As previously stated, Alabama has the largest artificial reef program in the United States. We have over 17,000 reefs that have been placed in our reef zones. This large amount of habitat has produced a large amount of fish. Not all states or regions have this large concentration and population of red snapper and other reef fish. Currently, the red snapper stock is assessed and managed as a single unit. For true regional management, each region needs the ability to conduct a stock assessment for the fishery with in its region and then manage that stock independent of the other regions. The current Magnuson-Stevens Fishery Conservation and Management Act (MSA) does not allow this type of true regional management.

**Magnuson-Stevens Reauthorization**

The initial passage of the MSA and the subsequent reauthorization were very important steps in the history of our nation's fisheries. The MSA has brought several fisheries back from the brink of elimination. There are, however, some portions of the MSA that limit the ability of the Councils to manage the fishery and the participants.

The MSA restricts the Council's ability to deviate from the biological recommendations of the Science and Statistical Committee, even if these recommendations contain substantial uncertainty. This lack of flexibility leads to the inability to balance the needs for the stock with the needs of those in the fishery. Stocks can be rebuilt in several ways. The current MSA puts greater importance on the biology of the stock (National Standard 1) at the expense of the community and fishermen's concerns (National Standard 8). Flexibility is needed to allow the Councils to balance these two very important factors in setting rebuilding or management measures.

Thank you again for the opportunity to participate in this most worthy discussion. The red snapper fishery is of utmost importance to the people and the coastal economy of the State of Alabama. If I can ever assist in any way, please feel free to contact me.

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The CHAIRMAN. Thank you, Mr. Blankenship, for your testimony.

Next I will recognize Ms. Jessica McCawley, Director, Division of Marine Fisheries Management, Florida Fish and Wildlife Conservation Commission. And you are recognized for five minutes.

## STATEMENT OF JESSICA MCCAWLEY, DIRECTOR, DIVISION OF MARINE FISHERIES MANAGEMENT, FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Ms. MCCAWLEY. Thank you, Chairman Hastings and members of the House Natural Resources Committee. My name is Jessica McCawley, and I am the Director of the Division of Marine Fisheries Management at the Florida Fish and Wildlife Conservation Commission. The Florida Fish and Wildlife Conservation Commission, which I will refer to as the FWC, is responsible for managing fish and wildlife resources for the State of Florida. Thank you for the invitation to provide testimony at this important oversight hearing examining the management of red snapper in the Gulf of Mexico under the Magnuson-Stevens Act.

As a State that is rich in natural resources, and is dedicated to balancing fish and wildlife conservation, recreational and commercial fulfillment, and economic growth, and understands the relationship of each, the State of Florida is pleased to have two members of its delegation, U.S. Representative Steve Southerland and Joe Garcia, serving on this important Committee.

Red snapper supports the most important recreational and commercial fin fish fishery in the Northern Gulf. Despite the progress that has been made in rebuilding red snapper, the recreational fishery has faced increasing uncertainty in recent years. Since 2007, the recreational quota has been raised by nearly 1 million pounds, yet the season has diminished to just 28 days.

As the fishery rebuilds, red snapper are getting larger, more abundant, and easier to catch, causing the quota to be caught faster, and the season to get shorter. Without a benchmark stock assessment based on the most recent data, the management system could not adequately respond to the stock improvement seen by fishermen. These ever-shortening seasons have created uncertain challenging times for captains, fishermen, coastal communities like Destin and Panama City, which depend on charter trips and vacationing families staying in hotels and eating in local restaurants. If lost, the fishing heritage of these types of coastal communities is not something that can be easily rebuilt.

Private anglers, for-hire captains, and fishery managers have struggled to find solutions that will provide longer and predictable fishing seasons, while continuing to rebuild the fishery. Fortunately, the most recent stock assessment completed in May of this year provided a better outlook for the future. Although the stock has been found to be below sustainable levels, it seems to be rebuilding at a surprisingly high rate, and able to support substantial increases in catch levels for the next few years. This should help provide stability over the short term, and bring much-needed reduction in management uncertainty.

The Council's plan for regional management of the recreational red snapper fishery is another step in the right direction. The regional management system would delegate some authority over the recreational fishery to the Gulf States to better account for biological, social, and economic differences among the Gulf States' red snapper fisheries. The FWC is willing to accept delegation of regional management, and is eager to set recreational regulations for red snapper harvested and landed in Florida.

The FWC recognizes that there are still significant unknowns and challenges involved in regional management, and is concerned about how the Gulf-wide recreational quota will be apportioned among the States, and how often these State quota allocations will be revisited. Despite these challenges, the FWC feels that the potential social and economic benefits and regulatory flexibility of regional management outweigh the potential downfalls.

The Council can implement a regional management system under the current Magnuson-Stevens Act provisions, but there are likely some adjustments that could make the process easier. While the system of annual catch limits and fishing levels required by the Magnuson-Stevens Act work well for commercial fisheries, they can complicate management of recreational fisheries, because harvest estimates under the MRIP program are less precise and quota monitoring does not occur in real time.

Essential to improving management of red snapper in the Gulf is the recognition that commercial and recreational fisheries are fundamentally different activities, with dissimilar harvest data collection systems that require different management approaches.

Management of the commercial sector seems to be headed in the right direction, with a system that provides better accountability and allows for timely in-season quota monitoring. The recreational fishery, on the other hand, represents a prime example of where fisheries management has failed. Even though methodologies to estimate recreational harvests have improved since the last Magnuson-Stevens reauthorization, recreational anglers continue to be penalized as the red snapper stock biomass increases.

Needless to say, this failure is having a devastating and unnecessary impact on recreational anglers and coastal economies. It is time for State and Federal agencies, as well as the Gulf Council, to fully recognize the inherent differences between the fishery sectors, and start focusing on developing innovative data collection and management approaches for the red snapper recreational fishery.

In conclusion, the State of Florida looks forward to changes in the Magnuson-Stevens Act that recognize the difference between recreational and commercial fisheries and how they should be managed.

Chairman Hastings and members of the Committee on Natural Resources, this concludes my testimony. Thank you again for this opportunity to provide Florida's perspective. I will be happy to answer any questions.

[The prepared statement of Ms. McCawley follows:]

**Statement of Jessica McCawley, Director, Division of Marine Fisheries Management, Florida Fish and Wildlife Conservation Commission (FWC)**

Chairman Hastings, Ranking Member Markey, and members of the Committee on Natural Resources of the United States House of Representatives, my name is Jessica McCawley, and I am the Director of the Division of Marine Fisheries Management at the Florida Fish and Wildlife Conservation Commission. Thank you for the invitation to provide testimony at this important oversight hearing examining *"The Management of Red Snapper in the Gulf of Mexico under the Magnuson-Stevens Fishery Conservation and Management Act."* As a state that is rich in natural resources and is dedicated to balancing fish and wildlife conservation, recreational and commercial fulfillment, and economic growth, and understands the relationship of each, the State of Florida is pleased to have two members of its delegation—U.S. Representatives Steve Southerland and Joe Garcia—serving on this important committee.

The Florida Fish and Wildlife Conservation Commission (Commission) is responsible for managing fish and wildlife resources for the State of Florida. The Florida Constitution authorizes the Commission to enact regulations regarding the State's fish and wildlife resources. This is done by seven Commissioners who are appointed by the Governor and confirmed by the Florida Senate. The agency's mission is managing fish and wildlife resources for their long-term well-being and the benefit of people.

**Background**

Red snapper supports the most important recreational and commercial finfish fishery in the northern Gulf of Mexico. After a long history of overfishing, the most recent stock assessment indicates the fishery is rebuilding ahead of schedule within a rebuilding plan that was originally scheduled to end in 2032. Starting in the 1990s, fishing industries associated with the red snapper fishery experienced unstable conditions. Prior to 2006, the commercial fishery was restricted to week-long seasons occurring only a few months of the year. The Gulf of Mexico red snapper Individual Fishing Quota (IFQ) program was implemented to address this situation. Under this program commercial fishers have the flexibility to fish year-round for red snapper and are more accountable for their landings due to close monitoring of the fishery and its quota. Although there are still some management issues and controversy surrounding this type of management tool, it has helped establish a good measure of stability in the commercial red snapper fishery.

In contrast, the recreational fishery has faced increasing uncertainty in recent years. In 2007, the recreational harvest season was 194 days in the Gulf of Mexico. Since that time, the recreational quota has been raised by nearly 1 million pounds, yet the recreational season has diminished to just 28 days. As the fishery rebuilds, red snapper are getting larger, more abundant and easier to catch, causing the recreational quota to be caught faster, and the season to get shorter. As seasons get shorter and shorter, "derby" conditions have developed as anglers harvest red snapper over a shortened window of opportunity. At 28 days, the recreational season is now the shortest it has ever been, despite substantial improvements in the red snapper stock. These ever shortening seasons have created uncertain, challenging times for captains in the for-hire industry and for private recreational fishermen. These challenges are not felt by captains and fishermen alone. The coastal communities along the Gulf coast are also deeply affected by the short seasons. In Florida, communities like Destin and Panama City, which depend on charter trips and vacationing families staying in hotels and eating in local restaurants, have suffered. If lost, the fishing heritage of these types of coastal communities is not something that can be easily rebuilt.

**Change is on the Horizon**

During the past few years, one of the issues that has greatly contributed to the uncertainty and lack of public trust in the management system was the counterintuitive outcome of the 2009 red snapper stock assessment. Because that assessment was not a benchmark stock assessment and conducted with data only through 2008, it was perceived as outdated and not representative of the true stock condition fishers were seeing out on the water. Fishers were seeing more fish and bigger fish on the water, but without an updated benchmark stock assessment based on the most recent data, the management system could not adequately respond to these improvements in stock condition.

As a result, private anglers, for-hire captains, and fishery managers have struggled to find solutions that will provide longer and predictable fishing seasons for the recreational sector, while continuing to rebuild the fishery. At the Gulf of Mexico Fisheries Management Council (Gulf Council), red snapper reallocation from the commercial sector to the recreational sector has been proposed as a way to prevent further decreases in the recreational season length. Some suggest that inter-sector trading, in which recreational harvesters purchase or lease IFQ shares from the commercial fishery, is a way to increase opportunities for recreational harvesters without taking away from the commercial sector. Some for-hire captains have suggested sector separation, in which the recreational quota is divided among private recreational anglers and for-hire vessels, and "Days at Sea" pilot programs that would provide for-hire captains with a set number of fishing days or pounds of fish that could be harvested anytime during the fishing year. Meanwhile, some of the Gulf states have set recreational red snapper seasons in their state waters that are inconsistent with the 28-day federal season in an effort to provide more fishing opportunities for their anglers. The Commission set a 44-day season (just two days shorter than the 2012 federal season) in Florida state waters after learning that the 2013 federal stock assessment would likely show red snapper populations are doing better than previously thought and hearing reports from anglers that the fishery is improving. Some states also have sought to extend their geographical management authority further into federal waters. While many of these alternative management strategies and actions are controversial, they all have the same ultimate goal of increasing stability in an uncertain fishery. The Commission does not support all of these strategies, but does support helping fishermen find solutions.

Fortunately, the most recent stock assessment, completed in May 2013 through the Southeast Data, Assessment, and Review (SEDAR) process provided a better outlook for the future. Although the stock was still found to be below sustainable levels (i.e., overfished), it seems to be rebuilding at a surprisingly high rate. Thanks to a few strong year-classes, the fishery will be capable of supporting substantial increases in catch levels for the next few years. Accordingly, the Gulf Council is now in the process of adjusting catch level recommendations towards a more stable, constant catch management strategy for 2013 through 2015. This will certainly support larger quotas for the commercial sector as well as an expansion of the red snapper recreational fishing season. In addition to these positive stock assessment results, the State of Florida believes shifting to a constant catch approach will provide stability over the short term for both recreational and commercial fishermen, and bring much-needed reduction in management uncertainty over the next few years. Finally, another recent development that is a step in the right direction for decreasing uncertainty is regional management of the recreational red snapper fishery.

**Regional Management of Red Snapper**

*Gulf Council's Proposal—Reef Fish Amendment 39*

The Gulf Council is developing a regional management system for red snapper that would delegate some management authority over the recreational fishery to the Gulf states to better account for biological, social, and economic differences among the Gulf states' red snapper fisheries. Regional management would give states flexibility in setting management measures such as harvest seasons, bag limits, and size limits for red snapper landed in federal waters off of their state. Each state would consider stakeholder input and choose what is best for their anglers and for-hire fleet by selecting seasons that occur when fishermen want them. The Commission is willing to accept delegation of regional management and is eager to set the recreational harvest season for red snapper harvested off of and landed in Florida. Having the flexibility to set fishing seasons that account for the desires of the fishing community develops trust in the management process and shows fishermen that their voices are being heard.

The Commission recognizes that there are still significant unknowns and challenges involved in regional management. Many important details need to be developed including how the Gulf recreational red snapper quota will be apportioned among the states, timelines and procedures for states' regional management plan development and approval, accountability measures, and coordination of quota monitoring between the states and NOAA Fisheries Service.

If regional management is approved, each state would be responsible for tracking its quota to ensure that its allocation is not exceeded. One of the biggest challenges of regional management for Florida will be projecting the length of the recreational season and monitoring recreational harvest. Initially, Florida would calculate its season length using the existing Marine Recreational Information Program (MRIP) survey data and models, similar to models currently used by NOAA Fisheries Service to predict red snapper season lengths. Florida, however, would like to improve and enhance data collection and decrease uncertainty in recreational harvest estimates. One method that has been suggested to improve data collection in Florida is a permit system for anglers landing and possessing reef fish, similar to Louisiana's Recreational Offshore Landing Permit. Such a system could allow for more timely catch data that could be used to monitor the red snapper quota in Florida during the fishing season. The State's large coastline, number of fishing ports, and large number of recreational anglers, though, present unique challenges to collecting more accurate and timely recreational harvest data in a cost-effective manner. Another challenge is that any method used to track harvest would need to be compatible with MRIP to compare landings data across states and track the Gulf-wide annual catch limit.

The Commission is also concerned about how the Gulf-wide recreational quota will be apportioned among the states and how often these state quota allocations will be revisited. As the red snapper stock has improved, Florida anglers have caught a larger percentage of recreationally-caught red snapper in the Gulf. Between 2006 and 2012, Florida anglers harvested approximately 50% of the Gulf-wide recreational red snapper harvest. This is primarily due to two reasons: 1) the expansion and rapid growth of the red snapper stock off the West Florida shelf; and 2) the increasing number of anglers and recreational fishing days based in Florida.

In Florida, the red snapper fishery is concentrated in the Panhandle, but is expanding south along the west coast of Florida as the stock rebuilds. Red snapper are now commonly seen where they have not been seen in decades, in unprecedented numbers. For example, red snapper are now a common occurrence in federal waters off Tampa Bay and are becoming more common in federal waters off southwest Florida. Data indicate that the red snapper stock will continue to expand south along the West Florida shelf and become more plentiful off Florida's west coast. Red snapper is already the most commonly caught species on recreational trips in federal waters off Florida's Gulf coast, and will likely continue to be. Florida has more saltwater anglers than any other state and the number of saltwater anglers fishing in Florida increased by 20% between 2006 and 2011 (2011 U.S. Fish and Wildlife Survey, as compiled by Southwick). With more anglers and more available fish, Florida would expect to catch a larger portion of the recreational red snapper harvest in future years under status quo management.

Thus, the State of Florida is very concerned about the timeline and procedures for revisiting state recreational red snapper allocations, should regional management take effect. A method to determine how quota could be redistributed among the Gulf states still needs to be determined, since landings in each state should be consistent from year to year, and not reflect the changes in the fishery. The Com-

mission has noted that they would like this percentage revisited as frequently as possible, but at least every three years.

Despite these challenges, the Commission feels that the potential social and economic benefits of regional management outweigh the potential downfalls, and that regional management can provide needed regulatory flexibility.

*How Should the Magnuson-Stevens Act be Modified for Regional Management and to Better Manage the Gulf of Mexico Red Snapper Fishery?*

The Gulf Council can implement a regional management system under the current Magnuson-Stevens Act provisions, but there are likely some adjustments that could make the process easier. While the system of annual catch limits and fishing levels required by the Magnuson-Stevens Act work well for commercial fisheries in which harvests are closely monitored, they can complicate management of recreational fisheries, such as red snapper, because harvest estimates under the MRIP program are less precise and quota monitoring does not occur in real time. As a result, recreational management measures implemented pursuant to the Magnuson-Stevens Act often lack flexibility and can have devastating socioeconomic impacts. Because annual catch limits and fishing levels for the recreational red snapper fishery will continue to be set by the Gulf Council and monitored by NOAA Fisheries Service under regional management, these issues will continue to be a concern. The regional management approach that is being considered by the Gulf Council is unique. It is possible that issues with the Magnuson-Stevens Act will arise as the states and Gulf Council move forward with delegation; thus, additional adjustments may be needed in the future. Clarity as to how National Standards apply to the states may be needed, especially in setting management measures that will differ by state. For example, National Standard 4 states that management measures shall not discriminate between residents of different states.

One way the Magnuson-Stevens Act should be modified to create an improved system for the management of red snapper in the Gulf of Mexico is to delete 16 U.S.C. 1883 (MSA § 407—Gulf of Mexico Red Snapper Research). This section established an opportunity for peer review of the red snapper fishery, regulations for establishing a red snapper IFQ program, requirements for conducting and voting in fishery referendums, and catch limits. This language is outdated, as general regulations for establishing limited access privilege programs such as IFQs are outlined in 16 U.S.C. 1853a.

Essential to improving management of red snapper in the Gulf of Mexico is the recognition that commercial and recreational fisheries are fundamentally different activities, with dissimilar harvest data collection systems that require different management approaches. By all accounts, management of the commercial sector seems to be headed in the right direction with a system that provides better accountability and allows for timely in-season quota monitoring. The recreational fishery, on the other hand, seems to represent a prime example of where fisheries management has failed. Even though methodologies to estimate recreational harvest have improved since the last Magnuson-Stevens Act reauthorization, recreational anglers continue to be penalized as the red snapper stock biomass increases. Needless to say, this failure is having a devastating and unnecessary impact on recreational anglers and coastal economies. It is time for state and federal agencies, as well as the Gulf Council, to fully recognize the inherent differences between the fishery sectors and start focusing on developing innovative data collection and management approaches that will result in successful management of the red snapper recreational fishery.

**Discussions from June 2013 Gulf Council meeting**

Last week at the June Gulf Council meeting, the Gulf Council received a report on the latest red snapper stock assessment and discussed the possibility of raising the 2013 recreational and commercial quotas for red snapper. As previously mentioned, the assessment confirms what fishermen have been observing—the stock is rebuilding, and at a faster rate than anticipated in the previous assessment. The Gulf Council has planned a special meeting on July 17 in New Orleans to increase the 2013 quota and provide for a supplemental recreational season in late summer or fall, so that the recreational sector can take advantage of this quota increase. Many fishermen felt frustrated that this quota increase could not be applied immediately so that the current federal season, which ends this Friday, June 28, could be extended.

**In Conclusion**

The red snapper population Gulf-wide is improving. The rebuilding plan is ahead of schedule. With innovative data collection and regional management, including timely allocation reviews, accountability, and coordination with NOAA Fisheries

Service, the recreational management program for red snapper may be turning the corner toward a brighter future. However, as the Gulf Council works through regional management, we may find that the Magnuson-Stevens Act may need modifications. The State of Florida looks forward to changes in the Magnuson-Stevens Act that recognize the differences between recreational and commercial fisheries and how they should be managed.

Chairman Hastings, Ranking Member Markey, and members of the Committee on Natural Resources, this concludes my testimony. Thank you again for this opportunity to provide Florida's perspective. I would be happy to answer any questions.

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The CHAIRMAN. Thank you very much, Ms. McCawley, for your testimony.

Now I will recognize Mr. Randy Pausina, who is Assistant Secretary, Office of Fisheries of the Louisiana Department of Wildlife and Fisheries. And, Mr. Pausina, you are recognized for 5 minutes.

**STATEMENT OF RANDY PAUSINA, ASSISTANT SECRETARY, OFFICE OF FISHERIES, LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES**

Mr. PAUSINA. OK, thank you, Mr. Chairman, for the opportunity to speak on behalf of Louisiana's fishing community, to present our opinion on the management of red snapper in the Gulf of Mexico under the Magnuson-Stevens Fishery Conservation and Management Act.

As stated in your letter, red snapper management in the Gulf of Mexico has been a contentious issue for several years now, specifically targeting Louisiana's recreational angling community. Louisiana is well known as one of the Nation's premier fishing locations, and also depends on its abundant seafood resource year-round to maintain its economic viability of its coastal communities.

Red snapper is a highly prized and sought after by both resident and non-resident recreational anglers. Over the past 20 years, the recreational fishery has seen red snapper seasons go from 365 days per year per season to a mere 28 days in 2013.

We recognize the need and see it as our job to properly manage the red snapper resource and restore populations that are overfished. But in doing so, we must also minimize the impact on anglers and associated fishing industries. Based on sound science and input from the recreational fishing communities, dissatisfaction with Federal management, the Louisiana Department of Wildlife and Fisheries petitioned the Louisiana Legislature in 2012 to pass House Concurrent Resolution 10, encouraging the National Marine Fisheries Service and the Gulf Council to approve a weekend-only fisheries management season for Louisiana.

Realizing no action in this regard was being taken by the Gulf Council or the National Marine Fisheries Service, Louisiana Wildlife and Fisheries Commission passed a notice of intent in June of 2012 that established a weekend-only red snapper season in Louisiana territorial waters, beginning the Saturday before Palm Sunday through September 30th. The intent of this season was to provide anglers a wider timeframe to fish by extending the season and to restore economic viability to its coastal communities.

Pressure from the recreational fishing community and legislative intent prompted the Secretary of Louisiana Department of Wildlife and Fisheries to declare fisheries management authority out to 9

nautical miles. As you know, congressional actions transferring management authority over red snapper and providing States with management authority out to 200 miles are currently being considered.

In our opinion, the management of recreational fisheries, particularly red snapper, cannot continue to take a one-shoe-fits-all for the Gulf States. The reason the Gulf Council chooses consistent inflexible management measures is that it is simply easy to implement. It is time that the Gulf Council moves past the easy approach and starts to consider flexible management measures to continue to rebuild the red snapper stock, while considering the needs of individual coastal States and the economic viability of coastal communities.

With these considerations in mind, Louisiana went before the Gulf Council in April of 2012 to advocate a regional management system. We have referred to the approach as regional management, where management of the red snapper fishery would be delegated to each Gulf State or region.

Responsibility of the red snapper resource would remain the charge and authority of the National Marine Fisheries Service and the Gulf Council. Delegating authority to these States would provide flexibility to decide when, where, and how red snapper will be harvested. Each State's fisheries management agency is more receptive and responsive to the wants and needs of its own constituents than a Federal agency who has broader goals. This is very evident in the existing controversy over red snapper management, where the States of Louisiana, Texas, and Florida have taken immediate action to satisfy the will of their constituents.

One might raise a concern as to the capability of the States to take on responsibility of managing and controlling the recreational red snapper fishery. I can only speak for Louisiana by saying that we will and have already devoted substantial resources toward gathering the best, most relevant data to properly manage the red snapper resource. We have established a recreational quota monitoring survey designed to provide real-time, in-season red snapper landing estimates in Louisiana. The survey was put in place this year to provide accurate information on Louisiana red snapper landings. The new real-time monitoring conducted by the Department has already benefitted Louisiana fishermen by increasing Louisiana's 2013 Federal red snapper season from 9 to the current season of 28 days.

Without Louisiana's quota monitoring survey, we are dependent on the National Marine Fisheries Service's Marine Recreational Information Program, MRIP. MRIP was not designed to quota monitor, so it does not provide timely landings needed to avoid harvest overruns, as evidenced by the 19 to 89 percent recreational red snapper overruns in the Gulf of Mexico in the past 6 years.

In closing, I would like to reiterate that fisheries management must evolve and provide more flexibility in order to earn the confidence of the anglers and the industry. We believe the answer is regional management. Thank you.

[The prepared statement of Mr. Pausina follows:]

**Statement of Randy Pausina, Assistant Secretary, Office of Fisheries, Louisiana Department of Wildlife and Fisheries**

Thank you Mr. Chairman for the opportunity to speak on behalf of Louisiana's fishing community before the U.S. House of Representatives' Committee on Natural Resources to present our opinion on the management of red snapper in the Gulf of Mexico under the Magnuson-Stevens Fishery Conservation and Management Act. As stated in your letter, red snapper management in the Gulf of Mexico has been a contentious issue for several years now, specifically targeting Louisiana's recreational angling community. Louisiana is well known as one of the nation's premier fishing locations and also depends on its abundant seafood resource year-round to maintain the economic viability of coastal communities. Red snapper is highly prized and sought after by both resident and non-resident recreational anglers. Over the past 20 years, the recreational fishery has seen red snapper seasons go from 365 day per year season to a mere 28 days in 2013. We recognize the need and see it as our job to properly manage the red snapper resource and restore populations that are overfished, but in doing so we must also minimize the impact on anglers and associated fishing industries. Based on sound science and input from the recreational fishing community's dissatisfaction with federal management, the Louisiana Department of Wildlife and Fisheries (LDWF) petitioned the Louisiana Legislature in 2012 to pass House Concurrent Resolution 10, encouraging National Marine Fisheries Service and the Gulf of Mexico Fishery Management Council (Gulf Council) to approve a weekend-only fishery management season for Louisiana. Realizing no action in this regard was being taken by the Gulf Council or National Marine Fisheries Service, the Louisiana Wildlife and Fisheries Commission passed a notice of intent in June 2012 to establish a weekend-only red snapper season in Louisiana territorial waters beginning the Saturday before Palm Sunday through September 30. The intent of this season was to provide anglers a wider time frame to fish by extending the season and to restore economic viability to coastal communities. Pressure from the recreational fishing community and Legislative intent prompted the Secretary of LDWF to declare fishery management authority out to 9 nautical miles. As you all know, congressional actions transferring management authority over red snapper and providing states with management authority to 200 miles are being considered.

In our opinion, the management of recreational fisheries, particularly red snapper, cannot continue to take a one-shoe-fits-all for the Gulf States. The reason the Gulf Council chooses consistent, inflexible management measures is that it's simply easy to implement. It's time that the Gulf Council moves past the easy approach and starts to consider flexible management measures that continue to rebuild the red snapper stock, while considering the needs of individual coastal states and the economic viability of coastal communities. With these considerations in mind, Louisiana went before the Gulf Council in April of 2012 to advocate a regional management system. We refer to the approach as regional management where management of the red snapper fishery would be delegated to each Gulf state. Responsibility of the red snapper resource would remain the charge and authority of National Marine Fisheries Service and the Gulf Council. Delegating authority to the states would provide flexibility to decide when, where and how red snapper will be harvested. Each state's fishery management agency is more receptive and responsive to the wants and needs of its own constituents than a federal agency who has broader goals. That is very evident in the existing controversy over red snapper management where the states of Louisiana, Texas and Florida have taken immediate action to satisfy the will of their constituents.

One might raise a concern as to the capability of the states to take on the responsibility of managing and controlling the recreational red snapper fishery. I can only speak for Louisiana by saying that we will and have already devoted substantial resources towards gathering the best, most relevant data to properly manage the red snapper resource. We have established a recreational quota monitoring survey designed to provide real-time, in-season red snapper landings estimates in Louisiana. The survey was put in place this year to provide accurate information on Louisiana red snapper landings. The new, real-time monitoring conducted by the Department has already benefited Louisiana fishermen by increasing Louisiana's 2013 federal red snapper season from nine days, to the current season of 28 days.

Without Louisiana's quota monitoring survey we are dependent on the National Marine Fisheries Service's Marine Recreational Information Program (MRIP). The MRIP was not designed for quota monitoring so it doesn't provide timely landings needed to avoid harvest overruns, as evidenced by the 19 percent–89 percent recreational red snapper overruns in the Gulf of Mexico in the past six years. The only

year a measured harvest overrun didn't occur was 2010 when the fishery was closed for a substantial time period as a result of the BP oil spill.

In closing I'd like to reiterate that fishery management must evolve and provide more flexibility in order to earn the confidence of anglers and the industry. We believe the answer is "Regional Management".

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The CHAIRMAN. Thank you very much, Mr. Pausina, for your testimony.

Next I will recognize Mr. Dale Diaz, who is the Director, Office of Marine Fisheries, for the Mississippi Department of Marine Resources. Mr. Diaz, you are recognized.

**STATEMENT OF DALE DIAZ, DIRECTOR, OFFICE OF MARINE FISHERIES, MISSISSIPPI DEPARTMENT OF MARINE RESOURCES**

Mr. DIAZ. Good morning, Chairman Hastings, Mr. Sablan, and Committee members, and thank you for the opportunity to be here today to testify on the management of red snapper in the Gulf of Mexico. Again, my name is Dale Diaz, and I am director of the Office of Marine Fisheries for the Mississippi Department of Marine Resources.

I would like to start out by talking about artificial reefs just a little bit, because they are very important to expanding the capacity of the stock. Mississippi has had an artificial reef program since 1972, and we currently partner with the Mississippi Gulf Coast Fishing Banks, which is a nonprofit organization dedicated to expanding reefs off the coast of Mississippi.

We currently have 14 offshore reef sites, and the total acreage is about 16,000 acres, and they range in size from 8 to 10,000 acres. The material that we use on these sites is concrete culvert, steel-hull vessels, and materials of design. The water bottoms off the coast of Mississippi and adjacent Federal waters are basically a flat, featureless plain, so we need this habitat to attract structure-dependent reef fish, such as red snapper, to expand the capacity of the stock.

One of the problems we have had in Mississippi is Hurricane Katrina destroyed about 90 percent of our artificial reefs, and the reefs actually were buried by Hurricane Katrina and subsided down into the substrate, and did not function as artificial reefs. So, from 2005 through 2011, our landings were some of the lowest landing years on record. Because of the importance of artificial reefs, we decided to use a portion of the congressionally approved Hurricane Katrina disaster funds to rebuild our artificial reefs. And I am happy to tell you that we have rebuilt them back to pre-Katrina levels at this point. So I would like to thank Members of Congress for providing these hurricane disaster funds; it has been critical to our program.

Next I would like to talk about regional management a little bit. The Mississippi Department of Marine Resources is managed by a Commission, and the Commission has full authority over all aquatic life in the marine waters of the State of Mississippi. At its April 2013 meeting, the Commission passed a motion allowing the Department to enter into negotiations with other Gulf States, the National Marine Fisheries Service, and the Gulf Council to support regional management in the Gulf of Mexico.

The two main reasons they supported it was the reasons you have heard my counterparts mention here: flexibility for bag limit, size limit, seasons, and different other options that we could implement in our management plan. The second reason was that it solves the problems of States having non-compatible State water regulations that shorten the Federal season.

For example, in 2013, three Gulf States have longer recreational red snapper seasons in their State waters than in Federal waters, and this shortens the Federal season. Because the red snapper fishery in the Gulf of Mexico is considered to be one stock, and there is currently no mechanism to hold States accountable for additional fish caught in these longer, non-compatible State water seasons, the Federal season must be shortened to compensate. As a result, Mississippi recreational and charter for-hire fishermen have 6 fewer days to fish in Federal waters this season. We think regional management will help that.

Under regional management, red snapper will still be subject to current Federal conservation goals, and red snapper in the Gulf of Mexico will still be managed as a single stock with a Gulf-wide quota set annually. That stock will be divided along the commercial and recreational allocation, and the recreational portion of that quota will be divided amongst the regions. The regions can then tailor their management plans to meet the specific needs of those regions.

For example, several fishermen in Mississippi have told me that October is the very best time to catch red snapper off of our waters. With regional management, we could do something that would have an October season, if the majority of people would like that.

But I don't want to leave you with the impression that regional management is going to cure all the problems in the recreational red snapper section of the fishery. We will still have to deal with shortened seasons. The seasons are shorter because the stock is expanding, and you can catch snapper in different areas of the Gulf that they weren't in previous years. And also, as the stock is rebuilding, fish are getting bigger. And the quota is set up on pounds. And as they get bigger, the quota is caught quicker.

It is also very difficult to restrain a recreational catch. States are still going to have to work hard at these issues. Although I do believe States can do a better job, we are closer to the issue, we have some experience managing some State species, and we can apply some of that knowledge to managing the recreational red snapper section.

In conclusion, I do have a couple of suggestions for MSA reauthorization. At the June Gulf Council meeting a motion was approved unanimously to add to the list of MSA reauthorization priorities the need for a sustainable certification that would authorize the National Marine Fisheries Service to provide the U.S. industries with a sustainable certification program and a certification mark. This would provide the industry with the ability to promote and sell its seafood products.

And last, scientific data is imperative for good fisheries management. One thing that hampers management is inadequate funding for data acquisition.

Thanks again for the opportunity to be here before you today, and for your past help with our fisheries resources.

[The prepared statement of Mr. Diaz follows:]

**Statement of Dale Diaz, Director, Office of Marine Fisheries, Mississippi Department of Marine Resources**

**Introduction**

Mr. Chairman and Committee Members thank you for the opportunity to be here today to testify on this extremely important issue to our fisheries, our fishermen, and our agency. I am Dale Diaz, Director of the Office of Marine Fisheries for the Mississippi Department of Marine Resources (MDMR). The Mississippi Commission on Marine Resources (MCMR) has been granted full authority through Mississippi Statute to regulate all matters pertaining to all saltwater aquatic life and marine resources. The MCMR has granted authority to the Executive Director of MDMR to manage the recreational red snapper fishing seasons and implement a regional management program in the State of Mississippi.

At its April 2013 MCMR meeting the Commission unanimously approved a motion allowing the state marine fisheries director to proceed with negotiations with the appropriate Gulf States officials, National Marine Fisheries Service (NMFS) and the Gulf of Mexico Fishery Management Council (GMFMC) on issues relating to recreational red snapper regional management in the Gulf of Mexico.

This hearing and other upcoming meetings relative to the reauthorization of the Magnuson-Stevens Fisheries Conservation and Management Act (MSA) gives us the opportunity to reflect upon how we are doing and how we can improve upon our U.S. fisheries under MSA. The basis of the act "To provide for the conservation and management of fisheries" has been and is being accomplished, and with some adjustments, could provide more flexibility to the Councils for management. In its annual report to Congress NOAA reports on the status of our fisheries regarding the biological status of the stocks. Six stocks were declared rebuilt in 2012 bringing the total number of rebuilt stocks to 32 since 2000 (NOAA). The MSA has been working in that the number of overfished stocks has declined 20% since 2000 and the number of stocks subject to overfishing has declined by over 20%.

Red snapper are currently managed as a single stock in the Gulf with an overall gulf wide quota that is set annually. The annual quota is then split with the commercial sector getting 51% and the recreational sector getting 49%. The percentages are based on the historical catches by each sector. The commercial sector is kept within its quota with an Individual Fishing Quota (IFQ) program that has been in place since 2007. Unfortunately, the recreational sector has consistently gone over its quota and the GMFMC is looking at ways to address this issue, one way being regional management.

The red snapper stock in the Gulf of Mexico has been declared as overfished and has been in a rebuilding plan since 1977 based on the status of U.S. Fisheries Report to Congress. Overfishing was not officially declared to end in the status of U.S. Fisheries Report until 2012 after the new overfishing definition developed in the Generic Annual Catch Limits and Accountability Measures Amendment was implemented.

Currently, recreational red snapper in the Gulf of Mexico exclusive economic zone (EEZ) are managed with a bag limit (2 fish/person/day), size limit (16 inches minimum), and season (generally opens June 1 and closes when the quota is projected to be caught). Unfortunately, even with these measures in place, the season has continued to get shorter (Figure 1).

Regional management would subdivide the Gulf into separate areas with each area having its own allocation (Figure 2), within the total recreational sector's allocation. Currently recreational fishing for red snapper is managed for the entire U.S. Gulf of Mexico as a single stock. Regional management would enable states to enact management regulations such as season opening dates, size limits, bag limits, and weekend only seasons, as well as other regulatory issues most suitable to their unique circumstances. Red snapper would remain a federally managed species subject to current federal conservation goals. The major benefit to regional management is that the states would be given the flexibility to implement management measures which would provide for optimum socio-economics by region. The geography of the Gulf is large and the recreational fishery for red snapper is different in different areas of the Gulf. Providing the states with this option would help to ensure optimum benefits for each region's fishermen. The additional flexibility provided by this type of management would allow Mississippi and other Gulf states to develop red snapper regulations tailored to meet the needs of the users in their region. Not only

would regional management provide the states flexibility mentioned above to meet the needs of that region, it would solve the problem of states setting non-compatible state water regulations which have negatively impacted Mississippi this year. For 2013 three Gulf States have longer non-compatible state water recreational red snapper seasons than the federal season. Because there is currently no mechanism to account for the additional fish caught in these longer state water seasons, Mississippi fishermen will have six fewer days to fish in federal waters.

A major road block to regional management is the lack of adequate funding that would allow for implementation of the program by the states.

**Impacts of Non-Compliance with Federal Red Snapper Regulations**

Currently, red snapper within the Gulf of Mexico are not considered to be undergoing overfishing by NMFS; however, the stock is considered to be overfished and various management measures that have been mentioned earlier (e.g. quotas for each segment of the fishery, size limits, bag limits, defined fishing seasons, etc.) are being used by the Council to rebuild the stock and maintain the trajectory to fully rebuilt status. As the U.S. Gulf of Mexico red snapper stock is considered to be one stock, the NMFS quantifies all sources of harvest regardless of where fish are caught within the stock's range and uses this information in the development of stock assessments. In order to meet the timeline for rebuilding the stock, management of red snapper NMFS has relied upon cooperation from the Gulf States to create compatible fishing seasons, size limits and bag limits to those used by NMFS in federal waters; compliance has not always been enacted by some States. In some areas of the Gulf (Texas and Florida since they have a nine mile territorial boundary) fishermen are able to harvest red snapper in state waters when the state season was open; however, most of the historical Gulf red snapper harvest (since 1986) has occurred in federal waters.[1] From 2006–2011, excluding landings from the 2010 oil spill year, the amount of harvest which came from state waters Gulf-wide was 23.2%. Increasing the amount of time fishermen can fish in state waters of non-compliant states will shift the dynamics in the red snapper fishery and significantly alter the areas where red snapper are harvested. From 2006–2011 (excluding 2010), harvest of red snapper from state waters in Alabama and Mississippi accounted for only 5.9% (Table 1) of the total pounds of fish landed in the two states. This figure indicates how significant the adjacent federal waters are to fishermen within Alabama and Mississippi and reductions in the number of days to fish in federal waters caused by another state(s) being non-compliant would have an inequitable and unfair impact on those fishermen, a violation of National Standard 4, which states Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges. Fishermen in Alabama and Mississippi would be unfairly treated because they rely upon access to the resource in federal waters at rates higher than fishermen in other state(s). Although, the combined Gulf coastline of Alabama and Mississippi accounts for 7.4% of the U.S. Gulf coast, fishermen within these two states account for 41.2% of total landings (2006–2011, except 2010).

**Artificial Reef Habitat**

The success of developing artificial reefs to attract reef fish such as red snapper and enhance harvest capability of these fish has been widely acknowledged. This has resulted in major government programs designed to assist in the efforts to improve the technology and application of artificial reefs. The State of Mississippi through the MDMR has developed an extensive offshore artificial reef program in recent years; there are also similar artificial reef programs in other Gulf States. The offshore reefs that have been created are vital to our recreational fishermen seeking red snapper in the adjacent offshore waters of Mississippi, as well as the other Gulf States. These artificial reefs give our fishermen areas much closer to shore to harvest reef species such as red snapper; however, these reefs are expensive to develop and maintain. Hurricane Katrina destroyed approximately 90% of Mississippi's offshore reefs. Due to the tremendous importance of these habitats to our fisheries resources and our fishermen the decision was made to utilize a portion of the Congressionally approved Katrina disaster funds to not only rebuild those reefs, but to re-

[1] Scoping Document for Amendment 39 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico. Gulf of Mexico Fishery Management Council Special Reef Fish Committee meeting, June 2013, Tab SP, No. 6(a).

build them in a fashion that would less prone to damage from future storms. Again we would like to thank the Members for this Congressional assistance. We have recently completed rebuilding our offshore reefs back to pre-Karina levels. Regional management would allow mangers in Mississippi the flexibility to manage these reefs in a manner which is most beneficial for our fishermen and the resource.

**Suggestions for MSA Reauthorization and Other Matters**

1. The regional fishery management councils need more flexibility to apply the appropriate tools to prevent overfishing than we currently have. Basically, one tool or management procedure cannot be effectively applied in all fisheries. The MSA requirement to implement Acceptable Catch Limits (ACL) for all species has resulted in confusion and unnecessary restrictions on many species. ACL's are appropriate in some circumstances, but not all, especially not for data poor and/or multispecies fisheries. ACL's are appropriate for those stocks which have acceptable stock assessments.
2. Sustainability: at the June Gulf Council meeting a motion was approved unanimously to add to the list of MSA reauthorization priorities the need for a sustainable certification that would authorize NMFS to provide the U.S. industry with a sustainable certification program and certification mark. This would provide the industry with the ability to promote and sell its seafood products, in both domestic and foreign markets, as sustainable based upon the requirements of the Act. It is our understanding that similar motions were unanimously approved by other Councils.
3. Funding for data: scientific data is imperative for good fisheries management. One thing that has hampers management is inadequate funding for data acquisition. Funding for fisheries stock assessments and for recreational harvest data collection, to name a few.
4. As mentioned earlier, Texas and Florida's west coast have a nine mile territorial sea; extending the territorial seas for Alabama, Louisiana and Mississippi would provide consistency to the States for fishery management.

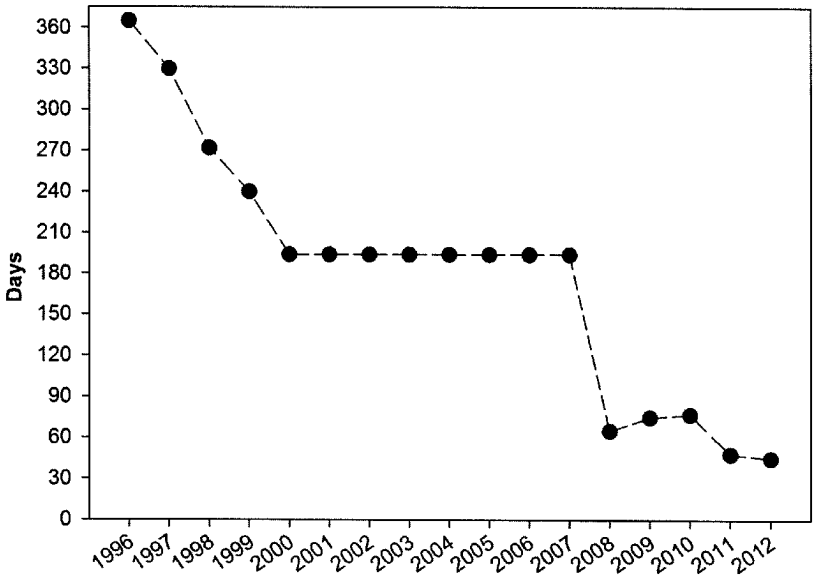


**Figure 1** Season length (days) that the recreational red snapper season was open from 1996 through 2012 in the Gulf of Mexico.

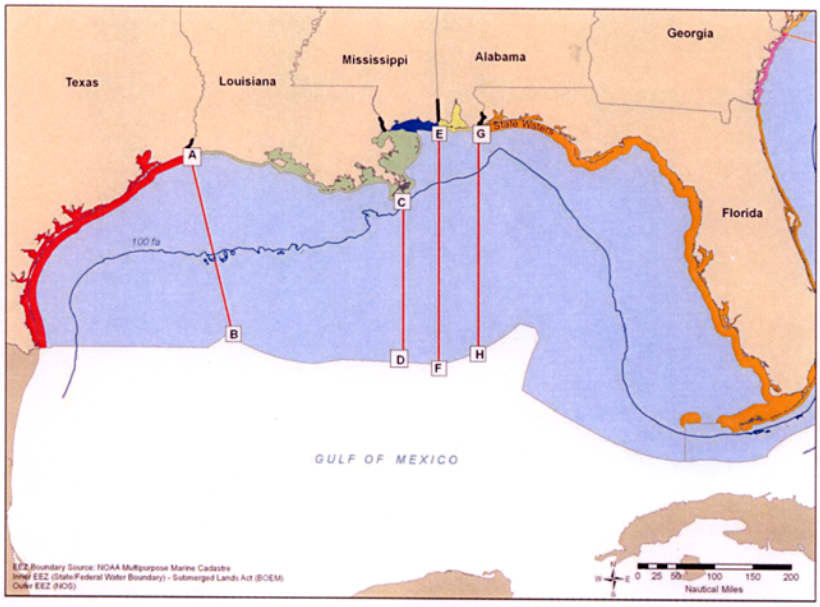


**Figure 2** Map of state waters and the EEZ with established and proposed boundaries between states. These boundaries were agreed upon at the February 2013 Council meeting.

| Year | FLW | AL | MS | LA | TX | Grand Total |
|---|---|---|---|---|---|---|
| 1986 | 1,555,718 | 323,492 | 2,869 | 496,698 | 180,456 | 2,359,672 |
| 1987 | 739,879 | 313,934 | 44,526 | 217,536 | 85,627 | 1,403,635 |
| 1988 | 766,239 | 418,095 | 17,900 | 817,302 | 87,243 | 1,954,014 |
| 1989 | 385,102 | 442,123 | 284,300 | 565,967 | 38,807 | 1,669,999 |
| 1990 | 304,878 | 640,040 | 45,609 | 204,779 | 42,996 | 1,235,499 |
| 1991 | 366,052 | 717,328 | 147,953 | 735,605 | 73,611 | 1,874,693 |
| 1992 | 254,644 | 1,230,089 | 630,219 | 832,667 | 83,061 | 2,949,417 |
| 1993 | 982,247 | 1,709,889 | 747,229 | 1,218,906 | 124,665 | 4,302,357 |
| 1994 | 660,165 | 1,589,950 | 404,108 | 902,369 | 247,943 | 3,773,660 |
| 1995 | 413,314 | 1,420,053 | 128,605 | 1,149,159 | 318,581 | 3,456,613 |
| 1996 | 761,998 | 1,425,104 | 175,169 | 606,260 | 313,608 | 2,937,456 |
| 1997 | 744,743 | 2,166,321 | 547,479 | 820,095 | 290,105 | 4,703,980 |
| 1998 | 1,017,297 | 1,158,650 | 155,699 | 508,992 | 267,721 | 3,132,917 |
| 1999 | 1,035,116 | 1,596,031 | 166,199 | 557,040 | 192,878 | 3,300,098 |
| 2000 | 1,277,528 | 1,127,486 | 44,043 | 682,411 | 174,773 | 3,168,753 |
| 2001 | 1,609,792 | 1,800,055 | 89,262 | 216,961 | 157,517 | 3,894,781 |
| 2002 | 1,935,554 | 2,120,348 | 195,786 | 289,497 | 187,823 | 4,558,357 |
| 2003 | 1,671,712 | 1,866,275 | 301,260 | 416,750 | 133,651 | 4,055,065 |
| 2004 | 2,958,299 | 1,393,899 | 44,168 | 316,965 | 133,493 | 4,303,060 |
| 2005 | 1,746,934 | 1,002,921 | 3,421 | 471,898 | 202,327 | 3,557,430 |
| 2006 | 1,917,985 | 700,185 | 22,656 | 598,502 | 209,284 | 3,445,055 |
| 2007 | 2,661,087 | 857,531 | 5,865 | 587,047 | 169,573 | 3,953,011 |
| 2008 | 2,011,152 | 480,710 | 37,279 | 516,408 | 174,935 | 3,303,706 |
| 2009 | 2,266,620 | 799,753 | 65,869 | 639,081 | 197,680 | 3,818,684 |
| 2010 | 1,345,371 | 263,625 | 5,971 | 55,687 | 177,228 | 1,809,382 |
| 2011 | 1,450,028 | 1,686,890 | 39,574 | 303,813 | 195,121 | 3,971,991 |
| 2012 | 1,930,690 | 1,372,930 | 183,764 | 738,006 | 196,854 | 4,422,244 |

**Table 1.** Gulf of Mexico MRIP and TPWD red snapper charter and private landings by year (1986-2012) and state (WFL-TX).

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The CHAIRMAN. Thank you very much, Mr. Diaz. Both you and Mr. Pausina used a little bit of Mr. Anson's time, and that is why I was giving you the flexibility there.

Mr. DIAZ. Thank you, Mr. Chairman.

The CHAIRMAN. Last I would like to recognize Mr. Robin Riechers, who is the Director of the Coastal Fisheries Division of the Texas Park and Wildlife Department. Mr. Riechers, you are recognized for five minutes.

## STATEMENT OF ROBIN RIECHERS, DIRECTOR, COASTAL FISHERIES DIVISION, TEXAS PARKS AND WILDLIFE DEPARTMENT

Mr. RIECHERS. Thank you, Chairman Hastings and members of the Committee. As indicated, my name is Robin Riechers, and I am the Director of the Coastal Fisheries Division of the Texas Parks and Wildlife Department.

Since the late 1990s, red snapper recreational regulations in Texas State waters have been different than Federal regulations, and are set at a 4-fish daily bag limit and a 15-inch minimum size limit, and the fishery is open year-round. In contrast, regulations in the Federally managed waters of the EEZ restrict recreational

harvest to 2 fish per day in a season that has varied in duration over the last 10 years from 194 days to the fewest amount of days for this season set at 28.

The Texas Parks and Wildlife Department strongly believes Texas regulations for State waters are appropriate, based on our routine stock monitoring program, the most current stock assessments, and the fact that the authority to manage those waters falls within the jurisdiction of the Texas Parks and Wildlife Commission.

As part of Texas' routine stock monitoring program, coast-wide catch-per-unit effort from routine monitoring reflects the relative abundance of young-of-the-year fish, or our early recruits, has increased five-fold since 1986. And the 4 highest years on record have occurred within the past 10 years.

A second part of the routine monitoring program is the analysis of recreational landings. For all trips landing red snapper from the Texas territorial sea, more than one-third of anglers are landing their bag limit of four fish. When you look at the EEZ, more than one-half of the anglers off Texas are landing their bag limits. Landings by weight have remained relatively steady in both the EEZ and the Texas territorial sea since 2005. More importantly, the average size of red snapper landed has doubled in the past 30 years. This is all indicative of a stock becoming healthier.

As red snapper typically do not travel long distances, fishing in a State such as Texas, that has more than 360 miles of shoreline, is unlikely to impact the red snapper populations of another State. As shown in a recent stock assessment, the Western Gulf has a much greater biomass of spawners and recruits than the Eastern Gulf. Even with greater and increasing biomass, the percent of Gulf recreational landings from the Western Gulf has decreased since the early 1990s from around 44 percent to 17 percent.

Texas specifically has seen our percent decrease from just under 25 percent to around 10 percent. This drop in Texas landings is due in no small part to the season set to begin in June, a time of year in Texas when weather patterns and conditions make it difficult for small vessels to operate offshore. This change in pressure places a disproportionate burden of stock recovery on the Western Gulf. The continued shift of landings from the Western Gulf to the Eastern Gulf, and the continued approach of one season fits the entire Gulf is a key element to why there is support for the regional management concept.

Regrettably, this issue came to a head this spring when our partners in the National Marine Fisheries Service requested emergency authority to further restrict recreational harvest of snapper in Federal waters off of States whose regulations were not consistent with those in Federal waters. Following a district court ruling that overturned the emergency rule, the National Marine Fisheries Service set the 28-day recreational red snapper season in the Gulf of Mexico starting June 1. Previous to this, the recreational season was announced by the National Marine Fisheries Service to be 12 days in the EEZ off of Texas.

However, in contrast to that, most recently, a completed stock assessment was presented last week to the Gulf of Mexico Fishery Management Council that suggests additional pounds of red snap-

per are available to harvest. And, of course, the Council is now deliberating that.

Reef Fish Management Plan Amendment 39, which is currently under development by the Gulf of Mexico Fishery Management Council would allow regional management of the recreational red snapper fishery, and could provide greater flexibility to each State in setting recreational regulations to optimize the economic and social benefits to the citizens of each State. While Texas supports the concept of regional management, and while we are optimistic that the Council is on a path to regional management, the possibility exists that Amendment 39 will not be adopted. Or, if adopted, it could contain undesirable conditions set by the Council or National Marine Fisheries that would not be suitable for implementing effective regional fishery management plans.

Modifications to the Magnuson-Stevens Act or other acts that specifically address the intent to move toward regional management by the Gulf States in a manner that allows maximum flexibility for management would be beneficial. The Act also could be modified to improve monitoring and data collection of both biological and economic data, so that we may assure that we gain the full benefits of these fisheries.

Last, greater flexibility in achieving rebuilding of fish stocks, while understanding and preserving the actual fishery that depends on those stocks, is paramount, moving forward.

Thank you for the opportunity to be with you today and present my testimony.

[The prepared statement of Mr. Riechers follows:]

**Statement of Robin Riechers, Director, Coastal Fisheries Division, Texas Parks and Wildlife Department**

Thank you Chairman Hastings and Members of the Committee. My name is Robin Riechers. I am the Director of the Coastal Fisheries Division of the Texas Parks and Wildlife Department (TPWD). TPWD through oversight by the Texas Parks and Wildlife Commission, is the state agency responsible for protecting and managing the fish and wildlife resources of Texas. This includes red snapper occurring in the Texas Territorial Sea (TTS) that extends 3 marine leagues (9 nautical miles) from the shoreline.

Since the late 1990's, red snapper recreational regulations in Texas state waters (set by the Texas Parks and Wildlife Commission) have been different than federal regulations in the Exclusive Economic Zone (EEZ). Currently, regulations in Texas state waters are a 4-fish daily bag limit and a 15-inch minimum size limit, and the fishery is open year-round. In contrast, regulations in the federally managed waters of the EEZ restrict recreational harvest to 2 fish per day and a season that has varied in duration over the last ten years from 194 days to the fewest amount of days for this season at 28 days.

TPWD staff strongly believe Texas regulations for state waters are appropriate based on our routine stock monitoring program, the most current stock assessment, and the fact that the authority to manage Texas state waters falls within the jurisdiction of the Texas Parks and Wildlife Commission.

As part of Texas' routine stock monitoring program, scientific data are collected on the relative abundance of species found in state waters and used to monitor changes in trends over time. Coastwide catch-per-unit-effort from TPWD Gulf trawl data reflects the relative abundance of young-of-the-year fish. These are early recruits into the fishery, mostly aged 0–1, and represent what will be available for future years. Since 1986, catch-per-unit-effort has increased 5-fold from approximately 0.3 fish caught per hour in 1986 to just over 5 per hour in 2012. The four highest years on record have occurred in the past ten years.

A second part of the routine monitoring program is the analysis of recreational landings, specifically how many anglers achieve their bag limits. For all trips landing red snapper from the Texas Territorial Seas (TTS), more than one-third of an-

glers are landing their bag limit of four fish. More than half of anglers landing fish from the Exclusive Economic Zone (EEZ) reach their bag limit. Total red snapper landings (numbers) by private and charter boat anglers off Texas have declined in the EEZ since 2005 but have remained steady in Texas waters. Landings by weight have remained relatively steady in both the EEZ and TTS over the same timeframe. More importantly than the percent of anglers achieving their bag limit is the fact that the average size of red snapper landed has doubled in the past 30 years. In 2012, an average red snapper landed from the TTS measures approximately 20 inches while a red snapper landed from the EEZ measured just under 23 inches. This is all indicative of a stock becoming healthier.

As red snapper exhibit a high degree of site fidelity, they typically do not travel long distances. In one study, the average distance moved was approximately 6.25 miles (Diamond et al. 2007). Fishing in a state such as Texas, that has more than 360 miles of shoreline, is unlikely to impact the red snapper population of another state. As shown in the 2009 Gulf of Mexico Red Snapper Update Assessment (2013) the western Gulf red snapper sub-unit (waters off Texas and Louisiana) has a much greater biomass of spawners and recruits than the eastern Gulf sub-unit (waters off Mississippi, Alabama and Florida).

Even with the greater and increasing biomass, the percent of Gulf recreational landings for the western sub-unit has decreased since the early 1990's from 44% to 17%. Texas specifically has seen our percent decrease from just under 25% to around 10%. Additionally, the drop in Texas landings is due, in no small part, to the season being set to begin in June, a time of year in Texas when weather patterns and conditions make it difficult for small vessels to operate offshore. This change in pressure from the west to the east will only slow the overall recovery in the Gulf and places a disproportionate burden of stock recovery on the western Gulf sub-unit. The continued shift of landings from the western gulf to the eastern gulf, additional restrictions placed on recreational anglers in federal waters in spite of healthy snapper populations, and the continued approach of one season fits the entire gulf is a key element to why there is support for a regional management concept.

Regrettably, this issue came to a head last spring when our partners at National Marine Fisheries Service (NMFS) requested and received emergency authority to further restrict recreational harvest of snapper in the federal waters off of states like Texas, whose regulations were not consistent with those in federal waters. On May 31st, a U.S. District Court Judge in Brownsville, Texas overturned the emergency order issued by NMFS.

Following that ruling, NMFS set the 28-day 2013 recreational red snapper season in the Gulf of Mexico EEZ for June 1 through June 29 at 12:01 am. Previous to this, the recreational season was announced by NMFS to be 12-days in the EEZ off Texas. However, a recently completed stock assessment increased the 2013 Allowable Biological Catch for 2013, 2014, and 2015 to 13.5 million pounds, 11.9 million pounds, and 10.6 million pounds, respectively. The Gulf of Mexico Fishery Management Council (GMFMC) is currently deliberating on the amount of additional pounds of red snapper to harvest and determining dates to extend the recreational season this year. A special meeting of the GMFMC is planned in July to release additional quota for this year and to set the recreational landings targets for the next two years.

Reef Fish Management Plan Amendment 39, which is currently under development by the GMFMC, would allow regional management of the recreational red snapper fishery if approved by the Secretary of Commerce. In its current draft form, Amendment 39 could provide greater flexibility to each state in setting recreational regulations for the red snapper fishery to optimize the economic and social benefits to the citizens within each region (state). The State of Texas and the TPWD are supportive of the concept of delegation of management for certain elements of the recreational red snapper fishery to Gulf states and will continue to work with the Gulf of Mexico Fishery Management Council and the National Marine Fisheries Service in developing a regional management plan.

While Texas supports the concept of regional management, our complete endorsement and acceptance will depend on the stipulations set forth by the Gulf of Mexico Fishery Management Council and National Marine Fisheries Service. In addition to awaiting final approval and implementation from GMFMC and NMFS, it must be noted that as a condition to receiving the delegation of authority we would expect not to be held to any higher standard and quota (landings) adjustment procedure than the one currently being used by the GMFMC and NMFS.

We are optimistic the GMFMC is on a path to implement regional management of the recreational red snapper fishery in the near future. Nonetheless, the possibility exists that Amendment 39 will not be adopted, or if adopted, contain undesir-

able conditions not suitable for implementing effective regional fishery management plans. Modifications to the Magnuson-Stevens Act that specifically address the intent to move towards regional management by the Gulf states in a manner to maximize flexibility for managing the harvest in the recreational red snapper fishery would be beneficial. Also, greater flexibility in achieving rebuilding of fish stocks while understanding and preserving the actual fishery that depends on those stocks is paramount moving forward. The Act might also be modified to require improved monitoring and data collection of biologic and economic data for the red snapper fishery so the benefits of regional management can be fully achieved by reducing scientific uncertainty and refining management strategies.

Thank you for the opportunity to be with you today and to present my testimony. I am happy to answer any questions any of the Committee Members may have.

**Literature Cited:**

Diamond, S. et al. 2007., Movers and stayers: individual variability in site fidelity and movements of *Red Snapper off Texas* in American Fisheries Society, Symposium 60: Red Snapper ecology and fisheries in the U.S. Gulf of Mexico 163–187 (2007).

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The CHAIRMAN. Thank you very much, Mr. Riechers, and I want to thank all the panelists for their testimony. I will recognize myself now for 5 minutes for questioning.

As you know, our responsibility with Magnuson-Stevens is to reauthorize that. So I want to ask a series of questions. And this is for all of the witnesses, so be prepared. And I would like you just to answer yes or no.

First of all—and we will start with you, Mr. Schwaab—do you support a change in the Magnuson-Stevens Act to allow councils more flexibility in rebuilding over-fished fisheries? Yes or no, if you could.

Mr. SCHWAAB. As I have said here before, the councils already have significant flexibility, as evidenced by some of what has transpired to date. Under certain circumstances——

The CHAIRMAN. So——

Mr. SCHWAAB. Would we potentially support more flexibility? I think the answer would be yes.

The CHAIRMAN. All right. Thank you very much. Mr. Anson?

Mr. ANSON. I think, with some caveats, I think the Council would be very much in favor of supporting that, yes.

The CHAIRMAN. Mr. Blankenship?

Mr. BLANKENSHIP. Yes.

The CHAIRMAN. Ms. McCawley?

Ms. MCCAWLEY. Yes, we would support more flexibility.

The CHAIRMAN. Mr. Pausina?

Mr. PAUSINA. Yes.

The CHAIRMAN. Mr. Diaz?

Mr. DIAZ. Yes.

The CHAIRMAN. Mr. Riechers?

Mr. RIECHERS. Yes, we would support more flexibility.

The CHAIRMAN. OK. You all alluded to that, but I wanted to make sure we got it on record here.

This is another yes or no. And we will start this time with Mr. Riechers. Would you support changes to the Magnuson-Stevens Act that would provide the councils with more discretion in implementing the recommendations of the Scientific and Statistical Committees?

Mr. RIECHERS. In your question I assume that basically leads down that same road of flexibility. So the answer is yes.

The CHAIRMAN. Yes, That is part of the process, and I want to be now specific on the process where the flexibility comes in.

Mr. Diaz?

Mr. DIAZ. Yes.

The CHAIRMAN. Mr. Pausina?

Mr. PAUSINA. Yes.

The CHAIRMAN. Ms. McCawley?

Ms. MCCAWLEY. Yes.

The CHAIRMAN. Mr. Blankenship?

Mr. BLANKENSHIP. Yes.

The CHAIRMAN. Yes? Mr. Anson?

Mr. ANSON. Yes.

The CHAIRMAN. Mr. Schwaab?

[Laughter.]

Mr. SCHWAAB. With some caveats. I would probably lean toward the other end of that spectrum, but certainly not to preclude all potential increased flexibility.

The CHAIRMAN. OK, thank you. And this is a last one I have. And now we will reverse again. Mr. Schwaab, you get to go first on this one. And this again, a yes-or-no question.

Do you believe that the Magnuson-Stevens Act should be modified to allow the councils to have more flexibility in setting the annual catch limits, and which species should be subject to an ACL?

Mr. SCHWAAB. I am not sure I understand the first part of that question, sir.

The CHAIRMAN. Well, you have catch limits. OK? Should the regional councils have the flexibility to, I guess, better explore that or decide which species should be subject to ACLs, is my question. Should they have the flexibility?

Mr. SCHWAAB. Yes, sir. They already do in the treatment of some ecosystem component stocks and the way they set catch limits on assessed stocks. So certainly the continuation of that is appropriate.

The CHAIRMAN. OK. Mr. Anson?

Mr. ANSON. Yes.

The CHAIRMAN. OK. Mr. Blankenship?

Mr. BLANKENSHIP. Yes, sir.

The CHAIRMAN. Ms. McCawley?

Ms. MCCAWLEY. Yes.

The CHAIRMAN. Mr. Pausina?

Mr. PAUSINA. Yes.

The CHAIRMAN. Mr. Diaz?

Mr. DIAZ. Yes.

The CHAIRMAN. Mr. Riechers?

Mr. RIECHERS. Yes.

The CHAIRMAN. The reason I wanted to ask that—and part of the response, at least that I am getting, from here, and the frustration that we have with the regional councils, is in the process—and I know this is complicated; I am trying to simplify it—when you have as much flexibility on a local level, I sense that you feel you can resolve the problems. The problem is the way the law is writ-

ten, and when it goes up to where NOAA or—NMFS or NOAA get involved, then that complicates the problem.

Now, Mr. Schwaab, I am not picking on you. But the mere fact that asking these questions on flexibility, everybody on the ground said immediately, "Yes." But from your standpoint, you said, "No." And I am not criticizing you, but I am just saying this may be the structural problem. And it is to the extent that when we look at the Magnuson-Stevens reauthorization, that is the area that I think that we should focus on.

In testimony previously on Magnuson-Stevens, one witness said that the magic—I won't say the "magic," but the good part of Magnuson-Stevens is that it provided for regional councils to deal with their specific areas. This is simply—my line of questioning was simply an extension of that fact.

Thank you all for your answers. I will now recognize Mr. Sablan for 5 minutes.

Mr. SABLAN. Thank you very much, Mr. Chairman. I was just also listening to the conversation earlier, and I am going to say that Mr. Blankenship [sic] to my right, all of you are in the Gulf of Mexico Council. Am I correct in this? All of you have membership in some of the things we brought up here actually could be resolved within that Council. Am I correct in assuming that, whether it is fishing in June or—so I am not sure why we are here this morning.

But let me go to my questions. Mr. Schwaab, thank you very much, sir, for your service. We appreciate that. And I still feel bad that I met you at the elevator on the New Jersey side one morning and I didn't recognize your name. I apologize for that; I still feel bad about that, particularly because the day before you gave a grant to the Northern Mariana Islands. That made me feel real bad.

[Laughter.]

Mr. SABLAN. But thank you. But, Mr. Schwaab, you stated that recreational anglers last year landed three times as many red snapper as they did in 2006, and that those fish weighed twice as much. So, as a result, the recreational sector has consistently exceeded its quota, even as seasons have become shorter. Given this trend, how could simply moving to regional management result in a longer season without exceeding the ACLs, the annual catch limits?

Mr. SCHWAAB. Thank you, Mr. Sablan. I think just simply moving would not. Moving with some additional requirements and performances on the part of the States to do a better job of managing in a more precise way and in perhaps a more timely way the collection of recreational catch data would allow that to happen.

We heard Mr. Pausina talk about some of the steps that Louisiana had taken to expend funds to enhance surveys. I think inherent in any kind of a regional management plan would be a requirement, an imposition on the part of the States, that they step up and do that for themselves to ensure performance within the context of the plan and, frankly, fairness to each other.

Mr. SABLAN. All right. And so, the lack of quality recreational landings data and the lag time for utilizing what data there is has contributed to the recreational sector's inability to stay within the

ACL. So how is NOAA working with the States to improve the recreational data collection, and expedite the inclusion of that data into management decisions like season closures and what assistance could the States and recreational fishermen provide you?

Mr. SCHWAAB. Yes, thank you. So I guess I would stop a little short of saying lack of quality, generally. What I would say is that the coarseness of the data on a Gulf-wide basis, and the challenges associated with timeliness of the current survey are, in fact, what have created some of the challenges.

If you were to go to a State-by-State allocation, and a State-by-State management system, that challenge would be magnified. And the only way to satisfy that would be to increase the number of intercepts substantially to give you the kind of precision that you would require at a State-by-State level. And you would potentially have to put in place additional survey methodologies to increase the timeliness of that data, so that in-season adjustments or corrections could be made.

Mr. SABLAN. Right.

Mr. SCHWAAB. Which, of course, is a challenge that we have had in recent years.

Mr. SABLAN. Right. And I am just happy to—I mean I am assuming red snapper are more well-behaved fish. Because where I come from, we have other kinds of fish that go into the international area, or other jurisdictions.

But one more question, Mr. Schwaab, what challenges would NOAA, the Coast Guard, and the States face in enforcing five different sets of fishing regulations under a regional management scheme? And how would the sequester and other budgetary pressures limit compliance and enforcement?

Mr. SCHWAAB. Thank you. Assuming that each of the States participated, I think that you would see compliance efforts focused at the dock. It would be challenging to manage different seasons, bag limits, potentially size limits, out in the EEZ amongst fishermen who originated from different States.

We have to remember that, in the end, different from many other stocks that we have talked about already, red snapper are caught primarily in Federal waters—not solely in Federal waters, but primarily in Federal waters. So, obviously, to make that work, all States would have to participate, and most of the compliance would then occur at the dockside.

The CHAIRMAN. The time of the gentleman has expired. I will recognize the gentleman from Virginia, Mr. Wittman.

Dr. WITTMAN. Thank you, Mr. Chairman. Panelists, thank you so much for joining us today. Very insightful. I want to ask a question of each of you along the lines of what the Chairman has asked, and that is, looking at the concept that you have right now with the Council, and how the Council manages the red snapper resource there, and looking at where we were on the East Coast with striped bass a number of years ago, same position, stocks rebuilding, controversy about how do you manage them, how do you make sure all the different elements, sport fishing, commercial fishermen alike are kept in mind, as far as that regional management approach, let me ask this.

Should the total management regime for red snapper be shifted to the States, and should it happen under a regional management commission approach, much like on the East Coast, with the Atlantic States Marines Fisheries Commission? I will go down the panel and ask your thoughts on that.

Mr. SCHWAAB. Thank you, Mr. Wittman. I think we are certainly supportive of the concept. We see ways in which, particularly for the recreational angling community, the kind of flexibility that was talked about here could be beneficial. There are two ways that could happen. Primarily, one would be a delegation by the Council to the States, particularly for the management of the recreational fishery. That would avoid some of the problems that I think have arisen with respect to potential impacts on what is now a successfully operating and much more sort of stable commercial fishery. If there were movement to simply shifting responsibilities to the Gulf State Commission, I think some of the standards that apply within Magnuson-Stevens, some of the standards that you see applied on the Atlantic Coast, would clearly have to be a part of that plan.

Dr. WITTMAN. OK, very good. Mr. Anson?

Mr. ANSON. Yes, sir. I think that type of management plan or style could be implemented in the Gulf of Mexico. The Commission works well with the States, obviously, trying to resolve issues, inter-state fisheries issues. And although it would be a little bit different in regards to management in Federal waters, I think that infrastructure is there, and the communication is there to have good engagement.

Dr. WITTMAN. Very good. Mr. Blankenship?

Mr. BLANKENSHIP. The Gulf States Marine Fisheries Commission has a different makeup than the Gulf Council.

Dr. WITTMAN. Right.

Mr. BLANKENSHIP. And I think that it can be done either way, through the Gulf Council or through the Commission, it would just be some different players in the mix with the Commission. But I think the road we are moving forward with the regional management delegation through the Council is very viable.

Dr. WITTMAN. OK, very good. Ms. McCawley?

Ms. MCCAWLEY. I agree with Director Blankenship. I think that moving it to the Gulf States Marine Fisheries Commission is a viable option. But I also believe that moving forward with regional management through the Gulf Council process is a viable option.

Dr. WITTMAN. Very good.

Mr. PAUSINA. Well, I will say the fact that the five State directors can sit here in pretty much unison decisions, a lot of the key decisions that got us all on board happened at Gulf States Fisheries Commission meetings. We have a great relationship there. It is a better work environment. It allows more flexibility, for sure.

Moving to regional management through a State delegation is step one, and would be a great step. Moving to a commission or some sort of other entity would be an even more flexible step, and would allow the States to fully realize the flexibility that we are asking for.

Dr. WITTMAN. Very good. Mr. Diaz?

Mr. DIAZ. Yes, sir. Yes, Mississippi is prepared to handle regional management, regardless of whether it comes through the Gulf

Council or the Commission. I do think either avenue would work. And we would be prepared to implement it, however it comes down.

Dr. WITTMAN. Very good. Mr. Riechers?

Mr. RIECHERS. Yes. Mr. Pausina, we see it kind of as a continuum going from more Federal control, even under the regional management council system. And if it went to the Commission, more State control. But we certainly are supportive of that concept.

Dr. WITTMAN. Very good. Thank you, Mr. Chairman. I am going to go to Mr. Schwaab real quickly.

Can you tell me what efforts are underway to improve the science and data collection for red snapper? As you know, there is such a time gap in the data that is being used to manage, and the actual conditions there in the environment on the water. Can you tell me, what are you doing to have a more timely and a more expansive data collection system and analysis and application in the management scheme?

Mr. SCHWAAB. Thank you, Mr. Wittman. So there are two large components to that. One is the sort of information that supports the assessment process that includes both fishery-dependent and fishery-independent data. The other part of that is the part that deals more with who is catching what and when. If that was the focus of your question, the answer is, in part, for us to shift to MRIP and the improved accuracy that has emerged, as we have put in place the new methodologies for both calculation, as well as the way we would deploy dockside intercepts and the like, to address some sort of pre-existing biases in the system.

Clearly, that alone will not provide the timeliness we are looking for, nor will it provide the kind of precision we are looking for. Ultimately, to increase precision down to a State-by-State level, you are talking about spending more money for more intercepts, and significantly upping the ante, as it relates to the conduct of surveys.

But we are also looking at some of these technologies and applications, and I mentioned in my testimony things like iSnapper and iAngler, which could, in some cases—although I would hesitate to suggest it is going to have an impact immediately—have some benefit down the road.

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentleman from California, Mr. Huffman.

[No response.]

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana, Mr. Fleming.

Dr. FLEMING. Thank you, Mr. Chairman. Mr. Pausina, thank you for what you do for our State, Louisiana. And I thought I would start off addressing some questions to you.

The bee in our collective bonnets, when it comes to the issue of having adequate fishing, access to fishing for recreational fishermen, is stock assessments that—NOAA, for instance, spends hundreds of millions of dollars for global warming satellites, but is way behind in the stock assessments.

And I am really intrigued by what our State is doing, because you have noted that we have implemented a real-time, in-season data collection program for the recreational sector. And so, how does that differ from the Federal MRIP data collection program?

And why is the Federal program unable to match your results for real-time data?

Mr. PAUSINA. Well, MRIP was designed, as I said earlier, with a broader goal. And it is annual Gulf-wide landings. And sometimes you can get pretty resolution State-by-State, depending on the species. But it is being used incorrectly. It is being used in the case of red snapper to also quota monitor, which it is not designed to do.

So—and I believe—I can't speak for NOAA, but they are not able to just radically make that change overnight and have it happen, as we can in the States. And what we did—and I will just read this real quickly, because it is—kind of falls into what you are asking. During the entire 2012 recreational snapper season in Louisiana, MRIP surveyed 20 private boat trips, where 31 fish were measured in the whole entire season.

In contrast, since Louisiana started quota monitoring in March of this year, Louisiana fisheries biologists have been on the dock conducting recreational surveys every day that red snapper season is open. So far this year, through June 16th—I don't even have updated numbers; this is only through June 16th—our biologists have surveyed 1,100 off-shore fishing trips comprised of over 4,000 anglers. During that time, we have measured over 17,000 fish and weighed over 1,100 fish.

Catch rates during the 2013 EEZ season from Louisiana's quota monitoring survey shows that anglers were landing roughly 10,000 pounds per day, while NMFS estimates Louisiana anglers are harvesting 17,000 pounds per day. As a result, they continue to overestimate Louisiana's landings by more than 30 percent. That is days. That equals days that we lose. Also, when you start looking at our individual fish are weighing a pound, roughly, less than the overall Gulf average, so that equals days that we lose, too.

So, through June 9th, Louisiana's quota monitoring survey showed that recreational anglers landed an estimated 18,200 red snapper. The Federal MRIP survey only reports harvests from January and February at this point in time of 2013. So it is not very timely. There is a major lag.

So, when our Commission voted to go to weekends only starting in Easter, we had to rapidly put a program in place. And we did it, and it can be done, and I know that NOAA has the scientists to do it. It is do they have the flexibility to do it. And that is what we are all here talking about. Clearly, the States do have the flexibility. Maybe not always the money. I had to move resources, I had to reprioritize a lot of our budget, but I felt it was an important goal.

Dr. FLEMING. So two takeaways from that I would see is the more points on the graph, the better the data, the more accurate the data. Certainly your real-time assessment, your real-time measurements, are far more accurate, by way of many more points on the graph, but also more timely. You are able to get closer in time to where the action is.

Mr. PAUSINA. Yes, they are within a week-and-a-half, when we have the data in and it is available. All the data and all the protocols have been given over to the science center, the Federal science center, and they have pretty much validated—in fact, they gave us

more days, based on the recalculations. We still feel like they are over-estimated on——

Dr. FLEMING. Right. And by the same notion, it is more difficult to manage that data from a more centralized location. So, obviously, if you break it out in States or regions, it is easier to manage and to measure that data. Would you agree?

Mr. PAUSINA. Absolutely.

Dr. FLEMING. OK. With that, I yield back.

The CHAIRMAN. I thank the gentleman. The gentleman from California is ready, or——

Mr. HUFFMAN. No.

The CHAIRMAN. OK, all right. The gentleman from Florida, Mr. Southerland.

Mr. SOUTHERLAND. Thank you, Mr. Chairman. first of all, I want to say that I appreciate all of you traveling to meet with us today. And I want to say to Ms. McCawley, thank you for being here, representing Florida.

We just heard statements by Mr. Pausina from Louisiana, as far as their ability to get data, OK, literally, from the dock to a congressional hearing room in 10 days. I am big on Florida. Can we perform like that?

Ms. MCCAWLEY. I would like to think that we can. We have a——

Mr. SOUTHERLAND. Good answer.

Ms. MCCAWLEY [continuing]. A few more ports than they do in Mr. Pausina's State. But, yes, I think that we can eventually get to the same place, where we can have more scientists at the dock, monitoring that catch, and getting closer to real time.

Mr. SOUTHERLAND. Right. So when the National Marine Fisheries has 5 years to perform a stock assessment—5 years—and can't manage to get us a stock assessment prior to a season, but yet deliver that to us, would that be a good, old effort? Obviously, I am going to assume that is not acceptable to the people that fish in Louisiana. And I can speak as a fisherman from Florida, that is not acceptable. Do you agree with my summation, there?

Ms. MCCAWLEY. Yes, I agree that we need more timely assessments for red snapper——

Mr. SOUTHERLAND. Right.

Ms. MCCAWLEY [continuing]. So that we can track what fishermen are seeing on the water more closely.

Mr. SOUTHERLAND. Right. This 5-year need just kind of snuck up on us, it seems like.

I know, Mr. Schwaab, as you mentioned—by the way, thank you. I don't know what they are paying you today, but you deserve hazard pay. You mentioned in your testimony that the red snapper rebuilding schedule has been modified. How did the year 2030 become the selected date for rebuilding?

Mr. SCHWAAB. It was based generally on the life history and, essentially, the long-lived nature of red snapper.

Mr. SOUTHERLAND. Right, but we know that the red snapper has not been over-fished since 2009, correct?

Mr. SCHWAAB. Over-fishing was just determined to not be——

Mr. SOUTHERLAND. That is a good term. I think America appreciates——

Mr. SCHWAAB. Over-fished is a kind of a relative—an abundance categorization. From an abundance-wise, we are not at that target.

Mr. SOUTHERLAND. Right. How surprised were you that the stock assessment that finally came in after 5 years showed a double of the biomass?

Mr. SCHWAAB. So I don't think that we were surprised at all with the kinds of increases. You saw an update assessment in 2009. One of the reasons, sir, that this 2013 time table was set was to take fuller advantage of some of the enhanced survey work that was put in place in 2010 and 2011. So the schedule to get to this date in 2013 was something that was discussed with and agreed to by the Council 2 years ago, with the understanding that we wanted to take maximum advantage of some of the new data points that had been put into play.

Mr. SOUTHERLAND. I want to ask you some questions regarding fleet reduction. And I know since IFQs were put in place, the fleet has gone from 800 vessels to 400. You stated participation in the commercial red snapper fishery measured by the number of accounts holding red snapper IFQ shares has declined by about 25 percent since the program has been implemented.

Does the National Marine Fisheries Service and NOAA, have a record of who owns catch shares?

Mr. SCHWAAB. Yes.

Mr. SOUTHERLAND. And——

Mr. SCHWAAB. Or who has been assigned and permitted shares.

Mr. SOUTHERLAND. Right.

Mr. SCHWAAB. They are not ownership.

Mr. SOUTHERLAND. Of the IFQ catch shares distributed, are all of them being fished?

Mr. SCHWAAB. [No response.]

Mr. SOUTHERLAND. I would take, by your pause, that is a no.

Mr. SCHWAAB. Oh, no, from a quota perspective, my recollection is that generally we are coming close to the quota on an annual basis. So, in the context of all of them being fished, the measure would be how close is the commercial fishery performing against the quota. Or, is your question related to whether quota is being transferred from one holder to another, and therefore, are all of the individuals who hold quota shares actually fishing?

The reason I am hesitating is because I wasn't really sure of the nature of your question. But I think the short answer is, generally, the commercial fisheries come in close to landing its quota.

Mr. SOUTHERLAND. I know you stated recreational fishermen are landing red snapper 3 times the rate as they did in 2006, estimated 18,000 fish per day, compared to 6,000 fish per day. How many days—when you make reference to 2006, how many days were in that season?

Mr. SCHWAAB. I probably have that here in my book. I could look it up in a moment——

Mr. SOUTHERLAND. One hundred twenty six.

Mr. SCHWAAB. OK.

Mr. SOUTHERLAND. Do you know how many days we have in the current season?

Mr. SCHWAAB. Twenty-eight.

Mr. SOUTHERLAND. OK. So, sure, we are going to catch more fish, because we are going to be fishing 24 hours a day in that 28-day period. I would say that these rules are moving us—are creating derby fishing, OK? So you are creating hazards, as opposed to preventing them. I yield back.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from South Carolina is recognized.

Mr. DUNCAN. Thank you, Mr. Chairman. And let me just start off by saying that my experience has been with the South Atlantic area. And the experience that I have had is that the recreational angler has oft times been left out of the mix, or has had a diminished voice at the table with regard to the councils and the information and how it is actually applied.

And I look at the chart that shows the overall quota for commercial and recreational quota, days fishing from 1990 to 2013. And there is something that jumps out at me right off the bat, and that is the fact that recreational fishing has gone from 365 days a year, 7 fish in 1990, to 46 days—well, excuse me, let's go to 2013—28 days and 2 fish. And you look at the other data from 1994, and I see that the commercial quotas have gone up, the actual recreational quota has gone up, even though the number of days have gone down.

So, Mr. Chairman, I want to make sure that this chart is part of the record, because I think America needs to look at it.

The CHAIRMAN. And without objection, it will be part of the record.

[The chart submitted for the record by Mr. Duncan of South Carolina follows:]

| | Overall Quota | Commercial Quota | # of days - Commercial | Recreational Quota | # of days - Recreational | Bag Limit |
|---|---|---|---|---|---|---|
| 1990 | 5.0 million pounds | | All year | | 365 days | 7 fish |
| 1991 | 4.0 million pounds | 2.04 million pounds | 236 days | 1.96 million pounds | 365 days | 7 fish |
| 1992 | 4.0 million pounds | 2.04 million pounds | 95 days | 1.96 million pounds | 365 days | 7 fish |
| 1993 | 6.0 million pounds | 3.06 million pounds | 94 days | 2.94 million pounds | 365 days | 7 fish |
| 1994 | 6.0 million pounds | 3.06 million pounds | 77 days | 2.94 million pounds | 365 days | 7 fish |
| 1995 | 9.12 million pounds | 4.65 million pounds | 52 days | 4.47 million pounds | 365 days | 5 fish |
| 1996 | 9.12 million pounds | 4.65 million pounds | 87 days | 4.47 million pounds | 365 days | 5 fish |
| 1997 | 9.12 million pounds | 4.65 million pounds | 73 days | 4.47 million pounds | 330 days | 5 fish |
| 1998 | 9.12 million pounds | 4.65 million pounds | 72 days | 4.47 million pounds | 272 days | 4 fish |
| 1999 | 9.12 million pounds | 4.65 million pounds | 70 days | 4.47 million pounds | 240 days | 4 fish |
| 2000 | 9.12 million pounds | 4.65 million pounds | 66 days | 4.47 million pounds | 194 days | 4 fish |
| 2001 | 9.12 million pounds | 4.65 million pounds | 79 days | 4.47 million pounds | 194 days | 4 fish |
| 2002 | 9.12 million pounds | 4.65 million pounds | 91 days | 4.47 million pounds | 194 days | 4 fish |
| 2003 | 9.12 million pounds | 4.65 million pounds | 94 days | 4.47 million pounds | 194 days | 4 fish |
| 2004 | 9.12 million pounds | 4.65 million pounds | 105 days | 4.47 million pounds | 194 days | 4 fish |
| 2005 | 9.12 million pounds | 4.65 million pounds | 131 days | 4.47 million pounds | 194 days | 4 fish |
| 2006 | 9.12 million pounds | 4.65 million pounds | 126 days | 4.47 million pounds | 194 days | 4 fish |
| **2007*** | **6.5 million pounds** | **3.31 million pounds** | **IFQ 365 days** | **3.19 million pounds** | **194 days** | **2 fish** |
| 2008 | 5.0 million pounds | 2.55 million pounds | IFQ 365 days | 2.45 million pounds | 65 days | 2 fish |
| 2009 | 5.0 million pounds | 2.55 million pounds | IFQ 365 days | 2.45 million pounds | 75 days | 2 fish |
| 2010 | 6.945 million pounds | 3.542 million pounds | IFQ 365 days | 3.403 million pounds | 53 days | 2 fish |
| 2011 | 7.185 million pounds | 3.66 million pounds | IFQ 365 days | 3.525 million pounds | 49 days | 2 fish |
| 2012 | 8.08 million pounds | 4.121 million pounds | IFQ 365 days | 3.959 million pounds | 46 days | 2 fish |

*In 2007, a revised rebuilding plan was put in place.

Mr. DUNCAN. Thank you. And the gentleman from Florida, this is a passionate issue for him. And I know he may have some additional questions, so I am going to yield the balance of my time to him, so we can continue this line of questioning to do what is right for the commercial and the recreational fishermen in his home State, and the Gulf Coast. And with that, I will yield my time to the gentleman from Florida, Mr. Southerland.

Mr. SOUTHERLAND. I would like to thank the gentleman from South Carolina for the additional time.

Mr. Schwaab, let's continue our questioning, or our conversation. Can you understand the aggravation of the recreational fishermen in Florida as it relates to the performance of the agency that you have faithfully represented throughout your career?

Mr. SCHWAAB. Well, to be honest, I have only represented this agency for the last 3½ years. Most of my career——

Mr. SOUTHERLAND. Well, you all have mustered up a lot of aggravation in 3½ years, I will tell you.

Mr. SCHWAAB. Most of my career, sir, was spent at the State level. So I can understand the challenges of fishery management from both State and Federal perspectives, and as a recreational fisherman, myself.

Mr. SOUTHERLAND. Well, when your lead scientist last month at a hearing—Mr. Merrick made mention that, as a process of determining what fish surveys are going to be performed, they look at the economic viability of that fish, or that fishery. And for there to have a South Atlantic closure to the red snapper for 1,234 days, as of the day he testified—now over 1,250—and there not being a survey since 2008, and there is no survey scheduled for 2013 or 2014, and there is hardly a fish that has greater economic value than the red snapper, certainly you can see why your agency is not really cared for because of the inconsistencies such as that, and in past surveys, refusing to go to the State of Alabama, which harvests 40 percent of all the red snapper out of the Gulf of Mexico, because of the reef system, and your agency has refused over and over and over again not to count fish that are on artificial reefs. Certainly you can understand the aggravation because of the performance of the way this agency has created pain on the Gulf Coast States.

Mr. SCHWAAB. I can understand, sir, the frustration associated with a rebuilding schedule required by Federal law that restricts fishermen's access to the water. But I can also understand, as a recreational fisherman myself, the value of significantly enhanced fishing opportunity on the days that I do go, recognizing that there is an apparent paradox when you have a rebuilding stock, you have increased fishing opportunity, and yet you are constrained against that, so that we can continue to see those opportunities available not only for future years but for future generations. And, frankly, from my perspective, I want to make sure that my kids have the opportunity to fish and enjoy red snapper, the same way that my parents or grandparents might have.

Mr. SOUTHERLAND. Has your agency had the flexibility in Magnuson-Stevens to count fish on artificial reefs in the past?

Mr. SCHWAAB. Have we had the flexibility? Yes. Have we only recently designed surveys to enhance our ability to collect data against some of those artificial reefs? Yes. I think the survey meth-

odologies, the fishery-independent survey methodologies have certainly evolved in recent years, as we have invested there to deal with some of these problems.

Mr. SOUTHERLAND. All right. I see my time is up. I yield back.

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the guest of the Committee, Mr. Scott from Georgia.

Mr. AUSTIN SCOTT OF GA. Thank you, Mr. Chairman. And I appreciate the opportunity to be here. I, like Mr. Southerland, share an extreme passion, if you will, for a sport that I used to get to participate in a lot, fishing. And now that it has been cut to 28 days, it is one of those things that I won't get to do this year, not for snapper, anyway.

But Ms. McCawley, I fish pretty much from Florida. I have fished everything from the old Steinhatchee Bridge when I was a kid, and all we could afford was to fish from the bridge, the Bay Point billfish tournaments. So I have spent a lot of time in your waters.

And, Mr. Chairman, I would just like to kind of tell you my experience, if you will, as a recreational fisherman who hasn't been here that long.

When you originally changed the limits, Mr. Schwaab, we, as recreational anglers, were told that as soon as the limit was restored, we would get our seasons back. The agency promised us that we could have a reduction in the number of days, or we could have a reduction in the number of fish. That is what we, as recreational anglers, were told. I personally thought that a reduction in the number of days was better. I expressed that to Mr. Crabtree. That had to do with the fact that there is less bycatch and other things. Quite honestly, when you fish out of Panama City, if you pull a snapper up and you throw him back, you are feeding a porpoise, not supporting the regeneration of snapper again. Now, if you are fishing shallow water, it is different.

But we were told, the citizens of the United States, that once it came back, we would get our days back. The next year the agency then took us from 194 to 65 days. And you have progressively gone down this path of restricting our ability to fish at all, down to the point where we are under 30 days for 2013.

Now, how is it that, all of a sudden, the quota—the stock has restored itself to the point that you are going to give us the highest quota limit that there has ever been in the country? And why can't we just go to 180-day, 4-fish limit? Why can't we do that right now? So, that is my question for you, Mr. Schwaab. Why can't we go to 180 days, 4-fish limit right now?

Mr. SCHWAAB. Thank you, Mr. Scott. I included in my written testimony a graph that basically shows a history of spawning potential, and where we are in this rebuilding process. And what it essentially shows is, after a long period of time of relatively low spawning potential within the stock, we are well on the way of sort of an upward slope, but we are not up to that place yet.

So, the short answer is, if we went back to 4 fish and 194 days, not only would we cut short that rebuilding process, but we would probably go right back to where we were 10 or 15 years ago, and

have lost the gains that fishermen across the region are seeing, as a result of this rebuilding.

I mean ultimately, the challenge here is that we have much better fishing than we did 5 or 10 years ago, and that increased fishing is not only improving success rates, but it is attracting anglers in a way that could short-circuit and undermine the rebuilding process that is underway.

And, oh, by the way, as we talked briefly here, I hope that you will be able to take advantage of some of those fall days. So your 2013 fishing opportunity is not lost. These ladies and gentlemen are working on that for you right now.

Mr. AUSTIN SCOTT OF GA. I can—well, we might be up here protecting people's right to hunt and fish, so—from Federal agencies. But I don't understand—well, I will just tell you. The bottom line is things were misrepresented to the recreational angler and to the commercial angler, as well. And I don't understand why it has taken so long to get back to it. I think what the gentleman from Louisiana said, the bottom line is you don't have the data to support what you did, you were supposed to have economic impact studies.

I will finish with this. One boat dealer in Georgia went from selling $15 million a year worth of offshore boats before you changed your rules to about $3 million. He went from 15 employees to where nobody other than the family and one mechanic works there. What you did hurt the economy in these States—Georgia included, even though we are not on the Gulf Coast.

With that, Mr. Chairman, thank you for allowing me to participate.

The CHAIRMAN. I thank the gentleman. And I want to thank very much the panel for your testimony. Many times after the testimony questions come up. And so, if you are asked a question of the panel as a follow-up, I would ask you to respond back to the Committee as promptly as you possibly can.

With that, I will dismiss the first panel and ask the second panel to come forward: Mr. Herbert Malone, Jr., Mr. Harlon Pearce, Ms. Pamela Anderson, Mr. Wayne Werner, and Ms. Susan Boggs.

I want to thank the panel for being seated. I think many of you who are sitting understand the 5-minute rule. Once again, your full statement will appear in the record, and I would ask you, in your oral remarks, to keep them within the 5 minutes. And as you know, when the green light comes on, you are doing very, very well. And when the yellow light comes on it means you have 1 minute. And when the red light comes on, I would ask you to conclude your remarks.

So, we have Mr. Herbert Malone, Jr., President and CEO of the Alabama Gulf Coast Convention and Visitors Bureau; Mr. Harlon Pearce, the Gulf Seafood Marketing Coalition; Ms. Pamela Anderson, Operations Manager of Captain Anderson's Marina; Mr. Wayne Werner, Co-Founder of the Gulf Coast Professional Fishermen; and Ms. Susan Boggs, Co-Owner of Reel Surprise Charter Fishing.

Mr. Malone, we will recognize you for 5 minutes for your statement.

**STATEMENT OF HERBERT J. MALONE, JR., PRESIDENT/CEO, ALABAMA GULF COAST CONVENTION AND VISITORS BUREAU**

Mr. MALONE. Thank you, Chairman Hastings and Mr. Sablan, and members of the Committee, for the opportunity to visit with you today. My name is Herbert Malone, Jr. I am President and CEO of Alabama Gulf Coast Convention and Visitors Bureau, a position I have held for over 20 years. Our entity is an official destination marking organization representing the cities of Gulf Shores and Orange Beach, Alabama. Our destination welcomes over 5 million guests per year who come to enjoy our beaches, the Gulf, and outstanding fishing. Alabama currently has one of the largest offshore charter fleets on the entire Gulf. These charter boat owners and crew, along with the bait and tackle shops, marinas, boat repair facilities, et cetera, depend heavily on a steady stream of fishing customers.

Our local fishing industry, in conjunction with the Alabama Department of Conservation and Natural Resources, over the years have established a 1,200 square mile permitted artificial reef zone just off the Alabama coast, which now contains over 17,000 artificial reefs made by these private and public investments. These reefs have cultivated a habitat for the largest red snapper fishery in the Gulf, and research has shown that more recreationally caught red snapper landed in Orange Beach, Alabama, than anywhere else in the world.

The Draconian decisions of the Gulf Council and National Marine Fisheries have resulted in an ever-shortening season that had a huge negative economic impact on our family owned small businesses. This, in spite of repeated testimony and common-sense observations by many, including myself, as a recreational angler, that red snapper off the Alabama coast are more plentiful now than has ever been seen in a fisherman's—local fisherman's—lifetime. In fact, they would go so far as to say that red snapper, rather than being considered over-fished off the Alabama coast, are actually over-populated.

Due to widely recognized as flawed research models, the Gulf Council has continued to shorten the seasons down to the current 28 days in 2013. Around 2007, the spring snapper season was eliminated, moving the opening day to June 1, which really was the beginning of the decline in our $600 million local recreational fishing industry. According to NOAA's own report entitled, "Fisheries Economics of the United States"—the latest version that has State data included is 2009—2006 was our most productive year in coastal recreational fishing on Alabama's coast.

Over the next 3 years, we saw a 30 percent decline in the number of anglers, a 35 percent decline in for-hire charter trips, and a loss of over 1,600 jobs. This loss of fishing activity is not only felt in the fishing sector of our local economy, but also felt in our restaurants, hotels, and also in our local government's tax receipts.

Let me reiterate. These 1,600 jobs lost from the community population of less than 6,000 residents. And these are not corporate jobs by some big corporation. These are jobs that are actually independent business owners that have not only lost a job, they have lost a business, they have lost their way of life.

I spoke recently to one of our most experienced, highly regarded captains, and asked him about his current situation. He shared with me that his charter will fish all 25 of the current 28-day season, having lost 3 days to weather. But currently, only has 4 days on his books for charters for the month of July. This is an example of what the market demand is for red snapper, versus other species of fish.

The failing business model brought about by the actions of the Gulf Council is—if this practice continues, it will mean more negative impacts and more failing businesses in our local fishing industry. By most accounts from the members of our fishing community I have spoken with, the best hope of relief is relief from the Federal agency model, and move out to the resource management turned over to the States via the regional management plan. Economic indicators and the business statistics coupled with the obvious health of the snapper fishery is evidence that the current model has failed. We need your action to change that model so that our businesses can go back to a red snapper season that supports viable businesses and demonstrates to our millions of visitors each year what good fisheries management can accomplish. Thank you.

[The prepared statement of Mr. Malone follows:]

**Statement of Herbert J. Malone, Jr., President/CEO, Alabama Gulf Coast Convention & Visitors Bureau**

My name is Herbert Malone, Jr., and I am the President and CEO of the Alabama Gulf Coast Convention & Visitors Bureau, a position I have held for more than 20 years. Our entity is the official destination marketing organization representing the cities of Orange Beach and Gulf Shores, Alabama.

Our destination welcomes over 5 million guests per year who come to enjoy the beaches, the golf and the fishing. Alabama currently has one of the largest offshore charter fleets in the entire Gulf. These charter boat owners and crew, along with the bait and tackle shops, marinas and boat repair facilities depend heavily on a steady stream of fishing customers.

Our fishing industry, in conjunction with the Alabama Department of Conservation and Natural Resources, has established a 1,200-square-mile permitted artificial reef zone just off the Alabama Coast, which now contains over 17,000 artificial reefs. These reefs have cultivated habitat for the largest red snapper fishery in the Gulf. Research has shown that more recreationally caught red snapper are landed in Orange Beach, Alabama than anywhere else in the world.

The draconian decisions of the Gulf Council have resulted in an ever shortening season and have had huge negative economic impact on our family owned, small businesses. This is in spite of repeated testimony and common sense observations that the red snapper off the Alabama coast are more plentiful now than they have ever been.

Due to what are widely recognized as flawed research models, the Gulf of Mexico Fishery Management Council has continued to shorten the seasons down to the current 28 days in 2013. In 2007, the Council eliminated the spring snapper season, moving opening day to June 1, thus the beginning of our fishing industry's economic decline. According to NOAA's report titled "Fisheries Economics of the United States, 2009," 2006 was our most productive year in coastal recreation fishing. Over the next three years, from 2006–2009, we saw a 30% decline in the number of anglers, a 35% decline in "for hire" (charter) trips, and a loss of 1,600 jobs. This loss of fishing activity was not only felt in the fishing sector of our local economy, but it was also felt in our restaurants and our hotels as well as in our local government's tax receipts.

In my position as the head of tourism, I have the opportunity to speak frequently with many of our business people, including our charter boat captains. One of our most experienced, highly regarded captains recently shared with me that he will have fished 25 of this year's 28 day season, losing only three days to the weather. Currently, he has only four charters on the books for the entire month of July, which is the most lucrative month of the year for every other sector of our tourism economy. This is a failing business model, brought about by the actions of the Gulf

Council. If this management practice continues, it will mean even more negative impacts and failing businesses in our fishing industry.

By most accounts of those in the fishing business, our best hope for relief is to move the federal agency out of this resource management and turn it over to the states via a regional management plan. The economic indicators and the business statistics, coupled with the obvious health of the snapper fishery, are evidence that the current NMFS/GMFMC is also a failed model. We need your action to change that model so our businesses can go back to a red snapper season that supports viable businesses and demonstrates to our millions of visitors each year what good fisheries management can accomplish.

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The CHAIRMAN. Thank you very much.

Next I will recognize Mr. Harlon Pearce, who is with the Gulf Seafood Marketing Coalition. Mr. Pearce, you are recognized.

**STATEMENT OF HARLON PEARCE,**
**GULF SEAFOOD MARKETING COALITION**

Mr. PEARCE. Thank you, Mr. Chairman and members of the Committee. My name is Harlon Pearce, and I am pleased to testify today on red snapper management in the Gulf of Mexico. I am the owner of Harlon's LA Fish, a seafood wholesaler based in Kenner, Louisiana, and I am a member of the Gulf of Mexico Fishery Management Council, and past Chairman of the Louisiana Seafood Promotion and Marketing Board. Today I am speaking on behalf of the Gulf Seafood Marketing Coalition, and I will focus on issues facing the harvesting sector and the supply chain that depends on us.

Red snapper and other seafood sales are one of the biggest drivers of the important tourism industry in the Gulf States. Surveys indicate that tourists closely identify the delicious and mild flavor of red snapper with the American Gulf Coast. I am committed to working on a solution that addresses the recreational red snapper controversy, while also preserving supply for commercial harvesters and consumers.

While there have been challenges with over-fishing of the stock in the past, the species is no longer undergoing over-fishing. It is now being managed under a rebuilding plan which will allow the species to rebuild back to target population levels. An IFQ program now provides the harvesting sector with flexibility to fish during the times that suit their needs, and the needs of the market, resulting in less pressure on the fishery. At this time, no similar solution has been developed for the recreational sector.

While I recognize the seriousness of the challenges facing the recreational sector, actions taken to remedy their concerns should not upset the IFQ process that seems to be working favorably for those dependent on the seafood supply provided by the harvesting side.

Fortunately, the Gulf Council is moving quickly with a regional management program for red snapper that will preserve the equity, sustainability, and transparency guaranteed under the Magnuson-Stevens Act, while also granting the States a much broader role in determining catch limits and allocations. Importantly, no Act of Congress is necessary to see this concept become a reality.

At last week's Gulf Council meeting, we voted to send Reef Fish Amendment 39 to the public hearing phase for review and comment. Amendment 39 would establish a regional management program that delegates authority to the States to set management alternatives for recreational red snapper. This gives States more

flexibility in choosing season and bag limits, but maintains important Federal oversight and conservation goals. The Gulf Council would continue to oversee the stock, which is imperative to sustainability of the fishery and our businesses.

Amendment 39 includes a data collection initiative that is imperative concerning the Southeast Fishery Science Center's inability to get real-time data for the recreational sector in a timely manner. All five Gulf States have sent letters to the National Marine Fisheries Service agreeing to make this regional program happen. Importantly, no changes to the Magnuson-Stevens Act would be necessary to see regional management become a reality, and the red snapper bill's pending consideration before Congress would also be unnecessary.

In my written testimony I detail several concerns with Federal legislation to turn red snapper management to the States, and I am happy to expand on those concerns during questioning.

Additional Council activities may further provide fishermen with needed certainty. The Council agrees on a constant catch scenario, and we have asked the SSC to give us a constant catch ABC on the average of the catch limits for years 2013, 2014, and 2015. That should be somewhere around 11.9 million pounds.

The Council will hold a meeting in New Orleans on July 17th that will set the fall of 2013 season, and try to begin to set the 2014 and 2015 seasons. This constant catch scenario will provide the seafood community with consistent numbers over time, and an ability to better plan for future seasons. There is also much discussion among Council members that the red snapper stocks may already be rebuilt, based on the equilibrium yield of 11 million pounds per maximum sustainable yield. This is good news for our fishery and our stakeholders.

While no Federal legislation is needed to solve the red snapper challenges, I would like to suggest a few general changes to the Magnuson-Stevens Act would better our Nation's fishery program, on the whole.

Funding for fishery research and data could come from a 3 percent set-aside allocation, as is done on the East and West Coast, that would develop a picture of our fishery every year. We would get constant data sets coming in, so that we would be able to see the trends up and down on our fishery. Another area of funding could be from redirecting permitting fees for data collection programs back to NMFS for the implementation of fishery management project and research.

The Science and Statistical Committee should be considered and their recommendation should be just that, recommendations. Determinations made by SSC should be taken into consideration, but the role of the SSC should only be advisory.

Finally, it has become obvious that our industry should be expanded from two individual fisheries into three that encompass the harvesting, recreational, and charter-for-hire communities. On the commercial side, our focus must go beyond the economics of the harvesting sector alone, and consider seafood consumers throughout the supply chain for increased consumption of domestic seafood, and more equally balance our seafood trade deficit. The needs of

the consumers, and our efforts to market U.S. seafood to the public must remain a top priority.

I hope I have provided you with some clarity on the ways in which the red snapper challenge can be resolved under current law, and that no additional Federal legislation is necessary. Again, maintenance of the Federal framework, which ensures sustainability for both the resource and our industry is imperative. Our consumers and the American public depend on it.

Thank you, and I am ready to answer questions.

[The prepared statement of Mr. Pearce follows:]

**Statement of Harlon Pearce, Owner, Harlon's LA Fish LLC, Kenner, Louisiana, Representing the Gulf Seafood Marketing Coalition**

Chairman Hastings, Ranking Member Markey and Members of the Committee, my name is Harlon Pearce and I am pleased to have this opportunity to testify before you today on the very timely issue of red snapper management in the Gulf of Mexico. I am the owner of Harlon's LA Fish, a seafood wholesaler based in Kenner, Louisiana, I am a member of the Gulf of Mexico Fisheries Management Council, and I'm past-Chairman of the Louisiana Seafood Promotion and Marketing Board. For purposes of today's hearing, I will be speaking as an Executive Committee member of the Gulf Seafood Marketing Coalition (Coalition), a broad-based group representing all facets of the Gulf of Mexico seafood distribution chain with a mission of improving the economic well-being and quality of life for all stakeholders with an emphasis on sustainability, conservation and transparency. Since my business and my affiliation with the Gulf Seafood Marketing Coalition are closely aligned with the interests of the harvesting sector, my testimony today will focus primarily on the opinions of myself and my colleagues in the harvesting sector and the supply chain that depends on us.

Red snapper is, of course, an iconic American favorite sought after by consumers across the country. Seafood sales are one of the biggest drivers of the important tourism industries in Louisiana, Florida and the other Gulf states and consumer surveys indicate that tourists closely identify the delicious and mild flavor of red snapper with the American Gulf coast. Unfortunately, with modifications to the fishing seasons implemented in recent years, Gulf coast restaurants and retailers have encountered difficulty sourcing enough red snapper to meet demand. Conversely, with availability lowered, there have been significant price increases, with some New Orleans restaurants reporting an increase of 100% over past years. I say this to illustrate that the current red snapper issue is not only a recreational concern but one facing consumers also. As such, I am committed to working with Congress, my colleagues on the Gulf Council and others on a solution that addresses the recreational red snapper controversy while also preserving supply for commercial harvesters and consumers.

While there have been challenges with overfishing of the stock in the past, the species is no longer undergoing overfishing and is now being managed under a rebuilding plan which will allow the species to rebuild back to target population levels. Starting in 2007, the Gulf Council and NOAA Fisheries implemented an Individual Fishing Quota (IFQ) program for commercial red snapper to reduce the number of vessels and improve the operation of the fishery. The IFQ program now provides the harvesting sector with flexibility to fish during times that suit their needs and the needs of the market resulting in less pressure on the fishery and less pressure on the resource. At this time, no similar solution has been developed for the recreational sector and federal management of the recreational red snapper industry in the Gulf remains highly controversial with fishery managers drastically reducing fishing days leading to serious economic implications for the Gulf coast economy. While I recognize the seriousness of the challenges facing the recreational sector, actions taken to remedy their concerns should not upset the IFQ process that seems to be working favorably for those dependent on the supply provided by the harvesting side.

**Concerns with Federal Red Snapper Legislation Designed to Overturn Federal Authority:**

With the goal of maintaining a workable program for the red snapper harvesting industry in the Gulf, I believe that taking red snapper management away from the federal government and handing it over to the states is a tricky course of action and must be undertaken with the utmost caution. Several bills have been introduced in

both the House and the Senate that grant the states and regional fishery management organizations (primarily the Gulf States Marine Fishery Commission) complete authority to manage red snapper in the Gulf of Mexico. The scope of these bills covers the entire spectrum from granting the states absolute authority with very little federal oversight to granting the Commissions expanded authority with a moderate level of oversight from the Department of Commerce and NOAA. In general, any action that overturns the federal oversight process established under the Magnuson Stevens Act (MSA) would be ill-advised for many reasons and I would like to take this opportunity to expand on a few of those here.

- **Fairness in Allocation**: Under MSA, fishery management plans (FMPs) must allocate fishing privileges in a fair and equitable manner that ensures no particular individual or entity acquires excessive share of such privileges. It is this principle that supports granting 49% of the Gulf red snapper allocation to the recreational sector and 51% to the harvesting sector. If MSA is eliminated for red snapper and the states are given full authority to determine allocations, there is no assurance that the harvesting sector, and thus the consuming public, will be granted a fair share of the resource. As a member of the Gulf Seafood Marketing Coalition, one of my objectives is to help preserve a healthy seafood supply chain for consumers and the market at large. The MSA process has built-in protections that are invaluable to achieving this goal.
- **Unclear State Authority:** The fishery management system established under MSA created the Regional Fishery Management Council process which has become a very functional tool for ensuring regional coordination and cooperation in management decisions. Boundaries at sea are very difficult to determine and enforce and, as such, uniformity of regulations throughout a region has become imperative. Most of the bills introduced to turn red snapper management over to the states would result in different management regimes for each of the states. These regimes would be subject to the fast-changing politics of each state with little or no consistency. Further, states' fisheries managers may be independent entities with no oversight from state executive or legislative branches (as is the case in Florida). Should a decision come down from the state fishery management entity that is unjust or unwise, there may be no path for remediation. If we are trying to reduce confusion for our fishermen, completely eliminating the consistency inherent in the MSA process this is no way to go about it.
- **Sustainability Threatened:** Under the Magnuson Stevens Act, stringent conservation and management measures are in place to ensure long-term survivability of fish species. I am concerned that if management authority is taken out from under the federal umbrella with its many checks and balances, the states will be unable to ensure protections for the resource. Without the current system of management decisions designed to achieve optimum yield based on maximum sustainable yield, I fear massive overfishing might become a reality. Further, states may not have the infrastructure, either financial or personnel, to conduct the research and data collection needed to properly manage important fishery resources. Additional federal funding would be required to enable the states to carry out new research requirements and the bills pending consideration today do not make clear how those funds would become available.

**Regional Management Amendment 39:**

With all of that said, I do understand the drive in Congress and among interest groups to take some action that will lead to more certainty for the recreational red snapper community. Fortunately, the Gulf of Mexico Fishery Management Council (Gulf Council) is moving forward quickly with a regional management program for red snapper that will preserve the equity, sustainability and transparency guaranteed under the Magnuson Stevens Act while also granting the states a much broader role in determining catch limits and allocations. Importantly, no act of Congress is necessary to see this concept become a reality and I am confident the process will resolve favorably for all parties concerned in the very near future.

At last week's Gulf Council meeting in Pensacola, we voted to send Reef Fish Amendment 39—Regional Management of Recreational Red Snapper— to the public hearing phase for review and comment and I am pleased to report that there is great momentum behind getting this done. In short, Amendment 39 would establish a regional management program that delegates authority to the states to set management alternatives for recreational red snapper. This action would give states more flexibility in choosing season and bag limits but maintains important federal oversight and federal conservation goals. Further, the Gulf Council would continue to oversee management of the stock which I believe is imperative to ensuring long term sustainability of both the fishery and the businesses that depend on it.

More specifically, the plan would establish five regions representing all the Gulf states and allocate percentages of the recreational quota to each state's region. The amendment would exclude the requirement for vessels with federal charter/headboat permits to comply with more restrictive red snapper regulations when fishing in state waters. Further Amendment 39 would establish post-season accountability measures that would reduce the upcoming annual quota for any region that goes over their allocation unless the total landings from the entire Gulf do not exceed the Gulf-wide recreational quota in that year. Additionally, in an effort to improve recreational data collection, the Council will be developing a scoping document that looks at enhancements, revisions and new options for quantifying private, recreational landings. This data collection initiative is imperative considering the Southeastern Fishery Science Center's inability to get real time data collection figures for the recreational sector in a timely manner. Finally, all five Gulf states have sent letters to NMFS agreeing to the terms necessary to make this regional program happen.

It is important to note that no changes to the Magnuson Stevens Act would be necessary to see this regional management program become a reality and the red snapper bills pending consideration before Congress now would also be unnecessary with the speed at which the Council is moving forward. Further, the Council should be able to do its job without any additional funding which would certainly be a challenge should the states undertake a brand new program outside the scope of the Council process. I am pleased to report that a sound resolution to the recreational red snapper challenge is well on its way. This regional management approach partnered with the well-established IFQ program for the harvesting sector should be sufficient to allay all concerns from the fishermen, consumers, federal government and the states while also preserving the long term survivability of this important fishery.

**Council Actions on Stock Assessments and Consideration of a Constant Catch Scenario:**

Additional activities taking place at the Gulf Council with regard to stock assessments may further provide fishermen with needed certainty which is a top priority. At our meeting last week, the SSC stated that the Allowable Biological Catch (ABC) for red snapper for 2013, 2014, and 2015 would be 13.5 million pounds, 11.9 million pounds, and 10.6 million pounds respectively. The projected drop in ABC was attributed to two poor year class recruitment. From these figures, the Council is required to set an Annual Catch Limit (ACL) for each year. At present, the Council would rather have a constant catch scenario of 11.9 million pounds for all three years as opposed to a steadily declining catch limit over time. This constant catch scenario would provide the seafood community with consistent numbers over time and the ability to better plan for future seasons. The Council will hold a one-day meeting in New Orleans on July 17th to arrange a framework action to set the 2013 extra season and, hopefully, finalize plans for a constant catch scenario for the next three years. Additionally, there was much discussion among Council members that the red snapper stocks may already be rebuilt based on the equilibrium yield of 11 million pounds for maximum sustainable yield (MSY). This is additional good news for our fishery and our stakeholders.

**Suggested Changes to Magnuson Stevens Fishery Conservation and Management Act:**

While no federal legislation is needed to solve the red snapper challenges, I would like to take this opportunity to address several aspects to the Magnuson Stevens Act that I do believe can be amended to better our nation's fishery program on the whole. Three areas that I would like to see addressed are funding for fisheries research and data collection, the role of the Science and Statistical Committees (SSCs), and the concept of expanding our current two sector fishery to a three sector fishery.

- **New Funding Sources:** Of course, funding for fisheries research and data collection is a long-standing challenge that has plagued the entire nation, not just the Gulf Coast region. One solution to this problem may be to mandate in the MSA that up to 3% of all allocations be set aside to develop and maintain constant data streams that help paint a picture of our nation's fisheries every year. These funds, generated annually by the sale of a percentage of the allocations for quota fisheries, could be used to support industry-based surveys, enhanced biological sampling, increased electronic data reporting and more. I understand this is already being done for several fisheries along the Atlantic coast and I would encourage the Committee to examine ways to bring this concept to bear in the rest of the country.

Another area of funding that could be tapped to improve our overall fisheries research and management capability could be from permitting fees. Currently, revenue generated by fisheries permitting goes into the general fund. Simply redirecting permitting fees back to NMFS for the implementation of fishery management projects and research would help fill in some severe gaps that exist in the current system.

- **Role of Science and Statistical Committees:** The role of the SSCs is another area that I think can be improved through amendments to MSA. Currently, Regional Fishery Management Councils are required to take determinations made by SSCs and incorporate them into management decisions, despite the fact that SSC recommendations generally only take fish populations into consideration while excluding considerations of other economic, human and market factors. Ideally, SSCs should be consensus groups and their recommendations should be just that: recommendations. Determinations made by SSCs should be taken into consideration by the Councils when making management decisions, but the role of the SSCs should only be advisory. Additionally, in today's fast-moving world, we should be able to react by calling SSC and other Council meetings in a more timely manner. The notice period for meetings should be more flexible to help address very time-sensitive matters quickly and efficiently.
- **Additional Fishery Sector Consideration**: Finally, it has become obvious that our industry should be expanded from two sectors to three in a system that encompasses the harvesting, recreational and charter/for-hire communities. Each of these sectors has their individual needs both for the fisheries they harvest and for their fishermen. On the commercial side, our focus must go beyond the economics of the harvesting sector alone and consider seafood consumers throughout the supply chain. If we are to increase consumption of domestic seafood and more equally balance our seafood trade deficit, the needs of the consumers and our efforts to market U.S. seafood to the broader public must remain a top priority.

With this testimony, I hope I have provided the Committee with some more clarity on the ways in which the red snapper challenge can be resolved under current law and that no additional federal legislation is necessary. Again, maintenance of the federal framework for sustainability, regional management, enforcement and equitable division of allocations among the sectors are imperative to any plan designed to eliminate confusion in the red snapper fishery. Our consumers and the American public depend on it. Further, I hope I've given you some food for thought with regard to suggested modifications to the Magnuson Stevens Act that might benefit our nation's fishery management system overall.

I look forward to working with the Committee on these important issues and I welcome any questions you may have.

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Dr. FLEMING [presiding]. Thank you, Mr. Pearce.

Ms. Anderson, Operations Manager, Captain Anderson's Marina, you are recognized for 5 minutes.

## STATEMENT OF PAMELA W. ANDERSON, OPERATIONS MANAGER, CAPTAIN ANDERSON'S MARINA

Ms. ANDERSON. Thank you, Chairman and Committee members. I am appearing today on behalf of the Panama City Boatmen's Association and Captain Anderson's Marina of Panama City Beach, Florida. Thank you for the opportunity to speak with you regarding the red snapper fishery issues in the Gulf.

Today I could spend time telling you of hardships, businesses lost, families put on welfare, or the choosing of winners and losers in the fishing industry. I could tell you how our Federal fishery managers have made fish lords of some who still want even more fish, while demanding that others not be let into the fishery, even though the annual catch limit has increased. These are just a few story lines from last week's Gulf Council meeting. Instead, I will get right to the most serious issues with the Magnuson-Stevens Act that caused the previous-mentioned results.

Arbitrary deadlines. As long as the red snapper fishery was steadily rebuilding, why was it necessary to rebuild more quickly and eliminate so many jobs? A slower approach would keep more people employed. Please eliminate deadlines that are not science-based and so arbitrary as they are written now.

Catch shares. We have been inundated by NOAA Fisheries Management and environmental groups pushing catch shares, sector separation, inter-sector trading, days at sea programs, and fish tags. All are aimed at reducing participation in the fishery, which is NOAA's answer to rebuilding the fishery. Those that buy into these programs are desperate to save their businesses.

Accurate data. The recent red snapper benchmark assessment was just published in the last month. It has been 8 years since the prior benchmark assessment on this economically important fish was completed. And Alaska stock assessments are conducted annually for economically valuable fish.

Commercial IFQs. According to the shareholders left in the sector, IFQs are working well. These are the winners, not those pushed out of the fishery. Now several large shareholders want more allocation so they can lease them to the recreational sector. They do not want new allocation given to other commercial operators who discard thousands of pounds of red snapper off of Florida's West Coast. Those operators have grouper shares only. And now that red snapper have spread to their fishery, they must discard them because they do not own red snapper IFQs or catch shares. According to NOAA observers, these grouper shareholders are discarding as much as 700,000 pounds of large red snapper a year.

Consistent seasons. Customers need to know how to plan their days off and vacations well in advance of the season. In 2013, the season dates changed 4 times in 2 months, and is still not listed correctly on the Gulf Council's own Web site. Due to the Section 407 of the 1996 Magnuson-Stevens Act, the recreational red snapper season must close when the quota is projected to be met. This must be eliminated. The SSC should provide advice to the Council. Their hardline ABC constraining the Council makes sound management decisions more difficult.

Regional management. State fishery managers realize the economic importance of our recreational fishery, and are anxious to step up and assist us. The punitive provision in the red snapper fishery management plan, Amendment 30(b), that prohibits Federal reef fish permit holders from fishing in their State waters when Federal waters are closed, must be rescinded. What was the intent of Congress in implementing The Magnuson-Stevens Act? Was the intent to manage our fisheries by putting fishermen out of work? If not, it certainly has been an unintended consequence.

Did Congress want fishery managers to provide frequent, accurate stock assessments on economically valuable species? This has not been the case in the Gulf. Did Congress intend for fishery managers to oversee the growth of the fisheries so it could meet the needs of fishing businesses and the fishing public? A 28-day red snapper season doesn't meet the needs of anyone.

When Congress mandated the fatally flawed recreational survey be corrected and updated by 2009, was it because Members of Con-

gress recognized that accurate data is necessary for good management? As of 2013, that mandate has not been completed.

Infrequent stock assessments and flawed catch data lead to uncertainty. Uncertainty leads to burdensome buffers reducing the ACLs and the seasons. We need improved data, flexibility in the regulations in fishery management that understands the importance of the economic impact of the fishery on the Gulf Coast.

We believe our State fishery managers will work in a way that grows the fishery and access to it, instead of working to eliminate our businesses. Despite the good intentions of Congress to grow and maintain a healthy fishery, there have been significant unintended consequences with the 2007 Magnuson-Stevens Act. It needs to be updated with common-sense solutions that will keep the fishery rebuilding, while getting people back to work. This is America; all of us should have the opportunity to be winners.

Thank you.

[The prepared statement of Ms. Anderson follows:]

**Statement of Pamela W. Anderson, Vice President, Panama City Boatman's Association, and Operations Manager, Capt. Anderson's Marina**

Chairman Hastings, Committee members, my name is Pam Anderson and I am appearing today on behalf of the Panama City Boatman's Association (PCBA) and Capt. Anderson's Marina in Panama City Beach, FL. Thank you for the opportunity to speak with you regarding the Red Snapper fishery issues in the Gulf of Mexico. I could spend my allotted time here today telling you of hardships, businesses lost, families put on welfare or the choosing of winners and losers in the fishing industry. I could tell you how our federal fishery managers have made fish lords of some who still want even more fish, while demanding for others not to be let into the fishery, even though the annual catch limit has increased. These are just a few story lines from last week's Gulf Council meeting.

Instead I'll get right to the most serious issues with the Magnuson Act that caused the previously mentioned results.

1. **Arbitrary Deadlines**—As long the red snapper fishery was steadily rebuilding, why was it necessary to rebuild more quickly and eliminate so many jobs? We could have had a slower approach and kept more people employed. Please eliminate deadlines that are not science-based and arbitrary as they are now.
2. **Catch Shares**—We have been inundated by NOAA Fisheries management and environmental groups pushing catch shares, sector separation, inter-sector trading, days-at-sea programs and fish tags. All are aimed at reducing participation in the fishery, which is NOAA's answer to rebuilding the fishery.
3. **Accurate Data**—The recent red snapper benchmark assessment was just published in the last month. It has been 8 years since the prior benchmark assessment on this economically important fish was completed. In Alaska, stock assessments are conducted annually for economically valuable fish.
4. **Commercial IFQ**—According to the shareholders left in the sector, IFQs are working well. These are the winners, not those pushed out of the fishery. Now several large shareholders want more allocation so they can lease them to the recreational sector. They do not want new allocation given to other commercial operators who discard thousands of pounds of red snapper off Florida's west coast. These operators have gag grouper shares only and now that red snapper have spread to their fishery they must discard them because they do not own red snapper IFQs or catch shares. According to NOAA observers, these grouper shareholders are discarding as much as 700,000 pounds of large red snapper.
5. **Consistent Seasons**—Customers need to know how to plan their days off and vacations well in advance of the season. In 2013 the season dates changed four times in two months and is still not listed correctly on the Gulf Council's own website. It's best for the tourism economy of our community to have the red snapper season open when the tourists are visiting. Due to Section 407 of the 1996 Magnuson, the recreational red snapper season must close when the quota is projected to be met. The SSC should provide advice

to the Council and the Council should be able to determine higher or lower ABCs based on any new information provided and therefore, not be bound by the SSC recommendation as it is today.

6. **Regional Management**—State fishery managers realize the economic importance of our recreational fishery and are anxious to step up and assist us.

What was the intent of Congress in implementing the Magnuson-Stevens Act? Was the intent to manage our fisheries by putting fishermen out of work? If not, it certainly has been an unintended consequence. Did Congress want fishery managers to provide frequent, accurate stock assessments on economically-valuable species? This has not been the case in the Gulf. Did Congress intend for fishery managers to oversee the growth of the fishery so it could meet the needs of fishing businesses and the fishing public? A 28 day red snapper season doesn't meet the needs of anyone. When Congress mandated the "fatally flawed" MRFSS recreational survey be corrected and updated by 2009, was it because members of Congress recognized that accurate data is necessary for good management? As of 2013, that mandate has not been completed. In fact NOAA Fisheries' own Dr. Richard Merrick testified here last month and said "phone surveys don't work anymore." In spite of his testimony and outcry from fishermen, phone surveys are still being utilized by NOAA.

Infrequent stock assessments, and flawed recreational catch data leads to what's called uncertainty. Uncertainty in the data leads to burdensome buffers that reduce the allowable catch. Reducing the allowable catch reduces fishing seasons. We need more accurate data and more flexibility in the regulations. We need fishery managers to understand the importance of the economic impact of the fishery on our communities and states. We need fishery managers working in a way that grows the fishery and access to it instead of working to eliminate our businesses.

Despite the good intentions of Congress to grow and maintain a healthy fishery, there have been significant unintended consequences with the 2007 Magnuson Act. Though fishery managers have been slow and even derelict in updating stock assessments and catch surveys, make no mistake, all of the new Annual Catch Limits and Accountability Measures of the 2007 Magnuson were put in place as quickly as they could implement them. ACLs and AMs have crushed the industry, causing confrontations between the commercial industry, the for-hire industry and the private anglers. Everyone is trying to survive in their businesses and private anglers are trying to justify the expense of owning their own boats.

Our Gulf States are keenly aware of the economic importance that fishing brings to coastal communities. Three of the five Gulf States have recently given up on the expectation that federal fishery management will work for their citizens. Texas, Louisiana and Florida have opted for a red snapper season in state waters that is inconsistent with the federal season. In an effort to keep states in line, the Gulf Council proposed and passed amendment 30B which prohibits federally permitted for-hire boats from fishing for red snapper in state waters when federal waters are closed to red snapper. Since 2009 for-hire fishermen have been used as pawns in this battle between the states and federal fishery managers. This unfair punishment and violation of National Standards 4 and 9 should be removed from Amendment 30B, regulation 50 cfr 622.20(b)(3).

Will NOAA Fisheries management plan for Catch Shares, Sector Separation, Inter-sector trading, Days-at-Sea and Fish tags work to rebuild the red snapper fishery? Sure it will, if your intent is to put enough people out of work and off the water. But why not look at ways to rebuild the fishery with artificial reefs and new science that enhances the growth of the fishery to meet the needs of the Nation and the coastal communities? Wouldn't we be better off creating more habitat, more jobs, selling more fish to the American public? The demand is there. 80% of the Nation's seafood is imported.

The recent Red Snapper Benchmark Assessment is the first assessment to implement the new methods of data collection from the MRIP program that is replacing MRFSS and it includes updated modeling. This new assessment shows what the fishermen have been saying all along. The Red Snapper fishery *is* rebuilding much quicker than expected, but as we see in other studies it is to the detriment of other species on the reefs, eating the juveniles of other species such as gag grouper and triggerfish. We really didn't have to have such harsh restrictions on this fishery in order to meet the deadlines set in the Magnuson after all.

Every year we have seen the fishery improve, the quotas, measured in pounds have increased. But, because the fish are increasing dramatically in weight and size as happens in a rebuilding fishery, we meet our quotas much quicker. This type of management is what causes the seasons to be so short. For instance, in 2006 the quota was almost the same in pounds as in 2012 with a 6 month season compared to a 45 day season. In 2006, the average weight of the fish was 3.2 pounds, so the

available harvest was approximately 1.4 million pounds. In 2012, with the average weight over 7.5 pounds the available harvest was only about 580,000 fish. Now that extra million fish are still out there, at varying sizes, but due to the quota being figured in pounds we do not have access to them. Short seasons are hurting tourism across the coast.

While the communities in NW FL have not invested in an economic study to tell them specifics about the fishing industry, there is overwhelming consensus that everyone prospers during Red Snapper season. I have enclosed a chart that shows the impact of the shorter seasons on headboats at our marina and on our fuel sales. I know of similar reports from other marinas across the coast. Ticket sales and fuel sales increase dramatically with the availability of Red Snapper. The longer trips and private charter trips are especially impacted because they are more expensive and the case is made, why pay more if you can catch your 2 Red Snapper in ½ the time at ½ the price? That is why you see the longer trips decreasing and the shorter trips increasing, bringing less revenue to the marina from ticket sales and fuel.

This years' yo-yo of changes in the length of the fishing season hurt sales. Folks made reservations thinking they had 28 days in Florida. Then it changed to 21, changing hotel reservations and days off work, too. Then it was 26, and they changed again. Now it is 28 days, but some are still looking on the Gulf council website which says 21 days. Reservations are down this week compared to the last three weeks of full boats. As far as the local economy, our Tourist Development Council is reporting increases overall in bed taxes. But when you get specific about where the dollars are being spent and the hotels that are being used, there is a decrease in those which are close to the fishing and boating activities. Restaurants, from Waffle Shops to fine dining establishments in our area of the beaches have had several years of reduced business. To put it in the words of the owner of the Capt. Anderson Restaurant, if the parking lot is full of fishermen in the morning, we are going to have a good night at the restaurant. If people are not fishing? Not so much.

Now that the recent Emergency Rule has given the Regional Administrator power to close the season if he believes we have overfished the quota, not going by facts, but by estimates, it could be even worse. If folks were to come to the coast, having made fishing and hotel reservations when they thought we could harvest Red Snapper, and it closed before we could notify them, we would take the blame.

After six years of costing our communities jobs and businesses, fishery managers are just now admitting Red Snapper must be more abundant and more prolific than first thought, in spite of our overfishing. (Keep in mind that overfishing in their terms is harvesting more than the Annual Catch Limit that has been set at least 25% below the true overfishing level set by the Science & Statistical Committee. We have never reached that true overfishing level.)

The MRIP data still does not show how many private anglers there are who fish for reef fish. Some reports show researchers are using a number 5 times the true amount. Our States, Florida in particular, are working on a plan to collect this data inexpensively, but accurately. This should improve the harvest data even more in the near future and these plans should not place an expensive hardship on the anglers. That is the goal of the industry in working with State fishery managers.

We know from experience that it is best for our customers and our businesses to have consistency in our seasons. It is best for the tourism economy of our community to have the Red Snapper season open when the tourists are visiting. That being said, knowing from the SSC we have a fishery growing more quickly than expected, we need the fishery managers to not hold back on allocating as much quota as possible. One fear the Council has is needing to reduce the following season if there is an overrun of harvest. Due to section 407 of the 1996 Magnuson, the recreational Red Snapper season must close when the quota is projected to be met. The SSC should provide advice to the Council and the Council should be able to determine higher or lower ABCs based on any new information provided and therefore, not be bound by the SSC recommendation as it is today. The science gives guidance for National Standard 1, but the other impacts of the rest of the National Standards should have just as much weight in the decision-making process.

The Council can *set* a consistent season over several years now if the SSC sets the ABCs accordingly, but if the harvest overruns the ABC set in any one year, they must compensate for the overrun the next year, causing another inconsistent season. Between 2000 and 2006, the Council was able to use average catches over time, some years going over the ACL, others not meeting it. This gave them the ability to grant consistent seasons-much better for business. And, the fishery was steadily rebuilding.

In addition, Federal fishery managers have heard testimony after testimony in the Council meetings of the supreme habitat provided by petroleum platforms with divers and anglers speaking against their demise through the Idle Iron project.

These platforms are home to millions of pounds of Red Snapper as well as thousands of other species, some of which are endangered. Letters have been written to appropriate agencies from the Gulf Council, designating them as Essential Fish Habitat. But now, they are discussing having them closed to fishing and diving. Anglers and divers are the same folks who have brought this to their attention and that of the public. These are EFH, but not critical habitat which would close them to fishing. Historical research has shown offshore of Texas would be a desert as far as fish are concerned were it not for the petroleum platforms. The fishery needs these platforms, now artificial reefs, to help in the rebuilding process and we need them to continue providing fishing and diving opportunities across the Gulf.

Again, I say, thank you for the opportunity to share this information with the Committee.

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Dr. FLEMING. Thank you, Ms. Anderson.

Mr. Wayne Werner, Co-Founder, Gulf Coast Professional Fishermen.

**STATEMENT OF WAYNE WERNER, CO-FOUNDER, GULF COAST PROFESSIONAL FISHERMEN**

Mr. WERNER. Mr. Chairman, members of the Committee, thank you for the opportunity to testify. My name is Wayne Werner, owner-operator of Fish and Vessel Sea Quest. I have been a red snapper fisherman since 1982.

The commercial red snapper fishery is a huge success story today. When I first started fishing, our management was broken. We were in a derby system that told us what days we were allowed to fish. Then there was over-fishing, market gluts, and a complete disregard for safety. In 2001, my boat, Wayne's Pain, sank. I spent 10 hours in a life raft. I am lucky to be alive.

Fishermen worked for years to fix the system. And I am proud that we have built an accountable, sustainable, and profitable fishery. Under individual fishing quotas, over-fishing has ended. And the stock has improved. Commercial fishermen have not exceeded their quota, not even once. We have reduced bycatch by 70 percent. Fishing jobs are better. Businesses we work with are thriving. We generate income and create jobs throughout the supply chain, all the while providing a quality product to millions of American seafood lovers.

So, why the negative headlines? While the commercial fishery is a success story under Magnuson-Stevens, the recreational fishery is chronically mismanaged. The seasons are short. It routinely exceeds its quotas, it has too many discards. It is dangerous. Multi-deaths have already occurred this year. Fixing the problem is going to take big changes.

Unfortunately, the Gulf Council is avoiding the tough decisions. Instead, some are looking for scapegoats and easy answers. One rally cry is reallocation of the commercial fishery to the recreational sector. That would be catastrophic for fishermen like me, for thousands of commercial-related businesses, and millions of American seafood lovers.

It wouldn't fix recreational management, even with 100 percent of the red snapper quota. The recreational season would be extended by just a few short weeks.

Mr. Chairman, let me be perfectly clear that people who want to reallocate the red snapper fishery are the ones that are pushing regional management. We fear it is nothing less than a back-door

coups d'etat. State management has ended commercial fishing for species like trout and redfish. Millions of American consumers have lost the chance to enjoy those species of wild-caught Gulf seafood. That must not be allowed to happen to the red snapper fishery.

Regional management offers nothing new. Some private anglers and charter boat captains are coming to the Gulf Council with fresh ideas, such as sector separation, fish tags, days at sea. But regional management is nothing but the same old ideas. All it could do is divide the existing problems between five different governments, hardly a tried and true recipe for success.

In closing, I, for one, want a successful recreational fishery in the Gulf of Mexico. But misguided regional management plans don't help. They could undermine the sustainable and accountable commercial fishery. Regional management will not work for us. We don't want any part of it. Just let the Gulf fishermen do their job providing delicious, sustainable seafood to every corner of this great Nation. Thank you.

[The prepared statement of Mr. Werner follows:]

**Statement of Wayne Werner, Co-Founder, Gulf Coast Professional Fishermen**

**Introduction**

Chairman Hastings, Ranking Member Markey, and Members of the Committee, thank you for the opportunity to testify today on management of red snapper in the Gulf of Mexico under the Magnuson-Stevens Fishery Conservation and Management Act. My name is Wayne Werner and I am owner-operator of the fishing vessel Sea Quest. I have been a red snapper and reef fish commercial fisherman since 1982, and I've participated actively in the Gulf of Mexico Fishery Management Council process since 1988.

**Commercial management success**

There are a lot of negative headlines coming from the Gulf, but I want to explain there is good news that people are not hearing. Most commercial red snapper fishermen think we have a successful system. It's not perfect, but it is by far the best we've ever had. We designed a lot of it, and we approved it through a referendum that passed with over 80 percent of the votes.

When I first started fishing, our management system was badly broken. The truth is, there were too many of us chasing a rapidly dwindling resource. We were forced to participate in what was called a derby system. We would be told which days we could fish, and how many fish we could catch. Being forced to fish on specific days when the derby was open had a devastating personal impact on me. I missed 30 of my kids' birthdays; I buried my mother on the opening day of a derby; and one year I was out fishing when my father lay on his deathbed. I had no choice but to fish on derby days to feed my family.

Short seasons during which all the fish were brought to the dock in a glut kept prices low and had buyers turning to imports to satisfy demand. Red snapper was overfished; and for many, fishing was no more than a low-paying part-time job. It was a very dangerous job at that. If seas were high during the derby season boats would work anyway. One year, my vessel sank. My crew and I spent 10 hours in a life raft before we were rescued. I am lucky to be alive.

Many of us fishermen worked for years to fix that broken system. And Mr. Chairman, I'm proud of what we've built: an accountable, sustainable and profitable fishery. Since the inception of our individual fishing quota system, overfishing has ended and the stock has improved. In the seven years since the system was put in place, the commercial sector hasn't gone over its quota once. We discard a lot less fish—in fact, we've reduced wasteful bycatch by seventy percent. Fishing jobs are better. Businesses we work with are thriving. We supply red snapper year-round to help serve the growing U.S. markets for sustainable fish.

Mr. Chairman, I'm part of a fishery that is a jobs engine. Commercial fishermen in the Gulf of Mexico landed 1.4 billion pounds of finfish and shellfish in 2009, earning $629 million in landings revenue. But that is only the start of the benefit my industry brings to our region and our nation. For example, in my home state of Florida, the seafood industry generated 65,000 jobs and $2.4 billion in income. I'm proud

of that fact. I'm also proud to be the access point for up to 300 million Americans who don't fish in our oceans but want to enjoy delicious, healthy seafood. Americans from Spokane, WA to Springfield, MA can cook fresh, sustainable, wild-caught Gulf red snapper—or enjoy it at their local restaurant—because of commercial fishermen like me.

The commercial red snapper management system we designed in the Gulf is working, and we want to build on that success—not tear it down.

**The false promise of regional management**

So why all those negative headlines? The unfortunate truth is that while the commercial fishery has been a Magnuson-Stevens success story, the recreational fishery is a study in ongoing mismanagement. It is stuck in a derby fishery like the one we used to have. The recreational fishery routinely exceeds its quota, discards a lot of dead fish, and has really short seasons. It's also unsafe: six people have died in the recreational derby this year alone—four in Texas and two in Florida. Fixing the problem is going to take big changes, just like we in the commercial fishery had to face.

The recreational sector has the opportunity to rethink their fishery from a position of strength: with a rebounding stock that science-based management under the Magnuson-Stevens Act has made possible. Some private anglers and charter boat captains have risen to that challenge and are coming to the table with innovative management proposals—ideas such as sector separation, fish tags, and days at sea. These and similar ideas should be given urgent consideration by the Gulf of Mexico Fishery Management Council.

Unfortunately, too many are avoiding the tough decisions, and are looking for scapegoats and easy answers. One predictable rallying cry is to take some fish from the commercial sector through reallocation. That could obviously be a catastrophe for fishermen like me, for thousands of commercial-related businesses, and for millions of seafood consumers. It could also hurt the stock, by giving more fish to management that doesn't have accountability measures. Moreover, it wouldn't even start to tackle the recreational management challenge: even if 100% of the red snapper quota was given to the recreational sector, it would extend their season by just a few short weeks.

Others want to ignore the best available science and raise quotas more quickly than the stock can take. This must be firmly rejected. Allowing overfishing would risk returning us to the dark days when many anglers simply couldn't catch red snapper because of its depleted status.

This brings me to the growing calls for "regional management".

Mr. Chairman, let me be very clear: the push for "regional management" is nothing less than a back-door attempted coup d'etat. It represents an orchestrated effort to undermine science-based management under the Magnuson-Stevens Act and to decimate the commercial sector. Regional management does not fit the commercial fishery. It is opposed by all commercial fishermen I know. And it must be rejected by this committee.

Some participants in the recreational fishery and irresponsible managers are refusing to face the truth. They don't want to role up their sleeves and reform a system that has failed. They don't what to front up to a systematic failure to comply with the law, observe annual catch limits, and be accountable for overages. They don't want to grapple with what it means to have a growing number of private anglers exploiting a precious and finite public resource.

The regional management plan the Gulf Council is working on now doesn't propose to fix the problem; it just divides it up state by state. There is no innovation in the "regional management" plan that holds out hope for more effective management—nothing but the same old ideas. It is not clear whether the states will agree that each should pay overages back if they catch too much. Except for Louisiana, it still isn't clear how the states will provide more fishing days or other benefits. They aren't adding new ways to count the fish better or faster. So, tell me: how is this "regional management" going to fix anything?

Many of us believe that it's actually likely to be a lot worse than the status quo. Dividing authority between five different governments is hardly a tried-and-true recipe for efficiency and success on anything. We are already seeing infighting over allotments between the states. How much worse will that get if this plan is implemented? How will the states agree on enforcement responsibilities? On overages?

But far more troublesome for commercial fishermen is the fact that state agencies in the Gulf have a track record on commercial fin fish fisheries that can't be ignored. In the past, I've watched as my friends in the red fish and trout fish fisheries have been put out of business and American consumers have lost the chance to enjoy those species of wild-caught Gulf seafood. And that's what we fear is really

at the heart of this plan. Certain special interests in Gulf state capitals will stop at nothing to ensure that my friends and me are put out of our jobs, and American consumers lose access to the sustainable Gulf red snapper that they love.

**Reform**

As Congress considers the next reauthorization of the Magnuson-Stevens Act, I look forward to working with this committee to provide commercial fishing perspectives on amendments.

One of the ironies of this "regional management" proposal is that devolution of authority to the regions is at the core of the Magnuson-Stevens Act's council system. Employees of the Gulf States hold five of the seventeen seats on our council, and governors nominate almost all the remaining council members. Although I support the council system as created in the Act, there are problems with the way our council is currently operating. Congress should examine those problems as they consider council reform through reauthorization.

I respectfully urge Members to reject reauthorization proposals that would undermine the successes we have secured. In addition to turning back "regional management" plans that could decimate the commercial fishery, this committee must reject efforts to weaken or dilute Annual Catch Limits and Accountability Measures that ensure sustainable fishing.

Fishermen should also continue to have the ability to vote directly on big management changes in their fishery. Section 407 of the Act should, however, be updated, and we look forward to providing specific language to committee members as the reauthorization process moves forward.

Mr. Chairman, thank you again for the chance to offer my views today and I look forward to answering your questions.

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Dr. FLEMING. Thank you, Mr. Werner.

Last, Ms. Susan Boggs, Co-Owner, Reel Surprise Charter Fishing.

## STATEMENT OF SUSAN BOGGS, CO-OWNER, REEL SURPRISE CHARTER FISHING

Ms. BOGGS. Thank you, Mr. Chairman and members of the Committee. My name is Susan Boggs, and I appreciate the opportunity to testify before you today on the important issue of the fisheries management in the Gulf of Mexico. As you may know, the for-hire industry, including charter-for-hire and head boats, provides access to millions of recreational anglers in the Gulf of Mexico every year. My husband and I own three charter boats that operate out of SanRoc Cay Marina in Orange Beach, Alabama. We own the charter office at SanRoc Cay Marina that books for 15 in-shore and offshore charter boats, in addition to the 3 charter boats we own. We also own the dock store at SanRoc Cay Marina that sells fuel, bait, and ice to private recreational boats and for-hire boats.

There are several species of fish that are critical to the recreational fishing industry in the Gulf of Mexico, but perhaps none more than red snapper. Unfortunately, our industry has suffered under increasingly restrictive management measures. Fishing seasons have gotten shorter, and bag limits have gotten smaller. To be clear, on a charter for hire and head boat, neither the captain or crew can keep any of the catch. The fish caught on these trips are the exclusive property of the recreational angler. We only provide access to their fishery. The lack of accountability measure means that the recreational sector as a whole, unintentionally but continually, goes over its quota. Most recreational fishermen and for-hire captains want to follow the rules.

These factors make it very difficult for the for-hire operators like us to stay in business. Fortunately, there are solutions that can si-

multaneously provide increased access to fishery resources, while also providing for the long-term conservation of those resources.

First, we need to ensure timely and balanced stock assessments. Second, NOAA and NMFS needs to use their most under-utilized asset, fishermen and stakeholders that utilize the resource on a regular basis. While not every angler is an expert on the Gulf fishery, you have many that have been fishing it for decades and have a lifetime of knowledge. They have seen how fishing has changed in many ways.

Third, we need to identify where poor data is limiting access to the fishery, and increase limits where data supports it. It makes no sense to anyone to strictly limit access to a fishery, when we know we have poor data.

Recently, some in Congress, along with decision-makers from around the Gulf, have proposed moving some fisheries into a regional management program, where States, overseen by groups such as the Gulf States Marine Fisheries Commission, would manage their own fisheries. I see many problems with the proposals that have been made to this point.

My first concern is the ability and resources and manpower for these groups to take on this task. Then there are boundary issues that will be a real problem. When the Gulf is split up, will it be based on miles of shoreline, historical landings, developed underwater structure, geographical location of biomass, or a combination of these?

Finally, there is the issue with seasons. If they don't line up, then you could increase effort at State boundaries as a consequence with the residents of another State buying fishing licenses in an adjoining State when their State is out of season.

The overall problems that we face today are not exclusively with the Magnuson-Stevens Act. It is with limiting our ability and options to manage our fishery in an effective way, which we could do while staying compliant with the Magnuson-Stevens Act.

With all of the challenges we have faced in the fishery, my husband and a few other head boat owner-operators took matters into their own hands to direct their own destiny. Working through the Council process, the several head boats developed a pilot program as a test to see if a different style of management would work for their unique business and others like theirs.

A plan was created that asked for 20 head boats to participate in an EFP, exempted fishing permit, where using landings data from our shortest season, which was at that time, 2011, at 44 days. The fish we caught then could be used as the amount that we would be allowed to catch under this pilot program, the difference being instead of being restricted to a set number of days, we could fish then whenever we wanted. This allows us to fish when the weather is good and comfortable for our customers, which is safer for everyone. The Gulf Council voted to support this test program, and we are currently waiting for approval from NMFS.

Last, I would mention something that should be common sense to everyone, the effect on the species itself. I am not a scientist, but I would bet that the shock of pulling everything out of the biomass at once, versus spreading it out over a much greater period of time, would be easier on the species.

I would like to thank you again for the privilege of testifying before your Committee, and I look forward to answering your questions.

[The prepared statement of Ms. Boggs follows:]

**Statement of Susan Boggs, Co-Owner, Reel Surprise Charter Fishing, Orange Beach, Alabama; Board of Directors, Charter Fishermen's Association**

My name is Susan Boggs, and I appreciate the opportunity to testify before you today on the important issue of fisheries management in the Gulf of Mexico.

As you may know, the for-hire industry, including charter-for-hire and head boats, provides access to millions of recreational anglers in the Gulf of Mexico every year. My husband and I own three charter boats that operate out of SanRoc Cay Marina in Orange Beach, AL. We own the charter office at SanRoc Cay Marina that book for 15 inshore and offshore charter boats in addition to the three charter boats we own. We also own the dock store at SanRoc Cay Marina that sells fuel, bait, and ice to private recreational boats and for-hire boats.

Two of the vessels we own are engaged in head boat fishing (carrying a minimum of 15 passengers and no more than 35) and the third is a charter-for-hire (carrying a minimum of 10 passengers and no more than 22). We offer walk-on trips or shared expense trips that charge a per person fee. Since it is a large volume of people, we provide access to the fishery for a very modest fee to those who cannot afford their own boats. Our customers come from all over the country and are a large part of the economic machine that drives our coastal communities.

There are several species of fish that are critical to the recreational fishing industry in the Gulf of Mexico, but perhaps none more than red snapper. Unfortunately, our industry has suffered under increasingly restrictive management measures. Fishing seasons have gotten shorter and bag limits have gotten smaller. To be clear, on a chart-for-hire and head boat, neither the captain nor crew can keep any of the catch. The fish caught on these trips are the exclusive property of the recreational angler; we only provide access to their fishery. The lack of accountability measures means that the recreational sector as a whole unintentionally, but continually goes over its quota. Most recreational fishermen and for-hire captains want to follow the rules.

These factors make it very difficult for the for-hire operators like us to stay in business. The service we provide to our customers is access to ocean fisheries, but in recent years government regulations have prevented us from providing this access. Either the seasons are closed, in which case going fishing is not even an option, or the bag limits are so restrictive that customers cannot justify the expense of going fishing. These increasingly stringent measures are blocking public access to fishery resources and in the process hurting our businesses and local economies.

Fortunately, there are solutions that can simultaneously provide increased access to fishery resources while also providing for the long-term conservation of those resources.

To understand the controversy over fisheries you must first understand how we arrived here today. With the increased popularity of fish like the red snapper in the Gulf of Mexico by the recreational and commercial sectors we had come to the point in the late 1980's through the 1990's that it was difficult to even catch a red snapper. The species had been over fished. Through the Magnuson-Stevens Act (MSA) and its reauthorization and with NMFS, NOAA and the Gulf of Mexico Fisheries Management Council; bag limits and seasons have been reduced to a point were over fishing has ended and many would contend the red snapper population has rebounded. During this time in 2003 the federally permitted for-hire fleet decided to put itself under a moratorium where no new permits would be issued in the Gulf of Mexico. With dwindling fish populations, this is one way that this group saw it could contribute to help end overfishing.

Now, what you have to understand is the red snapper fishery was split into two sectors, the commercial sector which was allocated 51% of the TAC (Total Allowable Catch) and 49% to the recreational sector. The recreational sector is comprised of purely recreational anglers who own their own boat and access the fishery themselves and the for-hire fleet which provides access to millions of recreational anglers from across the U.S. each year. These two groups in the recreational sector operate in an open/closed fishery, meaning that if you want to access the fishery as a purely recreational angler you can buy a state license and go fishing. On the other side is the for-hire fleet who has limited their numbers to help in conservation efforts. For this sacrifice the for-hire fleet has been losing about 10% of the overall permits

year after year since 2003, and once these federal permits expire they cannot be reissued. In addition seasons have become more and more restrictive from 6 months, to 3 months, to 44 days, to this year's 28 days. The commercial sector at one time held back 10% of their catch each year to ensure that they are not over fishing, we limited our permits, and the missing link has been an increase in effort on the fishery from our purely recreational counterparts.

NMFS and NOAA use data collected about the biomass and the effort on the species to set bag limits and season lengths. The argument that most stakeholders in the fishery have is the validity and overall quality of the data that is currently being used. There are some easy steps that can be taken to start addressing this real problem with little additional cost and would yield quick results.

First, we need to ensure timely and valid stock assessments. We can all agree that to manage a stock efficiently you have to have up to date data that is accurate. Second, NOAA and NMFS needs to use their most underutilized asset, fishermen and stakeholders that utilize the resource on a regular basis. While not every angler is an expert on the Gulf fishery you have many that have been fishing it for decades and have a lifetime of knowledge, they have seen how fishing has changed in many ways. It is unacceptable that they are not being used as a part of this equation. Third, we need to identify where poor data is limiting access to the fishery and increase limits where data supports it. It makes no sense to anyone to strictly limit access to a fishery when we know we have poor data.

Recently, some in Congress along with decision makers from around the Gulf have proposed moving some fisheries into a regional management program where states, overseen by groups such as the Gulf States Marine Fisheries Commission would manage their own fisheries. I see many problems with the proposals that have been made to this point. My first concern is the ability in resources and man power for these groups to take on this task. There are boundary issues that will be a real problem. When the Gulf is split up will it be based on miles of shoreline, historical landings, developed underwater structure, geographical location of biomass, or a combination of these? This could be a big issue for a state like Alabama where we land a large percentage of the recreational red snapper, have invested heavily in artificial reefs but have one of the shortest coastlines. Then there is the issue with seasons. If they do not line up then there is potential for an increased effort at state boundaries as a consequence with residents of another state buying fishing licenses in an adjoining state when their state is out of season. This could easily double the effort in the water of the coast of Alabama which could have a negative effect on our fishery.

The overall problems that we face today are not exclusively with the MSA, it is with limiting our ability and options to manage our fishery in an effective way which we could do while staying compliant with MSA.

With all of the challenges we have faced in the fishery, my husband and a few other head boat owner/operators took matters into their own hands to direct their own destiny. Several head boats developed a pilot program as a test to see if a different style of management would work for their unique business and others like theirs. A plan was created that asks for twenty (20) head boats to participate in an EFP (Exempted Fishing Permit). We are using landings data from our shortest season which was in 2011 at 44 days. The fish we caught then could be used as the amount that we would be allowed to catch under this pilot program. The difference being instead of being restricted to a set number of days, we could fish them whenever we wanted. This allows us to fish when the weather is good and comfortable for our customer's which is safer for everyone. The Gulf Council voted to support this test program, and we are currently waiting for approval from NFMS.

Another way this requested EFP will help our business is simply that it spreads the fishing season out. We currently fish as hard as we can for the set number of days we have and then it is over. This is hard on our cash flow and on our employees that depend on us for their paycheck.

Let's face it, our current system of management is a derby fishery and by design is inherently dangerous. Last year we were contacted by our insurance agent who asked who he needed to speak with to garner the for-hire industry some relief, because his claims for slip and fall accidents had escalated noticeably. Boats have capsized in trying to fish in rough conditions just to get a two snapper bag limit. This is completely unacceptable, especially given the fact that we believe that with the flexibility to manage the time in which the fishery is accessed this could be avoided almost completely.

Lastly, I would mention something that should be common sense to everyone, the effect on the species itself. I am not a scientist, but I would bet that the shock of pulling everything out of the bio mass at once versus spreading it out over a much greater period of time would be easier on the species.

I would like to thank you again for the privilege of testifying before your committee and I look forward to answering your questions.

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Dr. FLEMING. Thank you, Ms. Boggs. I think we are ready now for questions from our panel. And I will now yield to myself 5 minutes.

We are bottom-line people up here, so let's get to the bottom line. I am going to go down the panel, as Chairman Hastings did, and ask you a yes-or-no question.

First question is, yes or no, do you support a change in the Magnuson-Stevens Act to allow councils more flexibility in rebuilding over-fished fisheries? We will start with Mr. Malone.

Mr. MALONE. Yes, sir.

Mr. PEARCE. Most definitely.

Ms. ANDERSON. Yes.

Mr. WERNER. No, sir.

Ms. BOGGS. Yes.

Dr. FLEMING. OK. Thank you. All right. Yes or no, do you support changes to the Magnuson-Stevens Act that would provide councils with more discretion in implementing the recommendations of the Scientific and Statistical Committees, The SSCs?

Mr. MALONE. Yes, sir.

Mr. PEARCE. It has to happen.

Ms. ANDERSON. Yes.

Mr. WERNER. Yes.

Ms. BOGGS. Yes.

Dr. FLEMING. OK. Yes or no, do you believe the Magnuson-Stevens Act should be modified to allow the councils to have more flexibility in setting annual catch limits?

Mr. MALONE. Yes, sir.

Mr. PEARCE. Yes.

Ms. ANDERSON. Yes.

Mr. WERNER. Very little.

Ms. BOGGS. Yes.

Dr. FLEMING. I am sorry. Very little?

Mr. WERNER. Very little, yes. Very little bit. Just a little bit, yes.

Dr. FLEMING. Yes, but——

Mr. WERNER. Not a lot of flexibility.

Dr. FLEMING. A little flexibility, OK.

Mr. WERNER. Little.

Dr. FLEMING. I understand you. OK, thank you. Yes or no, do you believe the Magnuson-Stevens Act should be modified to limit the annual catch limit provisions to those stocks that are target species?

Mr. MALONE. Yes, sir.

Mr. PEARCE. I will answer with a yes, but 67 percent of our fisheries are data poor, so we don't need ACLs on those. So, yes.

Ms. ANDERSON. Would you repeat the question, please?

Dr. FLEMING. Do you believe the Magnuson-Stevens Act should be modified to limit the annual catch limit provisions to those stocks that are target species?

Ms. ANDERSON. Yes.

Mr. WERNER. No.

Ms. BOGGS. I am not going to answer.

Dr. FLEMING. OK. Well, I think there is general consensus on some issues, it sounds like. I think we are all desperately needing more and better data, and certainly more timely data. I think we all agree with that. And I think there is a broad consensus that we would benefit with more flexibility. So I think that is certainly good information, and I thank you for your answers on that.

OK. Now, this question is for Mr. Pearce. Mr. Pearce, you note that Congress does not need to act on regional management because the Council is moving rapidly. Can the Council and NOAA act quickly enough to implement the plan of 2013?

Mr. PEARCE. Right now, our regional management plan is out to public hearings. We hope that, with any luck at all, by January to April we will have the regional management plan in place so that it will be ready for the season for next year. So I do believe that is going to happen. The resolve of the Council is to get that done. The resolve of National Marine Fisheries Service is to hopefully get that done.

So, I think that, whereas the legislation was timely to get us in gear, it did. But we are in gear, and I firmly believe that we will be ready for the next season.

Dr. FLEMING. OK. The latest stock assessment shows significant improvement in the red snapper biomass, yet the recreational season may be even shorter than last year. How is this possible? Yes, Mr. Pearce?

Mr. PEARCE. Really, when it comes to that, the SSC gives us a certain number we have to manage to. That is a hard, fast number. We, as a council, don't have any options but to manage to that number. We have to be able, as a council, to manage fish and fishermen, and we don't have that option with the hard numbers that we are given.

If we would have had our way as a council—I know if we had had my way—we would have had status quo of our fishery this year, knowing we had a stock assessment on the horizon with all the anecdotal information showing us that it is going to be a great stock assessment. Yet we were locked in to a number by the SSC that forced us to do the things that we had to do in the number of days.

We have to have the ability, as a council, to look through that and to manage for fish and fishermen. In the past, we have managed—before we had a solid ACL number—ABC number, excuse me, from the SSC, we had a king mackerel fishery there we managed. We consistently allowed the fishermen to catch more king mackerel than the SSC said, and we still maintained rebuilding the stock.

Dr. FLEMING. All right. Because I am running out of time, let me see if I understand you correctly. You say that there were issues that developed that made that difficult. Was it lack of data? Was it slowness of data? What was the problem?

Mr. PEARCE. The inability of the Council to utilize our energies at the Council to manage the fishery. We managed the fish, we are not managing the science correctly. And if we are given a hard, solid number by the SSC, a hard ABC, we have no choice but to manage to that number. We need the flexibility to manage for fish and fishermen, and we don't have that now.

Dr. FLEMING. So, not having the ability to manage the data to help measure yourself or deliver or interact, you are given data that is perhaps not accurate or not trustworthy, and you are just having to flex with data that is just not good data.

Mr. PEARCE. I am not going to say it is not trustworthy or not accurate, but it is hard to manage when you are looking at managing fish, that is one thing. And we do a great job at that. When you are looking at managing science, that is another thing. And our SSC is charged with managing science, not fish, not fishermen. And they give us a number that they have to give us, because it is mandated by Magnuson-Stevens, and it is a very conservative number every year. And we continue to go backwards because of that number.

We have to have, as a council, the ability to have the SSC as an advisory group only, to give us options that we can manage to, and allow us to look at the anecdotal information, allow us to look at what is going to be best for our fishermen and our country, and manage that way.

Dr. FLEMING. OK. Thank you. I now recognize the Ranking Member for 5 minutes.

Mr. SABLAN. Thank you very much, Mr. Chairman. I am going to stick to the script. I was going to say something, but I am going to behave and stick—Ms. Boggs, good morning. One of those rare people who refuse to answer a question. Very smart.

[Laughter.]

Ms. BOGGS. If you don't know the answer, don't answer.

Mr. SABLAN. No answer, that is good. Again, but in your testimony you mentioned that you are taking part or participating in a pilot exempted fishing permit program. Would you please tell us or elaborate on how this kind of program can benefit businesses like yours and the angling public?

Ms. BOGGS. Yes, sir. The head boat pilot program that we have applied for, it is an exempted fishing permit. It has not yet been approved by NOAA—or NMFS, excuse me—but it would allow us the versatility to fish on days that are not rough, give us the flexibility to fish any time throughout the year, not just confine us to, as in this year, a 28-day season. It just gives us a lot more flexibility. And not just us, but to the recreational——

Mr. SABLAN. And I am assuming that a lot of people want to fish for red snapper because there are—I am sure they charter your boats for other kind of fishing, too——

Ms. BOGGS. Well, they do. And because we are a tourist area where we live, we also have a lot——

Mr. SABLAN. OK.

Ms. BOGGS [continuing]. Of what we refer to as snow birds, winter guests that come down and stay during the colder months.

Mr. SABLAN. Yes, right.

Ms. BOGGS. And they don't have the opportunity to catch the species. And this would allow us that opportunity for them.

Mr. SABLAN. Thank you. Thank you. Mr. Werner?

Mr. WERNER. Yes.

Mr. SABLAN. A number of witnesses have testified that Section 407 of the Magnuson-Stevens Act relative to red snapper should be modified. I think you are one of those who said——

Mr. WERNER. Yes, I did.

Mr. SABLAN. So, what are your thoughts?

Mr. WERNER. Well, with the Council makeup today, we have no representation on our Council. The Harlon Pearces are best representative commercially. We haven't had a red snapper or a reef fish fisherman, active reef fish fisherman, be part of this council process ever. And 407 encompasses the ability for us to have a referendum to vote on our big changes in our IFP programs.

And to give you one example, the Council proposed changing our user fee from 3 percent to 24 percent. In other words, Congress had basically allowed them the ability to raise a tax on us, a 24 percent tax. And you know, as I have said, we don't have any representation. And we just felt like we are—no representation, and you have given the ability of taxation. That is just 1 example; I could give you 50 of them.

Mr. SABLAN. Yes. Well, I will have another question for you, Mr. Werner. Some recreational interests have argued for reallocation of red snapper quota from the commercial sector to the recreational sector. Can you please explain the benefits that will accrue to fishermen, consumers, and the economy by leaving the allocation formula as-is?

Mr. WERNER. Well, less than 3 percent of the country goes recreational salt water fishing. There are over 300 million people that want access to these fish. And with the dwindling amounts of fish coming into the country—we have seen large reductions in fish coming from Mexico, South America—our demand is getting so high we can't even hardly keep up with it. We just really need these fish, just to meet the demand of protein in this country over the next 20 years.

Mr. SABLAN. Yes. And, yes, because where I come from, the fish we would like to catch go migratory or something. But the anecdotal evidence suggests that the red snapper stock is rebuilding at a faster rate than projected. However, the vast majority of the fish are young and have not reached their peak spawning years.

Mr. Werner, why is it important to establish a more balanced stock structure, and how would that progress be inhibited by the impacts of the Deepwater Horizon oil spill?

Mr. WERNER. Well, actually, what we are seeing right now—I am kind of perplexed as to why we got such a large raise in the quota, because if you look at the biomass, it is going straight up. And a lot of that isn't because the population of the fish is growing that fast, it is because of the fish growing in through the fishery, like you said.

But we see the recruitment down to 1983 levels. And this is kind of an odd thing, that you have this biomass that is going up, and the recruitment going straight down. And I will tell you one thing, sitting at this table. If it goes down like it does 2 more years, we will probably be sitting at about a 4 or 5 million-pound quota after that.

Dr. FLEMING. The gentleman's time is up. The Chair now recognizes Mr. Wittman for 5 minutes.

Dr. WITTMAN. Thank you, Mr. Chairman. I would like to thank the panelists for joining us today, taking your time out. And referring back to the Chairman's question, I appreciate your insights on

how to best manage red snapper. It sounds like there is at least a majority of opinion that putting more power back in the hands of the States, making sure, too, that they are part of not only the management but also the data collection, is a more powerful way to do that. I am in agreement with you. The one individual that didn't agree with that, I would wonder what his alternative is. More big government is probably not the best way to go about that. I am not sure that Washington knows all. In fact, I know that it doesn't know all.

With that, Mr. Chairman, I am going to yield the balance of my time to the gentleman from Florida, Mr. Southerland.

Mr. SOUTHERLAND. Thank you, Mr. Wittman. I appreciate your kindness. I want to ask some questions.

Ms. Boggs, you made reference to a pilot program that obviously you and your husband and your company will be a part of, correct?

Ms. BOGGS. Right.

Mr. SOUTHERLAND. And that has been voted on by the Gulf Council. Mr. Pearce, how did you vote on that particular program?

Mr. PEARCE. Yes, I did.

Mr. SOUTHERLAND. OK. How many boats, again? Twenty boats?

Ms. BOGGS. The EFP can accept up to 20 boats. We currently have 11 that have elected to be a part of the EFP.

Mr. SOUTHERLAND. Eleven boats.

Ms. BOGGS. Yes, sir.

Mr. SOUTHERLAND. OK. And the pilot program will be for 2 years?

Ms. BOGGS. That is correct.

Mr. SOUTHERLAND. OK. I am curious. They will fish year-round, these 20 boats. And for the 24-month period that they will be fishing, the other 60 head boats in the Gulf of Mexico will be tied to the dock and not fishing. Correct?

Ms. BOGGS. That is correct.

Mr. SOUTHERLAND. OK. I want to make sure. Tell me again the purpose of this pilot program.

Ms. BOGGS. We are just seeking a different way to manage the fish. And——

Mr. SOUTHERLAND. But wait a minute, now. It seems to me that if you are managing the fish, if that is the goal, and you have 20 boats going out year-round, catching fish, and when they leave the dock, OK, if they are at a dock that has five head boats, and one boat is involved in the pilot program, the other four are there, tied up, OK—bills are still coming in to those boats, companies, by the way—that that is managing the fish. It seems to me that it is probably a more Draconian way to manage the fleet. Would it not?

Ms. BOGGS. Well, it is interesting that you mention that. Like I said, there are only 11 boats that have elected to come into this program.

Mr. SOUTHERLAND. Right..

Ms. BOGGS. They have all been asked if they would like to participate. So to say they are going to be tied at the dock, that is pretty much their decision that they have made.

Mr. SOUTHERLAND. OK. But you have a pilot program, clearly, that is capped at 20. Right?

Ms. BOGGS. Yes, sir.

Mr. SOUTHERLAND. Not above that. Twenty.

Ms. BOGGS. And——

Mr. SOUTHERLAND. OK? So you have to admit that during this——

Ms. BOGGS. Yes, sir.

Mr. SOUTHERLAND. You have to admit that during the 2-year period, the 24 months of having to meet payroll, the 24 months of having to make a boat payment, the 24 months of having to put a roof over your head and food on the table for your children, that those 60 that are not fortunate enough to be a part of the pilot program are probably at a disadvantage, correct?

Ms. BOGGS. Well, I would like to clarify one point.

Mr. SOUTHERLAND. OK.

Ms. BOGGS. We do not get to fish 12 months out of the year. Due to the Magnuson-Stevens Act Section 407(d), we have to stop fishing when all recreational fishing ends. So, if we have a season that ends on June the 28th, we would only be allowed to fish January 1st to June the 28th. We don't have a 12-month season. And that is by the Magnuson-Stevens Act.

Mr. SOUTHERLAND. Right. And the pilot program would have to honor that, Mr. Pearce?

Ms. BOGGS. That is correct.

Mr. PEARCE. That is correct.

Mr. SOUTHERLAND. OK. So the pilot program is not a year-round program, it is a 6 month?

Mr. PEARCE. That is the way it is set up now.

Mr. SOUTHERLAND. Six-and-a-half? OK. So the advantage that those 20 boats would have over the 60 is a 6-month advantage. Well, actually, if you back off the season, a 5-month advantage, as opposed to a 12-month advantage, but an advantage, nonetheless, correct?

Ms. BOGGS. It is an advantage, and I do not know who set the limits on the number of boats that come in. So I don't know how to clearly answer why the other 60 are not included in the plan.

Mr. SOUTHERLAND. I am just curious. The 11 boats that are currently in the program, are they owned by individuals who own catch shares?

Ms. BOGGS. No.

Mr. SOUTHERLAND. Mr. Pearce?

Mr. PEARCE. I am not sure, but——

Ms. BOGGS. And that is what I was just about to say. I don't know. I would have to look at the list——

Mr. SOUTHERLAND. Well, you said no. So——

Ms. BOGGS. Well, I apologize. But I would have to look at the list again, which—I don't have the list with me. So I don't know the answer without seeing that list again.

Mr. SOUTHERLAND. Mr. Chairman, I see my time is expired that was yielded to me, and I think we are coming back to me.

Dr. FLEMING. The gentleman is correct. Mr. Wittman's time is expired. I now recognize the gentleman from Florida for another 5 minutes.

Mr. SOUTHERLAND. Thank you, Mr. Chairman. Ms. Anderson, your family is in the head boat business.

Ms. ANDERSON. Yes, we are.

Mr. SOUTHERLAND. In Panama City Beach, I believe.

Ms. ANDERSON. That is correct.

Mr. SOUTHERLAND. Were you reached out to or contacted to be a part of this pilot program?

Ms. ANDERSON. Yes, we were.

Mr. SOUTHERLAND. OK. In your opinion, the scenario that I just described, those 60 boats that will not be a part of the program, the advantage that they will have over a 2-year calendar period—but obviously, the season would be a 6-month season, so they would have about a 5-month advantage. If you are not lucky enough or fortunate enough to be one of the 20 boats, how would that make you feel, to see another boat—let's say the boat right beside you—going offshore with tourists to catch fish? Is that a—would that bother you?

Ms. ANDERSON. It would be a management problem for me. We manage the Captain Anderson Marina, and we sell tickets to the head boats through the office. So if one is able to have a season when the other is not, then it causes confusion, customers don't understand, and they don't understand why one boat can catch something that the other boats cannot. It is really a difficult management problem.

But it also pits one against the other, and we try our, you know——

Mr. SOUTHERLAND. That is usually what bad things do.

Ms. ANDERSON. Yes. And so we try our hardest at our marina to keep a fair playing field. And this would not do that.

Mr. SOUTHERLAND. Ms. Anderson, where would the allotment, the catch, come from? Is that coming from the recreational sector? Obviously, because head boats tend to serve, obviously, recreational fishermen who perhaps don't own their own boat.

Ms. ANDERSON. I am not positive what they are going to do. I think there have been several options discussed, and I believe Mr. Pearce would probably be able to answer that better. But options that I am understanding are that they might be taken off the top before the allocation was designated, or it would be from the recreational sector.

Mr. SOUTHERLAND. Right. Is that correct, Mr. Pearce?

Mr. PEARCE. That is correct.

Mr. SOUTHERLAND. OK. You can see my problem, that it seems like this is a program that picks and chooses winners. Clearly, the 60 that aren't a part of the program, I think, would agree that they are not fortunate enough to go out and work. And so, I think there is a problem, Mr. Pearce, at the Council level. For this Council to accept a program that so damages and continues to divide a sector is—I just want it to be stated that I think that is ill-advised, and not designed in a way to help an entire industry, other than—but it does what Ms. Anderson has claimed. It will further divide, it will further cause pain. And I will tell you I think that you have not served the industry well by such a move.

You mentioned—Mr. Pearce, you mentioned in your testimony that, in your opinion, you would have kept this current season as is. Is that——

Mr. PEARCE. That is exactly right.

Mr. SOUTHERLAND. OK.

Mr. PEARCE. We had a special reef fish committee meeting in Tampa 6, 8 months ago.

Mr. SOUTHERLAND. Right.

Mr. PEARCE. And I bitterly objected to us dropping the days, because we knew we had another assessment coming up in a few months.

Mr. SOUTHERLAND. Right.

Mr. PEARCE. We knew that there was going to be a good assessment, we felt that it was going to be a good assessment. And it was time for us to manage for fish and fishermen, not just for fish.

Mr. SOUTHERLAND. I know the Gulf Council recently voted on an emergency rule giving National Marine Fisheries greater authority to shorten the season, as a result of that rule. I am just curious how you voted on that particular motion.

Mr. PEARCE. The rule that said that anybody went non-compliant, any State that went non-compliant, would have to be shut down quicker? Is that the rule you are talking about?

Mr. SOUTHERLAND. That certainly would not keep the season as it currently was.

Mr. PEARCE. Not keep it as it was?

Mr. SOUTHERLAND. Well, you said in your testimony——

Mr. PEARCE. Right.

Mr. SOUTHERLAND [continuing]. That if it were up to you, that you would have kept the season as is.

Mr. PEARCE. Correct.

Mr. SOUTHERLAND. I am just curious how you voted on that emergency rule giving National Marine Fisheries, and most specifically Mr. Roy Crabtree, the authority to shut down the Gulf, or reduce the Gulf in days fished.

Mr. PEARCE. I voted against that.

Mr. SOUTHERLAND. You voted against that?

Mr. PEARCE. Yes.

Mr. SOUTHERLAND. OK. Just curious. That particular—it certainly passed. Correct me if I am wrong, but when that first came up, it was voted on twice, was it not?

Mr. PEARCE. Correct.

Mr. SOUTHERLAND. So the first time it was voted down.

Mr. PEARCE. Correct.

Mr. SOUTHERLAND. And then Mr. Crabtree called a closed session, and then came——

Mr. PEARCE. No. It was brought up by one of the people on the prevailing side called for another vote. He wanted to bring it back up. And it——

Mr. SOUTHERLAND. After what I understand was a discussion from Mr. Crabtree to the Council.

Mr. PEARCE. To that individual, I am sure.

Mr. SOUTHERLAND. Mm-hmm. And then it was called right back up for another vote, and it was passed, to give him—after that conversation—to give him greater authority to reduce days fishing in the Gulf.

Mr. PEARCE. Yes.

Mr. SOUTHERLAND. OK. Do you see the problem with the integrity of that process, at least the appearance of evil?

Mr. PEARCE. I can understand that. And in defense of Dr. Crabtree, I thought he was doing the right thing. And what he was trying to really do was penalize States that did not go compliant, and that would maybe hurt the States that did. So he had the right intentions, but I think it did happen wrong.

Mr. SOUTHERLAND. Yes. Very good. I yield back.

Dr. FLEMING. The gentleman's time has expired. Thank you, panel number two, for your testimony, and being willing to answer the questions. I would also like to thank Members and staff for their participation and preparation.

Members of the Committee may have additional questions for the witnesses, and we ask you to respond to those in writing. The hearing record will be open for 10 days to receive these responses.

If there is no further business, without objection, the Committee stands adjourned.

[Whereupon, at 12:20 p.m., the Committee was adjourned.]

[Additional material submitted for the record follows:]

**Statement submitted for the record by Pamela Baker, Director, Gulf of Mexico and Southeast Oceans, Environmental Defense Fund**

Thank you for the opportunity to comment on the management of red snapper in the Gulf of Mexico under the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Please accept this written testimony into the record for the hearing.

The MSA has played a vital role in helping to protect stocks from overfishing, rebuild those that are overfished, and provide for continued enjoyment of important recreational opportunities. Gulf of Mexico red snapper has benefited from the MSA's conservation provisions, but we agree with fishermen and others who have expressed the need for more effective management of the recreational sector of the fishery, which faces the shortest season on record this year, even as managers anticipate that catches will exceed established limits yet again.

The difficulty providing adequate fishing opportunities for recreational fishermen is in stark contrast with the success of commercial red snapper management. Not long ago, commercial fishermen dealt with regulations similar to those now governing recreational fishing, such as short seasons, daily trip (poundage) limits, and high minimum size limits. These rules led to dangerous derby fishing, huge amounts of fish thrown back dead or dying, economic decline and quota overages.

In response, the Gulf of Mexico Fishery Management Council (Gulf Council) overhauled management, by dividing the commercial share among participants, holding each party responsible for complying with his limit, and implementing strong reporting and monitoring systems. This approach, called individual fishing quotas (IFQs), allows fishermen to benefit from higher quotas when the fish population grows, creating material incentives to support science-based management. These changes helped stop overfishing, and red snapper are now available year-round and helping to meet the growing U.S. demand for wild fresh seafood. In addition, strong and stable prices for this high-quality fish are protecting jobs and boosting businesses in coastal fishing communities.

Nearly identical issues to those confronted by the commercial fishery a decade ago now plague recreational fishermen. As the stock rebounds and snapper are plentiful and larger, anglers reach their quotas faster. With recreational fishing of red snapper still based on failing tools such as season length, daily catch and size limits, get-it-while-you-can racing is growing more intense and regulations are forcing anglers to throw back millions of small fish, usually dead or dying. Moreover, data collection and monitoring systems are outdated, slow and imprecise, which further undermine faith in management. While tools like daily catch and size limits are used successfully in many coastal fisheries, they are not effective for fish like red snapper and other reef fish that do not survive catch and release well, and are caught together with other species sharing the same offshore habitat throughout the Gulf, even if anglers are not targeting them.

Because the management system is not tailored to the particular conditions of the fishery and data systems are poor, it cannot keep the recreational sector within its share of the quota or provide the longer, year-round fishing opportunities anglers

want. Recreational fishermen are rightfully angry and confused as they are told that they have exceeded their quota even though they individually comply with tighter restrictions on a growing fish stock.

In the face of this frustrating situation, States and Members of Congress have suggested that red snapper be managed via "regional management" that divides the red snapper fishery among states and allows each to manage the fish in both the state and federal waters off its coast. Some proposals apply only to recreational catch, while others include the commercial sector. This approach holds promise for private recreational anglers, but changing the managers will not fix the problem unless the states have the authority and the incentive to use new management techniques that are appropriate to the conditions of the fishery.

For example, states can try methods such as harvest tags, similar to those used to allot hunting privileges for limited game populations like deer and elk. Tags could be allocated throughout the year to accommodate tourist seasons, tournaments, and other priorities. Angler management organizations, which receive a given amount of fish to distribute at the local level and allow anglers to manage themselves in cooperation with regulators, also have promise. Anglers have developed self-reporting systems that can harness modern technology to greatly improve data collection and monitoring. Whatever their approach, states' authority should be conditioned upon demonstrated improvements in setting, monitoring, and complying with recreational harvest limits over the existing Gulf-wide plan. While state management agencies have greater experience with managing recreational species on land and in freshwater, questions remain concerning how to enforce different rules in the deep, offshore marine waters off of different states and how to account for the catch. States can play an important role in improving management of the recreational sector, but they need to demonstrate how they would do so in order to justify transferring authority to them.

The for-hire sector occupies a unique position in the fishery, providing access to offshore fishing grounds for anglers who do not own boats. Like commercial fishermen, for-hire captains run small businesses and have a commercial orientation. As such, for-hire captains could benefit from a specially-tailored IFQ plan similar to the one designed by the commercial sector so that they can plan trips and serve customers to make the most of the limited fish. Accordingly, they are likely better managed by federal regulators, who have greater experience with such systems.

As the red snapper fishery recovers, we must make sure not to undermine the benefits a growing red snapper population has provided to all fishermen, consumers and coastal communities. Real challenges face recreational managers—whichever level of government they work for—and that is why improved management tools are urgently needed. Commercial management has already demonstrated how a healthy Gulf red snapper fishery can accommodate the ever-shifting demands of society for recreation and fresh, locally-caught seafood. Congress should encourage fishermen to work together to improve management to make the most of the growing red snapper bounty. Thank you for the opportunity to submit this testimony.

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[A statement submitted for the record by The Honorable Jo Bonner, a Representative in Congress from the State of Alabama, follows:]

**Statement submitted for the record by The Honorable Jo Bonner, a Representative in Congress from the State of Alabama**

Chairman Hastings, Ranking Member Markey, Distinguished Members of the Committee,

I'd like to thank you for once again allowing me to participate as a guest member of the Natural Resources Committee to discuss an issue of notable concern for the Gulf Coast, the mismanagement by federal regulators of the Red Snapper fishery.

I wish to thank the committee for holding this hearing and for also inviting Chris Blankenship, Director of the Marine Resources Division of the Alabama Department of Conservation and Natural Resources, Herb Malone, President/CEO of the Alabama Gulf Coast Convention & Visitors Bureau as well as Susan Boggs, Co-Owner Reel Surprise Charter Fishing to testify about the negative impact of the National Marine Fisheries Service (NMFS) and Gulf of Mexico Fishery Management Council fish management practices on our state and the Gulf Coast as a whole.

I was last here on October 27, 2011, participating in a hearing looking into the operation of the Gulf Coast Claims Facility, following the Deepwater Horizon Oil Spill of 2010. The oil spill, coupled with a flawed claims process, left thousands of

residents along the Gulf Coast out of work and improperly compensated for damages.

This conversation we are having today is similar in nature and of equal concern along the Gulf Coast. The mismanagement of the reef-fish fishery in the Gulf, specifically Red Snapper, has been frustrating to say the least. Data gathered by scientists in each of our states and anecdotal evidence from resource user groups have quantified the abundance of Red Snapper. Even so, NMFS continues to enact draconian restrictions based on their own flawed data, which flies in the face of good science and common sense.

Earlier this year, I introduced H.R. 1219, the Gulf Fisheries Fairness Act, in an effort to provide the Gulf States with the appropriate authority they need to manage a fishery they are very capable of regulating, and to give our fishermen and tourism industry the life-line they so desperately need. It's important we recognize a one-size-fits-all reef fish management policy in the Gulf is antiquated and doesn't accurately reflect decade's worth of reef management policies implemented by our states.

We hold this hearing today on the eve of Red Snapper season's last day. Beginning on the first of June, federal regulators gave the people of Alabama a mere 28 consecutive days to go fishing. Now, here we are on the 27th day of June wondering where the time went. We did not get to fish every day, every weekend or every week for that matter. Some of us were lucky to get in one fishing trip, lasting less than an hour before limiting out and heading back to the dock.

This is certainly not a sustainable model for anyone who runs a business on the Gulf Coast. What often goes unnoticed is the size and reach of the fishing community beyond the shoreline. Local economies directly impacted by unnecessarily stringent restrictions on fishing go far beyond our charter boats, commercial vessels and private anglers. Local bait and tackle shops, gas stations and marinas, boat dealers, restaurants, grocery stores and the hospitality industry all bear the impact of overly restrictive fisheries management policies. Tourists book trips months in advance of the summer season to fish on charter boats, stay in local residences and hotels and eat at local restaurants that all feature Red Snapper on the menu.

In order for us to see any real change in fishery management practices we need strong and accurate science. Our states stand willing and ready to gather the data that NMFS knowingly disregards. The current baseline data used to determine "overfishing" is wholly inaccurate, based solely on dockside counts and not accounting for the approximately 20,000 artificial reefs the State of Alabama has proactively established.

I strongly believe that including studies of fishery independent data by using long lines and reef cameras at both public and private locations as well as many other methods will greatly improve our data set and provide a more accurate picture of the Gulf of Mexico fishery.

Mr. Chairman, we have seen time and again where the heavy hand of the federal government isn't getting this right. We've tried what National Marine Fisheries has directed and the problem gets worse, not better. It's time to try something new and let the states—who have a vested interest in the health of the Red Snapper fishery—have a chance at managing the fishery.

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**Statement submitted for the record by the Gulf Fishermen's Association, Clearwater, Florida**

My name is John Schmidt and I have been fishing in the Gulf of Mexico for more than 25 years. On behalf of the Gulf Fishermen's Association, I would like to thank you for the opportunity to submit written testimony related to Red Snapper Management.

We are strongly opposed to shifting Red Snapper management away from the Gulf Council and National Marine Fisheries Service. Our members and every commercial fisherman at last week's Gulf Council meeting in Pensacola, FL who gave public testimony felt the same way. Here are just a few of the reasons why:

These fish belong to ALL Americans, not just the Gulf States. Less than 1% of Americans can go catch their own Red Snapper. Recreational Gulf State fishermen catch half of Red Snapper caught in the Gulf. All of America gets the other half.

State management is dominated by recreational fishing interests, and consumers are largely unrepresented. A shift away from Federal management is a shift away from fresh domestic seafood for millions of Americans who have invested in our fisheries. These Americans need and deserve congresses protection.

Gulf Red Snapper are one of America's most prominent fisheries successes. Fifteen years ago nobody was fighting over Red Snapper because there weren't many

to fight over. Today it's clear that the rebuilding process is working and abundance is increasing.

The commercial sector that catches fish for Americans has established a management system that never exceeds its quota, has world class data collection, enforcement, and provides fresh domestic seafood year round. The economic value of the resource has increased exponentially and contributes more to society per pound of fish than any other management system.

Some recreational leaders, on the other hand, are working to take away more fish from America. Despite the fact that they already get 100% of freshwater fish, near 100% of inshore saltwater fish, 100% of game fish, and a disproportionate amount of reef fish, they want more. These are the only people resisting better management ideas.

Congress should work with the recreational sector to create a better management system for them. The commercial sector has been working for years and has made many sacrifices to get to where we are today. We have learned many lessons and would look forward to sharing them with Congress if there are ways they can be applied to the recreational sector as well.

Red Snapper is part of the Federal Reef fish complex. They inhabit the same places as other reef fish and ultimately need to be managed a group to yield the best benefit to the country. They don't stop and start at 20 fathoms and you can't just separate out one species. Having two entities manage these species is economically inefficient and rife with conflict. There is no evidence that States are equipped to manage offshore fisheries.

States already have a substantial role in managing federal reef fish. The Gulf council is made up almost entirely of people appointed by governors of Gulf States. Members of every state fishery agency sit on the council. Much of the data they consider comes from the states. The only thing missing is representation from the rest of America that pays for it. If there were representation from the 98% of Americans that depend on fresh domestic seafood, this initiative to take it away from them would never have happened.

I want to thank Congress for the role it has played and America for the commitment it has made to healthy fisheries. Now we need you to protect America's portion as our fisheries rebuild.

Sincerely,

Gulf Fisherman's Association Board of Directors:

Glen Brooks: President, Cortez, FL 941–920–7302
Dean Pruitt: Vice President, Clearwater, FL 727–512–2609
Jim Clements, Board Member, Carrabelle, FL 850–544–5703
Brad Kenyon: Board Member, Tarpon Springs, FL 727–639–0643
Jason Delacruz: Board Member, Seminole, FL 727–639–6565
John Schmidt: Board Member, Palm Harbor, FL 727–403–6281
Will Ward: Board Member, St. Petersburg, FL 727–638–8316

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