

**H.R. 3099, “GULF OF MEXICO
RED SNAPPER CONSERVA-
TION ACT OF 2013”**

LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES, WILDLIFE,
OCEANS AND INSULAR AFFAIRS

OF THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

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LEGISLATIVE HEARING ON H.R. 3099, TO PROVIDE FOR THE DEVELOPMENT OF A FISHERY MANAGEMENT PLAN FOR THE GULF OF MEXICO RED SNAPPER, AND FOR OTHER PURPOSES, "GULF OF MEXICO RED SNAPPER CONSERVATION ACT OF 2013"

**Thursday, December 4, 2014
U.S. House of Representatives
Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs
Committee on Natural Resources
Washington, DC**

The subcommittee met, pursuant to call, at 10:00 a.m., in room 1324, Longworth House Office Building, Hon. John Fleming [Chairman of the Subcommittee] presiding.

Present: Representatives Fleming, Duncan, Southerland, Byrne, Sablan, and Garcia.

Also present: Representative Jolly.

STATEMENT OF THE HON. JOHN FLEMING, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mr. FLEMING. The subcommittee will come to order. The Chairman notes the presence of a quorum.

Good morning. Today the subcommittee will conduct a hearing on H.R. 3099, the Gulf of Mexico Red Snapper Conservation Act of 2013.

As I am sure everyone in this room will agree, the Gulf of Mexico Red Snapper fishery is a mess. This is a fishery that is an economic driver for many coastal communities. It is a very popular sport fish for recreational fishermen and supports a valuable commercial fishery. In fact, this fishery once supported a 180-day recreational season, and while it is currently under a rebuilding plan, both fishermen and NOAA agree that the fishery is rebuilding beyond expectations.

Despite this rebuilding success, the recreational seasons have been dramatically shortened, leading to only a 9-day season in 2014. This increasingly shortened recreational season has had serious consequences for our coastal communities and, in particular, for recreational fishermen. I can certainly understand how recreational fishermen are frustrated. We have a stock survey system that appears to ignore key areas where red snapper are known to live, and we have a recreational data collection program that not only doesn't work but is now going to undergo yet another revision.

As we have heard at a number of hearings on this reauthorization of the Magnuson-Stevens Act, the Federal recreational data collections program has been repeatedly called into question. Two states now have undertaken their own recreational data collection

programs, and both have been able to collect more accurate information and have highlighted the shortcomings in the Federal recreational data collection program.

Added to that mix we had a court ruling calling into question some of the basic provisions of the Federal fishery management system. With this as a backdrop, I want to thank Congressman Miller for his legislation that attempts to address these problems. I know H.R. 3099, the Gulf of Mexico Red Snapper Conservation Act of 2013, has raised some concerns within the various sectors of the Gulf of Mexico fishery industry, and I know we will hear some of these concerns today, but I am glad this legislation will allow us to have this dialog. Hopefully, it will lead to some creative solutions.

H.R. 3099 would transfer management of the red snapper fishery from the Gulf of Mexico Fishery Management Council to the Gulf States Marine Fisheries Commission. Supporters of this legislation have cited several examples of other fisheries that have benefited from moving them from Federal management to state management.

As you know, many of the members of this committee support the notion that states can manage their natural resources more effectively than the Federal Government can. However, there are a number of issues that will probably be raised here today that we need to consider.

One of the most perplexing will be the question of how we fund this new authority for the Commission.

A second concern is whether the Commission will be susceptible to an increase in lawsuits.

And a third is how the Gulf states and the Federal Government will enforce a new management regime.

These are concerns that we must be aware of, but through the hearings we have held in the past, it is clear that there needs to be more flexibility in how states can manage red snapper, and it is clear that the Gulf states need to be more actively involved in the management.

The Gulf of Mexico Fishery Management Council has been debating several amendments to the Reef Fish Fishery Management Plan to deal specifically with red snapper issues. The Council recently adopted a controversial sector separation plan that will split the recreational sector into a for-hire component and a private angle component.

The Council is also debating a plan to reallocate fish from the commercial sector to the recreational sector.

Finally, and probably most important to the discussion today, the Council is working on a regional management scheme that will give each of the Gulf states the ability to manage red snapper within state waters in a way that benefits their fishermen. I suspect some of today's witnesses will give us more information on these amendments and how they relate to the legislation before us.

As Members know, this is not the first hearing we have held on these issues and will likely not be the last hearing on how to improve the management of this important fishery.

I am now pleased to recognize the Ranking Member, the distinguished gentleman from the Commonwealth of Northern Mariana Islands for any statement he would like to make.

[The prepared statement of Mr. Fleming follows:]

PREPARED STATEMENT OF THE HON. JOHN FLEMING, CHAIRMAN, SUBCOMMITTEE ON FISHERIES, WILDLIFE, OCEANS AND INSULAR AFFAIRS

Good morning. Today, the subcommittee will conduct a hearing on H.R. 3099, the Gulf of Mexico Red Snapper Conservation Act of 2013.

As I'm sure everyone in this room will agree, the Gulf of Mexico red snapper fishery is a mess.

This is a fishery that is an economic driver for many coastal communities, is a very popular sport fish for recreational fishermen, and supports a valuable commercial fishery. In fact, this fishery once supported a 180-day recreational season and, while it is currently under a rebuilding plan, both fishermen and NOAA agree that the fishery is rebuilding beyond expectations. Despite this rebuilding success, the recreational seasons have been drastically shortened—leading to only a 9-day season in 2014. This increasingly shortened recreational season has had serious consequences for our coast communities and in particular for recreational fishermen.

I can certainly understand how recreational fishermen are frustrated. We have a stock survey system that appears to ignore key areas where red snapper are known to live and we have a recreational data collection program that not only doesn't work, but is now going to undergo yet another revision.

As we have heard at a number of hearings on the reauthorization of the Magnuson-Stevens Act, the Federal recreational data collection program has been repeatedly called into question. Two states have now undertaken their own recreational data collection programs and both have been able to collect more accurate information and have highlighted the shortcomings in the Federal recreational data collection program.

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H.R. 3099 would transfer management of the red snapper fishery from the Gulf of Mexico Fishery Management Council to the Gulf States Marine Fisheries Commission. Supporters of the legislation have cited several examples of other fisheries that have benefited from moving them from Federal management to state management. As you know, many of the members of this committee support the notion that states can manage their natural resources more effectively than the Federal Government can.

However, there are a number of issues that will probably be raised here today that we need to consider. One of the most perplexing will be the question of how we fund this new authority for the Commission. A second concern is whether the Commission will be susceptible to an increase in lawsuits. And a third is how the Gulf states and the Federal Government will enforce a new management regime.

These are concerns that we must be aware of, but through the hearings we have held in the past, it is clear that there needs to be more flexibility in how states can manage red snapper and it is clear that the Gulf states need to be more actively involved in the management.

The Gulf of Mexico Fishery Management Council has been debating several amendments to the Reef Fish Fishery Management Plan to deal specifically with red snapper issues. The Council recently adopted a controversial sector separation plan that will split the recreational sector into a for-hire component and a private angle component. The Council is also debating a plan to reallocate fish from the commercial sector to the recreational sector. Finally, and probably most important to the discussion today, the Council is working on a regional management scheme that will give each of the Gulf states the ability to manage red snapper within state waters in a way that benefits their fishermen. I suspect some of today's witnesses will give us more information on these amendments and how they relate to the legislation before us.

As Members know, this is not the first hearing we have held on these issues and will likely not be the last hearing on how to improve the management of this important fishery.

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

Mr. SABLAN. Thank you very much, Mr. Chairman, and I would like to also note that you are correct; this has been a series of hearings we have had on red snappers. So I am beginning to be much more well informed about it, and I actually told my staff if we have one more hearing for red snapper, and then Mr. Miller's bill came up, and I said that is all right. It is Mr. Miller's bill. So we will spend time.

But the bill attempts to actually have Congress provide for the development of a fisheries management plan for the Gulf of Mexico red snapper, and as I understand it, the Magnuson-Stevens Act established the regional councils to prevent politicians in Washington from dictating how local fisheries are managed. It seems that we are considering a bill that would replace the judgment of fishery stakeholders for that of the House of Representatives.

We have heard a lot about the difficulties faced by red snapper fishermen in the Gulf of Mexico this Congress, and I am sympathetic to the frustration felt by anglers who have seen recreational seasons shortened while the stock shows early signs of recovery. Unfortunately, unrestricted access, increasing fishing pressure, and skyrocketing harvest rates in the recreational fisheries have slowed this recovery and risk a return to the severe overfishing that ended just 5 years ago.

So it is important to remember that the Gulf red snapper fishery is only 10 years into a 27-year rebuilding plan, and the most recent stock assessment data indicates that the spawning potential is still only 10 percent, which is less than half of the rebuilt target of 26 percent. So, while there are signs that the rebuilding plan is working, there is still a long way to go before this stock is healthy.

In the meantime, the Gulf Council is already taking steps to improve access and accountability in the recreational sector. This includes taking final action on a provisional separation of the recreational sector into for-hire and private angler components to allow for greater flexibility in how the quota is managed.

In addition, at its January meeting, the Council will be considering the final action on Amendment 39 to the Reef Fish Management Plan, which explores a range of options for implementing regional management for the recreational harvest of red snapper, including delegating limited management authority to the Gulf states to establish individual size limits, bag limits, seasons, and area closures in Federal waters.

I am interested to learn what our expert witnesses think about the Council's recent efforts and to hear their ideas for other management action that should be taken to rebuild the stock, improve accountability, and ensure equitable access in the recreational fishery.

And I want to thank all of you for joining us this morning, and I look forward to hearing from the witnesses.

Mr. Chairman, I yield back the balance of my time.

Mr. FLEMING. The Ranking Member yields back.

At this time, I would like to ask unanimous consent that the gentleman from Florida, Congressman David Jolly be allowed to sit with this subcommittee and participate in the hearing.

Hearing no objections, so ordered.

We will now hear from our first panel, the author of H.R. 3099, Congressman Jeff Miller, our friend and colleague from the First District of Florida.

**STATEMENT OF THE HON. JEFF MILLER, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF FLORIDA**

Mr. MILLER. Thank the Chairman and the Ranking Member, and I do thank all the members of the subcommittee for holding this hearing this morning. I appreciate the chance to appear before you today on what I, and many of my constituents who continue to voice their concerns, consider to be been an issue of critical importance, and that is the management of the Gulf red snapper.

With the fishery more robust than it ever has been before, one would think that private anglers and the for-hire businesses would be elated with the overall management of the resource, but we all know that that is just simply not the case.

As a result of the current Federal management of Gulf red snapper, we witnessed, as has already been stated, lawsuit after lawsuit while anglers continue to be hit with the shortest recreational seasons on record.

Furthermore, the failed management has done significant economic harm to communities along the Gulf Coast who rely on the billions of dollars that anglers spend on an annual basis. As a result, I continually hear from stakeholders in my district and across the Gulf Coast who justifiably call for reforms to the Gulf Red Snapper Management Program.

Now, by simply continuing to shorten the Federal season for the recreational sector, which, in Florida, was 9 days this year, without addressing the failed management of the fishery, the Federal Government continues to kick the can down the road at the expense—really, the expense of the entire angling community, tragically affecting the livelihoods in coastal communities that depend on the fishery.

Along with 20 bipartisan colleagues, I introduced H.R. 3099, the Gulf of Mexico Red Snapper Conservation Act, because I believe that congressional action is needed to chart a new course for management of Gulf red snapper for the betterment of the commercial and recreational fisheries and the entire economic region. I believe that placing stewardship of this important resource in the hands of state authorities who are best positioned to collaborate with local stakeholders to institute a successful management plan that works for Gulf Coast residents, anglers and the red snapper alike, is, at the very least, a step in the right direction.

While some here may not agree with certain provisions of this bill, I do hope that we can all agree on the fact that something

must be done to address the valid concerns that have been raised by many along the Gulf Coast.

I, again, offer my thanks to the Chairman and the Ranking Member, all the members of this committee and those that are not on this subcommittee that have come here today to highlight the importance of this particular issue. This is a discussion that has to take place, and it is my hope that today's hearing on H.R. 3099 will yield positive results and underscore the urgent need for a change in Gulf red snapper management.

With that, Mr. Chairman, I yield back.

Mr. FLEMING. Well, we thank you, Mr. Miller. And we know that you have plenty of duties apart from your time here. So we will certainly excuse you for the remainder of the hearing, unless you would like to stay, we would be glad to have you.

Also a note, we expect a vote probably in the next 15 minutes. So we will try to get through our second panel testimony, and that way we will be able to return for questions.

So thank you, Mr. Miller.

Mr. MILLER. Thank you, Mr. Chairman.

Mr. FLEMING. We will ask the second panel to step forward.

We are now ready for our second panel, which includes Mr. Samuel D. Rauch III, Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration; The Honorable Robert J. Barham, Secretary of the Louisiana Department of Wildlife and Fisheries; and Mr. Christopher Blankenship, Director of Marine Resources Division, Alabama Department of Conservation and Natural Resources.

Your testimony will appear in full in the hearing record, so I ask that you keep your oral statements to 5 minutes, as outlined in our invitation letter to you under Committee Rule 4(a). Our microphones are not automatic, so please press the button and be sure the tip is close to your mouth, and the way the lights work, you all are pretty experienced at this, I am sure, but, basically, you are under a green light for the first 4 minutes. Then it turns yellow, and then when it turns red at the end of 5 minutes, we ask that you quickly finish your statement so we can move on. We have plenty to cover here today and a lot of questions.

Mr. Rauch, you are now recognized for 5 minutes to present testimony on H.R. 3099.

STATEMENT OF SAMUEL D. RAUCH III, DEPUTY ASSISTANT ADMINISTRATOR FOR REGULATORY PROGRAMS, NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. RAUCH. Good morning, Chairman Fleming, Ranking Member Sablan, members of the subcommittee. Thank you for the opportunity to testify today.

My name is Sam Rauch. I am the Deputy Director of the National Marine Fishery Service or NMFS. The Administration does not have an official position on H.R. 3099, but I do want to talk about the underlying issues and how NMFS and the Gulf Council are working to address red snapper management.

The Gulf Council implemented the first red snapper rebuilding plan in 1990 but has modified the plan several times in response to new scientific information. The current red snapper rebuilding plan was designed to phase out overfishing between 2009 and 2010 and to rebuild the population by 2032.

The 2009 assessment update and the most current assessment completed in 2013 indicated that we have ended overfishing and there are more red snapper in the Gulf of Mexico today than there have been in decades.

Many Gulf of Mexico red snapper fishermen echo the assessment findings, saying that they are seeing more and larger red snapper than they have ever seen in their lifetime.

The recreational red snapper quota in 2013 and 2014 was set at the highest level in history of managing the fishery; 20 percent greater than the next highest quota level on record. And recreational landings in 2013 were the highest in recent history. In addition, each fish weighs more than twice as much as before. Fishermen on the west coast of Florida now have new opportunities to target this popular species as the population expands back to its historic range. After decades of overfishing, the population was concentrated in offshore waters of the northern Gulf of Mexico, but now catch data indicate that 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.

I would like to highlight the three main components of the Gulf of Mexico Red Snapper Management.

First, the commercial sector, which is managed by an individual fishing quota or an IFQ program; second, the recreational sector, which we will talk more about, and it includes both the for-hire, the charter fleet and private anglers; and third, which is an important component, but there is an incidental bycatch in the commercial shrimp trawlers of juvenile red snapper. This has been an important three-part management structure that we have dealt with over the years.

In 2007, the commercial red snapper sector moved to the IFQ program. This program allocates participating fishermen a percentage of the commercial annual catch limit based on their landings history, and the program has been a success. The average ex-vessel price of red snapper in 2013 was a third higher than before the program was implemented. IFQ participants are now targeting red snapper year round, and the fishery is reportedly safer than ever before.

Despite these improvements, the current assessment indicates that rebuilding is not yet complete. There is a new red snapper assessment under way, which will provide additional information on the status of the population relative to the rebuilding target. This assessment will be completed and presented to the Gulf Council early next year.

The Gulf Council has been considering a regional management strategy, which would provide the states greater flexibility to tailor recreational red snapper management to the local needs and objectives while meeting the Gulf-wide conservation goals.

At the Federal Government, we support regional management structures as a way to resolve the current challenges created by in-

consistent state jurisdictions and regulations. Regional management would also stabilize the recreational sector, better manage the expectations of for-hire fishermen and private anglers.

Interstate management challenges, though, are not unique to the Gulf of Mexico, and, in fact, they are present in every region where major fisheries span multiple state jurisdictions. Such challenges have been addressed in different regions in different ways. For example, through legislation authorizing the Atlantic States Marine Fisheries Commission as a coordinating body on the East Coast, they have been able to manage the summer flounder with many similarities to the current red snapper stock.

While there are a number of models that may work, each requires the collective involvement and support of the states and full accountability to comply with the agreed-upon management strategies.

NMFS believes that the hallmark of any successful regional management strategy for red snapper would include fair and equitable allocation amongst all the states and user groups; sound science-based decisionmaking that accounts for all sources of fishing mortality, both commercial and recreational; and recognizing that managing the shrimp trawl bycatch of red snapper is a critical component of the red snapper rebuilding plan; coordinated data collection systems which provide consistent, reliable, and comparable data between states; and catch accountability, including mechanisms to prevent and respond to quota overages within individual states.

In conclusion, we have made great progress toward rebuilding the Gulf of Mexico red snapper population, but this progress has not come easily, nor will it be sustained without continued attention. It is a critical time in the history of red snapper management, and we must ensure that all aspects of this fishery are able to meet the needs of both current and future generations.

Thank you again for the opportunity to testify before you today, and I am available to answer questions that you may have.

Mr. FLEMING. Thank you, Mr. Rauch.

[The prepared statement of Mr. Rauch follows:]

PREPARED STATEMENT OF SAMUEL D. RAUCH III, DEPUTY ASSISTANT ADMINISTRATOR FOR REGULATORY PROGRAMS, NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE

INTRODUCTION

Good morning Chairman and members of the subcommittee. I appreciate the opportunity to speak with you today about red snapper management in the Gulf of Mexico. My name is Sam Rauch and I am the Deputy Assistant Administrator for Regulatory Programs at the National Marine Fisheries Service (NMFS) within the National Oceanic and Atmospheric Administration (NOAA) of the U.S. Department of Commerce (DOC). From daily weather forecasts, severe storm warnings, and climate monitoring to fishery 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 decisionmakers with reliable information they need when they need it.

Today, I will describe the current status of red snapper in the Gulf of Mexico and the benefits fishermen and fishing communities are realizing from rebuilding efforts, as well as the ongoing challenges we face in ensuring those benefits are equitably distributed between all user groups. Also, I will describe the status of the Gulf of

Mexico Fishery Management Council's (Gulf Council) work to develop a regional management strategy for the recreational sector and NMFS' views on the hallmarks of a successful regional management strategy.

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 NMFS has conducted 10 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.

STATUS OF 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 time frame 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 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 sector 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 sector. Participation in the commercial red snapper fishery, measured by the number of accounts holding red snapper IFQ shares, has declined by about 28 percent since the program was implemented. However, the average ex-vessel price of red snapper in 2013 was 33 percent higher than the price prior to instituting the IFQ (inflation adjusted, 2002–2006). Also, IFQ participants are now targeting red snapper year round, and the fishery is reportedly safer than it used to be when fishermen were required to compete for the catch during very limited season openings.

There is clear evidence the rebuilding measures implemented in 2007 are paying off. The 2009 assessment update and the current assessment completed in 2013 indicate we ended overfishing and there are more red snapper in the Gulf of Mexico today than in decades. According to the current assessment, the total biomass of the population has more than doubled in the last 5 years. The biomass of the Gulf of Mexico red snapper population is estimated to have reached 60 million metric tons in 2014, which is more than half of the rebuilding target (Figure 1).

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. The rec-

recreational red snapper quota in 2013 and 2014 was set at the highest level in the history of managing the red snapper fishery (20 percent greater than the next highest quota level on record). Recreational landings in 2013 were the highest in recent history. In addition, each fish weighs more than twice as much as before. Also, fishermen on the west coast of Florida now have new opportunities to target this popular species as the population expands back to its historic range. After decades of overfishing, the population was 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.

Despite these remarkable improvements, the current assessment indicates rebuilding is not yet complete because the overall biomass and reproductive potential of the red snapper population have not yet reached the rebuilding target. There is a new red snapper update assessment underway, which will provide additional information on the status of the population relative to the rebuilding target. That assessment will be completed and presented to the Gulf Council early next year.

MANAGEMENT CHALLENGES

While fishermen, fishery managers and scientists all agree the red snapper population is making a remarkable recovery, there is also widespread agreement there are real challenges in the fishery in terms of ensuring rebuilding benefits are fairly and equitably distributed among all user groups.

NMFS has increased the combined (commercial and recreational) catch limit each year since overfishing ended in 2009 and, since 2013, the catch limit has been the highest ever specified for this fishery—11 million pounds. The commercial sector is flourishing at that limit under the IFQ program. Unfortunately, the recreational sector is not sharing the same benefits of stock recovery.

Higher catch rates and larger fish, while improving recreational fishing experiences and opportunities, are causing the recreational sector to reach its catch limit much more quickly. As a result, higher catch limits have not translated into increased fishing days for recreational fishermen. The recreational red snapper catch limit 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, the recreational season has been progressively shortened to prevent catch limit overages, in compliance with the Magnuson-Stevens Act.

Recreational fishermen are understandably frustrated by this unexpected trend, which has been exacerbated by state jurisdictional and regulatory inconsistencies. The Federal recreational fishing season length is further reduced when Gulf Coast states implement less restrictive red snapper regulations in state waters because both catches from both state and Federal waters must be counted against the catch limit. Such state actions also create inequities because not all fishermen benefit equally from less restrictive state water regulations.

In response, the Gulf Council set the 2014 recreational red snapper catch target 20 percent below the limit to reduce the likelihood of an overage this year. This action, along with extended state-water fishing seasons and other impacts of the litigation, effectively reduced the 2014 Federal recreational red snapper fishing season from 40 days to 9 days—the shortest ever. Preliminary 2014 catch data indicate recreational catches were below the quota for the first time in many years.

MANAGEMENT OPTIONS

The Gulf Council recently approved a new fishery management plan amendment which, if implemented, would enable them to manage the private and federally permitted for-hire components of the recreational red snapper sector for different objectives for a 3-year trial period. For-hire fishermen are working with the Gulf Council to explore new tools to increase their catch accounting, stabilize their business operations, and improve their economic viability. However, developing solutions for the open access, private angler component of the recreational sector is more challenging and will require a broad shared vision of expectations and needs.

The Gulf Council is actively working through its state agency representatives, fishermen and other stakeholders to identify shared goals and develop management options that more equitably distribute rebuilding benefits. These options include 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. Also, they include a regional management strategy, which would provide the states greater flexibility to tailor

recreational red snapper management to local needs and objectives while meeting Gulf-wide conservation goals.

All Gulf Coast states have expressed some form of support for a regional management strategy, but have had some difficulty coming to agreement on a fair and equitable methodology for allocating the recreational red snapper quota among the states. As a result, the Gulf Council has not yet finalized a specific regional management strategy for review and implementation by the Secretary of Commerce. However, during its October 2014 meeting, the Gulf Council identified a preliminary preferred state-specific allocation methodology and requested additional analyses and process options to review at its January 2015 meeting. NMFS is committed to continuing to support the Gulf Council's efforts to finalize this plan over the next year.

NMFS supports regional management in concept as a way to resolve the current challenges created by inconsistent state jurisdictions and regulations, stabilize the recreational sector, and better manage the expectations of for-hire fishermen and private anglers. 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. Such challenges have been addressed in different regions in different ways; for example, through legislation authorizing the Atlantic States Marine Fisheries Commission as a coordinating body on the U.S. East Coast. While there are any number 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.

NMFS believes the hallmarks of a successful regional management strategy for red snapper include:

- Fair and equitable allocations among all of the states and user groups;
- Sound, science-based decisionmaking that accounts for all sources of fishing mortality, recognizing that limiting shrimp trawl bycatch of red snapper is a critical component of the red snapper rebuilding plan;
- Coordinated data collection systems, which provide consistent, reliable data; and
- Catch accountability, including mechanisms to prevent and respond to quota overages.

CONCLUSION

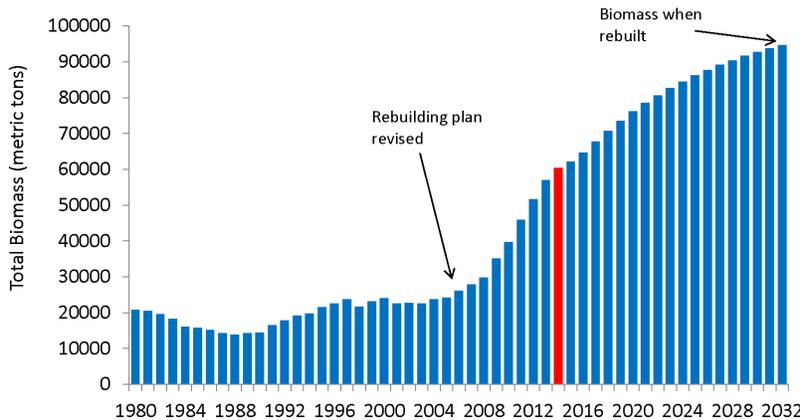
We have made great progress toward rebuilding the Gulf of Mexico red snapper population. But this progress has not come easily, nor will it be sustained without continued attention. This is a critical time in the history of red snapper management, and we must ensure the fishery is able to meet the needs of both current and future generations. We must continue the achievements we have gained in the commercial fishery while improving stability, accountability, and predictability to the recreational fishery.

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 reasoned, thoughtful decisions about how to best distribute the hard-earned benefits provided by this growing population.

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 biomass.



Mr. FLEMING. Next we have Secretary Barham. You are now recognized, sir, for 5 minutes.

**STATEMENT OF THE HONORABLE ROBERT J. BARHAM,
SECRETARY, LOUISIANA DEPARTMENT OF WILDLIFE AND
FISHERIES**

Mr. BARHAM. Mr. Chairman and Members, thank you very much for the opportunity to come today.

In Louisiana, it became clear to us that the system as it exists was a failure. Last year, as you pointed out, in the face of fishermen going out in the Gulf and finding more red snapper and bigger red snapper than they had ever seen before, to the point that you cannot catch anything else but red snapper in a lot of locations where you go fish, we were notified that we were going to have 9 days for recreational fishing. It was a point where we threw up our hands and said, "This is a total failure; we've got to do something different." So we, in Louisiana, along with all the other states, went noncompliant.

Well, if you have a system where the people who are participating in it, in essence, are revolting from the system, you certainly need to take a look.

H.R. 3099 does address that. We have to make a change. We know that we can manage our fisheries much better than it can be managed from elsewhere. I have complete confidence all of my fellow directors and secretaries and commissions will do a much better job than what we have in place.

We are not the only one that took that position. In Federal court last year, in a suit along with the state of Texas, a Federal court ruled that the system of management that exists today with National Marine Fisheries' guidance guided by the MRIP numbers is an absolute failure.

The numbers that we can provide are so much more extensive and accurate than what they have. We get a very clear picture.

Because we were noncompliant—or I won't presume to know everything—they pulled our money for monitoring. Well, the fishermen in Louisiana banded together, and we passed what is called the LA Creel program, where our fishermen are paying for the monitoring. I am going into my 8th year as Secretary of the Department. It is the only fee increase that I am aware of that has passed through the legislature in 7 years, and that is because the fishermen have such confidence that we can manage that fishery, we will do a better job, and it is because of the extensive amount of sampling we do.

We do more than 20 times the amount of actual fish measurement. We do nearly 50 times the interviews and the follow-up contacts with the fishermen who are catching these red snapper. So we have a much more extensive program.

Now, I will say, in H.R. 3099, there is also the oversight. We recognize that there needs to be an oversight provision and that we need to keep an eye—the Feds need to keep an eye on everyone to be sure that there is a third party, if you will, overseeing the states. That is a great plan and another strong point of this bill.

Mr. Chairman, I won't take the full 5 minutes. I will summarize. You have my more extensive statement you can all read. What I will tell you is, the states can do a better job in managing this fishery than the system we have in place today.

And I am certainly available for questions.

Mr. FLEMING. Thank you, Mr. Barham, Secretary Barham, and certainly it is amazing, really, just how far off we are on this. The stories I hear about catching limits within 15 minutes. So thank you for your valuable information.

[The prepared statement of Mr. Barham follows:]

PREPARED STATEMENT OF ROBERT J. BARHAM, SECRETARY, 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, Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs to present information on H.R. 3099, the Gulf of Mexico Red Snapper Conservation Act of 2013. Red Snapper is an iconic American fish, extremely popular with both commercial and recreational fishermen, especially in Louisiana and the other Gulf states.

Commercial and recreational fishing have been vital to Louisiana's economy and culture for hundreds of years. Today in Louisiana, nearly a million saltwater anglers catch fish for sport and 13,000 licensed commercial fishermen harvest seafood for a living—both form the backbone of Louisiana's fishing industry that generates a multitude of jobs and pumps billions of dollars into our economy. Our fisheries resources are important to both our fishing industry and coastal communities because of the socioeconomic benefits they provide.

Through the Magnuson-Stevens Fishery Conservation and Management Act of 1976, Congress established the Gulf of Mexico Fishery Management Council (along with seven other regional councils) to conserve and manage these valuable resources and develop and monitor fishery management plans that provide for their best use. Congress intentionally made the councils regional to allow fishery management to better respond to a region's unique environment and the needs of its constituents.

Unfortunately, with respect to Red Snapper, the Gulf Council is no longer doing the job you, as Congress, gave them nearly 40 years ago. While measures taken to date to stop overfishing and rebuild the Red Snapper resource have been successful, management has reached an impasse, especially for the recreational fishery. While there are more and more Red Snapper and they are growing larger and larger, the recreational fishing season keeps getting shorter because the Gulf Council continues to use mediocre data to support inflexible management of this fishery. This fishery is no longer socioeconomically sustainable; management is failing. This is not only

my opinion; it is also the opinion of a Federal judge who ruled in March 2014 that Gulf Red Snapper fishery management is failing and is violating the law. Specifically, managers allowed the recreational fishery to exceed their share of the annual combined quota due to faulty science (both data and assessments) and did not require any accountability measures to prevent or respond to such overharvests.

The Gulf Council currently relies on recreational landings data from the National Marine Fisheries Service's (NMFS) Marine Recreational Information Program, or MRIP, to set and monitor the recreational Red Snapper fishery's quota and season. However, MRIP is not equipped for this purpose—it was designed to monitor trends over time over a large geographic area, not provide real-time, state-specific data. For example, MRIP estimated that Louisiana's 2013 recreational landings fell somewhere between 265,361 and 942,363 pounds, a range nearly 700,000 pounds. It is impossible to use highly variable estimates like these to predict, with any certainty, how much can and will be harvested and appropriately determine fishing seasons to not exceed quotas. Yet Federal managers continue to use these data, miscalculate the Red Snapper quota for the Gulf, and underestimate actual Gulf-wide recreational harvests. In addition, MRIP does not deliver data in a timely manner—data typically comes in 2-month intervals after an additional delay of 45 days for data processing. This means data is often not available to managers until the fishing season is closed, prohibiting any kind of flexible, responsive management. As a result, recreational Red Snapper harvests have exceeded quotas in 6 of the past 7 years. Such imprecise, untimely data also forces managers to set extremely restrictive and inflexible seasons—they do not have the data they need to effectively manage the fishery and achieve the best use of the resource.

The Gulf Council could fix these issues—they could demand better data from NMFS and cooperate with the states to respond to and meet their constituents' needs. They have chosen not to, and the Gulf states refuse to sit by while this mismanagement harms our commercial and recreational fishermen, coastal communities, and economies. This year, 2014, was the shortest Federal Red Snapper season in history—a mere 9 days. All five Gulf states implemented their own state-waters Red Snapper seasons, inconsistent with Federal regulations, but still in the best interest of recreational anglers, the economy, and the resource. The Gulf states do not want to continue to go out of compliance with Federal regulations or hinder the recovery of the stock or fishery. We are simply confident we can provide better data to manage this fishery and provide our fishermen more fishing opportunities. However, we cannot do so under the current management framework.

H.R. 3099 would move the management of the Gulf Red Snapper fishery forward by requiring enhanced collaboration among the states with respect to fishery data collection and more frequent (annual) stock assessments to support management. In Louisiana, we have already invested substantial resources in developing a recreational quota monitoring survey to provide real-time, in-season Red Snapper landings estimates for Louisiana. We implemented this survey (LA Creel) last year; in its inaugural year, our biologists measured 23 times more fish and interviewed more than 49 times the vessel trips than MRIP. This more intensive sampling means more precise data—LA Creel estimated that Louisiana's 2013 recreational landings fell somewhere between 503,171 and 549,987 pounds, a range of only about 45,000 pounds (compared to MRIP's 700,000-pound range). Armed with more precise data, managers can develop and implement management measures with more certainty and take full advantage of the available resource. The other Gulf states are now following Louisiana's lead and developing similar systems.

H.R. 3099 also gives management authority for the Red Snapper fishery to the Gulf states through the Gulf States Marine Fisheries Commission, creating a framework that allows flexible, tailored management measures. It does not make sense to have a one-size-fits-all approach to managing this fishery. Each state's fishery management agency is more receptive and can be more responsive to the wants and needs of its own constituents than the council process currently permits. This bill will allow managers to meet local needs as well as Gulf-wide conservation goals.

H.R. 3099 still requires management to meet the fishery conservation and management standards of the Magnuson-Stevens Act, including fair and equitable access to this public resource, and makes states accountable for effectively managing their fisheries, with Federal oversight from the Secretary of Commerce. This bill is not about reallocating the resource and will not negatively impact the commercial sector. In fact, to ensure there are no immediate, unintended, adverse impacts on this sector and the businesses that rely on this supply, there is a 3-year prohibition on reducing current quotas (unless something changes with the stock) and ongoing monitoring and enforcement.

The Gulf states are fully capable of providing the data and management measures needed to effectively manage the Red Snapper fishery. It would be no real change

from our current responsibilities. We already collect data on and conduct routine stock assessments for our inshore species; we also partner with each other and NOAA to monitor offshore species. This data, coupled with our commercial and recreational landings data, support Federal stock assessments. We develop and implement management measures for our fisheries through our respective legislative and regulatory processes. Finally, we enforce both state and Federal fisheries regulations in all Gulf waters through the Joint Enforcement Agreement. Working in Federal waters, Louisiana's enforcement agents generally contact about 4,500 recreational anglers each year; they are active on the water and at the dock monitoring compliance in commercial fisheries. If granted management authority, the states could actually increase enforcement capabilities in all Gulf waters because additional resources would be available to support this.

In closing, we have tried to work through the council process, but the council process is not working. If it was, there would be no reason for this bill and I would not be standing before you today. NMFS itself even recognizes that "new and innovative solutions are needed to manage the Gulf Red Snapper fishery." The Gulf states are that solution.

Mr. FLEMING. Mr. Blankenship, you are now recognized for 5 minutes.

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

Mr. BLANKENSHIP. Thank you, Chairman Fleming, Mr. Sablan, and committee members. Thank you for the opportunity to come here and speak with you today.

Red snapper management is of the utmost importance to Alabama and the area of the most consternation. Even though we have the smallest coastline, we land, on average, 30 percent of the recreationally caught red snapper in the Gulf of Mexico. We have a great red snapper fishery off our coast because we have the largest artificial reef program in the country. Through partnerships with many organizations, we have placed over 17,000 reefs in the 1,200 square miles of reef zone managed by my division.

These reefs have built a large concentration of reef fish. The city of Orange Beach is known as the Red Snapper Capital of the World and has the largest charter fleet anywhere in the Gulf, but this year, they and the thousands of private recreational fishermen have only had access to this great fishery for 9 days.

The Gulf-wide single stock Federal management of red snapper is not working for all the states. There is the need for management on the regional and state level. Regional management can be done. We all do it now for species like speckled trout and red drum, as well as other state-managed species. I don't see where red snapper would be any different.

Due to changes in the Marine Recreational Information Program in 2013, the estimated catch of red snapper was drastically inflated over previous years. The public has lost confidence in this system, and, frankly, so have the Gulf states.

Each of the Gulf states has implemented a state-specific red snapper data collection program because there is no belief that the current MRIP estimates are correct. In order to determine the actual catch of red snapper landed in Alabama, we developed and implemented a mandatory red snapper reporting system for the 2014 season. This system was very successful in its first year and shows

that individualized data collection that best fits the geography and circumstances of each state can be very beneficial.

Alabama also continued with the current MRIP system in 2014 and conducted both programs simultaneously so that we would have a comparison of the data for validity. The results were striking.

The Alabama system estimated that 418,000 pounds of red snapper were landed during the 2014 season, while the Federal system estimated that 1,041,000 pounds were landed.

We validated our results in Alabama using video counts of vessels that were launched at coastal boat ramps. These video count estimates were a near identical match to the Alabama red snapper reporting data. We feel that the Federal system overestimated the catch by more than double. This gross inaccuracy has a profound effect on the red snapper seasonally and, consequently, a profound negative effect on the economy of coastal Alabama.

We are currently working with NOAA fisheries to calibrate the MRIP system and to explore how the Alabama data can be used in that system and for future assessments.

In Alabama, we are continuing to explore technology to improve the reporting of recreational catch. Alabama has shown that we have the ability to monitor the catch of red snapper better than the current Federal system.

With the management regime proposed by H.R. 3099, the Alabama red snapper reporting system will be vital to accurately estimating the catch and ensure that overfishing does not occur.

Currently, the red snapper stock is assessed and managed as a single unit. For true regional management, each region needs the ability to conduct stock assessments for the fishery within its region and then manage that stock independent of other regions.

In some cases, the data collection for NOAA is not adequate to fully inform the stock assessments. For example, NOAA fisheries conduct data collection for reef fish using bottom long lines. They conduct this work from the Texas/Mexico border all the way to the tip of Florida. However, their sampling protocols explicitly exclude the Alabama artificial reef zones. In order to collect this information and have it included in the red snapper stock assessment, Alabama has funded and conducts our own bottom long line data collection program in Federal waters. Alabama is spending the hard-earned money of our citizens in order to collect that data that NOAA fisheries is not.

Alabama just completed our own comprehensive population estimate of red snapper within the Alabama artificial reef zones, and this estimate shows that we have more red snapper off the coast of Alabama than is being estimated by NOAA fisheries.

We are currently conducting a red snapper stock assessment for the area south of the Alabama coast. When the population estimate and the Alabama stock assessment are peer-reviewed and scientifically accepted, it will show that Alabama has the ability to adequately manage the red snapper fishery in totality. We can conduct the stock assessments, we can set a healthy quota, and we are able to accurately monitor the catch to ensure that the red snapper fishery is not overfished, while at the same time allowing access to our fishermen.

I feel like Alabama has more of an opportunity to manage this fishery in totality under the provisions of this bill than we have under current Federal law.

In my remaining time, I would like to touch on one other issue that is germane to this topic.

All the Gulf states need consistent water boundaries for fisheries management. Currently, the states of Texas and Florida have 9 miles, while the other states have 3. This is confusing to the public and does not give each state a level playing field to manage the fisheries within 9 miles of shore.

Thank you again for the opportunity to participate in this most worthy discussion, and I will be glad to answer any questions you may have.

Mr. FLEMING. Well, thank you, Mr. Blankenship.

[The prepared statement of Mr. Blankenship follows:]

PREPARED STATEMENT OF MR. CHRISTOPHER BLANKENSHIP, DIRECTOR OF MARINE RESOURCES DIVISION, 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, propagation 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, in 2013 the season was 28 days and in the current year it was an astounding 9 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 percent of the total Gulf coastline, we land on average 30 percent of the recreationally caught red snapper in the Gulf of Mexico. The city of Orange Beach is known as, "The Red Snapper Capital 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 1950s, 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 1970s Alabama worked with the Corps of Engineers to create the Alabama Artificial Reef Zone. This 1,030-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 have 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 THROUGH THE GULF STATES MARINE
FISHERIES COMMISSION

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 percent of the quota and the commercial sector, with 51 percent 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.

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 9 miles of state waters while the states of Alabama, Mississippi and Louisiana only have 3 miles. All three upper Gulf Coast states have passed state legislation to extend our waters to 9 miles for fisheries management. It is imperative that these new boundaries be recognized by the Federal Government in order to put all five Gulf states on a level playing field. 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 3 miles of the shore and therefore there is not a sufficient red snapper population in state waters to have much of a season outside of the Federal season. Until last year, all of the reefs we have constructed in the Gulf of Mexico are outside the state 3-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 through the Gulf of Mexico Fisheries Management Council has not satisfactorily served the fishermen of the Gulf of Mexico or the resource.

As currently proposed under Amendment 39 to the Red Snapper Fishery Management Plan before the Gulf of Mexico Fisheries Management Council, 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 as set by the Science and Statistical Committee of the Gulf Council. 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 that state. 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.

If H.R. 3099 was implemented, the Gulf States Marine Fisheries Commission would conduct stock assessments for red snapper annually and then each of the five Gulf states would submit a plan to manage the fishery adjacent to their state. I think this has a great deal of potential. If the state and selected NOAA scientists can work together to produce a comprehensive stock assessment conducted by the Commission and then manage the resultant quota with the means that protect the red snapper stock while also allowing greater access to recreational fishermen that would be a vast improvement over the current system.

The Gulf States Marine Fisheries Commission does not currently have regulatory authority. This is something that would have to change in order for this proposed system to be successful. Another issue concerns funding, the Commission does not currently employ a stock assessment scientist and there are no funds in the Commission budget to conduct stock assessment workshops. There is currently not adequate funding to hold public meeting in each Gulf state to receive public testimony. These are issues that can be resolved by transferring a portion of the funding that is currently being used by NOAA and the Gulf Council to conduct these activities to the Gulf States Marine Fisheries Commission.

RECREATIONAL RED SNAPPER DATA COLLECTION

Due to changes in the Federal Marine Recreational Information Program (MRIP) in 2013, the reported catch of red snapper was drastically inflated over previous years. The public has lost confidence in this system and frankly, so have many of the Gulf states. Each of the Gulf states has implemented a state-specific red snapper recreational data collection program because there is no belief that the current MRIP estimates are correct. 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 the reporting of their catch. In order to determine the actual catch of red snapper that is landed in Alabama, the Alabama Marine Resources Division developed and implemented a mandatory Red Snapper Reporting System for the 2014 red snapper season. This program required both charter and recreational fishermen to report their catches of red snapper upon their return to the dock. This system was very successful in its first year and shows that individualized data collection that best fits the geography and circumstances of each state can be very beneficial.

Alabama implanted this new system in 2014 but we also continued with the current MRIP system and conducted both programs simultaneously so we would have

a comparison of the validity. The results were striking. The Alabama system estimated that 418,000 pounds of red snapper were landed during the 2014 season while the Federal MRIP system estimated the 1,041,000 pounds we landed. Alabama validated its results by using video counts of vessels launched at coastal boat ramps. These video count estimates were a near identical match to the Alabama red snapper reporting system data. We feel that the Federal system overestimated the catch by more than double. This gross inaccuracy has a profound effect on the red snapper season length and consequently a profound negative effect on the economy of Coastal Alabama. Alabama plans to continue the mandatory red snapper reporting system in 2015. We will again conduct both the state and Federal systems concurrently in order to have comparative data. We are also working with NOAA Fisheries to calibrate the MRIP system and to explore how the Alabama data can be used in that system and in future assessments.

The charter fleet in Alabama has proposed 100 percent electronic trip reporting to ensure compliance and to assist in quota monitoring. In Alabama we are continuing to explore new technology to improve the reporting of recreational catch. Alabama has shown that under regional management we have the desire and the ability to better monitor the catch of red snapper than the current Federal system. With the management proposed by H.R. 3099, the Alabama system will be vital to accurately estimating the catch to ensure overfishing does not occur. As the Director of the Alabama Marine Resources Division, I am concerned about the cost of additional data collection. For regional management, or continued Federal management, adequate funding for recreational data collection is imperative.

REGIONAL MANAGEMENT AND STOCK ASSESSMENTS

The proposed concept of regional management through the Gulf States Marine Fisheries Commission is a step in the right direction. The flexibility to set seasons and other management measures by region will go a long way toward 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 within 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.

In some cases, the data collected by NOAA Fisheries is not adequate to fully inform the stock assessment models. To obtain a large portion of the data included in the red snapper stock assessment, NOAA Fisheries conducts fishery independent data collection for reef fish using a bottom long line. NOAA conducts this work from the Texas/Mexico border to the tip of Florida. However, their sampling protocol explicitly excludes the Alabama Artificial Reef Zones from its data collection. Attached to this testimony is a chart showing the last 2 years of NOAA Fisheries long line sets south of the Alabama coast. As you can see, the reef areas off our coast are not sampled. Red snapper primarily reside near reef structure. To me this is akin to conducting a census of the United States but excluding all the cities and just sampling the rural areas. The population of our United States would be drastically different if the census was conducted in this manner. I feel the red snapper information collected by NOAA is also skewed by excluding the areas where over 30 percent of ALL the red snapper in the Gulf of Mexico are caught. In order to collect this information and have it included in the red snapper stock assessment, Alabama has funded and conducted our own bottom long line data collection program in Federal waters. Alabama is spending the hard earned money of our citizens in order to collect data that NOAA Fisheries should be collecting. Again, this is blatantly unfair to the citizens of Alabama.

Alabama just completed our own comprehensive population estimate of red snapper within the Alabama Reef Zones. This population estimate was presented by Dr. Sean Powers of the University of South Alabama at the Gulf of Mexico Fisheries Management Council Meeting in October of 2014. The estimate shows that we have more red snapper off the coast of Alabama than is being estimated by NOAA Fisheries. We will continue to refine this estimate and work to have the information included in the next benchmark red snapper stock assessment. We are currently conducting a red snapper stock assessment for the area south of the Alabama coast.

When the Alabama Red Snapper Population Estimate and the Alabama Red Snapper Stock Assessment are peer reviewed and scientifically accepted, it will show that Alabama has the ability to adequately manage the red snapper fishery in totality. We can conduct the stock assessments, we can set a healthy quota and we will be able to accurately monitor the catch to ensure that the red snapper fishery is not overfished while at the same time allowing access to our fishermen. I feel that Alabama has more of an opportunity manage this fishery in totality under the provisions of H.R. 3099 than we currently have under NOAA Fisheries and current Federal law.

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.

ATTACHMENT 1

GRANTS AND SUB GRANTS RECEIVED BY THE ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES/MARINE RESOURCES DIVISION

NOAA Fisheries Grants:

Southeast Area Monitoring Assessment Program

2010	\$ 195,000.00
2011	\$ 222,575.00
2012	\$ 272,575.00
2013	\$ 213,889.00
2014	\$ 196,625.00

Cooperative Statistics Program

2010	\$ 88,220.00
2011	\$ 77,216.44
2012	\$ 88,200.00
2013	\$ 79,398.00
2014	\$ 79,398.00

Emergency Disaster Recovery Program—Round I (EDRP)

2010	\$ 5,903,326.43
2011	\$ 2,736,295.86
2012	\$ 2,123,432.03
2013	\$ 0.00
2014	\$ 0.00

Emergency Disaster Recovery Program—Round II (EDRP)

2010	\$ 1,346,322.94
2011	\$ 823,808.57
2012	\$ 404,113.46
2013	\$ 1,189,202.79
2014	\$ 0.00

Interjurisdictional Fisheries

2010	\$ 24,544.00
2011	\$ 24,550.00
2012	\$ 24,545.00
2013	\$ 16,654.00
2014	\$ 22,411.00

Joint Enforcement Agreement

2010	\$ 499,198.00
2011	\$ 562,474.00
2012	\$ 515,508.00
2013	\$ 476,136.00
2014	\$ 484,931.00

Gulf States Marine Fisheries Commission Sub Awards from NOAA Fisheries:

Marine Recreational Data Collection

2010	\$ 179,109.00
2011	\$ 143,579.00
2012	\$ 205,475.00
2013	\$ 191,259.00
2014	\$ 330,000.00

Commercial Fisheries Trip Level Data Collection

2010	\$ 151,225.00
2011	\$ 173,691.00
2012	\$ 169,006.50
2013	\$ 138,171.00
2014	\$ 197,470.00

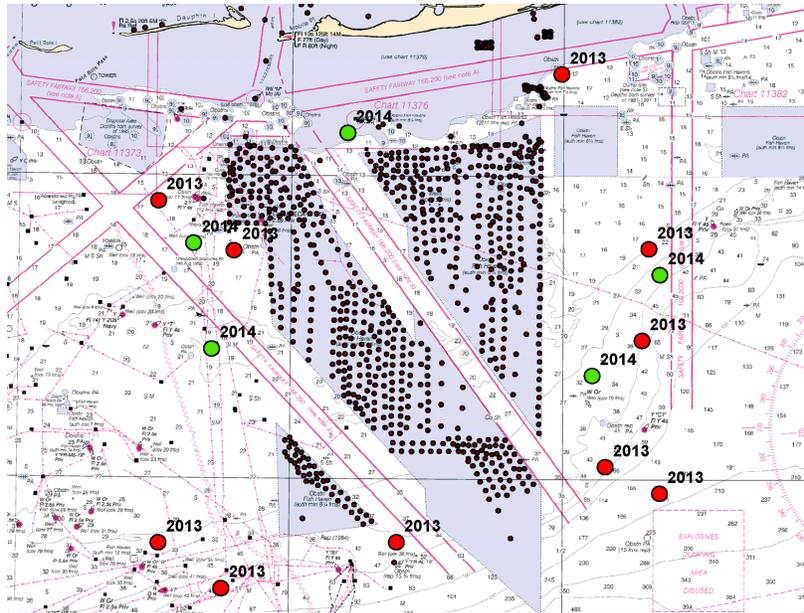
Biological Sampling of Recreational and Commercially Important Species

2010	\$ 112,406.50
2011	\$ 100,264.00
2012	\$ 144,650.50
2013	\$ 119,029.00
2014	\$ 76,971.00

Gulf of Mexico Fishery Management Council:

Contractual Services to Assist with Council Business

2010	\$ 38,474.95
2011	\$ 30,746.55
2012	\$ 33,402.57
2013	\$ 35,000.00
2014	\$ 45,000.00



Mr. FLEMING. And we are anxious to get into questions. Unfortunately, we have been called to the Floor for a vote. So we will go ahead and recess. We expect to return in about 30, 35 minutes. So don't get too far away, and we have plenty of questions for you.

Thank you, and we are in recess.

[Recess.]

Mr. FLEMING. OK. The subcommittee comes to order. At this point, we will begin Member questioning of the witnesses. To allow all Members to participate and to ensure we can hear from all of our witnesses today, Members are limited to 5 minutes for their questions. However, if Members have additional questions, we can have more than one round of questioning.

I now recognize myself for 5 minutes.

Mr. RAUCH, there is clearly a mistrust with the MRIP, the MRIP program. At least two states now have conducted their own recreational data collection programs for red snapper. And, by the way, it is not just red snapper. We have had other—it is clear that the data for fish surveys in general under NOAA have been too old and unreliable. But in the MRIP, results were not only erroneous but highly inflated. So, in addition, there is a time lag between when the data is collected and when the MRIP results are available to fishery managers.

How is NOAA addressing these issues?

Mr. RAUCH. Thank you, Mr. Chairman. One of the hallmarks of the Marine Recreational Information Program or MRIP is working with the states to design the program to get the data that both the Federal and the state managers need to manage that fishery. We support localized efforts to try to collect that data. We actually

worked with Alabama on their program, funded part of that program. We worked with a number of other states to try to work on these issues to collect the data, calibrate the data, and to make it usable. We do look forward to that. So variations in the data are not to be unexpected. We are working closely with Alabama to align their program and to determine why there is a discrepancy between the numbers. And that happens in other states, too. In various places, the survey could be high or low, and we need to determine why it is high or low in order to calibrate that long term.

Mr. FLEMING. All right. So, obviously, we need to do a much better job, and now with the technology we have, which is so inexpensive, we need to take advantage of some of the more creative and cutting-edge ways of making those measurements and reporting them in real-time.

Under H.R. 3099, Mr. Miller's bill, all data collection and management functions for the red snapper fishery would be transferred to the Gulf States Commission.

Concern has been raised that the legislation might waive the requirements in the Magnuson-Stevens Act that the fishery be rebuilt and that annual catch limits and accountability measures be maintained.

So can you comment on that concern?

Mr. RAUCH. Well, the administration has not taken any position whatsoever on the bill. So, to the extent that there are concerns or praise for the bill, those are opinions of others.

We do think that it is important—this fishery affects not just the recreational fishermen in the Gulf, and it is a very important recreational fishery, it affects a directed commercial fishery which is providing jobs and resources to local communities and fish throughout the country.

And also, as I mentioned in my opening testimony, one significant source of the mortality is the juvenile red snapper that is caught in the shrimp fishery. So we think it is important on any type of management structure that they be able to deal with all of those sources of mortality in a coordinated manner. It certainly can be done, but it needs to be done because all three of those components need to be addressed together, and if you don't look at all three of those components, you are going to create inconsistencies.

Mr. FLEMING. Under the Council's regional management plan, would states manage and enforce out to 200 miles?

Mr. RAUCH. I can't speak to the Miller bill. Currently, under the council system, the states can enforce out to 200 miles if the regional management is structured accordingly.

States currently can manage their own fishermen regardless of where they are as long as it is consistent with Federal regulations. And they could enforce either directly through some sort of delegated authority or through a joint enforcement agreement with us, they can enforce Federal laws out to 200 miles.

Mr. FLEMING. I have seen various scenarios where that is divided among states. Is this something that may lead to the requirement of multiple state licenses?

Mr. RAUCH. Depending on how it is structured, if each state is managing it individually, you could theoretically have each state licensing fishermen, and so you would need five. You could design

a system where there is a single multi-state license. So, there are different ways that you can address that.

On the Atlantic Coast, often when the fisheries are managed recreationally under the Atlantic States Commission's authority, there are multiple state licenses that are needed.

Mr. FLEMING. OK. My time is up. I yield to the Ranking Member.

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

Mr. Rauch, let me ask you several questions.

H.R. 3099 does not authorize additional appropriations for the annual stock assessments it would require the Gulf Commission to conduct. So, without the funding, how would the Commission pay for stock assessments?

Mr. RAUCH. Thank you. That is a good question.

Currently the Commission does contribute to the overall science enterprise in the Gulf. If you assign them more responsibilities, they will have to find those funds from somewhere. If more funds are not given to them, they will have to take it away from some of the other funding that they do, and there is a significant question about whether their stock assessments could reach things like the commercial landings, either in the directed commercial fishery or in the juvenile bycatch in the shrimp fishery.

Theoretically they can do those things. We work with them closely on data collection, but if you add new responsibilities without new funding, you would have to take that money from somewhere. It just doesn't—

Mr. SABLAN. So you—they would have to find money from somewhere—

Mr. RAUCH. Yes.

Mr. SABLAN [continuing]. Else.

OK. And the bill would also give the Gulf Commission regulatory authority over red snapper, but that the Commission does not employ any fishery management plan coordinators or stock assessment scientists. This is in contrast to the Atlantic States Commission, which has several fish.

So do you believe the Commission has the capacity to manage the fishery?

Mr. RAUCH. I believe the Commission, if given this authority, would have to hire new staff to support these efforts.

Mr. SABLAN. So they don't have—we don't believe they have the present capacity to—

Mr. RAUCH. I believe they would have to hire some new staff.

Mr. SABLAN. All right. So, what challenges does NOAA face when incorporating data collected by the states?

Mr. RAUCH. As I said, the red snapper fishery is currently managed as a unit throughout the Gulf, and so we have to make sure that data we get from one state is talking the same language of the data that we get from another state so that we can understand the health of the overall Gulf-wide population.

Some states we work better with than others. Some states have a long track history with others. I think collectively we try to get a uniform picture, but it is challenging. And from the Federal Government's perspective, we sample for more than just red snapper. We sample a broad suite of things, and so we have to calibrate things like a directed red snapper survey with the overall effort. It

is not impossible to do. It presents challenges to do, particularly as new surveys come online, but we do encourage states to—we do encourage localized efforts to get data that we collectively need. It just creates a calibration challenge.

Mr. SABLAN. So let me—just for the record, you also stated that red snapper stock is only halfway through its rebuilding target. It is still overfished. Am I correct?

Mr. RAUCH. It is still—it is not rebuilt.

Mr. SABLAN. It is what?

Mr. RAUCH. It is not rebuilt. Yes, it is only halfway to the rebuilding target.

Mr. SABLAN. My question is, it is still overfished?

Mr. RAUCH. Yes. That is correct.

Mr. SABLAN. So is rebuilding the stock the best way to ensure the highest quality, highest value for the Nation for the fishery, destination for the fishery?

Mr. RAUCH. We have seen significant increases in opportunities and in economic value in rebuilt stocks than in overfished stocks across the country. There are more fish available for both the commercial and recreational fishermen. They can have longer seasons for a rebuilt stock. It is the goal that we are trying to work toward, and we are not there yet.

Mr. SABLAN. OK. Mr. Blankenship, sir. You mentioned in your testimony that the Gulf Commission would need funds transferred from NOAA in order to manage red snapper, but the legislation before us, H.R. 3099, does not allow for such a transfer, and without that funding, can the Commission manage snapper effectively? And how much funding would be needed, do you think?

Mr. BLANKENSHIP. The current funding that the Gulf States Marine Fisheries receives and the current staff, I don't think that it is adequate to truly be able to manage this fishery, but if they were given this as a task, money comes to the Gulf States Marine Fisheries Commission now from NOAA fisheries for other data collection programs. You know, a lot of the funding that comes for the data collection in the Gulf that is managed by the Commission comes through NOAA now. So there is, I could see the mechanism where that would take place.

Mr. SABLAN. I know my time is over, but how much money would be needed?

Mr. BLANKENSHIP. The Gulf States Marine Fisheries Commission, in response to this bill, is putting together an estimate, and we will have that at our next meeting in March, we will have that information.

Mr. SABLAN. Thank you very much.

Mr. FLEMING. Gentleman's time is expired.

Mr. Duncan from South Carolina is recognized.

Mr. DUNCAN. Thank you, Mr. Chairman, and thanks for holding this valuable hearing.

Since I have been in Congress for 4 years, we have talked a lot about data collection, and I remember the gentleman from Florida, Mr. Southerland, talking about two guys in a lab coat determining fishing seasons and all based on computer models, and so my first question is for Secretary Barham from Louisiana.

I see that your state's data collection and gathering is producing a much clearer picture for state management and stewardship of fishery resources. So the question is, how is it that your state measures 23 times more fish and interviewed 49 times more vessels than the Federal system?

Mr. BARHAM. Congressmen, thank you.

It is an allocation of manpower and assets to put on the subject, is what it amounts to. I notice that we were talking about 2013, the gap between what they estimate, because they have such a lack in hard numbers, they are extrapolating from such a small number, they computed—National Marine Fisheries computed that the catch for recreational landings in Louisiana was between 265,000 and 945,000 pounds. That is 700,000 pounds difference. For the same period, we confirmed with our intense monitoring that it was between 503,000 and 549,000. That is only 45,000 pounds.

Mr. DUNCAN. And you were using more actual data and talking to fishermen and measuring and counting?

Mr. BARHAM. Absolutely, we were. We have biologists assigned. What we put in place in Louisiana is a free permit. It is an offshore landing permit. Anyone who is going offshore has to have that offshore landing permit. So—

Mr. DUNCAN. Excuse me just a second.

Mr. Rauch, are you using computer models?

Mr. RAUCH. We use a combination of computer models and actual samplers, data we get from samplers.

Mr. DUNCAN. All right. I will go back to the Secretary.

Mr. BARHAM. The sampling we do, we have biologists. We have biologists in the water and on the docks. We have identified the primary dock locations where these snapper are coming onshore. There are probably 20, 25 major docks that we are physically counting and looking and measuring these fish, so that we are literally taking thousands more samples for Louisiana. So that we know what that catch is, and we are following up with phone surveys and mail surveys to these people who have these free offshore landing permits so we know where to pool. It is about assets assigned to the responsibility. That is the difference. state is going to be a much better vehicle to assign those intense looks, if you will.

Mr. DUNCAN. Right. I am from South Carolina, and I don't even have to take my shoes off to use the digits on my feet to count that there is a big difference between 40,000 unit difference and 500,000 unit difference. That is amazing.

So, Mr. Rauch, I notice that Texas has significantly more state waters than Alabama, Mississippi, and Louisiana; and Texas allowed a year-round fishery with a higher bag limit or a catch limit than other states. So why did NOAA allow this to continue for more than 15 years and how does it affect the potential allocation splits between the states?

Mr. RAUCH. Thank you, Mr. Congressman.

The effect of that, there is only a certain number of red snapper that can be caught recreationally. The more that are caught in state waters, the less that can be caught in Federal waters. So when Texas has a longer season than Federal waters, we account for that—or any other state, frankly. This is what we did when

Louisiana or the other states extend their season. We account for the state landings in those waters and deduct them from the Federal season. So the Texas extension has the effect of limiting the Federal season to less time. The same would be true in any other state that has a season longer than the Federal season. We would take those fish out of the Federal quota, and we would make the Federal season shorter.

Mr. DUNCAN. All right. Let me go back in the very little remaining time I have and ask, how do you feel about the accuracy of the state's data? The numbers that were just spoken to by the Secretary, how do you weigh that accuracy, and how do you reconcile the differences, 40,000 versus 500,000? How did you reconcile that?

Mr. RAUCH. Thank you, Mr. Congressman.

It is certainly true if you have an intensive effort that is expensive and time-consuming and is something that currently the NOAA fisheries does not have the resources to commit to a single species in a single state, and states may be better positioned to do that. You may get a more accurate estimate. We need to compare that to the historical estimate of fishing in Alabama before they instituted this landings and compare it to the rest of the Gulf. We need to calibrate it, but we hope to be able to do that. I think we were in discussions with Louisiana about calibrating their survey in the coming years so that we can compare their landings to both their historical landings and to other states. So I think that we would welcome more accurate data as long as we can figure out how it relates. Is it apples to apples or is it apples to oranges, and that is what we are working with them now to do.

Mr. DUNCAN. I will tell you, calibration and historic data and computer models seem to be out of whack. When you hear numbers that I just heard from Louisiana and that we have talked about in this committee numerous times where the actual data, interviewing the captains at the dock, looking at the catches, talking to fishermen, and actually doing the field work, you've got the resources of the Federal Government at your disposal, and I know we are under tight and austere times here, but I believe actual data of counting fish and talking to the fishermen work better than these computer models, and I yield back.

Mr. FLEMING. Gentleman's time is up.

Chair now recognizes Mr. Byrne, the gentleman from Alabama.

Mr. BYRNE. Thank you, Mr. Chairman.

Mr. Rauch, what is the budget for the NOAA marine fisheries this year?

Mr. RAUCH. I don't have the exact figure in front of me, but it is something in the realm of \$800 million to \$900 million. Somewhere in that realm.

Mr. BYRNE. So you have \$900 million and you can't give us any better count of the fish stock than what you have told us today?

Mr. RAUCH. Within that—yes, we manage every fishery in the country from the Virgin Islands to the Northern Marianas to Alaska to Hawaii. We also manage the endangered species, and the amount of money that we can allocate to fish surveys is a line item in our budget, and so we do the best that we can in terms of accuracy—

Mr. BYRNE. My constituents do the best they can to pay their taxes that make up that \$900 million. Can you explain to my constituents in the state of Alabama why, with all that money, NOAA Marine Fisheries explicitly excludes the Alabama artificial reef zone from its sampling protocols? Can you explain that?

Mr. RAUCH. In the last two stock assessments, in the 2013 stock assessment and in the upcoming stock assessment, we are incorporating data that is collected on artificial reefs into those stock assessments.

Mr. BYRNE. Well, why didn't you do it before?

Mr. RAUCH. Historically, we haven't been able to. We collect data in these areas by trawling along the bottom, and you can't trawl—the gear that we have historically used you can't trawl on artificial reefs. It is bad for the reefs, and it is bad for the nets. So we have discovered additional ways either using long lines or other kinds of sampling mechanisms to actually sample in there, and actually our partners did that. I don't want to take full credit for that.

Mr. BYRNE. Well, Mr. Blankenship and I went out with Dr. Bob Shipp, who you know, on a boat in the Gulf of Mexico, I think it was in May, and he had these hi-def cameras mounted on submersible vehicles to look at the actual reefs themselves to count fish . . . 1, 2, 3, 4, 5. We actually caught fish on the reefs so they can get how big they are, how old they are, all that sort of thing. He was able to do that with the very limited budget he has as a member of the faculty of the University of South Alabama.

Are you telling me a Federal agency that has almost a billion dollars is relying on using trawl nets to find a fish that you can only find on a reef? Is that what you are telling us?

Mr. RAUCH. You can find that fish in other places.

Mr. BYRNE. I have been fishing the Gulf of Mexico my whole life. I have never known anybody that has found a red snapper anywhere but a reef. That is where they grow. They are reef fish. So why do you not sample on reefs with \$900 million at your disposal?

Mr. RAUCH. The commercial fishermen don't set their nets on the reefs, sir. You can catch these fish off the reefs. The recreational fishermen tend to do that.

The camera technology is relatively new technology, and we very much support that technology, and we are trying to work that into the stock assessments. We believe that this is very promising to actually do what you have suggested, to actually look at the reefs, to have actual hard data, and that is the portion of the data that does actually work into our—

Mr. BYRNE. You would agree that there is a large percentage of this fish stock on reefs.

Mr. RAUCH. Absolutely, sir.

Mr. BYRNE. Why would you not sample on reefs if that is where the large percentage of the fish stock is?

Mr. RAUCH. We are trying to find ways to do that.

Mr. BYRNE. Well, I just told you a way that a very much lower funded organization has been able to do that. How can the Federal agency that is charged with this, that has almost a billion dollars, how come you can't do that?

Mr. RAUCH. We are incorporating that data into our stock assessments.

Mr. BYRNE. You are incorporating data that somebody else has collected not using your funds.

Mr. RAUCH. Much of the data that external people use to collect reefs and technology is using our funds. Much of the data that goes to the Gulf Commission.

Mr. BYRNE. Do you have—

Mr. RAUCH. The Alabama survey that we have talked about—

Mr. BYRNE. Do you have any problem with letting some of that \$900 million be used by the Gulf States Fisheries Commission to do its own sampling?

Mr. RAUCH. We currently allocate some of that \$900 million—

Mr. BYRNE. Would you be willing to allocate more if that is what it took to get an accurate sample of this fish stock—

Mr. RAUCH. We believe we have an accurate sample of this fish stock.

Mr. BYRNE. Well, I think that the testimony and evidence before this committee directly contradicts what you have just said, and we have lost confidence in you. The people in the Gulf states have lost confidence in you. You have two of the most respected men in their fields sitting next to you. Obviously, from what they have said, they have lost confidence in you, and you have said nothing today to indicate to me that we should have confidence in you and provide you \$900 million to do a poor job of what you are charged to do.

I appreciate you being here today. I know that you are the guy that gets to come here and catch the flack, but, quite frankly, I think we have come to the point where we need to take it away from your organization and give it to the people that live in that area that will do it right and do it with sound science and in a way that make sense for us all.

Thank you, Mr. Chairman. I yield back.

Mr. FLEMING. Gentleman yields his time.

Next the Chair recognizes Mr. Southerland for 5 minutes.

Mr. SOUTHERLAND. Thank you, Mr. Rauch. I appreciate you being here, and I know we have met, and I have enjoyed our conversations.

I am curious, biomass for the red snapper, by some estimations, has as much as doubled in the rebuild. Is that accurate, close to accurate?

Mr. RAUCH. Yes, sir. From the low point of this population, it has close to doubled. From historical—if you go back to historical measurements of the biomass, it is not close to historic highs. I think if you look at my written testimony, there is a chart of the biomass that indicates where we are on the rebuilding trajectory.

Mr. SOUTHERLAND. We have looked at some data, your own data, and we have seen that, since 2006, there was evidence that the red snapper was clearly rebuilding, and that was with 194 commercial days—or, excuse me, recreational days fishing with a four-fish bag limit.

Now, based on that data that there is, and it is your data, it is not data we dreamed up, we have estimated that, or have seen proof that, the snapper was rebuilding. Yet, since 2007, we have gone from 194 days and a four-fish bag limit down to 9 days, and there has already been discussion at the Gulf Council that that will

be down around, from some estimations, 1 day to a high, maybe, of 5 days.

So, we know that this year the recreational fishery and those anglers will be once again penalized for a fishery that has rebounded and continued to show enormous rebound, and yet your agency and a director within your agency claims that it will take until 2035—let me say that again 2035—with no season, by the way, in the South Atlantic. I mean, crumbs from the king's table. A weekend, but not a season.

Am I accurate in what I have just explained to you?

Mr. RAUCH. So there are two different stocks in the South Atlantic and the Gulf. Both of them are depressed and are rebuilding. So I don't want to confuse the two. Both of them have very short—

Mr. SOUTHERLAND. But here is the thing. "Rebuilding" is a relative term.

Mr. RAUCH. Yes.

Mr. SOUTHERLAND. OK? I like absolutes. And it is an absolute fact that the red snapper fishery is healthy, not overfished. An arbitrarily low-set quota set by relativists is overfished, but not by individuals who believe in absolutes, because absolutely the fishery, the red snapper in the Gulf of Mexico, is stronger, doubled, by your own estimation, and we see your own data showing that it was rebounding in 2007 when the IFQ was put into place.

Mr. RAUCH. So it is rebuilding. It is rebuilding at a pace that is much greater than we expected. It is healthier than we thought it would be at this point in time.

Mr. SOUTHERLAND. OK.

Mr. RAUCH. The management managers that we put in place in those times, both the commercial IFQ and the bycatch restrictions in the shrimp fishery have helped. Also what has helped is the limitations on the recreational fishery, but yes, it is rebuilding. I will completely agree with that.

Mr. SOUTHERLAND. So if you are a recreational fisherman and you work 60 hours a week to take your family, your children, fishing on Saturday, and 7 years ago, you had 194 days to do that and the fishery has rebounded, in your own words, you just said, faster than anticipated, and yet the 2035 date is not getting any closer or not being edited down, and you are a recreational fisherman and you are down to 9 days now with a two-fish bag limit brought down from four, and you are looking now because of the comments that have been made at the Gulf Council meeting saying, Hey, we are looking at a 1-day season, perhaps at the most a 5-day season, if you are a recreational fisherman that continues to own a boat and pay the registration and buy the gas and do everything that it takes, the catch is now two fish, do you see the problem that your agency finds with maintaining integrity with the general public?

Mr. RAUCH. There are fishermen today that can catch a red snapper that could not catch it 5 years ago because the stock is moving along the coast of Florida, but, yes, I completely agree with you that the average fisherman does not understand why in a rebuilding fishery like this that the season is shorter. They are allowed to catch more red snapper now than they have ever been allowed to before. The quota for the recreational fishery is higher

than they have ever been before, and yet they continue to catch that, even in a 9-day season. It makes it very difficult to explain to one fisherman who only sees what they catch how there are thousands of anglers and the overall Gulf catch is much higher than even the highest quota we have ever allocated to the recreational fisherman.

Mr. FLEMING. OK. Gentleman's time is expired.

And next Mr. Jolly is recognized for 5 minutes.

Mr. JOLLY. Thank you, Mr. Chairman.

Thank you for allowing me to be here today. I appreciate it.

Mr. Rauch, to build on Mr. Southerland's comments, you have acknowledged NMFS' position is that the stock is rebuilding. You also said that it is still being overfished. You can't actually have both, because if the stock is rebuilding, we are not overfishing. The plan is actually working. Right?

Mr. RAUCH. The stock is not subject to overfishing. Overfishing is the act of the fishermen that drives the stock down. You would be correct that you cannot have overfishing and rebuilding at the same time. The stock is still overfished, which is a population estimate, but it is rebuilding and so overfishing has ended.

Mr. JOLLY. Overfishing has ended?

Mr. RAUCH. Overfishing has ended.

Mr. JOLLY. And so the position of NMFS and the Council for reducing from 9 days to 6 days or 5 days would be as a result of weight as opposed to what—why if overfishing has ended, why do we need to reduce the number of days in a season to continue on the track that has been successful thus far to rebuild, taking your data, not even considering the state data yet.

Mr. RAUCH. First of all, the stock assessment is going to look at all these numbers, and we are going to be expecting an update. So that update will determine how much fish are available. Every update that we have done recently has indicated more fish are available to be caught. The stock is growing. So we have increased the quota, the amount of fish that the recreational fisherman can catch. That may happen again. So that is going on now and will be available before next season.

Mr. JOLLY. OK. And I am sorry. I have to move on because I have additional questions. You indicated NMFS does consider data, state-collected data. Secretary Barham, do you agree with that? Do you think that the Louisiana data, or Mr. Blankenship, the Alabama data, in any real tangible way has ever influenced decisions by NMFS or the Council? Do you think it is being appreciably considered?

Mr. BARHAM. As far as Louisiana, I have my doubts that our information is getting the consideration it merits.

Mr. JOLLY. Mr. Blankenship, Alabama?

Mr. BLANKENSHIP. We are currently working with NOAA fisheries with our Alabama data from the red snapper reporting program to get that incorporated into the stock assessments and to make some calibration changes in the future. I will reserve judgment on how well that is going to go until we are a little further down the line in our discussions, but I will say that, in doing our own data collection with our bottom long line work in our artificial reef zones that were being excluded from NOAA fisheries, Mr.

Rauch is correct that that is being included in the stock assessment now but not at the same weight as the data that is collected by NOAA fisheries. So they are discounting some of the work that we are doing, and it doesn't receive the same weight in the stock assessment, so it doesn't affect it as much as it should.

Mr. JOLLY. Sure. And that is similarly what we hear from our folks in Florida, there seems to be a perfunctory consideration and a call for data, but at the end of the day, it seems to be pushing a noodle at times.

Secretary Barham, curious, you mentioned that your fishermen from all sectors agreed to a fee increase to support the data collection. Is that right?

Mr. BARHAM. Yes, sir, we did. We passed it in this past legislative session, and we termed it our LA Creel program.

Mr. JOLLY. And that funds the data collection?

Mr. BARHAM. It does, and it allows us to do what we consider a stellar gathering of data for Louisiana, and we are working with other states now across the Gulf South to tell them our experiences and problems, and so I think in some other states you are going to see programs very similar to our LA Creel.

Mr. JOLLY. All right. Thank you.

Mr. Rauch, very quickly, if I may ask you a Rule 40 question. Are you prepared to answer hopefully a pretty general question on that? With the sector separation between for-hire and recreational, within Rule 40, are there any protections for recreational if for-hire overfishes? Because recreational will tell you that if for-hire overfishes, it is going to come out of the recreational net.

Mr. RAUCH. My understanding is if for-hire overfishes, for-hire will have to stop fishing, and there is a payback provision in some manner for them.

Mr. JOLLY. Payback from the for-hire sector—

Mr. RAUCH. I believe so. You are asking about a level of detail that I am not aware of. I do know that there is a section of the Magnuson Act 407(d) which does tie the for-hire sector quota to the recreational sector and says that, when you are over, everybody stops fishing, and that is a statutory provision.

Mr. JOLLY. Which is the recreational concern about Rule 40.

Mr. RAUCH. Yes, and it is created by 407(d) of the Magnuson Act.

Mr. JOLLY. Thank you very much. I appreciate it.

Mr. Chairman, thank you again. I yield back.

Mr. FLEMING. The gentleman yields back.

In the interest of time, I am going to go ahead and bring the third panel forward. We had some more questions for the second panel. I just apologize. We are running out of time, and I know Mr. Blankenship and Secretary Barham have a lot more information to provide, but we will need to do that off-line. I want to thank the panel today and ask our third panel to step forward.

We are now ready for our third panel, which includes Mr. David Cresson, President and CEO of Louisiana Chapter of Coastal Conservation Association; Mr. Bob Gill, Board Member, Gulf Seafood Institute; Captain Jim Green, Vice President, Destin Charter Boat Association; and Mr. Harlon Pearce, owner Harlon's LA Fish, Kenner, Louisiana.

As I already mentioned, your written testimony will appear in full in the hearing record, so I ask that you keep your oral statements to 5 minutes as outlined in our invitation letter to you under Committee Rule 4(a). Also, remember that you are under the 5-minute limitation, so you will be under the green light for 4 minutes; yellow light for 1; and when it turns red, please immediately conclude your remarks.

Mr. Cresson, you are now recognized for 5 minutes to present testimony on H.R. 3099.

**STATEMENT OF DAVID A. CRESSON, PRESIDENT AND CEO,
LOUISIANA CHAPTER, COASTAL CONSERVATION ASSOCIATION**

Mr. CRESSON. Thank you, Mr. Chairman. Thank you for having me here today. It is a real honor and thank you Members for allowing me to present to you today. My name is David Cresson. I am the executive director, as you mentioned, of the Coastal Conservation Association in Louisiana. In that role, I have the honor and privilege of serving 20,000 recreational fishermen in Louisiana, and I am here on their behalf today.

I have thought a lot about what I wanted to say to you today, and I could go back on a lot of what you have heard here today. I think it is very, very clear that this system is failing. It is not working for anybody really, but specifically the recreational fishermen. I could talk about other things that hadn't been mentioned so much, like the fact that the allocation is so messed up. We could talk about the 75 percent of the fishery that is now privately held. But I thought, instead of that or instead of going over what everybody has already said here today, I would talk to you more from what I do for a living and that is talk to fishermen every day. I am out around the state of Louisiana on the coast talking to fishermen every day, and I am a fisherman. I fish for this species and others all the time, so I thought I would talk from that side of things rather than so much about what we have already heard.

I was in your hometown not long ago, Minden, Louisiana. I go up there once a year to speak to a Lion's club. You may even be a member. I think you are. We are up there talking about fish issues, and it is amazing in Minden, Louisiana, which is 250, almost 300 miles from the coast, where there is not salt water anywhere nearby. The first question I get from my members and others in Minden, Louisiana, is what are we going to do to fix red snapper. They don't ask about trout. They don't ask about red fish. They don't ask about bass. Those are all state-managed fish, and they are in great shape. They ask about red snapper in Minden, Louisiana, which is almost in Arkansas. So it goes to show you what an issue this is for recreational anglers all around Louisiana certainly and around the Gulf Coast. So this is an important fish. It is one that we need to make right. We need to fix this for the recreational sector. I appreciate the efforts that are going on here today.

More importantly than any of that, I am a fisherman and I am a father. I came up fishing with my dad and creating all these great memories on the water. The clearest memories I have as a kid are on a boat with my dad, and so I wanted to pass those same

sorts of memories on to my kids. And just recently, this past summer, I was on a boat with my two sons, 10-year-old and 7-year-old sons. I took them red snapper fishing for the first time. It was during the 9-day season. My 7-year-old, and if you know anything about fishing in Louisiana, you find the first rig in more than about 60 feet of water, throw anything you've got straight to the bottom, and you are going to have a red snapper on your line before you click the button. Well, sure enough, he hooked into one. It almost pulled him over the side of the boat. The look on his face as he was struggling and laughing and crying a little bit to get this fish in was priceless, and we had a great day. Hopefully this bill will allow for many more days like that.

Let's go back 2 weeks ago, 2 weeks ago from today, we went fishing, same, me and my two sons. We were catching trout, red fish; red snapper is closed, as we mentioned. My 7-year-old son, who is now 8, looked out in the distance from the marsh, and he could see an oil rig, which is where we had been fishing during the summer. We were having kind of a slow day, and he said, Dad, do you think we can maybe go catch some red snapper. I said, No, we can't go catch red snapper today. He said, Why? I said, Well, because we will get in trouble. And he said, Why? I said, Well, because the Government says we can't. And he said, Are the fish gone? I said, No, there are more out there than there ever has been. He stopped for a second, and he looked up at me, and he said, Well, that is just stupid.

Sometimes it takes simplifying it down to the voice of a 7-year-old kid to realize that what we are doing here is not working. Now, I corrected him for being disrespectful, but, in the end, he is right. This is not working. We appreciate Congressman Miller's efforts here. We hope that you will give this every consideration, and I thank you for your time. I am certainly here to answer any questions you might have.

Mr. FLEMING. Thank you.

[The prepared statement of Mr. Cresson follows:]

PREPARED STATEMENT OF DAVID A. CRESSON, PRESIDENT AND CEO, LOUISIANA
CHAPTER OF COASTAL CONSERVATION ASSOCIATION

Thank you for the opportunity to comment here today, and thanks especially to Congressman Jeff Miller for introducing the Gulf of Mexico Red Snapper Conservation Act which is of critical importance to recreational anglers in the Gulf of Mexico. My name is David Cresson and I am the president and CEO of the Louisiana Chapter of Coastal Conservation Association. CCA is the largest marine resource conservation group of its kind in the Nation, with more than 120,000 members, almost all of whom are recreational anglers.

In 2013, the Governors of four Gulf states, including Louisiana Gov. Bobby Jindal, sent a joint letter to the U.S. House and Senate leadership in which they labeled Federal fisheries management of red snapper "irretrievably broken" and called for its management to be transferred to a coordinated Gulf states partnership. The letter was a powerful declaration that the people of the Gulf Coast have lost faith in Federal fisheries management and for good reason. This legislation is a perfect opportunity to restore some of that faith.

Saltwater recreational angling in the Gulf of Mexico is a huge business and a critical engine for coastal communities. It drives billions of dollars in economic activity each year, providing substantial benefits to the economy at the local, regional, and national levels. And yet, it was not until just this year that NOAA Fisheries began the long process of developing a national recreational fisheries policy to manage it. Historically, the agency has regarded recreational fishing as an after-thought and has attempted to manage anglers with the same tools that were developed exclusively to manage industrial fishing operations.

It hasn't worked.

The Federal management system is characterized by hard quotas and annual catch limits based on infrequent stock assessments and notoriously questionable recreational harvest data. It is a rigid management system designed to manage a relatively few commercial harvesters; not one that is conducive to creating robust recreational fisheries that are pursued by an extremely diverse population.

In 2014, the red snapper season in Federal waters was 9 days and that was set against a red snapper population that many marine scientists believe is the healthiest it has ever been. In many places in the Gulf, it is not uncommon to hear anglers say that it is impossible to get a bait past the red snapper to catch anything else.

And yet, Federal law has created a management regime in which as the fish become larger and more abundant, recreational anglers are penalized with shorter and shorter seasons because the recreational quota is caught more quickly. Conversely, using those same tools, if management was not working and the stock was deteriorating, recreational seasons would be extended and fishing opportunity increased because it would take longer to catch the quota.

As it stands today, Federal management is a confusing spiral of uncertain regulations and greater mistrust in a management system that anglers increasingly see as punitive rather than constructive.

Compounding the problem, NOAA Fisheries has embraced catch share programs to reward businesses that are able to count their catch to the pound. More than 50 percent of the entire red snapper fishery is already privately held by less than 400 individual commercial fishermen, and indications are that another 20 percent could be given to charter/for-hire businesses. These shares have been given away for free and the shareholders are allowed to fish year-round until their personal quota is caught. This, at a time when recreational anglers on their own boats face single-digit seasons on a booming stock of fish. It is no wonder that anglers believe they are unwelcome visitors in the Federal fisheries management process.

Conversely, four of the five marine recreational fisheries that provide the greatest overall benefit to the Nation—speckled trout, redfish, striped bass and bluefish—are inshore species that are managed by the states. The fifth, dolphin, is managed by the Federal system but is a predominantly recreational species.

The states have succeeded because their fisheries management systems fit the data they have available and they have made the investments to obtain current information to apply to that management. With current information in hand, state managers have more flexibility to adjust fishing rates and seasons to reflect current conditions. Whereas the Federal system imposes on millions of anglers a quote system designed for several hundred, the states have made the investments to allow fishing opportunity to go up and down with the health of the stock, while staying within an allowable mortality rate.

State-based fishery management has proven to be far more effective for recreational fisheries, and has engineered some of the greatest marine conservation victories in the country. The states have a strong track record of managing their fishery resources in order to achieve the right balance between sustainability and quality fishing opportunities. The Gulf of Mexico Red Snapper Conservation Act would put proven state-based management approaches to work and solve this problem for millions of recreational anglers along the entire Gulf Coast.

Mr. FLEMING. Mr. Gill, you are now recognized for your testimony.

**STATEMENT OF BOB GILL, BOARD MEMBER, GULF
SEAFOOD INSTITUTE**

Mr. GILL. Thank you, Mr. Chairman.

Thank you, Ranking Member Sablan, and members of the subcommittee.

I am Bob Gill, representing the Gulf Seafood Institute, which was recently formed as a nonprofit organization to focus on providing the availability of Gulf seafood for all. In summary, relative to bill 3099, we find it is an overly simplistic approach that doesn't achieve and improve red snapper management. I would like to address some of the points that are germane to that discussion.

First of all, just transferring to the Gulf State's Marine Fisheries Commission, as has been mentioned, creates more problems than it solves. The Commission is a fine agency, and it does excellent work in the Gulf, but what is being tasked through this bill are beyond its capabilities. It possesses neither the staff, the resources, the budget, or the expertise to accomplish that. And, even if these resources were provided, the learning curve would be extraordinarily steep. You all understand the difficulty in red snapper management. That is why we are here today. It is not an easy task. It is a complex one.

From the scientific side, they have no one on staff to conduct the assessment, and qualified assessment scientists are few and far between, difficult to have them. The Science Center in Miami is having difficulty keeping qualified assessment scientists on hand.

Another issue, which has been mentioned, is funding. It is absolutely critical, a vast number of responsibilities being tasked on the Commission, but no funding is provided. And as I mentioned, staff, resources, infrastructure, et cetera.

Another concern is that passage and implementation of H.R. 3099 will dismantle the existing commercial IFQ, Individual Fishing Quota System. It is difficult to understand what will replace it. All we know is that we have a Federal system that is working well. The markets are orderly. The supply is plentiful. It is working well, but something will have to replace it if H.R. 3099 is implemented. We certainly don't want to go back to what we had previously. It would be difficult to conjecture a similar system being established under this bill.

Mr. FLEMING. Mr. Gill, can you bring that microphone closer. We are going out to the Internet. We are having a little difficulty picking up, so if everyone will remember to be sure and speak directly into the microphone.

Mr. GILL. My apologies, Mr. Chairman.

So that will create a problem from the market standpoint. In addition, as you mentioned, the recent changes on the for-hire sector, they are at peril under this bill. There is no protection that says the advances being made in that part of the recreational sector will be maintained, and they are on their way to counting fish and getting accountability to fish under their purview.

In addition, the allowance of not following Magnuson-Stevens Act precisely just to the extent practicable raises the issue of whether the stock is at risk for sustainability, so we have concerns in that regard. It would be the only species that is not fully under the Magnuson-Stevens Act.

Finally, the fundamental issue that is at hand here in terms of the red snapper fishery is not being addressed at all. In fact, it is not addressed in any management plan, be it Federal or state, and that is numbers. The numbers suggest that if they are not addressed, it is not possible to have a reasonable season or time. For example, the coastal resident anglers in the Gulf are estimated at 3 million anglers. It is estimated over 23 million angler trips per year. And that is just coastal residents. It does not include the tourists that come from beyond the coast. If the average weight of the fish is 7 pounds, under the current quota, there is 700,000 fish available, so you have 23 million angler trips from just coastal resi-

dents looking for 700,000 fish. It doesn't work, and this current system doesn't address that. Future systems need to, and, without it, there is no real solution.

So, in summary, we do not see H.R. 3099 as being helpful to the solution. We think the Council process can improve the situation and come up with a good solution, and I appreciate the time and opportunity to express our views. Thank you.

Mr. FLEMING. Thank you, Mr. Gill.

[The prepared statement of Mr. Gill follows:]

PREPARED STATEMENT OF BOB GILL, OWNER, SHRIMP LANDING, CRYSTAL RIVER,
FLORIDA REPRESENTING THE GULF SEAFOOD INSTITUTE

Chairman Fleming, Ranking Member Sablan, and members of the committee, my name is Bob Gill and I am pleased to be here to testify before you today on H.R. 3099, the Gulf of Mexico Red Snapper Conservation Act of 2013. A Naval Academy graduate and Ocean Engineer, I am the owner of Shrimp Landing, a diversified, dockside wholesale/retail seafood business located in Crystal River, Florida. I am a former member and chairman of the Gulf of Mexico Fisheries Management Council, a current member of the Gulf Council's Science and Statistical Committee and a member of its Reef Fish Advisory Panel. For purposes of today's hearing, I will be speaking as a board member of the Gulf Seafood Institute (GSI), a broad-based trade group representing all facets of the Gulf of Mexico seafood supply chain from water to table.

Formed in July, 2013, the Gulf Seafood Institute (GSI) came together to protect the Gulf's unique culture and environment while elevating the Gulf seafood brand with consumers, customers and policy leaders through advocacy, education and science. The GSI's board of directors represents every Gulf state as well as every aspect of our industry—harvesters, processors, wholesalers, retailers, restaurateurs and the charter-for-hire community—and is positioned to be a leading voice on key issues including sustainable management, seafood safety, disaster mitigation and recovery, and data collection. All our members share the common value of working to make healthful and abundant Gulf seafood available to all. Additionally, GSI seeks to bolster fisheries science and research to help preserve the Gulf seafood resource and contribute to the longevity of our industry.

Today, I will briefly highlight the challenges we face with the current recreational red snapper management structure in the Gulf and ways that the system can and should be improved for the recreational community. Per the committee's request, I will focus the majority of my testimony on whether the proposed regional red snapper management structure outlined in H.R. 3099 is the correct approach to solving this complex management struggle.

Commercial Red Snapper Management in the Gulf is WORKING:

It is very important to understand that the **current red snapper program on the harvest side is working**. 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. The commercial red snapper Individual Fishing Quota (IFQ) program, which began in 2007, has reduced the number of vessels and improved the operation of this 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, less pressure on the resource and a consistent supply of red snapper to meet consumer demand. While IFQs certainly are not a panacea for all species or all sectors, in terms of the commercial red snapper fishery in the Gulf, IFQs have proven to be a very effective tool.

Unfortunately, the recreational red snapper sector has yet to find a similar satisfactory solution and Federal management of this side of the business remains in turmoil. Fishery managers, still relying on the antiquated "days at sea" model for management, have drastically reduced fishing days for recreational red snapper leading to serious economic implications for the entire Gulf Coast economy. While I agree that we must take steps to improve management of recreationally caught red snapper, any solution that upsets the success of the commercial red snapper program is not a solution at all and would only harm the industry, the markets, seaside communities and the millions of consumers who depend on the year-round availability of red snapper.

The Need for Focus in the Recreational Red Snapper Fishery:

The enormity of the recreational sector poses unique challenges in proper fisheries management. Not only are there millions of stakeholders, but there is broad diversity geographically, in landing sites, time of fishing and socio-economic differences across the board. This makes it difficult to determine the impact this sector has on the resource. Not only red snapper, but all the fisheries in the Gulf. And that difficulty translates to high expense and questionable accuracy and precision of the results of attempting to assess the true effect the recreational sector on the marine resources of the Gulf. The statistical surveys used thus far have not reliably provided the information needed for good, let alone proper, fisheries management. It is clear that we need to change the way we do business if we are to make any improvement in this area.

Fortunately, one component of the recreational fishing community in the Gulf is poised to do just this. During its October meeting in Mobile, Alabama, the Gulf Council voted 10–7 to separate the federally permitted charter-for-hire community from the private anglers in the Gulf, setting the stage for the charter fleet to be managed independently for purposes of red snapper. Concurrently, GSI has been actively working with charter boat captains across the Gulf to generate support for a program to collect real-time, verifiable data on reef fish using technology that can be as simple as a smart phone or tablet application attached to a Vessel Monitoring System (VMS). These systems, for example the Thorium system developed by GSI member company CLS America, are ready to roll out and have received overwhelming support from fishermen, stakeholders and charter captains themselves. This cost-effective and sleek technology will allow fishermen to quickly and accurately report their catch to a secure database administered by the National Oceanic and Atmospheric Administration (NOAA) thus providing regulators with enough data to more fairly and equitably manage red snapper for charter boat fishermen and their customers. In response to overwhelming support from the Gulf community, the Senate Commerce, Justice, Science Appropriations Subcommittee included \$2 million in their fiscal year 2015 bill to help Gulf Coast charter boat captains purchase these electronic data collection instruments. While the current appropriations process is in flux, GSI looks forward to continuing to work with this committee and the appropriators to see ground-breaking data collection programs supported into the 114th Congress.

H.R. 3099, The Gulf of Mexico Red Snapper Conservation Act:

Overall, H.R. 3099 will not solve the recreational red snapper management challenges in the Gulf. Simply shifting management authority from the Council and NOAA to another agency, the Gulf States Marine Fisheries Commission (the Commission), will not address the fundamental issues of a lack of data, rapidly increasing participation by huge numbers of private anglers, and a lack of accountability measures to address egregious overages on the recreational side. Further, H.R. 3099 does not authorize any new funding for the Commission to carry out its new responsibilities under this bill, neither does it address how the resource should be equitably allocated between the five Gulf states—an issue the five state resource agencies have had great difficulty solving after repeated attempts. Below are several points of concern with H.R. 3099 that the committee should understand before proceeding:

H.R. 3099 Tasks the Commission with Tremendous New Responsibilities with No New Resources:

H.R. 3099 effectively takes management authority of the entire Federal red snapper fishery away from the Department of Commerce and turns it over to the Gulf States Marine Fishery Commission (the Commission) and, ultimately, the five Gulf states. While the Commission does great work facilitating programs that benefit Gulf fisheries on the whole, they are not currently equipped to handle the mission of a de facto fisheries management agency as outlined in this legislation. Further, given the time lines outlined in the legislation, I question whether the Commission could, even if given ample financial backing, meet staff and infrastructure needs required to comply with the legislation.

Congress established the Commission in 1949 with the mission of promoting better utilization of Gulf fisheries while promoting and protecting such fisheries and preventing physical waste of the resource. The Commission is comprised of three members from each of the five Gulf states and makes recommendations to the five state governments regarding management of Gulf fisheries. These recommendations are based on scientific studies made by experts employed by state and Federal resource agencies. While I have the utmost respect for the Commission, it is questionable whether they, and ultimately the individual states, would be any better

equipped than the Department of Commerce, NOAA and the Gulf of Mexico Fishery Management Council to make management decisions for red snapper.

Specifically, H.R. 3099 tasks the Commission with vast new responsibility, including:

- Determining a new data collection plan for red snapper within 1 year;
- Determining a plan to undertake annual red snapper stock assessments within 1 year;
- Preparing a red snapper fishery management plan within 1 year;
- Holding public hearings in each of the five Gulf states within 1 year;
- Establishing procedures for and undertaking a public comment program on the fishery management plan;
- Establishing procedures for the five Gulf states to develop their respective red snapper management plans;
- Determining whether the five Gulf states are adequately adopting and are in compliance with their respective management plans;
- Ensuring each Gulf state is effectively enforcing their management plans;
- Certifying that overfishing is not occurring;
- Offering Gulf states remedies in the event of noncompliance;
- . . . and more.

This is a tremendous level of new responsibility for the Commission which is already facing significant funding challenges for their current programs. If the Commission is expected to effectively undertake the mission outlined in H.R. 3099, Congress must provide adequate funding and support from the outset.

H.R. 3099 Does Not Address Increased Recreational Fishing Effort:

Based on the current quota and allocation, and assuming a very conservative average of 7 pounds per fish, there are approximately 700,000 red snapper available to be caught by the recreational sector in the Gulf. According to the best available estimates (Marine Recreational Fisheries Statistical Survey—MRFSS/Marine Recreational Information Program—MRIP), there are approximately 3,000,000 coastal resident private anglers in the Gulf and another 3,000,000 tourists that want to go fishing in the Gulf each year. In fact, only fishing trips targeting catch red snapper more than consume the available resource with only one person on the boat. It is clear that resource managers must determine a management plan that **addresses the number of anglers and angler trips** or else the limited supply of red snapper will always fall woefully short of demand.

H.R. 3099 Shuts Down Effective Management of the Commercial Red Snapper Fishery:

This legislation says nothing about preserving the current, effective management regime for commercially caught red snapper in the Gulf. As I discussed earlier in my statement, red snapper management in the Gulf commercial fishery is WORKING. Consumer demand for red snapper continues to grow and our commercial community is the primary source for meeting this demand on the part of retailers and restaurants throughout the country. As currently written, H.R. 3099 would take the entire fishery, recreational and commercial, and turn it over to the Commission and the five Gulf states. Without some explicit language preserving the current commercial management structure and the funding to replicate the existing infrastructure, this legislation threatens to roll back the clock on a management program that has brought the red snapper fishery back to life and onto a solid road toward recovery.

Additionally, H.R. 3099 states that quotas may be altered 3 years from enactment. I am concerned that this leaves the door open for reassessment of the current allocation between recreational and commercially caught red snapper. The current commercial allocation based on historic catch numbers must be preserved to ensure consumer demand for red snapper can continue to be met.

H.R. 3099 Needs More Thorough Economic Analysis:

Section 10 calls for the Commission to perform biannual economic analyses with corresponding reports of the beneficial impacts of the red snapper fishery. While I applaud the intent to incorporate economic considerations in the program, the section fails to achieve its purpose. In the first place, the economic analyses are directed to consider the impacts of the red snapper fishery. This is not helpful to understanding the benefits to the Nation of this fishery which is the heart of the Magnuson-Stevens Act (MSA). The MSA calls for managing to maximize the net

benefits to the Nation which is not the same as economic impact. The MSA has it right. We need to detail what the positive benefit results from this fishery, not what the net cash-flow to the Gulf as called out for in this section. Second, all the called out for activities are for recreational activities. There are none specified for the commercial benefits such as dealers and processors. Finally not included in the required analysis are the social consequences of the red snapper fishery. Surely the effect on the people of this Nation and in the Gulf are as important as the dollars that result? I note that the Commission will probably lose its current economist position before implementation of this bill, if passed, and will have no economists on staff to accomplish this task, requiring yet additional funds to effect Section 10.

H.R. 3099 Does Not Maintain Federal Sustainability Standards Under Magnuson-Stevens Act:

Section 5 of H.R. 3099 requires the Secretary of Commerce to determine if the Commission's red snapper fishery management plan is compatible, "to the extent practicable" with the sustainability requirements outlined in the Magnuson-Stevens Act (MSA). This loophole may render red snapper as the only major fishery in the entire United States that is not fully compliant with important Federal sustainability guidelines needed for both preservation of the stock as well as utilization of the species. Should red snapper come out of compliance with MSA standards, it would be questionably sustainable with the resulting devastating impact to the resource and all citizens.

Accountability Measures Remain Unclear:

Under H.R. 3099, the remedy for states that do not comply with the new fishery management plan as reported by the Commission is possible closure of Federal waters adjacent to the affected state(s). This strategy leaves state waters open, and possible continued fishing with significant impact to the overall stock, as well as inevitable cross boundary issues of Federal waters of an adjacent state, further imperiling stock status. In effect, the proposed remedy is a small slap on the wrist, but not effective in protecting the stock. Stricter accountability measures must be explicitly stated in the legislation.

Enforcement Challenges:

H.R. 3099 turns management of the red snapper fishery over to the five Gulf states and grants the Commission oversight of these state management programs. As previously stated, the Commission is comprised primarily of representatives from the five Gulf states and is, effectively, run by these states. As such, enforcement and oversight of the red snapper management plans put forward by the states would be, to a certain extent, *self-enforced* leaving the door open for a slippery slope of missed deadlines, loose enforcement and future mismanagement. I hold the Commission in the highest regard, however when it comes to preservation of resources as precious as red snapper, only the strictest standards for management and enforcement should prevail.

Unknown Outcomes for the Charter Fleet:

As mentioned previously, the Gulf Council recently voted to separate the federally permitted charter-for-hire fleet from the private angling community for purposes of red snapper management in the Gulf. This is a huge step forward in providing effective and accountable management for the charter community and their customers who come to the Gulf from all over the country to go fishing. Turning management of the entire red snapper fishery over to the Commission and the states threatens to dissolve this new charter program and rope professional for-hire fishermen and their customers back into the current unmanageability of the private angling community. Language should be included in the legislation that preserves this new charter-for-hire sector and keeps its management as part of the Federal/Council process.

While clearly H.R. 3099 is not the right solution for the management concerns facing private anglers in the Gulf, there are options that the Council can consider, without any intervention on the part of Congress. However, private anglers must be willing to participate in the management of this stock in same way as demonstrated by commercial harvesters and professional for-hire harvesters. One such method for accomplishing this is the issuance of separate and limited numbers of red snapper permits which would allow the take of a limited number of fish per person per year. These could be sold by lottery or in some other way deemed to be fair and equitable by the state and Federal fisheries management authorities. Fish landed without possession of this license would be equivalent to landings after the season is closed. These permits/licenses should be sold at a significant premium to the

state recreational licenses and could work similar to the Federal Duck Stamp Program which allows hunters to harvest migratory waterfowl. In this way the private recreational fishing effort for this particular species can be reduced or at least limited and will allow private fishermen to harvest red snapper whenever is most convenient to them rather than during a brief derby period in the middle of the summer. H.R. 3099 offers nothing toward the development of a similar system for red snapper. A more cynical view of the intent of H.R. 3099 therefore is that it is an attempt to hand the management of this species to entities which will simply allow greater harvest and therefore the potential for wholesale mismanagement of the fishery. Two of the Gulf states have repeatedly and systematically allowed harvest beyond quotas established by NMFS, to the detriment of their fellow states. One additional state in agreement with this method of management would establish a majority for that approach within the Commission.

Furthermore, if red snapper is allowed to be overfished by the states or the Commission, then NMFS/NOAA Fisheries may be pressured to more stringently regulate those fisheries remaining under their jurisdiction, in particular the Gulf Shrimp Fishery. Shrimp trawl bycatch has been sufficiently regulated and tied to red snapper stock abundance that it is a minor factor in the recovery of the red snapper stocks. Ironically the shrimp fishery and shrimp trawl bycatch would be the only real means left available to NMFS for controlling the harvest of the stock if this bill were to be implemented.

With this testimony, I hope I have provided the committee with more clarity on how H.R. 3099 will impact the Gulf of Mexico seafood community and the consumers who depend on them. While I applaud the sponsors of H.R. 3099 for their effort to take some action, it seems that a satisfactory solution for managing the recreational sector of this fishery is still a long way off. However, serious strides have already been made in terms of the commercial and charter components of the fishery under the current Council-run process. I firmly believe that a solution to the challenges facing private red snapper fishermen can be developed without much change in Federal law as it is currently written. What it takes is committed leaders from the region addressing the real issues and hammering out a middle ground that works for the resource and all the stakeholders. No easy chore, but attainable if the right minds are set to it.

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

Mr. FLEMING. Mr. Green, you are now recognized for 5 minutes. Be sure that microphone is close by.

**STATEMENT OF CAPTAIN JIM GREEN, VICE PRESIDENT,
DESTIN CHARTER BOAT ASSOCIATION, GULF OF MEXICO
CHARTER FISHERMAN**

Mr. GREEN. Thank you, Chairman Fleming, Ranking Member Sablan, and members of the committee. My name is Captain Jim Green, and I am honored to be here today to testify before you on H.R. 3099, the Gulf of Mexico Red Snapper Conservation Act of 2013. I am 33 years old and a lifelong resident of Destin, Florida. Reef fish management in the Gulf of Mexico is incredibly important to me as it predicts my future. I am a third-generation fisherman out of Destin. I have worked on charter and head boats for 25 years, and I have been a captain for 12. I manage a company that has three federally permitted vessels that carries around 15,000 anglers a year. I am also the chairman of the Ad Hoc Red Snapper For-Hire Advisory Panel for the Gulf Council.

I am speaking to you not only as a federally permitted business operator but as the vice president of the Destin Charter Boat Association, which represents more than 70 federally permitted vessels. The for-hire fishing industry is an established part of Florida's Gulf Coast economy, and Destin is a prime example of that. With red snapper being a cornerstone fishery, it deserves careful

management, but I don't believe that H.R. 3099 is the best way to move forward.

We can all agree that recreational red snapper management is failing. While all recreational fishermen have suffered, federally permitted businesses and our customers have borne the brunt of it. Federal seasons are steadily being reduced, despite the recovering snapper stock, and for-hire fishermen have had a hard time trusting the data. We have had huge overages in our quotas and now have to deal with significant buffers to prevent these overages. These buffers, combined with unprecedented, noncompliant state seasons, have shortened the Federal season to the shortest in history. Americans who are not fortunate enough to own their own boats were almost completely shut out of this fishery this year since federally permitted vessels are not allowed to fish in the far more generous state water seasons. This year, in Florida, state waters were opened for private anglers and state guide boats for 53 days. Federally permitted vessels had 9. Our industry appreciates the interest in helping recreational fishermen access a growing red snapper population, but this legislation would hurt the efforts of charter captains like me trying to make things better.

For-hire management must move in a new direction. A lot of the leadership in our industry has worked since 2008 to move toward a sustainable and accountable management plan for for-hire vessels.

The Gulf Council recently separated two components of the recreational fishery, private and for-hire. The for-hire sector wants to be able to continue to work with the Council and all stakeholders to map our way forward. This bill would eliminate our ability to do so by transferring the responsibility of red snapper management out of the Council's hands.

Separating the charter and private angling sectors by itself does not solve the recreational management problem, but it gives the Council the ability to create management plans that maximize fishing opportunities, improve data collection, and prevent overharvest for each component. Because the two sectors have different needs out of the fishery, separate management plans are the only way to do this. We know that status quo management with restrictive seasons and bag limits isn't working, and we are working hard to find better approaches to our sector, including a real-time data reporting system.

The Destin Charter Boat Association, as well as many other charter captains across the Gulf, do not want to be a part of a state-based system like the one set up in H.R. 3099. We are Federal permit holders and want a Federal management plan. Transferring authority of red snapper to the Gulf State Commission would create another layer of bureaucracy to navigate through. Giving authority for red snapper management to the states might be a solution for private anglers, but the Council is currently considering an amendment on this topic, and they are in the best position to refine the details of that plan through the stakeholder process that was set up through the Magnuson-Stevens Act.

I am not in a position to suggest what is best for private anglers, but I am confident there are ways to solve the problems of short

Federal seasons and ultimately data for these anglers. We just need to focus on solutions that do not hurt the other components of the fishery. I hope my testimony today has helped the committee better understand the challenges facing this fishery and how we might resolve them in ways that respect all stakeholder needs. The charter industry wants to continue to work with the Council and design a Federal management plan that works for our industry. We need your support as we work to modernize data collection and also develop and test new management methods to that end.

We would like to especially thank Congressman Whitman for his legislation to ensure fishermen are more involved in data collection, H.R. 3063; and Congressman Byrne for his bill to eliminate Section 407(d) from the Magnuson-Stevens Act. I, and the rest of the Destin Charter Boat Association, look forward to working with the committee and the Council on these issues. Thank you for the opportunity to testify today. I look forward to answering any questions you may have.

Mr. FLEMING. Thank you, Captain.

[The prepared statement of Mr. Green follows:]

PREPARED STATEMENT OF JIM GREEN, GULF OF MEXICO CHARTER FISHERMAN, VICE
PRESIDENT OF DESTIN CHARTER BOAT ASSOCIATION

Chairman Fleming, Ranking Member Sablan, and members of the committee, my name is Capt. Jim Green and I am honored to be here today to testify before you on H.R. 3099, the Gulf of Mexico Red Snapper Conservation Act of 2013.

I am 33 years old and a lifelong resident of Destin, Florida. Reef Fish Management in the Gulf of Mexico is incredibly important to me as it predicts my future. I am a second generation fisherman out of Destin. I have worked on Charter and Headboats for 25 years and have been a captain for 12 years. I manage a company that has three federally permitted vessels that carry around 15,000 anglers a year. I am a voting member of the Ad Hoc Red Snapper For-Hire Advisory Panel for the Gulf Council.

I'm speaking to you not only as a federally permitted business operator, but as the Vice President of the Destin Charter Boat Association, which represents more than 70 federally permitted vessels. The for-hire fishing industry is an established part of Florida's Gulf Coast economy, and Destin is a prime example of that. A 2014 study commissioned by the city of Destin shows that in 1 year, over 300,000 out-of-region tourists injected over \$90 a day into Destin's economy. More importantly for this committee to know, of those 300,000 visitors, over 44 percent stated they made Florida their destination choice due to the opportunity to go fishing on charter boats. With Red Snapper being a cornerstone fishery it deserves careful management, but I don't believe that H.R. 3099 is the best way to move forward.

We can all agree that recreational red snapper management is failing. While all recreational fishermen have suffered, federally permitted businesses and our customers have borne the brunt of it. Federal seasons are steadily being reduced despite the recovering snapper stock, and for-hire fishermen have a hard time trusting the data. We had huge quota overages for years, and now have to deal with significant buffers to prevent these overages. These buffers, combined with unprecedented noncompliant state seasons, have shortened the Federal season to the shortest in history. Americans who are not fortunate enough to own their own boats were almost completely shut out of the fishery this year, since federally permitted vessels are not allowed to fish in the far more generous state water seasons. This year in Florida, state waters were open for private anglers and state guide boats for 53 days; federally permitted vessels had 9 days.

Our industry appreciates the interest in helping recreational fishermen access a growing red snapper population, but this legislation would hurt the efforts of charter captains like me to make things better.

For-hire management must move in a new direction. A lot of the leadership in our industry has worked since 2008 to move toward a sustainable and accountable management plan for for-hire vessels only. The Gulf Council recently separated the two components of the recreational fishery—private anglers and charter-for-hire vessels. The for-hire sector wants to be able to continue to work with the Council

and all stakeholders to map our way forward. This bill would eliminate our ability to do so by transferring responsibility for all red snapper management out of the Council's hands.

Separating the charter and private angling sectors by itself does not solve the recreational management problem, but it gives the Council the ability to create management plans that maximize fishing opportunities, improve data collection, and prevent overharvests for each component. Because the two sectors have different needs out of the fishery, separate management plans are the only way to do this. We know that status quo management with restrictive seasons and bag limits isn't working, and we are working hard to find better approaches for our sector, including a real-time data reporting system.

The Destin Charter Boat Association, as well as many other charter captains across the Gulf, does not want to be a part of a state-based system like the one set up by H.R. 3099. We are Federal permit holders and want a Federal management plan. Our Federal permits are for multispecies, and dealing with one set of regulations for red snapper and another set for everything else would be extremely confusing. Transferring authority for red snapper to the Gulf States Commission would also create another layer of bureaucracy to navigate through.

Giving authority for red snapper management to the states might be a solution for private anglers, but the Council is currently considering an amendment on this topic, and they are in the best position to refine the details of the plan through the process that was set up by the Magnuson-Stevens Act. I am not in a position to prescribe what is best for private anglers. But I am confident that there are ways to solve the problem of short Federal seasons and untimely data for these anglers, we just need to focus on the solutions that do not hurt the other components of the fishery.

I hope that my testimony today has helped the committee better understand the challenges facing this fishery and how we might resolve them in ways that respect all stakeholders' needs. The charter industry wants to continue to work with the Council to design a Federal management plan that works for our industry. We need your support as we work to modernize data collection and also develop and test new management methods. To that end, we would like to especially thank Congressman Rob Wittman for his legislation to ensure fishermen are more involved in the data collection process (H.R. 3063) and Congressman Bradley Byrne for his bill to eliminate Section 407(d) from the Magnuson-Stevens Act (H.R. 4464). H.R. 4464 would give recreational fishermen more flexibility to try different management approaches that work best for us. Both of these bills would allow everyone to truly benefit from the recovery of red snapper.

I and the rest of the Destin Charter Boat Association look forward to working with the committee and Council on these issues. Thank you for the opportunity to testify, and I look forward to answering any questions you may have.

Mr. FLEMING. Mr. Pearce, you are now recognized for 5 minutes, sir.

STATEMENT OF HARLON PEARCE, OWNER, HARLON'S LA FISH, KENNER, LOUISIANA

Mr. PEARCE. Thank you, Mr. Chairman, and Ranking Member Sablan, and members of the committee.

My name is Harlon Pearce, and I welcome the opportunity to speak with you today on the issue of recreational red snapper. I am going to kind of focus on the legislation at hand and also focus on what the Council has been doing and what we have been trying to do to move ahead.

As Mr. Gill has said, House Bill 3099 really doesn't have the funding source; it doesn't have the personnel in place; and it is a problem that could jeopardize within 3 years all the hard work in the harvesting component, all the hard work in the shrimp component of the fishery that has helped grow this red snapper fishery to where it is. We want to make sure that any legislation that passes—first of all, I don't believe any legislation is necessary, I

think we can solve our problems with the Council—it doesn't jeopardize anything, only the hard work that has been done now and in the past and what we will be doing now. So, with that said, I am not in favor of H.R. 3099 for lots of reasons.

At the council level and at the fishery level, we have three components. We have a harvesting component. We have a charter-for-hire component. We have a private rec component. All these components prosecute their fisheries differently, and they deserve a different fishery management plan. With the passage of Amendment 40, we now have an independent charter-for-hire component that can begin to develop a business plan for that component of the fishery, all fisheries, hopefully, which is sorely needed.

In the past, the charter-for-hire component would come to a meeting and the National Marine Fisheries Service would say, by the way, amberjack is closed on Friday. These guys would have bookings out for months in advance and have to figure out what to do. They clearly needed a way to develop a better business plan.

Yesterday and the day before, the charter AP chaired by Mr. Green met and came up with some excellent ideas. They wanted the Council first off to begin development of an electronic monitoring program for the fishery. The Council has also been involved with the South Atlantic Council in working together to put all the parts of that puzzle together to get that electronic monitoring program for the charter-for-hire together, so that is in the works and could be moving ahead very quickly. The charter-for-hire component clearly wants to stay accountable, stay within our allocation. The way they would want to do that is, first off, they suggested that the Council go to one fish rather than two-fish limit for the charter-for-hire. They suggested that the Council split the season for the charter-for-hire component so that 66 percent of the season would be done now, and then they would see what they have caught so they would not overharvest their allocation. They clearly wanted to stay within their allocation, so they are working hard to do that. And then electronic reporting to me is a necessary component of that. We have also been working on funding sources through the Senate committee and through NMFS to try and find money to buy VMSs so that hopefully we could find some funding sources to count fish into 2015. That is definitely necessary.

Regional management, I am in favor of regional management for the private rec fishery. Louisiana, my state of Louisiana, is submitting programs as we speak to the Council to see if we can get that done. I am in full support of that. I think that the way to manage the private recreational fishery is through regional management, and I think that we will be discussing that at the Council in January. So I hope that that will happen.

I am chairman of the Data Collection Committee, and that is where the chink in our armor is. There is no doubt about that. Our dependence on MRIP needs to change. We need to go to real-time electronic reporting to solve our problems. MRIP just had a recalibration workshop that basically said it is still a work in progress. We don't need a work in progress. We need numbers that we can manage our fishery with, and we just have to take the atti-

tude of the East and West Coast and say let's just do it and get it over with.

Again, I don't really believe that legislation is necessary. I think that we can get our job done at the Council and that we are trying to get the job done now. The Council is a tedious and cumbersome process at best. It takes time. When I first got on the Council, my first battle cry was, I want to move at the speed of business, not the speed of government, but that is very difficult at the Council. But I believe we are actively trying to work in that direction, and the Council needs to consider the development of a private recreational fishery management plan to help them move into the future and help them do the things necessary to grow their fishery into the future, but we have to start with the right numbers. We have to start with the right data so we can manage it. I am a firm believer in the LA Creel program in Louisiana. I am a firm believer in what Alabama and these other states are doing. We don't need to reinvent the wheel. We just need to add grease to get it moving quicker.

Thank you, Mr. Chairman.

Mr. FLEMING. OK. Well, thank you, Mr. Pearce, for your valuable testimony.

[The prepared statement of Mr. Pearce follows:]

PREPARED STATEMENT OF HARLON PEARCE, OWNER, HARLON'S LA FISH,
KENNER, LOUISIANA

Chairman Fleming, Ranking Member Sablan, and members of the committee, my name is Harlon Pearce and I welcome the opportunity to speak with you today on the issue of recreational red snapper management in the Gulf of Mexico, as well as on H.R. 3099, the Gulf of Mexico Red Snapper Conservation Act of 2013. 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 am president of the Gulf Seafood Institute, a non-profit organization representing the entire Gulf Coast seafood supply chain, including professional and recreational fishermen, processors, retailers, restaurateurs and the consumers who depend on them.

RED SNAPPER IS IMPORTANT TO CONSUMERS AND THE GULF COAST ECONOMY

Effective and fair management of Gulf red snapper is not only a concern for the recreational fishing community, but for the broader Gulf Coast economy and consumers nationwide. While red snapper is a highly coveted sport fish, consumer demand for red snapper at the retail and restaurant level remains high. Red snapper is an iconic American favorite, and according to the National Restaurant Association, seafood sales are one of the biggest drivers of the important tourism industry in Louisiana, Florida and the other Gulf states. Consumer surveys indicate that tourists closely identify the delicious and mild flavor of red snapper with the American Gulf Coast. For these reasons, preserving the commercial harvest of red snapper is of the utmost importance to the entire seafood supply chain across the Gulf.

COMMERCIAL RED SNAPPER MANAGEMENT IN THE GULF IS WORKING

Fortunately, the current management structure for commercially caught red snapper in the Gulf is WORKING. Starting in 2007, the Gulf Council and NOAA Fisheries (NMFS) implemented an Individual Fishing Quota (IFQ) program for the harvesting component of the Gulf fishery with initial allocations to active commercial fishermen based on historic catch data. While IFQs may not be a panacea for all sectors or all species, in the case of commercial red snapper, this system has proven a huge success. 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. The current commercial red snapper IFQ program provides fishermen with the flexibility to fish during times that suit their needs and the needs of the market resulting in a safer, more efficient fishery. With the ongoing successes happening in the commercial red snapper fishery, it is imperative that

any changes to current law be designed NOT to undermine these important advances.

MANAGEMENT ADVANCES IN THE CHARTER-FOR-HIRE COMMUNITY

Another very important development in the Gulf red snapper community is the newly formed, separate charter-for-hire component. During our October meeting in Mobile, Alabama, the Gulf Council voted 10-7 to pass Reef Fish Amendment 40 which separates out the federally permitted charter-for-hire community from the private angling community. This action, widely supported by charter boat captains and their customers, the seafood community, and conservationists, will increase stability for the for-hire component, increase flexibility in future management of the recreational sector, and minimize the chance for recreational quota overruns which could jeopardize the rebuilding of the red snapper stock. By managing the charter component separately, state and Federal managers can be more responsive to the needs of professional fishermen and their hundreds of thousands of non-boat owning customers who must plan their travel to the Gulf Coast months in advance.

IMPORTANCE OF ELECTRONIC DATA COLLECTION

A key benefit of separating out the charter-for-hire component in the Gulf is that the stage is now set for a comprehensive electronic data collection program that will revolutionize the way in which we capture and process data on red snapper in the Gulf. For years, stakeholders across the Gulf have prodded NOAA and the Southeast Fishery Science Center (SEFSC) to utilize real-time, verifiable electronic data collected by fishermen at sea in order to better understand the abundance of this resource. Unfortunately, the Federal Government still relies on a system of regional telephone surveys administered by the Marine Recreational Information Program (MRIP) to determine the status of this important species. Meanwhile, new technology as simple as a smart phone app connected to a Vessel Monitoring System (VMS) on a charter boat exists and must be incorporated into the Federal Government's data collection program.

GSI member company CLS America is working closely with representatives from the Gulf charter-for-hire community, NOAA and other stakeholders to identify ways to incorporate their Thorium product into an electronic data collection program for the Gulf charter community. GSI also worked with Congress to include \$2 million in the Senate version of the FY 2015 Commerce, Justice and Science Appropriations bill to help cover the cost of such an electronic data collection program. We look forward to working with Congress to see this funding included in future Federal appropriations bills and have this important electronic data collection program off the ground in 2015.

PRIVATE ANGLING COMMUNITY IN NEED OF MANAGEMENT SOLUTIONS

While both the commercial and charter-for-hire communities are seeing great management improvements in red snapper, there is no question that red snapper management in the private angling community in the Gulf is in dire straits. In fact, in March, the U.S. District Court for the District of Columbia ruled that the Federal Government violated the law by failing to properly manage the red snapper fishery in the Gulf by allowing recreational fishermen to exceed their share of the red snapper quota in 6 of the past 7 years without holding the sector accountable. One fundamental issue at play that of simple numbers: there is a huge demand on the part of fishermen and a very limited resource. Even if there were a significantly increased quota, the numbers still don't work. Based on current figures that estimate 3 million recreational anglers in the Gulf, if 25 percent of those fishermen caught one, 8-pound fish each, the entire recreational quota would be caught leaving nothing for the remaining 75 percent of fishermen. Clearly, this formula is simply unsustainable. We must determine a way to equitably divide up the fish in a way that allows anglers continued access while also preserving the resource for the future.

At present, the Council's primary tool for management on the private angling side is the "days-at-sea" model. This year's 9-day season caused great frustration among fishermen and policymakers alike, but strategies are on the table for moving past this limited management regime, such as regional management, tagging systems and more. ***The Council process as outlined under Magnuson-Stevens provides the Council and its stakeholders with the appropriate tools and authority to develop innovative solutions without any changes to Federal law.*** While the process may seem lengthy and tedious at times, I have full confidence that an equitable solution will be devised. As a Council Member and President of GSI, I look forward to working closely with our allies in the recreational community to develop

alternative management systems for the betterment of all stakeholders and preservation of the resource itself.

H.R. 3099: A MISGUIDED APPROACH

While an overhaul in the management of recreationally caught red snapper in the Gulf is needed, I have serious reservations about the plan outlined in H.R. 3099, the “Gulf Red Snapper Conservation Act of 2013.” Based on my experience as a seafood business owner and Member of the Gulf Council, I would like to bring the following concerns to the attention of the committee:

- **H.R. 3099 Does Not Take into Account Red Snapper Abundance in Federal vs. State Waters:** As you know, red snapper primarily occurs and is caught in Federal waters, not state waters, which is why it was originally placed under Federal management. The legislation inaccurately states that red snapper “ordinarily are found shoreward of coastal waters.” The five Gulf states already have the authority to manage fishing in state waters. If red snapper were “ordinarily” caught in “coastal waters,” there would be no need for Federal management at all, not to mention new legislation.
- **Enforcement at the State Level will be Insufficient:** H.R. 3099 proposes to turn over management of an overfished species to the Gulf States Marine Fisheries Commission (the Commission) and, ultimately, the Gulf states, thus removing the National Marine Fisheries Service (NMFS)’s authority to close Federal waters based on the determination that overfishing is occurring. The Federal Government will also lose its authority to preempt a state that allows a harvest level that jeopardizes the sustainability of the stock. This authority is critical to preservation of this important stock. Under this proposal, effective management and enforcement authority over red snapper will become even more ineffective, again threatening the rebuilding of this once overfished stock.
- **State Sustainability Standards Must Adhere to Federal Standards under MSA:** The Gulf states (primarily Florida and Texas) have not adopted regulations for red snapper in their state waters that are consistent with the Fishery Management Plan (FMP) and rebuilding plan. Although not explicitly stated, it is apparent that the standards for determining “sustainable harvest” would be substantially decreased under a state-run program.
- **Fisheries Enforcement at the Commission Level Unclear:** H.R. 3099 grants the Commission authority to enforce new state red snapper programs. While the Commission is highly qualified to make *recommendations* to the Governors and legislatures of the five Gulf states regarding fisheries management, the Commission has no regulatory or enforcement authority, nor is it provided with that authority under H.R. 3099. Under this bill, the process by which the Commission would address overfishing in any one state could allow for substantial overfishing to occur before any enforcement measure, if any, is taken. This is not conservation.
- **Serious Implications for the Commercial Fishing Community and Consumers:** Under H.R. 3099, the states would be allowed to completely eliminate commercial red snapper fishing after 3 years, with no protections for fishermen’s investments, including vessels, infrastructure, Federal permits and quotas. Further, the entire commercial IFQ system, administered by NMFS, would be eliminated leaving commercial harvesters and the consumers who rely on them at risk for losing their entire allocation, not to mention leaving the red snapper stock, which is rebounding under the commercial IFQ system, at risk. Additionally, the Commission and the states would then have to develop a new management plan for commercial red snapper, with little or no additional resources. H.R. 3099 seems to provide benefits only to private recreational anglers at the expense of professional fishermen whose entire livelihoods depend on their access privileges.
- **H.R. 3099 Does Not Provide Any Resources for Data Collection:** Current red snapper data collection and stock assessment efforts are limited due to funding and staff resources. H.R. 3099 simply reorganizes the responsibilities of management without providing what improved management actually needs: the funding and human resources to do the necessary data collection and stock assessments.

In addition to the concerns listed above, I also fully support the points outlined in my fellow witness and GSI board member Bob Gill’s testimony. Mr. Gill and I

have served together on the Gulf Council, make our livings in the seafood community and understand fully the importance of preserving red snapper in the Gulf.

While drastic management solutions are needed, it is clear that programs outlined in H.R. 3099 are not the right approach. In fact, of all the red snapper bills introduced during the 113th Congress, very little could be improved with passage of any one. On the contrary, most of these bills will result in a worsened, not bettered, management system.

In closing, while the Council's process can be tedious and cumbersome at times, it does work. The drastic improvements to commercial management of red snapper and the new charter-for-hire program underway now illustrate that the transparent, regional management approach as administered by NOAA and the Gulf Council with authority granted under the Magnuson-Stevens Act (MSA) is the most effective means to preserve our delicate fishery resources while ensuring access for all Americans. The Council is also currently discussing the possible benefits of a regional management approach for the red snapper private angling community similar to what the East Coast is developing for summer flounder. On the East Coast, the Atlantic States Marine Fisheries Commission (ASMFC) has divided the summer flounder recreational management area into several smaller regions, each with their own size and bag limits designed to best meet the needs of their respective states. The overall intent of this regional management regime is to provide more equity in recreational harvest opportunities along the East Coast—an outcome that the Gulf Council could also pursue without any action from Congress. In addition, my state of Louisiana has also submitted to NMFS a plan to follow the summer flounder model for red snapper in state waters, which is yet another indication that congressional action here is unnecessary at this time.

Thank you for welcoming my testimony today and I look forward to your questions.

Mr. FLEMING. At this point, we will begin Member questioning of the witnesses. To allow all Members to participate and to ensure we can hear from all of our witnesses today, Members are limited to 5 minutes for their questions. If we have additional questions, we may have a second round.

I now recognize myself for 5 minutes.

Mr. Cresson, in your opinion would H.R. 3099 still work if it only applied to the recreational sector of the red snapper fishery? You gave a very inspiring discussion about the multigenerational effect of fishing and really sportsmanship in general. The slogan of our state is, "A Sportsman's Paradise." It is so valuable, and as Secretary Barham so eloquently discussed how we put resources into getting it right for the constituents in Louisiana. So how would this work for recreational anglers?

Mr. CRESSON. Thank you for the question, Congressman Fleming. I hadn't thought about it specifically the way you asked it—Would it work if it were only for the recreational sector? My guess is that since our state in Louisiana and apparently the other states as well, have the best data, it would work best for all the sectors. So you never hear people fuss in Louisiana about the state-run commercial seafood businesses because they are very well run. They are very accountable. They are very well sustainable. They are doing a great job. Those are state run. So as far as whether we should separate this out and let red snapper commercially stay with the Federal Government and recreational go to H.R. 3099 or to the Gulf State Commission, I hadn't thought about it, but it seems to me the best data is with the state, so all the sectors should go under there. So I think this would work very well for recreational fishermen, regardless, because as we have heard very clearly here today, the best data is being collected on recreational

fishermen by the state agencies, boots on the ground, biologists at the dock, phone calls, emails after the fact. The data is unquestionably better, so certainly H.R. 3099 would get us to a point where that is the system we are using, and it would certainly be a better system than what is going on now.

Mr. FLEMING. OK. Thank you.

In NOAA's testimony, Mr. Rauch noted that under the red snapper commercial catch tier system the number of vessels participating in the fishery has been reduced by 28 percent. As the for-hire sector moves ever closer to a catch tier system of management, is there concern that there will be a similar reduction in vessels and jobs?

Mr. CRESSON. Absolutely, yes, sir. As a matter of fact, not long after the vote at the Gulf Council to approve sector separation came out, there were already solicitations going out to those in the charter industry to buy their permits or to buy their quotas or whatever it might be. So the design of that program is to reduce the fleet and reduce the effort. We certainly don't want to see that happen to the charter industry. You have great gentlemen, like Mr. Green, who are out here working hard providing a great opportunity for recreational anglers who don't have boats. We need to make sure that they are all able to sustain their businesses. And I can tell you, I don't know so much about Alabama and Florida, but in Louisiana, we have small, single-boat charter captain operators that don't necessarily have the resources to put into things like electronic reporting. And when people talk about the fact that the entire charter industry is in favor of electronic reporting on their boats, I can tell you they haven't talked to the vast majority of the charter captains in Louisiana because none of them that I have talked to are.

Mr. FLEMING. Right. And as I understand, it is quite a problem in the charter industry when seasons are so small, so short, are unpredictable because oftentimes, the charter process takes months for reservations and other things. People don't just suddenly walk on a boat in one single day. This is something that requires planning.

Mr. CRESSON. Yes. Certainly most of the charter captains in Louisiana are booking their trips for summer 2015 right now. People are making long travel plans to get down there. They can't come on the drop of a hat. When you have 9 days, keep in mind, 9 days, 4 of which are weekend days, 5 of which are weekdays, it is hard for people to get off during the week and go snapper fishing, so you really have only 4 days, and if only 2 of those are fishable because it is windy or for other reasons, you are talking about very few fishable days, very hard for charter captains and others to make plans.

Mr. FLEMING. And somehow they have to cover their costs just in that brief period of time, the cost of the boat, the insurance, the licenses, all the other things that go along with that.

Well, I see my time is up, so I will now recognize the Ranking Member for questions.

Mr. SABLAN. Thank you very much, Mr. Chairman, and good afternoon, everyone. Let me start with Mr. Gill. I am glad you referenced the Federal Duck Stamp, the program that Chairman

Fleming recently bolstered with the passage of H.R. 5069. You mentioned that red snapper management must address the number of anglers, the number of trips to be successful. Can the Duck Stamp be used as a model for a snapper stamp? Could proceeds be used to fund stock assessments much like Duck Stamp funds are used for wetland conservation?

Mr. GILL. Thank you Ranking Member Sablan. I believe it could. I think the important factor here is that the discussion of the numbers side of the problem, the inequity between the 40 anglers and the one fish for the 40 anglers needs to be part of that discussion, and one approach might be the Duck Stamp approach, not necessarily the only way to approach it. But if we don't recognize that there are a lot of angler trips looking for one fish, we won't ever find a solution.

Mr. SABLAN. So would moving to a snapper stamp system have the potential to create the year-round red snapper seasons that Mr. Cresson complains private anglers do not have but which commercial boats and now charter vessels enjoy. If anglers have a certain number of stamps or tags, couldn't they use them any time?

Mr. GILL. Correct. That is one approach that has been mentioned. Tags, stamps in some fashion recognizes the number problem and attempts to address it and permits the holder of the tag or stamp to fish when they would like.

Mr. SABLAN. Mr. Green, would you please discuss the benefits of sector separation to the charter fleet in the Gulf Coast economy?

Mr. GREEN. Yes, sir, thank you for the question, Congressman. The benefits would be that the American public that relies on the for-hire vessels for access, their allocation got locked in. They are no longer at this point being squeezed out of the fishery no matter what management practice is in place for sector separation. By breaking away and giving us our allocation, it helps us to explore different management alternatives that might not be accepted in the private angling community where as it might benefit our businesses and the tourists that frequent our coastal communities.

Mr. SABLAN. OK. Would you elaborate please on the difficulty of separating red snapper out for regional management when your Federal permit covers a number of reef fish?

Mr. GREEN. Yes, sir. Thank for the question. On my boat, anglers catch red snapper, Vermilion, Gag Grouper, Red Grouper; it goes on and on. All these species, almost all of them, except for one, has a compliant season when you are talking about state and Federal. As you know, red snapper doesn't. And by moving that to the state commissions, Federal permit holders would have an even further disadvantage as our needs in the fishery differ from the private angling community. It would also add another burden to the for-hire stakeholders as they would have to deal with two governing bodies to conduct business and representation at those levels. It would also undermine the opportunity that the Gulf Council has now given us to manage ourselves in a manner which is pliable for all for-hire fishermen.

Mr. SABLAN. Mr. Pearce, is the Gulf Council already set to consider a regional management concept for red snapper in January? And if so, is this legislation necessary, sir?

Mr. PEARCE. Yes. I think regional management has been on the table for a year or so now. And part of the problem we had was the inability of the states to solve an allocation problem among the states. That has been solved now. The states have figured out a number, a percentage of the allocation for each state, so that throws it back on the table. Something else that puts it back on the table is that part of the problem with regional management in the past is we needed a three-quarter majority vote to delegate the authority for the state.

Mr. SABLAN. So is the legislation we have before us still necessary?

Mr. PEARCE. No.

Mr. SABLAN. No. All right. Would you please describe the importance of the commercial red snapper fishery to the West Coast economy and the benefits it provides to the Nation as a whole, and could you make it quick, Mr. Pearce?

Mr. PEARCE. Yes. Real quick. It is clear we have to take care of the citizens of this country. The harvesting component clearly takes care of the citizens in Chicago, New York, San Francisco, as well as the Gulf Coast, but when it comes to the Gulf Coast, in New Orleans in particular, no one comes to New Orleans to eat a steak. It is a fish. And fish is a very important part of the tourism across the whole Gulf Coast of the United States. And so it is very important that we have a consistent, reliable source for the American public, for the restaurants, for the consumers and the retailers, and have one that can be fished year around as it has been fished now.

Mr. SABLAN. Thank you, Mr. Chairman.

Mr. FLEMING. The gentleman's time is up.

The Chair recognizes Mr. Southerland from Florida.

Mr. SOUTHERLAND. Mr. Green, thank you for being here. I live about 45 minutes from you, so I know you know who I am, and I know the Destin fleet. Have you all identified the 28 percent of your fleet that is willing to go out of business? Yes, I didn't think so. Because that is exactly what is going to happen, OK, and you know it and I know it.

Mr. GREEN. If I may, Congressman, 28 percent of us have already gone out of business and that was due to—

Mr. SOUTHERLAND. Right. And that was before sector separation.

Mr. GREEN. An insufficient management plan for our sector.

Mr. SOUTHERLAND. So have you identified the additional 28 percent, once they go into a catch share system, IFQ, have you identified the additional 28 percent, on top of the 28 percent now that you have already admitted, so now we are up to 56 percent of family businesses, generational businesses, have you identified the additional 28 percent or have you had 28 percent volunteer and say, you know what, we are going to take one for the team, so we are going to go out of business? Have you done that?

Mr. GREEN. Congressman, thank for the question.

Mr. SOUTHERLAND. I am sure you appreciate that question.

Mr. GREEN. It is quite all right. There is the issue—

Mr. SOUTHERLAND. It is the answer that is wrong, that is not all right. The question may be fine.

Mr. GREEN. I would appreciate it if you would listen to my answer before you call it wrong.

Mr. SOUTHERLAND. Sure.

Mr. GREEN. In the for-hire management, in our limited access privilege program of permits, we have a number of them that aren't necessarily actively fishing in it, so we believe that 28, 20, 30 percent of those permits are what we determine as laden and possibly not actively in the fishery anyway. So if those numbers are being counted against us and we set up a registry or a data collection program that proves that, then possibly nobody would go out of business, and we would quit being penalized for the number of permits that aren't actually actively fishing in the fishery.

Mr. SOUTHERLAND. Were you in favor of repealing 30(b)?

Mr. GREEN. At that time, without Amendment 40 on the table and a chance to manage myself, I certainly was, sir.

Mr. SOUTHERLAND. So you were in favor of repealing 30(b). Were you in favor of sector separation?

Mr. GREEN. In the beginning, no, because there were a lot of uncertainties, but as we moved into the reduced amount of access because of state noncompliant seasons, I moved to find a way to manage myself than to rely on others.

Mr. SOUTHERLAND. OK, and you and I would agree there. So you must have felt somewhat corralled when Mr. Crabtree was stated as saying, Hey, if we repeal 30(b), we will never get sector separation. You must have felt like maybe the healthiest horse in the glue factory as you moved toward the refusal and the change in direction by Mr. Crabtree to repeal 30(b)?

Mr. GREEN. I appreciate that. That is an interesting way of putting it. I didn't feel corralled. I felt like it was a time to move forward, and 30(b) offered, it was not a solution for a long-term plan. It was a short-term solution to an access problem that we were getting pushed out of. Amendment 40 to me, after digesting it and seeing exactly how that would play out, that became more apparent to me that that might be a good thing since the growth of the user groups of the private recreational anglers have become more politically expedient to push for a bigger season for them and us get pushed out. So it was a developing thing. I don't know if it was corralled, but it was definitely a feeling of needing to take some action to assert ourselves, and to me, Amendment 40 did that by securing the allocation for our businesses.

Mr. SOUTHERLAND. I have talked to commercial fishermen who brokered the deal back in 2007, and you are on the similar path. We don't have to relive history, and if we ignore history, we are destined to repeat it. You are moving down the same path as commercial fishermen, and they all used the word "coral" back in 2007. And you say, move on and it is time for a new day. I don't think the 56 percent or the 28 that have yet to be identified would admit that.

I am curious, do you own catch shares?

Mr. GREEN. Catch shares to me is a very broad term. My plan and what I have put forward is a permitted fishing quota where an allocation would be designated—

Mr. SOUTHERLAND. Do you have IFQs?

Mr. GREEN. I would not want an IFQ. I would not want an individual to take ownership of the resource. Now, as owning a permit and being accessed to that, I believe that the allocation should be tied to the permit, and as that permit is a privilege, it can be taken away, as where an IFQ program, if I had IFQ and passed away, my wife would now be the owner of it and then our children and their children. I don't believe the ownership of a resource is a good thing, but I believe that we can develop a plan that will put the allocation with the permit, and, therefore, that permit could be sold to the next generation to ensure the generational transfer of this industry or, in a bad situation, be totally removed and expire and those fish be put back into a pool that the ones that are actively fishing can participate in.

Mr. SOUTHERLAND. I see my time is expiring, but I think you just admitted that the Government actually owns the property of the fish.

Mr. GREEN. I believe the people which make the Government own the fish, sir.

Mr. SOUTHERLAND. I yield back.

Mr. FLEMING. The gentleman yields back.

Mr. JOLLY is recognized.

Mr. JOLLY. No questions.

Mr. FLEMING. You do not have any questions?

Mr. JOLLY. I do not have any questions. I would be happy to yield my time to Mr. Southerland, but I would leave it to the discretion of the Chair.

Mr. FLEMING. Basically, what we are going to do is offer another round. We are slow adjourners around here. I think what we will do at this point is have another round but just open it up to whatever lingering questions. I just have one question, and I will just offer to other members to ask questions as well. So I recognize myself for one question.

Again, Mr. Cresson, several witnesses cite the growing recreational sector and the increasing need for more fish for this sector. Several witnesses also cite the demand for commercially caught red snapper at Gulf restaurants and hotels. While H.R. 3099 would protect the current allocation of red snapper between the commercial and recreational sector for 3 years, would it be better if this legislation included a schedule for increasing the recreational quota as the overall biomass increased, as the Council is currently debating, while maintaining a floor for the commercial sectors quota?

Mr. CRESSON. Well, that is a good question. And, again, it is one that I haven't put a lot of thought into, but I can tell you this, I want what is best for our seafood industry and for our recreational industry, of course. So if the plan you are discussing here would be the best way to make sure we have sustainable seafood on our tables in Louisiana and across the country, then that is great. I love Louisiana seafood. I love going to restaurants and making sure that they have good, fresh Gulf-caught seafood. I have never walked out of a restaurant because they didn't have red snapper that day, but if they had grouper or amberjack or mahi, then I am just fine. But, nonetheless, we need to make sure that whichever plan we put in place, and if it is H.R. 3099, that it includes at its

core using the best available data to make all those decisions. I hope that answers your question.

Mr. FLEMING. Sure. We will go down the panel.

Mr. Gill, would you like to comment?

Mr. GILL. I think it is of the utmost importance, as Mr. Cresson said, that we maintain the equity for all factors. That says that there is food for America's consumers, because 98 or so percent of American red snapper are consumed domestically. Likewise there needs to be as much as possible a quota available for private recreational and charter-for-hire. So maintaining that equity and that balance is difficult, and obviously, the perspectives of some are different than others, but if that plan accomplishes that, then we can support that.

Mr. FLEMING. Captain Green?

Mr. GREEN. I believe that, as Mr. Gill stated, I believe there needs to be a balance. And I believe that seafood is a major protein that is desired across the country. Like Mr. Cresson, I have never walked out because red snapper wasn't on the menu, but, then again, I get access to red snapper more than most. I think that when we approach these issues, that equality be brought out and make sure that each sector has an acceptable amount and that nobody is getting gluttonous in the allocation.

Mr. FLEMING. Mr. Pearce?

Mr. PEARCE. Thank you, Mr. Chairman. You know, even as it may seem in the harvesting component, we still don't have enough fish. We are always searching for more production. Just as a recreational fisherman needs to catch more fish than what he has. So any change in that allocation would not help us in that end. Also the Socioeconomic Committee on the Council basically said that any reallocation isn't economically feasible. It doesn't help. It doesn't do anything. So I really think that the best way for us to do this is to develop a better management scheme for the private rec.

Mr. FLEMING. Thank you. That concludes my questions.

Ranking Member, Mr. Sablan?

Mr. SABLAN. Thank you, Mr. Chairman.

Mr. Pearce, as a current member of the Gulf Council, can you discuss the different responsibilities of the Council and the Gulf States Marine Fisheries Commission, and what resources and authorities does the Council have that the Commission lacks?

Mr. PEARCE. It is clear the Council has regulatory authority. It has enforcement authority. It has a lot of the authorities that are necessary to manage any fishery. It has the ability to develop it. Whereas I am a big proponent of the Gulf States Marine Fisheries Commission, they are basically a depository, and they take ownership of all the data in the Gulf, and they make sure that that data gets used correctly into the state and into the Federal management system. They do some minor stock assessment work, but clearly, they are not geared up to do the job that the Council is doing right now. And I think that with H.R. 3099, that responsibility becomes even tougher because in a couple or 3 years, everything is going to change. And then the Magnuson may not be considered at that time. The harvest component can be done away with at that time. So I think that the clear focus of Gulf States Marine Fisheries

Commission is to advise the states as to what to do to be a depository and control the data as it comes in from the different states through the states' organizations and through the trip ticket programs that all the states happen to have right now that help us manage those fisheries, but they are not set up or geared up or financially sound enough or have the ability to do what the Council can do.

Mr. SABLAN. Thank you, Mr. Pearce.

Mr. Gill, even if with its regulatory authority and additional staff, the Atlantic States Marine Fisheries Commission has struggled to manage some stock sustainability, particularly striped bass, which is on the brink of becoming overfished again, H.R. 3099 would exempt the red snapper fishery from requirements under the Magnuson-Stevens Act, such as ending overfishing, setting annual catch limits and the rebuilding the stock. Would this help or hurt the fishery?

Mr. GILL. Thank you, Ranking Member Sablan. I believe it would hurt the fishery because the bill currently has language that compliance with the Magnuson-Stevens Act is to the extent practicable. It doesn't define what that extent is. So, with the exception of the definitions that define overfishing, et cetera, the compliance with the Magnuson-Stevens Act, as you mentioned for annual catch limits or any of those sorts of things, could not be held. And Magnuson-Stevens Act has demonstrated that, if managed properly, the species under MSA are fully sustainable. You take sections away from that, and you can no longer make that claim.

Mr. SABLAN. All right. You also mentioned in your testimony that the charter sector is working toward providing real-time verifiable data on snapper landings. The commercial sector already lost this, but private anglers are not required to and have shown little interest in doing so, even though there are complaints about weak data. Do you think that private anglers have a responsibility to contribute to data collection efforts?

Mr. GILL. I think all users of the resource have that responsibility, be they for-hire, be they harvesting sector, be they private recreational fisherman.

Mr. SABLAN. Thank you. My last question, Mr. Chairman, is for Captain Green. I am sure that there are costs to running a business, charter business or for-hire, plus for gasoline, maintenance of a boat, slip fees, insurance and everything, but are only red snappers caught by recreational fishermen, or are other fish also caught by recreational fishermen? Do they only go for red snappers or for just recreation, or do they go for other fish? It looks like if we stop red snapper fishing, if we reduce it down to 9 days, that the whole thing is going to collapse?

Mr. GREEN. Yes, sir, we do catch other fish, and it is important to also collect the data on those, too. I run a head boat, and I am required by the National Marine Fisheries to report my data weekly. There are 68 of us out of 1,100 that do that. It is extremely important. There is more to the Gulf than red snapper, but it is a cornerstone fishery. And it is important that we make sure that we collect data properly on all of it, and I think the data collection is really polarized with the red snapper because of how much it is sought after by the Gulf entirely.

Mr. SABLAN. OK. Thank you.

Mr. Chairman, my time is up. I think this is going to be the last hearing we have in this Congress. Right?

I want to thank everybody. It is been a great 2 years, Mr. Chairman.

Actually, I have learned so much about red snapper. I have seen some of the pictures Mr. Southerland brought. Beautiful fish. I think I am going to find a way to come down to Louisiana. Maybe not Florida yet, but Louisiana, just to try some of the fish. Seriously, I am from the Islands, and your fish look so wonderful. And in the islands, we only catch fish to eat. We don't catch and release. We catch and eat. Thank you.

Mr. FLEMING. Thank you. I want to thank the Ranking Member for his great work and friendship, and we visited his beautiful Saipan just the other day and enjoyed that, and you are welcome to Louisiana any time. Come see us, and we will show you a good time and a lot of good eating fish.

The Chair now yields to the gentleman from Florida. Before I yield to him, I also want to say to him how much we appreciate his service here. He is going to be leaving us for a little while, but we think we may see him back sooner than later, and I just want to thank you for this being the last hearing of the 113th Congress, all the great work and personal friendship that I have enjoyed with you, Steve Southerland.

And I yield to your time.

Mr. SOUTHERLAND. Mr. Chairman, thank you.

It has truly been an honor and I want to say to you, you have done a great job, Mr. Sablan.

Thank you. You are a wonderfully kind man, very generous, very kind, and want always to do the right thing.

So thank you very much for the spirit in which both of you conduct yourself in leading our discussions here.

I want to ask a couple more questions, and I want to say I have reserved judgment on the bill, the H.R. 3099. So, contrary to what some that own catch shares would like to say, I am not on this bill yet, but I do feel like asking some questions.

And, you know, Mr. Green, you and I had a healthy exchange here a few minutes ago, and I want to ask you—I want to ask you and Harlon, who I have enjoyed working with over the last several years, what happens to a \$5.50 pound price for red snapper if a healthy fishery is determined in the South Atlantic and the red snapper is opened up? What effect would that have on a \$5.50 price?

Mr. GREEN. I believe that is you.

Mr. PEARCE. Well, supply and demand, of course, is what affects any market you get into. So any increase in supply could affect price, but the demand for snapper is so strong right now that I don't think you are going to see a whole lot of price problems or price drops with any snapper fisher right now. It would have to get a whole lot more production to really affect this price with what is going on right now.

Mr. SOUTHERLAND. But, I mean, if there is great evidence that people are chumming snapper to the top and catching them on the top water lures in the South Atlantic, and even though we

haven't—it has been closed for 5 years and, you know, we have a weekend to fish in the South Atlantic, one would have to conclude that there is a reason for that.

Mr. PEARCE. A reason for the prices?

Mr. SOUTHERLAND. Well, no, no, no. I mean, there are some that certainly could speculate that there is a reason for not opening up or even having a survey in the South Atlantic. So I know it expands beyond where you currently are in the Gulf, but it is a South Atlantic issue as well and there seems to be great aggravation—and there seems to be, I guess, some economics at play here that—listen, I am assuming we all are somewhat familiar with economics. If you are in business, you certainly are. Supply and demand. And if the numbers grow, if you have greater numbers of fish going into a market, typically the market price of that fish will be decreased, that seems to be a law of nature as well as a law of economics. Is that true?

Mr. PEARCE. If things are as they are, you are probably right, but things aren't going to be as they are, Mr. Southerland.

First off, there are different programs in play right now. The Gulf group that is doing a tag fishery for red snapper that is in high demand, high demand, and we are looking at different mechanisms to manage our fisheries in the Gulf in a different way. We are not in the commodity marketplace with this fishery. We don't want to be in the commodity marketplace with any of our fisheries. So we have to create better programs that continue to increase the price to continue to get it done, and we are doing that with specialized programs.

Mr. SOUTHERLAND. But you have to admit that there are some that are inside of the fisheries world that have expressed the desire for a commodities market.

Mr. PEARCE. I can understand that. I really do.

Mr. SOUTHERLAND. Well, no. They are there. Correct? You admit that.

Mr. PEARCE. Oh, yes. I mean, in every market there is, but there is a commodity market of different fish and different species, but yet with red snapper, as prized as it is by everybody at this table, our ability to not change that and make it like with the Gulf Wild Program that it is something that is special, that something that is better, which it really is. We only catch 2 percent of the fish in the Gulf of red snapper. That is all—2 percent. So we are talking about a fishery that is 2 percent of what we do across the board. All of us here, recreationally and commercially, in the harvesting sector. So our job, not only with snapper, with all of our fisheries, shrimp, you name it, is to take it to a different level and to make sure that our fishermen maintain the price levels no matter what happens, and you are going to have a commodity market for a lot of stuff, but you still have to be able to develop that market that maintains the price structure that we have to have for our fishermen.

In Galveston, for instance, right now there sushi bars that are demanding 2-hour-old fish, and they are paying \$15 a pound for that 2-hour-old fish. So there are differences and different ways to create markets, create different things, and in this country, our

goal is to do a better job with what we have and to try and stay as far out of the commodity market as we can.

Mr. SOUTHERLAND. What I am saying, though, is I would say if you have a sushi market that is going to pay you premium dollar for a red snapper, there are some in this industry that are happy to take that red snapper away from a recreational fisherman like Mr. Cresson down here to line their pockets to sell that fish to the sushi man.

Mr. PEARCE. I disagree. I don't want——

Mr. SOUTHERLAND. Now, come——

Mr. PEARCE. Mr. Southerland, you and I are good friends, but I am going to tell you, I don't want to take a fish out of his pocket. I want to put more in his pocket, and my goal as a harvesting component is to do our job and do it correctly and to help Mr. Cresson, help him have a better day and help him catch more fish.

Mr. SOUTHERLAND. One thing I have learned here, Harlon——

Mr. PEARCE. Yes.

Mr. SOUTHERLAND [continuing]. You are my friend.

Mr. PEARCE. Yes. You are right. We are going to go hunting.

Mr. SOUTHERLAND. Four years. Follow the money.

I yield back.

Mr. FLEMING. Gentleman yields back. Mr. Jolly still has no questions.

Therefore, I just want to say before closing, again, to remind everyone, this is our last hearing in the 113th Congress, and I want to thank, first of all, our witnesses for all of the time, travel, investment that you have made both into this issue and also in helping us learn more about what is really a very complex issue, one in which we all agree that there are more red snapper than we think there are by way of many ways of measuring that, and we need to have more access to that, and that states need to have more input into this.

I also want to give a special thanks to our staff, our committee staff on both sides of the aisle, for doing a splendid job throughout the 113th Congress and look forward to working with you all in one capacity or another at that time.

I also ask unanimous consent to include in the hearing record the following documents: a letter from the Congressional Sportsmen's Foundation and a letter from the American Sportfishing Association.

There being no objection, so ordered.

I want to thank Members and staff for their work today, and wish everyone happy holidays going forward, and with that there is no further business.

[Whereupon, at 12:46 p.m., the subcommittee was adjourned.]

[ADDITIONAL MATERIALS SUBMITTED FOR THE RECORD]

AMERICAN SPORTFISHING ASSOCIATION,
ALEXANDRIA, VA,
DECEMBER 2, 2014.

Hon. JOHN FLEMING, *Chairman*,
Hon. GREGORIO KILILI CAMACHO SABLAN, *Ranking Member*,
House Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs,
Washington, DC 20510.

DEAR CHAIRMAN FLEMING AND RANKING MEMBER SABLAN:

On behalf of the nation's recreational fishing industry, the American Sportfishing Association (ASA) offers its support for the Gulf of Mexico Red Snapper Conservation Act of 2013 (H.R. 3099). This bill will help to ensure the long-term conservation of Gulf of Mexico red snapper while concurrently improving the economies of the Gulf states.

As the nation's recreational fishing trade association, ASA represents sportfishing manufacturers, retailers, wholesalers, and angler advocacy groups, as well as the interests of America's 46 million recreational anglers. ASA also safeguards and promotes the social, economic, and conservation values of sportfishing in America, which result in a \$115 billion-a-year impact on the nation's economy.

With a fishery characterized as more robust than ever before, federal management methods have nevertheless resulted in inexplicably and severely shortened recreational red snapper seasons, causing substantial harm to the economies of Gulf coast communities. Consequently, in 2014, all five Gulf States were non-compliant with federal regulations on red snapper in state waters and have requested that state management of the red snapper fishery replace the current federal management.

State management would result in improved management of Gulf red snapper for the betterment of the fishery and the entire regional economy in which recreational fishing contributes more than \$10 billion in annual economic activity.

On behalf of the recreational fishing industry, I respectfully request that you support H.R. 3099 and work toward its passage.

Sincerely,

MIKE LEONARD,
Ocean Resource Policy Director.

CONGRESSIONAL SPORTSMEN'S FOUNDATION,
WASHINGTON, DC,
DECEMBER 1, 2014.

Hon. JOHN FLEMING, *Chairman*,
Hon. GREGORIO KILILI CAMACHO SABLAN, *Ranking Member*,
House Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs,
Washington, DC 20515.

DEAR CHAIRMAN FLEMING AND RANKING MEMBER SABLAN:

As president of the Congressional Sportsmen's Foundation (CSF), I would like to thank you for holding a hearing on the Gulf of Mexico Red Snapper Conservation Act (H.R. 3099) and for the opportunity to discuss the important issue of red snapper management that affects millions of recreational anglers. CSF, which works with the largest bipartisan, bicameral caucus in the U.S. Congress, supports H.R. 3099, which currently has twenty bipartisan cosponsors and aligns with a call from four Gulf States Governors for Congress to take action to reverse the damaging economic impacts currently resulting from an "irretrievably broken" system of federal management of Gulf red snapper.

Despite the healthiest population of red snapper on record, June 1 of this year signaled the start of the shortest federal recreational red snapper season in the history of the Gulf of Mexico. The inability of the National Marine Fisheries Service and the Gulf of Mexico Fisheries Management Council to provide angling opportunities proportional to the rapid growth of the red snapper population is symptomatic

of a fatally flawed federal management system that is systematically failing Gulf Coast anglers and the communities they support.

Ultimately, the on-going red snapper debacle in the Gulf is the result of a larger problem with the Magnuson-Stevens Fishery Conservation and Management Act (MSA). Currently, MSA's overall management system is designed exclusively for commercial fishing and lacks a formal process and incentive to update allocations based on the best value for our nation. Collectively, this management strategy continues to penalize the growing recreational sector and stifles the otherwise overwhelmingly positive economic impacts recreational anglers have on local communities.

H.R. 3099 offers the best solution by establishing a coordinated Gulf States partnership for red snapper management through which the states would fully comply with a management plan approved and adopted by the Gulf States Marine Fisheries Commission (GSMFC). The partnership would be similar to how the Atlantic States Marine Fisheries Commission manages striped bass and how the GSMFC cooperatively manages red drum and spotted seatrout. Like these examples, state-based fisheries management has proven to be far more effective than federal management at balancing the needs of the commercial and recreational sectors, while ensuring sound species conservation.

Finally, H.R. 3099 includes provisions requiring that the Commission develop and execute a strategy for increasing the number of stock assessments, improve interstate collaboration in the collection and utilization of fishery data, and work with the Secretary of Commerce to develop an economic impact report for the red snapper fishery on a biennial basis. Taken as a whole, these legislative proposals will result in improved management of Gulf red snapper for the betterment of commercial and recreational fisheries, the entire Gulf Coast economy, and the nation.

Respectfully,

JEFF CRANE,
President.

DECEMBER 3, 2014.

Hon. DOC HASTINGS, *Chairman,*
Hon. PETER DEFAZIO, *Ranking Member,*
House Committee on Natural Resources,
Washington, DC 20515.

DEAR CHAIRMAN HASTINGS AND RANKING MEMBER DEFAZIO:

As commercial fishermen from across the Gulf of Mexico, we are writing to share our perspective on two pieces of legislation introduced in Congress that would have a significant impact on our fishery and our industry. In particular, we are writing in opposition to H.R. 3099, the Gulf of Mexico Red Snapper Conservation Act of 2013, and in support of H.R. 3063, the Healthy Fisheries through Better Science Act.

The current management of the commercial red snapper fishery is working. Not long ago we were restricted to fishing a few short weeks of the year on days set by regulators, and the red snapper population was in decline. Today, we fish year round and the fish stock is rebounding. This flexibility allows us to provide fresh, quality seafood to meet growing consumer demand for fresh U.S. fish. We also provide better paying jobs and are not forced to put ourselves or our crews at risk fishing during dangerous storms. This success is critical to our industry because red snapper is such an important species to our businesses.

Red snapper and all other fisheries that occur mainly in offshore Federal Gulf waters are currently managed by the Gulf of Mexico Fishery Management Council (the Council) as authorized by Congress. However, H.R. 3099 would move the responsibility for red snapper management to the Gulf States Marine Fisheries Commission (the Commission). While the bill is intended to increase the role of states in management, it would simply create more layers of government. Sixteen of the 17 voting members of the Council are already nominated or appointed by Gulf state governors. Moving management to the Commission would not increase the states' role, but it would disrupt the successes we have had because the Commission is not as well equipped to manage offshore fisheries as the Council. In addition,

H.R. 3099 would strip the conservation and accountability requirements put in place under the Magnuson-Stevens Act (MSA). This would hurt all Gulf fishermen and could take us back to the days of overfishing. Finally, we are deeply concerned with a provision in the bill that would allow for the reduction of commercial red snapper quota. This is a critical species for our industry since the Gulf's recreational fishermen already take home 80% of the most popular fish in the Gulf, including overwhelming majorities of amberjack, red drum, speckled trout, king mackerel and triggerfish. The current allocation of red snapper quota is shared roughly 50-50 between the commercial and recreational sectors and we believe it should stay that way.

Reforms are needed to improve the performance of the recreational red snapper fishery and the benefits it can receive from the rebuilding population. Delegating more responsibility to state agencies could be the right approach for recreational fishermen and the Council is currently considering a proposal (Amendment 39) to do that. We would look forward to working with you and your committee if our experience could assist in exploring options and making these difficult decisions. However, we strongly believe that the commercial industry should remain under the oversight of the Council.

Instead, we ask Congress to adopt H.R. 3063, the Healthy Fisheries through Better Science Act, sponsored by Representative Rob Wittman (VA). This bill maintains the conservation standards in the MSA, requires the Secretary of Commerce to set a schedule for stock assessments and ensures that fishermen, academics and other experienced parties contribute to the data collection and analysis process. H.R. 3063 would improve the information available to managers and fishermen, and we urge Congress to approve it.

Thank you for the opportunity to share our views on these important issues. We look forward to working with you.

Sincerely,

BUDDY GUINDON,
Gulf of Mexico Reef Fish Shareholders' Alliance.

JIM ZURBRICK,
Fish for America.

GLEN BROOKS,
Gulf Fishermen's Association.

WAYNE WERNER,
Gulf Coast Professional Fishermen's Association.

[LIST OF DOCUMENTS SUBMITTED FOR THE RECORD RETAINED IN THE
COMMITTEE'S OFFICIAL FILES]

City of Destin, Florida, Economic Impact Analysis of
Charter Fishing and Recreational Boating Along the
Destin Harbor, Submitted for the Record by Captain Jim
Green

