

Written Testimony of
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Before

The U.S. House of Representatives
Committee on Natural Resources
Washington D.C.
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Introduction

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

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

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

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

The red snapper stock in the Gulf of Mexico has been declared as overfished and has been in a rebuilding plan since 1977 based on the status of U.S. Fisheries Report to Congress. Overfishing was not officially declared to end in the status of U.S. Fisheries Report until 2012 after the new

overfishing definition developed in the Generic Annual Catch Limits and Accountability Measures Amendment was implemented.

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

Regional management would subdivide the Gulf into separate areas with each area having its own allocation (Figure 2), within the total recreational sector's allocation. Currently recreational fishing for red snapper is managed for the entire U. S. Gulf of Mexico as a single stock. Regional management would enable states to enact management regulations such as season opening dates, size limits, bag limits, and weekend only seasons, as well as other regulatory issues most suitable to their unique circumstances. Red snapper would remain a federally managed species subject to current federal conservation goals. The major benefit to regional management is that the states would be given the flexibility to implement management measures which would provide for optimum socio-economics by region. The geography of the Gulf is large and the recreational fishery for red snapper is different in different areas of the Gulf. Providing the states with this option would help to ensure optimum benefits for each region's fishermen. The additional flexibility provided by this type of management would allow Mississippi and other Gulf states to develop red snapper regulations tailored to meet the needs of the users in their region. Not only would regional management provide the states flexibility mentioned above to meet the needs of that region, it would solve the problem of states setting non-compatible state water regulations which have negatively impacted Mississippi this year. For 2013 three Gulf States have longer non-compatible state water recreational red snapper seasons than the federal season. Because there is currently no mechanism to account for the additional fish caught in these longer state water seasons, Mississippi fishermen will have six fewer days to fish in federal waters.

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

Impacts of Non-Compliance with Federal Red Snapper Regulations

Currently, red snapper within the Gulf of Mexico are not considered to be undergoing overfishing by NMFS; however, the stock is considered to be overfished and various management measures that have been mentioned earlier (e.g. quotas for each segment of the fishery, size limits, bag limits, defined fishing seasons, etc.) are being used by the Council to rebuild the stock and maintain the trajectory to fully rebuilt status. As the U.S. Gulf of Mexico red snapper stock is considered to be one stock, the NMFS quantifies all sources of harvest regardless of where fish are caught within the stock's range and uses this information in the development of stock assessments. In order to meet the timeline for rebuilding the stock, management of red snapper NMFS has relied upon cooperation from the Gulf States to create compatible fishing seasons, size limits and bag limits to those used by NMFS in federal waters; compliance has not always been enacted by some States. In some areas of the Gulf (Texas and Florida since they have a nine mile territorial boundary) fishermen are able to harvest red snapper in state waters when the state season was open; however, most of the historical Gulf red snapper harvest (since 1986) has occurred in federal waters.¹ From 2006-2011, excluding landings from the 2010 oil spill year, the amount of harvest which came from state waters Gulf-wide was 23.2%. Increasing the amount of time fishermen can

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

fish in state waters of non-compliant states will shift the dynamics in the red snapper fishery and significantly alter the areas where red snapper are harvested. From 2006-2011 (excluding 2010), harvest of red snapper from state waters in Alabama and Mississippi accounted for only 5.9% (Table 1) of the total pounds of fish landed in the two states. This figure indicates how significant the adjacent federal waters are to fishermen within Alabama and Mississippi and reductions in the number of days to fish in federal waters caused by another state(s) being non-compliant would have an inequitable and unfair impact on those fishermen, a violation of National Standard 4, which states Conservation and management measures shall not discriminate between residents of different States. If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (A) fair and equitable to all such fishermen; (B) reasonably calculated to promote conservation; and (C) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges. Fishermen in Alabama and Mississippi would be unfairly treated because they rely upon access to the resource in federal waters at rates higher than fishermen in other state(s). Although, the combined Gulf coastline of Alabama and Mississippi accounts for 7.4% of the U.S. Gulf coast, fishermen within these two states account for 41.2% of total landings (2006-2011, except 2010).

Artificial Reef Habitat

The success of developing artificial reefs to attract reef fish such as red snapper and enhance harvest capability of these fish has been widely acknowledged. This has resulted in major government programs designed to assist in the efforts to improve the technology and application of artificial reefs. The State of Mississippi through the MDMR has developed an extensive offshore artificial reef program in recent years; there are also similar artificial reef programs in other Gulf States. The offshore reefs that have been created are vital to our recreational fishermen seeking red snapper in the adjacent offshore waters of Mississippi, as well as the other Gulf States. These artificial reefs give our fishermen areas much closer to shore to harvest reef species such as red snapper; however, these reefs are expensive to develop and maintain. Hurricane Katrina destroyed approximately 90% of Mississippi's offshore reefs. Due to the tremendous importance of these habitats to our fisheries resources and our fishermen the decision was made to utilize a portion of the Congressionally approved Katrina disaster funds to not only rebuild those reefs, but to rebuild them in a fashion that would be less prone to damage from future storms. Again we would like to thank the Members for this Congressional assistance. We have recently completed rebuilding our offshore reefs back to pre-Katrina levels. Regional management would allow managers in Mississippi the flexibility to manage these reefs in a manner which is most beneficial for our fishermen and the resource.

Suggestions for MSA Reauthorization and Other Matters

1. The regional fishery management councils need more flexibility to apply the appropriate tools to prevent overfishing than we currently have. Basically, one tool or management procedure cannot be effectively applied in all fisheries. The MSA requirement to implement Acceptable Catch Limits (ACL) for all species has resulted in confusion and unnecessary restrictions on many species. ACL's are appropriate in some circumstances, but not all, especially not for data poor and/or multispecies fisheries. ACL's are appropriate for those stocks which have acceptable stock assessments.
2. Sustainability: at the June Gulf Council meeting a motion was approved unanimously to add to the list of MSA reauthorization priorities the need for a sustainable certification that

would authorize NMFS to provide the U.S. industry with a sustainable certification program and certification mark. This would provide the industry with the ability to promote and sell its seafood products, in both domestic and foreign markets, as sustainable based upon the requirements of the Act. It is our understanding that similar motions were unanimously approved by other Councils.

3. Funding for data: scientific data is imperative for good fisheries management. One thing that has hampers management is inadequate funding for data acquisition. Funding for fisheries stock assessments and for recreational harvest data collection, to name a few.
4. As mentioned earlier, Texas and Florida's west coast have a nine mile territorial sea; extending the territorial seas for Alabama, Louisiana and Mississippi would provide consistency to the States for fishery management.

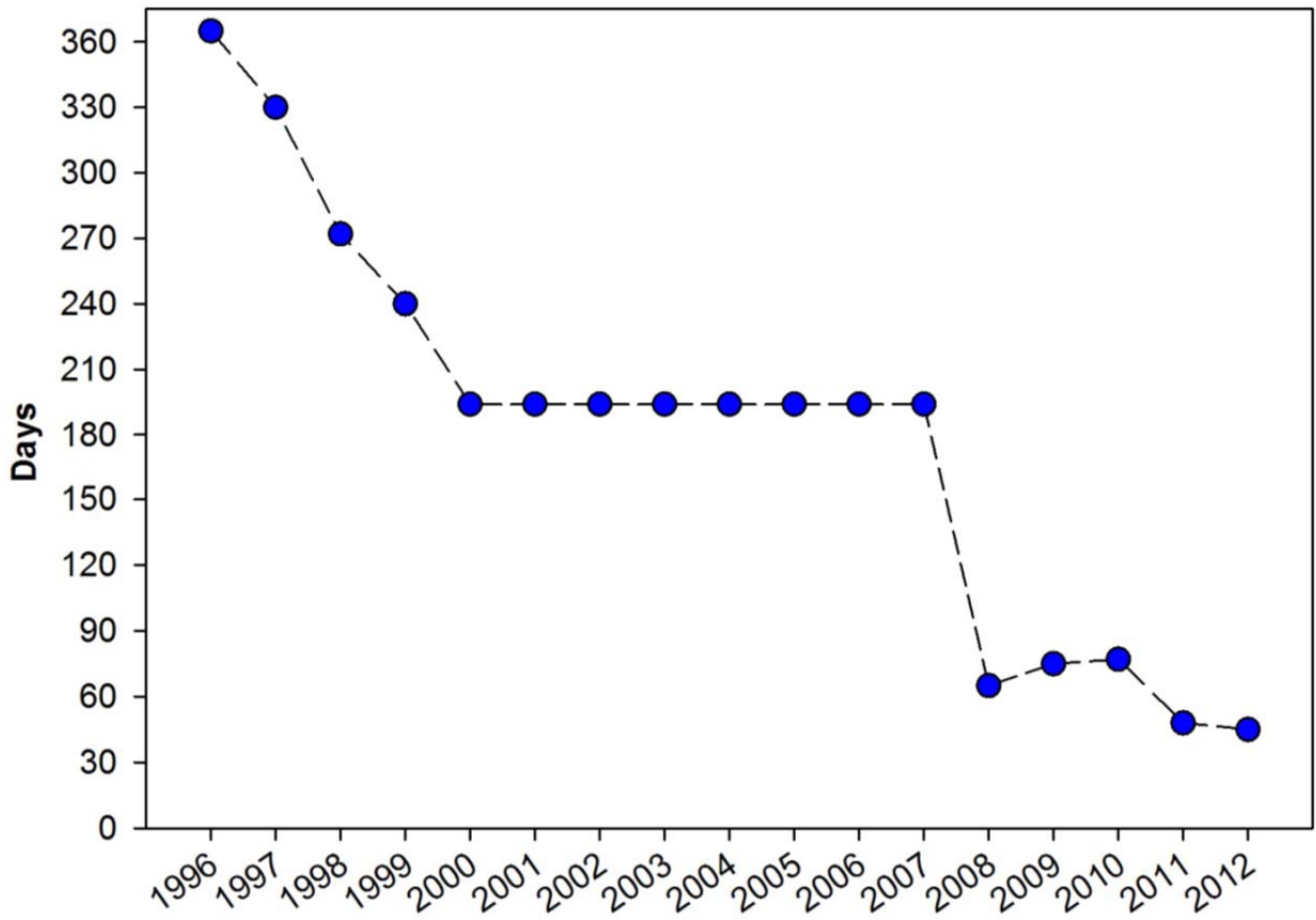


Figure 1 Season length (days) that the recreational red snapper season was open from 1996 through 2012 in the Gulf of Mexico.

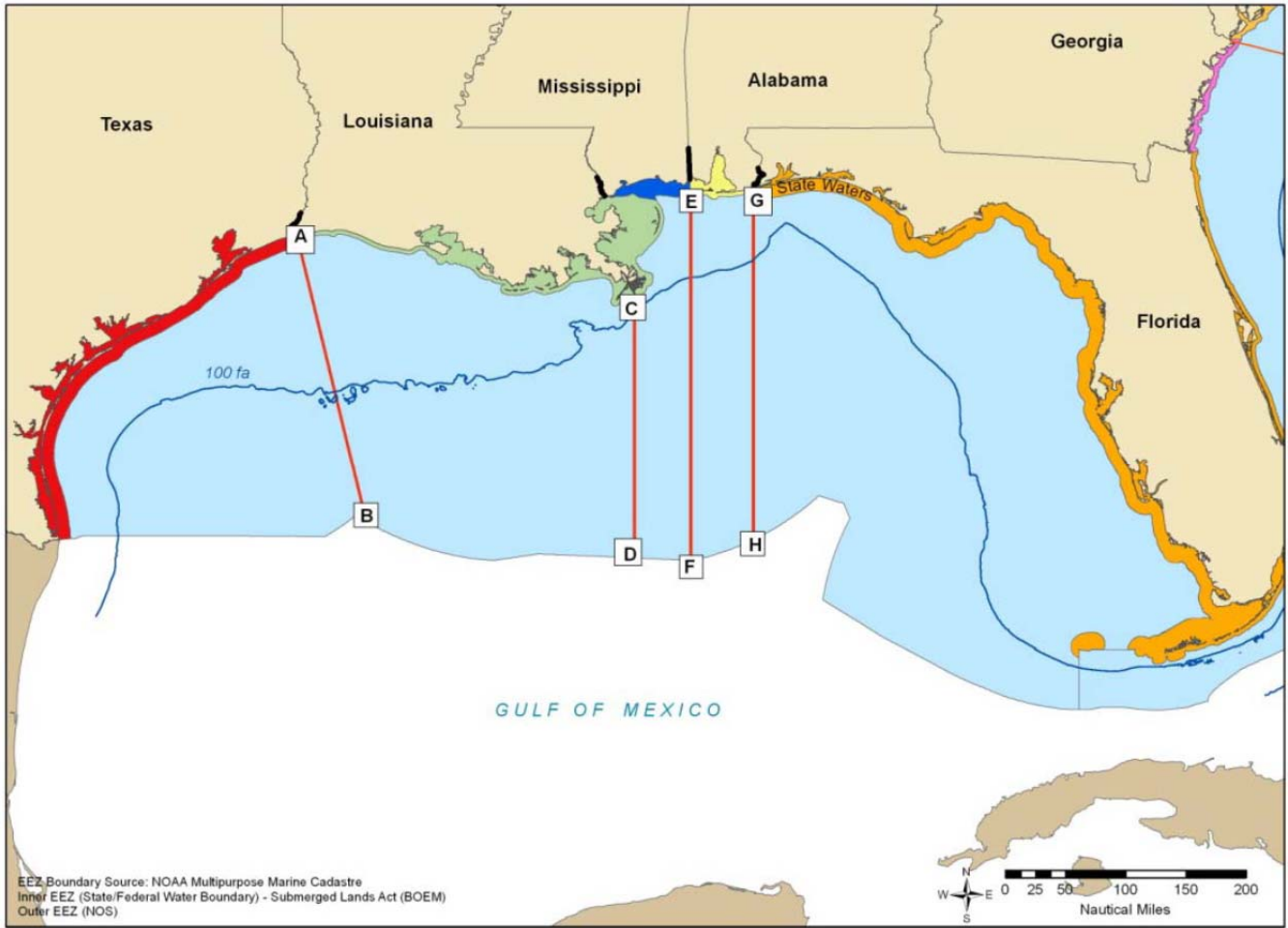


Figure 2 Map of state waters and the EEZ with established and proposed boundaries between states. These boundaries were agreed upon at the February 2013 Council meeting.

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

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