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Representing the Gulf Seafood Institute
Before the
House Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs
“H.R.3099, The Gulf of Mexico Red Snapper Conservation Act of 2013”
Dec. 4, 2014

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 FY 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 one year;
- Determining a plan to undertake annual red snapper stock assessments within one year;
- Preparing a red snapper fishery management plan within one year;
- Holding public hearings in each of the five Gulf states within one 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 towards 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. Secondly, 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.

Comment [Robert Gi1]: For some reason, can't change the color!

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. HR 3099 offers nothing toward the development of a similar system for red snapper. A more cynical view of the intent of HR 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.

Comment [Robert Gi2]: Think this overstates the case. So my suggestion to bring back in.

Comment [Robert Gi3]: NOAA, to be consistent with the rest of the document?

Comment [Margaret4]: This is language recommended by Chris Nelson