

**Testimony of Mr. Kevin Anson, Vice-Chairman
Gulf of Mexico Fishery Management Council
On: Management of Red Snapper in the Gulf of Mexico under the Magnuson-Stevens
Fishery Conservation and Management Act
Before the House Committee on Natural Resources
June 27, 2013**

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

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

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

NOAA Fisheries' Status of Stocks Report to Congress currently lists the red snapper stock as overfished, but no longer experiencing overfishing as of November 2, 2012. The red snapper stock, like many fisheries is managed in weight (millions of pounds). Data collected from the recreational sector indicate the average weight of red snapper landed throughout the Gulf has increased significantly in the past few years. This fact should be reason for optimism among the Gulf's anglers, however, the availability of larger red snapper means the quota is being met earlier, resulting in ever shortening fishing seasons. For example, in 2009 there was a 75-day recreational fishing season, but for this year (2013) only a 28-day fishing season was determined.

Because the rebuilding process has been successful and fishermen are observing more and larger red snapper, they have expressed increasing frustration and dissatisfaction with how the recreational sector is being managed. Regional management is an attempt to provide individual regions (states) an opportunity to set the fishing season, bag and size limits and/or create sub-sectors (e.g. for-hire and private recreational) within the recreational sector.

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

The recently completed stock assessment for red snapper suggests that the rebuilding plan is ahead of schedule and a larger red snapper quota is warranted. Following presentation of the stock assessment results, the Gulf Council voted to increase the overall 2013 red snapper quota to 11.5 million pounds (mp), with 5.635 mp allocated to the recreational sector and 5.865 mp allocated to the commercial sector. This follows the allocation of 49% to the recreational sector and 51% to the commercial sector that was established in 1990. This allocation is currently being reviewed in a separate plan amendment and could be revised, but is not part of the current action relative to the 2013 season. Final action on increasing the 2013 red snapper quotas will be taken at a special Council meeting to be held July 2013. Although 11.5 mp is currently the preferred alternative, a range of quotas between 10 mp and 12.1 mp are being analyzed for consideration at the July Council meeting.

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

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

local economies. The commercial quota increase will be implemented as additional individual fishing quota (IFQ) allocations issued to the IFQ shareholders.

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

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

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

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

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

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

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

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

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

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

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

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

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

Finally, Section 407 of the Act pertains to Gulf of Mexico red snapper management. The elimination or extensive revision to Section 407 would contribute to improving the management of red snapper in the Gulf of Mexico. Specifically, it should streamline referendum requirements for the red snapper individual fishing quota (IFQ) program and provide a consistent set of requirements for referenda across the various IFQ programs implemented in the Gulf of Mexico. In addition, the elimination or revision of Section 407 should afford more flexibility in

the definition of recreational red snapper quotas and better account for regional specificities which could improve the management of the resource. Finally, portions of Section 407 are outdated, e.g., Section 407(b) discusses restrictions relative to the preparation of IFQ programs for the commercial red snapper fishery and prohibits the preparation of such programs prior to October, 1, 2002. Should Section 407(c) be revised, Section 303A(6)(D) would need to be amended to address those changes.