

Testimony Submitted to the
Natural Resources Committee
of the
U.S. House of Representatives
by
Susan Boggs
Co-owner of Reel Surprise Charter Fishing, Orange Beach, AL
Board of Directors, Charter Fishermen's Association

June 27, 2013

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

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

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

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

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

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

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

Now, what you have to understand is the red snapper fishery was split into two sectors, the commercial sector which was allocated 51% of the TAC (Total Allowable Catch) and 49% to the recreational sector. The recreational sector is comprised of purely recreational anglers who own their own boat and access the fishery themselves and the for-hire fleet which provides access to millions of recreational anglers from across the U.S. each year. These two groups in the recreational sector operate in an open/closed fishery, meaning that if you want to access the fishery as a purely recreational angler you can buy a state license and go fishing. On the other side is the for-hire fleet who has limited their numbers to help in conservation efforts. For this sacrifice the for-hire fleet has been losing about 10% of the overall permits year after year since 2003, and once these federal permits expire they cannot be reissued. In addition seasons have become more and more restrictive from 6 months, to 3 months, to 44 days, to this year's 28 days. The commercial sector at one time held back 10% of their catch each year to ensure that they are not over fishing, we limited our permits, and the missing link has been an increase in effort on the fishery from our purely recreational counterparts.

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

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

Recently, some in Congress along with decision makers from around the Gulf have proposed moving some fisheries into a regional management program where states, overseen by groups such as the Gulf States Marine Fisheries Commission would manage their own fisheries. I see many problems with the proposals that have been made to this point. My first concern is the ability in resources and man power for these groups to take on this task. There are boundary issues that will be a real problem. When the Gulf is split up will it be based on miles of shoreline, historical landings, developed underwater structure, geographical location of biomass, or a combination of these? This could be a big issue for a state like Alabama where we land a large percentage of the recreational red snapper, have invested heavily in artificial reefs but have one of the shortest coastlines. Then there is the issue with seasons. If

they do not line up then there is potential for an increased effort at state boundaries as a consequence with residents of another state buying fishing licenses in an adjoining state when their state is out of season. This could easily double the effort in the water of the coast of Alabama which could have a negative effect on our fishery.

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

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

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

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

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

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