

Written Testimony of
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Alabama Department of Conservation and Natural Resources
On H.R. 3099, the Gulf of Mexico Red Snapper Conservation Act of 2013
Before
The United States House of Representatives
Committee on Natural Resources
Washington, D. C.
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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% of the total Gulf coastline, we land on average 30% of the recreationally caught red snapper in the Gulf of Mexico. The City of Orange Beach is known as, "The Red Snapper Capitol 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 1950's, 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 1970's 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% of the quota and the commercial sector, with 51% 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 nine miles of state waters while the states of Alabama, Mississippi and Louisiana only have three miles. All three upper Gulf Coast states have passed state legislation to extend our waters to nine 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 three 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 three 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 believe 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 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 program 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% 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 two 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 population 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% 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 or 2104. 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