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"H.R.3099, The Gulf of Mexico Red Snapper Conservation Act of 2013"
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Chairman Fleming, Ranking Member Sablan, and Members of the Committee, my name is Harlon Pearce and I welcome the opportunity to speak with you today on the issue of recreational red snapper management in the Gulf of Mexico, as well as on H.R. 3099, the Gulf of Mexico Red Snapper Conservation Act of 2013. I am the owner of Harlon's LA Fish, a seafood wholesaler based in Kenner, Louisiana, I am a member of the Gulf of Mexico Fisheries Management Council, and I am president of the Gulf Seafood Institute, a non-profit organization representing the entire Gulf coast seafood supply chain, including professional and recreational fishermen, processors, retailers, restaurateurs and the consumers who depend on them.

Red Snapper is Important to Consumers and the Gulf Coast Economy:
Effective and fair management of Gulf red snapper is not only a concern for the recreational fishing community, but for the broader Gulf coast economy and consumers nationwide. While red snapper is a highly coveted sport fish, consumer demand for red snapper at the retail and restaurant level remains high. Red snapper is an iconic American favorite, and according to the National Restaurant Association, seafood sales are one of the biggest drivers of the important tourism industry in Louisiana, Florida and the other Gulf states. Consumer surveys indicate that tourists closely identify the delicious and mild flavor of red snapper with the American Gulf coast. For these reasons, preserving the commercial harvest of red snapper is of the utmost importance to the entire seafood supply chain across the Gulf.

Commercial Red Snapper Management in the Gulf is Working:
Fortunately, the current management structure for commercially-caught red snapper in the Gulf is WORKING. Starting in 2007, the Gulf Council and NOAA Fisheries (NMFS) implemented an Individual Fishing Quota (IFQ) program for the harvesting component of the Gulf fishery with initial allocations to active commercial fishermen based on historic catch data. While IFQs may not be a panacea for all sectors or all species, in the case of commercial red snapper, this system has proven a huge success. 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 current commercial red snapper IFQ program provides fishermen with the flexibility to fish during times that suit their needs and the needs of the market resulting in a safer, more efficient fishery. With the ongoing successes happening in the commercial red snapper fishery, it is imperative that any changes to current law be designed NOT to undermine these important advances.

Management Advances in the Charter-for-Hire Community:
Another very important development in the Gulf red snapper community is the newly formed, separate charter-for-hire component. During our October meeting in Mobile, Alabama, the Gulf Council voted 10-7 to pass Reef Fish Amendment 40 which separates out the federally-permitted charter-for-hire community from the private angling community. This action, widely supported by charter boat captains and their customers, the seafood community, and conservationists, will increase stability for the for-hire component, increase flexibility in future management of the recreational sector, and minimize the chance for recreational quota overruns which could jeopardize the rebuilding of the red snapper stock. By managing the charter component separately, state and federal managers can be more responsive to

the needs of professional fishermen and their hundreds of thousands of non-boat owning customers who must plan their travel to the Gulf coast months in advance.

Importance of Electronic Data Collection:
A key benefit of separating out the charter-for-hire component in the Gulf is that the stage is now set for a comprehensive electronic data collection program that will revolutionize the way in which we capture and process data on red snapper in the Gulf. For years, stakeholders across the Gulf have prodded NOAA and the Southeast Fishery Science Center (SEFSC) to utilize real-time, verifiable electronic data collected by fishermen at sea in order to better understand the abundance of this resource. Unfortunately, the federal government still relies on a system of regional telephone surveys administered by the Marine Recreational Information Program (MRIP) to determine the status of this important species. Meanwhile, new technology as simple as a smart phone app connected to a Vessel Monitoring System (VMS) on a charter boat exists and must be incorporated into the federal government's data collection program.

GSI member company CLS America is working closely with representatives from the Gulf charter-for-hire community, NOAA and other stakeholders to identify ways to incorporate their Thorium product into an electronic data collection program for the Gulf charter community. GSI also worked with Congress to include $2 million in the Senate version of the FY 2015 Commerce, Justice and Science Appropriations bill to help cover the cost of such an electronic data collection program. We look forward to working with Congress to see this funding included in future federal appropriations bills and have this important electronic data collection program off the ground in 2015.

Private Angling Community in Need of Management Solutions:
While both the commercial and charter-for-hire communities are seeing great management improvements in red snapper, there is no question that red snapper management in the private angling community in the Gulf is in dire straits. In fact, in March, the U.S. District Court for the District of Columbia ruled that the federal government violated the law by failing to properly manage the red snapper fishery in the Gulf by allowing recreational fishermen to exceed their share of the red snapper quota in six of the past seven years without holding the sector accountable. One fundamental issue at play that of simple numbers: there is a huge demand on the part of fishermen and a very limited resource. Even if there were a significantly increased quota, the numbers still don't work. Based on current figures that estimate three million recreational anglers in the Gulf, if 25% of those fishermen caught one, 8-pound fish each, the entire recreational quota would be caught leaving nothing for the remaining 75% of fishermen. Clearly, this formula is simply unsustainable. We must determine a way to equitably divide up the fish in a way that allows anglers continued access while also preserving the resource for the future.

At present, the Council's primary tool for management on the private angling side is the "days-at-sea" model. This year's 9 day season caused great frustration among fishermen and policymakers alike, but strategies are on the table for moving past this limited management regime, such as regional management, tagging systems and more. ***The Council process as outlined under Magnuson Stevens provides the Council and its stakeholders with the appropriate tools and authority to develop innovative solutions without any changes to federal law.*** While the process may seem lengthy and tedious at times, I have full confidence that an equitable solution will be devised. As a Council Member and President of GSI, I look forward to working closely with our allies in the recreational community to develop alternative management systems for the betterment of all stakeholders and preservation of the resource itself.

H.R. 3099: A Misguided Approach:
While an overhaul in the management of recreationally-caught red snapper in the Gulf is needed, I have serious reservations about the plan outlined in H.R. 3099, the "Gulf Red Snapper Conservation Act of 2013." Based on my experience as a seafood business owner and Member of the Gulf Council, I would like to bring the following concerns to the attention of the Committee:

- **H.R. 3099 Does Not Take into Account Red Snapper Abundance in Federal vs. State Waters**: As you know, red snapper primarily occurs and is caught in federal waters, not state waters, which is why it was originally placed under federal management. The legislation inaccurately states that red snapper "ordinarily are found shoreward of coastal waters." The five Gulf states already have the authority to manage fishing in state waters. If red snapper were "ordinarily" caught in "coastal waters," there would be no need for federal management at all, not to mention new legislation.
- **Enforcement at the State Level will be Insufficient**: H.R. 3099 proposes to turn over management of an overfished species to the Gulf States Marine Fisheries Commission (the Commission) and, ultimately, the Gulf states, thus removing the National Marine Fisheries Service (NMFS)'s authority to close federal waters based on the determination that overfishing is occurring. The federal government will also lose its authority to preempt a state that allows a harvest level that jeopardizes the sustainability of the stock. This authority is critical to preservation of this important stock. Under this proposal, effective management and enforcement authority over red snapper will become even more ineffective, again threatening the rebuilding of this once overfished stock.
- **State Sustainability Standards Must Adhere to Federal Standards under MSA:** The Gulf states (primarily Florida and Texas) have not adopted regulations for red snapper in their state waters that are consistent with the Fishery Management Plan (FMP) and rebuilding plan. Although not explicitly stated, it is apparent that the standards for determining "sustainable harvest" would be substantially decreased under a state-run program.
- **Fisheries Enforcement at the Commission Level Unclear:** H.R. 3099 grants the Commission authority to enforce new state red snapper programs. While the Commission is highly qualified to make recommendations to the governors and legislatures of the 5 Gulf states regarding fisheries management, the Commission has no regulatory or enforcement authority, nor is it provided with that authority under H.R. 3099. Under this bill, the process by which the Commission would address overfishing in any one state could allow for substantial overfishing to occur before any enforcement measure, if any, is taken. This is not conservation.
- **Serious Implications for the Commercial Fishing Community and Consumers:** Under H.R. 3099, the states would be allowed to completely eliminate commercial red snapper fishing after 3 years, with no protections for fishermen's investments, including vessels, infrastructure, federal permits and quotas. Further, the entire commercial IFQ system, administered by NMFS, would be eliminated leaving commercial harvesters and the consumers who rely on them at risk for losing their entire allocation, not to mention leaving the red snapper stock, which is rebounding under the commercial IFQ system, at risk. Additionally, the Commission and the states would then have to develop a new management plan for commercial red snapper, with little or no additional resources. H.R. 3099 seems to provide benefits only to private recreational anglers at the expense of professional fishermen whose entire livelihoods depend on their access privileges.
- **H.R. 3099 Does Not Provide Any Resources for Data Collection:** Current red snapper data collection and stock assessment efforts are limited due to funding and staff resources. H.R. 3099

simply reorganizes the responsibilities of management without providing what improved management actually needs: the funding and human resources to do the necessary data collection and stock assessments.

In addition to the concerns listed above, I also fully support the points outlined in my fellow witness and GSI Board member Bob Gill's testimony. Mr. Gill and I have served together on the Gulf Council, make our livings in the seafood community and understand fully the importance of preserving red snapper in the Gulf.

While drastic management solutions are needed, it is clear that programs outlined in H.R. 3099 are not the right approach. In fact, of all the red snapper bills introduced during the 113th Congress, very little could be improved with passage of any one. On the contrary, most of these bills will result in a worsened, not bettered, management system.

In closing, while the Council's process can be tedious and cumbersome at times, it does work. The drastic improvements to commercial management of red snapper and the new charter-for-hire program underway now illustrate that the transparent, regional management approach as administered by NOAA and the Gulf Council with authority granted under the Magnuson Stevens Act (MSA) is the most effective means to preserve our delicate fishery resources while ensuring access for all Americans. The Council is also currently discussing the possible benefits of a regional management approach for the red snapper private angling community similar to what the East Coast is developing for summer flounder. On the east coast, the Atlantic States Marine Fisheries Commission (ASMFC) has divided the summer flounder recreational management area into several smaller regions, each with their own size and bag limits designed to best meet the needs of their respective states. The overall intent of this regional management regime is to provide more equity in recreational harvest opportunities along the east coast – an outcome that the Gulf Council could also pursue also without any action from Congress. In addition, my state of Louisiana has also submitted to NMFS a plan to follow the summer flounder model for red snapper in state waters, which is yet another indication that Congressional action here is unnecessary at this time.

Thank you for welcoming my testimony today and I look forward to your questions.