

WRITTEN TESTIMONY  
OF  
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FOR HEARING ON

MANAGEMENT OF RED SNAPPER IN THE GULF OF MEXICO UNDER THE  
MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT

BEFORE THE  
UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON NATURAL RESOURCES

JUNE 27, 2013

Chairman Hastings, Committee members, my name is Pam Anderson and I am appearing today on behalf of the Panama City Boatman's Association (PCBA) and Capt. Anderson's Marina in Panama City Beach, FL. Thank you for the opportunity to speak with you regarding the Red Snapper fishery issues in the Gulf of Mexico. I could spend my allotted time here today telling you of hardships, businesses lost, families put on welfare or the choosing of winners and losers in the fishing industry. I could tell you how our federal fishery managers have made fish lords of some who still want even more fish, while demanding for others not to be let into the fishery, even though the annual catch limit has increased. These are just a few story lines from last week's Gulf Council meeting.

Instead I'll get right to the most serious issues with the Magnuson Act that caused the previously mentioned results.

1. **Arbitrary Deadlines** – As long the red snapper fishery was steadily rebuilding, why was it necessary to rebuild more quickly and eliminate so many jobs? We could have had a slower approach and kept more people employed. Please eliminate deadlines that are not science-based and arbitrary as they are now.
2. **Catch Shares** - We have been inundated by NOAA Fisheries management and environmental groups pushing catch shares, sector separation, inter-sector trading, days-at-sea programs and fish tags. All are aimed at reducing participation in the fishery, which is NOAA's answer to rebuilding the fishery.
3. **Accurate Data** – The recent red snapper benchmark assessment was just published in the last month. It has been 8yrs since the prior benchmark assessment on this economically important fish was completed. In Alaska, stock assessments are conducted annually for economically valuable fish.

4. **Commercial IFQ** – According to the shareholders left in the sector, IFQs are working well. These are the winners, not those pushed out of the fishery. Now several large shareholders want more allocation so they can lease them to the recreational sector. They do not want new allocation given to other commercial operators who discard thousands of pounds of red snapper off Florida’s west coast. These operators have gag grouper shares only and now that red snapper have spread to their fishery they must discard them because they do not own red snapper IFQs or catch shares. According to NOAA observers, these grouper shareholders are discarding as much as 700,000 pounds of large red snapper.
5. **Consistent Seasons** – Customers need to know how to plan their days off and vacations well in advance of the season. In 2013 the season dates changed four times in two months and is still not listed correctly on the Gulf Council’s own website. It’s best for the tourism economy of our community to have the red snapper season open when the tourists are visiting. Due to Section 407 of the 1996 Magnuson, the recreational red snapper season must close when the quota is projected to be met. The SSC should provide advice to the Council and the Council should be able to determine higher or lower ABCs based on any new information provided and therefore, not be bound by the SSC recommendation as it is today.
6. **Regional Management**—State fishery managers realize the economic importance of our recreational fishery and are anxious to step up and assist us.

What was the intent of Congress in implementing the Magnuson-Stevens Act? Was the intent to manage our fisheries by putting fishermen out of work? If not, it certainly has been an unintended consequence. Did Congress want fishery managers to provide frequent, accurate stock assessments on economically-valuable species? This has not been the case in the Gulf. Did Congress intend for fishery managers to oversee the growth of the fishery so it could meet the needs of fishing businesses and the fishing public? A 28 day red snapper season doesn’t meet the needs of anyone. When Congress mandated the “fatally flawed” MRFSS recreational survey be corrected and updated by 2009, was it because members of Congress recognized that accurate data is necessary for good management? As of 2013, that mandate has not been completed. In fact NOAA Fisheries’ own Dr. Richard Merrick testified here last month and said “phone surveys don’t work anymore.” In spite of his testimony and outcry from fishermen, phone surveys are still being utilized by NOAA.

Infrequent stock assessments, and flawed recreational catch data leads to what’s called uncertainty. Uncertainty in the data leads to burdensome buffers that reduce the allowable catch. Reducing the allowable catch reduces fishing seasons. We need more accurate data and more flexibility in the regulations. We need fishery managers to understand the importance of the economic impact of the fishery on our communities and states. We need fishery managers working in a way that grows the fishery and access to it instead of working to eliminate our businesses.

Despite the good intentions of Congress to grow and maintain a healthy fishery, there have been significant unintended consequences with the 2007 Magnuson Act. Though fishery managers

have been slow and even derelict in updating stock assessments and catch surveys, make no mistake, all of the new Annual Catch Limits and Accountability Measures of the 2007 Magnuson were put in place as quickly as they could implement them. ACLs and AMs have crushed the industry, causing confrontations between the commercial industry, the for-hire industry and the private anglers. Everyone is trying to survive in their businesses and private anglers are trying to justify the expense of owning their own boats.

Our Gulf States are keenly aware of the economic importance that fishing brings to coastal communities. Three of the five Gulf States have recently given up on the expectation that federal fishery management will work for their citizens. Texas, Louisiana and Florida have opted for a red snapper season in state waters that is inconsistent with the federal season. In an effort to keep states in line, the Gulf Council proposed and passed amendment 30B which prohibits federally permitted for-hire boats from fishing for red snapper in state waters when federal waters are closed to red snapper. Since 2009 for-hire fishermen have been used as pawns in this battle between the states and federal fishery managers. This unfair punishment and violation of National Standards 4 and 9 should be removed from Amendment 30B, regulation 50 cfr 622.20(b)(3).

Will NOAA Fisheries management plan for Catch Shares, Sector Separation, Inter-sector trading, Days-at-Sea and Fish tags work to rebuild the red snapper fishery? Sure it will, if your intent is to put enough people out of work and off the water. But why not look at ways to rebuild the fishery with artificial reefs and new science that enhances the growth of the fishery to meet the needs of the Nation and the coastal communities? Wouldn't we be better off creating more habitat, more jobs, selling more fish to the American public? The demand is there. 80% of the Nation's seafood is imported.

The recent Red Snapper Benchmark Assessment is the first assessment to implement the new methods of data collection from the MRIP program that is replacing MRFSS and it includes updated modeling. This new assessment shows what the fishermen have been saying all along. The Red Snapper fishery *is* rebuilding much quicker than expected, but as we see in other studies it is to the detriment of other species on the reefs, eating the juveniles of other species such as gag grouper and triggerfish. We really didn't have to have such harsh restrictions on this fishery in order to meet the deadlines set in the Magnuson after all.

Every year we have seen the fishery improve, the quotas, measured in pounds have increased. But, because the fish are increasing dramatically in weight and size as happens in a rebuilding fishery, we meet our quotas much quicker. This type of management is what causes the seasons to be so short. For instance, in 2006 the quota was almost the same in pounds as in 2012 with a 6 month season compared to a 45 day season. In 2006, the average weight of the fish was 3.2 pounds, so the available harvest was approximately 1.4 million pounds. In 2012, with the average weight over 7.5 pounds the available harvest was only about 580,000 fish. Now that extra million fish are still out there, at varying sizes, but due to the quota being figured in pounds we do not have access to them. Short seasons are hurting tourism across the coast.

While the communities in NW FL have not invested in an economic study to tell them specifics about the fishing industry, there is overwhelming consensus that everyone prospers during Red Snapper season. I have enclosed a chart that shows the impact of the shorter seasons on headboats at our marina and on our fuel sales. I know of similar reports from other marinas across the coast. Ticket sales and fuel sales increase dramatically with the availability of Red Snapper. The longer trips and private charter trips are especially impacted because they are more expensive and the case is made, why pay more if you can catch your 2 Red Snapper in ½ the time at ½ the price? That is why you see the longer trips decreasing and the shorter trips increasing, bringing less revenue to the marina from ticket sales and fuel.

This years' yo-yo of changes in the length of the fishing season hurt sales. Folks made reservations thinking they had 28 days in Florida. Then it changed to 21, changing hotel reservations and days off work, too. Then it was 26, and they changed again. Now it is 28 days, but some are still looking on the Gulf council website which says 21 days. Reservations are down this week compared to the last three weeks of full boats. As far as the local economy, our Tourist Development Council is reporting increases overall in bed taxes. But when you get specific about where the dollars are being spent and the hotels that are being used, there is a decrease in those which are close to the fishing and boating activities. Restaurants, from Waffle Shops to fine dining establishments in our area of the beaches have had several years of reduced business. To put it in the words of the owner of the Capt. Anderson Restaurant, if the parking lot is full of fishermen in the morning, we are going to have a good night at the restaurant. If people are not fishing? Not so much.

Now that the recent Emergency Rule has given the Regional Administrator power to close the season if he believes we have overfished the quota, not going by facts, but by estimates, it could be even worse. If folks were to come to the coast, having made fishing and hotel reservations when they thought we could harvest Red Snapper, and it closed before we could notify them, we would take the blame.

After six years of costing our communities jobs and businesses, fishery managers are just now admitting Red Snapper must be more abundant and more prolific than first thought, in spite of our overfishing. (Keep in mind that overfishing in their terms is harvesting more than the Annual Catch Limit that has been set at least 25% below the true overfishing level set by the Science & Statistical Committee. We have never reached that true overfishing level.)

The MRIP data still does not show how many private anglers there are who fish for reef fish. Some reports show researchers are using a number 5 times the true amount. Our States, Florida in particular, are working on a plan to collect this data inexpensively, but accurately. This should improve the harvest data even more in the near future and these plans should not place an expensive hardship on the anglers. That is the goal of the industry in working with State fishery managers.

We know from experience that it is best for our customers and our businesses to have consistency in our seasons. It is best for the tourism economy of our community to have the Red

Snapper season open when the tourists are visiting. That being said, knowing from the SSC we have a fishery growing more quickly than expected, we need the fishery managers to not hold back on allocating as much quota as possible. One fear the Council has is needing to reduce the following season if there is an overrun of harvest. Due to section 407 of the 1996 Magnuson, the recreational Red Snapper season must close when the quota is projected to be met. The SSC should provide advice to the Council and the Council should be able to determine higher or lower ABCs based on any new information provided and therefore, not be bound by the SSC recommendation as it is today. The science gives guidance for National Standard 1, but the other impacts of the rest of the National Standards should have just as much weight in the decision-making process.

The Council can *set* a consistent season over several years now if the SSC sets the ABCs accordingly, but if the harvest overruns the ABC set in any one year, they must compensate for the overrun the next year, causing another inconsistent season. Between 2000 and 2006, the Council was able to use average catches over time, some years going over the ACL, others not meeting it. This gave them the ability to grant consistent seasons-much better for business. And, the fishery was steadily rebuilding.

In addition, Federal fishery managers have heard testimony after testimony in the Council meetings of the supreme habitat provided by petroleum platforms with divers and anglers speaking against their demise through the Idle Iron project. These platforms are home to millions of pounds of Red Snapper as well as thousands of other species, some of which are endangered. Letters have been written to appropriate agencies from the Gulf Council, designating them as Essential Fish Habitat. But now, they are discussing having them closed to fishing and diving. Anglers and divers are the same folks who have brought this to their attention and that of the public. These are EFH, but not critical habitat which would close them to fishing. Historical research has shown offshore of Texas would be a desert as far as fish are concerned were it not for the petroleum platforms. The fishery needs these platforms, now artificial reefs, to help in the rebuilding process and we need them to continue providing fishing and diving opportunities across the Gulf.

Again, I say, Thank you for the opportunity to share this information with the Committee.

Respectfully submitted,

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