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**Testimony on Management of Red Snapper in the Gulf of Mexico**  
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Chairman Hastings, Ranking Member Markey, and members of the Committee on Natural Resources of the United States House of Representatives, my name is Jessica McCawley, and I am the Director of the Division of Marine Fisheries Management at the Florida Fish and Wildlife Conservation Commission. Thank you for the invitation to provide testimony at this important oversight hearing examining “*The Management of Red Snapper in the Gulf of Mexico under the Magnuson-Stevens Fishery Conservation and Management Act.*” As a state that is rich in natural resources and is dedicated to balancing fish and wildlife conservation, recreational and commercial fulfillment, and economic growth, and understands the relationship of each, the State of Florida is pleased to have two members of its delegation—U.S. Representatives Steve Southerland and Joe Garcia— serving on this important committee.

The Florida Fish and Wildlife Conservation Commission (Commission) is responsible for managing fish and wildlife resources for the State of Florida. The Florida Constitution authorizes the Commission to enact regulations regarding the State’s fish and wildlife resources. This is done by seven Commissioners who are appointed by the Governor and confirmed by the Florida Senate. The agency’s mission is managing fish and wildlife resources for their long-term well-being and the benefit of people.

**Background**

Red snapper supports the most important recreational and commercial finfish fishery in the northern Gulf of Mexico. After a long history of overfishing, the most recent stock assessment indicates the fishery is rebuilding ahead of schedule within a rebuilding plan that was originally scheduled to end in 2032. Starting in the 1990s, fishing industries associated with the red snapper fishery experienced unstable conditions. Prior to 2006, the commercial fishery was restricted to week-long seasons occurring only a few months of the year. The Gulf of Mexico red snapper Individual Fishing Quota (IFQ) program was implemented to address this situation. Under this program commercial fishers have the flexibility to fish year-round for red snapper and are more accountable for their landings due to close monitoring of the fishery and its quota. Although there are still some management issues and controversy surrounding this type of management tool, it has helped establish a good measure of stability in the commercial red snapper fishery.

In contrast, the recreational fishery has faced increasing uncertainty in recent years. In 2007, the recreational harvest season was 194 days in the Gulf of Mexico. Since that time, the recreational quota has been raised by nearly 1 million pounds, yet the recreational season has diminished to just 28 days. As the fishery rebuilds, red snapper are getting larger, more abundant and easier to

catch, causing the recreational quota to be caught faster, and the season to get shorter. As seasons get shorter and shorter, “derby” conditions have developed as anglers harvest red snapper over a shortened window of opportunity. At 28 days, the recreational season is now the shortest it has ever been, despite substantial improvements in the red snapper stock. These ever shortening seasons have created uncertain, challenging times for captains in the for-hire industry and for private recreational fishermen. These challenges are not felt by captains and fishermen alone. The coastal communities along the Gulf coast are also deeply affected by the short seasons. In Florida, communities like Destin and Panama City, which depend on charter trips and vacationing families staying in hotels and eating in local restaurants, have suffered. If lost, the fishing heritage of these types of coastal communities is not something that can be easily rebuilt.

### **Change is on the Horizon**

During the past few years, one of the issues that has greatly contributed to the uncertainty and lack of public trust in the management system was the counterintuitive outcome of the 2009 red snapper stock assessment. Because that assessment was not a benchmark stock assessment and conducted with data only through 2008, it was perceived as outdated and not representative of the true stock condition fishers were seeing out on the water. Fishers were seeing more fish and bigger fish on the water, but without an updated benchmark stock assessment based on the most recent data, the management system could not adequately respond to these improvements in stock condition.

As a result, private anglers, for-hire captains, and fishery managers have struggled to find solutions that will provide longer and predictable fishing seasons for the recreational sector, while continuing to rebuild the fishery. At the Gulf of Mexico Fisheries Management Council (Gulf Council), red snapper reallocation from the commercial sector to the recreational sector has been proposed as a way to prevent further decreases in the recreational season length. Some suggest that inter-sector trading, in which recreational harvesters purchase or lease IFQ shares from the commercial fishery, is a way to increase opportunities for recreational harvesters without taking away from the commercial sector. Some for-hire captains have suggested sector separation, in which the recreational quota is divided among private recreational anglers and for-hire vessels, and “Days at Sea” pilot programs that would provide for-hire captains with a set number of fishing days or pounds of fish that could be harvested anytime during the fishing year. Meanwhile, some of the Gulf states have set recreational red snapper seasons in their state waters that are inconsistent with the 28-day federal season in an effort to provide more fishing opportunities for their anglers. The Commission set a 44-day season (just two days shorter than the 2012 federal season) in Florida state waters after learning that the 2013 federal stock assessment would likely show red snapper populations are doing better than previously thought and hearing reports from anglers that the fishery is improving. Some states also have sought to extend their geographical management authority further into federal waters. While many of these alternative management strategies and actions are controversial, they all have the same ultimate goal of increasing stability in an uncertain fishery. The Commission does not support all of these strategies, but does support helping fishermen find solutions.

Fortunately, the most recent stock assessment, completed in May 2013 through the Southeast Data, Assessment, and Review (SEDAR) process provided a better outlook for the future. Although the stock was still found to be below sustainable levels (i.e., overfished), it seems to be rebuilding at a surprisingly high rate. Thanks to a few strong year-classes, the fishery will be capable of supporting substantial increases in catch levels for the next few years. Accordingly, the Gulf Council is now in the process of adjusting catch level recommendations towards a more stable, constant catch management strategy for 2013 through 2015. This will certainly support larger quotas for the commercial sector as well as an expansion of the red snapper recreational fishing season. In addition to these positive stock assessment results, the State of Florida believes shifting to a constant catch approach will provide stability over the short term for both recreational and commercial fishermen, and bring much-needed reduction in management uncertainty over the next few years. Finally, another recent development that is a step in the right direction for decreasing uncertainty is regional management of the recreational red snapper fishery.

### **Regional Management of Red Snapper**

#### *Gulf Council's Proposal – Reef Fish Amendment 39*

The Gulf Council is developing a regional management system for red snapper that would delegate some management authority over the recreational fishery to the Gulf states to better account for biological, social, and economic differences among the Gulf states' red snapper fisheries. Regional management would give states flexibility in setting management measures such as harvest seasons, bag limits, and size limits for red snapper landed in federal waters off of their state. Each state would consider stakeholder input and choose what is best for their anglers and for-hire fleet by selecting seasons that occur when fishermen want them. The Commission is willing to accept delegation of regional management and is eager to set the recreational harvest season for red snapper harvested off of and landed in Florida. Having the flexibility to set fishing seasons that account for the desires of the fishing community develops trust in the management process and shows fishermen that their voices are being heard.

The Commission recognizes that there are still significant unknowns and challenges involved in regional management. Many important details need to be developed including how the Gulf recreational red snapper quota will be apportioned among the states, timelines and procedures for states' regional management plan development and approval, accountability measures, and coordination of quota monitoring between the states and NOAA Fisheries Service.

If regional management is approved, each state would be responsible for tracking its quota to ensure that its allocation is not exceeded. One of the biggest challenges of regional management for Florida will be projecting the length of the recreational season and monitoring recreational harvest. Initially, Florida would calculate its season length using the existing Marine Recreational Information Program (MRIP) survey data and models, similar to models currently used by NOAA Fisheries Service to predict red snapper season lengths. Florida, however, would like to improve and enhance data collection and decrease uncertainty in recreational harvest estimates. One method that has been suggested to improve data collection in Florida is a permit system for anglers landing and possessing reef fish, similar to Louisiana's Recreational Offshore

Landing Permit. Such a system could allow for more timely catch data that could be used to monitor the red snapper quota in Florida during the fishing season. The State's large coastline, number of fishing ports, and large number of recreational anglers, though, present unique challenges to collecting more accurate and timely recreational harvest data in a cost-effective manner. Another challenge is that any method used to track harvest would need to be compatible with MRIP to compare landings data across states and track the Gulf-wide annual catch limit.

The Commission is also concerned about how the Gulf-wide recreational quota will be apportioned among the states and how often these state quota allocations will be revisited. As the red snapper stock has improved, Florida anglers have caught a larger percentage of recreationally-caught red snapper in the Gulf. Between 2006 and 2012, Florida anglers harvested approximately 50% of the Gulf-wide recreational red snapper harvest. This is primarily due to two reasons: 1) the expansion and rapid growth of the red snapper stock off the West Florida shelf; and 2) the increasing number of anglers and recreational fishing days based in Florida.

In Florida, the red snapper fishery is concentrated in the Panhandle, but is expanding south along the west coast of Florida as the stock rebuilds. Red snapper are now commonly seen where they have not been seen in decades, in unprecedented numbers. For example, red snapper are now a common occurrence in federal waters off Tampa Bay and are becoming more common in federal waters off southwest Florida. Data indicate that the red snapper stock will continue to expand south along the West Florida shelf and become more plentiful off Florida's west coast. Red snapper is already the most commonly caught species on recreational trips in federal waters off Florida's Gulf coast, and will likely continue to be. Florida has more saltwater anglers than any other state and the number of saltwater anglers fishing in Florida increased by 20% between 2006 and 2011 (2011 US Fish and Wildlife Survey, as compiled by Southwick). With more anglers and more available fish, Florida would expect to catch a larger portion of the recreational red snapper harvest in future years under status quo management.

Thus, the State of Florida is very concerned about the timeline and procedures for revisiting state recreational red snapper allocations, should regional management take effect. A method to determine how quota could be redistributed among the Gulf states still needs to be determined, since landings in each state should be consistent from year to year, and not reflect the changes in the fishery. The Commission has noted that they would like this percentage revisited as frequently as possible, but at least every three years.

Despite these challenges, the Commission feels that the potential social and economic benefits of regional management outweigh the potential downfalls, and that regional management can provide needed regulatory flexibility.

### *How Should the Magnuson-Stevens Act be Modified for Regional Management and to Better Manage the Gulf of Mexico Red Snapper Fishery?*

The Gulf Council can implement a regional management system under the current Magnuson-Stevens Act provisions, but there are likely some adjustments that could make the process easier.

While the system of annual catch limits and fishing levels required by the Magnuson-Stevens Act work well for commercial fisheries in which harvests are closely monitored, they can complicate management of recreational fisheries, such as red snapper, because harvest estimates under the MRIP program are less precise and quota monitoring does not occur in real time. As a result, recreational management measures implemented pursuant to the Magnuson-Stevens Act often lack flexibility and can have devastating socioeconomic impacts. Because annual catch limits and fishing levels for the recreational red snapper fishery will continue to be set by the Gulf Council and monitored by NOAA Fisheries Service under regional management, these issues will continue to be a concern. The regional management approach that is being considered by the Gulf Council is unique. It is possible that issues with the Magnuson-Stevens Act will arise as the states and Gulf Council move forward with delegation; thus, additional adjustments may be needed in the future. Clarity as to how National Standards apply to the states may be needed, especially in setting management measures that will differ by state. For example, National Standard 4 states that management measures shall not discriminate between residents of different states.

One way the Magnuson-Stevens Act should be modified to create an improved system for the management of red snapper in the Gulf of Mexico is to delete 16 U.S.C. 1883 (MSA § 407 – Gulf of Mexico Red Snapper Research). This section established an opportunity for peer review of the red snapper fishery, regulations for establishing a red snapper IFQ program, requirements for conducting and voting in fishery referendums, and catch limits. This language is outdated, as general regulations for establishing limited access privilege programs such as IFQs are outlined in 16 U.S.C. 1853a.

Essential to improving management of red snapper in the Gulf of Mexico is the recognition that commercial and recreational fisheries are fundamentally different activities, with dissimilar harvest data collection systems that require different management approaches. By all accounts, management of the commercial sector seems to be headed in the right direction with a system that provides better accountability and allows for timely in-season quota monitoring. The recreational fishery, on the other hand, seems to represent a prime example of where fisheries management has failed. Even though methodologies to estimate recreational harvest have improved since the last Magnuson-Stevens Act reauthorization, recreational anglers continue to be penalized as the red snapper stock biomass increases. Needless to say, this failure is having a devastating and unnecessary impact on recreational anglers and coastal economies. It is time for state and federal agencies, as well as the Gulf Council, to fully recognize the inherent differences between the fishery sectors and start focusing on developing innovative data collection and management approaches that will result in successful management of the red snapper recreational fishery.

### **Discussions from June 2013 Gulf Council meeting**

Last week at the June Gulf Council meeting, the Gulf Council received a report on the latest red snapper stock assessment and discussed the possibility of raising the 2013 recreational and commercial quotas for red snapper. As previously mentioned, the assessment confirms what fishermen have been observing – the stock is rebuilding, and at a faster rate than anticipated in the previous assessment. The Gulf Council has planned a special meeting on July 17 in New

Orleans to increase the 2013 quota and provide for a supplemental recreational season in late summer or fall, so that the recreational sector can take advantage of this quota increase. Many fishermen felt frustrated that this quota increase could not be applied immediately so that the current federal season, which ends this Friday, June 28, could be extended.

### **In Conclusion**

The red snapper population Gulf-wide is improving. The rebuilding plan is ahead of schedule. With innovative data collection and regional management, including timely allocation reviews, accountability, and coordination with NOAA Fisheries Service, the recreational management program for red snapper may be turning the corner toward a brighter future. However, as the Gulf Council works through regional management, we may find that the Magnuson-Stevens Act may need modifications. The State of Florida looks forward to changes in the Magnuson-Stevens Act that recognize the differences between recreational and commercial fisheries and how they should be managed.

Chairman Hastings, Ranking Member Markey, and members of the Committee on Natural Resources, this concludes my testimony. Thank you again for this opportunity to provide Florida's perspective. I would be happy to answer any questions.