AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FISHING = JOBS: HOW STRENGTHENING AMERICA'S FISHERIES STRENGTHENS OUR ECONOMY

OVERSIGHT FIELD HEARING

BEFORE THE

COMMITTEE ON NATURAL RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

Saturday, August 25, 2012, in Panama City, Florida

Serial No. 112–126

Printed for the use of the Committee on Natural Resources



Available via the World Wide Web: http://www.fdsys.gov
or
Committee address: http://naturalresources.house.gov

U.S. GOVERNMENT PRINTING OFFICE

75–704 PDF WASHINGTON : 2013

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

COMMITTEE ON NATURAL RESOURCES

DOC HASTINGS, WA, *Chairman*
EDWARD J. MARKEY, MA, *Ranking Democratic Member*

Don Young, AK
John J. Duncan, Jr., TN
Louie Gohmert, TX
Rob Bishop, UT
Doug Lamborn, CO
Robert J. Wittman, VA
Paul C. Broun, GA
John Fleming, LA
Mike Coffman, CO
Tom McClintock, CA
Glenn Thompson, PA
Jeff Denham, CA
Dan Benishek, MI
David Rivera, FL
Jeff Duncan, SC
Scott R. Tipton, CO
Paul A. Gosar, AZ
Raúl R. Labrador, ID
Kristi L. Noem, SD
Steve Southerland II, FL
Bill Flores, TX
Andy Harris, MD
Jeffrey M. Landry, LA
Jon Runyan, NJ
Bill Johnson, OH
Mark Amodei, NV

Dale E. Kildee, MI
Peter A. DeFazio, OR
Eni F.H. Faleomavaega, AS
Frank Pallone, Jr., NJ
Grace F. Napolitano, CA
Rush D. Holt, NJ
Raúl M. Grijalva, AZ
Madeleine Z. Bordallo, GU
Jim Costa, CA
Dan Boren, OK
Gregorio Kilili Camacho Sablan, CNMI
Martin Heinrich, NM
Ben Ray Luján, NM
Betty Sutton, OH
Niki Tsongas, MA
Pedro R. Pierluisi, PR
John Garamendi, CA
Colleen W. Hanabusa, HI
Paul Tonko, NY
Vacancy

Todd Young, *Chief of Staff*
Lisa Pittman, *Chief Counsel*
Jeffrey Duncan, *Democratic Staff Director*
David Watkins, *Democratic Chief Counsel*

CONTENTS

Page

Hearing held on Saturday, August 25, 2012 1

Statement of Members:
- Hastings, Hon. Doc, a Representative in Congress from the State of Washington 2
  - Prepared statement of 4
- Southerland, Hon. Steve, II, a Representative in Congress from the State of Florida 5
  - Prepared statement of 7

Statement of Witnesses:
- Adams, Captain Tom, Mexico Beach Charters, and Chair, Recreational Fishing Alliance "Forgotten Coast" Chapter 35
  - Prepared statement of 37
- Anderson, Pamela W., Vice President, Panama City Boatman's Association 12
  - Prepared statement of 14
- Hansard, Candace, Vice President and Reef Deployment Director, Emerald Coast Reef Association, Inc. 33
  - Prepared statement of 34
- Jennings, Captain Michael, President, Charter Fishermen's Association ... 39
  - Prepared statement of 41
- Kelly, Captain William E., Executive Director, Florida Keys Commercial Fishermen's Association 21
  - Prepared statement of 22
- Merrick, Dr. Richard, Director, Scientific Programs & Chief Scientific Advisor, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce 53
  - Prepared statement of 55
- Waters, Donald A., Co-Founder, Gulf Coast Professional Fishermen, and Commercial Fisherman, Pensacola, Florida 17
  - Prepared statement of 18
- Wright, Kenneth, Chairman, Florida Fish and Wildlife Conservation Commission 8
  - Prepared statement of 10
- Zales, Captain Robert F., II, President, National Association of Charterboat Operators 43
  - Prepared statement of 45

OVERSIGHT HEARING TITLED "FISHING = JOBS: HOW STRENGTHENING AMERICA'S FISHERIES STRENGTHENS OUR ECONOMY."

Saturday, August 25, 2012
U.S. House of Representatives
Committee on Natural Resources
Washington, D.C.

The Committee met, pursuant to call, at 10:00 a.m., in the Lecture Hall of Holley Academic Center, Florida State University-Panama City, Florida, Hon. Doc Hastings [Chairman of the Committee] presiding.

Present: Representatives Hastings and Southerland.

The CHAIRMAN. The Committee will come to order.

By way of introduction, let me introduce myself, I am Congressman Doc Hastings and in the lower 48 States, I come from about as far away as you can be from Florida, I come from the great State of Washington, where in Washington, we say "the real Washington."

[Laughter.]

The CHAIRMAN. So it is a pleasure for me to be here with my colleague Steve Southerland.

Before we begin, I would like to call Reverend Michael Ryan of the Covenant Hospice to come up and give us the invocation.

Rev. RYAN. Let us pray.

God, thank you for the freedom we have to be here today. Thank you for the minds to concentrate, to understand; thank you for the hearts and the emotions that we all have associated with the issues that will be discussed today.

Thank you for your presence; thank you for the beauty all around us and the people with whom we share this beauty.

Today, oh, Lord, help our minds to understand, help our hearts not only to hold tightly to what we want or hope for, but also to reach out to others around us so that we all come to deeper understandings of the issues.

Lord, we do lift up those who are hurting in any way. Help us, oh, Lord, to do what we can to reach out to them. We will thank you, we will give you credit.

Amen.

The CHAIRMAN. I would like to now ask that Mr. Davis lead us in the Pledge of Allegiance.

[Pledge of allegiance.]

The CHAIRMAN. This is an official committee meeting of the House Natural Resources Committee, it is not designed to be a town hall meeting. In fact, the Committee is here to gather testimony on obviously a very important issue, fishing in the Gulf.

However, those of you that would like to—if you are inspired by what you hear and would like to submit testimony to the Committee, you can do so. You can go to the website, is the easiest way

to do that, and typically the comment period is open for a period of 30 days so you will have plenty of time to get your testimony in, if you desire to do so.

Before I start with my opening statement, I wanted to thank my colleague, your Congressman, Steve Southerland for pushing and trying to get this committee meeting down here. What is interesting, prior to the time that Congressman Southerland served on the—he is serving his first term on the Committee on Natural Resources—there had not been a Member from Florida on that Committee for nearly 10 years, the last one was Congressman Adam Putnam, who is now your Ag Commissioner. But now we have two Floridians from opposite parts of the State on the Committee. And I think Florida is well served by having two Floridians on the Committee and I know the Committee is well served by having two Floridians on the Committee. So I want to thank again, Steve, for advocating bringing this field hearing down here, and I do want to thank the witnesses also for being here. I will thank the first panel, and there will be two other panels.

This is a Saturday, this is my first experience on the Gulf with an impending hurricane coming, so you all know about that better than I do, but I just want to say that I do very much appreciate you being here on a Saturday morning.

I will now recognize myself for my opening statement, Mr. Southerland will give his opening statement and then we will recognize the panel and then we will have a series of questions that we will have for the panel.

STATEMENT OF THE HON. DOC HASTINGS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

The CHAIRMAN. The Committee has a number of issues under our jurisdiction that can and do affect the State of Florida: The Magnuson-Stevens Fishery Conservation and Management Act, which governs all fishing activities in Federal waters; the Endangered Species Act; the Coastal Zone Management Act; the National Marine Sanctuaries Act; Coral Reef Conservation Act; the Marine Mammal Protection Act; and in addition, the Committee's jurisdiction extends over almost all of the Department of the Interior. So as you can tell, we have jurisdiction over a lot of Federal agencies and Federal statutes that do affect your activities here.

Today, we are here to talk about fisheries and as we will hear from our witnesses, fishing plays a big part in the economy of the Gulf of Mexico and particularly here in Florida.

According to a U.S. Fish and Wildlife Service report, in 2006, nearly 3 million residents fished in Florida for a total of nearly 46 million days and contributed over $4 billion to the economy. According to the Florida Fish and Wildlife Commission, in 2008, the commercial seafood industry generated over $5.5 billion in sales in Florida. Now these are impressive numbers and they show that the health of the fishing resources off the coast of Florida can have a big impact on the overall economy of the State.

This Committee has held a series of hearings in Washington, D.C. and we have heard quite a bit of testimony that indicates that different regions of the country have very different challenges as

the amount of scientific information available to fishery managers varies significantly for most areas.

I am glad to be able to be here to hear from today's witnesses directly about how the data collection and the management policies that are written in Washington, D.C. affect your activities. While I know there are always tensions between the commercial and recreation fishing sectors, and even more so when harvesting opportunities are restricted, I hope we can look at ways to allow both sectors to grow, by identifying the challenges that are affecting fisheries in this region.

I come from the Pacific Northwest where most of our fishing is more in the commercial area. Not too many people go up in the cold North Pacific, for example, as opposed to the Gulf. So you have different tensions, and I recognize that. But I also recognize very importantly that we have to bridge that gap because both of those sectors, economic sectors, are very, very important to our economy.

Through our hearings on fisheries issues this Congress, we have identified some issues that are causing reduced harvest levels. In particular, funding for fisheries surveys and stock assessments by the National Oceanic and Atmospheric Administration, or NOAA, they sometimes do not seem to make that a priority, that part does not seem to be a priority with that agency.

When amendments to the Magnuson-Stevens Act were passed in 2007, the bill required councils to establish a mechanism for identifying annual catch limits, or ACLs, in each fishery management plan at a level so that over-fishing does not occur. In addition, the councils are now required to include measures to ensure accountability.

In January 2009, the National Marine Fisheries Service (NMFS) published a guideline to address these new requirements and aid the councils in developing ACLs and accountability majors or AMs. Included in these guidelines were provisions regarding how councils should deal with scientific uncertainty. The use of the "precautionary approach" required buffers and a protection of weak stocks where the data is unreliable or old. The less reliable the information, the more precaution is to be used. This has been a problem for fishery managers, particularly here in the Gulf, where the stock assessments are not done on an annual basis, and some fisheries have not been surveyed for years.

While the goals of the bill were to make sure that management decisions were based on science, our Committee has heard a lot of testimony that the new provisions require a level of scientific information that was not available in all regions of the country. We have also heard that the regulations which implement the new amendments were unreasonable for those regions with limited scientific information. And the guidelines were creating situations where the multiple levels of "uncertainty buffers" were reducing harvest levels unnecessarily.

I look forward to hearing from you today, the panelists, on what primary challenges to fisheries management are here in the Gulf and what the Congress can do to make the necessary changes. In addition, I hope to hear from you about what other Federal restrictions or initiatives are affecting your activities. In many regions of the country, the Endangered Species Act is being used by groups

that do not like development to tie Federal agencies in knots so they cannot issue permits for their activities. And to make matters worse, they often settle their lawsuits with the agencies which then takes Federal funds away from recovering species. Our Committee has been looking into that Act to see if there are specific provisions in the ESA that Congress can agree to review in a bipartisan manner.

The Natural Resources Committee has also held a number of hearings on the National Ocean Policy, an unauthorized new bureaucratic layer of oversight that will almost certainly restrict everybody's ability to fish. I look forward to hearing your views on how this policy will affect the Gulf.

Again, I would like to thank very much my colleague Congressman Southerland for inviting me here today. And with that, I will recognize your Congressman, Mr. Southerland.

[The prepared statement of Chairman Hastings follows:]

Statement of The Honorable Doc Hastings, Chairman, Committee on Natural Resources

The hearing will come to order.

Before I begin my opening statement, I would like to thank Congressman Steve Southerland for inviting me to come down to his beautiful district and for the opportunity to learn more about some of the challenges that fishermen face here in the Gulf of Mexico.

As you all know, Congressman Southerland serves on the Fisheries, Wildlife, Oceans and Insular Affairs Subcommittee where he is one of six freshmen Republican Members. Steve has been one of the most active members of that Subcommittee and can always be counted on to ask the tough questions when we have hearings. I appreciate his energy and his enthusiasm.

I would also like to thank today's witnesses and those of you who have given up your Saturday to come to this hearing.

Despite the fact that the Natural Resources Committee deals with a number of important coastal issues and all fisheries management issues in Congress, the last time the Committee had a Florida member was 2003—almost 10 years ago—when Congressman Adam Putnam (now the Commissioner of the Florida Department of Agriculture and Consumer Services) was on our Committee. I am pleased that Florida is now represented. That is not only good for the Committee but also good for the State of Florida.

This Committee has a number of issues under our jurisdiction that can and will affect Florida: the Magnuson-Stevens Fishery Conservation and Management Act which governs all fishing activities in federal waters; the Endangered Species Act; the Coastal Zone Management Act; the National Marine Sanctuaries Act; the Coral Reef Conservation Act; the Marine Mammal Protection Act; and in addition, the Committee's jurisdiction extends over almost all of the Department of the Interior. As you can tell, we have jurisdiction over a lot of federal agencies and federal statutes that can and do affect your activities.

We are here today to talk about fisheries. As we will hear from our witnesses, fishing plays a big part of the economy of the Gulf of Mexico and in particular, Florida. According to a U.S. Fish and Wildlife Service report, in 2006, 2.8 million residents and non-residents (16 years old and older) fished in Florida a total of 46.3 million days and contributed $4.3 billion in fishing-related expenditures. And according to a Florida Fish and Wildlife Commission report, in 2008 the commercial seafood industry generated $5.6 billion in sales in Florida. Those are impressive numbers and show that the health of the fishery resources off the coast of Florida can have a big impact on the overall economy of the State.

This Committee has held a series of hearings in Washington, D.C. and we have heard quite a bit of testimony that indicates that the different regions of the country have very different challenges and that the amount of scientific information available to fishery managers varies significantly. I am glad to be able to be here to hear from today's witnesses directly about how the data collection and management policies that are written in Washington affect your activities.

While I know there are always tensions between the commercial and recreational fishing sectors and even more so when the harvesting opportunities are restricted,

I hope we can look at ways to allow both sectors to grow by identifying the challenges and impediments that are affecting fisheries in this region.

Through our hearings on fisheries issues this Congress, we have identified a number of issues that are causing reduced harvest levels. In particular, funding for fisheries surveys and stock assessments by the National Oceanic and Atmospheric Administration (NOAA) are not keeping pace with the needs of the fisheries.

In addition, Congress passed amendments to the Magnuson-Stevens Act at the end of 2006 and the bill was signed in early 2007. The bill required Councils to establish a mechanism for specifying annual catch limits (ACLs) in each fishery management plan at a level that overfishing does not occur. In addition, the Councils are now required to include measures to ensure accountability.

In January 2009, NMFS published the guidelines to address these new requirements and aid the Councils in developing ACLs and accountability measures (AMs). Included in these guidelines were provisions regarding how Councils and their SSCs should deal with scientific uncertainty. The use of the "precautionary approach" requires buffers and the protection of weak stocks where the data is unreliable or old. The less reliable the information, the more precaution is to be used. This has been a problem for fishery managers particularly here in the Gulf where stock assessment are not done on an annual basis and some fisheries have not been surveyed for years.

While the goals of the bill were to make sure that management decisions were made based on science, our Committee has heard a lot of testimony that the new provisions required a level of scientific information that was not available in all regions of the country.

We have also heard testimony that the regulations which implement the new amendments were unreasonable for those regions with limited scientific information and the guidelines were creating situations where the multiple levels of "uncertainty buffers" were reducing harvest levels unnecessarily.

I look forward to hearing from you today on what the primary challenges to fisheries management are here in the Gulf and what Congress can do to make changes. In addition, I hope to hear from you about what other federal restrictions or initiatives are affecting your activities. In many regions of the country, the Endangered Species Act is being used by groups that do not like development to tie federal agencies up in knots so that they cannot issue permits for activities. To make matters worse, they often settle their lawsuits with the agencies which takes federal funds away from recovering species. Our Committee has begun looking into the Act to see if there are specific provisions in the Act that Congress can agree to review in a bipartisan manner.

The Natural Resources Committee has also held a number of hearings on the National Ocean Policy—an unauthorized, new bureaucratic layer of oversight that will almost certainly restrict your ability to fish. I look forward to hearing your views on how this Policy will affect the Gulf.

Again, I would like to thank Congressman Southerland for the invitation to hold a hearing here in Panama City and look forward to hearing from our witnesses.

STATEMENT OF THE HON. STEVE SOUTHERLAND, II, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. SOUTHERLAND. Thank you, Mr. Chairman. I would like to say welcome to my home. Last year when we talked about this hearing, I knew that it would be a great honor to have you come and meet the people that my family has called friends for over 200 years. So it is a great privilege to have you here.

To my knowledge, this is the first Congressional hearing ever held here. And I want to tell you why we are here. I remember last year in this very room, I remember having a fisheries—a seafood roundtable where we invited different individuals that are stakeholders in producing a livelihood from the Gulf of Mexico. I remember that meeting, it is crystal clear almost like it was yesterday. Some of the names of the individuals that were here read like a Who's Who of Florida legacy when it comes to seafood—Mickles, Ward, Crum, Snelgrove, Zales, Dana, Abrams, Ratfield, Anderson, Miller, Hartsfield, Blander, Hart, Petromas, Gandy, Parish, Ward,

Gillette, Blackman. Those are just some of the names that were here. So it was a pretty good gathering of individuals that bring knowledge from generation after generation of making their living out of the water.

Why are we here? Because at the end of that meeting, I asked this simple question—would there be any interest in this group in me going back to Washington and asking Chairman Doc Hastings if he would be willing to come to Northwest Florida for a field hearing, so that our Committee could gather important data that affects the livelihoods of you, your families and so many people. I am very proud to tell you that unanimously all those names that I read, unanimously all said bring a field hearing here.

And so in true fashion, as over the last 18 months, I am proud to fulfill my commitment of what I made in this room. I think that it is imperative that men and women who work hard and cannot afford to buy a $1,000 plane ticket and come to Washington, D.C., with $500 a night hotel rooms, and eating $100 meals in restaurants and being away from their business—it is only proper when Congress can come to you. I think that is fair and I think that is responsible. And so to those who were here in this room a year ago—commitment fulfilled. And thank you for being here.

When I was fortunate enough to be elected, I wanted to serve on committees that were a reflection of my history, that represented the people that I will now serve. Well, Natural Resources seemed like a pretty good fit. I serve nine coastal counties, that is a lot, thousands upon thousands of people. And so all the way from Dixie County all the way up to Okaloosa County. And it has been wonderful to represent those nine counties because my family has lived in this district for over 200 years, hardly here today and gone tomorrow. This is home.

Over my lifetime, I have seen those who make their living in these waters, I have seen them abused. I have seen them with no representation and they have done everything right, they have worked hard, they taught their children to work hard. They held their boats together with duct tape and baling wire, in order to put food on their table.

You know me, I'd never been elected to an office before, not local, not state until I was elected to go to Congress. My promise was to fight for those who were not just acquaintances but were lifelong friends, my neighbors, my classmates, my friends whose families have been decimated by government bureaucracies that could care less. They do not care. So my promise was to fight for you. My promise was to represent you. My promise was to listen to you.

Last Tuesday morning, I met with commercial fishermen in my office for an hour and a half, listening to their concerns, hearing their pains and hearing their struggles. I left there, I went to Destin and I walked on the docks of Destin Harbor. The charter boat captains just coming off the water, telling me their challenges, their hurts, their hopes and how all of them feel that they are having to try to make a living with the Federal Government's boot on their neck. Sound familiar? Yes, it does. That's not new to me, because I am one of you. I am one of you.

And so today we are here to listen. We are here to listen to these witnesses and I want to say thank you to our first panel. And we

are going to have two panels today, so after this first panel is done, we are going to go into the second. I want you to know, this field hearing, regardless of what some have accused, has been requested now for over a year in order to fulfill a commitment, because those of you that are here, you cannot afford to come to Washington. But please believe me, Washington can afford to come to you and here we are. So thank you very much for being here.

And with that, Mr. Chairman, I yield back.

[The prepared statement of Mr. Southerland follows:]

Statement of The Honorable Steve Southerland, II, a Representative in Congress from the State of Florida

Mr. Chairman, welcome to Florida. I want to thank you for your leadership and the decision to bring the committee to Panama City.

I thank the faculty, staff, and students of Florida State University, Panama City for allowing us to use this great facility.

I would also like to thank the men and women here today who will be providing us with their expert testimony, all of whom understand the need for logical, sound, and fair management of our fisheries, a resource belonging to all the citizens of this great nation.

As you know, while there are only two members, including myself, from Florida serving on this committee, I am in the unique position of being the only one serving on the Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs.

This gives me the opportunity to be a voice for not only the fishermen in Florida's 2nd Congressional District, but also for the fishermen throughout this state. Their frustrations have become my frustrations.

I have been a member of Congress for over a year and a half now, and I have learned a great deal from not only Florida's fishermen, but also the owners of marinas, hotels, restaurants, and small business owners that depend upon a strong tourism industry. These groups all agree that Magnuson-Stevens, the law that governs our fisheries, is broken.

To understand this better, I began sending staff to the Gulf of Mexico Fishery Management Council meetings. I was astounded to learn that councils have strayed from their original purpose and have been influenced by outside groups not affiliated with the fishing industry with the only goal of locking up our fisheries with no regard for our fishermen or our economies.

Mr. Chairman, my family's roots in Florida pre-date statehood. For over 200 years, generations of my family have been blessed by the bounty that God has provided for us along the Gulf Coast. We have respect for this resource and understand that responsible management will not only provide for a sustainable fishery but also economic growth throughout our coastal communities.

As I mentioned earlier, Florida depends on a strong tourism industry to sustain its economy. Florida's fisheries create and support thousands of jobs throughout the state and contribute to local businesses through hotel, restaurant, and bait store expenditures from out-of-state anglers. A U.S. Census Bureau report found that 2.8 million resident- and non-resident anglers contributed $4.3 billion to Florida's economy in fishing-related expenditures in 2006.

Today, Florida's tourism industry is at risk. Florida attracts tourists from all over the world to enjoy our beautiful beaches and—most importantly—to catch some fish. Though thousands of species of fish exist in the Gulf of Mexico, the most popularly sought after is the red snapper.

Recreational fishermen in the Gulf are limited to a 40-day red snapper season. The 40 days fall in the middle of the peak tourist season, but when you factor in inclement weather, sickness, or any other obstacle life sends your way, recreational fishermen face the reality of a significantly shortened season and a negatively impacted economy.

If the boats are not out on the water catching fish, our hotels, restaurants, marinas, and small businesses of every kind throughout the Gulf Coast will face imminent closure.

There are strongly held beliefs on all sides of fisheries management. However, one thing we can all agree on is that we are at a crossroads.

I am pleased to be part of this important effort to make federal fisheries policy more responsive to the needs of our recreational and commercial fishermen.

I hope today, through the testimonies before us that we can hear from all sides and find an effective way to move forward.

I yield back.

The CHAIRMAN. Thank you very much.

When you were describing your district, for full disclosure, my district is a very heavy agriculture district and it sounds like your constituency is a lot like mine.

We are very pleased to have our first panel here. We have Mr. Kenneth Wright, Chairman of the Florida Fish and Wildlife Conservation Commission; Ms. Pamela Anderson, the Operations Manager for Capt. Anderson's Marina; Mr. Don Waters, a Commercial Fisherman from Pensacola, Florida and Mr.—Captain I should say, not Mr. but Captain William Kelly, Executive Director of Florida Keys Commercial Fishermen's Association.

Now if you have not had an opportunity to testify in front of a Congressional committee, we have this 5-minute clock which is in front of you. You have submitted testimony to the Committee. Generally that testimony is longer than 5 minutes, and that is fine, it will all be part of the record. But what I would like you to do is keep your comments within the 5-minute timeframe. When the green light comes on, that means you are doing extremely well; and when the yellow light comes on it means that there's a minute left; and if the red light comes on, those are special type chairs there——

[Laughter.]

The CHAIRMAN. Not really, but just try to keep it within that time period, if you will.

So with that, Mr. Wright, we will start with you and you are recognized for 5 minutes.

STATEMENT OF KENNETH WRIGHT, CHAIRMAN, FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Mr. WRIGHT. Good morning, Chairman Hastings, Representative Southerland from our great State of Florida, fishing capital of the world, and members of the Committee absent today.

My name is Ken Wright, I am Chair of the Florida Fish and Wildlife Conservation Commission, which I will refer to as the FWC. We are the agency responsible for managing fish and wildlife resources in the State of Florida, and I appreciate the opportunity to address our concerns regarding effective management of marine fisheries in Florida and the Southeast.

Fishing is big business in Florida. As you stated, there are approximately 150,000 Floridians directly employed, not counting those that are involved in the multiplier of the industry. In the recreational sector, there are 100,000 in the commercial sector, 50,000. Florida alone accounts for nearly 40 percent of all marine recreational fishing nationally, with $5.7 billion total sales from recreational fishing and $5.6 billion in commercial sales.

I am here to express the view that Florida and my agency are essential partners with the Federal Government making sure the fishery resources are sustainable and available to be enjoyed today and by generations to come. We in Florida, and particularly Florida FWC, have many years of experience and know that the public enjoyment of natural resources can be balanced with resource protection. By nature, fishermen are leery of increasingly restrictive reg-

ulations, but the fishermen have expressed their support for past management measurements after seeing stocks recover from overfishing. Today, however, fishermen are more than leery. Many are angry, some are afraid, most are distrustful of a new set of rules they perceive as inflexible and without justifiable merit.

They are frustrated with fishery managers and altogether skeptical of the public process. To make matters worse, many feel that the new regulations are being proposed at a time when they are still suffering from the ill effects of the 2008 economic downturn and the irony is not being lost on these fishermen. Charter captains, party boat operators, marina owners, bait and tackle shops owners, seafood wholesalers, as well as recreational anglers tell FWC Commissioners about the negative impacts of what they consider over-restrictive and perhaps unnecessary management measures.

Changes to the current system are needed, especially in terms of strengthening and expanding current fisheries data collection programs in our region. Fisheries management in the Southeast United States suffers from chronic, yet well-documented data shortages. Essentially, our current system does not seem capable of adequately supporting the data and analytical requirements of annual catch limits management policies. The problem is two-fold. There are major deficiencies in the quality and the frequency of stock assessments and fishery statistics. Number two, management goals and time lines need to be more flexible, given our current scientific capacity and performance limitations of the council management system.

In the context of decreased budgets, addressing the problems we have experienced in the Southeast will require reprioritization of scientific resources, we are well aware. Fundamentally, we need broader and more comprehensive data collection programs as well as sufficient numbers of highly trained analysts to provide reliable, high-quality scientific data and information on a timely basis.

This concludes the remarks that I have, which I prepared, Chairman, Congressman, to summarize my written testimony.

I will take the balance, the little bit of time I have to tell you that I am speaking on behalf of Florida's fishermen, all of the industries that rely upon the fishing industry. Fishermen in the Southeast come here, we need relief. I am tired of being in Commission meetings and having gentlemen come to me my age in tears because their business is crumbling. We are having to impose highly draconian restrictions upon the ability of our citizens to catch fish, recreationally or commercially, when we lack the sufficient data to support a decision that is so impactful to their lives and livelihood, without having the proper information. It is painful.

I know that budgets are tight. I ask only that you give us more time. Red snapper in particular, it is recovering, we know that intuitively, because that is mostly what we have to rely on. But it is recovering, but to recover in so short a period of time may be at the cost of those people who will benefit from recovery. They may be out of business by the time we get to the point that we can document success.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you very much, Mr. Wright, for your testimony.

[The prepared statement of Mr. Wright follows:]

Statement of Kenneth Wright, Chair,
Florida Fish and Wildlife Conservation Commission

The Florida Fish and Wildlife Conservation Commission (FWC) is the agency responsible for managing fish and wildlife resources for the State of Florida. Ken Wright, Chair of FWC will address the agency's concerns regarding assessment and management of Gulf of Mexico fisheries.

Fishing is big business in Florida. There are approximately 150,000 Floridians directly employed in fishing-related businesses—100,000 in the commercial sector and 50,000 in the recreational sector. Florida alone accounts for nearly 40% of all marine recreational fishing nationally, with $5.7 billion in total sales from recreational fishing in 2011 and $5.6 billion in commercial sales in 2008. Gulf of Mexico fisheries are vital to Florida's economy. They are a main target for the recreational boating community, and are highly prized by resident and visiting anglers. The importance of Florida's fisheries and the unprecedented pressures they face force the state's management agencies and stakeholders to search for new, creative and sound fisheries management approaches.

While there is always controversy about the status of regulated stocks—this is the nature of fisheries management—there is ongoing concern and a lack of credibility among commercial and recreational fishers about the findings of recent stock assessments. Of even more concern to fishermen are the management decisions being mandated based on these stock assessments. By nature, fishermen are leery of increasingly restrictive regulations, but fishermen have expressed their support for past management measures including size limits, bag limits and commercial quotas, after seeing vital Gulf of Mexico stocks, such as king mackerel and red grouper, recover from historical overfishing. Today, however, fishermen are more than leery. Many are angry, some are afraid, and most are distrustful of a new "set of rules" they perceive as inflexible and without merit. They are frustrated with fishery managers and altogether skeptical of the public process. To make matters worse, many feel that new regulations are being proposed at a time when nationally we are still suffering from the effects of the 2008 economic downturn—and the irony is not being lost on fishermen. Charter captains, party boat operators, marina owners, bait and tackle dealers, seafood wholesalers as well as recreational anglers tell FWC Commissioners about the negative impacts of what they consider over-restrictive and perhaps unnecessary management measures.

Changes to the current system are needed, especially in terms of strengthening and expanding current fisheries data collection programs. Fisheries management in the southeast United States suffers from chronic, yet well-documented, data shortages. This hampers scientists' abilities to evaluate exploited populations and managers' abilities to develop, and ensure accountability with, management measures. Required data are simply stated: accurate catch statistics, adequate biological sampling, and comprehensive population monitoring. The lack of these data adds uncertainty at all levels of scientific and management processes, which, due to requirements in the Magnuson-Stevens Fishery Management and Conservation Act (Magnuson-Stevens Act), translates into an obligation to be increasingly conservative in management specifications. Therefore, it is highly likely that fisheries which are neither overfished nor experiencing overfishing, will nonetheless face harvest reductions and increasingly restrictive regulations.

More recreational angling trips are taken in Florida annually than any other state. In fact, the number of angling trips in Florida each year exceeds the sum total of the next highest five states combined. Therefore, concerns with recreational statistics provided through the Marine Recreational Fisheries Statistics Program (MRFSS) are particularly relevant. The level of recreational data collection for Florida's Gulf Coast fisheries is considered inadequate to support timely and relevant stock assessments for many species. The MRFSS survey in Florida interviews approximately 45,000 anglers annually. This level of effort is nowhere near that required for a state with more than 24 million recreational angling trips each year. As a result of this under-sampling, statistics for many of the species managed by the Gulf of Mexico Fishery Management Council are measured with considerable imprecision by the MRFSS, even by the program's own standards. It is extremely difficult to develop effective accountability measures that can function adequately when applied to these imprecise estimates. Timing is also an issue. Under the cur-

rent survey approach, final estimates of recreational catch and effort for each calendar year are typically delayed by at least eight months.

The FWC recognizes that improving the precision of recreational statistics in Florida is not an easy task. The number of angler interviews required to enhance the precision of catch and effort estimates is enormous, likely at least 100 times the current level of effort. This reality suggests that alternative approaches are required to reliably estimate recreational fisheries statistics. The FWC believes that approaches should be developed that take advantage of many fishermen's stated willingness to report what they catch directly and to participate more fully in the data collection process. Implementing electronic or online reporting systems for recreational fishermen would improve both timeliness and sample sizes. The FWC supports efforts underway to resolve recreational data collection issues through the Marine Recreational Information Program (MRIP), and we hope that future programs will not only reduce uncertainty in estimates and considerably improve the timeliness of their availability, but also take advantage of current technology to address fishermen's willingness to submit information.

The final requirement for expanding and strengthening this region's data collection programs is fisheries independent monitoring of resources, essentially the information that is provided by scientific surveys of fish and their habitats. There is no comprehensive monitoring program for the fisheries resources of the Gulf of Mexico, a fact that directly contributes to the large number of stocks in the region for which overfishing status is unknown. Scientific monitoring provides information for stock assessments that is proven to greatly reduce uncertainty. Data from these surveys allows analysts to separate out changes due to fishing from those caused by natural factors. In addition, scientific surveys provide a means of evaluating resources in areas that are closed to fishing, and generate more comprehensive information that is critical to future ecosystem-based fisheries management efforts. The FWC has long supported implementation of a comprehensive survey program in the region, and believes it is critical that such a program provide thorough spatial and temporal coverage. Some progress has been made by the development of an eastern Gulf of Mexico fishery-independent survey that FWC conducts in cooperation with the NOAA Southeast Fisheries Science Center. The geographic scope of this survey, however, is limited and not suitable for properly addressing fishery-independent data needs for stocks with broader ranges.

The importance of a comprehensive fishery-independent monitoring program to the future success of fisheries management in the Gulf of Mexico cannot be overstated. Data generated from these types of surveys allow managers to be proactive, and stand in stark contrast to the retrospective, quota-based management of the present day. Today, stock assessments for Gulf fisheries rely mostly—and in some cases exclusively—on data from the fisheries themselves. As a result, these assessments are only feasible when fishery data is available. Restrictive regulations or fisheries closures reduce or eliminate the information stream informing the stock assessments. In these situations, data generated by independent scientific surveys becomes absolutely critical. Due to the lack of scientific surveys, recent management closures in the South Atlantic and those due to the Deepwater Horizon oil spill in the Gulf of Mexico created periods during which little or no fishery data were available for future stock assessments.

Also of great concern are the recent budget cuts by NOAA to the Interjurisdictional Fisheries program (IJF), one of the oldest cooperative state/federal assessment and management efforts in the country. IJF is the only such program in which the states determine management priorities through planning and research efforts for inshore and nearshore species, such as spotted seatrout, striped mullet, blue crabs, and oysters. In the Gulf of Mexico, these nearshore species comprise the majority of the commercial and recreational harvest, resulting in significant social and economic benefits to the Gulf states and the nation. IJF is the cornerstone of the fishery management programs for the states and has provided the support for long-term databases for shrimp and juvenile finfish in the Gulf of Mexico, which would otherwise not be available. In recent years, it has provided for regional planning efforts, by states, to manage nearshore resources in a manner consistent with the Magnuson-Stevens Act. In essence, the IJF has provided a critical linkage between federal and state fisheries management plans and needs to be reinstated at full funding levels.

While the Florida-based concerns are vitally important, we must also make the point that the Southeast Region of the United States, including the jurisdictions of the South Atlantic, Gulf of Mexico, and Caribbean Fishery Management Councils, has historically not been funded at levels needed to provide data and stock assessments on a timely, comprehensive basis. The NOAA Southeast Fisheries Science Center has the unenviable task of providing scientific support for three separate

Councils and dozens of species. When asked about this discrepancy, the FWC has been told that the Southeast Region has "boutique" fisheries that are not worth as much as commercial fisheries in other parts of the country, thus not warranting increased funding to the area for needed assessments and data collection. The FWC argues that the people involved in fisheries in the Southeast, many of which have a large recreational component, deserve the level of data collection and assessment processes afforded in other parts of the county, especially in light of the stringent timelines and requirements in the Magnuson-Stevens Act.

In summary, state and federal agencies are all spread very thin. Data collection systems, however, need to be revamped to get more active participation by fishermen and more timely data for stock assessments. The Southeast region needs to be recognized at the same levels as other parts of the country and funded at similar levels. We should have the ability to collect the basic information on the numerous species in the Southeast region as well as hire additional stock assessment scientists to support more timely and a larger number of assessments. These requests would help the fisheries management be more predictable and forward thinking. Fishermen would benefit greatly from this data and this type of management. We realize that the funding challenges are considerable, but these critical needs must be addressed now. Implementing priority program enhancements should be combined with appropriate adjustments to management timelines to allow more flexibility in achieving healthy stocks without imposing undue burdens on fishermen. The FWC has dealt with the fisheries challenges of the past and we are prepared to continue to work hard to successfully implement the level of well-informed and credible fishery management that the people of Florida rightfully deserve.

In closing, the Florida Fish and Wildlife Conservation Commission would like to thank the House Natural Resources Committee for holding this important hearing in Panama City, home of Representative Steve Southerland, and we greatly appreciate the Committee's interest in the effective management of marine fisheries in Florida and the southeast.

The CHAIRMAN. I will recognize Ms. Pamela Anderson for 5 minutes.

STATEMENT OF PAMELA W. ANDERSON, VICE PRESIDENT, PANAMA CITY BOATMAN'S ASSOCIATION

Ms. ANDERSON. Chairman Hastings——

The CHAIRMAN. Speak directly into the microphone. Turn it so it is facing you. I think it is on, is it not? It was on a moment ago. Yes, it is on.

Ms. ANDERSON. You want me to get closer?

The CHAIRMAN. Yes, get it—I am trying to be nice about it.

[Laughter.]

Ms. ANDERSON. Chairman Hastings, Representative Southerland, my name is Pam Anderson and I am appearing today on behalf of the Panama City Boatman's Association and Capt. Anderson's Marina here on Panama City Beach. We know first-hand many of the negative economic impacts legislative issues have had on our industry. Our anglers and I appreciate the opportunity to share with you these issues that are costing jobs in the fishing and tourism industry.

What I will speak to concerns the Gulf red snapper fishery. In other areas of the country though the message is the same, just a different species.

The original Magnuson-Stevens Act gave NOAA the mandate to rebuild and better manage the fisheries. The fisheries began to noticeably recover and rebuild in 2000. In 2006, recreational fishing was good. We had a four fish bag limit and 6 months of good fishing and tourism. then came the Magnuson Reauthorization of 2006, with inflexibility of non-scientific arbitrary deadlines and man-

dates. Our gradual rebuilding of the red snapper fishery became a mandate to stop over-fishing by 2010—3 years to fix what fishery managers had allowed to happen over decades. Each year since, the season has been shorter and we have been told we over-fished the annual limit even as we abided by the regulations. In 2009, the updated assessments show we are no longer over-fished nor undergoing over-fishing, the season still got shorter.

This was due to the weight of the fish. In 2006, the average weight of red snapper was 3.2 pounds; in 2012 the average weight is 7.6 pounds. Each year the fishery managers have under-estimated the growth of the fish and that has thrown us into over-fishing. For instance, in 2006, with the average fish weight of 3.2 pounds, we were harvesting about 1.4 million fish. This year, with the annual catch limit almost the same, but the average fish weight of 7.6, we were held to about 521,000 fish. The real problem was they did not factor that average weight properly when they determined the annual catch limit. They estimated the average weight to be less which set us up to over-fish. This has happened every year since 2007 and we have had days deducted from the following year's season.

When we had the red snapper open, business was really good. When red snapper is closed, business is down 30 to 50 percent. The 40 businesses at our marina support about 300 jobs in red snapper season.

What can our legislators do to help? We need flexibility in the non-scientific arbitrary deadlines in the Magnuson-Stevens Act to rebuild the fisheries. As long as a fishery is rebuilding, going in the right direction, we should be able to fish. I believe since NOAA says we over-fished for the last 5 years, and the fishery is rebuilding faster than expected, there is a data problem.

Southeast Fisheries Science Center provides fishery independent data based on data collected in 10 to 15 of the same natural reefs each year. Because in part this data collection started before the tens of thousands of artificial reefs and petroleum platforms were in place, they do not consider them in their data. The reason they say they do not use the artificial reefs in the data is a concept called production versus attraction.

With this theory, they say the natural reefs are the main source of reproduction territory in the red snapper fishery; the fish are drawn to the artificial reefs for a food source. I find it hard to believe that fish go out to lunch at the artificial reefs and go back home to the natural reefs to spawn, especially after seeing videos and hearing divers' reports of their dominance on the artificial reefs. Dr. Bob Shipp at the University of South Alabama presented data to prove that reproduction takes place on the artificial reefs in the February 2010 council meeting. He also has written a research paper that you have there, "A Perspective of the Importance of Artificial Habitat." He presented this paper to the SEDAR committee in proof of the higher abundance of red snapper, but it was set aside as "not the best available data." This must be due to the NOAA scientists not believing the red snapper reproduce on artificial reefs. But this paper is on the NOAA website.

Reputable researchers across the Gulf disagree with NOAA on the status of the red snapper. It has been shown that by including

the thousands of artificial reefs and petroleum platforms in the stock assessment, instead of a red snapper biomass of 15 million pounds, there is closer to 100 million pounds of red snapper out there.

In addition, we have been working to prevent Sector Separation and Catch Share from being implemented in the recreational Gulf fishery. In 2004, the IFQ program for red snapper in the commercial sector cut them from 1,600 permitted boats to about 800, picking winners and losers. Catch Shares is privatization of our natural resource, our fishery in the Gulf. This week, the Gulf council has on record almost 3,500 emails from stakeholders, of which more than 90 percent are against Sector Separation and Catch Shares and yet, instead of voting it down, they tabled it for a year. We are hoping that you will help us defund this job killing program.

Tourism, the fishing industry, and coastal communities have come to rely on fishing as an economic driver as well as our heritage. And so it is imperative that regulations that impact the fishery are accurate, fair and made in consideration of the economic impacts they cause. We need your assistance in getting flexibility in the over-fishing deadlines in the Magnuson-Stevens Act, in stopping any new Catch Share programs, and demanding that the data collection, stock assessments, and model of the data, reflect true, accurate science as you direct fishery managers to relax some of the strict regulations and get our industry back to work.

Mr. Chairman, this concludes my testimony.

The CHAIRMAN. Thank you very much for your testimony.

[The prepared statement of Ms. Anderson follows:]

Statement of Pamela W. Anderson, Vice President, Panama City Boatman's Association

Chairman Hastings, Ranking Member Markey, Representative Southerland and members of the Committee, my name is Pamela Anderson and I am appearing today on behalf of the Panama City Boatman's Association (PCBA). I am also the Operations Manager of Capt. Anderson's Marina here on Panama City Beach and know first-hand many of the negative economic affects some of the legislative and governmental issues have on our industry. Our Panama City anglers and I appreciate the opportunity today to share with you issues that are costing jobs in the fishing and tourism industry.

Most of what I will share with you concerns the Red Snapper fishery because that is the species we deal with most in the Gulf. In other areas of the country, the message is the same, but it is concerning a different species of fish.

As you are aware, the original Magnuson-Stevens Fisheries Conservation and Management Act of 1976 and reauthorized in 1996 put in motion a new set of regulations to give NOAA Fisheries Service the power to rebuild and better manage the fisheries. As the new regulations were implemented in our area, the commercial and recreational sectors were designated certain allocations of the different managed species, and a 6 month season was put in place instead of a year-round season. In 2004 a limited access privilege program was put in place for the recreational for-hire industry in the Gulf. This was followed by an IFQ program for Red Snapper (now referred to as Catch Shares) in the Commercial Gulf fishing industry in 2004. As these programs came on line the fishery began to noticeably recover from the overfishing that had occurred. In 2006, fishing was good, we had a 4 fish bag limit and 6 months of good fishing and tourism. Then came the Magnuson-Stevens Reauthorization Act of 2006, which was signed into law in January, 2007, with inflexibility of non-scientific arbitrary deadlines and mandates.

Our gradual rebuilding of the red snapper fishery became a mandate to stop overfishing by 2010—3 years to fix what fishery managers had allowed to happen over decades. In May, 2007, we went to a 2 fish bag limit and finished out the 6 month season. In 2008, it was reported that we 'overfished' in 2007, so our season was cut to 65 days; in 2009, we were told we were fortunate-fishery managers 'gave' us 75

days, but were then told we overfished so much that in 2010 we were given 53 days, then 45 days in 2011 and 46 days this year. Each year we have been told we have overfished the annual catch limit, but each year we have done exactly as we were told, abiding by the regulatory bag limits and seasons. In addition, there was an update assessment completed in 2009 which showed the growth of the fishery to a point where we are no longer overfished nor undergoing overfishing.

The reason for this supposed overfishing was not due to the number of fish we harvested, but due to the weight of the fish. In 2006, the average weight of the harvested Red Snapper was 3.2 pounds. In 2012, the average weight is 7.6 pounds. Each year the Fishery managers have underestimated the growth of the fish and that has thrown us into overfishing. For instance, in 2006, with the average fish weight of 3.2 pounds we were harvesting about 1.4 million fish. This year, with the annual catch limit almost the same but the average fish weight of 7.6, we were held to about 521,000 fish. But the real problem was they did not factor that average weight properly when they determined the annual catch limit. They estimated the average weight to be less, giving more days to fish, which set us up to overfish. This has happened every year since 2007. As we go over the annual catch limit, we have days deducted from the following year's season.

What impacts has it had on our businesses? First of all, it is a detriment to our business to not be able to tell our customers who begin making summer vacation plans in January and February that we know the season will begin June 1st but do not know when it will end-sometimes not until the June meeting when the closure may come in July. It is impossible for them and us to plan ahead.

During the Red Snapper season, our headboats, there are five at our marina, have seen a significant effort shift from long trips (10–12 hours) to short trips (5–6 hours) as you can see on the chart provided. The same has happened to the charter boats, of which we have 22. Their customers are shifting from the long trips to shorter trips. The reason given? Folks don't want to pay to go the extra hours if they can only keep 2 Red Snapper. For the marina, this causes issues with decreasing fuel sales and some operators having a difficult time paying rent due to the short window of time they have to make a profit. In addition, since the headboats pay according to a percentage of sales, as customers choose the shorter, lesser expensive trips, the marina loses more revenue. But it does not stop there. We also have a 500 passenger dinner cruise boat, a 200 passenger sightseeing boat, a large restaurant, seafood market and gift shop. They all work together providing entertainment and dining for folks who come in with their families. If fishing is down, traffic to the marina is down. The other businesses are affected. So this has happened to one marina that with all 40 businesses probably employs 300 people when business is good. In addition, those folks who are not coming to the area are not visiting other local attractions, staying in hotels, and eating in other restaurants.

When is business really good? When we have the Red Snapper season open. Without Red Snapper, but during tourist season, business is down between 30 and 50%.

What can our legislators do to help? We need flexibility in the non-scientific arbitrary deadlines in the Magnuson to end overfishing and in rebuilding the fisheries. As long as a fishery is rebuilding, going in the right direction, what does it matter that we are overfishing? Overfishing is not harvesting more than the science-based overfishing level set by the Science and Statistical Committee. Overfishing is harvesting more than what the SSC thought we could harvest and still rebuild the fishery. We have done that for the past 5 years and the fishery is still on the right track for its rebuilding plan, and researchers say, probably better than expected. What that means to me is there are more fish out there than the NOAA data is showing.

NOAA scientists at the Southeast Fisheries Science Center in Miami provide data to the fishery managers for regulatory purposes. Their fishery independent data is based on data collected across the Gulf in as few as 10–15 of the same natural reefs each year. Some years there are only 150–200 samples taken at these locations. Because, in part, this data collection started before the tens of thousands of artificial reefs and petroleum platforms were in place, they do not consider them in their data. The reason *they say* they do not use the artificial reefs in the data is a concept called production vs. attraction.

With this theory, they say the natural reefs are the main source of reproduction territory in the Red Snapper fishery; the fish are drawn to the artificial reefs for a food source. I find it hard to believe that fish go out to lunch at the artificial reefs and go back home to the natural reefs to spawn, especially after having seen videos and heard diver's reports of their dominance on the artificial reefs. Dr. Bob Shipp, head of Marine Biology at the University of South Alabama, presented data to prove that reproduction takes place on the artificial reefs in the February, 2012, Gulf council meeting. (http://vimeo.com/37538879) He has also written a research paper that has been published, '*A Perspective of the Importance of Artificial Habitat on the*

Management of Red Snapper in the Gulf of Mexico.' He presented this paper to the SEDAR committee in proof of the higher abundance of Red Snapper, but it was set aside as 'not best available data'. One would assume this is due to the NOAA scientists not believing the Red Snapper reproduce on artificial reefs.

This theory is the one that is holding back the fishing industry further through regulations. Reputable researchers across the Gulf disagree with NOAA on the status of the Red Snapper stock. It has been shown that by including the thousands of artificial reefs and petroleum platforms in the stock assessment instead of a Red Snapper biomass of 15 million pounds, there is closer to 100 million pounds of Red Snapper.

In addition to all of this, we have been working to prevent a Catch Share system from being implemented in the Recreational Gulf Fishery. This week the Gulf Council, again, as in the last 4 years, discussed the issue of Sector Separation. Sector Separation is not Catch Shares, but it must be in place dividing the recreational sector into private angler and for-hire groups, in order for Catch Shares to be implemented in the for-hire, then, later, the private angler group. In 2009, in giving mandates from NOAA Fisheries in Washington, D.C. to the Catch Shares Task Force it was said, to 'go to your regions, find out what the impediments to the program are, and fix them.' You cannot fix deceit, but you can stop it. That is what we plan to do with our efforts here as we attempt to inform the stakeholders and with your efforts in passing legislation to stop this job-killing program.

Dr. Jane Lubchenco, head of NOAA Fisheries, states that the Catch Share program will reduce participation in the fishery, that we are at overcapacity. NOAA staff in the Gulf region say there will be winners and losers. According to that terminology, I believe it is not meant to be a choice, even though that is what is stated publicly by NOAA in DC. Catch Shares is privatization of our Natural Resource, our fishery in the Gulf. Even though numerous times we have presented information proving the majority of stakeholders do not want Catch Shares in the Gulf, the Gulf of Mexico Fishery Management Council finds a way to 'kick the can down the road' again. This week, they have on record almost 3500 emails from stakeholders of which more than 90% are against Sector Separation and Catch Shares. As this talk was being written, I was sitting in Gulf Council meeting as the Council made the decision to 'table' the issue of Sector Separation. After 4 years of controversy, of discussion, of NOAA Science Center time and effort, it is tabled!

One last issue that will affect our Gulf fishery is the demolition of the petroleum platforms in the Gulf which have become artificial reefs teeming with corals, plantlife, all species of Gulf fish, dolphins and turtles. We ask that you assist in stopping this unnecessary destruction to preserve this fishery habitat. With the destruction of the platforms scheduled for 2012, it will kill an estimate of 2 million pounds of Red Snapper alone. Our recreational annual catch limit was about 4 million pounds this year.

Tourism, the fishing industry, and coastal communities have come to rely on fishing as an economic driver and so it is imperative that the regulations that impact the fishery are accurate. Fishery regulators depend on the science and interpretation of that science to implement proper regulations. The fishing industry expects the regulations to be fair, equitable, and made in consideration of the economic impacts they cause. We need your assistance in getting flexibility in the overfishing deadlines in the Magnuson, in stopping any new Catch Shares programs, and demanding that the data collection, stock assessments and modeling of the data, reflect true accurate, science that will give fishery managers the ability to relax some of the strict regulations and get our industry back to work.

Mr. Chairman, this concludes my testimony. Again, I say thank you for including me in this discussion. I am happy to answer any questions you have to the best of my ability.

Attachments: Please supply copies of this document: *A Perspective of the Importance of Artificial Habitat on the Management of Red Snapper in the Gulf of Mexico* by Robert L. Shipp and Stephen A. Bortone

www.sefsc.noaa.gov/sedar/download/SEDAR24-RD39_Shipp2009.pdf?id=
DOCUMENT

The CHAIRMAN. And now I am pleased to recognize Mr. Don Waters, a Commercial Fisherman out of Pensacola, Florida. Mr. Waters.

STATEMENT OF DONALD A. WATERS, COMMERCIAL FISHERMAN, PENSACOLA, FLORIDA

Mr. WATERS. Thank you, Mr. Chairman and members of the Committee. Thank you for the opportunity to testify today. My name is Donald Waters, lifelong Florida fisherman. I have been fishing in the Gulf of Mexico for four decades.

Fishermen are speaking out. I ask that newspaper articles circulating through our Gulf region papers yesterday be submitted for the record.

The CHAIRMAN. That will be part of the record.

Mr. WATERS. Thank you, sir.

I am here representing those fishermen, but I am also representing more than 250 million Americans that do not fish but like to enjoy fresh Gulf seafood.

I am proud to be a commercial fisherman, we are a huge part of the Gulf economy. Just here in Florida, the seafood industry generates 65,000 jobs and $2.4 billion in income. So we commercial fishermen know that fishing equals jobs. But we also know that it is not always that simple.

It was not that far back we fished ourselves out of a job. You cannot condemn the system we are in today unless you have lived the system in the past. When I first started participating seriously in the Gulf of Mexico fisheries management process our fisheries were hardly managed at all. It is easy to say we want to be liberated from regulations, but those of us who fished so hard for so little in the old open-access fisheries know better. We could not depend on red snapper for a living. I remember back in the 1970s when we caught 400 pounds in 5 days we counted ourselves lucky.

In the red snapper fishery, we moved from open-access to derby fishing. We was told to fish the first 9 days of the month. The personal impact was terrible. I missed my wife's birthday for 15 years in a row. I had no choice but to go fishing—weddings, funerals, even my son's graduation. The economic impact was terrible. Buyers wanted a constant supply of fish, we could not provide that. We were selling fish for $1.50 a pound. Imports had the upper hand on us by supplying a constant supply to the restaurants. We were basically exporting American seafood jobs.

Fishermen helped implement two big reforms under the Magnuson-Stevens Act. First, we adopted science-based catch limits. We moved into a system that ended over-fishing in red snapper and we are now on a 40-year rebuilding plan.

Second, we voted to adopt new systems to allow us to fish at our own pace. These catch share systems have worked well, starting with spiny lobster, stone crab. Soon after, the red snapper IFQ was implemented in 2007, the price rose to $3.00, the first time in 15 years that I had seen this price. These fisheries went from low pay part-time jobs to better paying full-time jobs, not just for fishermen, for fish houses, distributors, restaurants, and boosted the economy of the Gulf and the Nation.

I would never suggest that every fishery should be managed by catch share, and the current law requires no such thing. But the participants of every fishery should retain the right to make that decision.

We have come a long way, but our fisheries still face enormous challenges. With all due respect, we do not need Congress taking us back to the failures of the past. We need you to help us address the changes of the future. For example, American fishermen are the victims of rampant seafood fraud, which costs jobs at home. Help us create a traceability system.

Funding for fishery science and data collection, help us secure investments for these programs.

And Mr. Chairman, a distinguished bipartisan Congressional coalition got us where we are now, and it helped. Senators like Trent Lott and John Breaux, tackled the challenges of their day. We need similar leadership from Congress. Do not turn back the clock, help us create fisheries and jobs for tomorrow.

Thank you.

[Applause and cheers.]

Mr. WATERS. Thank you, Mr. Southerland.

The CHAIRMAN. As I mentioned, this is a Committee hearing and one of the things that we do when we have Committee hearings is expect decorum when there are differing views. I know there are differing views on this, we would not be having this hearing here if there were not differing views.

But for goodness sakes, if we are Americans, we should expect to have those differing views respected by people in the audience. I thought the testimony was—you could tell it was real. That came across very clear. But please, this is a Committee meeting and we would like to have respect for the people that are giving the testimony. We are here to gather information.

[The prepared statement of Mr. Waters follows:]

Statement of Donald Waters, Co-Founder,
Gulf Coast Professional Fishermen

Chairman Hastings, Ranking Member Markey, and Members of the Committee, thank you for the opportunity to testify today on how strengthening America's fisheries can strengthen our economy. My name is Donald Waters and I've been an active commercial reef fish fisherman out of Pensacola, FL since 1974. My grandfather first introduced me to red snapper fishing when I was just six years old. At age fourteen I began gill net fishing, which I did for over twenty years until the Florida net ban. I am the owner of the F/V Hustler, which I've operated for the last twenty years. I've been an active participant in the Gulf of Mexico Fishery Management Council process since 1985, and have attended more Gulf Council meetings than any other commercial fisherman alive. I serve on the Red Snapper Advisory Panel, Red Snapper Ad Hoc IFQ panel, and the Red Snapper stock assessment panel. I am also a founding member of the Gulf Coast Professional Fishermen.

Mr. Chairman, our nation's fisheries provide us with food, jobs and a way of life. Nowhere is that more true than here in the Gulf of Mexico. I'm proud to be part of a commercial fishery that generates jobs—not merely on the dock, but right down through the seafood supply chain. Commercial fishermen in the Gulf of Mexico landed 1.4 billion pounds of finfish and shellfish in 2009, earning $629 million in landings revenue. But critically, that is only the start of the benefit my industry brings to our region and our nation. For example, right here in the State of Florida, the seafood industry generated 65,000 jobs and $2.4 billion in income. And perhaps just as important, we are the conduit for the more than 250 million Americans who don't fish in our oceans but want to enjoy the delicious, healthy seafood they provide.

So Mr. Chairman, the assertion contained in the title of this hearing—that "fishing = jobs"—is a truth that I know better than most. But with all due respect to you and members of your committee, it also risks being a dangerous over-simplification of a very complex issue. I've learned during decades of change in Gulf fisheries that *more* fishing doesn't always mean *more* jobs. And I've seen up close how an unwise policy or management decision taken in Washington, DC can jeopardize the jobs of fishermen like me, and the wellbeing of coastal communities like this one.

Today I would like to focus my remarks on matters that I believe can help guide the committee during its fisheries deliberations—for the remainder of the year and into the next Congress. Some members of this panel are calling for immediate and far-reaching reform of the Magnuson-Stevens Fishery Conservation and Management Act. Others would like to see significant changes in the context of the next reauthorization, scheduled to occur as early as 2013. I hope my testimony today can provide useful context for those debates. Because although I believe there are significant improvements that can still be made in our fishery management system, ignorance of the shameful mistakes of the past must not be permitted to undermine the slow and often painful strides we've made in creating one of the most successful systems of science-based fishery management that exists anywhere in the world.

A legacy of job-killing mismanagement

At the time when I first started participating seriously in the Gulf of Mexico fishery management process, our fisheries were hardly managed at all. It seemed to me that we were practicing a form of 'faith-based' fisheries management, crossing our fingers and hoping we caught the 'right' amount of fish.

Some who weren't there with me might look back on such a system through rose-tinted glasses, viewing the absence of regulatory controls as 'liberating'. But you cannot condemn the system of today unless you have lived the system of the past: for those of us who struggled through it, the reality was anything but liberating. Red snapper was chronically overfished, severely curtailing our fishing opportunities. I remember back in the 1970s when if we caught 400 pounds in five days we counted ourselves lucky. Mr. Chairman, more fishing may have equated to more jobs for some of my predecessors—those who over-exploited God's creation and left the fishery in crisis. But for me and my contemporaries it meant that we struggled to make ends meet. For many, fishing was no more than a low-paying part-time job. And the impacts of fishing on the local economies throughout the Gulf were drastically worse than they are today.

The depleted number of fish in the sea was not the only problem we faced. Back then, it wasn't just a question of how many fish there were to catch, but also how we went about catching them. In a clumsy attempt to control fishing effort, managers instigated 'derby' fisheries, which allowed fishing activity to occur only on a small number of days selected through an arbitrary process—for much of the time the first 10 days of the month. I sure didn't see much evidence of that system creating jobs, but it did create a lot of mayhem. The limited number of permissible 'Days At Sea' meant being on the water whenever the fishery was 'open'. That meant going out in dangerous weather conditions, often putting yourself, your crew, and your boat in jeopardy. And it meant missing weddings, funerals and birthdays because you couldn't afford to miss a fishing day—no matter what.

The derby system wasn't just dangerous and depressing for fishermen, it was also disastrous for our bottom line. Unnecessary wear and tear on our vessel, and higher fuel and maintenance bills resulting from the race for fish, cut into what money we could make at the dock.

Even more absurd, though, was the impact the derby fishery had on the prices we could command. With all the catch arriving on shore in a glut when the fishery was 'open', there was little fishermen could do to secure a fair price for their catch. Equally intractable was the fact that the derby system didn't generate a regular source of supply. Buyers found in imports the certainty and consistency that our fisheries lacked. In a manner of speaking, the derby system was shipping jobs that should have stayed right here in the Gulf region to countries that exported seafood to the United States. It was absurd.

A growing number of us viewed the status quo as a low-paying, high-risk gamble. As we were fond of saying in Pensacola, if we kept swimming in circles like a one-legged duck we were destined to be eaten by a Vietnamese catfish. Something had to change.

Fishermen-led, job-creating reforms

No single tool was wholly responsible for our success in charting a different course. But I'd like to tell the Committee about two reforms that were critical in rebuilding our fisheries: reforms that are turning our fisheries around, and should bring sustained economic benefits to our region for years to come.

First, wholesale changes to the Magnuson-Stevens Act included mandates that science-based Annual Catch Limits be imposed in all fisheries, and that overfished stocks be rebuilt. It has taken years of additional hard work at the council level to implement these legislative mandates, and in some cases the effort controls they required imposed additional limitations on my fellow fishermen and me. But the fact is that we're seeing results—here in the Gulf and around the country. The number

of overfished stocks in federal waters has steadily ticked down, while the number of depleted fish populations that have been rebuilt has gradually ticked up. Mr. Chairman, you have no doubt seen the same estimates from NOAA as I have regarding the additional economic activity and employment opportunities rebuilt fish stocks could generate. Thankfully I'm a fisherman, not an economist. But my belief, based on the decades I've spent working and helping to manage the Gulf's fisheries, is that the economic dividends healthy fisheries could provide are immense.

Second, we commercial reef fish fishermen won the opportunity to choose for ourselves how to manage our fishery. And we chose—through two overwhelming majority votes—to move away from a derby fishery and instead to embrace a catch share program.

Mr. Chairman, I know that on Capitol Hill catch shares have been controversial among some of your colleagues; and that Mr. Southerland has led a thus-far-unsuccessful effort to prevent fishermen here and around the country from deciding for themselves whether they want to transition to a catch share system. I certainly would not presume to suggest that catch share management would be the right choice in every fishery. But I'm very surprised that Mr. Southerland would presume to suggest that it would never be—and that he would enshrine his misguided conviction on that point in legislation.

The truth is that catch share management has worked well for Gulf fisheries. Although the Florida net ban caused me significant economic hardship at the time it was passed, it had the benefit of forcing commercial fishermen to examine ways to more effectively regulate themselves. The Lobster fishermen had already entered into a tag program in 1992. And after the net ban, they were followed by the Stone Crab fishery in 2002. The Red Snapper fishery ITQ went into effect in 2007. Today, fishermen are able to catch their limits under safer conditions and we get paid far better for it. A slower harvest results in little or no glut in supply, which has allowed ex-vessel prices to climb from as low as $1.50 per pound under the derby fishery to $4.75 per pound today. Higher prices and a year-round commercial season have flow-on effects for the regional economy. For example, local fish houses are staying busy year-round, resulting in more full-time employment.

We can do even better

Of course, there are more challenges looming.

- The BP Deepwater Horizon disaster of 2010 was a catastrophe for us and its impacts continue to be felt in our fishery. I remain very fearful about the long-term consequences that disaster will have on the Gulf of Mexico ecosystem and our fisheries' long-term health.
- Red Snapper is still rebuilding, and the timeline to restore the fishery to full health is long. We are fishing under a plan with a target rebuild date of 2032—the longest anywhere in the country—but some are already seeking to push that date back even further.
- We are the victims of endemic seafood fraud, and more must be done to combat instances of our catch being undermined in restaurants and on supermarket shelves by cheap and inferior product. The Gulf Coast Professional Fishermen support introduction of a binding traceability system for seafood bought and sold in the United States, and urge committee members to examine both legislative proposals and regulatory hooks that could help address this troubling phenomenon, which costs jobs in our fishery every single day.
- Ongoing investments in the 'information infrastructure' upon which science-based fishery management depends are essential. I encourage committee members to do what they can to provide adequate appropriations for fisheries science; and to consider supporting pending legislative proposals that would dedicate Saltonstall-Kennedy funds to those purposes.

Mr. Chairman, difficult changes in fisheries management over the last two decades have only been possible because of the presence of strong and visionary leaders in the United States Congress. Senators Ted Stevens of Alaska and Trent Lott of Mississippi were among the most impressive principals I worked with on the 2006 MSA reauthorization, and their absence from Capitol Hill is sorely felt. My sincere hope is that the enthusiasm some members of this committee have shown for engaging on questions of fisheries management may evolve into a sustained commitment to forging policies in Congress that promote healthy fisheries, support stable jobs, and secure prosperous coastal communities. Those giants of the Senate have left big shoes to fill, but their leadership, courage and foresight are qualities we need in our elected representatives if we are to conserve our fisheries—for the jobs we need today, and the jobs of our sons and daughters tomorrow.

The CHAIRMAN. I would like to recognize Captain William Kelly, Executive Director of the Florida Keys Commercial Fishermen's Association.

STATEMENT OF CAPTAIN WILLIAM E. KELLY, EXECUTIVE DIRECTOR, FLORIDA KEYS COMMERCIAL FISHERMEN'S ASSOCIATION

Mr. KELLY. Thank you, Chairman Hastings, Ranking Member Markey, Mr. Southerland and distinguished members of the Committee.

The CHAIRMAN. A little closer.

Mr. KELLY. Fisheries management based on science is the stated policy of NOAA; however, of the 528 fish stocks currently managed by the agency, only 114 are considered adequately assessed. Approximately 80 of those occur on economically important stocks in Alaska and New England where in some cases they occur on an annual basis. Assessments in the Gulf and the Southeastern United States occur far less frequently or not at all, resulting in data poor science on commercially important species in those area, such as red snapper and golden crab. So while science-based fisheries management is the stated goal, NOAA's inability to provide it at an acceptable level negatively impacts all of us.

Further frustrating fishermen is the absence of hard scientific data due to a failure to acquire what is readily available. Funds dedicated to scientific research are routinely diverted to promote catch share programs addressing perceived over-fishing when up-to-date science would in many cases negate their need.

Catch shares and sector separation are causing enormous economic harm in New England fisheries and trouble is brewing in the Gulf of Mexico. These programs have two common elements associated with them worldwide—fleet reduction and job loss. They are an inappropriate management tool in multi-species fisheries, which predominant in both the Gulf and the South Atlantic and often result in high volumes of regulatory discards.

Transactional analysis of catch shares in the Gulf red snapper fishery, while still under study, indicates there is a shift in ownership of catch shares. More and more allocation is being accumulated, held onto and leased by non-fishermen. Known as "Slipper Skippers" in the Gulf, these non-fishing entities have found it far more profitable to lease their shares rather than fish them.

A proper evaluation of these programs should be a top priority before taking action to implement any new programs and we fully support legislation introduced by Congressmen Southerland and Grimm and passed by the House, calling for a prohibition on CJS funding for any new NOAA catch shares programs in Fiscal Year 2013.

Changes in the Magnuson-Stevens Act significantly altered the way fisheries resources are managed. The new provisions focused on ending over-fishing, rebuilding stocks, reducing fishing capacity and developing limited access programs. All of this was predicated on the need for and expectation of better science. However, in this tight budgetary environment, fisheries managers now find themselves struggling to meet the demands of MSA. The fact that this Committee has recently considered as many as eight new bills tar-

geting MSA reform sends a strong signal that serious problems exist with the 2006 reauthorization.

We support H.R. 6350 introduced by Congressman Runyan with specific provisions for amending MSA, including greater flexibility for fisheries managers in setting Annual Catch Limits, transparency for fishermen, a referendum requirement for catch shares, extension of time periods for rebuilding fisheries and additional sources for fishery surveys funding.

In particular, we ask the Committee for a statutory exemption for trans-boundary stocks and stocks whose life history characteristics prevent us from being able to apply control rules in an appropriate manner, especially with regard to spiny lobster. Recruitment of juvenile lobster to the Florida fishery occurs from sources totally outside of U.S. waters. Thus, Florida fishermen are being held solely accountable for conservative MSA derived catch levels for transboundary or shared resource over which we have no management control. Species such as Florida spiny lobster should be exempt from the ACL provisions of the MSA.

The creation of a National Ocean Policy is an area of concern for Florida fishing interests, especially in light of its development by Executive Order, bypassing thorough review and a vetting process by Congress. A basic component of the plan will be nine regional planning bodies comprised of Federal, State, and tribal representatives. Conspicuously absent are any representational components from industry.

Florida will face double jeopardy dealing with two regional planning bodies and little opportunity to engage in the decision-making.

We ask the Committee and Congress to take any steps necessary to protect Florida fishing interests and coastal communities during the implementation of the NOP.

The Florida Keys are ranked by NOAA as the largest and most valuable commercial seaport in the State of Florida and in the Southeastern United States. We represent enormous economic value to the State and the Nation. Next to tourism, we are the second largest economic engine in our local economy and second largest employer. Small coastal communities like ours cannot assimilate job loss rapidly and will suffer irreparable economic harm if we do not make every effort to maintain a healthy and vibrant commercial fishing industry.

Chairman Hastings, Ranking Member Markey, Committee members, Mr. Southerland, thank you for this opportunity to address you today.

[The prepared statement of Captain Kelly follows:]

Statement of Capt. William E. Kelly, Executive Director, Florida Keys Commercial Fishermen's Association

Chairman Hastings, Ranking Member Markey and distinguished members of the Committee, it is my distinct pleasure and honor to speak to you today regarding the importance of maintaining healthy fisheries in our nation and by so doing, creating jobs and strengthening our economy. My name is Bill Kelly and I am the Executive Director of the Florida Keys Commercial Fishermen's Association (FKCFA) headquartered in Marathon, Florida. FKCFA is the largest commercial fishing association in the Florida Keys and represents hundreds of men and women actively engaged in the spiny lobster, stone crab and finfish industries. In addition to my present role with FKCFA, I have 35 years of charter/for hire and recreational fish-

ing experience in the waters of the Atlantic Ocean, Gulf of Mexico and the Bahamas.

I have been involved in fisheries management for over thirty years representing commercial and charter/for-hire fishermen and serve on numerous advisory panels to both the South Atlantic and Gulf of Mexico Fisheries Management Councils and the Florida Keys National Marine Sanctuary including: Spiny Lobster, Stone Crab, Kingfish and Mackerel and Ecosystem Based Management. I have also participated and assisted in coordinating a number of cooperative research programs over the years with the National Marine Fisheries Service, Florida Fish and Wildlife Research Institute and The Billfish Foundation.

Chairman Hastings, for the record, my comments here today are solely my own as an advocate for the commercial seafood/fishing industry. My testimony reflects issues critical to fishermen on both coasts of Florida and the Florida Keys.

(1) Is outdated scientific information available to fishery managers limiting harvest levels and harming the economies of coastal communities?

Of the 528 fish stocks currently managed by NOAA, approximately 114 are considered adequately assessed by the agency. Approximately 80 of those 114 assessments occur on economically important stocks in Alaska and New England where in some cases assessments occur on an annual basis. Assessments in the Gulf of Mexico and the Southeastern United States occur far less frequently resulting in data poor science on commercially important species such as red snapper and golden crab.

Requirements to end over-fishing coupled with inadequate data and a rush to set annual catch limits to ensure this measure have conceivably brought about significant reductions in harvest capability. So while science based fisheries management is the goal, our inability to provide it at an acceptable level negatively impacts all of us. And the old adage of utilizing the best available science is totally inappropriate when that science is 10–15 years old or more. It is also particularly troublesome when dollars dedicated to science are instead diverted to catch shares and other programs addressing perceived over-fishing when up-to-date science would in many cases negate the necessity for such actions.

It appears to our industry members that NMFS, at times, is quite comfortable using data that are flawed, out-of-date and not based on actual measurements of fish stocks. This is disconcerting knowing the stringent reporting requirements and harvesting rules placed on commercial fishermen while efforts to improve reporting of recreational landings such as MRFSS and the newly implemented MRIP program move at a much slower pace. Accountability in the recreational sector should be just as important. For example, in the Gulf of Mexico the recreational allocation is as follows: Redfish—100%, Greater Amberjack—73%, King Mackerel—70%, Gag Grouper—65%, Red Snapper—49%. Quota over-runs by the recreational sector can be egregious as was the case in 2010 when the red snapper quota was exceeded by more than one million pounds.

(2) Are governmental restrictions on harvest of fishery resources unnecessarily harming the coastal economies?

Government restrictions based on inadequate or out-dated data have significant and profound impacts on coastal economies. The Florida Keys are a prime example. The commercial fishing industry in the island chain is the second largest economic engine next to tourism and the second largest employer. This is typical of many small coastal communities throughout America where commercial fishing operations co-exist with seasonal tourism activities. According to recent NOAA rankings the Florida Keys are collectively the largest and most valuable commercial seaport in the State of Florida and in the Southeastern United States. We represent enormous economic value on a local, state and federal level.

Inadequate data and the lack of more localized management measures by the Regional Councils can and does harm coastal communities. We have asked both the South Atlantic and Gulf of Mexico Councils to consider a joint regional management plan for South Florida and the Keys, which they are presently evaluating. South Florida and the Keys represent a unique demographic with the only living reef in North America literally at our doorstep. In addition many of the species we fish for are sub-tropical in nature as compared to temperate water species further to the north.

The 240' closure in the South Atlantic extending out 200 miles to the EEZ to bottom fishing in order to protect Speckled Hind and Warsaw grouper was a good example. Fishermen were denied access to harvest of other bottom species for more than a year until a regulatory amendment was issued lifting the ban. This closure was enacted despite the fact there are no stock assessments on Speckled Hind or

Warsaw Grouper to substantiate that either is undergoing overfishing or overfished. Now, there seems to be some preliminary evidence that recruitment of both Speckled Hind and Warsaw grouper located in the South Atlantic actually comes from the Gulf of Mexico where harvest of both species is ironically permitted. Yet, fishermen in the South Atlantic have been made to pay the price of inadequate science.

(3) To what extent will governmental programs including catch shares, annual catch limits and the National Oceans Policy affect how fisheries are harvested in the future?

Catch shares programs are harming commercial fishermen and coastal community infrastructure in New England and the Gulf of Mexico and ENGO's, that have little or no history of fisheries management, continue to press for implementation in the South Atlantic even though the vast majority of fishermen in both the Gulf of Mexico and along the Atlantic coastline continue to voice strong opposition to the expansion of these programs.

Catch share programs are not conservation tools. They are business plans and a type of social engineering most commonly associated with cap and trade. They do nothing to protect the resource and have two common elements associated with their development worldwide—fleet reduction and job loss. In the words of one NOAA pitch-person advocating for catch shares programs to the South Atlantic Council, "There are winners and losers with catch shares." Now that might play well in big cities like Washington, DC but that doesn't float in small coastal communities like Key Largo or Marathon where even small numbers of "losers" would have a significant impact on the local economies.

The majority of commercial fishermen in both the South Atlantic and the Gulf of Mexico are engaged in multi-species fisheries with each contributing in part to a wholesome, well-rounded business model based on seasonal availability of particular species. Many of the existing catch shares programs eliminate this component from smaller fishing entities by initiating control dates and landings requirements that preclude their participation. In order to fill these voids, many would be forced to lease or buy shares to continue their generational participation in the fishery.

As yet incomplete research on transactional analyses of catch shares programs in the Gulf of Mexico indicates there is a shift in ownership of catch shares and more and more allocation is being accumulated, held onto and leased by non-fishermen. Known as "Slipper Skippers" in the Gulf, these non-fishing entities have found it far more profitable to lease their shares rather than fish them.

Additional trends show that costs associated with leasing shares are actually serving to depress the average price paid to fishermen rather than increase it as was expected. These costs, of course, are ultimately passed on to the consumer in the form of higher prices at the check-out counter and creating the potential for decreased demand for local seafood products.

Some supporters of catch shares programs are actually creating derby fisheries by rushing to catch fish and establish quota in anticipation of catch shares programs eventually being implemented. This creates the potential for spill-over into healthy fisheries like golden crab and king mackerel.

The Gulf Council has yet to complete an analysis of the efficacy of the red snapper catch share program under its jurisdiction and there was no discussion of the progress on this item at the Council meeting held this past week in New Orleans. An evaluation of these programs is of paramount importance and we salute Congressman Southerland and Congressman Grimm for their sponsorship of the Southerland-Grimm Amendment appropriately calling for a prohibition of CJS funding for any new NOAA catch shares programs in FY2013.

Annual Catch Limits, implemented to eliminate or prevent overfishing, serve a legitimate purpose provided they are based on modern, up-to-date science and Southeast Data Assessment Review (SEDAR) stock assessments. Unfortunately, many ACL's have been implemented arbitrarily, in haste and based on inadequate or outdated science in order to comply with provisions in Magnuson.

(4) Is current data generated by NOAA adequate for fishery managers to comply with the current Magnuson-Stevens Fishery Conservation and Management Act and would proposed amendments to the act improve the situation?

Changes to the MSA in 2006 significantly altered the way fisheries resources are managed. The new provisions focused on ending overfishing, rebuilding stocks, reducing fishing capacity and developing limited access programs. All of this was predicated on the need for and expectation of better science to substantiate these changes. Requirements to immediately end overfishing added another burdensome layer of management responsibility and caused increased premiums for resources

and increased dependence on short-term monitoring of these programs. In this tight budgetary environment, federal fisheries managers now find themselves struggling to meet the demands of MSA. The fact that this Committee has recently considered as many as eight bills targeting MSA reform sends a strong signal that that serious problems exist with the 2006 re-authorization.

With regard to changes in Magnuson, we would ask the Committee for a statutory exemption for trans-boundary stocks and stocks whose life history characteristics prevent us from being able to apply control rules in an appropriate manner especially with regard to spiny lobster (Panulirus argus). Recruitment of juvenile lobster to the Florida fishery occurs from sources totally outside of US waters. Thus, Florida fishermen are being held solely accountable for conservative MSA derived catch levels for a trans-boundary or shared resource over which we have no management control. Species such as Florida spiny lobster should be exempt from the ACL provisions of the MSA.

Genetic evidence indicates a near 100% level of external recruitment in the Florida spiny lobster fishery from the Caribbean Basin. Noteworthy is total harvest levels of spiny lobster in Florida represent only 6% of the trans-boundary population.

An exemption from the ACL's for spiny lobster does not mean we support the absence of a quota. Rather, we would prefer a long term average yield approach compared to the overly precautionary ACL process that resulted from the implementation of the 2006 re-authorization.

(5) Is the precautionary/risk averse approach in combination with decreasing funding for fishery surveys and cooperative research and the 2007 amendments to the Act resulting in unnecessarily depressed harvest levels affecting coastal economies and fishery related jobs.

A principle tenet of precautionary risk aversion is to act prudently when there is sufficient scientific evidence and where action can be justified to prevent irreversible harm to future generations. Engaging a precautionary/risk averse approach in the absence of hard scientific evidence, due to a failure of effort to acquire that which is attainable, represents a failure of the responsibilities of the management body charged with that mission.

If indeed we are committed to fisheries management based on science as our stated policy, then every effort should be made to acquire appropriate science on all managed stocks to the highest levels attainable, at regular, prescribed intervals, to guide, substantiate and provide rationale for our decision making.

We are far removed from the initial concept of MSA, in which we fished to Maximum Sustainable Yield. NMFS guidelines have instituted a multi-tiered system of further reducing harvest levels beginning with an Over Fishing Limit (OFL), Acceptable Biological Catch (ABC), Annual Catch Target (ACT) and Annual Catch Limit (ACL). These steps may be further reduced by accountability measures, scientific uncertainty and a precautionary/risk averse approach.

(6) How will the National Ocean Policy affect your activities and will the policy result in further restrictions and create more uncertainty in the management of fishery resources in the Gulf of Mexico.

Implementation of a National Ocean Policy is an area of concern for Florida fishing constituencies especially in light of its development by Executive Order . . . bypassing a thorough review and vetting process by Congress. A basic component of the plan will be the establishment of 9 regional planning bodies comprised of Federal, State and Tribal representatives with broad authority over not only oceans but extending well into the heartland of our nation via rivers, lakes and streams. Conspicuously absent are any representational components from industry.

Florida and our industry will face double jeopardy since we will have to deal with two regional planning bodies complicated by little input opportunity in future decision making in a cloud of uncertainty.

We ask the Committee and Congress to take any steps necessary to protect Florida fishing interests and coastal communities during the implementation of the National Ocean Policy and Coastal marine Spatial Planning.

In Closing:

In closing, I would like to thank Congressman Runyan for introducing H.R. 6350 with specific provisions for amending MSA and providing for additional flexibility for fisheries managers in setting Annual Catch Limits, transparency for fishermen, a referendum requirement for catch shares, extension of time periods for rebuilding certain overfished fisheries, and additional sources for fishery survey funding.

I would also like to thank you Chairman Hastings and your staff for your leadership and efforts to set the table for a substantive debate on these issues and for recognizing the differences on some of these issues from the Pacific Northwest.

Chairman Hastings, Ranking Member Markey and Committee Members, this concludes the written portion of my testimony. I thank you for the opportunity to present this information to the Committee.

The CHAIRMAN. Thank you very much, Captain Kelly, for your testimony.

We will now have a round of questioning, maybe one or two rounds, with this panel before we call the second panel. And I will recognize myself now for 5 minutes for questioning.

Mr. Wright, you note that the Interjurisdictional Fisheries Act grants have been used by the State of Florida to fund research on important near-shore species. Yet, your State has not done these surveys. Will we soon be facing a crisis for these species because we do not have adequate data to manage these species? And if you do not conduct these surveys, who will?

Mr. WRIGHT. Where is Gill? Gill or Jessica.

Chairman——

The CHAIRMAN. Why do you not give me your verbal response and then if you want to submit a written response——

Mr. WRIGHT. I can certainly provide you a written response, Mr. Chairman. But we are providing the lion's share of research now through our research institute, which is one of the finest in the world. I think the problem that we have is the interjurisdictional issues between Federal water and State waters. Regardless of what our data may indicate in terms of near-shore limits and stock assessments, we are constantly at regulatory odds with our Federal partners trying to meet mandates of Magnuson-Stevens in a short duration of recovery. So that we are constantly pitting fishermen against Federal regulations and State regulations.

The CHAIRMAN. Let me follow up on that. You mentioned in your testimony something that I have to say I am not all that familiar with, is that NOAA has referred to some fisheries as boutique fisheries. Give me your assessment of that term and when does it stop being boutique?

Mr. WRIGHT. I would not necessarily agree with the connotation of boutique fishery when you consider the economic impact of not only commercial fishing but recreational fishing in our State, and the numbers that I gave you earlier will not even count the multiplier. It is billions and tens of billions of dollars.

No, we are not in a position to ship fish around the world and around the country as some of the other fisheries in the United States are. And I think that name has been given to Florida because there is I think a misconception that fish are caught in the Gulf, they are brought to the shoreline and they are distributed among a local market.

Regardless of the market destination, the impact of not having the attention to our fishery and having it be perceived as a boutique fishery is the very problem that we have.

The CHAIRMAN. Let me just ask real quick, does boutique, to your knowledge, apply to the other councils or just here?

Mr. WRIGHT. I think just here.

The CHAIRMAN. OK. Mr. Waters, you mentioned in your testimony going back. I do not think anybody is talking about going back. But I mentioned in my opening statement that I understand

the uniqueness of commercial and recreational fishing. I come from the Northwest. But let me just posit something for you to consider and ask how this would affect you.

Recently, the newly implemented West Coast ground fish IFQ program required an observer on 100 percent of the trips for commercial fishing. That works out to about $600 a day. How would that affect commercial fishermen if that were applied to you, $600 a day, 100 percent observer.

Mr. WATERS. It would depend on who is paying the bill.

The CHAIRMAN. Well obviously the commercial fishermen. I am asking because this is happening in other areas.

Mr. WATERS. Yes, sir.

The CHAIRMAN. I am asking you how would it affect you?

Mr. WATERS. You are asking me a question about which I am not fully aware, but I do understand observers, I do understand, but at that time I would support some type of monitoring system that would be a lot cheaper, such as cameras or some other type of video monitoring that would not cost us $600 a day. But it would affect anybody for $600 a day, I will have to agree with that. But you give a fisherman a problem, you let him ride around on a boat that only runs 6 miles an hour, he will come up with some very innovative ideas to get around that $600 a day. We would support cameras or something like that, but at this time I am not advocating cameras, but I do advocate——

The CHAIRMAN. Mr. Waters, I just point this out to say that because there are differences, we are trying to figure out a way to bridge that.

Mr. WATERS. Right.

The CHAIRMAN. And my guess is, you know, the North Pacific fishery is different and that is a mandate, 100 percent, and it averages $600 a day.

My time has expired, so——

Mr. WATERS. Can I ask a question, Mr. Hastings? What kind of gross income are these folks producing? Are they small vessels? I am running a 39-foot vessel. Are you talking $600 a day for somebody to monitor a 39-foot vessel?

The CHAIRMAN. It is anybody that has a commercial vessel, my understanding, has to have an observer and that is costing $600 a day.

Congressman Southerland is recognized.

Mr. SOUTHERLAND. Let me say, Doc Hastings, Chairman Hastings, I know that if our commercial fishermen right now had to pay $600 a day for a Federal bureaucrat to go out to sea with them, they could not afford that, from everything that I am hearing from our commercial fishermen. What they are doing in the Pacific, the government does not provide that for free, that is a charge to the boat. And I know that the commercial fishermen that I meet with could not afford that, but the government does not care.

Let me say this—let me ask Captain Kelly, implementation of the red snapper IFQ plan has resulted in a consolidation of the commercial fleet. Did all the fishermen who left the fishery do so because they wanted to leave, or did they leave because the amount of quota they received in the initial allocation was not enough to keep them in business?

Mr. KELLY. This is a program that fishermen weighed in on and did vote for. The issue that I tried to raise and wanted to point out is that there are associated problems connected with the development of these catch share programs. One of them in particular is this consolidation where we are seeing more individuals now leasing the shares rather than fishing them, that is the trend. We are also seeing in this transactional analysis, we are seeing that because of the cost of leasing the shares, it is now starting to affect fishermen where it is actually decreasing the amount of revenues going to fishermen instead of increasing it. And that is exactly the opposite of what was expected.

We have costs associated with this, as Mr. Hastings pointed out, where there is the potential for observers on board and the fees that are paid to the Federal Government to administer the program. A lot of that is presently being absorbed by the Federal Government in some catch shares programs, some of it is being subsidized by environmental groups. But if these burdens were all placed on the fishermen, then it would paint an entirely different scenario of how effective these programs are.

Mr. SOUTHERLAND. When the permits were issued, there were 704, from what I understand, 704 permit holders. There are now 425. If you were someone that did not get enough allocation, if you were someone who was not fortunate enough to receive those, what happened to the value of your vessel when you did not receive your quota?

Mr. KELLY. Well, Mr. Southerland, there are a couple of ways to look at this. You can look at the value of the vessel, which it may affect the climate, but more importantly, as I mentioned in my comments, we have to take a look at what constitutes a fishery here in the Gulf of Mexico and the South Atlantic. Many of these are multi-species fisheries in small communities where an individual like maybe a Donnie Waters or someone else is fishing yellowtail snapper, they are fishing grouper, they are fishing greater amberjack. They catch stone crab, they catch spiny lobster. If you start chiseling away and taking out these elements because you have set control days or landing requirements and take away my yellowtail snapper now, that is $15,000, $20,000 out of my pocket. You take away greater amberjack for the same reasons, now I lose another element of my fishery, only because I have been excluded because I did not catch enough and did not get enough allocation.

So now all of a sudden my little business that had a well-rounded business model, suddenly I am in trouble because I am getting nickeled and dimed out of the business.

Mr. SOUTHERLAND. So you are forced out of the business rather than choosing to exit the business.

Mr. KELLY. I am either forced out of the business or I am forced to go and lease shares. And if I have to do that, with the associated cost, especially if costs like observers and the transactional fees were involved in this, now what is going to happen? Those costs are going to get passed on to the supermarket, folks at the checkout counter are going to pay a higher price and it is going to decrease demand for fresh Florida seafood.

Mr. SOUTHERLAND. Let me mention, one of the things that I have been told from several sources, is we talk about the vote, you know, for the IFQs, we talk about the vote, the vote, the vote. It was my understanding that there were 167 ballots distributed before that vote and it excluded some 600 holders. So, you know, I am worried—and I was not a part of that. I am worried by what I hear that many people who are small operators, operators who did not have a lot of say, they did not have a lot of influence. I am bothered by that, smaller boats, why should they not have had the right to vote for their future and to be excluded. That is a huge concern of mine.

And I see I have the red light.

The CHAIRMAN. I just have one question and I will yield to you.

Mr. SOUTHERLAND. OK.

The CHAIRMAN. I just have one more question here on the second round and this is to Captain Kelly and Commissioner Wright. I mentioned in my opening statement about the National Ocean Policy by Executive Order. Have you looked into that, do you have a response to that National Ocean Policy by this Administration?

Mr. KELLY. Yes, we are very concerned about the National Ocean Policy. Under the primary plan here, this does not just affect coastal communities or our oceans, but by the design of the program, this will migrate its way into the very heartland of our country, into our rivers, streams, the Great Lakes, et cetera.

Of serious concern I think for industry is there is no effort or plan to incorporate industry representatives into this, whether it is commercial fishing, for-hire charter boats, or the recreational component. We are going to have State, Federal and tribal representatives in essence, I suppose, formulating plans and dictating what we are going to do with one of our most important natural resources.

The CHAIRMAN. Commissioner Wright, do you have a response the National Ocean Policy?

Mr. WRIGHT. My response, Mr. Chairman, is we need more data and science and information that I made a plea for earlier than we need another layer of regulatory infrastructure.

The CHAIRMAN. I will just say I have been very critical of that. What we need is authorization from Congress, not this being done by Executive Order.

Mr. WRIGHT. Right.

The CHAIRMAN. I will yield my time to Mr. Southerland.

Mr. SOUTHERLAND. Thank you, Mr. Chairman.

One of the things I have found as I have talked with fishermen everywhere, no matter where you come down on certain regulations, everyone seems to agree that we do need better data. I do not think any fisherman I have ever talked to is happy with the amount of data, the kind of data that we have. Everyone says we need more. Let me be crystal clear on my desire to get you more data. The current Administration has instructed the Department of Commerce, thus NOAA—this past year, the Director of NOAA transferred $300 million out of research. Now we need research. You can imagine how upset I was that they transferred $300 million out of research and yet everyone agrees that we need better

research. It was transferred to put a $700 million satellite in space. Then they come back and want more money for research.

Now you cannot run your businesses like that. I cannot run my businesses like that. One of the things I am very proud of, that no one seems to talk about, is that in the RESTORE Act that was recently passed, in the RESTORE Act, bucket four of those dollars that are going to be BP fine money—BP fine money—next year, the fourth bucket of that money is specifically set aside and mandated that NOAA must use those dollars to gather more research, better data so that we can make good decisions—not harmful decisions, good decisions.

So I am a huge advocate of better data. I am a huge advocate that we have to make decisions—because the government tends to make decisions like this—ready, shoot, aim. Well, that is backwards—that is backwards. We have to make good decisions with good data and I am proud of what the RESTORE Act is going to do because it is going to put dollars there that cannot be moved out of that research account and used to put satellites into space.

I want to say this, last year I sponsored an amendment to the CJS bill that was passed on the Floor, the appropriations bill. I want to be crystal clear because you will not hear this. That bill said that NOAA could not use any funds in 2013 for the development, the approval and the implementation of new catch share programs. It did not say existing. Mr. Chairman—this whole region has existing catch share programs. The point is I have been crystal clear and apparently I'm not getting through, my amendment does not affect those of you who have IFQs. To tell the truth, it only dealt with new catch share programs, going forward, because what Mr. Latinko really wants is IFQs to spread to the recreational fishery and to the head boats and I know they do not want that. So my amendment and my efforts going forward, the bill we just brought, did not in any way affect what you have, commercial fishermen, it did not. It just guaranteed that the boats like Ms. Anderson rides, the head boats, as well as the recreational fishermen, that we were not going to feel the oppression of the government's boot on our neck because we do not like what it looks like when they start applying that pressure.

I yield back.

The CHAIRMAN. Well, my time has expired. You are starting to see the red lights and how that works. Now I recognize you for your 5 minutes of questioning and I will say that that amendment that you did pass did say that there is a sense in Congress, when we reauthorize Magnuson-Stevens, we have to take those sectors into consideration. There is absolutely nothing wrong with that.

With that, I will recognize the gentleman again for 5 minutes.

Mr. SOUTHERLAND. Mr. Waters, let me ask you a question. I know you are itching.

Mr. WATERS. I am dying.

Mr. SOUTHERLAND. I am going to scratch your itch. You are dying, we do not want that to happen.

Mr. WATERS. We all are, Captain, some of us just faster than others.

Mr. SOUTHERLAND. One of the things that I have been bothered with since I came to Congress and learned about the fisheries

issues is the data, as we talked about. And proper assessments, and the lack thereof. Why would NOAA continually over and over and over again refuse to count the fish that are making their home on artificial reefs?

Mr. WATERS. Mr. Southerland, you are asking the right man.

[Laughter.]

Mr. SOUTHERLAND. Scratch that itch.

Mr. WATERS. I sat on the stock assessment, red snapper stock assessment, I have sat on red snapper stock assessment panels. I was in Pensacola this week for 2 days watching the red snapper stock, then I had to rush for public testimony in New Orleans. The overlapping of these two meetings was devastating again to my life. then I went to LSU to do some research with Dr. Jim Calvin on red snapper, then back to FSC in Pensacola to do the follow-ups and look for data. This is a very, very open process. You know how many people were in the audience of this very open process? Zero, not one person.

Mr. SOUTHERLAND. Why would that be? Why would men and women——

Mr. WATERS. I cannot——

Mr. SOUTHERLAND. I am sure there are some commercial fishermen here today that are working.

Mr. WATERS. I am trying to say that there are more fishermen in this audience, all I have ever heard was how bad the data, how bad the data, how bad the data. The red snapper started in 1988 when we first did a stock assessment. We have set that rebuilding date back down to 2032, over 40 years to rebuild this fishery. Now the data we are——

Mr. SOUTHERLAND. But why——

Mr. WATERS. I will answer the question.

Mr. SOUTHERLAND. I am just asking a question.

Mr. WATERS. The lack of fishery people that can do stock assessments in the United States, the qualified people who can do it, is overloaded. We do not have the people that are qualified for fishery dynamics in the United States to do a stock assessment on every stock of fish in this ocean that we have today. That is something that maybe you should fund some college graduates for, send them through LSU, send them through and let us get some——

Mr. SOUTHERLAND. OK, why would NOAA refuse to count the fish that are there on the reef. They do not count those fish.

Mr. WATERS. They do count those fish with larvae and krill samples and they do it with ground fish. If they spawn, they survey for ground fish. If those fish produce a fish, they count the larvae that is floating. So if that fish populates, those larvae float freely into the ocean and they are accounted for in two different surveys in two different ways. Just because they were on the reef when they made it, you cannot tell if that larvae came from a natural reef or an oil platform reef. So they are accounted for. It is a spin that you have been told that they do not account for them. You cannot go around a reef and sit there and count each one of them, but they do have monitoring systems at LSU that have counters on the reef and they do track fish that come and go from those reefs and, yes, they do go there and eat lunch and then go someplace else for desert.

[Laughter.]

Mr. WATERS. I will tell you if those fish produce a larvae, they are counted through by larvae surveys and ground fish surveys. So you have been given totally—not totally misinformation, but you have been led away from the solid truth.

Mr. SOUTHERLAND. Well, I have asked this in Congressional hearings—I will reclaim my time.

Mr. WATERS. But——

Mr. SOUTHERLAND. I will reclaim my time. In Congressional hearings, I have asked specifically that question with no satisfactory answer. Now they will not count those fish while they are on that reef or on that artificially created reef, but they certainly catch it when you bring that fish over the transom. OK, so the point is, it seems to me like, you know, we are picking and choosing what we want to recognize and we are picking and choosing what we want to ignore. I know that Ms. Anderson mentioned earlier that perhaps there is as much as 100 million pounds of red snapper out there and you have Texas, for example, that has fishing year-round. It seem to be incredibly inconsistent and what I am worried about is that this inconsistency of acknowledging truth is crushing you, crushing you. Be consistent.

I yield back.

Mr. WATERS. Can I say one thing, Mr. Southerland?

The CHAIRMAN. I thank you very much for that exchange. I want to thank very much the first panel for your testimony. As sometimes happens, not all the time, there are questions that come up because of an answer that one of you may have and there may be a letter sent to you asking you to clarify, and we would certainly look forward to that.

So with that, I want to thank all of you very, very much for being here on a Saturday, and I will dismiss the first panel. We will take a very brief 5-minute break while the second panel comes up.

[Recess.]

The CHAIRMAN. The Committee will reconvene and we are pleased to welcome our second panel here, or at least three-fourths of the second panel.

We have Ms. Candace Hansard, who is Vice President and Reef Development Director for the Emerald Coast Reef Association; Captain Tom Adams, Mexico Beach Charters; Captain Michael Jennings, who is President of the Charter Fishermen's Association; and Captain Robert Zales, National Association of Charterboat Operators. And here she comes right now, I think. You have a way of getting attention.

Ms. HANSARD. Hey everybody.

[Laughter.]

The CHAIRMAN. We are very pleased to welcome the second panel and you heard what I mentioned to the first panel as to how the lights work. Apparently the special seats we installed did not work, so that is why we took the 5-minute break. But if you could hold your oral testimony to the 5 minutes, I would appreciate it. Your full testimony, of course, will appear in the record.

So, Ms. Hansard, you are recognized for 5 minutes.

STATEMENT OF CANDACE HANSARD, VICE PRESIDENT AND REEF DEPLOYMENT DIRECTOR, EMERALD COAST REEF ASSOCIATION

Ms. HANSARD. Hello, I am——

The CHAIRMAN. Pull the microphone close to your face.

Ms. HANSARD. OK. I am the Vice President and Reef Deployment Director of the Emerald Coast Reef Association. Our mission is to improve the fishery in the Gulf of Mexico by providing habitat and evaluating the effectiveness of artificial reefs. Our mission is accomplished 100 percent with volunteer effort and private contributions. The majority of our members are private recreational fishermen and divers.

Florida is known as the fishing capital of the world. The importance of free and open access to the fisheries to Floridians is tremendous. Fishing is not simply a hobby for many fishermen and women in Florida, it is an important part of our cultural identity. It is part of our unique heritage. Denying millions of Americans free and open access to the fishery is denying them their heritage.

For years, our government agencies have attempted to maintain the health of the fishery by restricting access. Catch Shares, Sector Separation and Marine Protected Areas are all proposed plans to manage the problems of our fishery. While well intentioned, access limiting plans, manage but do not solve fishery problems. These plans hurt our economy and deny millions of people their right to access our Nation's natural resource.

Recreational fishing, including the charter industry, support a wide range of jobs. In Florida alone, there are nearly 1 million registered boats. All these boats need insurance, maintenance, storage, fuel, et cetera. These services support a wide range of jobs. Even people who do not fish are economically affected when the fishing activities are reduced, because jobs are created by fishing activities. When fishing access is restricted, the side effect is fewer jobs.

The economic importance of free and open access to the fishery in the State of Florida is enormous. In Florida, saltwater fishing alone is a $5.7 billion industry that supports over 150,000 jobs. In 2011, the boating industry in Florida was $32.3 billion. In 2003, the FWC stated that for every one dollar spent building artificial reefs, it created $131.00 in recreational value. In 2008, the Director of the FWC stated that, and I quote, "Recreational saltwater fishing generates a staggering amount of consumer spending in this State's economy—roughly $14.3 million per day. That is close to $10,000 per minute."

Artificial reefs provide solutions to many of the problems facing our fishery and our economy. Imagine what the return on investment would be in 2012 dollars and all the jobs that could be created, if more money was spent building artificial reefs that sustain a healthy and sustainable fishery.

In the Florida panhandle, 95 percent of our sea floor is sandy bottom, so artificial reef building is critical to building and maintaining a healthy and sustainable fishery. One of the biggest obstacles to reef building in the Florida panhandle is the one-size-fits-all permitting by the Jacksonville District of the U.S. Army Corps of Engineers. The Florida panhandle underwater topography is identical to Alabama, whose underwater permits are granted by

the Mobile District of the Army Corps of Engineers. Generous permitting in Alabama has provided them the opportunity to create the largest artificial reef building program in the United States, even though they have less than 60 miles of coastline on the Gulf of Mexico.

I stand before you today and respectfully request that our government agencies that are charged with managing our fishery please weigh the economic and cultural importance of free and open access to our natural resource when they are forming management plans. Please use our tax dollars to create real solutions (artificial reefs) that will build a healthy and sustainable fishery, and a thriving economy, and restore our birthright, access to our fishery.

I would also like to bring up the fact that we need to stop destroying oil platforms that are in the Gulf of Mexico. They have become artificial reefs, and when we destroy all the platforms, we are killing millions of red snapper. It is taking those red snapper out of our catch limit and I think that is not very wise management.

Thank you so much for listening and for your consideration, and I appreciate you having me here today.

[The prepared statement of Ms. Hansard follows:]

Statement of Candy Hansard, Vice President and Reef Deployment Director, Emerald Coast Reef Association Inc.

I am the Vice President and Reef Deployment Director for the Emerald Coast Reef Association. Our Mission is to improve the fishery in the Gulf of Mexico by providing habitat and evaluating the effectiveness of artificial reefs. Our mission is accomplished 100% with volunteer effort and private contributions. The majority of our members are private recreational fishermen and divers.

Florida is known as the Fishing Capital of the World. The importance of free and open access to the fishery to Floridians is tremendous. Fishing is not simply a hobby for many fishermen and women in Florida; it is an important part of our cultural identity. It is part of our unique heritage. Denying millions of Americans free and open access to the fishery is denying them their heritage

For years, our government agencies have attempted to maintain the health of the fishery by restricting access. Catch Shares, Sector Separation and Marine Protected Areas are all proposed plans to manage the problems of our fishery. While well intentioned, access limiting plans, manage but do not solve fishery problems. These plans hurt our economy and deny millions of people their right to access our Nations' Natural Resource.

Recreational fishing, including the charter industry support a wide range of jobs. In Florida alone, there are nearly 1 million registered boats. All these boats need insurance, maintenance, storage, fuel etc. These services support a wide range of jobs. Even people who do not fish are economically affected when the fishing activities are reduced because; jobs are created by fishing activities. When fishing access is restricted, the side effect is . . . fewer jobs.

The Economic importance of free and open access to the fishery, in the State of Florida, is enormous. In Florida, Saltwater fishing alone is a $5.7 Billion dollar industry that supports over 150 thousand jobs. In 2011, the Boating industry in Florida was $32.3 Billion dollars. In 2003, the FWC stated that for every One dollar spent building artificial reefs; it created $131.00 in recreational value. In 2008, the Director of the FFWCC stated that "Recreational Saltwater fishing generates a staggering amount of consumer spending in this state's economy—roughly $14.3 million per day . . ." "That's close to $10,000 per minute."

Artificial Reefs provide solutions to many of the problems facing our fishery and our economy. Imagine what the return on investment would be in 2012 dollars and, all the jobs that could be created, if more money was spent building artificial reefs that support a healthy and sustainable fishery!

In the Florida Panhandle, 95% of our seafloor is sandy bottom so, artificial reef building is critical to building and maintaining a healthy a sustainable fishery. One of the biggest obstacles to reef building in the Florida Panhandle is the one-size-fits-all permitting by the Jacksonville District of the USACOE. The Florida Pan-

handles underwater topography is identical to Alabama, whose underwater permits are granted by the Mobile District of the USACOE. Generous permitting in Alabama has provided them the opportunity to create the largest Artificial Reef Building program in the United States, even though they have less than 60 miles of coastline on the Gulf of Mexico.

I stand before you today and respectfully request that our Government Agencies that are charged with managing our fishery please weigh the economic and cultural importance of free and open access to our natural resource when they are forming management plans. Please use our tax dollars to create real solutions (Artificial Reefs) that will build a healthy and sustainable fishery, a thriving economy and restore our birthright . . . access to our fishery.

Thank you so much for listening and for your consideration.

The CHAIRMAN. Thank you very much for your testimony. I now recognize Captain Adams from Mexico Beach Charters, who is the Chair of the Recreational Fishing Alliance, Forgotten Coast Chapter. Captain Adams, you are recognized.

STATEMENT OF CAPTAIN TOM ADAMS, MEXICO BEACH CHARTERS, CHAIR, RECREATIONAL FISHING ALLIANCE, FORGOTTEN COAST CHAPTER

Mr. ADAMS. Thank you, Chairman Hastings, Representative Southerland and members of the House Natural Resources Committee for the opportunity to speak before all of Congress today from at home within my own district on behalf of fishing and jobs.

I am Captain Tom Adams, owner and operator of Mexico Beach Charters and Chairman of the Forgotten Coast Chapter of the Recreational Fishing Alliance, or RFA. I have been fishing both coasts of Florida since 1959, moved to Mexico Beach about a decade ago and have been operating a charter business here for the last several years.

I am sure when a lot of people from Washington think of Florida fishing, they think of fancy gamefish like bonefish, sailfish or tarpon. Florida is a world class destination for these types of "catch and release" targets, but here in this region on the Gulf, red snapper is critical to the health and prosperity of our coastal fishing businesses and our economies in general. People love to book charters to catch a couple of red snapper, but the majority of these folks who spend their hard-earned money at the hotels and in gift shops, they like to eat a couple of the snapper as well.

I do not know how it was 100 years ago, but I do know what it was like 30 or 40 years ago. I can also tell you that just in the past 6 years, I have seen more red snapper out there in the Gulf than any time in my memory. When I first started fishing for red snapper out of Mexico Beach, we fished for them deep, you always had to drop down to the bottom to hook up a fish or two. Now these fish are so plentiful they are so spread out throughout the water column, from surface to bottom, that you cannot get the bait down to catch a grouper.

I am sure this is good news for the fish. A lot of folks who do not fish and who really do not care what happens to our local fishermen in Mexico Beach and Panama City will tell you this is good news for everyone. I can tell you that if you want fish populations to explode, all you have to do is stop people from fishing. What is harder is coming up with a way that we can sensibly fish on these populations as they continue to grow, and that is what the same

non-fishing people do not want to talk about honestly with the American people.

All the captains I talk to have seen a great number of red snapper, a growing population. As the population increased and during a time of an 8-month red snapper season in the Gulf, something happened which forced us to suddenly cut back to a 40-day season. Everyone at this hearing knows what changed, it was Federal fisheries law, which was originally created to help American fishermen, but reauthorized by Congress in 2006 and it is now destroying our Gulf fishing communities.

During the past two seasons alone, my business as a charter boat captain has been cut in half. Red snapper season was cut by 70 percent, triggerfish have been shut down, gag grouper days cut in half. Now I hear the same rumors about vermillion snapper as well. What has ended up happening to our community is that our tourist season for visiting anglers has also shrunk with the decreasing opportunities to fish, and that means lost jobs.

Instead of having a longer, more sensible season, local captains now are pushing themselves to extremes, fishing every single day during the 40-day season, rain or shine. This is what they call derby fishing where you have to fish every possible chance during that 40-day window to make up for lost revenues from the other 325 days of the year, where our anglers could reasonably fish sustainably for red snapper.

Of course, the same groups who pushed us into this corner by supporting the reauthorization of Magnuson back in 2006 with all the new rigid definitions and deadlines, are dangling another carrot in front of us today to help stop the derby. The new sector separation schemes and individual catch shares for the Gulf of Mexico is not the answer, it is an agenda. It will forever change the face of our local community in a way that is not good for all Florida fishermen.

Instead, here is what we do need—we need some flexibility in our Federal fisheries law. There are no deadlines in nature. The last thing we need to do is mandate unnatural timelines for rebuilding fisheries.

We need better science and data collection. These shortened seasons and sudden closures based on recreational data collection was called "fatally flawed," by the National Research Council back in 2006 which is when Congress mandated that these recreational harvest surveys be replaced by 2009. Earlier this year, NOAA Fisheries said they had accomplished their mission. Well, if that is true, let us let the National Research Council decide through another comprehensive analysis of NOAA's work to ensure that it is truly the best available science. No scientific effort should be considered the best without peer review.

We all need the Commerce Department's help in untangling the bureaucracy created by the new annual catch limits and accountability measures like catch shares and recreational harvest payment. It all sounds good, but if the best available science is still "fatally flawed" and research stock assessments do not use sound data, then what are we left with? Congress needs to step in on this one. If the government is not going to meet their commitment to

fishermen, then Congress needs to help draw a line in Magnuson-Stevens to protect the fishermen.

We are not an industry that is looking for handouts, we are only looking for a hand to protect our coastal heritage and traditions while fostering sustainable Gulf fisheries for generations to come.

[The prepared statement of Captain Adams follows:]

Statement of Capt. Tom Adams, Mexico Beach Charters, and Chair, Recreational Fishing Alliance "Forgotten Coast" Chapter

Introduction:

Thank you Chairman Hastings, Representative Southerland and members of the House Natural Resources Committee for the opportunity to speak before all of Congress today from at home within my own district on behalf of 'fishing and jobs.'

I'm Capt. Tom Adams, owner and operator of Mexico Beach Charters and chairman of the Forgotten Coast chapter of the Recreational Fishing Alliance [1] (RFA). I've been fishing both coasts of Florida since 1959, moved to Mexico Beach about a decade ago, and have been operating a charter business here for the last several years.

I'm sure when a lot of people in Washington DC think of Florida fishing they think of fancy gamefish like bonefish, sailfish or tarpon. Florida is a world class destination for these types of 'catch and release' targets I'll give you that—but here in this region, on the Gulf of Mexico, red snapper is critical to the health and prosperity of our coastal fishing businesses and our coastal economies in general. People love to book charters to catch a couple of red snapper—but the majority of those customers in this area, who spend hard-earned money at the hotels and in the gift shops and local stores, they like to eat a couple of red snapper too!

I don't know how it was 100 years ago, but I do know what it was like 30 or 40 years ago. I can also tell you that in just the past six years alone, I've seen more red snapper out there in the Gulf of Mexico that any time in this captain's memory. When I first started fishing for red snapper, here out of Mexico Beach, we fished for them deep—you always had to drop lines down to the bottom to hook up with a fish or two. These fish are so plentiful today that they're spread out throughout the water column, from surface to bottom—red snapper are so thick at times that you can't get a bait down to the bottom for grouper.

Sure, this is good news for the fish. A lot of folks who don't fish and who don't really care about what happens to our local fishermen in Mexico Beach and Panama City will tell you this is good news for everyone; I can tell you that if you want fish populations to explode, all you have to do is stop people from fishing, that's easy. What's harder is coming up with a way that we can sensibly fish on these populations as they continue to grow—and that's what those same 'non-fishing' people don't want to talk about honestly with the American people.

All the captains I talk to have seen a great number of red snapper, a growing population. As the population increased and during a time of an eight-month red snapper season in the Gulf, something happened which has forced us to suddenly cut back to a 40-day season. Everyone at this hearing knows what changed—it was a federal fisheries law which was originally created to help American fishermen, but as reauthorized by Congress in 2006 is now destroying our Gulf fishing communities and our economies.

During the past 2 seasons alone, my business as a charter boat captain has been cut in half. Red snapper season was cut by 70%, triggerfish have been shutdown, gag grouper days cut in half, now I hear the same rumors about vermillion snapper as well. What's ended up happening to our community is that our tourist season for visiting anglers has also shrunk with the decreasing opportunities to fish, and that means lost jobs.

Instead of having a longer, more sensible season, local captains are now pushing themselves to extremes, fishing every single day during a 40-day season, rain or shine. This is what they call 'derby fishing' where you have to fish every possible chance during that 40-day window to make up for lost revenues from the other 325

[1] RFA is a national 501(c)(4) non-profit political action organization whose mission is to safeguard the rights of saltwater anglers, protect marine industry jobs, and ensure the long-term sustainability of our Nation's marine fisheries. The RFA represents individual recreational fishermen, recreational fishing boat manufacturers, party and charter boat owners and operators, bait and tackle businesses, marina operators, and other businesses dependent on recreational fishing.

days of the year where our anglers could reasonably be fishing sustainably for red snapper.

Of course, the same groups who pushed us into this corner by supporting the reauthorization of Magnuson back in 2006 with all the rigid new definitions, requirements and arbitrary deadlines, are dangling another carrot in front of us today to help stop the derby—the new sector separation schemes and 'individual catch shares' for Gulf of Mexico fisheries is not an answer, it's an agenda, and it will forever change the face of our local community in a way that is not at all what's good for Florida fishermen.

The Need for Deadline Flexibility

We need some 'flexibility' in our federal fisheries law . . . there are no deadlines in nature; the last thing we need is to mandate unnatural timelines for rebuilding fisheries. If fish stocks are growing on a positive trend, why should we be shutting down seasons and denying fishermen the opportunity to fish the Gulf of Mexico? All for the sake of building stocks faster? Fisheries management should be more reasonable, and fisheries managers should be given the ability to manage within reason, for the sake of both fish and the fishermen.

To better explain our current situation here in the Gulf with regard to the inflexibility of the Magnuson-Stevens Act, it's important to look to other regions where similar issues occurred in the past. During the reauthorization debate in the House back in 2006, Congress approved a three-year deadline extension on the summer flounder rebuilding period to help fishermen in the Mid Atlantic region deal with a looming crisis there. By giving the fishing community three additional years to fish towards the final rebuilding target without threat of complete closure or a 75% cutback in season, the stock was still allowed to rebuild.

There were no negative biological consequences resultant of this extension, yet the fishermen and industry were given the opportunity to modestly continue fishing on the stock, which had increased to the highest level in recorded history after this flexibility extension was granted by Congress. Fishermen on all coasts of the U.S. and all fisheries under federal jurisdiction should have the option of rebuilding timeframe extensions when the certain criteria are met to ensure the continued health of the stock. In the summer flounder fishery, the extension proved to be a successful use of common sense in fisheries management. All fisheries should be afforded this common sense.

The Need For Improved Science and Data Collection

We also need better science and data collection. These shortened seasons and sudden closures are based on recreational data collection called "fatally flawed" by the National Research Council back in 2006, which is when Congress mandated that these recreational harvest surveys be replaced by 2009. Earlier this year, NOAA Fisheries said they'd accomplished their mission—well, if that's true, let's let the National Research Council decide through another comprehensive analysis of NOAA's work, to ensure that it's truly the best available science. No scientific effort should be considered the "best" without "peer review."

Responsible, efficient fishery management can only be achieved when the information used by decision makers is of the highest quality. The Magnuson-Stevens Act contains a national standard which mandates that management measures be based on the best available science. All too often, the information contains gaps and deficiencies which ultimately lessens the confidence in the data and negatively impacts fishermen through lower quotas. This information can only be called the best available science because it is only available science due to a close door culture at NOAA which prevents any outside information that challenges 'their' science.

Amendments included during the reauthorization debate in 2006 placed even greater demands that the quality of data be exceedingly high. The implementation of annual catch limits and accountability measures directly hurts fishermen when the data is less than perfect. Achieving such high quality data requires significant investment in both money and resources. NOAA has failed to make that investment and fishermen suffer.

When fishery information is poor, managers assign a specific level of uncertainty to the information under the widely adopted precautionary approach. Specific to the recreational fisheries, fish available to anglers are limited by both scientific uncertainty and management uncertainty. When combined, this uncertainty lowers the overall recreational harvest limit producing shorter seasons and more restrictive regulations. Of additional concern, when such regulations are imposed, mortality associated with harvest is simply converted to mortality associated with discards resulting in a wasteful management approach that serves no benefit.

In recent years, NOAA has allocated millions of dollars towards the implementation of catch shares programs at the expense of efforts which would improve stock assessments, lower uncertainty and provide more fish to anglers. Catch shares do not improve stock assessments or reduce uncertainty; they are a management tool with the primary objective of reducing capacity in a fishery. High quality stock assessments are expensive and demand significant commitment from this administration. NOAA needs to stop diverting money to catch shares and restore funding to cooperative research and other programs that directly improve and contribute to fishery stock assessments.

The Need to Protect Both Fish & Fishermen

Finally, we do need the Commerce Department's help in untangling this bureaucracy created by Magnuson. New annual catch limits and accountability measures like 'catch shares' and recreational harvest payback—it all sounds good, but if the best available science is still "fatally flawed" and research stock assessments don't use sound data, then what are we left with? Congress needs to step in on this one . . . if the government isn't going to meet their commitment to fishermen, then Congress needs to draw a line in Magnuson to allow the Department of Commerce to help protect the fishermen.

Magnuson was originally intended to support a robust domestic fishing industry in the United States. What it lacks today is a proper balance between commerce and conservation. I'm grateful that leaders from the House Natural Resources Committee have taken considerable time and effort to hold this field hearing today, it's a great opportunity for our Gulf fishing community.

We're not an industry that's looking for handouts—we're only asking for a hand, to protect our coastal heritage and traditions while fostering sustainable Gulf fisheries for generations to come.

Conclusion

In closing, I would like to express my appreciation for the opportunity to discuss the importance of recreational fishing in Florida, and especially the Gulf of Mexico here along our Forgotten Coast. It's an honor to have key Members of Congress and the distinguished Chairman of this Committee in our district today. I would be happy to work with Committee members and sponsors of various fisheries legislation on any follow-up questions you may today or at any other time.

The CHAIRMAN. Thank you very much, Captain Adams.

I will recognize Captain Jennings, who is the President of the National Association of Charterboat Operators. Captain Jennings, you are recognized.

STATEMENT OF CAPTAIN MICHAEL JENNINGS, PRESIDENT, CHARTER FISHERMEN'S ASSOCIATION

Mr. JENNINGS. Thank you, Chairman Hastings, Representative Southerland, I am the President of the Charter Fishermen's Association.

Given the gravity and the contentiousness of some of these issues, sitting here looking out that window, I would rather be sitting out there on that dock that I am looking at with all this fishing than I would be sitting here talking to you all.

And this is my first time in this part of the coast, Representative Southerland, and it is beautiful and the hospitality has been fantastic.

I do appreciate the opportunity to testify today. I own and operate two permitted charter boats in the Gulf and I make my living providing access to recreational anglers. In fact, the for-hire industry in the Gulf of Mexico provides access to millions of fishermen every year. Our customers come from all over the country and are a large part of the economic machine that supports thousands of businesses just like mine.

Recreational fishing seasons have gotten shorter and bag limits have gotten smaller. The service we provide to our clients is open access to ocean fisheries and this has become more and more difficult. These increasingly stringent managers are blocking public access to our fisheries and in the process hurting our local economies.

One thing we cannot do though is go back to the days when unrestricted fishing crushed important stocks, but we cannot just sit here and watch our seasons continue to get shorter and shorter either. Fortunately, there are solutions that can do both and provide for increased access to our fishery while also providing a long-term sustainability of these resources. There is some flexibility in the existing Magnuson-Stevens Act, or MSA, that can move us toward this and maintain the integrity of the MSA as we go forward. Congress needs, in our opinion, to leave the MSA alone. And rather than amend it, we would like to see Congress ensure that sufficient funding is given for fisheries science rather than creating loopholes. And allow fisheries managers to use all management tools that might benefit this fishery.

Legislation was recently introduced that would exempt or limit the use of basic management practices, including the setting of annual catch limits and extending the rebuilding timelines. In 2012, NMFS reviewed more stocks than ever, including several stocks in the Gulf, and we strongly support more funding for stock assessments and more for fishery independent surveys. But similar to other regions with large numbers of managed species, traditional population assessments are not always available.

In those cases, management is based on other information that can be obtained without complex and resource-intensive models, such as fishery catches, species life span, discard mortality just to name a few. These are all essential pieces of information needed for population assessments, along with other information about the biology and population trends of a species in question. To us, we see it as a myth that a fishery can only be managed by simply using a complex stock assessment.

There continues to be a push to sacrifice long-term sustainability for short-term gain. Healthy and rebuilt fish stocks are a critical component of healthy coastal economies. In fact, according to NMFS, fully restored or fully rebuilt U.S. fish stocks would generate $31 billion in revenues and create almost 500,000 in jobs.

The law offers ample flexibility to determine rebuilding timelines and setting catch limits, but we need additional flexibility to try different management approaches that the industry and the user groups feel is necessary. Traditional methods simply are not working. We see no reason to limit any options provided to the charter industry or any other user group that is currently allowed in the law.

There have been numerous attempts, and some successes, to prohibit our right to work on options in our industry in the Gulf of Mexico. Today's current management system is failing our industry and is failing the fishermen who seek to access it. Alternative management systems can be useful in some fisheries. For example, the red snapper ITQ program may not be appropriate for recreational anglers. Regardless, we need to let the fishermen determine that

and determine what tools work best for them. The MSA was set upon a manner that allows local issues to be dealt with in the local user groups and we need to continue to let that happen.

Sustainable fisheries provide public access to sportfishing and long-term economic health for our coastal communities. Congress is pushing to take steps, encouraged by a few who are willing to trade long-term sustainability for short-sighted personal and political gain. Current fishing rules hurt anglers and fishing businesses due to outdated management practices. But this is solved by giving fishermen management flexibility and not through rolling back conservation successes and creating management loopholes.

Now should be the time when Congress is giving us more tools to manage our fisheries, not less. We need all the options at our disposal and we need to allow the user groups to work within the guidelines of the MSA to work on what seems to be best for them. It is an issue that we feel needs to be dealt with on a local level when it comes to working within our fishery management system.

I thank you all.

The CHAIRMAN. Thank you very much, Captain Jennings.

Now I will recognize Captain Zales who is the President of the National Association of Charterboat Operators. Captain Zales.

[The prepared statement of Captain Jennings follows:]

Statement of Capt. Mike Jennings, For-Hire Recreational Fisherman and Owner of Cowboy Charters, Freeport, Texas; President, Charter Fishermen's Association

My name is Captain Mike Jennings and I am the President of the Charter Fishermen's Association, representing Charter Captains and Private Recreational Members throughout the Gulf States. I appreciate the opportunity to testify today in support of achieving sustainable and accountable fisheries in a way that will increase all user groups' access to our nation's natural resources. The most effective way to reach these goals is to ensure that congressionally-created Regional Fishery Management Councils have the flexibility to explore all management options available. Restrictions from Washington, D.C. on what management options we can and cannot try could devastate our industry.

I have been a licensed charter boat captain fishing the Gulf of Mexico off Texas for over 25 years. I grew up fishing Texas's inshore and offshore waters and I am proud to make a living by taking my clients fishing and giving them access to the fisheries in the Gulf of Mexico. In fact, the for-hire industry in the Gulf of Mexico provides access to millions of fishermen every year who cannot afford their own boats, live far away or who want to fish with an experienced captain. This year my boats took more than 1500 people out to fish in the Gulf. Our customers come from all over the country and are a large part of the economic machine that supports thousands of small businesses like mine and is a primary driver of our coastal communities.

Several species of fish that are critical to the recreational fishing industry in the Gulf have suffered from fishing effort in years past that has put a strain on the overall populations and are subject to increasingly restrictive management measures. Fishing seasons have gotten shorter and bag limits have gotten smaller. These factors make it very difficult for charter boat operators like me to stay in business. The service we provide to our clients 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 size and bag limits are so restrictive that clients 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.

We can't go back to the days when unrestricted fishing crashed important stocks, but we can't watch our seasons get shorter and shorter while bag limits get smaller and smaller. Fortunately, there are solutions that can simultaneously provide increased access to our fishery while also providing for the long-term conservation of those resources. There is flexibility in the existing Magnuson-Stevens Act that can move us towards that increased access as these fish stocks rebound. In fact, we be-

lieve that it is critically important to maintain the integrity of the Magnuson-Stevens Act (MSA) to enable continued, long-term access to this valuable resource. Congress needs to leave the MSA alone. Rather than amend the MSA Congress should:

- Ensure there is sufficient funding for fisheries science rather than creating loopholes
- Allow fisheries managers to use all management tools that might benefit the fishery, and
- Protect valuable habitat that is now in place in the Gulf of Mexico.

Legislation was recently introduced that would exempt or limit fisheries from the use of basic fisheries management practices, including the setting of annual catch limits (ACLS) and extending rebuilding timelines. In 2012 NMFS reviewed more stocks than ever before, including numerous stocks in the Gulf of Mexico and we strongly support funding for stock assessments and fishery independent surveys. But similar to other regions with a large number of managed species, traditional population assessments are not always available to inform the setting of ACLs in the Gulf.

In those cases, management is based on information that can be obtained without complex and resource-intense models, such as fishery catches, species life span and discard mortality just to name a few. These are all essential pieces of information needed for population assessments, along with other information about the biology and population trends of a species in question. It is a myth that a fishery can only be managed with complex population assessments. Good management systems are adaptable and are designed to accommodate a range of uncertainties.

There continues to be a push for fishery managers to sacrifice long-term sustainability for short term gain. There have been numerous legislative attempts to extend rebuilding time frames for US fish stocks. In some cases these efforts could extend rebuilding almost indefinitely. Currently, the law requires stocks to be rebuilt in ten years but includes sufficient flexibility and takes into account the biology of the stocks. In fact, over half of rebuilding plans extend past the 10 year time line. Some Pacific Rockfish species have rebuilding timelines that exceed 70 years. Healthy and rebuilt fish stocks are a critical component of healthy coastal economics. In fact, according to NMFS, fully rebuilding US fish stocks would generate $31 billion in revenue and create 500,000 new jobs.

The law offers ample flexibility in determining rebuilding time lines and setting catch limits, but we need additional flexibility to try different management approaches. Traditional methods simply aren't working. We would like to explore the possibility of alternative management approaches on the local level as afforded us by the MSA. We see no reason to limit any option provided to the Charter Industry or any other user group that is currently allowed under law. Those alternatives may include sector allocations or even Limited Access Privilege Programs, (LAPP) if the user group feels this is in their best interest.

Limited Access Privilege Programs, (LAPP) may not be appropriate for all fisheries and all fishermen. For example, we do not believe they should be used to manage private anglers. But the Charter Industry should have the option to explore them if they see fit. Under the Magnuson-Stevens Act, the regional fishery management councils now have the option to implement a LAPP where the stakeholders in a fishery want such a program. Here in the Gulf of Mexico any new LAPP is subject to a fishermen referendum and must be approved by a majority of the active participants in the fishery before it can be implemented. No other fishery management program requires that level of fishermen input.

There have been numerous attempts, and some successes, to prohibit our right to work on options for our industry in the Gulf of Mexico. Today's current management system is failing our industry and failing the Fisherman who seeks to access it. Alternative Management Systems can be useful in some fisheries. For example, the Gulf of Mexico Red Snapper Commercial ITQ program may not be appropriate for others, such as private anglers. Regardless, it is not up to Congress to decide what tools fisheries managers and fishermen can and cannot use in their fisheries. We need to let fishermen determine what tools work best for them. The Magnuson-Stevens Act was set up in a manner that allows local issues to be managed at the local level. Congress should allow that process to take place.

One of the top priorities for recreational fishermen in the Gulf of Mexico today is maintaining the Rigs to Reef program. Gulf of Mexico offshore oil and gas production platforms were originally designed and built to provide our nation with energy. However these structures have become critical habitat for many types of marine life and are also a valuable asset for recreational fishing and diving. The federal Rigs to Reefs program successfully allows removal of hazardous materials while allowing the useful habitat to remain and has been working great for decades. Many busi-

nesses and user groups have come to rely on the structures, which have improved our quality of life and ability to enjoy our Gulf of Mexico.

Unfortunately, recent changes to federal policy are causing beneficial habitat to be destroyed at a huge cost to our communities and the Gulf ecosystem. The Department of Interior announced on September 15, 2010 that it would begin enforcing a long-dormant rule requiring rigs to be removed within five years from the time they cease production. This has sped up the process of removing non-producing rigs, regardless of their value as fish habitat. As a result, much habitat has been lost and continuing to remove more rigs will harm our businesses.

The Gulf of Mexico Fishery Management Council is also expressed concern about the method and rate of oil and gas platform removal. The Council has sent a series of letters asking the agencies responsible for rig removal to reconsider the use of explosives to remove rigs because explosives are known to kill fish dwelling near those structures. The Council also asked that the rate of rig removal be slowed or discontinued until more information is gathered regarding the effects of Structure removal on the fishery. We strongly support the Council in these efforts.

Sustainable fisheries provide seafood to America's dinner plate, public access for sportfishing enthusiasts, and long-term economic health for fishermen, and our coastal communities. Congress is pushing to take steps, encouraged by antiquated thinking by a few "leave us alone" fishermen of old, who are willing to trade the long-term sustainability of our coastal communities for shortsighted personal and political gain. Current fishing rules hurt anglers, fishing businesses, and our nation's fisheries by severely limiting fishing with short or even closed seasons and promoting wasteful discards due to outdated management practices, but this is solved by giving fishermen management flexibility and not through rolling back conservation provisions and creating management loopholes.

The CFA sees our role in this fishery as a position of providing more access to the average American who just simply has no other avenue or opportunity to fish in the Gulf of Mexico. Current management practices are stripping the American public of this access. We also pledge to work to meet the mandates set by Congress through the promotion of fishery management practices that are beneficial to the American public, the fishery in general as well as the fishing industry. Now should be the time when Congress is giving us more tools to manage our fisheries, not less. The Charter Fisherman's Association looks forward to working with Regional Councils, Congress and the Administration towards long-term solutions, including any and all options that may increase fishing time, improve businesses, and ensure a sustainable fishery. We need all the options at our disposal and we need to allow the user groups to work within the guidelines of the MSA at the council level to best manage our fisheries.

STATEMENT OF CAPTAIN ROBERT F. ZALES, II, PRESIDENT, NATIONAL ASSOCIATION OF CHARTERBOAT OPERATORS

Mr. ZALES. Thank you, Chairman Hastings, Representative Southerland, my name is Robert Zales, II, and I am appearing today on behalf of the National Association of Charterboat Operators. NACO thanks you and the members of the Committee for your kind invitation to present testimony on this issue today.

NACO is a non-profit 501(c)(6) association representing charter boat owners and operators across the United States, including the Great Lakes. I also serve on the board of other recreational fishing associations and work with a national coalition of recreational for hire, private recreational, and commercial fishing associations as well as the National Ocean Policy Coalition. I have been involved in fishing for over 47 years with over 21 years of that time involved with local, State, and Federal fishery management, providing expert testimony, serving on a host of advisory panels, and working to ensure that reason and common sense are applied to the management of our natural resources.

On July 19, 2010, President Obama signed and executed Presidential Executive Order 13547, creating the National Ocean Policy. Two years later, this one stroke of a pen has led to the creation

of the National Ocean Council and we are awaiting the announcement of the National Ocean Policy Implementation Plan. This plan will provide for the creation of nine Regional Planning Bodies whose membership will be limited to Federal, State, and tribal representatives only. Regional Planning Bodies will adopt a comprehensive national ecosystem-based management principle, implement comprehensive, integrated ecosystem-based coastal and marine spatial planning and management, and a host of other management objectives. As bureaucrats gather to draw lines on maps and determine the fate of significant contributors to the economy and social fabric of the Nation, the fishing and boating communities simply will not have a seat at the table.

Here in the Gulf of Mexico region, 19 officials from 14 Federal entities have been identified to participate on a government-only Regional Planning Body—Department of the Interior, Bureau of Ocean Energy Management, U.S. Fish and Wildlife, National Park Service, U.S. Geological Survey, Environmental Protection Agency, Department of Commerce, Department of Homeland Security (the Coast Guard), Department of Agriculture, Department of Energy, Federal Energy Regulatory Commission, Department of Transportation, U.S. Air Force and U.S. Navy. Apparently, Mr. Chairman, you and your colleagues are not necessary to the proper management and care of our natural marine and land-based resources as Congress has been left totally out of this process.

Charter, commercial, and saltwater recreational fishing is extremely important to the United States, both economically and socially. According to the NOAA publication "Fisheries Economics of the United States for 2009," recreational saltwater fishing produced sales impact from angling and durable expenditures totaling $50 billion and value-added impacts of $23 billion, while providing over 327,000 jobs in 2009. In addition, the commercial fishing industry provided over 1 million jobs, $116 billion in sales and $32 billion in income impacts. Seafood retailers added another 484,000 jobs and contributed another $10 billion to the Nation's economy. This impact is derived on less than 20 percent of the seafood provided locally as over 80 percent of our Nation's seafood is imported. According to the local Tourist Development Council, 15 percent of tourism dollars comes from saltwater recreational fishing off Panama City. All of these industries depend on our healthy and resilient resources and must have flexibility in management in order to survive.

Recreational and commercial fishermen are already over-regulated and subjected to restricted fishing seasons, over-restrictive bag limits and quotas, closed areas to boating and fishing, the Endangered Species Act, Clean Water Act, and Marine Mammal Protection Act, engine emission regulations, marine protected areas, gear restrictions, U.S. Coast Guard regulations, manning requirements, life-saving requirements, licensing, medical review processes, navigation restrictions, and FCC radio licensing and requirements, among others.

In addition to the coastal impact of the NOP, according to the American Farm Bureau Federation, instead of being restricted to just the oceans and coasts, the National Ocean Policy "could extend to the regulation of every farm and ranch in the United States."

The NOP national priority objective for Water Quality and Sustainable Practices on Land is to "enhance water quality in the ocean, along our coasts, and in the Great Lakes by promoting and implementing sustainable practices on land," with the draft implementation plan proposing an action to "reduce rural sources of excessive nutrients, sediments, toxins and pathogens."

Under the Regional Ecosystem Protection & Restoration national priority objective, the NOC has proposed in part to "support the development and implementation of statewide nitrogen and phosphorus reduction strategies in the Mississippi River Basin and Gulf region" and the "development of State regulatory certainty programs for reducing nutrient and sediment loads. Will support of States translate to coercion, as is taking place in the Chesapeake Bay watershed? The Mississippi River Basin spans from Montana to New York, draining water from parts or all of 31 States. The new overlay of Federal requirements could negatively affect home builders, private landowners, and other businesses. Furthermore, the significant financial and human resources that will be required to implement this massive new program that has not been authorized by Congress, stands to harm all economic sectors, including those that operate solely on land, that are dependent in some part on already squeezed Federal programs and resources.

Mr. Chairman, this concludes this portion of my testimony. Again, I truly appreciate the invitation and opportunity to provide you and the Committee with this information. I will be pleased to respond to any questions.

[The prepared statement of Captain Zales follows:]

Statement of Capt. Robert F. Zales, II, President,
National Association of Charterboat Operators

Chairman Hastings, Ranking Member Markey, Representative Southerland and members of the committee, my name is Robert F. Zales, II and I am appearing today on behalf of the National Association of Charterboat Operators (NACO). NACO thanks you and the Members of the Committee for your kind invitation to present testimony on this issue today.

NACO is a non-profit 501 (c) (6) association representing charter boat owners and operators across the United States including the Great Lakes. I also serve on the Board of other recreational fishing associations and work with a national coalition of recreational for hire, private recreational, and commercial fishing associations as well as the National Ocean Policy Coalition. I have been involved in fishing for over 47 years with over 21 years of that time involved with local, state, and federal fishery management providing expert testimony, serving on a host of advisory panels, and working to ensure that reason and common sense are applied to the management of our natural resources.

On July 19, 2010 President Obama signed and executed Presidential Executive Order 13547 creating the National Ocean Policy (NOP). Two years later, this one stroke of a pen has led to the creation of the National Ocean Council (NOC) and we are awaiting the announcement of the National Ocean Policy Implementation Plan. This plan will provide for the creation of 9 Regional Planning Bodies whose membership will be limited to Federal, State, and Tribal Representatives only. Regional Planning Bodies will adopt a comprehensive National ecosystem based management principal, implement comprehensive, integrated, ecosystem based coastal and marine spatial planning and management, and a host of other management objectives. As bureaucrats gather to draw lines on maps and determine the fate of significant contributors to the economy and social fabric of the nation, the fishing and boating communities simply will not have a seat at the table.

Here in the Gulf of Mexico region, 19 officials from fourteen federal entities have been identified to participate on a government-only "Regional Planning Body" (Department of Interior, Bureau of Ocean Energy Management, U.S. Fish and Wildlife Service, National Park Service, U.S. Geological Survey, Environmental Protection

Agency, Department of Commerce (NOAA), Department of Homeland Security (Coast Guard), Department of Agriculture, Department of Energy, Federal Energy Regulatory Commission, Department of Transportation, US Air Force, and US Navy). Apparently, Mr. Chairman, you and your colleagues are not necessary to the proper management and care of our natural marine and land based resources as Congress has been left totally out of the process.

Charter, commercial, and saltwater recreational fishing is extremely important to the United States, both economically and socially. According to the NOAA publication *Fisheries Economics of the United States for 2009* Recreational Saltwater Fishing produced sales impacts from angling and durable expenditures totaling **$50 BILLION and value added impacts of $23 BILLION while providing over 327,000 JOBS** in 2009. In addition the Commercial Fishing industry provided over **1 MILLION JOBS, $116 BILLION in sales and $32 BILLION in income impacts.** Seafood Retailers added another **484,000 JOBS and contributed another $10 BILLION** to the nations' economy. This impact is derived on less than 20% of the seafood provided locally as over 80% of our Nation's seafood is imported. According to the local Tourist Development Council, **15% of Tourism Dollars** comes from saltwater recreational fishing off Panama City. All of these industries depend on our healthy and resilient resources and must have flexibility in management in order to survive.

Recreational and commercial fishermen are already over-regulated and subjected to restricted fishing seasons, overly-restrictive bag limits and quotas, closed areas to boating and fishing, the Endangered Species Act, Clean Water Act, and Marine Mammal Protection Act, engine emission regulations, marine protected areas, gear restrictions, U.S. Coast Guard regulations, manning requirements, life-saving requirements, licensing, medical review processes, navigation restrictions, and FCC radio licensing and requirements, among others.

In addition to the coastal impacts of the NOP, according to the American Farm Bureau Federation, instead of being restricted to just the oceans and coasts, the National Ocean Policy "could extend to the regulation of every farm and ranch in the United States." The NOP national priority objective for Water Quality and Sustainable Practices on Land is to "enhance water quality in the ocean, along our coasts, and in the Great Lakes **by promoting and implementing sustainable practices on land**," with the draft implementation plan proposing an action to "reduce rural sources of excessive nutrients, sediments, toxins and pathogens."

Under the Regional Ecosystem Protection & Restoration national priority objective, the NOC has proposed in part to "support the development and implementation of State-wide nitrogen and phosphorus reduction strategies in the Mississippi River Basin and Gulf region" and the "development of State regulatory certainty programs for reducing nutrient and sediment loads": will "support" of states translate to coercion, as is taking place in the Chesapeake Bay watershed? The Mississippi River Basin spans from Montana to New York, draining water from parts or all of 31 states. The new overlay of federal requirements could negatively affect home builders, private landowners, and other businesses. Furthermore, the significant financial and human resources that will be required to implement this massive new program, that has not been authorized by Congress, stands to harm all economic sectors—including those that operate solely on land—that are dependent in some part on already-squeezed federal programs and resources.

Mr. Chairman, this concludes this portion of my testimony. Again, I truly appreciate the invitation and opportunity to provide you and the committee with this information. I will be pleased to respond to any questions.

The CHAIRMAN. Thank you, Captain Zales, and I thank all of you for your testimony.

And Captain Zales, I want to thank you for your testimony regarding the National Ocean Policy. That is a big concern of mine, because while Washington is a coastal State, my particular district is in central Washington and two rivers go through—two principal rivers, there are more than just those two—but the Columbia River and Snake River. And that policy would have a huge, huge effect, as you alluded to in your testimony.

My understanding is that you have been involved in the Marine Protected Area Advisory Committee for some time now. In your opinion, and the discussions that are going on within that com-

mittee, is there much science or is it more about some policy objectives that they want to address?

Mr. ZALES. Mr. Hastings, I was one of the initial appointees to that panel, and ended up my last few years serving on that panel about 3 years ago as vice chairman of that panel. It had 30 members from all varieties of stakeholders on there from fishermen to environmentalists to government people.

In my opinion, on that panel, there is a true agenda to pretty much put fishermen and boaters off the water. It started out—initially it was a pretty clear balance of representation on there. We had the oil industry involved with it, like I said, commercial and recreational fishermen, the environmental community, there are academics on there, there are—you know, all the agencies from the Federal Government are represented. We were able to get, in the first 2 years—and it was tough—we came up with an initial plan and there was a lot of negotiation that went back and forth. And it was only within the last few hours of the last day of the meeting that we finally came together on that.

But since that time, it is my understanding it has drifted away from that initial work, it has just become more—the membership has become more academic and environmental oriented and there is a continued push—and they continually use, to this day, the Marine Protected Act off of California. And if you follow that Act, you see that there has been a host of problems. I mean there are court cases out there today with that Act where there were a lot of things done behind the scenes outside of public view that created these large areas of marine protected areas off of California that should not have been done if they had been done properly. And that has been used as the epitome of how you do it.

Now if that is how you do things, we have serious problems. And hopefully in the Federal system, you will look at it a lot better.

The CHAIRMAN. Well, I will just simply say that is my view in a variety of areas and I intend to.

I will yield the balance of my time to Congressman Southerland.

Mr. SOUTHERLAND. Thank you, Mr. Chairman.

Great testimony, thank you very much for being here today.

Ms. Hansard, let me ask you a question. Your organization has been effective in building and placing artificial reefs in the Gulf, yet it appears that NOAA does not use those sites to survey fish. Why do you think they ignore these areas in surveys?

Ms. HANSARD. I could not begin to tell you why they do it because it does not make any sense to me whatsoever. If you look at the Florida panhandle, according to FWC, 95 percent of our sea floor is sandy bottom. If we did not build artificial reefs in the Florida panhandle, we would not have a fishery in the Florida panhandle to support all the different people that want to go out there and fish.

So the fact that they are not surveying those reefs just means that they are not looking at the majority of the fish in our area.

Mr. SOUTHERLAND. I have heard this—can you confirm this? I have heard that some 40 percent of the landings out of the Gulf of Mexico, red snapper landings, occur in Alabama. And I have not actually been there to see their rebuilding program, but I heard it is very robust. So is it a true statement that the reason that they

have such a large percentage of landings is directly related to the fact of their very aggressive rebuilding program?

Ms. HANSARD. I have this which I will show you, a picture. Now this map is a little outdated, Escambia County and Bay County have gotten a few more permitted zones, this is from a few years ago. You can see the green areas is Alabama's permitted areas and you can see the other colored areas, those are the permitted area that we had in the Florida panhandle. They have permitted almost every square inch of their sea floor and they allow people to go in there, even private people go in there and drop anywhere in those permitted areas. And one of the wonderful things about the private artificial reef building is that private artificial reefs do not have the pressure put on them that the public artificial reefs have. And they help the fishery at absolutely no cost to the taxpayers.

If the Federal Government were to remove some of the restrictions and encourage private reef building, then we could help our fishery. I think we could rebuild our fishery in 5 years if they would get out of the way, let the private industries build up our fishery. Even these people that are sitting out in this room today, I am sure a lot of these people would build reefs at no cost to the taxpayers. And every single reef that goes into the water, whether you have the coordinates to it or not, helps our fishery because it gives fish habitat.

The CHAIRMAN. My time has now expired and I will now recognize you for your time. This is the way we do it back in Washington, D.C. It may be convoluted to some of you that are watching this here, but we have 5 minutes, if we do not use it, we will yield to somebody that wants to utilize that time. Obviously, Congressman Southerland, this being his district, knows the area much better than I, so I am going to yield to him. I will now recognize him for his own time.

Mr. SOUTHERLAND. Thank you, Mr. Chairman.

Captain Jennings, you stated in your testimony that it is not up to Congress to decide what tools fishery managers can and cannot use. But who do you think wrote the Magnuson-Stevens Act?

Mr. JENNINGS. Congress wrote the Magnuson-Stevens Act.

Mr. SOUTHERLAND. Well, OK, if we wrote the Magnuson-Stevens Act and we also authorized the Magnuson-Stevens Act, then—I mean just by its very nature, we have to get involved in understanding the process. And why would we want Congress to pass, you know, laws that have to be reauthorized every several years without the knowledge that we are seeking?

Mr. JENNINGS. Without the knowledge that you are seeing as far as the problems with the data? I am not really following your question.

Mr. SOUTHERLAND. Well, I think you are kind of picking and choosing, I mean when you want Congress to be involved and when you do not. I mean, for example, you said that the removal of rigs is hurting the business. And if that is the case—and then you say if Congress does not act, the Department of the Interior will require that all inactive rigs be removed immediately. So is this a case where you would like Congress to step in? Because we hold the Department of the Interior's feet to the fire, we serve as accountability to President Obama and his agencies. So I mean, I

hear push back when we are asking questions and we are trying to be—again, this is my home, this is the only place I have ever known, and I think my motives here of trying to be involved and trying to get data and information so we can make really good decisions and hold these departments' feet to the fire, I think is a pure motive.

So, you know, the criticism that we need to approve more funding, as you also state in your testimony, and then when you say stay away from the Magnuson-Stevens Act, it seems to be inconsistent.

Mr. JENNINGS. No, I think the message we are getting from Congress has been inconsistent. We were given Magnuson-Stevens and then it was reauthorized and now when we start to work within that process of Magnuson-Stevens as local constituents and local fishermen, we are faced with things like the Jones bill, which is slipped in from the back door to shut down something that Magnuson-Stevens gave us the opportunity to work on in the first place.

And when it comes to the Rigs-to-Reefs Program, the problem that we have with removal of the Rigs-to-Reefs Program goes back 20, 30, 40, sometimes 50 years and comes down to the lease agreements. They are bound under lease agreements to remove those rigs. That was the problem, it was not Congress that is causing them to remove those rigs. We need some kind of injunction or some kind of help along those lines, whether it be a Federal judge or Congress or anything. I was trying to bring that to light more to how the removal of those fish——

Mr. SOUTHERLAND. OK.

Mr. JENNINGS. You talked today about how these artificial reefs hold these fish and how they are beneficial to our fishermen and to our economies and to this resource. And that is the reason I have that in my written testimony. I removed it from my oral testimony today because it was kind of a sidebar issue.

Mr. SOUTHERLAND. Yes. Well, I know that, you know, you talk about the Magnuson-Stevens Act and there are a lot of good things in the Magnuson-Stevens Act, I do not question that.

Mr. JENNINGS. Yes.

Mr. SOUTHERLAND. But one of the standards, and I want everyone to understand that one of the standards that is clearly inside the Magnuson-Stevens Act that is often overlooked—and I am reading from Section 301 of the National Standards for Fisheries, directly out of the Magnuson-Stevens Act, it says that "Conservation and management measures shall, consistent with the conservation requirements of this Act, take into account the importance of fishery resources to fishing communities to the extent practical, minimize adverse economic impacts on communities." And I want you to know that when I push NOAA, give me the facts of an economic impact of your rules, they will not do it. And I think it is only fair, representing you, that I fight and demand that every part of Magnuson-Stevens is adhered to, not just the part that they like, ignoring the part that they do not like. And I think to ask what the economic impacts are before we push these regulations over on someone, I think that is a fair expectation.

And I think you and I would agree on the rigs that look, if the rigs are good for the fishermen, why in the world, if you have a

rig that is good for the sustainability of the fishery, why would they remove that rig, if it is proven to not harm the environment.

I yield back.

The CHAIRMAN. I thank the gentleman. I will recognize myself for a final round here of questioning.

I want to make an observation and one of the reasons why I was looking forward to coming down here—I did not mention it, but I will mention it now, the Natural Resources Committee has jurisdiction over most Federal lands and offshore waters and obviously you, here on the coast. Now Federal lands, from my point of view, unless otherwise designated, were designed to be for multiple purposes—as recreation and commercial activity.

I come from the Northwest where unfortunately there is a lot of Federal land. You are lucky, you do not have a lot of Federal land except—it is all water here, but land/water, believe me. I have some counties that have 75 percent of their county owned by the Federal Government, and the activities are greatly restricted because of that.

Now there has been a movement going on for generations in this country to restrict commercial and recreation activities on Federal lands. I suspect that that same activity has extended to the fisheries, whether you are talking about the coast of California or talking the Atlantic coast and probably in the Gulf. You should be aware of that, because the consequences of that will be harmful in the long term to the economy and the way of life you all know. Captain Zales alluded to that in his testimony. And especially with this National Oceanic Policy.

But I want to give you just a couple of take-aways that I got from testimony here, as it relates to my area in the Northwest. The issue here—and I did not sense that there is any disagreement about artificial reefs being beneficial to the fishery—but one of the big debates in the Northwest is the issue of salmon, and particularly the issue of wild salmon. Now we have had fisheries on the Columbia River for well over 100 years. Nobody marked the hatchery fish over 100 years ago, which would be probably 25 generations ago, but all of a sudden now, there is a movement saying that you cannot harvest wild salmon when they could be progeny of hatchery salmon several generations ago. And there are advocates that are using that argument to even advocate taking out dams, which of course provide the electricity in the Northwest.

The reason I am giving you this background is because I think in the long term—and by the way, when I hear that debate about hatchery fish, it sounds to me strangely similar to not counting artificial reefs. The similarity there to me is true. And all I am suggesting to you, you all had better be aware of it, I understand there is tension between commercial and recreation, that is one of the reasons we are here—I recognize that. But what you want is a viable fishery, that is what you really want, is a viable fishery.

There is and has been a political agenda in this country that wants to cause that to end. And so to the extent that all of you can get together—yes, Magnuson-Stevens is a national act, there is no question about it. But yes, it was designed with regional jurisdiction, if you will, as best can be done. Now just because you have regional jurisdiction does not make it easy. For goodness sakes, it

is hard, there is no question about that. But the alternative to having some sort of regional decision-making is national, one size fits all. That, to me, is not acceptable, I think that is a horrible way to go and I simply ignore that.

So what I want to say, and one of the take-aways I got coming down here is there are other agendas out there, and do not be caught up in the other agendas that will destroy your livelihood, whether you are recreational or whether you are commercial. But you had better be aware of that. And the National Ocean Policy that was alluded to by Captain Zales and alluded to in others' testimony, will in fact potentially have precisely that outcome.

So I just want you to know, this will be worked on, we will have more open debate on Magnuson-Stevens, no question about that. But I am a firm believer that government that's closest to the people governs best. But there is no guarantee that it is easier, it is hard. We live in a country where we have had liberty and freedom for over 200 years. A lot of countries would like to be like us and we should never lose sight of that.

So I want to thank all of you for being here, I want to thank the panel and I will yield to Mr. Southerland.

Mr. SOUTHERLAND. Thank you, Mr. Chairman.

I want to say that I am—first of all, thank you for being here and thank you for your remarks. Currently, in the Gulf of Mexico, we currently have—and I am referring to recreational—currently 3.9 annual catch limits or 619, 620,000 pounds of fish caught—so 620,000 pounds of fish caught equals 3.9. As I am looking at these numbers and I look back at 2006 and we had 1.3 million fish caught at 9.1 tag. Based on that increase, it seems that the fish for the recreational sector should be in an ACL of 7.6 million pounds, if you do the numbers, the size of the fish and the increase in the poundage.

I am going to ask you this, Captain, because you do this for a living and I do not, why—why has that adjustment not been made when all of the data that oftentimes the Council seems to trust and NOAA seems to trust, why has that not been adjusted?

Mr. JENNINGS. The information that we had gotten from NOAA, Congressman, is that the size of the fish has increased. I know that we are missing some size classes in the fish and we see that when we are on the water.

Mr. SOUTHERLAND. And by the way, that was referring to the snapper.

Mr. JENNINGS. Yes, sir, I followed you, I followed the numbers. We are seeing some issues with some age classes on the water, we are seeing some very large fish and some—for our part of the Gulf anyway, I cannot speak for the entire Gulf of Mexico, but I am just talking about being on the water. We are seeing some very large fish and we are seeing a lot of very small fish. We are seeing some issues with some age classes that may be missing and seeing some issues with some bottom that may not be holding some fish as well as it did. I know I am hearing a lot of issues from the North Central coast about there's missing fish after the oil spill and things along those lines.

But why those numbers have not been adjusted, I am guessing here, from the information I have received, it has got to do with

some missing age classes, some areas that are still not holding fish, some areas that are holding fish that haven't held them historically. And there is still some uncertainty in the numbers themselves, but one of the things we do is we see, as these numbers get thrown around, the math gets more and more and more fuzzy about where we should be and where we can go and cannot go and things along those lines. I think we are sitting on a position where the stock assessment that we are looking at for 2013 is probably going to be one of the bigger issues and things may be able to be adjusted after that. The shame of the matter is that——

Mr. SOUTHERLAND. But we are hearing rumors that some in the Administration believe that we have exceeded that once again and in spite of having lost so many days to weather and we did have the additional 6 days, but they are already saying, guess what, you are over.

Mr. JENNINGS. I think the number was anywhere from 400 to 800,000 pounds.

Mr. SOUTHERLAND. I guess my point is they never seem to be satisfied in being willing to take away from us, is my point. They will not recognize the good data that we do have, they will not make adjustments when we have increases and there is strong evidence that the fisheries are healthy. As a matter of fact, in the South Atlantic, red snapper has been closed for over 900 days—900 days. And guess what, no assessment is even scheduled.

So if they said to you, we are just going to close you down for 900 days and, you know what, we are going to move $300 million out of research and data and we are going to put another satellite in space, does that seem like the kind of bureaucrats we want to trust with our livelihood?

Look, if it walks like a duck, looks like a duck, quacks like a duck, it is a duck. At some point in time, I have to ask these individuals that are 1,000 miles from here and have never put bait on a hook, what are you doing—what are you doing. That is not fair.

Captain Adams, it seems to be common sense—that is missing a lot in Washington, D.C., but——

Mr. ADAMS. They seem to be missing quite a bit actually in Washington, D.C. about the health of our fisheries. I do not think that is really an issue to them. I mean every time we count the fish, we have gone over our limits, they will not count the fish on the artificial reefs, then they destroy our reefs and take out a million more pounds here and there. It just does not make any sense.

Mr. SOUTHERLAND. Two things that bother me, and in closing—I know I have the red light—I am bothered, number one, that there are people from the commercial sector, there are people that can buy catch shares, they can live in Kansas, they can live in Kansas, never, again, put bait on a hook and they are taking away from you. I want you to know, I have a problem with that. You are struggling. As a matter of fact, I asked in the last hearing we had, the last hearing before we came, when they seize a foreign vessel, or any vessel, that is illegally harvesting, I asked them what do you do with all the fish that you seize. Do you know what they said? They auction them off. And I said well, that fish that you auction off, what is that poundage credited to. The commercial IFQ. Well, why should you be OK with them seizing fish caught illegally

and then them hammering you and taking away from your IFQ. That is not right, it is unfair. That is unacceptable. Look, we can stand to raise the annual catch limits. We can stand to—all the data says there is a lot more fish out there and we have heard numbers like 90 million, 100 million. We deserve more, you deserve more. You have been sold out for decades. It breaks my heart. I am not here to hurt you, I am here to get to the truth. And every time I talk to NOAA, the Department of Commerce, when I see them slide $300 million out to put satellites in space and all the things that they are doing and not doing, it angers me, because you deserve better.

I want to say to Doc Hastings, I want to say thank you for coming. This is my home, those waters, I learned to swim in those waters. All four of my children were baptized in that water. It is home. I thank you for coming.

The CHAIRMAN. We have one more panel and we may——

Mr. SOUTHERLAND. Oh, I was not aware of that, I thought we just had two. Very good.

The CHAIRMAN. As I dismiss this panel, we will have Dr. Richard Merrick, Director of Scientific Programs and Chief Scientific Advisor for the National Marine Fisheries Service, and I would ask him to come up as we dismiss this panel.

[Brief pause.]

The CHAIRMAN. The Committee will reconvene and we have our third panel, Dr. Richard Merrick, Director of Scientific Programs and Chief Scientific Advisor for the National Marine Fisheries Service.

You heard the protocol as far as testimony is concerned. We very much appreciate your coming here. You sat in on the first two panels, and I hope that there was something that was gleaned out of the discussion there.

So Dr. Merrick, with that, I will recognize you for 5 minutes.

STATEMENT OF DR. RICHARD MERRICK, DIRECTOR, SCIENTIFIC PROGRAMS AND CHIEF SCIENCE ADVISOR, NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE

Dr. MERRICK. Thank you. Chairman Hastings, Representative Southerland, thank you for the opportunity to testify before you today. My name is Richard Merrick and I am the Director of Scientific Programs and Chief Science Advisor for the National Marine Fisheries Service at NOAA.

Like my fellow speakers, I also grew up on the coast of Florida as well as New Jersey and I came from a charter boat family. I have spent most of my 27 years with NOAA working on the water in Alaska and New England to develop science-based advice for NOAA managers. Today, I want to talk about how our fishery science underpins and provides for good fisheries management in the U.S. and here in the Gulf of Mexico.

Under the Magnuson-Stevens Act, we have used this to advise management councils in the States and fishermen to make great strides in ending over-fishing, rebuilding stocks and building a sus-

tainable future for our fishing communities. Today, the U.S. is the fisheries management model for the world.

Some 230 finfish and shellfish stocks comprise the bulk of the landings and value for U.S. fisheries. To sustainably manage these stocks, we need to know how big that stock is, and what proportion of it can be harvested without impacting its long-term productivity. Stock assessments are conducted for this purpose, and in a typical year, we provide around 90 new stock assessments to managers.

Because of the diverse fish stocks and habitat in the Southeast, stock assessment efforts have lagged behind the rest of the country here. However, in recent years NMFS, by providing focused funding for the Southeast, has strengthened our relationships with our partners and significantly improved our stock assessment process and we are obtaining more and better data.

There are a few examples of how this is happening. The incorporation of recreational fisheries in the fish stock assessments may be more important in the Gulf of Mexico and the South Atlantic region than in any other part of the country. We try to produce data as part of the NMFS Marine Recreation Information Program, or MRIP. Under MRIP, NMFS is implementing revised methodologies to substantially improve the accuracy of the effort and catch estimates that are developed from our angler surveys.

NMFS is also working on pilot projects to move toward electronic reporting, including sampling head boats and logbook reporting for charter boats.

Another example is because Gulf reef fish are so hard to survey, NMFS is funding a multi-year research project with the University of South Florida to explore to use of towed camera arrays to assess the stocks in these hard to survey areas, whether artificial or natural reefs.

Finally, in Fiscal Year 2010, recognizing that we needed more stock testing scientists, the Southeast Fisheries Science Center received funds to bring on five additional stock assessment scientists to work in the Gulf of Mexico. This will double our stock assessment output from an average of 5 stocks per year to approximately 10 per year by 2015.

Now it is true that the Gulf of Mexico red snapper management has posed one of our greatest challenges. However, the difficult catch reductions that commercial and recreational fishermen have endured to end over-fishing are now beginning to pay off. Our most recent red snapper stock assessment indicated over-fishing of red snapper had ended in 2009. Since then, we have been able to provide commercial and recreational catch increases each year, and fishermen on the west coast of Florida have been afforded new fishing opportunities as red snapper has expanded to its historic range.

NMFS is working with the council on ways to adjust the recreational red snapper season within the constraints of the Magnuson Act to better meet the needs of fishermen. We provided a supplemental recreational red snapper season in the fall of 2010 after the DWH oil spill resulted in closure and prevented the recreational sector from taking its entire quota. Also, we extended the length of the recreational red snapper season this year by 6 days after it was determined that weather events likely caused fishing efforts to be lower than expected. So we continue to look for these

types of opportunities to adapt and improve our management approach.

Finally and perhaps most importantly, we are now in a position to provide significantly improved assessment advice on red snapper based on the enhanced sampling effort that was begun in 2010 and the new stock assessment scientists in the Southeast. Work has begun on the new benchmark assessment. This assessment will be delivered to the Gulf Council in late spring of 2013 for incorporation into the quota that we will set for the next fishing year.

So in summary, NMFS is working hard to improve the science that acts as a basis for management decisions in the Gulf. With cooperation and support of Congress, our management partners, industry, we are making great strides to having a more complete understanding of these important fishing resources in the Gulf of Mexico.

I would like to thank all of the preceding speakers that have given me some new insights into the issues here. And again, I want to thank you all for the opportunity to testify before you today and I am happy to answer any questions you have.

[The prepared statement of Dr. Merrick follows:]

Statement of Dr. Richard Merrick, Director, Scientific Programs & Chief Science Advisor for the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce

Introduction

Good afternoon, Mr. Chairman and Members of the Committee. I appreciate the opportunity to speak with you today about how strengthening America's fisheries strengthens the economy. My name is Dr. Richard Merrick and I am the Director of Scientific Programs and Chief Science Advisor for the National Marine Fisheries Service (NMFS) within the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA). Thank you very much for the opportunity to come before you today.

NMFS' mission is stewardship of living marine resources for the benefit of the nation through science-based conservation and management, while simultaneously promoting the health of marine ecosystems. Today, I will discuss how our fisheries science is conducted and how this science underpins and provides for good management here in the Gulf of Mexico. I will also describe some of the recent advances we have made in our science.

Effective fisheries management is based on science. National Standard 2 of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) mandates that all fisheries conservation and management measures must be based upon "the best scientific information available" (16 U.S.C. 1851(a)(2)). While there are challenges in securing accurate, precise, and timely data for stock assessments, on balance, science-based management has consistently proven to provide better resource management than decisions made without this advice.

Sustainability of our Nation's fisheries requires continual monitoring of fisheries and fish stocks. NMFS continues to make substantial progress toward improving the quality of the science available to effectively manage commercial and recreational fisheries, benefiting coastal communities and the U.S. economy both today and for generations to come.

NMFS is an international leader in fishery science, rebuilding overfished stocks, and preventing overfishing. Today, we know more about our fish stocks than ever before, and it is vital that our science not regress, as this would inevitably lead to declines in our stocks and a loss in the economic and social values they provide.

Robust Science is the Foundation for Management

Some 230 finfish and shellfish stocks comprise the bulk of landings and value for U.S. fisheries. NOAA monitors the status of these stocks in several ways, with a key indicator being the quality of the stock assessment advice provided to fisheries managers. To sustainably manage these stocks, we need to know how big that stock is, and what proportion of it can be harvested without impacting its long-term pro-

ductivity. Stock assessments are conducted for this purpose, and in a typical year, we provide around 90 new stock assessments to managers.

NMFS supports the development of fish stock assessments through several budget lines, including Expand Annual Stock Assessments, Survey and Monitoring, Fisheries Statistics, Fishery Information Networks, and Observer Programs. NMFS also utilizes NOAA's Office of Marine and Aviation Operation's Fishery Survey Vessels as a primary platform for many of its stock assessment data collection activities. The President's FY 2013 request for NOAA includes robust funding to support stock assessments. Specifically, NOAA's FY 2013 request would increase the Expand Annual Stock Assessment budget by another $5 million, increase the Survey and Monitoring budget line by $2.3 million (to historical levels of $24.3 million), increase the Observer Programs budget by $2.9 million, and maintain funding from other contributing budget lines. This combined funding level would allow NMFS to continue to increase the number of stocks with assessments which are of adequate precision to identify the status of the stock and to set fishery quotas.

The stock assessment process includes both data collection and the analysis of that data by fishery scientists. Data for fishery science is based generally on three sets of data:

1. Fishery catch from monitoring commercial and recreational fisheries,
2. Fish abundance from scientific surveys, and
3. Fish biology from a variety of sources including cooperative research.

By tracking these three data series over time and incorporating these data into stock assessment models, scientists can estimate the current range and abundance of stocks, calculate maximum sustainable yield, determine whether overfishing has been occurring or whether the stock has declined into an overfished state, and can project a sustainable level of catch. The latter provides the foundation for setting annual catch limits in accordance with law.

Fishery Catch

Commercial Fisheries

NMFS is continually striving to improve and augment its processes, methods and programs for commercial fishery data collection and analysis. For example, in the Gulf of Mexico, commercial landings data are collected in cooperation with the five Gulf States and the Gulf States Marine Fisheries Commission, and are used to track progress toward reaching the Annual Catch Limits of managed stocks. By shifting from paper dealer reports, submitted semimonthly, to electronic dealer reporting, submitted weekly, more timely data are generated to more accurately project when a fishery will reach the Annual Catch Limit. This will enable commercial fishermen to more efficiently plan their fishing activities, and reduce the risks of exceeding an Annual Catch Limit.

In addition, NMFS has relied heavily on its partnerships with the states and the interstate marine fisheries commissions to conduct efficient and cost-effective monitoring of commercial landings and recreational catches. The federally-funded Fisheries Information Networks have provided a means through which NMFS has been able to work collaboratively with its partners to design and implement well-integrated data collection programs that meet the management needs of both state and federally-managed fisheries. Cooperative regional programs such as the Gulf Fisheries Information Network have worked effectively to eliminate unnecessary overlaps, standardize data elements and collection methods, and improve the timeliness of data processing, statistical analysis, and dissemination of catch statistics to all partners.

Recreational Fisheries

The Gulf of Mexico and South Atlantic regions may be the most important areas in the country for incorporation of recreational fisheries into fish stock assessments. These data are collected as part of NMFS' Marine Recreational Information Program. NMFS is developing and testing new survey methodologies to improve the accuracy, geographic resolution, and timeliness of recreational fishing catch and effort data, which are based on the findings and recommendations of the National Research Council's 2006 review of the Marine Recreational Fishing Statistical Survey. NOAA's FY 2012 enacted budget includes $10 million to continue implementing improvements developed through the Marine Recreational Information Program. The President's budget request for FY 2013 is level with FY 2012 for this program.

NMFS previously developed recreational fishery catch estimates for the Gulf and Atlantic coasts via three ongoing surveys. The coastal household telephone survey generated information on angler trips. The access point angler intercept survey provided data on catch per trip. The results of these two surveys were combined to generate catch estimates for shore and private boat angling modes. The for-hire survey

and the access point angler intercept survey were utilized to provide estimates for the for-hire (charter and head boat) mode. Under the Marine Recreational Information Program, revised methods were developed that are being incorporated to substantially reduce sources of error and improve the accuracy of effort and catch estimates based on a combination of telephone, mail, and access point surveys.

The Marine Recreational Information Program has also been working with our state partners, including Florida and Louisiana, to develop and test new methods that utilize angler registries to survey anglers for production of trip estimates. Following completion of major pilot efforts under way in CY 2012 and CY 2013, a new survey design to replace the coastal household telephone survey will be selected and implemented for the Atlantic and Gulf coasts. The Marine Recreational Information Program and our partners are also developing and testing a number of other possible improvements to the current suite of surveys, including:

- Pilot projects to move toward electronic reporting and improved sampling for validation of the Southeast Headboat Survey;
- Development of a sample design to subdivide Florida into sub-state geographic regions;
- Pilot testing of a logbook reporting with dockside validation for the Gulf of Mexico Charterboat fishery;
- Methods to produce preliminary estimates more frequently than bi-monthly, and to evaluate the tradeoffs among timeliness, precision of estimates and cost.

In addition to these improvements, NMFS also initiated expansion of recreational data collection in response to the Deepwater Horizon oil spill. NMFS provided funds to our state partners to enable them to significantly increase sampling via the for-hire survey in the Gulf of Mexico from May 2010 to June 2011. The increased sampling effort, and resultant improved precision of the charter boat trip estimates, enabled NMFS and our partners to produce and publish weekly trip estimates to be used for near real-time tracking of the fishery. Weekly tracking of changes was useful for documenting and assessing economic impacts associated with the Deepwater Horizon oil spill. In addition, weekly estimates of for hire fishing trips was compared to past fishing rates based on past experience, and differences were used to evaluate the potential for changes to fishery management actions.

Fish Abundance

Long-term monitoring of fish abundance provides an indicator of the status of the stock over time, and as such are invaluable inputs to stock assessments. The importance of such time series has been driven home by recent environmental perturbations. Hurricane Katrina, the oil spill in 2010, historic floods in the Mississippi River basin in 2011, and the severe drought of this year all have influenced commercially and recreationally important species and their habitats in the Gulf of Mexico.

The Supplemental Appropriations Act, 2010 (P.L. 111–212, 124 Stat. 2338) provided $10 million to conduct additional fish surveys in the Gulf of Mexico to help capture changes in living marine resource populations relative to the Deepwater Horizon oil spill. A majority of those funds were used to contract commercial and recreational vessels for use as research platforms to enhance fishery-independent data collections. With these funds we were able to add a total of 846 days at sea to our base level of effort of 60 days at sea. Nearly 1,200 additional bottom longline stations were added and comparisons of these data to vertical long line samples were made possible. Over 5,000 red snapper otoliths (ear bones used to age fish) were collected and processed, compared to the more typical level of about 300 samples. These data will be instrumental in the red snapper benchmark stock assessment currently underway.

NMFS expects to develop new and innovative approaches to surveying fish stocks in hard to survey areas, which are common in the Gulf of Mexico. We are funding a multi-year research project with an academic partner to explore the use of towed camera arrays for use in surveying reef fishes in the Gulf of Mexico. If feasible, shifting to this approach would dramatically increase the effectiveness and efficiency of our reef fish surveys—meaning more science for the dollar. We are also providing support for capitalizing on the advanced multibeam hydroacoustic capabilities of the NOAA Ship *Pisces,* enabling us to characterize fisheries habitat while simultaneously sampling the water column.

Stock Assessments

All of the data discussed thus far provide the inputs for stock assessments. Passage of the Magnuson-Stevens Fishery Reauthorization Act in 2006 resulted in requirements for timely stock assessments, to ensure overfishing has ended, set An-

nual Catch Limits and to track progress toward rebuilding overfished stocks. In FY 2010, the NMFS' Southeast Fisheries Science Center received funds to bring on seven additional stock assessment scientists to help meet this need. Five of the new scientists have been assigned to work primarily on Gulf of Mexico species. With these new scientists, we expect to double our stock assessment output in the Southeast from an average of about five stocks per year to approximately ten Gulf of Mexico stocks per year by 2015.

The Southeast Data, Assessment and Review process is being streamlined to increase throughput. Modifications to the process are being made in a way that balances the desire for both speed and transparency. Increases in our throughput of stock assessments will better enable the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils to measure the effectiveness of their management decisions and refine their strategies based on this feedback to the economic benefit of the region.

Science-Based Management of Red Snapper

Fishery management in the Southeast Region is unique because of the large number of species managed, the multispecies nature of fisheries, the wide range of gear types used, and the variable objectives of user groups. In recent years, NMFS has provided focused funding to build stock assessment capacity in the Southeast. The goal of this effort is to support the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils as they work to meet the new statutory requirements of the Magnuson-Stevens Reauthorization Act. We have implemented annual catch limits proposed by the three regional councils for all species, where required, as well as rebuilding plans and management measures to end overfishing and rebuild overfished stocks.

We recognize the impacts catch reductions required to end overfishing are having, and we are working hard to minimize adverse economic impacts on fishermen and fishing communities throughout this recovery period. Gulf of Mexico red snapper management has posed one of our greatest challenges. The Magnuson-Stevens Act requires that we specify separate commercial and recreational quotas for red snapper and that we close each fishery when it takes its quota. For many years, the commercial red snapper fishery was subjected to increasingly shorter seasons because the capacity of the fishery to catch the quota was much larger than needed. Prior to 2007, the commercial red snapper season had been reduced to about 88 days, on average, and we implemented the first individual fishing quota program in the Gulf of Mexico at industry's request to end the race for fish and improve fleet profitability.

The difficult catch reductions that commercial and recreational fishermen have endured to end overfishing are now beginning to pay off. Our most recent red snapper stock assessment update (2009) indicated overfishing of red snapper ended in 2009. Since then, we have been able to provide commercial and recreational catch increases each year, and fishermen on the west coast of Florida have been afforded new opportunities to target this popular species as it has expanded to its historic range. But we still have a great deal of work remaining to effectively manage the recovery of this resource. While recreational fishermen recognize and appreciate that higher catch rates and larger fish are substantially improving the quality of their fishing experience, they are frustrated and dissatisfied with the progressively shorter fishing seasons required to constrain them to their quota.

NOAA Fisheries is actively working with the Council on ways to adjust the recreational red snapper season within the legal constraints of the Magnuson-Stevens Act to better meet the needs of fishermen. We provided a supplemental recreational red snapper season in the fall of 2010 after the large-scale closure we implemented in response to the Deepwater Horizon event prevented the recreational sector from taking its entire quota. Also, we extended the length of the recreational red snapper fishing season this year after determining that a series of bad weather events likely caused fishing effort to be lower than expected. We continue to look for these types of opportunities to adapt and improve our management approach.

We are now in a position to provide significantly improved assessment advice on red snapper based on the enhanced sampling effort that was begun in FY 2010 and the new cadre of stock assessment scientists provided to the Southeast through supplemental NMFS funding. This assessment will begin with a data workshop in August 2012 where data collected by NOAA and our state and academic partners are reviewed to formulate the strategy for the stock assessment. This will be followed by a benchmark stock assessment model (January–February 2013), and an independent peer review of the assessment's results (April–May 2013). The stock assessment is expected to be delivered to the Gulf of Mexico Fishery Management Council

in the late spring of 2013 for incorporation into the quota setting process for the next fishing year.

General Views on Proposed Legislation

In previous hearings before this Committee, the Department of Commerce has commented on proposed legislation that would amend the Magnuson-Stevens Act. We would like to take this opportunity to reiterate a couple of key concerns with respect to Annual Catch Limits (ACLs) and stock assessments:

It is critical that we maintain progress towards meeting the mandate of the Magnuson-Stevens Act to end overfishing and, as necessary, rebuild stocks. ACLs are an effective tool in improving the sustainability of fisheries around the Nation, and NOAA has concerns with legislation that would create exemptions or otherwise weaken provisions regarding ACLs. Uncertainty in the stock assessments upon which ACLs are based should not be used as a basis for exempting fisheries from ACLs. Such actions risk depleting fisheries and making fishermen worse off than under the current, science-based management system.

In an increasingly constrained fiscal environment, legislation should not mandate duplicative or otherwise unnecessary actions. Additional stages of review for certain types of fisheries data, or repeating data collection and stock assessment efforts when there are already sound peer reviewed processes in place are examples of actions that will divert resources to a select few fisheries at the expense of others with little additional benefit. Moreover, legislation should be cost-effective and consistent with the President's Budget. NMFS welcomes the opportunity to work closely with Congress, the regional fishery management councils, and the recreational and commercial fishing industries, to use the best available science to seek opportunities for efficiency and improved management in order to end overfishing and rebuild stocks.

Conclusion

Sound, science-based management is central to rebuilding the Gulf of Mexico fishery resources to levels that support stable jobs and a healthy economy in the region. We remain committed to improving the quality and timeliness of the data and scientific advice used to support management decisions here in the Gulf of Mexico, in collaboration with our many partners in the fishing industry, states agencies and academic institutions. Thank you again for the opportunity to discuss NMFS's fishery science. We are available to answer any questions you may have.

The CHAIRMAN. Thank you very much, Dr. Merrick, we appreciate your testimony.

It seems to me that one of the issues is getting good data and then utilizing that good data. Now according to the National Standard Guidelines, if a council and its SSC have old information, they are required to use precaution and include buffers when setting the over-fishing level, when setting the allowable biological catch level and when setting the ACL. They are then also required to include buffers for managing uncertainty.

Now this could require councils to include as many as four or five buffers in calculating harvest levels. Is this not a serious problem when fisheries are not surveyed regularly or frequently?

Dr. MERRICK. It has potential to be. The way in practice——

The CHAIRMAN. It has potential to be?

Dr. MERRICK. In practice, the way most councils have dealt with this, is they have set the ABC equal to the ACL, so they removed the management buffer basically. So most of the buffer that exists is the buffer for scientific uncertainty. It's basically one buffer and it is typically, as you may recognize, about 25 percent.

The CHAIRMAN. But you could go up—I mean the point is, what we are asking, we now have buffers, we have ACLs and you say—I just heard you say that this has not been but potentially could. My understanding of the way the guidelines are, you could have up to four or five buffers, which would be a problem; is that correct?

Dr. MERRICK. Well, yes. There is potential for four or five buffers. Whether that is a problem or not is not clear. Basically these are the standards that have been applied.

The CHAIRMAN. But it is being based on data and you are making decisions and the data is uncertain or old and you are adding buffers, which presumably would lower harvest levels, would that not be a problem?

Dr. MERRICK. It would only be a problem in the sense that we want to make sure that we do not over-fish. So that is why the buffers are there, that uncertainty buffer.

The CHAIRMAN. OK. Well, let me ask it this way, because I can see how potentially—because this is relatively new—I can see potentially this being run out where in fact it has a great restriction on harvest levels and I am wondering, taking your answer that this could be a potential, is there anything that we should be looking at in the reauthorization to address this issue. If the potential is there to have buffers—now I will draw this conclusion, maybe somebody will disagree with me, but if you have more buffers, it seems to me you are going to have a smaller harvest. And a smaller harvest is not going to be based on good data. That is the potential that I see that is a negative.

I would like to find a way to get around that in the reauthorization. Can you help in that regard?

Dr. MERRICK. It is generally considered that there are two suites of buffers, the ones that go through the over-fishing limits to the ABC and then the ABC and the ACL catch limit. Those can be dealt with in two separate ways. We do see the scientific uncertainty as how you—that is the buffer between the OFL and the ABC. That can be produced by having better quality data, more timely assessments. Again, with more stock assessment scientists, for example, you have more assessments. So that is directly amenable to having additional funding, and that is one of the reasons we continue to ask for more funds for the stock assessment scientists.

The management uncertainty one is in some ways a lot tougher to get to because that basically says how well can you manage the fishery, how well do you understand what the catch is.

The CHAIRMAN. But that is what the council is for, the council's report will ascertain that.

Dr. MERRICK. Right. So when the council——

The CHAIRMAN. That is not easy, I acknowledge that is not easy. It is always going to be hard, but I guess what I am getting to in order to ask this question, is this having some certainty. And I am just afraid—I will have to kind of digest what you said as to your answer on this, but I see some uncertainty as long as the potential is out there for those buffers. And I would like you to think about where maybe some flexibility in Magnuson-Stevens can, you know, maybe—these are regulations, these are not written in Magnuson-Stevens, this is authority given. That sometimes scares me because sometimes we give too much authority to the agency to write regulations.

Dr. MERRICK. I think it is a major issue as we move toward management of fisheries, the process where we sort of jump start the Gulf with the new version of Magnuson-Stevens. This should be an

issue that we talk about, uncertainly is an issue with all the councils.

The CHAIRMAN. One last statement, is this shared up and down the line?

Dr. MERRICK. It is in NMFS from Eric and Sam down to me.

The CHAIRMAN. OK, very good.

My time has expired. I recognize the gentleman from Florida.

Mr. SOUTHERLAND. First of all, Doctor, thank you very much for being here.

Dr. MERRICK. I am here, I am the third panel.

Mr. SOUTHERLAND. You are the third panel, thank you very much.

A witness on an earlier panel discussed State-funded surveys. As a matter of fact, during the break, I had someone in an orange shirt come up and express to me the desire to get—well, the unrest about giving NOAA all this money, because they have proven to be able to waste a lot of money and that they needed data and they did not want money to be wasted. And I agreed with him, and he was referring to the RESTORE Act and the money that goes toward that and I stated that there is money that is going directly to the States for that as well, to kind of serve as a little protector, that the States, the five States around the Gulf, do a good job I think, oftentimes some would say a better job. And so with that being said though, an earlier witness on an earlier panel discussed State run surveys. How does NOAA incorporate that information into its stock assessments?

Dr. MERRICK. Directly typically.

Mr. SOUTHERLAND. Directly?

Dr. MERRICK. Yes. Any stock assessment usually has a significant number of lines of data that are coming into it. There is no actual survey that goes out and counts every fish, so the output is from bits and pieces.

Mr. SOUTHERLAND. Sure.

Dr. MERRICK. So we have surveys that are conducted by us, we have State surveys and that is all around the country. Those all become part of the data stream that goes into the stock assessment.

Mr. SOUTHERLAND. One of the concerns raised by Commissioner Ryan was the lack of funding for the Interjurisdictional Fisheries Act grants. In fact, it appears that NOAA is slowly eliminating funding for all the grant programs that provide funding for outside entities that really help and we depend on these outside entities. And they are trying to keep all of the funding in other areas of NOAA. So while we appear to need more data, better data, more individuals, NOAA keeps eliminating grant programs and saying we want to keep all the money here. I guess they have this love affair with satellites.

Can you tell us why the very valuable Interjurisdictional Fisheries Act grants are being zeroed out?

Dr. MERRICK. It is largely because we have to reduce funding somewhere and we are closing our own labs, for example. The Interjurisdictional grants are one of the areas that have been considered to be a lower priority. There are directed surveys that we are funding.

Mr. SOUTHERLAND. But Doctor, let me say this, being in Washington, it is an amazing thing that I see. I mean, we are $16 trillion in debt, OK, the CBO just came out this week and said on our current pace we are going to hit $20 trillion in debt by 2016. If you come to Washington, D.C., you see construction cranes everywhere. I mean they are building buildings, they are hiring employees, the Federal Government is expanding, they are exploding. So I think it is about choices that the President is—I think they are making choices that maybe one department means more to them than another and so therefore, they are saying we would rather grow in another area and while we all agree—everyone agrees we need better data, everyone. I have not had anyone disagree with that. We keep listening to those in higher places move that money because they are making a different choice. When we need something that we all agree on, they are moving that money to other places, and it is just aggravating as a new Congressman to see, and I know that has got to be frustrating to you.

Dr. MERRICK. I can understand why you are aggravated. I happen to be a champion conceivably for science. We have been fairly successful and if you look at the 2013 budget request, the only place where the money is going up is fish stock assessments—not a lot, but at least it is going up.

Mr. SOUTHERLAND. Let me ask you another question. According to testimony given earlier, the recreational season for gag grouper was closed for approximately three quarters of the year, including all summer. Amberjack was closed most of the summer and red snapper was open for 40 days plus those additional six that you alluded to earlier. With these restrictions and with the fact that we are seeing that some of these fisheries are rebounding and doing well, how do you expect, how could we expect a charter boat operation to stay in business?

Dr. MERRICK. I recognize it is difficult.

Mr. SOUTHERLAND. It is more than difficult.

Dr. MERRICK. Part of the reason I am here goes back to the story of why I am no longer in my family charter boat business. I saw them going out of business because there were no fish, this is in New Jersey in the 1950s. And the place for me where I could make a contribution seemed to be by providing better science and that is why I am here today.

Mr. SOUTHERLAND. Well, let me say this. I think you are needed, I think you should not have to compete with agendas that seem to take the money necessary for good data, good research, at a time when we need it like we have never needed it before. And so I thank you.

I see I have my red light on, so I will yield back.

The CHAIRMAN. I just have one question, Dr. Merrick, and that is you heard the discussion on the artificial reefs. Do you have an opinion on that?

Dr. MERRICK. Let us go back to what a stock assessment is. It is not a census of populations. Basically a stock assessment takes a stream of data series and incorporates that trying to recreate a virtual population. We use the results of the artificial reef in terms of the larval survey. We do not go and count fish on the artificial

reefs, but our partners do and as part of this stock assessment, there will be data——

The CHAIRMAN. Who is your partner in this case?

Dr. MERRICK. In this case, this current stock assessment, there are a lot of partners but the ones who are dealing with artificial reefs are Auburn University in the State of Alabama and the University of South Florida.

The CHAIRMAN. Now I do not mean to interrupt, I will let you finish your thought, but you say in this assessment.

Dr. MERRICK. Yes.

The CHAIRMAN. Does that mean in prior assessments that was not done?

Dr. MERRICK. That is correct.

The CHAIRMAN. So it was not done. The testimony we heard—I am glad you are going forward. I do not think they count hatchery fish in the Northwest sometimes too, I think that would be a plus. Why did they not do that prior, is my question?

Dr. MERRICK. At that point, it was not considered to be a strong enough data stream to be used.

The CHAIRMAN. I mean this is maybe the advantage of not living here but having experience going out in the Gulf and seeing the fishery around an oil rig. That truly baffles me that that would not be considered as a place that you should be counting. I am glad you are doing that, that is good. I will let you finish your thought.

Dr. MERRICK. Two points here. One is that as we do a stock assessment, it is not NOAA doing a stock assessment, it is not NMFS doing a stock assessment, we have a community that does that stock assessment. So if you go to a workshop, you will see a variety of people there, there are a variety of scientists there participating in that. Some are academic, some are State, some are Federal. So if that group is deciding that there is a data stream that is not ready to be used, it is not——

The CHAIRMAN. That bothers me when I hear the group decides it is not a data stream.

Dr. MERRICK. To be used, it is not ready at the current time.

The CHAIRMAN. To be used. The fundamental issue is the difference between artificial and natural reef. Who decides that data should or should not be used and why?

Dr. MERRICK. The scientific peer review body basically decides.

The CHAIRMAN. On a case-by-case basis?

Dr. MERRICK. Potentially, yes.

The CHAIRMAN. I guess we need more information on that.

Dr. MERRICK. Sure, the point though is you should recognize that those data sets have now reached the point where they are going to be used in this next stock assessment.

The CHAIRMAN. And the Committee definitely will follow up with you on that.

The concern that I certainly got from this testimony is that it had not been used before. And of course, the big question is how does that affect the overall fishery because it has not been used before. Go ahead.

Dr. MERRICK. My second point was that remember again, we are not censusing population. We are not going out and counting all the fish. We are using a series of indices. Even in Alaska, when

they are doing pollock surveys, they are using their surveys as indices of the abundance of pollock. There are a variety of indices you can use—larval indices are valid and are actually used in the Gulf for stock assessments, and that is one of the ways that if there is spawning going on on artificial reefs, those fish will be counted. So if there is more spawning going on, the larval count goes up.

The CHAIRMAN. I will yield my last minute and then the extra five to you, Steve.

Mr. SOUTHERLAND. First of all I am glad you are here today because you are the one doing the surveys, you are the one doing the research, and I think you are credible.

It bothers me that we have not been using that data in the past. I have had several individuals tell me today that we have. And you are saying that we have not in the past, but going forward we are going to start because you have partners, you have other people that are assisting, you have other people that are coming in that is valuable. But it is also at a time that NOAA is choosing—back to my original point—that NOAA is choosing, making a choice to zero out Inteurisdictional Fisheries Act grants that enabled those organizations to be funded to come and partner with you to get down to the facts. It is—you do need assistance, but you also need some common sense at the top making better choices so that—we have to look differently at this budget issue, we have to say OK, what is critical, what is a necessity and what is a luxury. This Administration is funding luxuries while the necessities—good data, so you all can make a living—are being ignored.

So, look, I thank you for being here helping us, Doc and I. We have not had testimony that shed light on this, and I just thank you for being here.

I guess I have one other thing—do I roll over?

The CHAIRMAN. Yes, you roll over, it is your time now.

Mr. SOUTHERLAND. Tell me about, I heard this from others and this is just a question that I have heard from people that make a living, OK, many are here. How do you factor in natural disasters and how those natural disasters may affect—for example, and I hear this, that after Katrina, that diesel prices have gone through the roof and all these fishing boats are fueled by diesel. And it shot up to over $4.00 a gallon and just the price of taking your boat out has increased their expense—not any increase in revenue, not any increase in being able to make more money, but the expense side of their P&L has increased. And diesel prices have really not come down, so therefore, a lot of shrimpers have left. They have left the United States, they have gone to China. As a matter of fact, I heard some people say that the percentage has dropped down—100 percent of the shrimpers we had pre-Katrina are now down to 55 percent. So if you do not have shrimpers shrimping in these bays and you have baby fish, juvenile fish in the nurseries growing—and that is where they grow—would that not have an impact on the increase that we see in red snapper? That is just common sense. Would that not have something to do with perhaps some of the onerous regulation that continue to harm our fishermen—would it not make—I mean do you all take those kind of things—back to my question, do you all take into consideration some of those things

that are real events that really happen that harm real people? Do you consider that?

Dr. MERRICK. In a couple of ways, yes. If, for example, an event like that occurred, the fishing pressure was much reduced and you wound up with an ecosystem effect since there was more larval survival or more little fish, we would pick that up in our larval surveys. So by having a continual series of surveys, which is one thing that is important to have, you would see that.

In terms of economic impact to the community, that is something that we would pick up as we would go through the analysis, the economic analysis that is required for any fisheries management action.

Mr. SOUTHERLAND. OK, OK. I know we have waning seconds and this is the last minute and a half and I will not get any more time. In Washington, everything is based on time. You see on C–SPAN, us yielding time to partners, time is a precious commodity there and I know your time is a precious commodity. Many of you are struggling, I get that, for you to be here says that you want to have a say in your business going forward. You deserve that.

I want to say thank you to all of you, no matter where you come down on the issues that we have discussed today, I want to say thank you for being a part of your government going forward. You deserve a say, that is why we brought this field hearing here, because not everybody can afford to come to D.C. and leave their families and their businesses. So I thank you.

I want to thank everyone who testified here today. Thank you for coming to our home, this is a wonderful place and we have some pretty good seafood restaurants by the way in close proximity to here, I am sure they would love to feed you after our hearing.

And to Doc, I want to say thank you very much. I know Washington State is a long way and I know that you and I do not agree on everything, but you know what, I will say we could not have a better man serving as the Chairman of the Natural Resources Committee. He has been fair to me and he has allowed me to have this opportunity to have the Committee come here. So I just want to say thank you to everyone that participated, all of you who have been here for the last few hours. Doc, again, thank you and Godspeed in your travels. And I yield back.

The CHAIRMAN. Good, thank you very much. Thank you, Steve. And Dr. Merrick, thank you very much.

And I want to thank the first two panels also for their testimony. I do know that, Dr. Merrick, on this particular issue, the Committee will follow up on trying to ascertain why that was not done before and what was left on the table as far as the artificial reef. We will give some thought to that and follow up and we would like to have a response obviously as soon as we possibly can.

Dr. MERRICK. Not a problem.

The CHAIRMAN. And I too want to thank all of you for being here. These issues obviously are not easy. For goodness, sake, if they were easy, we would not be here, I think that is probably self-evident. But I am a firm believer that we should try to get the best data that we possibly can on whatever issue, because after all, at the end of the day, Steve and I have the privilege of representing you in the government and we want to make sure that whatever

decisions we make are made on the best information that we possibly can have.

I will say when I flew in here last night, just on a personal note, I saw all the thunder and lightning. The good news is that you did not get any forest fires because of the lightning. If you have heard about forest fires on the West Coast, when we get thunderstorms like that, we typically do not get the rain and as a result, as you saw, as you are reading the papers, the forest fires in the western part of the United States principally come from that activity you had last night. So maybe you can be thankful you have all this rain. I think sometimes you are not.

I will make a note, while this is a full Committee hearing and yet there are only two of us here, that satisfies the requirements, but all members of the Natural Resources Committee were invited to attend and the information obviously that is gleaned from here will be shared with all of our members and their staff.

So once again, I want to thank all of you. You have been very patient and we appreciate that very much. And if there is no further business to come before the Committee, we stand adjourned.

[Whereupon, at 12:38 p.m., the Committee was adjourned.]