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Legislative Hearing on H.R. 3099, the Gulf of Mexico Red Snapper Conservation Act of 2013

Thank you Mr. Chairman for the opportunity to speak on behalf of Louisiana's fishing community before the U.S. House of Representatives' Committee on Natural Resources, Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs to present information on H.R. 3099, the Gulf of Mexico Red Snapper Conservation Act of 2013. Red Snapper is an iconic American fish, extremely popular with both commercial and recreational fishermen, especially in Louisiana and the other Gulf states.

Commercial and recreational fishing have been vital to Louisiana's economy and culture for hundreds of years. Today in Louisiana, nearly a million saltwater anglers catch fish for sport and 13,000 licensed commercial fishermen harvest seafood for a living—both form the backbone of Louisiana's fishing industry that generates a multitude of jobs and pumps billions of dollars into our economy. Our fisheries resources are important to both our fishing industry and coastal communities because of the socioeconomic benefits they provide.

Through the Magnuson-Stevens Fishery Conservation and Management Act of 1976, Congress established the Gulf of Mexico Fishery Management Council (along with seven other regional councils) to conserve and manage these valuable resources and develop and monitor fishery management plans that provide for their best use. Congress intentionally made the councils regional to allow fishery management to better respond to a region's unique environment and the needs of its constituents.

Unfortunately, with respect to Red Snapper, the Gulf Council is no longer doing the job you, as Congress, gave them nearly 40 years ago. While measures taken to date to stop overfishing and rebuild the Red Snapper resource have been successful, management has reached an impasse, especially for the recreational fishery. While there are more and more Red Snapper and they are growing larger and larger, the recreational fishing season keeps getting shorter because the Gulf Council continues to use mediocre data to support inflexible management of this fishery. This fishery is no longer socioeconomically sustainable; management is failing. This is not only my opinion; it is also the opinion of a federal judge who ruled in March 2014 that Gulf Red Snapper fishery management is failing and is violating the law. Specifically, managers allowed the recreational fishery to exceed their share of the annual combined quota due to faulty science (both data and assessments) and did not require any accountability measures to prevent or respond to such overharvests.

The Gulf Council currently relies on recreational landings data from the National Marine Fisheries Service's (NMFS) Marine Recreational Information Program, or

MRIP, to set and monitor the recreational Red Snapper fishery's quota and season. However, MRIP is not equipped for this purpose—it was designed to monitor trends over time over a large geographic area, not provide real-time, state-specific data. For example, MRIP estimated that Louisiana's 2013 recreational landings fell somewhere between 265,361 and 942,363 pounds, a range nearly 700,000 pounds. It is impossible to use highly variable estimates like these to predict, with any certainty, how much can and will be harvested and appropriately determine fishing seasons to not exceed quotas. Yet federal managers continue to use these data, miscalculate the Red Snapper quota for the Gulf, and underestimate actual Gulf-wide recreational harvests. In addition, MRIP does not deliver data in a timely manner—data typically comes in two-month intervals after an additional delay of 45 days for data processing. This means data is often not available to managers until the fishing season is closed, prohibiting any kind of flexible, responsive management. As a result, recreational Red Snapper harvests have exceeded quotas in six of the past seven years. Such imprecise, untimely data also forces managers to set extremely restrictive and inflexible seasons—they do not have the data they need to effectively manage the fishery and achieve the best use of the resource.

The Gulf Council could fix these issues—they could demand better data from NMFS and cooperate with the states to respond to and meet their constituents' needs. They have chosen not to, and the Gulf states refuse to sit by while this mismanagement harms our commercial and recreational fishermen, coastal communities, and economies. This year, 2014, was the shortest federal Red Snapper season in history—a mere nine days. All five Gulf states implemented their own state-waters Red Snapper seasons, inconsistent with federal regulations, but still in the best interest of recreational anglers, the economy, and the resource. The Gulf states do not want to continue to go out of compliance with federal regulations or hinder the recovery of the stock or fishery. We are simply confident we can provide better data to manage this fishery and provide our fishermen more fishing opportunities. However, we cannot do so under the current management framework.

H.R. 3099 would move the management of the Gulf Red Snapper fishery forward by requiring enhanced collaboration among the states with respect to fishery data collection and more frequent (annual) stock assessments to support management. In Louisiana, we have already invested substantial resources in developing a recreational quota monitoring survey to provide real-time, in-season Red Snapper landings estimates for Louisiana. We implemented this survey (LA Creel) last year; in its inaugural year, our biologists measured 23 times more fish and interviewed more than 49 times the vessel trips than MRIP. This more intensive sampling means more precise data—LA Creel estimated that Louisiana's 2013 recreational landings fell somewhere between 503,171 and 549,987 pounds, a range of only about 45,000 pounds (compared to MRIP's 700,000-pound range). Armed with more precise data, managers can develop and implement management measures with more certainty and take full advantage of the available resource. The other Gulf states are now following Louisiana's lead and developing similar systems.

H.R. 3099 also gives management authority for the Red Snapper fishery to the Gulf states through the Gulf States Marine Fisheries Commission, creating a framework that allows flexible, tailored management measures. It does not make sense to have a one-size-fits-all approach to managing this fishery. Each state's fishery management agency is more receptive and can be more responsive to the wants and needs of its own constituents than the council process currently permits. This bill will allow managers to meet local needs as well as Gulf-wide conservation goals.

H.R. 3099 still requires management to meet the fishery conservation and management standards of the Magnuson-Stevens Act, including fair and equitable access to this public resource, and makes states accountable for effectively managing their fisheries, with federal oversight from the Secretary of Commerce. This bill is not about reallocating the resource and will not negatively impact the commercial sector. In fact, to ensure there are no immediate, unintended, adverse impacts on this sector and the businesses that rely on this supply, there is a three-year prohibition on reducing current quotas (unless something changes with the stock) and ongoing monitoring and enforcement.

The Gulf states are fully capable of providing the data and management measures needed to effectively manage the Red Snapper fishery. It would be no real change from our current responsibilities. We already collect data on and conduct routine stock assessments for our inshore species; we also partner with each other and NOAA to monitor offshore species. This data, coupled with our commercial and recreational landings data, support federal stock assessments. We develop and implement management measures for our fisheries through our respective legislative and regulatory processes. Finally, we enforce both state and federal fisheries regulations in all Gulf waters through the Joint Enforcement Agreement. Working in federal waters, Louisiana's enforcement agents generally contact about 4,500 recreational anglers each year; they are active on the water and at the dock monitoring compliance in commercial fisheries. If granted management authority, the states could actually increase enforcement capabilities in all Gulf waters because additional resources would be available to support this.

In closing, we have tried to work through the council process, but the council process is not working. If it was, there would be no reason for this bill and I would not be standing before you today. NMFS itself even recognizes that "new and innovative solutions are needed to manage the Gulf Red Snapper fishery". The Gulf states are that solution.