

WRITTEN TESTIMONY OF
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OVERSIGHT HEARING ON
GULF OF MEXICO RED SNAPPER

BEFORE THE
HOUSE OVERSIGHT & GOVERNMENT REFORM COMMITTEE
SUBCOMMITTEE ON THE INTERIOR, ENERGY & ENVIRONMENT

MAY 2, 2017

Introduction

Good morning Chairman and Members of the Subcommittee. I appreciate the opportunity to speak with you today about red snapper management in the Gulf of Mexico. My name is Earl Comstock and I am the Director of the Office of Policy and Strategic Planning in the Office of the Secretary at the Department of Commerce.

From daily weather forecasts, severe storm warnings, and climate monitoring to fishery management, coastal restoration, and supporting marine commerce, NOAA's products and services support economic vitality and affect more than one-third of America's gross domestic product. The Nation's commercial and recreational fisheries contribute more than \$200 billion to the Nation's economy and support nearly two million jobs. NOAA is proud of its efforts to rebuild fisheries over the past two decades and remains committed to maintaining healthy stocks, so that the Nation's fisheries provide the maximum benefit to the U.S. economy and its fishing communities now and into the future.

Today, I will provide an overview of the history of red snapper management in the Gulf of Mexico. I will pay particular attention to the ongoing management challenges the Department of Commerce and our partners face in ensuring the benefits of rebuilding efforts in the fishery are equitably distributed between all user groups. Also, I will describe the Gulf of Mexico Fishery Management Council's (Gulf Council) efforts to address these challenges.

Historical Population Trends

Fishermen have harvested red snapper from the Gulf of Mexico since the mid-1800s, more than a century before the fishery management council system and the first federal fishery management measures were established. As early as the late-19th century, fishermen observed localized depletion of red snapper. However, it was not until the mid-1900s when rapid expansion of the fishery resulted in Gulfwide depletion of the population. Following World War II, the commercial fleet increased in size and technological innovations opened up new fishing grounds for harvest. Increased tourism following the war, as well as expanded production of fiberglass boats, led to large increases in recreational landings. At the same time, shrimping effort

increased as new fishing gear was used and new fishing grounds were discovered. The rapid increase in directed harvest, coupled with shrimp trawl bycatch of juvenile red snapper, led to a rapid decline in the population. By 1990, the population was at all-time lows (Figure 1).

History of Red Snapper Management

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; P.L. 94-265) created broad goals for U.S. fisheries management and a unique, highly participatory management structure centered on the Regional Fishery Management Councils. This structure ensures that input and decisions about how to manage U.S. fisheries develop through a “bottom up” process that includes fishermen, other fishery stakeholders, affected states, tribal governments, and the Federal Government. Throughout the Council process, there is significant opportunity for public input, including participating on advisory panels, providing testimony at public hearings, and commenting on Council actions.

The Gulf of Mexico Fishery Management Council (Gulf Council) implemented the first red snapper rebuilding plan in 1990, but has modified the rebuilding schedule and goals several times over the years, largely in response to new scientific information. A rebuilding plan is a statutorily mandated tool used to manage catch levels over a specified time period so that an overfished population can increase in size to a target level.

Currently, this species is one of the most popular and studied in the Gulf of Mexico, and NMFS has conducted ten population assessments since the late 1980s. The first assessment, conducted in 1988 as well as six additional assessments conducted in the 1990s concluded that the population was overfished and undergoing overfishing, meaning there were too few fish in the water to maximize catches over the long term and fish were being removed from the population at too high a rate. A Congressionally-mandated independent peer review of the scientific and management basis for red snapper management, completed in 1997, also echoed these findings.

Substantial changes leading to the 2007 red snapper rebuilding plan were informed by a 2005 population assessment and followed a court ruling on a lawsuit filed by the Coastal Conservation Association, Ocean Conservancy, and Gulf Restoration Network.¹ The court found previous rebuilding measures as required by the Magnuson-Stevens Act (Magnuson-Stevens Act; P.L. 94-265) to be insufficient to rebuild the population on schedule. Following the court ruling, management changes reduced the combined (commercial and recreational) red snapper catch limit by 45 percent from 9.12 million pounds to 5.0 million pounds; reduced the recreational bag limit from four to two fish to slow the rate of catch; reduced the commercial minimum size limit from 15 inches total length to 13 inches total length to reduce regulatory discards in that fishery; and specified a maximum level for shrimp fishing effort which, if exceeded, would trigger area closures to minimize the incidental take of juvenile red snapper in shrimp trawls.

Also in 2007 the commercial red snapper sector moved from a system of in-season quota closures and trip limits to an individual fishing quota program (IFQ), which allocates federally

¹ *Coastal Conservation Ass'n v. Gutierrez*, 512 F. Supp. 2d 896 (March 12, 2007).

permitted fishermen a percentage of the commercial quota based on their landings history. The IFQ program, recommended by the Gulf Council, was approved by commercial fishermen through a Congressionally mandated referendum process. The IFQ program has achieved its intended objectives to better align the capacity of the fleet with the commercial catch limit, alleviate the adverse impacts of short fishing seasons, improve safety at sea and increase the profitability of the commercial red snapper sector. Since 2007, the ex-vessel value of fishery landings has nearly tripled from \$10 to \$30 million dollars, while the number of vessels landing red snapper has declined by 14 percent. The commercial red snapper fishery in the Gulf of Mexico is estimated to produce approximately \$27 million in landings revenue, support 3,417 jobs, generate \$272 million in business sales, and contribute \$141 million to the national Gross Domestic Product. Federally permitted fishermen are targeting red snapper year-round, and the fishery is safer because they no longer compete amongst each other to harvest the quota during a series of limited season openings.

Current Assessment of Red Snapper Stock

The current red snapper rebuilding plan, implemented in 2007, was designed to phase out overfishing between 2009 and 2010 and rebuild the population by 2032. The timeframe to rebuild overfished populations varies depending on the status and biology of the overfished species.

Three assessments completed since the implementation of the 2007 rebuilding plan demonstrated the regulatory changes had worked together to end overfishing and increase the red snapper population to a level that has not been observed in decades. According to the most recent assessment update, the total biomass of the population has more than doubled and is estimated to have reached more than 70% of the rebuilding target (Figure 1), enabling the Gulf Council to increase the red snapper quota from 5 million pounds in 2008 to nearly 14 million pounds in 2016.

Many Gulf of Mexico fishermen are saying they are seeing more and larger red snapper than they have seen in their lifetime. As the population rebuilds, fish are getting larger and the average weight at harvest is more than twice as much as before. Catch data indicate red snapper landings are increasing both closer to shore and along the west coast of Florida, with some fishermen reporting landings as far south as the Florida Keys. In addition, red snapper have become much easier to find and catch through continued improvements in marine technology and the placement of artificial reefs closer to shore.

Despite these notable improvements, the current assessment indicates rebuilding is not yet complete because the overall biomass and reproductive potential of the red snapper population have not reached the rebuilding target. Management measures and strong year-classes of young fish entering the fishery in recent years have significantly improved the status of the population. However, because red snapper are long-lived, it takes a long time to rebuild the older age classes in the population. These older fish are important because they produce more eggs and spawn more frequently than younger fish.

Management Challenges

While fishermen, fishery managers and scientists all agree the red snapper population is making an outstanding recovery, there is also widespread agreement there are real challenges in ensuring rebuilding benefits in the fishery are fairly and equitably distributed among all the user groups.

Red snapper catches are managed with annual quotas designed to rebuild the population by 2032. The total annual quota is divided roughly in half between the commercial and recreational sectors. Higher catch rates and quotas resulting from the rebuilding plan continue to benefit most commercial fisherman. Meanwhile, recreational access to red snapper, in particular for private anglers, has become progressively more restricted because as the population recovers, recreational fishermen are encountering more and larger red snapper, causing quotas to be reached more quickly. The recreational red snapper catch limit nearly tripled from 2008-2016 compared to a 6-fold increase in recreational landings per day during that same time period.

The recreational red snapper quota is managed with a fishing season which opens June 1 of each year. The recreational sector includes anglers fishing from private vessels and anglers fishing from for-hire (charter and headboat) vessels. Recreational fishermen, particularly private anglers, as well as fishery managers are understandably frustrated by restrictive mandates and short federal fishing seasons.

There are a number of factors that have caused the Federal season to shorten over time. NMFS, as required by the Magnuson-Stevens Act, must set an annual catch quota for the red snapper fishery that does not exceed the level specified by the Gulf Council's scientific advisors, and must prohibit fishing when the quota is reached. In response to a court ruling² on a lawsuit filed by commercial fishermen, and to reduce the probability of the recreational sector exceeding its quota, a 2014 rule by the Gulf Council established two accountability measures, the annual catch target and an overage adjustment, for the recreational red snapper fishery. Lastly, for a given year, NMFS determines the recreational red snapper quota in federal waters in part based on the proportion of stock taken in state waters. As the overall stock has recovered, an increasingly larger proportion of red snapper is caught in state waters as the Gulf Coast states have authorized increasingly longer state water fishing seasons. In addition, last year Congress temporarily extended state-water jurisdictions for Alabama, Mississippi, and Louisiana, from 3 to 9 nautical miles to match those of Texas and west coast Florida and allow for more red snapper to be harvested from state waters.

The private angler effort is unrestricted in an open access fishery while participation in the for-hire (and commercial) fisheries is restricted by long-standing permit moratoriums. Therefore, not all recreational fishermen benefit equally from less restrictive state water regulations because red snapper are not equally distributed throughout state waters, and regulations prohibit federally-permitted for-hire vessels from fishing in state waters when the federal fishing season is closed.

In 2015, the Gulf Council sub-divided the recreational red snapper quota between anglers fishing from private vessels and anglers fishing from for-hire vessels to mitigate the effect of extended state water fishing seasons on for-hire vessels and provide fishery managers greater flexibility to

² *Guindon v. Pritzker*, 31 F. Supp. 3d 169 (March 26, 2014).

manage each user group for differing objectives. Two recreational fishing organizations challenged this action in court but did not prevail.³

When this new management system took effect in 2016, anglers fishing from for-hire and private vessels were afforded 46 days and 11 days, respectively, to target red snapper in federal waters. For-hire vessels received more days despite being allocated a smaller portion of the total recreational quota because their effort is limited by a permit moratorium and they were unable to take advantage of extended state water fishing seasons ranging from 66-366 days.

Management Options

Developing solutions for the open access, private angler component of the recreational sector is challenging. The Council has been unable to achieve consensus on a number of measures considered to extend the recreational fishing season length, including a slot limit, bag limit reduction, and fish tag program. NMFS actively supported the Gulf Council in developing a regional management strategy designed to provide the states greater flexibility to tailor management to local needs and objectives while meeting Gulf-wide conservation requirements. To date, the states have been unable to agree on how to divide the recreational quota, and on whether and how to incorporate federally-permitted for-hire vessels into the program. However, last June, the Council initiated work on a new action to consider alternative management strategies, for private anglers. They also received input from an industry-led advisory panel and have formed an ad-hoc private angler advisory panel, which is expected to meet in May 2017. At their April 2017 meeting, the Council also recommended moving forward with development of regional management actions for the states of Alabama, Mississippi, and Louisiana. These actions will be further developed by the Council over the course of the next year.

A regional management strategy could help to resolve the current challenges created by inconsistent state jurisdictions and regulations, stabilize the recreational sector, and better manage the expectations of for-hire fishermen and private anglers. The best way to develop such a strategy may be through the Gulf Council process. The Magnuson-Stevens Act established that process to ensure fishery management decisions are developed with stakeholder input from the bottom up in a transparent process consistent with all applicable law. It is a good process for working through the types of difficult decisions that regional fishery management requires and includes representation from all Gulf states.

Interstate management challenges are not unique to the Gulf of Mexico. In fact, they are present in every region where major fisheries span multiple state jurisdictions. Such challenges have been addressed in different regions in different ways; for example, through legislation authorizing the Atlantic States Marine Fisheries Commission as a coordinating body on the U.S. east coast. While there are any number of models that may work, each requires the collective involvement and support of the states, and full accountability to comply with agreed upon management strategies.

NMFS is supportive of changes to the red snapper allocation by the Gulf Council. Last year, the Gulf Council increased the recreational sector's share of the total red snapper quota from 49% to

³ *Coastal Conservation Ass'n v. United States DOC*, 846 F. 3d 99 (January 17, 2017).

51.5%. That change took effect in 2016 but was recently vacated by the court on the basis it is not fair and equitable, after being challenged by a group of commercial fishermen.⁴ In April 2017, the Council voted to explore other mechanisms for reallocating red snapper in light of the court decision. The Council continues to explore additional ways to extend recreational fishing opportunities, including carrying over unused recreational quota for use in the following fishing season.

Science and Data

Red snapper population assessments are among the most complex in the Nation and incorporate many types of data, much of which are collected in partnership with the Gulf States, including commercial and recreational landings and discard data, shrimp trawl discard data, trends in stock abundance based on data collected by scientific surveys, age and reproductive data from the fishing fleets and from scientific surveys, plus research data collected by academic, state, and federal scientists. Assessments are conducted through the Southeast Data, Assessment and Review (SEDAR) process, which incorporates input from state, academic, and federal scientists. Assessments are peer-reviewed by independent experts and a panel of scientists, including many state biologists, selected by the Gulf Council. All SEDAR workshops and webinars are open to the public. Public comment, in person or in writing, is accepted throughout the process as well as during subsequent review and action by the cooperating agencies.

Red snapper science, data, and catch estimation processes are routinely criticized as many fishermen believe the stock assessment and other data collection programs are underestimating population abundance and allowable catch levels. NOAA recently released \$9.5 million in funds appropriated by Congress to estimate the absolute abundance of red snapper in federal waters of the Gulf using mark-recapture tagging methods and acoustic and visual advanced technologies. NMFS is also working with Alabama, Louisiana, Mississippi, and Florida to fund, review, and certify supplemental state data collection programs designed to increase the timeliness and precision of recreational catch estimates. Also, the agency is supporting the Gulf Council's work toward requiring electronic reporting. The Council recently approved a proposal that would require all for-hire vessels to report their catches electronically. NMFS will be requesting public comments on those new requirements later this year.

Conclusion

We have made great progress toward rebuilding the Gulf of Mexico red snapper population. But this progress has not come easily, nor will it be sustained without continued attention. This is a critical time in the history of red snapper management, and we must ensure the fishery is able to meet the needs of both current and future generations.

The red snapper population is rebuilding and that is a good thing, and additional research and reporting will improve the accuracy of population estimates. Now we need to make some reasoned, thoughtful decisions about the distribution among all user groups amidst a growing population. Gulf of Mexico fishermen and fishing communities sacrificed a great deal to help

⁴ *Guindon v. Pritzker*, 2017 U.S. Dist. LEXIS 30128 (March 3, 2017).

rebuild the stock. It is critical that all involved remain engaged and work together to find a way forward in the cooperative spirit that the regional fishery management council process promotes.

Thank you again for the opportunity to discuss Gulf of Mexico red snapper management. I am available to answer any questions you may have.

Figure 1. Historical and projected trends in Gulf of Mexico red snapper biomass.

