



Gulf of Mexico Fishery Management Council

Managing Fishery Resources in the U.S. Federal Waters of the Gulf of Mexico

Written testimony of

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Subcommittee on Oceans, Atmosphere, Fisheries, and Coast Guard**

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Introduction

Chairman Senator Mark Begich, Ranking Member Marco Rubio and Subcommittee members, thank you for this opportunity to share with you the experiences and perspectives of the Gulf of Mexico Fishery Management Council (Gulf Council) relevant to the reauthorization of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (Magnuson-Stevens Act).

My name is Douglass Boyd and I am the Chair of the Gulf of Mexico Fishery Management Council and currently in my fourth year as a member.

The Gulf Council has six fishery management plans that actively manage 40 finfish and shellfish species plus numerous species of corals. Nineteen or roughly half of our managed species have been evaluated by formal stock assessments.

The Magnuson-Stevens Act established a framework for sustainable fishery management which has contributed to the rebuilding of many depleted U.S. fisheries and serves as an example of proactive management for the world. As we prepare for the reauthorization of the Magnuson-Stevens Act, I think it is important to ensure that its requirements will position the regional fishery management councils to manage fisheries for the greatest overall benefit of the nation, across the full spectrum of stock assessment characteristics, stock conditions, and dynamic environmental conditions.

The Magnuson-Stevens Act delegates a portion of decision-making authority to the individuals on Councils who are most familiar with each region's fisheries. As such, this allows management plans to be tailored to the specific characteristics of each fishery. During this past year in discussions about reauthorization of the Magnuson-Stevens Act, it has become apparent that the Councils need more flexibility to make the decisions that are best for each species and respective fisheries.

My testimony today will outline the progress we have made in the Gulf of Mexico since 2006 and will identify several critical challenges and opportunities. During this reauthorization to the Magnuson-Stevens Act, the Gulf Council believes there are opportunities to make small, targeted changes that can provide major long-term improvements in our ability to manage adaptively without jeopardizing the sustainability of our fisheries.

Relative to overfishing status, in 2006 we had five Gulf of Mexico federally managed species that were undergoing overfishing; however, today we have no species classified as undergoing overfishing. We are proud of this achievement and partly credit the 2006 reauthorization.

Relative to overfished status, in 2006 we had red snapper and greater amberjack as our only overfished species. Today we have four species considered to be overfished. Of the two new overfished species one is the result of changing environmental conditions and the other due to unique life history characteristics making it more susceptible to becoming overfished.

The 2006 reauthorization, combined with several natural and man-made events, have altered management in ways that could not have been foreseen. The hurricane seasons of 2004 and 2005 were among the most active and destructive in Gulf of Mexico history, causing widespread damage to fishing communities and vessels around the coast. In 2010 the Deepwater Horizon oil spill resulted in a closure to fishing of approximately a third of the Gulf of Mexico for most of the summer. Even in areas not directly impacted by the closure, fishing activity suffered as tourists avoided the Gulf of Mexico and greatly reduced consumption of safe and previously valued finfish and shellfish. While stocks managed by the Gulf Council appear to have escaped immediate damage, the long-term effects on fish and habitat remain to be determined.

The 2006 reauthorization introduced several changes to the Magnuson-Stevens Act. From a management perspective, the most significant changes were:

- The requirement that rebuilding plans end overfishing immediately.
- The requirement that all managed stocks have annual catch limits.
- The addition of a limited access privilege program referendum process for stocks other than red snapper.

Prior to 2006, the Magnuson-Stevens Act required that rebuilding plans end overfishing but did not require that they do so immediately. Whereas previously we could implement a gradual reduction in fishing mortality to balance conservation with socio-economic needs, currently we are forced to end overfishing immediately with no leeway to take into account short-term socio-economic impacts.

Rebuilding Timeframes

Challenges

One of the ongoing challenges of the rebuilding timeframes for the Gulf Council is lack of flexibility. The Gulf Council understands that a healthy stock provides higher catch levels than one that is overfished and thus provides greater long-term socio-economic benefits. Therefore, rebuilding a stock as quickly as practicable is desirable. However, the current Congressional mandated rebuilding timelines are inflexible and, at times, contradictory. For example, a stock that takes less than 10 years to rebuild in the absence of fishing mortality requires more restrictive management than a stock that is more severely overfished and takes more than 10 years to rebuild.

Tools, Resources, and Statutory Refinement Needs

One suggestion for statutory refinements to the Magnuson-Stevens Act would be to have greater flexibility for the Councils regarding rebuilding plans. Rather than a fixed 10-year maximum rebuilding period, rebuilding times should have the flexibility to be tailored to the biological and socio-economic characteristics of each stock.

By allowing the Councils greater flexibility, we would be afforded the opportunity to design rebuilding plans and respond to ending overfishing that would be more appropriate for the life history of a particular stock. Greater flexibility would also allow a council to reduce severe short-term social and economic impacts without jeopardizing the ability of a stock to rebuild to maximum sustainable yield (MSY). Congress can still provide appropriate guidance by requiring overfished stocks to be rebuilt to MSY or optimum yield (OY) as quickly as practicable, and in a manner that protects an overfished stock from further decline.

Establishing Annual Catch Limits

Challenges

Annual catch limits (ACLs) and accountability measures (AMs) have the potential to be powerfully effective management tools, but their utility depends on the quality of the data used to assess stock size and to set appropriate catch limits. The new system of ACLs and AMs has worked well in fisheries that have moderate to high levels of data and stock assessments upon which to establish an appropriate ACL, but establishment of ACLs for data-poor fisheries and mixed stock fisheries has been challenging. These fisheries often lack the life history information (e.g., age and growth, size at reproductive maturity, and reproductive potential) and, in some cases adequate catch and effort data that are needed to scientifically estimate ACLs or to manage them effectively with AMs. This lack of basic fishery data precludes or complicates the application of any scientific method for establishing ACLs for data poor stocks. Conversely, stocks that have been well studied with enough information to complete a stock assessment have the scientific basis for establishing appropriate ACLs.

The biggest ACL-related challenges encountered by the Gulf Council is establishing ACLs for its reef fish species that constitute incidental catches within the grouper and snapper targeted fisheries. For multi-species targeted fisheries, the mandate to establish ACLs for incidental species can lead to closures that cause unnecessary economic losses relative to the harvest of the targeted species and with minimal biological gain for either the targeted or incidental species. In other instances, it may be very important to control incidental fishing mortality on a stock in a mixed fishery. The councils should have the ability to determine the appropriate measure to use depending on the particular characteristics of a fishery in order to achieve their management objectives. Undesirable closures of target fisheries due to ACLs established for incidental species usually result in unnecessary economic losses relative to the harvest of the targeted species and minimal biological benefits.

Tools, Resources, and Statutory Refinement Needs

The 2006 reauthorization required ACLs and AMs for all managed stocks. The implementation of recreational AMs, including paybacks for overages, has been difficult in some instances. The Councils need flexibility to determine which fishery and in which circumstances an ACL is most

appropriate. Many fisheries are appropriately managed with ACLs but there are instances when ACLs are not the optimal management strategy and there are no clear benefits achieved by establishing them.

A first step in this direction would be for Congress to maintain the overall language for ACLs but to give the Councils the flexibility to apply ACLs, where practicable. We need the flexibility to decide when an ACL for a data poor or mixed species stock may not be appropriate based on current management and monitoring programs. The Councils need additional flexibility to more effectively manage small scale, incidental, or data-poor fisheries that may be managed more effectively using management tools other than ACLs and AMs. Another area of flexibility Congress could provide would be to give the Councils discretion to make Scientific and Statistical Committee catch advice on data-poor stocks advisory rather than binding, if certain conditions are met.

Preventing and Ending Overfishing Immediately

Challenges

In the Gulf of Mexico the greatest economic hardship has resulted from the requirement to end overfishing immediately. The requirement of the Magnuson-Stevens Act to end overfishing immediately can have destabilizing effects on some fisheries. The red snapper and gag grouper fisheries have been dramatically impacted by this requirement. Specific flexibility to eliminate overfishing under certain circumstances over a multi-year period would allow the Councils to substantially mitigate short-term social and economic dislocation in our managed fisheries. The Gulf Council has a good track record for reducing overfishing. Even prior to the 2006 reauthorization, we rebuilt the king mackerel and Spanish mackerel fisheries in the Gulf of Mexico within a generation time and still allowed a viable fishery to operate.

There also may be some cases where a stock is overfished that some transient overfishing could be tolerated during stock rebuilding without jeopardizing the stock's ability to recover or to produce MSY or OY on a continuing basis. The fishing public can understand the need to fish at or below a rate that allows a population to replace itself. However, problems occur when their fisheries are forced to endure the very low exploitation rates that are often necessary to achieve MSY on a long-lived, slow growing stock. The ability to end overfishing over a period of time provides the flexibility to implement a rebuilding plan in balance with potential negative economic impacts.

Tools, Resources, and Statutory Refinement Needs

Overfishing should be managed as a transient condition (i.e., a rate) that can occur on both overfished stocks and stocks that are not overfished. Temporary or short-term overfishing on a non-overfished stock, which can often be corrected in a relatively short period of time, does not jeopardize the long-term ability of a stock to achieve MSY or OY on a continuing basis. By comparison, an overfished stock is the result of years of overfishing or environmental changes that can typically only be corrected over a longer time period. The current requirement to end overfishing immediately, regardless of whether the fishery is actually overfished, has likely caused undue and severe economic impacts in U.S. fisheries. Obviously, if overfishing is allowed to continue over a long enough time it will result in an overfished stock, but overfishing, per se, is not as serious of a management problem as is an overfished stock because overfishing

over a short period of time does not jeopardize the long-term ability of a stock to achieve MSY or OY on a continuing basis. Providing for a multi-year reduction in fishing rates to eliminate transient overfishing conditions, particularly in cases where the stock is healthy, would enhance regulatory stability.

Additional Tools, Resources, and Statutory Refinement Needs

Definitions of Overfishing and Overfished

An additional suggestion for reauthorization is for Congress to provide clear definitions of “overfishing” and “overfished” as separate criteria for excessive fishing rate and poor stock health, respectively. As currently used in the Magnuson-Stevens Act, the two criteria are treated the same and used interchangeably, sometimes leading to confusion as to intent. Overfishing is a transient condition (i.e., a rate) that can occur on both a healthy and an overfished stock and that can be corrected in a relatively short period of time. However, an overfished stock is the result of years of overfishing or environmental changes that typically can only be corrected gradually over a longer time period.

Section 407 Red Snapper Mandates

Those parts of Section 407 of the Magnuson-Stevens Act that pertain to Gulf of Mexico red snapper management need revision to improve the management of red snapper in the Gulf of Mexico. Specifically, Sections 407(b) and (c) should be removed because a red snapper limited access privilege program has since been implemented in the Gulf of Mexico. Referendum requirements in Section 407(c) should be eliminated since Section 303A(c)(6)(D) now provides sufficient guidance regarding referendum requirements for modifying existing programs. Referendum requirements for limited access privilege programs, in general, are inconsistent across the regional Councils and should be revisited during this reauthorization.

Also, Section 407(d) should be eliminated to afford more flexibility in managing recreational red snapper quotas to allow for more appropriate AMs rather than in-season closures. As written, 407(d) prohibits the retention of red snapper by all components of the recreational sector once the recreational quota is determined to have been met, including charter fishing. An example of how this mandate complicates creative management solutions is seen in the recently approved pilot study for a cooperative of headboat operators that will test the efficacy of a for-hire headboat tradable quota system over the next two years. However, due to 407(d), study participants must forfeit any remaining quota assigned under the program for a given year, should the total recreational quota be determined to have been harvested prior to the end of the year.

Fishery Data and Funding

Science is the foundation for fishery management. The ACL requirements have increased the demand for assessment products from the regional science centers. The effectiveness of the regional Councils is integrally linked with the availability of quality fishery data at adequate frequencies. In particular, additional scientific resources are needed to bring data-poor stocks up to an adequate assessment level.

The demand for science and stock assessments from the three Southeast Region Councils is greater than our science center's production capacity. A loss of experienced personnel and the training time for stock analysts along with reduced funding has resulted in a competitive process for science center resources. Continued and additional financial investment in stock assessment capacity is of the greatest importance in this reauthorization process.

Cooperative research programs provide a means to improve the accuracy of stock assessments while engaging stakeholders in the research process. Despite the importance of these programs, many of them face inadequate or uncertain funding from year to year. The reauthorization should include provisions for funding of cooperative research programs around the country.

The Councils depend on having effective monitoring and reporting systems in place to help inform catch and bycatch estimates and to detect potential problems in a fishery as early as possible. Not only do these programs require adequate funding to operate, but they require consistent funding from one year to the next. Given the critical nature of these programs, an amendment to the Magnuson-Stevens Act should include specific provisions securing long-term funding for necessary monitoring and reporting programs.

Congress should avoid adding any new unfunded mandates and should ensure that appropriate funds are available for the Councils to meet the existing requirements of the Magnuson-Stevens Act. Continued investment in stock assessment capacity is of paramount concern in this reauthorization process.