

WRITTEN TESTIMONY  
OF  
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PANAMA CITY BOATMAN'S ASSOCIATION

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

BEFORE THE  
UNITED STATES HOUSE OF REPRESENTATIVES  
COMMITTEE ON NATURAL RESOURCES

AUGUST 25, 2012

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 1<sup>st</sup> 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.

Respectfully submitted,

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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](http://www.sefsc.noaa.gov/sedar/download/SEDAR24-RD39_Shipp2009.pdf?id=DOCUMENT)

**Capt. Anderson Marina**

**Fuel Report for Head boat Charter Boat Fleet**

**HB Passenger Counts**

	Jan	Feb	Mar	Apr	May	June	July	August	Sept	Oct	Nov	Dec	Totals
<b>2006</b>	<i>Gag/Red Grouper no closures.... Red Snapper open April 21- October 31... 4/per person bag limit</i>												
Gals. Fuel	3090.60	2880.70	11693.00	30328.00	53341.90	59402.68	50048.40	40585.60	34575.62	27009.60	5406.50	1146.60	319509.20
HB pass. 5/6hr	0	53.00	216.00	306.00	986.00	2346.00	3017.00	1147.00	623.00	386.00	194.00	57.00	9331.00
HB pass. 10/12hr	0	136.00	426.00	1278.00	1879.00	2242.00	2958.00	1259.00	1167.00	1155.00	237.00	38.00	12775.00
<b>2007</b>	<i>Gag/Red Grouper closure Feb 15-Mar 15....Red Snapper open April 21-October 31 2/person bag limit after May 2nd</i>												
Gals. Fuel	1002.80	4115.40	13452.00	33121.35	50160.30	59140.15	60729.80	38274.65	29267.15	21031.95	6706.55	711.70	317713.80
HB pass. 5/6hr	0.00	0.00	489.00	574.00	860.00	2317.00	2844.00	1325.00	971.00	797.00	40.00	0.00	10217.00
HB pass. 10/12hr	56.00	90.00	448.00	976.00	1613.00	1943.00	2350.00	1244.00	964.00	720.00	98.00	0.00	10502.00
<b>2008</b>	<i>Economy bad/Fuel prices up/Gag/Red Grouper closure Feb 1- Mar 31...Red Snapper open June 1-Aug 5 2/person bag limit</i>												
Gals. Fuel	1429.90	3039.05	8889.10	18531.85	31446.30	50173.65	47455.00	21036.65	13734.95	15380.30	3204.00	698.40	215019.15
HB pass. 5/6hr	0.00	0.00	558.00	1045.00	1055.00	2162.00	3089.00	1208.00	374.00	716.00	0.00	61.00	10268.00
HB pass. 10/12hr	0.00	0.00	347.00	547.00	476.00	1999.00	2147.00	830.00	426.00	485.00	0.00	0.00	7257.00
<b>2009</b>	<i>Economy bad/Fuel prices better/Gag/Red Grouper closure Feb 1-Mar 31...Red Snapper open June 1-Aug 14 2/person bag limit</i>												
Gals. Fuel	1342.30	1180.80	15184.45	15684.45	14571.30	54478.20	55672.20	33176.80	8993.80	14696.50	6002.80	863.40	221847.00
HB pass. 5/6hr	0.00	0.00	476.00	428.00	661.00	2228.00	2772.00	1326.00	743.00	810.00	31.00	0.00	9475.00
HB pass. 10/12hr	0.00	0.00	98.00	455.00	622.00	2197.00	2179.00	346.00	505.00	373.00	0.00	0.00	6775.00
<b>2010</b>	<i>Economy bad/Fuel better/Gag/Red Grouper closure Feb. 1-Mar 31... BPSpill ...Red Snapper Open June 1- July 23 + Fall Wkends</i>												
Gals. Fuel	1535.55	475.60	4941.46	14367.60	15101.00	41238.60	24879.30	9958.40	13052.40	18239.30	5680.70	1040.80	150510.71
HB pass. 5/6hr	0.00	0.00	132.00	999.00	1086.00	3489.00	2700.00	821.00	849.00	1069.00	57.00	0.00	11202.00
HB pass. 10/12hr	0.00	0.00	136.00	413.00	433.00	2026.00	1108.00	363.00	462.00	904.00	422.00	0.00	6267.00
<b>2011</b>	<i>Economy bad/Fuel better/Gag Grouper closure Jan.1-Sept. 15..AJ closed June-July..Red Snapper Open June 1-July 18, 2/pers bag lmt.</i>												
Gals. Fuel	268.8	1913.3	6769.4	13625.92	20152	58811	48978.8	21397.2	12269.9	14,310	3200	1025	188411.32
HB pass. 5/6hr	0.00	0.00	611.00	1224.00	1546.00	5401.00	6084.00	2727.00	1012.00	980.00	141.00	95.00	19821.00
HB pass. 10/12hr	0.00	63.00	244.00	515.00	784.00	2539.00	2386.00	643.00	357.00	335.00	0.00	0.00	7866.00
	Jan	Feb	Mar	Apr	May	June	July	August	Sept	Oct	Nov	Dec	