

My name is Wayne Werner of Galliano, Louisiana. I am the owner/operator of the fishing vessel "Wayne's Pain". I would like to thank the U.S. Senate for the chance to speak on the Magnuson-Stevens Act.

When the Red Snapper season opens for the new millennium, the historical dependents in our fishery will be entering their tenth year of 'derby' fishing. This means one more year of high fishing mortality, dangerous fishing habits, low market prices, and profit margins being diverted to fuel suppliers, ice plants, and grocery outlets. These are atrocious conditions in which to make a living for our crews and families.

If the weather is inclement, fishermen feel forced to fish their way through it. Just last September, the entire snapper fleet went fishing with a tropical wave in the Gulf of Mexico. NOAA Weather Service was reporting that conditions were favorable for tropical development in the next 24 hours. I was there, trying to get my share of the Red Snapper quota, telling myself that this is a disaster waiting to happen. Fortunately, development did not occur that day; Believe me, its just a matter of time.

The commercial Red Snapper industry needs a License Limitation ITQ system designed to protect the existing fishermen in our fishery. Financially depleted by regulations and derbies, our industry needs an ITQ system with the same eligibility requirements as our license limitation system today. The qualifiers should remain in place for the first five years, before becoming an open access ITQ; this would ensure financial stability throughout the system before going public. With the average age of our captains being over 50 yers, I cannot emphasize enough how unappealing a race for fish looks. The snapper industry should be allowed to develop their own ITQ system. ITQ's are a financial decision for fishermen, and deserve proper input from our industry.

The protection necessary in a Red Snapper ITQ system is for one main reason: The recreational fishery wants our snapper. The Red Snapper Referendum mandates that when the recreational share of the quota has been filled, that fishery should be closed. The Gulf Council does not seem to think that this is the proper way to run the fishery.

This was best illustrated recently at the November Gulf of Mexico Fisheries Management Council meeting. The Gulf Council felt that instead of closing the recreational sector, they could take 33 % more the commercial allocation, giving the recreational fishery 75% of the Total Allowable Catch. Studies have been put into motion to reallocate Red Snapper.

A question each Senator should ask themselves is: Should less than 1% of the population of the United States have access to 75% of American-caught Red Snapper? This is a fairness issue for the American

consumer.

Two years ago, the Gulf Council voted to reallocate 3% of the commercial King Mackerel quota to the recreational sector. This issue should be addressed by the Magnuson-Stevens Act. Another issue should be addressed in Magnuson-Stevens is that mandatory reporting for charter boats landings is necessary in the for-hire section. A Snapper Stamp should be used to better track the purely recreational catch rate. National Marine Fisheries Service needs to do a better job in this area.

Spawning Potential Ratio levels are being set to establish Maximum Sustainable Yield. How are fishermen supposed to have confidence in a system where high SPR levels result in low Catch Per Unit Effort, inability to fill quotas, and only small fish available to win fishing tournaments. In contrast, you have fisheries with low SPRs, where CPUEs are considered at maximum levels. Quotas are filled rapidly, and tournaments are won by large fish.

In the Red Snapper model, when a snapper is 2 years old, he has the same chance of survival as a fish that is 10 years old. In the computer model, this is assumed, whereas in real world experience, impossible. Natural mortality rates in 0 to 2 year old fish is 47%, lowest in the United States fisheries. I question bycatch rates also. Shrimpers only cover 15% of the bottom, yet kill 88% of all juvenile snapper, according to NMFS.

Overwhelming public testimony about science on Red Snapper has been negative. The most common complaint heard is “something is wrong” and “garbage in, garbage out”. The science just doesn’t correspond to the amount of snapper available.

Time does not allow for me to continue to address this issue with you today. Please take the time to look over the attached comments which further discuss the subject of Red Snapper and the way it is regulated.

I would like to thank the U.S. Senators here today for holding these hearings on the Gulf Coast in order to address the problems and issues that affect so many people’s lives.

The following is additional information on the subjects that I will be discussing at the Senate-Committee hearings on Magnuson-Stevens'. Most of this information is based on my involvement on Advisory Panels and attendance at 37 Gulf Council meetings, as well as personal experience in the Red Snapper fishery.

Four years ago I testified before this committee against the ITQ system as proposed by the Gulf Council.

The commercial industry felt this system was designed as a Buy-out project. The Gulf Council developed this ITQ without accepting any input from commercial fishermen. Overwhelming public testimony against this ITQ meant nothing to the Gulf Council, as nothing has changed in the four years since Amendment 8, I would still stand against that particular ITQ system.

Remaining in the Red Snapper 'derby' is a situation that historical dependents in the fishery have a hard time dealing with. One of the problems created by derbies is discard mortality. For instance, I may need a couple of hundred pounds of snapper to finish my trip limit. Do I ride an hour or two farther from the dock...or do I kill 200 to 300 pounds of undersized snapper and stay competitive with the fleet? I am certainly not the only fisherman that faces this dilemma.

Profit margins are another major concern. Derbies have reduced my prices for snapper by an average of 85 cent per pound. Compounded with a 2000 lb. trip limit, some trips involve running for 8-10 hours. Your trip limit is caught in 45 minutes to an hour, and you drive back another 8-10 hours. This creates much more wear and tear than normal operation, and consumes more fuel as well. Back at the dock, one hour to unload and head back offshore. Which, in turn, creates another problem: Sleep Deprivation. Crewmen have fallen overboard, asleep at the rail. I have had crewmen break down--they just couldn't go on -- worn out. These are just a few examples of the conditions that I refer to as "atrocious" in my oral testimony.

It doesn't surprise me that the commercial fishermen do not get a fair shake from the Gulf Council. The make-up of this Council, in the 12 years that I have attended their meetings, has been a majority of recreational representation. The so-call 'commercial' representatives on this Council have been fish dealers, importers and one of two state representatives. There has never been a hook-and-line commercial fisherman on this Council. Every Red Snapper fisherman I speak to is of the same opinion; we have no representation on this Council.

In order to get a proper ITQ system in place, it would take Congressional assistance in forcing the Gulf Council to allow fishermen to develop this system.

In September, the Gulf Council requested that Congress lift the Red Snapper Referendum. This shows just how much they care about the commercial fisherman's opinion.

The commercial red snapper fishermen deserve an ITQ that is representative of our fishery, including the

51%-49% split, allocated by the Gulf Council ten years ago.

When the Red Snapper Referendum mandated a recreational closure, the Gulf Council found it necessary to raise the quota from 6 million to 9 million pounds. In contrast, during the years prior to 1996, the commercial fishing seasons were getting shorter and shorter, but this did not seem to be a problem worthy of being addressed by the Gulf Council.

Being managed by a lower standard sometimes make you feel like a second-class citizen in the eyes of the Council system. Now, with MSY restraints, the Gulf Council is left with only one option in order to keep the recreational sector open with a 4 fish bag limit: Reallocation- or as commercial fishermen refer to it Steal the fish. This is purely an economic decision, and is in direct violation of the 5th National Standard.

Conservation is necessary to all fisheries. Fishermen cannot make a living without fish. Prior to mandatory logbook reporting, the catch histories are questionable to say the least. The best example of just how questionable NMFS' catch history records are, look at the June 1999 Red Grouper Stock Assessment. On page 18, it shows the 1950-1976 Estimated Cuban Landings from the Florida West Coast. I would like to quote from page 20: "None of the Cuban fleet's catch of grouper were exported, but rather remained in that country for domestic consumption". Considering the United States' relationship with the Cuban government during those years, this data is preposterous.

While framing Amendment 1 to the Reef Fish Management Plan, the Gulf Council wanted to prohibit the use of longlines inshore of 50 fathoms in the western zone of the Gulf of Mexico. At the request of Red Snapper fishermen, this restriction later included buoy fishing. NMFS was unaware that this fishing method even existed.

To track some of the historical reef fish catch, NMFS used a TIP (trip interview program) reporting system between 1982 and 1991. I was surveyed only one time during this time period.

In the mid to late 80's two factors influenced the catch history in the commercial fishery, but was never accounted for. The captains and crews on oil supply boats and oilfield crew boats sold large amounts of Red Snapper. At the fish house where I sold my Red Snapper, I observed eight to ten people (who were not commercial fishermen) per week selling 200-400 pounds of snapper at a time.

With no tracking system in place, many fish sales were on a cash basis. NMFS had no idea how many fish were actually being harvested. When permits became required, many fishermen could not qualify or establish a catch history because of tax and record keep problems. This incomplete and inaccurate data is the basis for SPR.

Even with all the problems with the data, I would not support a quota increase under derby conditions and including a 15 inch size limit. Due to the recruitment in the Red Snapper fishery, the commercial

section likely harvests the 4.65 million pounds allotted, and discards another 2.5 million pounds of 13 to 15 inch snapper. Fish do not discriminate against user groups. The Gulf Council is raising the recreational size limit to 16 inches to help extend the season. With a large increase in recruitment, the release mortality in the recreational sector will rise dramatically.

In summary, I would like to see the following addressed in Magnuson-Stevens:

1. A license-limitation ITQ system with input from commercial fishermen.
2. The makeup of the Gulf Council: Recreational and Commercial, including no commercial fishermen representation.
3. To better track the recreational catch in the Reef Fish fishery.
4. Reallocation and discrimination in the Council system. This includes discrimination against the 200 million people (consumers) that do not/cannot fish, represented by commercial fishermen.
5. SPR and MSY: NMFS expects the population of Red Snapper to be 5 billion; Is there enough ecology to support MSY?

I hope Congress will look into some of these problems and take appropriate action.

Thank you.