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January 13, 2023

John Hadley
Fishery Management Plan Coordinator & Fishery Economist
South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405*RE: Snapper Grouper Amendment 46 (recreational permitting & reporting)*

Dear Mr. Hadley,

Coastal Conservation Association (CCA) appreciates the opportunity to comment on Snapper Grouper Amendment 46 options for private recreational vessel permits to fish for snapper grouper species and to revise private recreational reporting requirements.

CCA has long supported the concept of recreational fishing licenses to better define the universe of participants and improve accountability and reporting for recreational harvest. We believe that licenses are key to better understanding the economic potential of the recreational sector and to providing socio-economic information which, ideally, would be used to base fishery management decisions for the vast portion of the public that participates in marine fisheries.

The need for improved recreational data is a hot-topic issue in the South Atlantic and the Gulf of Mexico, but it is critical to point out that the recreational sector has supported these efforts for decades and the results to date from NMFS have been disappointing. In almost every instance, recreational anglers were the driving force to improve their own data and they have been frustrated by the lack of a cohesive plan to utilize it properly. Compounding that frustration, in some aspects of the federal fisheries management system the recreational sector is often portrayed as almost defiantly unaccountable and as a problem to be controlled rather than as partners with which to collaborate. The end result is that while anglers most certainly see the need for better data, they are growing suspicious of efforts like A46 that propose yet another permitting process without any indication that it will be any more acceptable or useful than previous federal efforts.

A cursory review of relevant and relatively recent events across the nation shows the extent to which recreational data problems have been identified repeatedly and yet no satisfactory, systemic solution has been presented:

Summer Flounder

- **1991** – is declared overfished. Quality of recreational data in the fishery called into question.
- **2000** - National Resources Defense Council sues NMFS over summer flounder quotas. Anglers demand better data as it is discovered that some MRFSS estimates are driven by single intercepts.
- **2008** - State of New York sues NMFS over MRFSS claiming that state-level allocations that harm the state are based on flawed data.
- **2010** - Senator Chuck Schumer (D-NY) demands MRFSS be scrapped. Letter signed by scientists and state directors states, "Closures based on fatally flawed data have deep and broad economic consequences."

Black Sea Bass

- **2009** – Mid-Atlantic black sea bass closure based on unsure science. Anglers demand a survey that is actually useful for management.
- **2017** – The black sea bass debacle ongoing. New York State managers write letters to the Mid-Atlantic Council complaining about the poor-quality MRIP data being used to take drastic management action.

Gulf Red Snapper

- **Late 1990s** – the Gulf red snapper debacle begins in earnest, with tighter regulations and shorter seasons impacting rec anglers. Quality of recreational data comes into question.
- **2006-2017** – Gulf red snapper debacle intensifies. Progressively shorter and shorter seasons, culminating with a three-day season in 2017. Gulf states go largely non-compliant with federal regs. Anglers demand better data.
- **2013-2016** - Gulf States begin development of independent surveys for reef fish. Angler-funded response to NMFS inaction - Alabama Snapper Check, Louisiana LA Creel, Florida Gulf Reef Fish Survey (now State Reef Fish Survey) and Mississippi Tails 'n Scales.
- **2014** - Louisiana expands LA Creel to all species, fires MRIP. Fed up with drastic management action based on unsure science, Louisiana goes the way of the West Coast to improve reporting time and estimate precision. Angler funded.
- **2017** - Gulf Amendment 50: State Management. Due to lack of confidence in federal data, responsibility for private boat recreational data collection and management delegated to Gulf States. Rec angling fees pay for better data and state reporting systems widely supported by anglers.
- **2017 - 2018** - MRIP certifies LA Creel, Alabama Snapper Check, Mississippi Tails N Scales, and Florida Gulf Reef Fish Survey. Angler funded; license-endorsement based. Provides high-precision, in-season estimates that MRIP cannot.
- **2020** - NMFS insists that Gulf state level estimates must be made equal to MRIP estimates. State surveys are widely viewed as better data collections - more timely

and higher precision. National Academy of Sciences disagrees with NMFS calibration strategy.

South Atlantic Red Snapper

- **2009** - South Atlantic red snapper - Amendments 17a, 17b and 18 consider closures based on suspect, imprecise red snapper harvest numbers. Still ongoing and closures still threatened.
- **2010** - Massive red snapper bottom closure threatened in South Atlantic. First stock assessment declares stock overfished using very low-precision MRFSS data. Anglers call for better data collection.
- **2022** - South Atlantic red snapper closures under consideration again. Successful recovery but suspect discard data indicates stock may still be overfished. Anglers demand better catch and discard data.

West Coast Fisheries

- **1998-2002** - West Coast groundfish disaster. Nine stocks are declared overfished. Rebuilding plans implemented with major shelf closures. MRFSS data is found to be imprecise and delivered on the wrong time scale. Anglers and states demand change, and West Coast states develop their own recreational angler surveys.
- **2004** – West Coast states ask NMFS for basic changes to MRFSS surveys. NMFS refuses, and West Coast states “fire” NMFS and MRFSS from the recreational data collection process entirely.

Federal Legislation

- **1996** – The Sustainable Fisheries Act (SFA) Passes, putting sideboards on stock recovery and demanding action for overfished stocks. The Act pushes councils towards in-season quota and anglers call for better data to meet the needs of the Act.
- **2006-2007** – Magnuson-Stevens Act (MSA) passes. Forces drastic action and short rebuilding timelines, eliminates management flexibility. A complete redesign of MRFSS is ordered to meet management needs. Requires angler license frame. States are given the choice of either developing an acceptable recreational license system or using the federal registry. Virtually every coastal state eventually develops its own recreational licensing system.

MRFSS to MRIP

- **2008** - MRFSS begins producing annual implementation plans in a partial response to MSA. Redesign plans are mostly outreach. Constituent drumbeat for better data reaches a crescendo. NMFS conducts extensive “listening sessions” with recreational stakeholders.
- **2010** - MRFSS rebranded as MRIP in response to MSA, but though millions of dollars are spent, there is no real change in precision or timeliness of data.

National Academy of Sciences Reviews

- **2006** – First National Academy of Sciences review of MRFSS finds it to be fatally flawed for in-season quota management of the sort demanded by SFA and MSA, and nearly useless for rare-event or offshore species. Lays out recommendations for improvement.
- **2017** – Second National Academy of Sciences MRIP review finds MRIP still not acceptable for in-season quota management and still too imprecise for reef fish and other offshore species.
- **2021** - Data Management Strategies for Recreational Annual Catch Limits, another National Academy of Sciences review, concludes that MRIP is not suitable for in-season quota monitoring. It finds no real changes in precision across important species.

This is by no means a comprehensive list and is only meant to demonstrate that recreational data issues are not new. Federal managers have long been aware of systemic problems in federal recreational data collection systems, first with MRFSS and now with MRIP, and yet here we are again grappling with the same issue in Amendment 46. Millions of dollars have been spent “improving” the federal data system, and yet the South Atlantic Council is debating a new permit to address the same fundamental recreational data problem that the Mid-Atlantic Council faced in 1991. In every region, except the West Coast which seems to have successfully divorced itself completely from federal recreational data systems, federal fisheries find themselves caught in a seemingly endless loop of the same predicaments over recreational data, with no end in sight.

CCA is committed to the concept of licenses to better define the universe of recreational anglers and improve recreational data and accountability, but the body of evidence indicates that permits alone will not solve the problem. How the federal government gathers data from the recreational sector and how it manipulates and uses those data in management are huge factors in the efficacy of a recreational permit, and for at least the last three decades the federal government has failed those functions. It is difficult to comprehend how a new permit for anglers in the South Atlantic snapper grouper fishery will introduce data into a federal system that the National Academies of Science has found deficient three times since 1991 and produce a different, satisfactory result.

If there is a lesson to be learned in the events listed previously, however, it is that recreational permits are most effective when the role of the federal government is diminished to the greatest extent possible, and the states are given the greatest control and responsibility over the recreational fishery. The West Coast effectively solved its recreational data problems in 2004. The Gulf States were on track to solve most of the recreational data problems in the red snapper fishery in 2017 until NMFS insisted on calibrating state data back to its own MRIP data with a calibration method that the NAS concluded was ill-suited for the purpose.

John Hadley
January 13, 2023
Page 5

It is CCA's belief that the only realistic chance that a permit for recreational anglers in the South Atlantic snapper grouper fishery will succeed in the applications for which it is intended is if the states are given complete authority for administering the program.

States are responsive to anglers and tend to treat recreational anglers as clients because recreational license expenditures and excise taxes on equipment and fuel support their management activities. That engenders a trust and a willingness to work with the data collection and regulatory arms of the states that benefits data quality and compliance. To the second point, states can elect to keep angler permit funds from disappearing into a general fund and instead may direct those funds to specific programs like enhanced data collection, enforcement, infrastructure investments or stock enhancement. The federal government cannot. Additionally, states are much more efficient and frugal with stakeholder funds. As proven through the federal experience with administering a saltwater license, the states could make money on their license programs, charging similar fees, while the federal system never broke even. Finally, many anglers are concerned, and rightly so based on comments from NMFS staff in the region and many commercial and for-hire organizations, that a federal boat permit is the first step in limiting recreational entry to public fisheries. Limiting entry is a non-starter for state managers, recreational anglers and the recreational fishing industry.

CCA is confident that a properly constructed permit for snapper grouper anglers in the South Atlantic could provide information critical to improved management of the fishery. However, the federal government's track record of recreational data-gathering and management indicates that such a permit should be administered and run by the South Atlantic states. While such a system is not a panacea to the problems that continue to plague recreational management at the federal level, state control of data gathering at the very least would provide a check and balance to federal use of both the data and the permit itself.

Regards,

A handwritten signature in black ink that reads "Bill Bird". The signature is written in a cursive, flowing style.

Bill Bird, Chairman
CCA National Government Relations Committee Chairman