

Submit to: nmfs.seafoodstrategy@noaa.gov by 11:59 pm October 14, 2005.

Mr. Eugenio Piñero Soler
Assistant Administrator for Fisheries
NOAA
1315 East-West Highway
Silver Spring, MD 20910

Re: E.O. 14276 Notice Response

Dear Genio:

Recreational saltwater fishing delivers outsized economic and social value through access and participation – not pounds of fish landed. America’s 15.1 million marine recreational anglers support 691,565 jobs and annually contribute \$138 billion in sales impacts¹ to the U.S. economy. Outdoor recreation overall is now a \$1.2 trillion powerhouse, with recreational fishing and boating as the largest contributor to America’s Outdoor Economy, which is 2.3 percent of GDP².

President Trump’s April 17 Executive Order “Restoring American Seafood Competitiveness” is an opportunity to reflect the value of recreational fishing to the nation by modernizing data, removing access barriers and aligning management tools with how the recreational sector actually works.

Much of the Executive Order pertains specifically to commercial fishing and seafood trade, but many of the policies and priorities apply to U.S. marine fisheries more broadly, including recreational fisheries, such as addressing overregulation, ensuring access, improving fisheries management and science and modernizing data collection.

Recreational fishing is a significant source of seafood for millions of Americans who consume their own catch. We appreciate the opportunity to provide formal comments on implementation of this Executive Order for consideration by the Commerce Secretary and NOAA.

We provide below responses to questions posed in the public notice to gather feedback on this Executive Order.

NMFS is soliciting comments on regulations that govern fishing activities that may be suspended, revised, or rescinded, consistent with section 4(a) of the E.O., the Magnuson-Stevens Fishery Conservation and Management Act, and other applicable law.

Regulations that unnecessarily restrict access to healthy recreational fisheries undermine competitiveness and opportunity. Examples where regulations based on poor data are limiting access include:

¹ Fisheries Economics of the United States 2022, published November 2024. U.S. Department of Commerce NOAA Fisheries Office of Science and Technology

² Outdoor Recreation Satellite Account Release: The Recreation Economy’s Performance in 2023, published November 2024. U.S. Department of Commerce Bureau of Economic Analysis

- South Atlantic Red Snapper, which has been limited to one- or two-day recreational seasons even though the stock assessment shows the population to be at record levels of biomass. It is important to re-envision the fisheries management process to ensure sufficient and accurate data is collected on recreationally important fisheries and assessment models are tailored for the information available to avoid highly precautionary management approaches that unnecessarily stifle fishing opportunities.
- Lack of credible scientific data on Gulf Gag Grouper and Amberjack completely stymied effective management measures, which in turn strangled the economic impact of the recreational sector. In the Gag fishery, an embarrassing data error led NOAA to abandon its numbers and adopt Florida's numbers overnight. In Amberjack, the agency has claimed a fishery in crisis, but the last assessment was 11 years ago. NOAA must do better.
- Limited Access Privilege Programs, or "catch shares," allocate a specific portion of the annual catch limit to individual commercial fishermen, cooperatives or communities. The goal of catch shares is to consolidate fishing effort and profitability into fewer hands, essentially eliminating access and competition in those fisheries by other commercial fishermen. From a recreational fisheries perspective, catch shares in any form are an inherently inappropriate tool. In mixed-use fisheries (prosecuted by both recreational anglers and commercial fishermen), catch shares should be avoided or eliminated as open access by the recreational sector equates to the greatest benefit to the American public and to the nation's gross domestic product (GDP). Furthermore, as currently constructed, catch share programs in America do not return any value to the public for the privilege of exclusive harvesting rights. Select commercial entities have been beneficiaries of a massive transfer of wealth in which they were initially given these public marine resources and still pay no meaningful rents or royalties back to the American public.
- Marine Recreational Information Program (MRIP) has routinely proven woefully inefficient and unreliable for in-season management. NOAA should support state-led data collection programs and empower state fish and wildlife agencies to lead recreational fisheries management in states that signal their desire to assume the responsibility for their fisheries resources.

NMFS is soliciting comments on ways to improve fisheries management and science within the requirements of applicable laws (the Magnuson-Stevens Fishery Conservation and Management Act; the Endangered Species Act of 1973; the Marine Mammal Protection Act; and other applicable laws, consistent with the E.O. section (4)(a)(ii)).

- Particularly along the Gulf of America and Atlantic coasts, access has been challenged by NOAA's Marine Recreational Information Program (MRIP), which has been a complete disaster. Failing its legal obligation to collect and analyze quality fisheries data, NOAA too often is content considering its data – even with known, high degrees of error – as the best scientific information available (BSIA). In fact, it is neither "best" nor acceptable in many cases. MRIP has routinely been shown to be highly inaccurate, including a recent study in which NOAA confessed to overestimating recreational effort by 30 - 40%. This has led to inaccurate stock assessments and shortened seasons, most notably the 2024

one-day red snapper season in the South Atlantic. Again, NOAA should support state-led data collection programs to replace or supplement MRIP and empower state fish and wildlife agencies to lead recreational fisheries management in states that signal their desire to assume the responsibility for their fisheries resources.

- In the Mid-Atlantic, black sea bass and scup are currently assessed at more than twice their target biomass and are not experiencing overfishing. However, stock projections have repeatedly predicted declines that never materialize, leading to unnecessarily conservative catch limits and reduced fishing access. These projection errors stem from model uncertainty, retrospective bias and precautionary management policies that emphasize risk avoidance over observed stock abundance. As a result, both recreational and commercial fisheries have faced restrictive management causing significant economic harm despite a continuously increasing biomass. These scenarios call for specific scientific and management reform to better align fishing access with observed stock abundance to maximize seafood production for both recreational and commercial sectors.
- NOAA's Vessel Speed Restrictions should be reviewed and reevaluated. NOAA promulgated this rule in 2008, establishing a 10-knot speed limit for vessels 65-feet and larger in certain discrete geographic areas along the Atlantic, and the agency has sought to expand its reach ever since. In the justification for the 2008 rule, NOAA noted that technological advance would be the preferred solution yet has made no effort in that regard. Instead, the NOAA bureaucracy continues to overreach with expanded draconian vessel speed rule proposals outside the scope of ESA and MMPA. Therefore, the 2008 vessel speed rule is ripe for reconsideration. A modernized approach should reflect current technology, improved risk management and consideration of the real-world economic impacts on the marine industry, fishermen and the public's ability to access America's oceans.
- Artificial reefs are an important conservation tool that can enhance and replace degrading natural structures such as coral reefs; increase habitat connectivity and metapopulation ecological benefits for species with high reef affinity; boost fisheries productivity, and relieve congestion and pressure on natural reefs. Unfortunately, NOAA has historically failed to embrace the construction of artificial reefs as a management tool and has been complacent to serve only as an approving authority to other entities seeking to place artificial habitat in federal waters. NOAA should establish a proactive artificial reef program, identifying areas and fisheries that could benefit from artificial reef placements, and cooperatively lead states and local communities in artificial reef construction.
- A proposal from the Biden administration that would have prohibited fishing for 55 species of snapper grouper in South Atlantic waters off northeast Florida for part of the year to protect red snapper (Snapper Grouper Amendment 59) would have severely and unnecessarily restricted access to South Atlantic fisheries and devastated the recreational fishing industry and coastal communities. Fortunately, this proposed closure was rejected by the Trump Administration. However, the threat of such harmful closures remains as NOAA staff continues – as recently as September 2025 – to advocate for similar area closures in the South Atlantic region. As reflected in comments on Amendment 59, the recreational fishing community is adamantly opposed to such harmful closures.
- Encouraging use of descending devices and tools to reduce barotrauma and increase survival of released fish should be a NOAA priority. NOAA should expedite rulemaking

to keep requirements of the DESCEND Act in place in the Gulf of America. In addition, research to document the effectiveness of use of these tools, as well as their effect on fisheries at the population level, should also be a priority for the agency. Use of these tools should also be properly accounted for in stock assessments for fisheries where they are used. While “credit” for descending device use has been accounted for in some fisheries, this is not the case for others (i.e., in the Gulf of America).

Specific examples of existing Federal fishery regulations or policies that, if appropriately modified or streamlined consistent with the requirements of applicable laws, could enhance operational efficiencies, access, or economic profitability for U.S. fishing businesses.

- Reconsider regulations for species that are included in fishery management plans but are not actively assessed or managed by the Council. Many of these stocks are data poor, which means the catch limits and regulations in place for these species may not be based on current or best available science and are not evaluated for effectiveness. In some cases, designating species as “ecosystem component” fisheries may be appropriate, particularly for species that have never been assessed or species with no evidence of population declines over the long-term average of available data.
- Recreational fisheries, which benefit from access rather than total pounds harvested, are inherently different from commercial fisheries. While commercial fisheries can be effectively managed with biomass-based annual catch limits (ACLs), it is difficult to use the same approach with recreational fisheries, especially given the severe and well documented limitations of MRIP in estimating angler catch against a sector ACL. Given this dichotomy, NOAA should promote the use of alternative management strategies, such as harvest control rules, harvest rate strategies, and other adaptive approaches that recognize the unique dynamics of recreational fishing and focus on conservation outcomes rather than rigid quotas (ACL’s) derived from theoretical, assumption-riddled assessment models alone.

NMFS is soliciting comments on the following concepts outlined in section (4)(c) of the E.O.:

How can less expensive and more reliable technologies and cooperative research be used to support fisheries assessments?

- Even prior to the recent reduction in resources for the fishery science centers, many were struggling to meet the assessment needs of the regional fishery management councils, particularly in the Southeast. NOAA should contract with states or universities to conduct stock assessments when timely information on stock status is required for effective management.
- Because of a lack of confidence in NOAA’s data, Congress began to authorize independent, authoritative absolute abundance studies – i.e. South Atlantic Great Red Snapper Count and Gulf Great Amberjack Count. These studies should be validated with Gold Standard peer review, recusing NOAA, pursuant to the President’s Science E.O. When substantial differences in population abundance between these independent assessments and NOAA’s data are found, the independent absolute abundance estimate

should become the baseline from which new stock assessment models are built to reflect similar population abundance estimate.

How can NMFS modernize data collection and analytical practices to improve the responsiveness of fisheries management to real-time ocean conditions?

- Shift away from MRIP dependence and improve transparency and accountability of fishery-dependent data through the development of more accurate and trusted data collection methodologies led by or in partnership with the states and recreational fishing stakeholders. Furthermore, ensure the use of these new data streams in federal stock assessments and management.
- As stock assessment models become more complex, more reliable data is needed for model inputs to achieve reliable population estimates and management advice. Even prior to the reduction in fishery science center resources, trust in modern-day stock assessments has been severely lacking. NOAA should work with states and universities to identify fishery-independent indices that can provide a more reliable and timely foundation on which to base management measures. This approach works well with alternative, index-based management approaches like harvest control rules.

What types of data, forecasting tools, or information products are most needed by U.S. fishing businesses to adapt their operations effectively to changing economic and/or environmental conditions and maintain access to fishery resources, and how can NMFS best support the development and dissemination of such resources?

- Unlike in the commercial sector, where economic impact is derived from pounds of fish harvested, much of the economic benefits from the recreational fishing industry are derived from angler spending for anticipated or planned fishing trips (i.e., before anglers leave the dock). In other words, economic efficiency in the recreational industry simply requires anglers having an opportunity to go fishing with a potential to harvest fish. This makes regulatory proposals that severely limit or prohibit recreational fishing a significant challenge that results in economic hardship for the recreational fishing industry and coastal communities.
- From a practical standpoint, regulatory changes by any Council can affect recreational fishing and boating industry supply chains (production, distribution and sales to anglers) that are frequently planned years in advance, as well as the ability of anglers to access needed fishing equipment and supplies at tackle and marine retailers. However, the impacts to these supporting businesses are not currently considered by NMFS or the Councils when data uncertainty leads to additional access limitations.
- Collect robust, accurate and timely socio-economic data on each recreational fishery managed by NMFS to assist the agency and the Regional Fishery Management Councils in making informed decisions on the best use to the nation

NMFS is also soliciting comments on exempted fishing permit programs. NMFS executes exempted fishing permit programs throughout the country. These programs provide for exemptions from specified regulatory requirements to test new fishing gear or techniques and have provided valuable information for science and management. Section (4)(c) of the

E.O. directs expansion of these programs. NMFS is soliciting comments on ways to expand exempted fishing permit programs to promote fishing opportunities nationwide.

- NOAA should leverage exempted fishing permit programs to promote fishing opportunities nationwide, including delegating recreational data collection, fishery monitoring and recreational sector management to any willing state pursuant to Section 4(b). Eliminating NMFS requirement for state participation in MRIP will improve the responsiveness of fisheries management to real-time ocean conditions; increase recreational fishing opportunities, and restore and enhance coastal economies.
- It must be stressed here that legitimate EFPs to test fishing gear or techniques should be pursued in areas that are already open to those commercial fishing practices. It has been a common occurrence in the past for EFPs to propose testing gear modifications and techniques in areas that have been closed for various fishery management reasons, including their importance as identified spawning areas and nursery zones. EFPs must not become a vehicle for expanding commercial gear into areas that have been identified as high value to the continued sustainability of the fishery.

The recreational fishing and boating community is the backbone of America's seafood economy. We drive local economies, create domestic products and fund conservation and management in all 50 states.

We look forward to working with you and the whole Administration to reduce barriers to access and opportunity in America's oceans.

Sincerely,

Mike Leonard, Vice President
American Sportfishing Association

David Kennedy, Government Affairs Manager
BoatU.S.

Kellie Ralston, Vice President for Conservation and Public Policy
Bonefish & Tarpon Trust

Jeff Angers, President
Center for Sportfishing Policy

Ted Venker, Vice President for Conservation
Coastal Conservation Association

Chris Horton, Senior Director, Fisheries Policy
Congressional Sportsmen's Foundation

Greg Jacoski, Executive Director, Research and Policy
Guy Harvey Foundation

Jason Schratwieser, President
International Game Fish Association

Clayton Crabtree, Senior Director, Public Policy
National Marine Manufacturers Association

Mike Sayre, Director of Government Relations
Marine Retailers Association of the Americas