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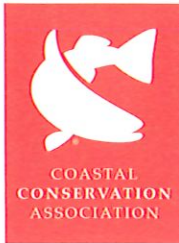
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October 28, 2024

Department of Commerce

National Oceanic and Atmospheric Administration

Re: FB24-067: Request for Comments: Notice of Intent to Prepare an Environmental Impact Statement

Coastal Conservation Association appreciates the opportunity to comment on the Environmental Impact Statement (EIS) to analyze management alternatives to support a Secretarial Amendment to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (Secretarial Amendment). It must be stated outright that it is extraordinarily difficult to comment on regulations for a management issue that is so undefined and unsupported. There is no comparison or analysis of any method NOAA Fisheries might propose to reduce recreational discards that are allegedly overfishing the red snapper fishery in the South Atlantic. The most recent stock assessment is based on data that is more than five years old. There is not even a reliable federal recreational data system that can accurately assess what recreational discards actually are in the red snapper fishery. As the following comments will expand on, the unknowns greatly outweigh the knowns.

While there are many things recreational anglers would support to recover a truly declining population, we believe that the available evidence strongly suggests this is yet another paper crisis derived from a systemic lack of information in the federal fisheries management system. The South Atlantic Fishery Management Council pored over everything that was provided by NOAA Fisheries on this issue for more than two years and came to the same conclusion. Far from shirking its responsibility, the Council made it clear that the information provided to it was inadequate and that more information is badly needed to support rational management decisions.

The decision to pursue a Secretarial Amendment to conserve red snapper is set against what even NOAA Fisheries acknowledges is the largest population of red snapper ever seen under management. Anecdotal evidence from anglers indicates that red snapper are the only species which can be reliably encountered virtually everywhere in the region, and it is almost impossible to get a fish other than a red snapper to take a bait. Nonetheless, NOAA Fisheries' leadership has been blunt about its desire for widespread fishing closures. The disconnect between what the public sees on the water and these extreme management measures is jarring and confusing to the public, as is the complete rift between the South Atlantic Council and NOAA Fisheries.

When NOAA Fisheries argues that recreational discards of red snapper are driving an overfishing problem, it is important to emphasize that the discard data comes from the Marine Recreational Information Program (MRIP) survey and is the only non-validated data in the catch survey. It is well known that these self-reported numbers are subject to digit bias and perhaps extreme digit bias. When many fish are being caught and released on a trip, people have a tendency to stop counting by individual fish and start counting by number blocks (fives or tens), and they generally round upwards. Additionally, recall bias can exacerbate this digit bias. Whether this bias runs high or low is unknown, although experts familiar with these survey methods believe that this process and anglers' natural behavior (exaggeration) skew it in the high direction.

Furthermore, MRIP then takes a data stream with known but unquantified biases and expands those estimates using effort estimates from the Fishing Effort Survey (FES) which NOAA admits may be 40 percent higher than the real estimate. It is not difficult to see how discard estimates could end up drastically overestimated very quickly. The Secretarial Amendment must address at least these two sources of bias before taking any additional action, but other factors deserve equal consideration.

The State of Florida has been running a recreational catch survey side-by-side with MRIP for more than five years and it shows much lower recreational discards for red snapper. Anglers deserve to know why there is such a discrepancy. Without action to address the data biases, it will be impossible to determine the efficacy of any plan to reduce discards.

The self-reported nature of dead discards also means there is no way to know what part of the red snapper stock is being impacted by these dead discards as no ages or sizes are known. The stock model is an age-based model, and the entire overfishing designation hinges on there not being enough older fish in the distribution. A stock recovery trap such as this has been encountered before in many fisheries in which anglers encounter a rapidly growing, recovering stock, but the stock models lag the abundance and the tails of the age distribution are slow to fill in. What results is "paper" overfishing that doesn't harm the stock at all, but a moribund federal fisheries management system reacts by rote.

If NOAA's assertion that the population is lacking large, older fish is accepted, then it stands to reason that the dead discards in question are likely all smaller, younger fish recently recruited in one of the banner recruitment events occurring annually in this fishery. Following that line of reasoning would mean that the impact to overfishing is nil. It is well known that the stock/recruitment relationship is broken in this model and to argue otherwise requires an explanation of the ongoing, tremendous yearly recruitment observed in this fishery. It may be much more appropriate in this fishery to use recruitment and abundance as the primary indicators of stock biomass and harvest levels. The recent court ruling on Framework 17 in the Mid-Atlantic Fishery Management Council clarified that this type of flexibility is allowable under the Magnuson Stevens Act. We would encourage NOAA to make immediate, widespread use of this clarification and embrace the full potential of the ruling in this fishery in particular.

NOAA Fisheries officials have made it clear that, despite the lack of clarity in the information available, they believe the discard problem can only be solved by limiting effort or closing the

bottom to all fishing or some combination of both. What we believe is a paper problem caused by NOAA's own shortcomings is being used to call for limiting recreational access to public resources on a very large scale. Locking out the public destroys the public's connection to its marine resources and the generation of value in recreational fisheries which is driven by many factors beyond harvest. Closures are not an action that should be considered justified in the management of a species that is expanding faster than any model has predicted.

In closing, we applaud the South Atlantic Council for its stance on red snapper. It is the correct stance. We agree with the Council's position that before taking drastic action, NOAA should:

- Examine biases in the data because the reality in the water is in complete disagreement with the interpretation that the stock is in trouble;
- Complete the multiple ongoing research projects to verify discards;
- Allow the independent red snapper stock assessment that uses fishery independent data exclusively and not flawed MRIP FES data to be completed;
- Provide a thorough explanation of why Florida's state survey, where most of the red snapper are caught, shows far fewer discards than the federal data system;
- Allow the exempted fishing permit projects funded through the Inflation Reduction Act that are examining the recreational discard issue in the states to be completed.

Every one of these bullets is a vital point of information, and not one of them has been provided to the Council. It is disturbing that an agency supposedly dedicated to science does not see the need to pursue information that is so obviously lacking. NOAA Fisheries' decision to circumvent the Council and its insistence on such a course of action is cause for concern over the agency's motives and its relationship with the angling public. We believe that the only reasonable resolution at this point is for NOAA Fisheries to fulfill its role as a center of science and provide the South Atlantic Council with the information necessary to determine a management regime in the best interests of the fishery and the fishing public before even considering bottom closures.