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February 27, 2026

Trish Murphey, Chair
South Atlantic Fishery Management Council
4055 Faber Place Drive, Suite 201
North Charleston, SC 29405
Trish.Murphey@deq.nc.gov

RE: Ocean Conservancy's written comments for the South Atlantic Council March 2026 meeting in Jekyll Island, GA

Dear Chair Murphey:

Ocean Conservancy¹ offers the following comments to the South Atlantic Fishery Management Council ("Council") focusing on the Red Snapper Exempted Fishing Permits (EFPs) and the Value/Risk Matrix for Managed Stocks being proposed by NOAA Fisheries. We appreciate the opportunity to provide feedback and look forward to discussing these important issues with you further.

Red Snapper EFPs

The proposed EFPs will undermine red snapper rebuilding efforts and fail to deliver meaningful data improvements. **Ocean Conservancy does not support the EFPs, and we encourage the Council to recommend NOAA Fisheries either reject them or include provisions to ensure the red snapper annual catch limit is not exceeded.**

With revised EFPs before the Council for consideration and open to NOAA Fisheries for comment,² we expand on our previous submission in December 2025³ below.

- 1) *The proposed EFPs do not comply with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).*

As discussed in our December 2025 letter to the Council and, simply stated, the proposed EFPs violate numerous core components of the Magnuson-Stevens Act. Any reasonable assessment of historic catch rates suggests that the EFPs will exceed the annual catch limit (ACL), cause overfishing, and fail to

¹ Ocean Conservancy unites science, people and policy to protect our ocean, today and for generations to come.

² NOAA Fisheries Seeks Comments on Four Applications for Exempted Fishing Permits to Pilot Test New Data Collection Methods and State Management Strategies for South Atlantic Red Snapper. February 11, 2026. Available at: <https://www.fisheries.noaa.gov/bulletin/noaa-fisheries-seeks-comments-four-applications-exempted-fishing-permits-pilot-test>

³ Ocean Conservancy's written comments for the South Atlantic Council's December 2025 meeting in Kitty Hawk, NC. December 4, 2025. Available at: <https://safmc.net/documents/ocean-conservancy-comments-sa-council-december-2025-pdf/>

minimize bycatch and ensure fairness among stakeholder groups. Furthermore, the proposed EFPs do not meet many of the conditions for issuance under NOAA Fisheries' EFP regulations, and they meet every reason listed in the regulations as grounds for denial.⁴ Finally and most importantly, to the extent EFPs are permitted under the Magnuson-Stevens Act at all, they should not provide loopholes for exempting entire sectors from the Act's core management requirements. EFPs should remain limited to pilot projects to test new gear, methods or tools in small-scale situations and used with careful monitoring and accountability. Catch that occurs within an EFP should be counted against an ACL.

2) *The proposed EFPs would lead to negative conservation impacts on the South Atlantic red snapper stock.*

While the red snapper stock is showing higher abundance than in the past, these young fish are vulnerable, and the overfishing that will occur under the EFPs will lead to rebuilding delays and possible stock declines, with consequences for the fishery and all sectors and stakeholders involved. With data available from the Florida East Coast Red Snapper (ECRS) Mini-Season Sampling, which represents the geography with the majority of landings,⁵ it is apparent that the extended season proposed in the EFPs would result in catch that is far beyond what the current stock can support.

3) *The proposed EFPs fail to address discards and do not improve data collection in a meaningful way.*

The primary driver of mortality for the stock is *discarded* catch (largely from out-of-season interactions), not *targeted* catch.⁶ But the EFPs ignore solutions to reduce discards, and the proposed data systems would not meaningfully improve our understanding of discards. While the EFPs make claims that discard data is unreliable (this is one of the key justifications given for moving forward with EFPs), they propose no solutions to change the mechanism for refining the estimates of discards and focus only on revising estimates of in-season catch (i.e., *targeted* catch). Some of the EFPs note after the seasonal data collection ends, "no data will be collected beyond MRIP data collection that already occurs throughout the year."⁷ Therefore, MRIP will be used as the primary data source outside of the state season for discards. Given that the stated intent of the EFPs is to improve data collection, this is an incriminating oversight.⁸ Essentially, the EFPs are being used as a performative gesture to revise methods for estimates

⁴ 50 C.F.R. § 600.745(b); 50 CFR 600.745(b)(3)(iii)

⁵ Ramsay, Chloe and Ellie Corbett. 2025. Florida East Coast Red Snapper (ECRS) Mini-Season Sampling. SEDAR90-DW-18. SEDAR, North Charleston, SC. 18 pp. Available at: sedarweb.org/documents/sedar-90-dw-18-florida-east-coast-red-snapper-ecrs-mini-season-sampling/

⁶ Southeast Fisheries Science Center, Stock Assessment of Red Snapper off the Southeastern United States: Update of SEDAR73 Assessment (Dec. 2024) ("SEDAR 73 Update"), at 8.

⁷ North Carolina Division of Marine Fisheries. Exempted Fishing Permit Application (January 2026), at pg. 13, available at: https://www.fisheries.noaa.gov/s3/2026-02/North-Carolina_NCDMF_EFP-application_January-2026.pdf

⁸ NOAA Fisheries Seeks Comments on Four Applications for Exempted Fishing Permits to Pilot Test New Data Collection Methods and State Management Strategies for South Atlantic Red Snapper. February 11, 2026. Available at: <https://www.fisheries.noaa.gov/bulletin/noaa-fisheries-seeks-comments-four-applications-exempted-fishing-permits-pilot-test>

of *targeted* catch, not as a tool to refine the estimates of *discards*. Therefore, they do not address the biggest management issue challenging the fishery.

In addition to falling short of the national data and survey standards that ensure data can be used in management and assessments, we also note these shortcomings in the proposed survey designs:

- Regarding what will trigger reporting requirements, the EFPs are ambiguous about whether anglers targeting other stocks (e.g., not on a “red snapper trip”) will be required to report to VESL.
- Regarding timeliness of reporting, most states proposed that data would be released directly to the states then transmitted to NOAA on an annual basis. This circumvents existing data warehouse opportunities and stands in contrast to current practices, which produce estimates every two months. While the South Carolina EFP reports that they can produce estimates in near-real time, it is not at all clear how this will be accomplished or whether and how the estimates will be made available.
- The EFPs do not address non-compliance by anglers or indicate any way to account for biases this creates. This may prevent the data collected by the states from being used.
- Finally, there is no clear plan as to how data streams will be combined (e.g., state in-season data with existing datasets for out-of-season catch and discards) to develop a full picture of regional catch and discards.

For these reasons and those presented in our letter to the Council dated December 4, 2025, we strongly encourage the Council to recommend that NOAA Fisheries deny the EFPs. Granting them entails a substantial threat of overfishing, with little in return—as the proposed data collection systems suffer from severe shortcomings.

Value/Risk Matrix for Managed Stocks

With respect to the Value/Risk Matrix for Managed Stocks, we urge the Council to emphasize public communication and transparency in the process of developing and implementing any changes to management. The outcomes of applying the Value/Risk Matrix could be consequential for management of fish stocks in the Southeast and nationally, yet there has been little discussion of the approach, potential impacts, or timeline. We understand the importance of assessing how to manage effectively given resource constraints, but these considerations should involve fishermen and other stakeholders. We also encourage the Council and NOAA Fisheries to think broadly about the species that are prioritized and the tradeoffs that could result from applying the matrix. It is important to consider the role of managed stocks in the ecosystem and their importance for fishing communities in a holistic sense, rather than relying on a single value, such as revenue, alone.

* * *

Thank you for your continued work on these issues. We value the efforts of the South Atlantic Council, agency and staff throughout the region and look forward to supporting these critical efforts to improve recreational data collection and management and the health of regional fisheries more broadly. Please contact us with any questions or concerns.

Sincerely,
Catherine Bruger
Manager, Fish Conservation