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Trish Murphey, Chair
South Atlantic Fishery Management Council
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RE: Ocean Conservancy's written comments for the South Atlantic Council's September 2025 meeting in Charleston, SC

Dear Chair Murphey:

Ocean Conservancy¹ offers the following comments to the South Atlantic Fishery Management Council ("Council") focusing on the following topics: (1) state management of red snapper and (2) organization and prioritization of recommendations on the Executive Order 14276. Our comments highlight the need to carefully design any proposed state management system to ensure sustainability requirements are met, and we share perspectives on recommendations and opportunities to improve fisheries while avoiding unintended consequences under Executive Order 14276. We appreciate the opportunity to provide feedback and look forward to discussing these important issues with you further.

1. State Management of Red Snapper

Ocean Conservancy appreciates that the Council is exploring a breadth of options to solve the challenges facing red snapper management in the South Atlantic. **Ocean Conservancy emphasizes the need to be deliberate and consider the long-term impacts, funding and infrastructure needs before adopting transformative changes to the overall management structure.** While state management is a tool that can address specific challenges, it does not address the two major issues that the South Atlantic red snapper fishery faces: I) the primary source of mortality (discards) and II) challenges with data collection. Ocean Conservancy has been active in the implementation of state management in the Gulf and share our experiences and observations below to help the Council consider a system that achieves the standards set forth in the Magnuson-Stevens Fishery Conservation and Management Act and provides transparent and timely information to fishing communities and the broader public for effective participation in the management process.

¹ Ocean Conservancy is working to protect the ocean from today's greatest global challenges. Together with our partners, we create evidence-based solutions for a healthy ocean and the wildlife and communities that depend on it.

I. New management strategies will still have to address discards directly.

High levels of discards are the greatest challenge many South Atlantic fisheries face, but state management alone does not directly address the root cause of the problem. State management (as implemented in the Gulf) is a tool for tailoring *targeted* catch (not *incidental* catch), and while selectivity may change discard rates based on how a state sets their season, it does not directly reduce discards. It is important that any transition to a state management system include effective strategies to account for and reduce the impact of discards. There are models to develop catch-accounting approaches that better consider discard estimates; for instance, the Mid-Atlantic or Pacific Fishery Management Councils have approaches that could provide a framework for discard accounting and potential reduction. However, if the South Atlantic implements a model like that implemented in the Gulf, which does not have a consistent approach for discard estimates both in- and out-of-season, it will be impossible to account for the full impact of discards in the region.

II. Planning, investment, and coordination are needed to create robust data systems to support sustainable management.

In the Gulf, the move to fragmented data collection systems via state management has resulted in reduced transparency and data accessibility. Most significantly, the public has been unable to determine Gulf recreational red snapper landings compared to catch levels in comparable units since 2018. While NOAA Fisheries hosts a page displaying landings,² it does not display comparisons to catch limits, accountability measures or the overfishing limit (which is in *different units* than state catch estimates), nor does it include the number of days open for each state. Additionally, the Gulf Council committed to carving out time annually during one meeting for state red snapper updates,^{3,4,5} and while these presentations are helpful, they are in inconsistent units and do not include error bars, which makes it impossible to compare results across years and among states. While the Gulf States Marine Fisheries Commission is developing a regional data warehouse for storing and displaying red snapper landings, it could be several more years before catch comparisons to limits are made available to the public – this is already after almost a decade of state management. Transparent accountability is critical to ensuring the stock is sustainably managed. Without it, overfishing occurred for Gulf red snapper in 2019 because of a failure to design the system so that data is comparable,⁶ a severe consequence to the fishery that remains undetectable to the public and stakeholders. Publicly accessible catch accounting is foundational for building trust in resource management, ensuring fairness in state allocations, and promoting

² Gulf of Mexico Red Snapper Private and State Charter Recreational Landings from State Survey Programs.

Available at: https://www.fisheries.noaa.gov/s3/2025-01/Gulf_red_snap_Private_landings_thru23_Jan25update.pdf

³ Gulf Council. April 2025 Council Meeting. Available at: <https://gulfcouncil.org/meetings/april-2025-council-meeting/>

⁴ Gulf Council. April 2024 Council Meeting. Available at: <https://gulfcouncil.org/meetings/april-2024-council-meeting/>

⁵ Gulf Council. June 2023 Council Meeting. Available at: <https://gulfcouncil.org/meetings/june-2023-council-meeting/>

⁶ Gulf Council. September 2020 Council Meeting. Available at: <https://gulf-council-media.s3.amazonaws.com/uploads/2025/02/GMFMC-Full-Council-September-2020.pdf>

coordination among states to ensure sustainable management, and should be top of mind as the Council deliberates the merits of a state management model.

Additionally, state management has resulted in a fractured approach to data collection. For instance, there are currently six distinct surveys in the Gulf, each with differing methodologies tailored to achieving specific goals that are not congruent. This problem was long ago identified and, eight years later, remains unresolved.⁷ This results in siloed information that compromises our ability to assess the status of stocks and sustainably manage our fishery resources. While the state surveys represent methods to supplement the general Marine Recreational Information Program (MRIP) effort survey, they are not designed to serve as a direct replacement. But instead of developing a model where data works cohesively and integrates together, data streams in the Gulf have been inappropriately pitted against one another; data replacement is becoming a goal rather than building a richer data set that uses all sources.

This has created significant barriers to the ability for managers and scientists to use all of the data available for management. Discordance among data streams is one of the contributing factors that led to the SEDAR 74 red snapper stock assessment review committee not recommending the recent assessment to be used to produce management advice.⁸ Because of the data integration challenges arising from having six different effort surveys, catch levels do not include the most recent data, rather are based on data collected in 2018 and modified in 2023 due to data calibrations. Recreational fisheries will be supported best when all surveys and data sources can be used concurrently to provide the most complete picture possible of catch, effort and stock status. Simply put, adding new sources of data requires a deliberate approach to ensure survey estimates are comparable and contribute to a cohesive regional stock assessment, and the Council should thoroughly consider those complexities during discussions of a state-based approach.

Achieving existing data collection standards remains aspirational for several state surveys in the Gulf.

The National Recreational Fishing Survey and Data Standards (hereafter, the standards)⁹ were developed to ensure statistical rigor and data quality from recreational data surveys. The standards are intended to ensure the execution of high-quality data collection programs and development of a functional database that supports those programs; the standards are currently under peer-review by the National Academies of Sciences.¹⁰ Achievement of these standards is a condition of being certified as part of the MRIP program.¹¹ Federally-administered programs (such as the Access Point Angler Intercept Survey (APAIS) and Fishing Effort Survey (FES)) achieve and adhere to these standards, and LA Creel achieves the

⁷ NOAA Fisheries, Office of Science and Technology, Southeast Fisheries Science Center, “Recommended Use of the Current Gulf of Mexico Surveys of Marine Recreational Fishing in Stock Assessments” July 2019 (Revised August 2020). Available at: <https://media.fisheries.noaa.gov/dam-migration/94100569.pdf> (“OST white paper”)

⁸ SEDAR 74. Available at: <https://sedarweb.org/assessments/sedar-74/>

⁹ Recreational Fishing Survey and Data Standards. Available at: <https://www.fisheries.noaa.gov/recreational-fishing-data/recreational-fishing-survey-and-data-standards>

¹⁰ Peer Review of the Marine Recreational Information Program Data Standards. Available at: <https://www.nationalacademies.org/our-work/peer-review-of-the-marine-recreational-information-program-data-standards>

¹¹ NATIONAL MARINE FISHERIES SERVICE PROCEDURE 04-114-02. Guidance and Procedures for the MRIP Certification Process. Available at: <https://media.fisheries.noaa.gov/dam-migration/04-114-02>. pdf Page 10.

majority of them.¹² However, the remaining four surveys in the Gulf do not, and several states have noted that full achievement remains aspirational (see enclosure).^{13,14} Currently, none of the states in the South Atlantic have data collection programs in place that meet the standards in a way that would support sustainable fishery management under a state-based model.

In the South Atlantic context, only Florida has a state survey that would support the type of data collection needed for recreational state management, though it is also not yet consistent with all of the standards. While Florida's State Reef Fish Survey has developed a level of trust among anglers, there is still an opportunity to improve timeliness and transparency. Further, the other three South Atlantic states do not currently have similar programs. Since effective state management system relies on all state partners working cohesively, this starting disparity between the states creates a significant barrier for pursuing state management. The Gulf, which is still working to improve data systems, had several more survey programs already designed and supported by federal funding before pursuing state management. Durable funding for state survey programs remains a concern in the Gulf, as state budgetary constraints continue to limit both administering surveys and achieving standards. Changes to federal funding for the MRIP are also straining capacity and resources that have long supported state management. As the South Atlantic contemplates state management and for any new recreational data collection programs, emphasis should be placed on the need to achieve and adhere to national (and potential regional) data standards *prior to implementation* to provide strong data for management and ensure statistical rigor of the data collected.

Whether state data systems have improved the quality of data compared to the federal effort survey remains a question that cannot be answered for most surveys because they do not universally achieve the standards. Standard 7.2.2 of the National Recreational Fishing Survey and Data Standards relates to reporting estimates of standard error¹⁵ which is critical for building public trust in data collection systems and is most germane to the issues in the South Atlantic. For instance, while MRIP-FES has been criticized for high estimates of uncertainty, at least they are accessible through the [MRIP query tool](#).¹⁶ In the Gulf, only the federally-administered MRIP surveys and LA Creel produce red snapper catch estimates with estimates of uncertainty (standard error) that are publicly-accessible. That means that estimates of uncertainty are not available for the other surveys. Because standard errors produced by each survey are not consistently made public, it is unclear whether the state management system has tangibly improved the precision of data collected from the fishery. Further, *none* of the state survey programs produce

¹² Recreational Fishing Survey and Data Standards Documentation Summary Report. Available at: <https://www.fisheries.noaa.gov/data-tools/recreational-fishing-survey-and-data-standards-documentation-summary-report>

¹³ GulfFin Recreational Data Standards and Data Warehouse Workshop Report. June 17, 2025. Available at: <https://www.gsmfc.org/publications/GSMFC%20Number%20334.pdf> (See pages 19-24)

¹⁴ Drexler, M. and Bruger, C. Peer Review of the Marine Recreational Information Program Recreational Data Collection Standards. National Academies of Sciences, Engineering, and Medicine. May 22, 2025. Available at: <https://www.nationalacademies.org/documents/embed/link/LF2255DA3DD1C41C0A42D3BEF0989ACAECE3053A6A9B/file/DE3DA61A59FEF64B9DC64FA840DC0683D9E44D581011?noSaveAs=1>

¹⁵ See Standard 7.2.2 Recreational Fishing Survey and Data Standards. Available at: <https://www.fisheries.noaa.gov/recreational-fishing-data/recreational-fishing-survey-and-data-standards>

¹⁶ Recreational Fisheries Statistics Queries. Available at: <https://www.fisheries.noaa.gov/data-tools/recreational-fisheries-statistics-queries>

public standard-error estimates for discards. Given that achieving a level of precision superior to the existing baseline is a desired outcome, **we recommend the Council clearly outline their expectations and adopt thresholds for standard error for all surveys that would be appropriate for the region.**

Ocean Conservancy encourages the Council to be clear-eyed about the responsibilities associated with state management before embarking on a multi-decadal journey. There are many lessons learned from challenges (both those that have been overcome and those that remain) from the Gulf model. It has taken nearly a decade and millions of taxpayer dollars to develop surveys in the Gulf. Despite this effort, standards remain unmet, data remains opaque, and the process for integrating state data into the stock assessment remains unresolved. Before the South Atlantic Council proceeds with state management in earnest, there should be a keen eye toward the long-term needs of a system that requires extensive, ongoing coordination and places heavy demands on the Council, states and commission processes. We look forward to the opportunity to share our experiences with the Council as you deliberate the responsibilities and expectations of state management.

2. Organization and Prioritization of Recommendations on Executive Order 14276

Ocean Conservancy appreciates the opportunity to comment on the draft recommendations¹⁷ on Executive Order (EO) 14276 *Restoring American Seafood Competitiveness*. **While considering making recommendations, the Council should avoid any changes that weaken sustainable management, which would harm fisheries and will ultimately run counter to the stated policy within the EO to promote American seafood competitiveness.**

EO 14276 includes a provision that it “shall be implemented consistent with applicable law and subject to the availability of appropriations.”¹⁸ As indicated in the summary, some of the recommendations for consideration may be contrary to the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and other applicable laws. For example, keeping fishing seasons open year-round or specifically endeavoring to increase catch levels outside of the science-based management process, would likely violate the MSA’s national standards related to preventing overfishing and using the best available scientific information available. **The Council should remove any recommendations that are contrary to law.**

Ocean Conservancy recommends that the Council prioritize actions related to improving data collection, processing and reporting that will benefit fishermen and managers. For instance, we support recommendations for eliminating redundant reporting requirements, specifically by supporting one-stop reporting, which would reduce a tremendous reporting burden on the fishing industry and an auditing burden on NOAA Fisheries and state staff. At the same time, **Ocean Conservancy suggests removing recommendations that would result in less data, which would weaken science and management.** For instance, proposals to eliminate data collection, such as “remove the requirement to report discards in the commercial fishery,” is not aligned with the region’s frequently expressed desire to improve data collection.

¹⁷ Available at: https://safmc.net/documents/fc1_a2b_eo14276response_draft-pdf/

¹⁸ Exec. Order. 14276. 90 Fed. Reg. 16,993 (April 17, 2025) at 16995.

Even with resource constraints, removing stocks from federal management is ill-advised during a time when fisheries face mounting challenges. As the Council has noted, the two recommendations pertaining to spiny lobster are in direct contrast to one another, with one recommending removing the stock from federal management and the other recommending a federal management action to increase catch levels, which indicates that spiny lobster should remain under federal management. Further, **Ocean Conservancy does not support removing species from the Snapper-Grouper Fishery Management Plan or designating them as ecosystem-component species.** Lacking resources to assess and monitor a species is not one of the considerations within the national standard guidelines as to whether stocks need conservation and management.¹⁹

On the other hand, several recommendations could offer broad benefits. For example, increasing stakeholder engagement with the management process would improve efficiency and transparency. Other recommendations, like funding working waterfronts and programs associated with the Young Fishermen’s Development Grant, are also likely to have benefits for fishing communities and meet commonly heard needs in the region related to maintaining fishing livelihoods.

As the Council prioritizes the recommended actions, it is also worth considering potential tradeoffs. There are likely tradeoffs across stocks, or within ecosystems, for some of the recommendations. For example, recommendations such as “provide year-round access to fisheries in the South Atlantic region” or “remove the requirement to report discards in the commercial fishery” may increase the spillover impact of effort or discards into other fisheries and reduce transparency and certainty for all sectors within a given fishery. Efforts that specifically favor one sector or segment of the fishery may come at the cost to other groups that participate in the fishery, which could violate National Standard 4 and, at minimum, could sow discontent and conflict among different groups. Attempts to enhance the competitiveness of one fishery should not risk reducing the competitiveness of others. There may also be impacts for American consumers. Fishery resources are a public resource, managed as a public trust for the greatest good of America. The Council should ensure that initiatives that are advanced are not just for the benefit of the few but for the good of the entire nation.

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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

ENCLOSURE – Ocean Conservancy’s comments to the Gulf States Marine Fisheries Commission

¹⁹ 50 CFR 600.305(c).