

June 7, 2026

Dear Chair Murphey:

Please accept the following comments, in regards to the state recreational red snapper Exempted Fishing Permits (EFPs).

The Magnuson-Stevens Act was passed 50 years ago. I have been fishing for 49 years, and involved in management for around 30 years. What I have seen in that time is managers progressively restricting commercial fishing, while giving a pass—over and over—to recreational fishing. The red snapper EFPs followed that pattern and took it one step further, to the point of actually giving away our shared resource to the recreational sector. This was not fair, it was not sustainable, and ultimately it was not legal.

1. The EFPs were developed entirely outside the Magnuson-Stevens Act process for management, with no input from the commercial sector.

The red snapper EFPs began in 2024, in closed-door meetings between recreational lobbying groups, Members of Congress, and the states. After over a year of development in private, they were presented publicly as final applications in late 2025, with the Florida Governor holding a press conference to declare what was *going to happen*—not what might happen, or what was proposed to happen—with red snapper in 2026.

Nowhere in this process was the commercial sector consulted. In light of the massive increase in fishing effort being proposed, on a shared stock like red snapper, one would imagine consulting with other resource users would be a useful step.

Also nowhere in this process—apparently—were basic Magnuson-Stevens Act requirements considered, like preventing overfishing, complying with annual catch limits, and respecting allocation ratios.

When the South Atlantic Council reviewed the EFP proposals and took public comment on them, a number of concerns came up from the commercial sector, Council members, and other stakeholders. Rather than engage with those concerns and take them seriously, the EFP proponents ignored them, being content to rely on political power to push the EFPs through to final approval.

The South Atlantic Council process has many flaws, but at very least it allows for all stakeholders to be at the table when policy decisions are hashed out. The EFPs were an explicit attempt to sidestep this process, and to avoid the substantive requirements of the

Magnuson-Stevens Act. Given that, it should not be surprising that stakeholders who were deliberately boxed out of the process decided to challenge the EFPs.

2. The EFPs authorized far too much fishing for red snapper.

The EFPs proposed recreational red snapper seasons that were nearly twenty times as long as the status quo for Florida, and thirty times as long for the other states. The proposals cited research on effort decompression from the Gulf, but even if decompression occurred to exactly the degree documented in the Gulf studies, Florida alone would have landed around seven times the Recreational ACL for red snapper. The two-month seasons in the other states would have added some unknown number of landings beyond that.

This was not an incremental adjustment or a modest experiment. It was a fundamental override of the annual catch limit, which would have resulted in overfishing and knocked down the red snapper stock significantly.

The recreational fishery has grown for decades in terms of both participation and efficiency, and today's recreational sector has tremendous fishing power. Throwing the doors open for this sector to go out and hammer red snapper for months—without even bothering to estimate how much catch would occur—was fundamentally irresponsible fishery management.

The latest information suggests red snapper recruitment has slowed in recent years, and that abundance actually has declined somewhat. By allowing a giant recreational fishing binge, the EFPs would have beaten down the stock and set everybody up for difficult decisions in the years to come.

3. The commercial sector would have ended up “paying the bill,” as usual, for the irresponsible recreational fishing binge.

Under the governing allocation ratio, the commercial sector receives a minority share—around 28%—of red snapper landings. And this share already is being undercut by the massive level of ongoing recreational dead discards.

The overall available catch for South Atlantic red snapper is 509,000 fish. Of that, 475,000 fish are taken off the top due to dead discards, which overwhelmingly come from the recreational sector. The remaining 34,000 fish available for landings are allocated out to the sectors, so at the end of the day the commercial sector receives around 11,200 fish for harvest.

If the sectors were accountable for their own dead discards—meaning each sector took responsibility for its own amount—the situation would be very different. The overall catch of 509,000 fish would be apportioned to the sectors directly, giving the commercial sector around 140,000 fish to cover its landings and dead discards. Commercial fishing has relatively predictable discard rates, so even after accounting for its own dead discards, the commercial sector would be able to land somewhere in the ballpark of 10x what it currently can land.

The difference between this scenario and the status quo—i.e., getting roughly 10x fewer red snapper than it otherwise would get—is how the commercial sector is already “paying the bills” for the recreational sector’s dead discard problem.¹

The EFPs proposed to throw open the doors to huge levels of directed recreational effort. With total catch going up substantially,² the population would be knocked down, rebuilding would be set back, and in subsequent years everyone would have faced lower landings, shortened seasons, and tighter regulations. And once again, the commercial sector would be “paying the bills” for a problem it did not create.

Commercial fishing is how the American public gets access to fresh domestic seafood. The vast majority of Americans never go saltwater fishing, and they depend on U.S. commercial fisheries to provide sustainable, well-managed seafood for their dinner plates. As stated by the recently-formed USDA Office of Seafood, “the U.S. seafood industry is a vital part of the U.S. food supply.”³

By forcing the commercial sector to “pay the bills” for problems it does not even cause, you are punishing the U.S. public, and forcing Americans to eat untraceable and unsustainable seafood imports.

Our country already imports around 90% of the seafood it consumes. Allowing a giant red snapper fishing binge, and then saddling the commercial sector with the consequences, would be another step toward losing the remaining 10% of American seafood in our stores, homes, and restaurants.

¹ A different way of seeing this is that the commercial sector is formally allocated 28% of red snapper landings, but once dead discards are included, the commercial sector only accounts for less than 10% of total catch. Recreational gets 72% of red snapper landings, but is responsible for over 90% of total catch for the stock.

² There is no credible argument that total recreational catch would decline under the EFPs. Common sense, as well as the only quantitative information available (from the Florida Research EFPs) shows that turning a day of closed season into a day of open season results in more dead fish.

³ <https://www.usda.gov/seafood>.

4. The EFPs would not have addressed the fundamental management problems that exist in the recreational sector.

The commercial sector is limited entry and operates under a longstanding 2-for-1 policy, in which participation slowly is squeezed down and down. Every remaining permitholder is tightly managed—with logbooks, observers, landing requirements, and regulations governing everything under the sun, not to mention high exposure to fines and suspensions if anything is out of compliance.

The recreational sector remains open access—even the for-hire component—and both participation and fishing efficiency has increased dramatically in recent decades. Oversight is minimal, with infrequent enforcement encounters and low citation amounts representing nothing more than a cost of doing business.

Given that recreational effort management policies have been explicitly unacceptable to the State of Florida and recreational advocacy groups, it should not be a surprise that out-of-season discarding is a problem. Millions of hooks are going in the water each year to target bottomfish, and inevitably a large number of red snapper are hauled up out of season.

This is obvious to anyone who spends time on the water, and it has been confirmed for years by stock assessments.

It is important to note here that the scientific understanding—i.e., that there is a high level of ongoing dead discards from recreational fishing—*does not rely or depend on the specific MRIP numbers*.

Back in 2022, NMFS provided a hypothetical model run of SEDAR 73 in which recreational discards were cut in half across the entire time series, and it produced the same conclusion (that the stock was subject to relatively high fishing mortality) simply with a smaller, less productive stock. And in 2024, in the SEDAR 73 Update, sensitivity runs were provided in which total recreational catch was reduced by 20% and by 40%. These runs confirmed the same broad conclusion: the stock remains subject to a relatively high fishing mortality, despite low levels of landings. It is simply the size and productivity of the population that scale with the inputted levels of recreational catch.

Rather than the MRIP numbers, the conclusion of high red snapper fishing mortality is driven mainly by age structure. Specifically, large numbers of recruits have been entering the population, but over time those fish were dropping out of the population at rates that were too high to be explained by natural mortality alone. That is the reason why South Atlantic red snapper has been understood to be subject to high fishing mortality—even in

the face of historically high levels of recruitment in recent years. *It is age structure, not MRIP data, driving the conclusion.*

This Council, driven by the State of Florida and the recreational advocacy groups, has consistently refused to accept responsibility for the problem. Instead, there have been endless attempts to impeach the facts (piling on criticisms of MRIP) and develop alternative facts (through the SARSRP), and generally delay or derail any action that would provide accountability. Amendments 46 and 59, to name a few recent examples, presented opportunities to start addressing the fundamental problems in the recreational sector, but both ended up as meaningless paper exercises due to the “non-starter” positioning of Florida and the recreational advocacy groups.

The EFPs appear to have been just another step in this avoidance of accountability. Rather than develop serious data collection programs that would cover the full temporal and spatial scope of recreational effort, they addressed only in-season fishing, using self-reporting programs that lacked any of the experimental design, procedures, and analysis necessary to create usable data. In essence, they seem to have just been a grab for fish, by advocates who have convinced themselves that it cannot be possible that the recreational sector is causing a problem and would prefer to point fingers elsewhere.

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The Magnuson-Stevens Act has lasted fifty years, and has produced many successes. With South Atlantic red snapper though, the legal framework has struggled to hold, in the face of intense lobbying and political pressure.

From my perspective as a working waterman, I hope the Council will take seriously its obligation under the Act to manage fisheries with accountability, based on science, and for long-term sustainable use by all sectors. This is important not only to those of us in industry, but also to the American public that relies on commercial fishing for fresh U.S. seafood.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Oden", with a large, stylized loop at the beginning.

Jeff Oden

F/V Second Wind