



March 17, 2025

National Oceanic and Atmospheric Administration
Southeast Regional Office
Re: NOAA-NMFS-2024-0142-0002
Amendment 59 to the Fishery Management Plan
for the Snapper-Grouper Fishery of the South Atlantic

The undersigned groups representing the recreational angling community appreciate the opportunity to comment on Amendment 59 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic, which was published by NOAA seven days before the Biden Administration concluded. We share the frustrations expressed by the South Atlantic Fishery Management Council over the management trajectory of this fishery and NOAA's insistence on drastic management action for a fishery that is neither overfished nor undergoing overfishing.

To recap, the South Atlantic Council has long been exasperated by the lack of reliable information on both recreational fishing effort and on the present status of the red snapper population in the South Atlantic. The Council's repeated requests for clarity and better information have routinely been ignored or brushed aside.

In the face of mostly poor data and always incongruent information, Council members did not see a management emergency. Turns out, they were right. Waiting for the results of the independent assessment known as the South Atlantic Great Red Snapper Count would present a clearer picture and confirm the condition of the population. They were denied that. Without a current NOAA benchmark stock assessment on which to base management action, Council members asked for an update assessment. They were denied. With knowledge that NOAA's own Marine Recreational Information Program has been over-estimating recreational effort and harvest by up to 40 percent in some fisheries, Council members expressed a desire to review the results of multiple state projects aimed specifically at better understanding recreational discards. They were denied.

Even as recently as this month, NOAA was unwilling or unable to explain exactly how their models are projecting such astounding levels of recreational discards in the red snapper fishery. By comparison, the State of Florida's reef fish survey projects significantly fewer recreational discards in the South Atlantic, and yet no effort has been made to understand this discrepancy despite the fact that the vast majority of recreational effort in this fishery originates in Florida.

Throughout the entire debate over South Atlantic red snapper over the past several years, the South Atlantic Council has been tasked with making drastic cuts against their better judgement and their knowledge from those on the water, which indicated the fishery was thriving.

With opaque models and questionable data creating a paper overfishing crisis, it is no surprise that NOAA was sued to end the alleged overfishing by the recreational sector. Despite the high levels of uncertainty in just about every aspect of the fishery, NOAA elected to settle the lawsuit. To their credit, the South Atlantic Council remained firm in its conviction that based on the scant information NOAA had provided, it could not justify draconian management

measures that would be needed to satisfy that settlement. NOAA elected to circumvent the Council process and unilaterally generated Amendment 59 to address a crisis its own system created. NOAA published this Secretarial action a week before President Trump was inaugurated.

To the average angler, management of the South Atlantic red snapper fishery is now completely nonsensical. Anglers have been restricted to fishing for red snapper for just a handful of days a year for more than a decade, and it is now difficult to catch anything other than a red snapper offshore in many places. Yet anglers are being told the situation is still so dire that hook-and-line fishing for 55 species off a sizable portion of Florida's east coast must be closed entirely for three months of the year and that doing so will, perhaps, extend the red snapper season to four days. And the way Amendment 59 is contorted, the red snapper season will never get any longer.

Ironically in the course of producing Amendment 59, NOAA somehow managed to generate the update assessment that the Council had requested. That assessment update confirmed the South Atlantic Council's suspicions about the status of the stock and the need to revise management targets for red snapper. The Council likely would have supported such action if the update assessment's conclusions had been made available when the Council requested that exact information.

Based on the update assessment, Action 1, Alternative 2 (preferred) in A59 establishes that the stock is no longer undergoing overfishing by revising the FMSY proxy for snapper based on the banner recruitment, which satisfies the second component of the lawsuit. Action 2 sets an Annual Biological Catch (ABC) of 509,000 fish, which represents a substantial increase. That is where this amendment should ultimately stop. Instead, NOAA elected to pursue a series of additional actions that can only be described as punitive overreach in pursuit of its agenda for constricting recreational angling and denying access to America's public waters. Nothing in the remaining actions is required by the Magnuson Stevens Act and none of them are required by the lawsuit settlement.

Action 3 proposes to establish an ACL that is split into harvest and discards even though the SSC has told NOAA previously that the discard data for ANY fishery is far too uncertain to set two separate ACLs, with one being discards. Action 4 proposes a closure to all hook-and-line fishing for 55 species off a unilaterally selected section of Florida that will do incalculable damage to businesses related to recreational angling in order to add approximately four days to the recreational red snapper season – despite the fishery not being overfished or undergoing overfishing. Action 5 proposes an increase in the commercial trip limit for red snapper and modifies the commercial season despite discard data in that sector being as uncertain as in the recreational sector. Action 6 proposes to shift the meager recreational fishing season to Saturdays and Sundays only and beginning in June rather than July, without any clear benefits to anglers or the red snapper stock.

Beyond Actions 1 and 2, Amendment 59 is a convoluted response to a paper crisis, manufactured by highly suspect NOAA models and done without normal public process and outside the SSC review process. Past Actions 1 and 2, the amendment devolves into a thinly veiled attempt to go beyond both the lawsuit and the Magnuson Stevens Act to pursue NOAA's own vision for recreational angling management, a vision that is limited by an inadequate data system, infrequent stock assessments and a lack of understanding of the recreational angling sector.

As the administration observes an important regulatory pause, we ask the Secretary to take the opportunity to withdraw this ill-conceived January 13, 2025, proposed rule that unnecessarily restricts public access in the South Atlantic Ocean. The rule was not based on the best scientific information available, and it needs to be fully recast. States are capable of managing the South Atlantic fishery, and we are looking forward to helping the Secretary foster State Management.

Sincerely,

BoatU.S.
Bonefish and Tarpon Trust
Center for Sportfishing Policy
Coastal Conservation Association

Guy Harvey Foundation
International Game Fish Association
Marine Retailers Association of the Americas