

November 30, 2020

The Honorable Jerry Moran
Chairman
Subcommittee on Commerce, Justice, Science, and Related Agencies
Senate Committee on Appropriations
Room S-128, The Capitol
Washington, D.C. 20510

The Honorable Jeanne Shaheen
Ranking Member
Subcommittee on Commerce, Justice, Science and Related Agencies
Senate Committee on Appropriations
Room S-128, The Capitol
Washington, D.C. 20510

The Honorable José Serrano
Chairman
Subcommittee on Commerce, Justice, Science, and Related Agencies
House Committee on Appropriations
Room H-307, The Capitol
Washington, D.C. 20515

The Honorable Robert Aderholt
Ranking Member
Subcommittee on Commerce, Justice, Science and Related Agencies
House Committee on Appropriations
Room H-307, The Capitol
Washington, D.C. 20515

Dear Chairman Moran, Chairman Serrano, Ranking Member Shaheen and Ranking Member Aderholt:

As you and your staff work diligently to conference the appropriations bill for the Department of Commerce for FY 2021 (FY 21), we wish to highlight programs of particular importance to the nation's recreational fishing and boating community. Saltwater recreational fishing in the U.S. is not only a family-friendly activity enjoyed by over 10 million Americans each year, but is also a tremendous economic driver, with a \$68 billion sales impact supporting 472,000 jobs.

We strongly support the following provisions in the Senate's Explanatory Statement. Given that this bill was not marked up, we urge that they be restated in the final conference report. These provisions will help further the progress both Committees have made in recent years to improve recreational fisheries management and data collection.

Item 1: Assessment of Fishing Interference.

Report Language: Assessment of Fishing Interference.—The Committee is concerned about reports from commercial, for-hire, and recreational fishermen in the Gulf of Mexico and South Atlantic regarding dolphins and sharks impeding fishing activity, including following fishing vessels and eating fish when hooked or after being released. Not

only does this activity negatively impact fishing, but it also poses a safety risk for humans and these animals. Therefore, the Committee directs NMFS undertake a study, no later than 90 days after enactment of this act, to assess conflicts between dolphins and sharks and commercial, for-hire, and recreational fishing vessels in the Gulf of Mexico and South Atlantic. The study should provide: (1) a quantification of the extent to which dolphins and sharks interfere with commercial, charter, and recreational fishing; and (2) recommendations for non-lethal methods to deter dolphins and sharks from interfering with commercial, for-hire, and recreational fishing, in accordance with existing laws. NMFS shall report to the Committee on the results of the study no later than one year after the study is commenced. In conducting the study, NMFS shall consult with the Marine Mammal Commission, the Gulf of Mexico Fishery Management Council, the South Atlantic Fishery Management Council, the Atlantic Highly Migratory Species Advisory Panel, and commercial, for-hire, and recreational fishermen.

Justification: In the southeastern U.S., conflicts between fishing vessels and apex marine predators (i.e., dolphins and sharks) have increased over time. While NMFS recently proposed [Guidelines for Safely Deterring Marine Mammals](#), much more work is needed to fully understand the magnitude of these conflicts and the effectiveness of deterrence methods (as well as addressing shark conflicts, since the scope of work to date has been exclusive to marine mammals). This study is critical to bringing all management agencies and stakeholders together to better understand and address this complex challenge.

Item 2: Gulf of Mexico Red Snapper

Report Language: *State Management for Recreational Red Snapper.—The Committee remains invested in ensuring the sustainable management of Gulf of Mexico red snapper and reiterates past direction that successful implementation of Reef Fish Amendment 50: State Management for Recreational Red Snapper shall be a top priority for NOAA, and that such efforts should be done in coordination with the Gulf States. Within the amount provided for Fisheries Data Collections, Surveys and Assessments, the Committee provides \$5,000,000 for NMFS to continue to work with the Gulf States to ensure successful implementation of State management for red snapper.*

The Committee is concerned by the results of recent efforts to calibrate each Gulf State's reporting system results to the MRIP- based catch limits, which assumed that Federal catch statistics are the best available science, and in some cases have resulted in significant discrepancies between the Federal and State catch statistics for red snapper. The Committee asserts that the discrepancies are large enough that it is imprudent for NMFS to assume that the Federal catch statistics are providing the best account of the fishery, especially when available data from the States suggest otherwise, and that NMFS must address the question of which data collection system is providing the best estimates of recreational red snapper catch in the Gulf of Mexico, before making any regulatory changes.

Therefore the Committee provides no less than \$2,000,000, with-in the funding provided to support State management for red snapper, for NMFS to contract with a non-governmental entity with expertise in statistics and fisheries-dependent data collection to provide the following: (1) an independent assessment of the accuracy and precision of both the Federal and State recreational catch data programs in the Gulf of Mexico; (2) recommended improvements to be made to the Federal and State recreational catch data programs in the Gulf of Mexico to improve accuracy and precision; and (3) an independent assessment, based on the results of the two prior items, of

how best to calibrate the Federal and State recreational catch data programs in the Gulf of Mexico to a common currency.

Justification: Completing the transition of recreational Gulf red snapper management to the Gulf states has been a tremendous accomplishment that has improved fisheries management and angler satisfaction, and reduced user conflicts. The Senate and House Appropriations Committees have played an important role in this transition, and continued support of this program is vital. Unfortunately, recent discrepancies between federal and state angler harvest estimates pose a serious risk to the viability of state management. We believe that the state programs are far superior to the federal program that is largely responsible for creating the Gulf red snapper management problems the Committee has worked to address. The independent assessment called for in this section is critical to resolving this conflict and further setting the states up for successful management of this fishery.

Item 3: Fisheries Effort Survey

Report Language: *Fisheries Effort Survey [FES].—The Committee is concerned by reports that the Marine Recreational Information Program FES may be vastly overstating fishing effort. While the FES methodology represents a clear improvement from previous methodologies, the Committee supports the cautious approach to utilizing these estimates advocated by the Gulf of Mexico Fishery Management Council and South Atlantic Fishery Management Council Scientific and Statistical Committees. The Committee encourages NMFS to conduct a thorough analysis of the effect of such estimates on stock status and allocation before they are used for stock management.*

Justification: In addition to in the Gulf red snapper fishery, the new Marine Recreational Information Program (MRIP) fishing effort estimates are creating management challenges in many other fisheries. In many cases, the MRIP estimates are higher than is believable based on comparisons with other surveys and a practical understanding of fishing participation at the local, state and regional levels. Based on the significant questions and doubt generated by these new effort estimates, NMFS must proceed with extreme caution before incorporating them into management.

Item 4: Modern Fish Act Implementation

Report Language: *Data Collection for Recreational Fisheries.—Through passage of the Modernizing Recreational Fisheries Management Act of 2018 (Public Law 115–405), Congress reaffirmed the need for NMFS to develop alternative management approaches and more reliable fishery data collection tools for recreational fisheries. The Committee provides no less than \$4,000,000 within Fisheries Data Collection, Surveys and Assessments, to support collaborative programs focused on improving recreational fishery data collection, as articulated in sections 102, 201, and 202 of Public Law 115–405. This funding should focus on assisting States to establish, test, and implement more reliable recreational fishery data collection tools, such as smartphone applications or text messaging supplements. In addition, the Committee is aware of the collaboration between the Gulf of Mexico and South Atlantic Fishery Management Councils to establish a joint committee to consider the multitude of potential approaches to implement section 102 of Public Law 115–405. NOAA is directed to support this and similar collaborations between the Regional Fishery Management Councils to develop and implement successful alternative fishery management approaches for recreational fisheries.*

Justification: Passage of the Modernizing Recreational Fisheries Management Act (Modern Fish Act) toward the end of the 115th Congress provides additional guidance and direction to NMFS to address the management and data collection issues that have led to overly precautionary and unstable fishing regulations in many recreational fisheries. Successful implementation of the Modern Fish Act will not happen overnight, but rather incrementally through exploring and testing new and improved recreational fisheries data collection and management approaches, such as what is described in this section.

Item 5: Western Atlantic Bluefin Tuna Gear-Restricted Areas

Report Language: *Western Atlantic Bluefin Tuna [ABFT].—The Committee is gravely concerned by NOAA’s April 2, 2020, rulemaking to reopen for commercial long-line fishing two gear-restricted areas [GRAs] in the Gulf of Mexico that were previously closed annually during April and May to protect spawning ABFT. The Committee questions the hypothetical basis for this rulemaking—that all of the management measures previously in place for ABFT in the Gulf of Mexico may not be necessary in tandem and that such measures are inhibiting the harvest of other target species—because of the following facts: (1) the Gulf of Mexico is the primary spawning ground for ABFT, and recovery of the still depleted stock requires that spawning fish be protected; and (2) the management measures implemented in 2015, the Individual Bluefin Quota and time-area closures, have in tandem, not individually, reduced ABFT discards and catch during peak spawning months. Therefore, the Committee directs NOAA to reconsider the decision to open the two GRAs in the Gulf of Mexico. If the status quo is maintained, NOAA shall increase monitoring efforts within the GRAs through 100 percent human observer coverage and by making publicly available all Gulf of Mexico ABFT catch data, broken down both inside and outside the GRAs, on a weekly basis and within one week of catch, during the months of April and May in order to allow for increased oversight to ensure that this rule does not result in the longline fishery exceeding their ABFT catch limits.*

Justification: With the rulemaking to reopen the Gulf of Mexico GRAs to pelagic longline fishing, NMFS went against proven, science-based policy, ignored the conclusions of their own analysis, and discounted overwhelming public opposition. Since being implemented in 2015, the Gulf GRAs have worked exceedingly well to address the decades-long problem of high mortality and dead discards of spawning bluefin. This language will hopefully prompt NMFS to reverse its poor decision, or at a minimum will establish rigorous monitoring and oversight requirements to ensure the inevitably poor results of this decision will be readily known.

In addition to the previously described items that were specific to the Senate Explanatory Statement, we support several other items included in both chambers’ reports and urge robust funding for each of the following programs in the final conference report:

- Fisheries Science and Management: Regional Councils and Fishery Commissions
- Fisheries Science and Management: Fisheries Data Collections, Surveys and Assessments
- Fisheries Science and Management: Salmon Management Activities
- Independent and alternative stock assessment strategies for South Atlantic reef fish
- Ocean and Coastal Management and Services: National Marine Sanctuaries
- Protected Resources Science and Management: Atlantic Salmon

- Protected Resources Science and Management: Pacific Salmon
- Outdoor Recreation Satellite Account

We look forward to continuing to work with your committees to build upon these efforts to improve federal marine fisheries management for the benefit of the American public.

Thank you for your consideration.

Sincerely,

American Sportfishing Association
BoatU.S.
Center for Sportfishing Policy
Coastal Conservation Association
Congressional Sportsmen's Foundation
Guy Harvey Ocean Foundation
International Game Fish Association
National Marine Manufacturers Association