



September 12, 2014

NOAA Fisheries
1315 East West Highway
Silver Springs, MD 20912

RE: Comments on the National Saltwater Recreational Fisheries Policy Discussion Guide

Dear NOAA Fisheries:

The Recreational Fishing Alliance (RFA)¹ appreciates the National Oceanic and Atmospheric Administration (NOAA) drafting and seeking comment on a National Saltwater Recreational Fisheries Policy. The recreational fishing community at large has a justified perspective that NOAA places a greater emphasis on and allocates more resources toward the commercial fisheries. This cultural attitude and bias within NOAA goes back the agency's roots as the Bureau of Commercial Fisheries and has persisted to the current day. RFA is encouraged that NOAA has acknowledged that greater attention toward the recreation sector is needed and is undertaking the development and implementation of a recreational fisheries policy which we hope will bring better parity to the management of the recreational sector. It must be pointed out that there have been numerous attempts by NOAA over the past 20 years to achieve similar goals through different variants of policies, visions, and agendas but they have largely failed. Policy only goes so far, to truly tackle the most pressing problems facing the recreational fishing community, legislative change is needed.

While the draft recreational fisheries policy is encouraging, it is extremely difficult for the recreational fishing community to take this endeavor seriously in light of NOAA failing to do very basic data collection improvements mandated by federal law. It is the opinion of the RFA that NOAA has only put forward a minimal effort into making meaningful data collection improvements that will certainly benefit the recreational sector and are mandated by law. Because of this, it is very difficult for the recreational sector as a whole to view NOAA's undertaking of a recreational fishing policy as sincere, meaningful or having any authority to push the agency to improve management of recreational fisheries.

From an enforceability standpoint, an agency level policy has no statutory authority unless it is codified through statutes. The community may be very pleased with the final policy, yet, without legal

¹ The Recreational Fishing Alliance (RFA) is a national, grassroots political action organization representing individual recreational fishermen and the recreational fishing industry. The RFA Mission is to safeguard the rights of saltwater anglers, protect marine, boat and tackle industry jobs and ensure the long-term sustainability of U.S. saltwater fisheries. RFA members include individual anglers, boat builders, fishing tackle manufacturers, party and charter boat businesses, bait and tackle retailers, marinas, and other businesses in fishing communities

teeth, the policy may simply founder within the bureaucracy without being fully enacted or implemented.

Please find below our comments for specific sections of the national saltwater recreational fisheries policy discussion guide.

Definition of Recreation Fishing:

NOAA Fisheries seems to be spending a lot of time trying to define ‘recreational fishing’ despite the fact that this definition has already been clearly laid out in both regulatory and legislative terms. The U.S. Department of Commerce, through its National Marine Fisheries Service (NMFS), is currently working on a National Saltwater Recreational Fisheries Policy to help guide the agency’s future policy actions. While the term “recreational fishing” may mean different things to different people, NMFS has mostly established that recreational fishing includes non-commercial fishermen who fish from shore or on private vessels; for-hire vessels like charter and head boats; the recreational fishing industries themselves including bait and tackle manufacturers and sellers; and those who fish for subsistence. Those who fish to sell fish (no matter what they do with the profit) are NOT recreational fishermen

Goals and Objectives

1. **How do you define recreational fisheries?** Magnuson defines recreational fishing as fishing for sport or pleasure. RFA believes this is an adequate definition. RFA cautions NOAA against defining recreational fishing in alternative language as it may create legal inconsistencies with federal or state laws. RFA does not believe that activities such as fish watching should qualify as recreational fishing. A recreational fishery should include the participants, businesses, and infrastructure involved in or necessary for the act of allowing fishermen to take or attempt to take fish for sport, pleasure or personal consumption.
2. **What activities do you think constitute recreational fisheries?** Activities with the intended purpose to take a marine fish regardless of the final disposition of the fish should be considered recreational fishing. RFA does not believe activities such as fish watching should be included as recreational fishing.
3. **What might be the effect of defining recreational fisheries in this way in the national policy?** As stated above, Magnuson has a clear definition of recreational fishing. Any deviation from this definition in the national policy runs the risk of being inconsistent with federal or state laws.

DRAFT GOAL #1 Foster and enhance sustainable, healthy, and diverse recreational/non-commercial fisheries and public access to them.

1a: Management

RFA believes that the Magnuson Act has done a good job in making sustainable and healthy fisheries. Where the law has failed is in ensuring that there is reasonable public access to those

fisheries for recreational harvest and recreational opportunities. While RFA believes these goals and objectives have merit, the RFA questions why NOAA would simply not tackle the biggest and most pressing issue and which NOAA has direct oversight of; recreational data collection.

In some fisheries, rebuilding of fish stocks and the resultant increase availability of those fish to recreational anglers can create scenario where regulations spiral downward (more restrictive) as attempts to constrain landings to a specific allocation or annual catch limit. This leads to reduced recreational opportunities and hampers new participants in the recreational fisheries. The larger and more devastating consequence is the weakening of the businesses intimately involved with or dependent upon recreational fishing. Not only does this scenario discourage the recreational sector from taking an active role in rebuilding fish stock but it defies the most basic principles and objectives of the U.S. fishery management approach. RFA views this as a huge issue that must be tackled by NOAA and the legislative branch of the U.S. government.

RFA agrees that NOAA must give greater consideration to socio-economic information from the recreational sector when formulating management strategies and actions. To that point, NOAA must not focus solely on an absolute numerical value in terms of economic loss/gain but instead the agency must give greater consideration to the resilience and fragility of the recreational fishing industry. There is tremendous competition for water front property and for people's leisure time and money. Restrictive management measures that aim to achieve a short-term goal, ie. annual catch limits, can cause permanent socio-economic damage to the recreational fishing businesses. For example, if shortening a particular recreational fishing season by a few weeks produces an estimated \$100,000 loss yet, the shorter season results in the closing of a tackle shop, the loss of the tackle shop will have a lasting economic impact that far exceeds \$100,000. NOAA must acknowledge this fact and put an equal amount of concern into the health and vitality of the recreational fishing businesses and infrastructure as it does to the fish stocks.

It is time for NOAA to begin using alternative management approaches for the recreational sector. The limitations of the existing data collection programs should prompt managers monitor recreational landings over longer periods of time. Yet, NOAA continues to monitor the recreational sector on annual time intervals which by NOAA's own admission, is the less accurate of the time series. In addition, NOAA should move away from managing recreational fisheries in an either wide open or completely closed manner.

NOAA must be more receptive to the use of alternative management approaches and regulations in the recreational sector. In some cases, the best approach to reducing recreational discard mortality is to convert those dead fish into landings. NOAA needs to work with the recreational fishing community to develop these alternative management approaches and utilize the ones that have already been developed.

1b. Resource Conservation and Enhancement

RFA believes the US fisheries are the best managed in the world. Yet, sustainability has not been achieved in some fisheries. In those fisheries that are not sustainable, NOAA must commit the necessary resources to achieve sustainability. Magnuson currently makes it illegal to fish unsustainably on fish stocks, therefore, fishermen may not be the cause for a stock not being achieving

sustainability. Research funds and resources are needed from NOAA to determine all the variables that cause a stock to not be sustainable.

In many fisheries, we have growing abundance – however, recreational limits are constrained due to a restrictive federal law and woeful data collection efforts by our own federal government - that in itself shows that 'abundance' without 'access' is not what anglers desire. Saltwater anglers and recreational fishing business owners, very much like the commercial sector, desire long-term sustainable harvest opportunities on coastal fisheries. RFA opposes NOAA incorporating a philosophical management ideology of managing for 'abundance' and instead supports an optimum yield approach.

Draft Goal #2: Integrate saltwater recreational/non-commercial considerations throughout NOAA and the federal marine fisheries management system.

As stated in our opening comments, there is a pronounced cultural bias within NOAA that favors the commercial sector. NOAA puts far less resources or concern toward the recreational fisheries under federal management compared to the commercial fisheries. A perfect example of this bias can be seen in NOAA commercial fishing marketing program and sustainability certification. Arguably, recreational fishing is by far the most sustainable fishing practice in the country and yet, NOAA does not market recreational fishing or encourage the public to take up recreational fishing as a sustainable option for obtaining seafood. Considering that over 90% of the seafood consumed in this country is imported and less than 2% of that seafood is inspected while 30% comes from illegal sources, more emphasis must be placed on U.S. recreational fishing and the need to fight for sustainable harvest by American citizens motivated by healthy, sustainable food options, which in turn drive socioeconomic benefits to our local communities.

This intentional and glaring failure to mention recreational fishing in this agency sponsored marketing campaign illustrates this longstanding bias.

Moreover, NOAA vastly improved commercial data collection programs by moving to electronic report for fishermen and dealers without a congressional mandate. The recreational fishing community lobbied Congress extremely hard during the last reauthorization to include provisions to improve recreational data collection and despite being passed into law. NOAA has largely ignored this mandate by Congress. Not only it is frustrating that NOAA shows such a lack of concern to really improve recreational data collection but it also has consequences for the management and assessment of marine fish.

It is estimated that between 7 and 14 million Americans fish recreationally in marine waters each year; a more concrete number cannot be established because of inconsistencies with NMFS' data collection deemed "fatally flawed" by the National Academy of Sciences over 8 years ago. When Congress reauthorized the Magnuson Stevens Fishery Conservation and Management Act in 2006, the law required NMFS to overhaul its system of gathering recreational fishing data by a time-certain deadline of January 1, 2009. Five years later, that deadline still has not been met. Short of legislative

assistance in Congress through Magnuson reforms, NOAA Fisheries must take accountability for this delay.

Draft Goal #3: Encourage partnership, engagement and innovation

RFA does not believe that NOAA has the vested interest in recreational fishing to develop innovative means of management this sector. NOAA appears to view recreational fishing and its flawed data collection system as a nuisance, not as a sustainable industry that provides significant social and economic benefits to our country. For this reason, NOAA must give the resources to the stakeholders and the states to develop partnerships that tackle the most pressing problems in the fishing community and develop innovative solutions. The current approach is not realizing the maximum potential of recreational fishing. NOAA will need to turn to those with intimate knowledge and interest in the recreational fishing industry to develop new and innovative management techniques to achieve the sector's maximum potential.

Draft Goal #4: Enhance transparency, follow-through and continuity of action.

With regard to transparency, follow-through and continuity of action, NOAA has failed. This failure is visible and has great consequences on the recreational fishing community. A transparent recreational fishing policy must make note of the need for transparency in council selections. To get appointment to a regional fisheries management council, a Commercial (C) representative must theoretically show permit or tax records proving stake in a commercial fishery. A Recreational (R) representative on the other hand, simply needs to show interest in fishing (perhaps having taken a trip once or twice, or even owning a rod and reel). The interests of the recreational fishing community as a whole is being jeopardized by a regional appointment process which sees 'R' delegates given fisheries management decisions when they may actually be considered Others (O) who are active academia or environmental interests. An improved commitment to designating true 'R' representatives to Councils must materialize.

In closing, RFA appreciates the opportunity to comment on the national saltwater recreational fisheries policy discussion guide. Recreational fishing is not just a hobby, but is an element of tradition and culture along many of the coastal communities. A culture of sustainable local harvest by anglers and recreational fishing industry is deep, 400 years of history and evolution. We remain optimistic that the culture inside of NOAA will change in response to development of recreational saltwater fisheries policy. The RFA looks forward to the release of a draft policy and providing additional comments at that time.

Sincerely,



Jim Donofrio
Executive Director