



June 14, 2017

The Honorable Wilbur Ross  
Secretary  
United States Department of Commerce  
1401 Constitution Avenue NW  
Washington, DC 20230  
Via Email: [wross@doc.gov](mailto:wross@doc.gov)

Dear Secretary Ross:

Thank you for your commitment to supporting our nation's fisheries and the marine resources on which they depend. As you know, U.S. fisheries management leads the world, with strong legal standards resulting in rebuilt species, ending overfishing, and economic productivity that creates jobs for Americans as fishermen, processors, chefs, and many others throughout the supply chain.

Gulf of Mexico red snapper shows how this success benefits the American people. After reaching a historically low population level in the 1990s, red snapper has rebounded, allowing for dramatic increases in catch limits. The value of the commercial fishery has grown from \$37M in 2007 to \$220M in 2015. As you pursue your priority of closing our nation's seafood trade deficit, this is the kind of success we urgently need to cement and replicate.

Recovery also increased catch limits in the recreational sector. The total recreational Annual Catch Limit (ACL) grew from 3.19 million pounds in 2007 to 7.19 million pounds in 2016. Yet, as Gulf red snapper have become larger and more plentiful, private recreational fishermen who have not seen the species at such levels in many years catch their quota more and more quickly, often during long state water fishing seasons. As a result, the federal private angler recreational season dropped to just three days this year. While initially the season may seem almost absurdly short, that length was what the science supported in light of past overages (including in 2016) and long state water seasons.

We see a three-day federal private angler season as extremely unwelcome, and we firmly believe there are ways to improve private angler management that expands flexibility and access while safeguarding sustainability. At the same time, any change to private angler management must be based on science and respect other users of the resource, including commercial and charter/for-hire fishermen, who have stayed at or below applicable catch limits.

Press reports indicate that the administration is considering extending the federal private angler season by 27-39 days during summer weekends in exchange for some limitations on the number

of days anglers may fish in state waters. Such a significant shift would ordinarily be the subject of extensive discussion in the Gulf of Mexico Fishery Management Council and be accompanied by documentation from the National Marine Fisheries Service (NMFS) that would permit the public to understand the biological and economic ramifications of the proposed change.

To our knowledge, the agency has not made any information public that explains the potential impact of lengthening the federal private angler season, especially the extent to which the proposed extension could result in exceeding the 2017 private angler ACL. As you know, overages have occurred in eight of the last ten years despite materially shorter seasons, so lengthening the season poses an apparent risk of exceeding the ACL.

In the absence of any agency-generated estimate of potential impacts of a longer private angler season, non-government scientists examined publicly available records in an effort to make a rough estimate of potential overages. The results were alarming.

According to agency documents, NMFS expected 19% of the overall private angler Annual Catch Target (ACT), or approximately 600,000 pounds, to be caught during the already-completed three-day red snapper season.<sup>1</sup> Further, based on agency estimates of how many fish are caught per fishing day in state waters, approximately 851,514 pounds will have been caught in state waters through June 16, 2017 (the earliest date we could envision the new approach taking effect). Finally, we can expect private anglers to catch approximately 231,178 pounds of red snapper for every day Gulf federal waters remain open to them.<sup>2</sup>

Based on this information, we examined two alternatives: a 39-day additional federal season with no additional state fishing days after it closes and a 27-day additional federal season. The following table summarizes the results.

	39-day alternative	27 day alternative
Fed fishing before 6/16	693,534	693,534
State fishing before 6/16	851,514	851,514
Add'l fed fishing thru 9/5	9,015,942	6,241,806
Add'l state fishing thru 9/5	607,560	420,619
Total private angler landings:	11,168,550	8,207,472
Private angler quota (ACL):	3,755,094	3,755,094
Overage:	7,413,456	4,452,378 <sup>3</sup>

<sup>1</sup> 2017 Gulf of Mexico Red Snapper Recreational Season Length Estimates NOAA Fisheries, Southeast Regional Office (May 2, 2017) Executive Summary (available at [http://sero.nmfs.noaa.gov/sustainable\\_fisheries/gulf\\_fisheries/red\\_snapper/documents/pdfs/gulf\\_red\\_snapper\\_recre\\_season\\_2017.pdf](http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/red_snapper/documents/pdfs/gulf_red_snapper_recre_season_2017.pdf))

<sup>2</sup> 2017 Gulf of Mexico Red Snapper Recreational Season Length Estimates NOAA Fisheries, Southeast Regional Office (May 2, 2017) at 20 Table 7 (available at [http://sero.nmfs.noaa.gov/sustainable\\_fisheries/gulf\\_fisheries/red\\_snapper/documents/pdfs/gulf\\_red\\_snapper\\_recre\\_season\\_2017.pdf](http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/red_snapper/documents/pdfs/gulf_red_snapper_recre_season_2017.pdf))

<sup>3</sup> For comparison, note that the private angler Annual Catch *Target* (ACT) for 2017 is slightly over 3 million pounds, and the ACL for the entire recreational sector is 6,603,094 pounds: [http://sero.nmfs.noaa.gov/fishery\\_bulletins/2017/032/FB17-032index.html](http://sero.nmfs.noaa.gov/fishery_bulletins/2017/032/FB17-032index.html)

In sum, even without taking into account the increased fishing that would occur on the weekend versus weekdays, a 39-day season appears to result in a **7.4 million pound** overage, representing 197% of the 3.7 million pound private angler ACL. Even under a 27-day season, the data suggests a **4.45 million pound** overage, which equates to 119% of the private angler ACL. Overages of this magnitude would result in **no** federal recreational fishing season next year, including shutting down federally-permitted charter/for-hire fishermen who are projected to stay within their 2017 ACL. Further, the overages would be likely to drive down overall catch limits in future years, reducing commercial ACLs as well.

The Magnuson-Stevens Act requires fisheries managers to set annual catch limits and measures to ensure accountability with them. 16 U.S.C. § 1853(a)(15). Any agency action that results in catch beyond the applicable ACL, as the proposed extension apparently would, would violate that provision. The ban on overfishing in National Standard 1, *id.* § 1851(a)(1), would also apply.

As noted above, we were compelled to produce these estimates in the absence of publicly-available analysis from the agency. The above calculations are rough, and we lack access to the full suite of data and analytical tools available to NMFS and the Department, so our results are necessarily tentative. We urge the agency to make its own calculations available before moving forward so that we and other interested members of the public can better understand and comment on the impact of the proposed increase in the private angler federal season, especially as it relates to the possibility of quota overages that would negatively affect the red snapper resource and those who rely upon it for their livelihoods and recreational activities.

Thank you for reviewing this information. We would welcome the opportunity to discuss it and the agency's potential next steps on red snapper.

Very truly yours,

**Mike Jennings**

President

Charter Fisherman's Association

**Amanda Leland**

Senior Vice President, Oceans

Environmental Defense Fund

cc: Earl Comstock  
Director, Office of Policy and Strategic Planning  
U.S. Department of Commerce

Samuel Rauch  
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