

January 31, 2021



The Honorable Jared Huffman
Chairman
Water, Oceans, and Wildlife Subcommittee
1324 Longworth House Office Building
Washington, DC 20515

The Honorable Ed Case
2210 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Huffman and Congressman Case,

We at the American Saltwater Guides Association (ASGA) thank you for the opportunity to comment on your discussion draft to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act (MSA). We are deeply appreciative of your efforts to solicit feedback from stakeholders throughout the process, and were grateful to provide our own perspective during the listening session that you hosted in Baltimore in November 2019.

We are generally quite pleased with the contents of the discussion draft, as it addresses many of our priorities for an MSA reauthorization, which we outline in the full and abridged versions of our MSA Policy Platform (attached). While we are generally supportive of this draft's provisions, we do have some minor concerns and suggestions.

Title I highlights the importance of addressing climate change for promoting fisheries resilience, and provides a comprehensive framework for effectively integrating climate change considerations into routine fishery management activities while confronting the challenge of shifting stocks. This section does an excellent job of comprehensively addressing the issue of climate change in federal fisheries management, a top ASGA priority.

Title I Recommendations:

- We are broadly supportive of Section 104, which would establish a Climate-Ready Fisheries Innovation Program to help managers respond to the ongoing impacts of climate change. We believe, however, that this section should more explicitly emphasize the importance of collaborating with both commercial and recreational fishing communities in developing research priorities and conducting research. Currently, the only mention of such collaboration is in directing the Administrator of the National Oceanic and Atmospheric Administration (NOAA) to coordinate efforts with the NOAA Fisheries Cooperative Research and Management Program (104(b)(1)(D)). We recommend a more explicit mandate to involve stakeholders, who are observing climate-induced changes first-hand, in the research process.
- Section 105(b)(7) specifies that any member of the public may submit a petition to request an allocation review of a potentially shifting stock, but there is no timeline specified by which the Shifting Stocks Task Force must make a recommendation based on the petition. We recommend that such a timeline, perhaps of 90 days after the comment period concludes, be included in 105(b)(8)(C).

Title II—in particular, Section 206—makes explicit the logical and welcome conclusion that aquaculture is not under the purview of MSA. In addition, we appreciate the recognition of the economic importance of the for-hire recreational industry and its reliance on healthy fisheries resources for continued vitality. In general, we have a favorable view of this title’s efforts to support fishing communities, and have no recommendations.

Title III provides a framework for strengthening regional fishery management council coordination as stocks shift, promoting diverse and balanced representation on councils, and improving opportunities for stakeholder participation and oversight of council activities. We fully support all of these provisions, and are particularly appreciative of the opportunities for remote participation that Section 303(b) specifies.

Title III Recommendations:

- Section 307, which establishes an American Fisheries Advisory Committee to review research priorities and select project applications for funding by the Saltonstall-Kennedy Grant Program, has the admirable goal of better integrating stakeholder input into the fisheries research. We are also supportive of this section’s requirement for grant proposals to be subject to technical review prior to review by the Committee, and for the clarification that Saltonstall-Kennedy grants can be used for research on any aspect of U.S. fisheries, including recreational fishing. We would, however, like to see language that better ensures adequate recreational sector representation on the Committee; as currently written, of the 22 members that would constitute the Committee, it is possible that only 1 of them, an at-large member, would represent recreational interests. To ensure more balanced representation, we recommend requiring that one Committee member from each of the six regions represent the recreational sector. Alternatively, this section could specify how many members of each sector that the Committee will include (e.g., that the Committee will include no less than 4 but no more than 7 representatives of the recreational sector).
- Section 308 would establish the Sport Fishing and Boating Partnership Council (SFBPC) to be a federal advisory committee of not just the Department of the Interior (as it is currently) but also the Department of Commerce, the latter being the Department that includes NOAA Fisheries. We are puzzled by the interest in extending SFBPC’s advisory role to NOAA Fisheries given the existence of the Marine Fisheries Advisory Committee (MAFAC), which already advises NOAA Fisheries and whose charter states as its objective: “to ensure the nation’s living marine resource policies and programs meet the needs of commercial and recreational fishermen, and of environmental, consumer, academic, tribal, governmental, and other national interests.”¹ MAFAC’s membership includes representation across these diverse interests, including several recreational members, and provides a forum for discussion across sectors in guiding NOAA Fisheries’ activities. We believe both that MAFAC is a more appropriate and efficient platform than SFBPC for advising NOAA Fisheries, and that having these two committees operate independently as advisors would elicit redundancy and confusion. As a result, we recommend removal of Section 308.

Title IV supports the notion that fisheries management can be enhanced by more fully leveraging electronic monitoring and reporting technologies in both commercial and recreational fisheries. We are particularly appreciative of Section 406, which requires the development of data standards and

¹ NOAA Fisheries. Marine Fisheries Advisory Committee Charter.
<https://www.fisheries.noaa.gov/national/partners/marine-fisheries-advisory-committee-charter>.

the calibration of recreational data collected from different sources to ensure statistical validity—a top ASGA priority. We also support the development of a Recreational Data Improvement Program to ensure continued coordination among recreational data collection efforts while also providing opportunities for stakeholder engagement. Lastly, as offshore wind development proceeds along the U.S. east coast, we thank you for including a directive for NOAA, the Department of the Interior, and the Bureau of Ocean Energy Management to work together to fund additional fisheries research.

Title IV Recommendations:

- While we agree with Section 402’s directive for NOAA Fisheries to expand the applications of electronic monitoring and reporting, and to do so collaboratively with industry, we would like to see it made explicit that this section applies to both recreational (private and for-hire) and commercial fisheries, and not just to commercial fisheries. For example, the Advisory Panel for Electronic Technologies Development and Deployment (402(f)) should include members of the recreational community and/or fisheries scientists with knowledge of recreational fisheries.
- The priority research areas defined for the Recreational Data Improvement Program largely ignore the value of socioeconomic and human dimensions research for improving recreational data. We recommend adding the following two research priorities:
 - Tools and approaches to increase recreational angler recruitment and retention in electronic self-reporting programs (i.e., apps); and
 - Human dimensions research to examine how changes in species availability and regulations may impact recreational fishing effort, catch, and harvest rates.

Title V addresses several ASGA priorities, including: enhancing protections for essential fish habitat; conserving forage fish; and strengthening requirements to promptly end overfishing and successfully rebuild overfished stocks (as well as improving public oversight of the process). While Section 505 replaces the term “overfished” with “overfished or otherwise depleted,” we appreciate the discussion draft’s emphasis that such a change does not in any way change the legal requirements to conserve and rebuild stocks (i.e., “overfished” and “depleted” are synonymous from a legal standpoint).

Title V Recommendations:

- We found Section 504’s amendment to Paragraphs 2 and 3 of MSA’s current Section 304(e) confusing. Paragraph 2 is amended to require the Secretary to request that councils immediately end overfishing for stocks that are depleted or approaching a depleted condition, a change that we wholeheartedly support. Paragraph 3, however, appears to suggest that councils have up to 2 years to end overfishing for stocks that are depleted or approaching a depleted condition. We recommend clarifying the language to demonstrate that councils must act immediately, as indicated in Paragraph 2.
- While Section 504’s amendment to MSA’s current Section 304(e)(4)(A)(ii) does not alter the mandate to rebuild stocks as quickly as possible, it does change the maximum rebuilding time from 10 years (if biology and environmental conditions allow) to “the time the stock of fish would be rebuilt without fishing occurring plus one mean generation.” Healthy and abundant fisheries are the cornerstone of thriving ecosystems and coastal economies, and the 10-year rebuilding timeline established in the 1996 MSA reauthorization is a key reason

why 47 previously overfished stocks have been rebuilt since 2000.² In addition, the current language already allows for sufficient exemptions from the 10-year requirement, as evidenced by the numerous rebuilding timelines that currently exceed 10 years.³ As a result, we oppose any change to MSA's current rebuilding timeline mandates.

We applaud you for your efforts to update MSA in ways that ensure the long-term health of our marine fisheries, and hope that you will consider some of our concerns and proposed changes. We look forward to continuing to work with you on MSA and other fisheries issues during the 117th Congress.

Sincerely,



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Enclosures:

1. American Saltwater Guides Association. January 2021. *The Magnuson-Stevens Act: Supporting Abundant Stocks and Opportunities for Anglers*.
2. American Saltwater Guides Association. January 2021. *The Magnuson-Stevens Act: Supporting Abundant Stocks and Opportunities for Anglers* [two-pager].

² NOAA Fisheries. 2020. *Status of Stocks 2019: Annual Report to Congress on the Status of U.S. Fisheries*. <https://www.fisheries.noaa.gov/webdam/download/108764023>.

³ NOAA Fisheries. 2019 Stock Status Table. https://media.fisheries.noaa.gov/dam-migration/2019_rtc_fssi_and_non_fssi_stock_status_tables.pdf.