

**Testimony**  
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**Subcommittee on Water, Wildlife, and Fisheries**  
**Committee on Natural Resources**  
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My name is Jessica McCawley, and I am the Director of the Division of Marine Fisheries Management at the Florida Fish and Wildlife Conservation Commission (FWC). In that capacity, I serve as a voting member on the South Atlantic Fishery Management Council, including chair of the Snapper Grouper Committee. From 2018 to 2020, I served as chair of the South Atlantic Fishery Management Council.

With more than 7,700 lakes, 12,000 miles of rivers, streams and canals, and 8,426 miles of tidal shoreline, Florida is a paradise for anglers, boaters, and outdoors enthusiasts. Florida waters are home to thousands of species of fish and wildlife. From red snapper to Key's lobster, Florida supports thriving fisheries. Florida also is home to warm weather, sunshine and friendly people who love ensuring others have great fishing experiences. And at the end of the day, we also have wonderful restaurants that are willing to cook the bounty harvested from a beautiful day spent on Florida's waters.

A closer look at the numbers reveals an expansive and engaged fishing community in Florida that is unrivaled anywhere in the world:

- 4.3 million Florida anglers<sup>1</sup>,
- \$13.9 billion economic output from recreational fishing<sup>1</sup>,
- More than 120,380 jobs supported by recreational fishing<sup>1</sup>,
- \$197 million in commercial food fish dockside sales<sup>2</sup>,
- More than \$6.1 billion in value added economic impact by the commercial seafood industry<sup>3</sup>,
- 76,685 jobs supported by the commercial seafood industry<sup>3</sup>, and
- Home to 4,629 total game fish records, which makes Florida the world leader<sup>4</sup>.

For these reasons, Florida is the Fishing Capital of the World. While I am always happy to talk about the many opportunities for fishing in Florida, I am here today to discuss South Atlantic red snapper and H.R. 4587, the "Red Snapper Act," and briefly comment on H.R. 4051, the "SHARKED Act."

Before I get to the discussion of H.R. 4587, some background information is needed.

First, while the subject matter today is South Atlantic red snapper, it is important to recognize that red snapper is categorized as part of the snapper grouper fishery in the South Atlantic. The snapper grouper fishery includes 55 bottom- and reef-dwelling fish species, including some species that are neither snappers nor groupers (e.g., triggerfish and several jack species). Red snapper is an iconic fish, and it receives a lot of attention, but red snapper comprises only one species within the complex. However,

other species, such as yellowtail snapper and black grouper, within the complex are popular within the fishing community.

Second, multiple agencies are involved in management of red snapper in the South Atlantic, and all are bound by the overall harvest allowance established by the Council through the federal Fishery Management Plan. FWC manages red snapper harvest in Florida's state waters, which is the shoreline out to three (3) nautical miles. The South Atlantic Fishery Management Council (Council) manages commercial and recreational red snapper harvest in South Atlantic federal waters (three nautical miles out to 200 nautical miles off North Carolina, South Carolina, Georgia, and East Florida). NOAA Fisheries is the federal agency that is responsible for implementing regulations approved by the Council, for setting allowable catch levels, and monitoring catch and effort throughout the year. In addition, NOAA Fisheries is responsible for setting the South Atlantic recreational and commercial red snapper seasons annually based on available quota, which was set by Snapper Grouper Amendment 43 in 2019.

Third, a vast majority of the recreational landings of Atlantic red snapper comes from Florida. As of June 2023, the total South Atlantic red snapper quota (42,510 fish) is allocated between the commercial sector (28.07 percent) and recreational sector (71.93 percent). That allocation results in the current recreational quota of 29,656 fish and the commercial quota of 124,815 pounds whole weight. Quotas set in Amendment 43 are based on landings, and not discards, that were observed from the 2014 limited red snapper season. This year, this quota translated into a federal recreational fishing season of two (2) days: July 14 and 15, 2023. However, in Florida state waters, FWC allows for year-round harvest of red snapper and the recreational regulations include 1 fish per person with a 20-inch minimum size limit.

Fourth, South Atlantic red snapper catch and effort are monitored through the federal Marine Recreational Information Program (MRIP). In 2020, FWC expanded our specialized survey called the State Reef Fish Survey (SRFS) as a supplement to the federal MRIP survey, with the goal of improving data collection for private recreational fishers harvesting certain reef fish, including red snapper, off Florida's Atlantic Coast. SRFS provides a focus of data collection on effort, catch, and discards of recreational anglers who harvest certain reef fish from private vessels. SRFS provides more accurate and timely estimates of recreational harvest (monthly reporting) compared to MRIP (bimonthly reporting), largely because it is a specialized survey designed to accommodate how the reef fish fishery operates.

Due to the success of SRFS, NOAA Fisheries certified the survey and other Gulf state surveys for use in management of red snapper in the Gulf of Mexico. This has led to the delegation of authority from NOAA Fisheries to the State of Florida and other Gulf states to manage Gulf red snapper in state and federal waters. Ultimately, the use of SRFS for managing Gulf red snapper over the federal MRIP survey has led to expanded seasons and fishing opportunities for Florida stakeholders. The current Gulf red snapper season is expected to last 70 days in Gulf state and federal waters, which is the longest Florida Gulf red snapper season since the State took over management. It is our goal that SRFS can be used in the Atlantic to improve red snapper management.

In addition, every year during the federal South Atlantic red snapper season, FWC staff significantly expands efforts to conduct dockside interviews, obtain biological samples, and better understand fishing effort through vessel counts at key inlets. These efforts greatly contribute to better characterizing the South Atlantic red snapper recreational fishery and provide essential information used in the stock assessment process.

Fifth, discard mortality is a pervasive issue that impacts stock assessments of South Atlantic red snapper. This is important because discard data have become a key decision point in many fisheries management deliberations. Discard mortality occurs when fish are caught alive but then die after release. Discards occur commonly when an angler is fishing for one species and catching another that cannot be retained. In the case of Atlantic red snapper, dead discarded fish is thought to comprise a significant percentage of the total (discarded fish plus landed fish) removals. The mortality rate of fish that are discarded is estimated to range between 28.75 percent to 31.07 percent<sup>5</sup> for Atlantic red snapper. (For example, a discard mortality rate of 20 percent implies that, of every five fish released, one fish would die.) No age or length information is available to characterize dead discards, which is problematic because that information is critical for stock assessment models to function reliably. Since this data is self-reported by commercial and recreational fishermen, and discarded fish are not available for length or age sampling, the magnitude of the number of discards is poorly understood, highly uncertain, unvalidated, and difficult to estimate precisely.

The lack of accurate and validated data pertaining to the rate and magnitude of discards in the Atlantic red snapper fishery leads to a highly uncertain stock assessment. Three sources of information are critical to accurate stock assessments: the amount of fish removed by fishing, the age of those fish, and independent surveys of abundance. For a stock, such as red snapper, where it is presumed that upwards of 90 percent of the fish removed by fishing are the result of dead discards, much of the assessment uncertainty is related to the combination of highly uncertain discard estimates and the inability to determine the age of those fish. The third information source, abundance surveys, is relatively more reliable although information is lacking on early life stages. This may contribute to the assessment's inability to establish a relationship between spawning fish and their offspring. When such relationships cannot be estimated, proxy values must be used, but there is no way of knowing if such proxies are truly representative of a given stock. In the case of red snapper, the proxy-based targets for spawning stock biomass suggest the stock is not rebuilt, yet the spawning fish in the population are producing higher than expected numbers of offspring. The proxy-based target for fishing mortality indicates overfishing is occurring, yet the stock has steadily increased in biomass and abundance, including the important abundance of older, mature fish. Both trap and video surveys of abundance show a steep increase since 2011.

Fisheries managers and scientists who have reviewed the stock assessment agree that the overfishing status of Atlantic red snapper is driven primarily by high recreational discards. NOAA's own scientists and the South Atlantic Fishery Management Council's Science and Statistical Committee have indicated that these estimates of discarded fish are highly uncertain and should not be used for management, and this is why Amendment 43 established catch levels based on landed fish. Despite these projected high numbers of dead discards, red snapper abundance and biomass are at record high levels and Atlantic red snapper has experienced strong recruitment over the last six years.

To reduce discards and help rebuild the red snapper fishery, all parties involved in red snapper management have taken management actions.

### **South Atlantic Fishery Management Council and Red Snapper**

First, the South Atlantic Fishery Management Council approved Regulatory Amendment 35, which will help reduce dead discards for all species in the snapper grouper fishery by implementing a single hook requirement for all recreational anglers (private and for-hire) fishing from a vessel for snapper grouper species. The goal of this action is to help slow the removal rate and reduce catch and discards across the

entire snapper grouper fishery. Additionally, the Council decided to expand its outreach and education program to promote best fishing practices to help reduce discard mortality for snapper grouper species. This amendment is pending approval by the U.S. Secretary of Commerce. Fishery managers from all South Atlantic states (Florida, Georgia, South Carolina, and North Carolina) supported these efforts.

Second, in 2019, the Council approved Snapper Grouper Regulatory Amendment 29 that requires anglers fishing in South Atlantic federal waters to have a descending device rigged and ready when fishing for snapper grouper species. The purpose of this rule was to help increase the survival of released reef fish. A descending device is an instrument capable of releasing a fish at a depth sufficient for the fish to be able to recover from the effects of barotrauma. Barotrauma is a pressure-related injury and is one of the top factors that can contribute to the increased levels of discard mortality of reef fish. The quick change in pressure can cause gas in the swim bladder to expand and cause internal organ damage. The frequency and severity of barotrauma can vary by species, fishing technique, and water temperature. Quick and proper use of barotrauma mitigation tools like descending devices and venting tools can help reef fish recover from the effects of barotrauma and return to depth; ultimately, reducing discard mortality for reef fish.

Third, the Council has started a management strategy evaluation (MSE), scheduled to be completed in 2024, for the snapper grouper fishery to find possible management options to reduce the number of released fish. The MSE is a conceptual model that will evaluate multiple strategies to determine which management options are best suited to benefit the collective snapper grouper fishery and accomplish the goals of the Council (e.g., decreasing discards, increasing harvest).

### **Descending Device and Venting Tool Requirement in Florida**

Earlier this year, FWC implemented a requirement for private recreational anglers fishing for reef fish off a private vessel in state waters to possess a descending device or venting tool. Additionally, this regulation requires the appropriate use of such a tool/device only if releasing a reef fish that is exhibiting symptoms of barotrauma. Symptoms of barotrauma include protruding stomach, bloated belly, distended intestines, bubbling scales, and bulging eyes.

Despite the federal regulations for descending devices listed above, many fishers remain unaware of federal gear requirements and lack confidence in properly using descending devices and venting tools. Therefore, outreach and education are critical for generating fisher buy-in, proper use of barotrauma mitigation tools and increased regulatory compliance. FWC is recognized as a leader in the development and promotion of educational programming on best fishing practices and empowering the public to help conserve fisheries for the future. FWC staff has engaged in a large-scale outreach and education program to highlight the importance of barotrauma mitigation tools to the health of Florida's reef fish stocks. FWC staff facilitate the Descending Device Outreach Coordination Team that is comprised of partners across the southeastern United States, including South Atlantic Fishery Management Council staff, Return 'Em Right, The Nature Conservancy, Gulf States Marine Fisheries Commission, and other state fish and wildlife agencies. The purpose of the team is to share outreach strategies, coordinate messaging, and streamline efforts across the region to promote best fishing practices to help increase survival of released reef fish through use of barotrauma mitigation tools.

## **Next Steps**

### **South Atlantic Red Snapper Research Program (aka, the South Atlantic Great Red Snapper Count)**

To have a better understanding of the number of red snapper in the South Atlantic, Congress has funded much-needed independent research in the South Atlantic. Modeled after the successful Gulf of Mexico Great Red Snapper Count, this South Atlantic Red Snapper Research Program, aka, the South Atlantic Great Red Snapper Count, is near completion and is tasked with estimating the population size, distribution, and density of South Atlantic Red Snapper. Research began in the fall of 2020 and is expected to be finished by fall of 2025. It is expected that the results from this comprehensive, independent study will provide a better understanding of the red snapper population, be incorporated into the upcoming stock assessment, and ultimately improve management decisions.

### **FWC's Atlantic Red Snapper Research**

As a leader in fisheries research and management, FWC continues to support innovative recreational data collection along the South Atlantic. First, FWC is an active participant in the South Atlantic Red Snapper Research Program described above. Secondly, in addition to expanding SRFs statewide, FWC is in the process of expanding two ongoing projects to increase data collection on red snapper and other snapper grouper discards. FWC will be conducting year-round monitoring to help validate recreational fishing survey estimates for private vessels as well as expanding observer coverage in the charter and headboat fishery in northeast Florida to identify hotspots of red snapper discards. These expanded projects are expected to start in January 2024.

Lastly, FWC's Fishery Dependent Monitoring Program has been conducting fishery-independent hook-and-line sampling of red snapper off northeast Florida for the last decade, and funding has been secured to continue this critical long-term sampling program for the next several years. This is a cooperative research program with the fishing industry, including commercial and for-hire participants, and this collaborative effort has provided critical information to help document the rebuilding of the red snapper stock's age composition.

### **Exempted Fishing Permit**

Under certain circumstances (e.g., limited testing, data collection, etc.), NOAA Fisheries may authorize Exempted Fishing Permits (EFP). During 2018 and 2019, FWC tested state management of Gulf red snapper through an EFP that eventually led to the delegation of private recreational red snapper management in federal waters to each of the Gulf states. NOAA Fisheries has indicated that they will release a "Request for Proposals" and a funding opportunity for an EFP to address innovative management strategies that can help address discards in the red snapper fishery in the South Atlantic. For the last several months, FWC staff have been coordinating with fishery managers, scientists, and stakeholders to develop strategies to obtain better recreational data on fishing effort and discards to improve management, modify angler behavior to reduce discard mortality, and improve harvest opportunities. FWC plans to submit a proposal, and if chosen, the EFP would be an opportunity for FWC to conduct a pilot program to obtain better data for management. Any EFP that NOAA Fisheries ultimately approves would likely go in effect for the 2024 fishing season.

## **State Data Collection**

FWC launched the Gulf Reef Fish Survey in 2015, which ultimately expanded to the State Reef Fish Survey in 2020. The key to SRFS's success was the establishment of a new requirement for anglers and spear fishers that intend to harvest reef fish from a private boat to possess the State Reef Fish Angler designation. This designation provides the State of Florida with a directory of participants in the reef fish fishery statewide so that a special survey may be administered. As of June 2023, more than 740,000 individuals possess a valid State Reef Fish Angler designation in Florida.

SRFS consists of two complementary survey components: (1) a mail survey of anglers with the State Reef Fish Angler designation, and (2) dockside interviews with anglers after they return from fishing. The mail survey collects information on recreational fishing trips taken by reef fish anglers over the most recent month. During dockside surveys, anglers are interviewed in person to collect detailed information on the numbers and types of reef fishes caught and released during their trip that day. Combined, mail and dockside survey components are used to estimate the total number of recreational fishing trips taken each month and the total numbers of reef fishes harvested and released by anglers fishing from private boats.

Ultimately, one of the main goals of SRFS is for its use within the stock assessment process, which will use more precise and timely data for management. In the Gulf of Mexico, this has already occurred for the recent Gulf gag grouper assessment and a transition plan is currently being implemented for upcoming Gulf red snapper assessment. As SRFS continues to improve data collection of reef fish in the South Atlantic, FWC will continue to advocate for its use in management and future stock assessments of South Atlantic red snapper and other reef fish species.

### **H.R. 4587, the "Red Snapper Act"**

Introduced by U.S Rep. John Rutherford (R-FL), the "Red Snapper Act" would prevent NOAA from promulgating a rule that would force an area closure in the South Atlantic for all 55 species in the snapper grouper fishery until the results from the current South Atlantic Great Red Snapper Count could be incorporated into the next stock assessment. FWC supports H.R. 4587 because waiting for independent data to be collected and incorporated into a stock assessment is a reasonable and common-sense action.

Any kind of closure would have huge economic implications on the South Atlantic. During work on Amendment 35, NOAA Fisheries provided analyses and recommended a potential area/time closure from the Florida-Georgia line to Cape Canaveral, where the "red snapper discard hotspot" occurs. As the Florida fisheries management representative on the Council, FWC vehemently opposed any management action that would disproportionately impact Florida stakeholders. In addition, our counterparts in Georgia, South Carolina, and North Carolina opposed (and to this day, continue to oppose) any closure. One of the main reasons FWC, the other South Atlantic States, and the fishing community have opposed such time/area closures off Florida is due to the poor recreational discard data that NOAA Fisheries is using to drive their analyses and subsequent recommendations. Recreational discard data are self-reported and unvalidated. The Council's own scientific advisors have stated that discard data should not be used for management purposes. In addition, NOAA Fisheries, in the past, has even cautioned the South Atlantic Fishery Management Council on using estimates of discards in their management of red snapper. However, recently, NOAA Fisheries has pushed to use this self-reported, unvalidated discard data to drive management decisions in its efforts to close large areas

of the South Atlantic to, not just for red snapper, but for the entire 55-species in the snapper grouper fishery. FWC has vehemently opposed these draconian measures and has written letters to the Council and the United States Secretary of Commerce about these potentially damaging management measures.

Florida is known as the “Fishing and Boating Capital of the World”, and any hastily imposed and incompletely evaluated area/time closures would significantly impact Florida recreational fishers, our for-hire industry, communities, and economies. NOAA estimates the value of recreational fishing of Florida’s reef fishes contributes an output of nearly \$384 million and supports over 3,700 jobs<sup>6</sup>. Closing access for all 55 snapper grouper species would effectively eliminate this financial contribution and job production to Florida’s and the nation’s economy. Closing access to an entire complex to solve the problems of one is irresponsible and would devastate local communities and economies.

Additionally, all the for-hire industries, bait shops, fuel stations, restaurants, hotels, and processors up and down Florida’s east coast would be hurt economically by a closure. Any sort of potential closure could result in potential damage to the credibility of the federal fishery management process. Public trust is an essential part of being able to effectively manage natural resources. FWC understands that difficult decisions sometimes need to be made. However, these decisions should always be based on accurate and precise scientific data that comprehensively consider the biological, ecological, social, and economic effects. Results from the South Atlantic Great Red Snapper Count will provide essential data, previously unavailable to NOAA Fisheries and stock assessment scientists, to better characterize red snapper abundance in the South Atlantic. For the sake of responsible management and public trust in the management process, it is imperative that results from the South Atlantic Great Red Snapper Count are included in the upcoming red snapper stock assessment prior to considering area closures driven by poor discard data. Distrust can turn into poorer data being collected, ultimately putting the management in worse shape.

The last time NOAA Fisheries attempted to use faulty data to support a closure resulted in a court loss. In June 2023, the United States Court of Appeals for the District of Columbia Circuit ruled against NOAA Fisheries and its use of “worse-case scenario” to justify promulgating regulations intended to protect the North Atlantic Right Whale regulations at the expense of the lobster industry. The lobster industry sued NOAA Fisheries because it believed they had improperly used worst-case scenarios in the development of models that determine risk to right whales. In announcing its decision, the court said NOAA Fisheries reliance on worst-case scenario assumptions was arbitrary and capricious.

While the fish in question is different – red snapper and lobster – the overarching issue is the same. In the case of South Atlantic red snapper, the fundamental question is: Is NOAA’s recommendation, and desire, to close the fishery relying on “worst-case scenario” assumptions? Florida, our fellow south Atlantic states, and the fishermen believe the answer is “Yes!”

### **Conclusion**

FWC has opposed any area or time closures to red snapper and the entire snapper grouper fishery because the scientific evidence does not support a closure. There is no denying that we need sustainable fisheries, but continued access to these resources is also of paramount importance. People are a part of the fishery, and the fishery is part of the people. Every day we hear from fishermen stating that red snapper abundance is higher than they can remember. Building and maintaining public trust is absolutely essential to the success of the federal management process and necessary to continue to conserve our fisheries for the long-term. We need to ensure that all new research (e.g., South Atlantic

Red Snapper Count, FWC expanded surveys) and data streams are included in the upcoming red snapper research track assessment so we can accurately characterize the status of the Atlantic red snapper fishery and provide more effective management strategies. Spatial or temporal closures of the entire 55 stock snapper grouper fishery based on an assessment of one stock are not the answer, and complex problems need thoughtful solutions before taking drastic action. As we have seen with previous management decisions, once a fishery is closed, it is very difficult to reopen. We need to understand what the Council's MSE might suggest about how to manage both red snapper and the entire snapper grouper fishery. FWC would like to test ways to change angler behavior, reduce discards, and improve harvest opportunities through an EFP in the red snapper hot spot areas off of Florida, which could provide valuable insight for the Council and NOAA Fisheries. As trustees of the resource, we all must do everything we can to help our commercial and recreational fishermen while conserving our fisheries resources for future generations.

Finally, FWC is pleased to support H.R.4051, the "Supporting the Health of Aquatic systems through Research Knowledge and Enhanced Dialogue Act," or the "SHARKED" Act, which U.S. Rep. Wittman (R-VA) introduced. Florida Congressman Soto is a cosponsor of the legislation, and we thank both congressmen for addressing this issue. We have heard about shark depredation for many years -- from fishermen in the Keys whose prized snapper or grouper catch was eaten by a shark, from fishermen throughout the Gulf of Mexico during a Gulf of Mexico Regional Fishery Management Council discussion on the subject, and from countless fishermen from Pensacola to Jacksonville. We have heard stories from fishermen about sharks associating the sound of a motor stopping with an easy meal. Even before a fishing line is in the water, numerous sharks surround the boat ready to steal any fish that happens to get hooked. Shark depredation is a serious issue. Some recreational anglers spend a lot of money for a day on the water and are disappointed when half of a fish is on the other end of their line. In fact, according to a survey conducted by Casselberry et al.<sup>7</sup>, 77 percent of respondents had experienced depredation in nearshore and pelagic fisheries in the last five years, with depredation more commonly reported in the southeastern United States. FWC supports appointing a task force of serious scientists who want to educate people about the problem and believe the task force is a step forward to finding workable solutions.

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