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Testimony on H.R. 8705 "Fisheries Data Modernization and Accuracy Act of 2024"

**Committee on Natural Resources**  
**Subcommittee on Water, Wildlife and Fisheries**  
**United States House of Representatives**  
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On behalf of the American Sportfishing Association, I am honored to have been asked to testify before the House Committee on Natural Resources Subcommittee on Water, Wildlife and Fisheries regarding legislation that affects marine resources and the recreational fishing industry.

The American Sportfishing Association (ASA) is the sportfishing industry's trade association committed to representing the interests of the sportfishing industry as well as the entire sportfishing community. We give the industry and anglers a unified voice when emerging laws and policies could significantly affect sportfishing business or sportfishing itself. ASA invests in long-term ventures to ensure the industry will remain strong and prosperous, as well as safeguard and promote the enduring economic, conservation and social values of sportfishing in America. Recreational fishing is truly an all-American activity. Our fisheries resources, which are held in the public trust and conserved through sound laws and policies, are envied the world over. In 2023, 57.7 million people went fishing in the U.S.<sup>1</sup> Recreational fishing supports 945,500 jobs and contributes \$148 billion to the economy.<sup>2</sup> Fishing is the third most popular outdoor recreation activity, behind only running and hiking<sup>3</sup>.

All of this fishing activity supports the economy, connects people to the outdoors and provides substantial funding for conservation. Through fishing license purchases, excise taxes and direct donations, the recreational fishing community contributes approximately \$1.7 billion toward aquatic resource conservation each year. I am confident in saying that no other user group contributes nearly as much toward ensuring our nation's waterways and fisheries are healthy and accessible to the public.

Fishing participation is dependent on two primary factors – access and healthy fisheries. Access can take several forms, including physical access to water (e.g., boat ramps, piers, public shorelines) and regulatory access (e.g., seasons, bag limits, size limits, closures). While simply being outdoors and wetting a line is a large part of the enjoyment of fishing, at some level, most people want to actually catch fish too. There are many more effective ways of catching fish than

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<sup>1</sup> Recreational Boating and Fishing Foundation. 2024 Special Report on Fishing. Available online at: <https://www.takemefishing.org/getmedia/7d775bde-f3a1-4f97-b9bb-845dcb9e05ba/Special-Rport-2024-Infographic.pdf>

<sup>2</sup> American Sportfishing Association. 2023 Economic Contributions of Recreational Fishing. Available online at: <https://asafishing.org/economic-impacts-of-recreational-fishing/>

<sup>3</sup> Outdoor Foundation. 2021 Participation Trends Report. Available online at: <https://outdoorindustry.org/wp-content/uploads/2015/03/2021-Outdoor-Participation-Trends-Report.pdf>

a rod, reel and hook, so for recreational fishermen to have a decent probability of encountering a fish, there have to be a lot of fish in the water.

In most cases, the foundation for fisheries management and conservation decisions is scientific information. Credible data on catches and fishing effort, along with information about the biology and ecology of fish stocks, are critical to ensuring fisheries stock assessments accurately characterize the status of stocks and in turn, ensure that management decisions are informed by the best science.

This is particularly the case with federal fisheries management, in which harvest is monitored relative to annual catch limits (ACLs), and accountability measures such as seasonal closures and ACL paybacks are used to constrain harvest. The federal government, via the National Oceanic and Atmospheric Administration (NOAA), manages fisheries in the exclusive economic zone (EEZ), which for the purpose of fisheries management is 3-200 miles off the South Atlantic coast and 9 -200 miles in the Gulf of Mexico.

### **H.R. 8705 “Fisheries Data Modernization and Accuracy Act of 2024”**

Too often, especially in the southeastern U.S. where I live, fisheries stock assessments have high levels of uncertainty (if assessments are even available) due to unreliable or sparse fishery data. The uncertainty caused by use of questionable fishery data to inform the status of fisheries and make management decisions can have severe implications for fish stocks, anglers, businesses, communities and the economy. ASA commends Congressman Graves for introducing the Fisheries Data Modernization and Accuracy Act of 2024 to address these issues and improve confidence in the scientific information used for fisheries management.

The Marine Recreational Information Program (MRIP) is a NOAA program that provides estimates of recreational fishing catches and trips that occur from Maine to Mississippi and Hawaii. These data are used to assess and manage state and federal fisheries in the Atlantic, Gulf of Mexico and Hawaii. MRIP is the product of two different components:

1. Dockside interviews administered by state partners that gather information on angler catch rates (i.e., number, types and sizes of fish caught); and
2. A mail survey administered by NOAA known as the Fishing Effort Survey (FES), which is used to estimate fishing effort (i.e., the number of fishing trips that occur).

For years, MRIP catch estimates have been a source of contention for anglers, state agencies, and other fishery managers that depend on accurate and precise data for decision-making. MRIP was originally designed to provide broad (imprecise) information about recreational fishing catch and effort trends. However, MRIP is currently used to manage federal fisheries to exact, poundage-based ACLs, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA). In most cases, MRIP is the only information available on recreational catch and effort due to a lack of alternative data sources, and is considered best scientific information available (BSIA) by default. NOAA cautions use of MRIP estimates in fisheries management when percent standard error (PSE), which is a measure of precision or margin of error around an

estimate, is greater than 30 and does not support use of MRIP estimates with PSEs above 50.<sup>4</sup> Unfortunately, MRIP estimates routinely have PSEs that are well above these thresholds but are nonetheless used by NOAA as the basis for fisheries management decisions. Using data that does not meet data quality standards to manage our fisheries results in lost access when fisheries are closed due to unrealistically high and highly uncertain catch estimates, is detrimental to conservation, and further erodes public trust in the fishery management process.

In response to longstanding concerns with MRIP or its precursor, the Marine Recreational Fisheries Statistical Survey (MRFSS), several states designed their own recreational data collection programs to supplement or replace MRIP to better align data collection with their management needs. The most recent state surveys are those developed and implemented over the past 10 years by the Gulf of Mexico states, such as Louisiana's LA Creel. There is a long history of state-run recreational fishery surveys being used to generate recreational fisheries data that are used for management our nation's fisheries. For example, California, Oregon, and Washington withdrew from MRFSS about 20 years ago to implement state surveys that better meet local needs. Many state surveys are certified by NOAA, meaning they have undergone a rigorous scientific peer review process and have been found to be scientifically sound and defensible.

Since FES was overhauled in 2018, replacing a survey design based on calls to coastal landlines to a mail-based survey, many anglers and state agencies have expressed concerns that MRIP effort estimates have been greatly inflated, often producing unrealistically or impossibly high estimates. Indeed, a 2023 pilot study<sup>5</sup> conducted by NOAA in response to these and other concerns about MRIP estimates found that the order of mail survey questions in FES may be causing overestimation of recreational catch and effort by 30 - 40%. While ASA appreciates that NOAA is conducting a follow-up study to further investigate this issue, it is clear that changes beyond adjusting MRIP based on pilot study findings are needed to meet the needs of anglers and fisheries managers. MRIP is in need of an overhaul, not tweaks around the margins.

A recent example of unrealistically high MRIP harvest estimates for Gulf of Mexico recreational gag grouper during September-October (MRIP Wave 5) last year was highlighted in a bicameral letter<sup>6</sup> to the NOAA Assistant Administrator that included signatures from several members of the House Natural Resources Committee. Shortly after MRIP estimates for Wave 5 were released, Gulf recreational fishermen raised suspicions that the 1.6 million pounds of gag grouper estimated to be harvested by anglers during the September 1 – October 18 open season was unrealistically high. Although the length of the open season was set based on when NOAA predicted the ACL would be met, MRIP estimates indicated that harvest during this time period was nearly four times greater than the ACL. The PSEs for the MRIP estimates were also above the 30% threshold set by NOAA (33-98%). In the Gulf of Mexico, gag grouper are caught almost

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<sup>4</sup> NOAA Fisheries Service. An Introduction to Marine Recreational Information Program Data. Available online at: <https://www.fisheries.noaa.gov/recreational-fishing-data/introduction-marine-recreational-information-program-data#data-use-considerations>

<sup>5</sup> NOAA Fisheries Service, Office of Science and Technology. Evaluating Measurement Error in the MRIP Fishing Effort Survey. Available online at: [https://apps-st.fisheries.noaa.gov/rpts/main/public\\_docs/Evaluating%20Measurement%20Error%20in%20the%20FES%20Consolidated%20Final%20w%20Review.pdf?method=PUB\\_MANUSCRIPT&id=32268](https://apps-st.fisheries.noaa.gov/rpts/main/public_docs/Evaluating%20Measurement%20Error%20in%20the%20FES%20Consolidated%20Final%20w%20Review.pdf?method=PUB_MANUSCRIPT&id=32268)

<sup>6</sup> April 18, 2024 Letter to NOAA Assistant Administrator Coit. Available online at: [https://garretgraves.house.gov/uploadedfiles/2024.04.18\\_bicameral\\_ltr\\_to\\_nmfs\\_re\\_fisheries\\_data.pdf](https://garretgraves.house.gov/uploadedfiles/2024.04.18_bicameral_ltr_to_nmfs_re_fisheries_data.pdf)

exclusively off Florida. Thankfully, the State of Florida conducts a survey called the State Reef Fish Survey (SRFS) which is specifically designed to provide better recreational catch and effort data for gag grouper and 12 other reef fish species that could be used to compare with the unrealistically high MRIP estimate. SRFS estimated gag grouper harvest was only one-seventh of the MRIP estimate and prompted further review of the MRIP estimates, which were ultimately revised substantially. Without the SRFS estimates being available for contrast, it is unclear if the MRIP estimates would have been revised, and if there would be a recreational gag grouper season in the Gulf of Mexico this year due to the extreme overage estimated by MRIP. This would have been disastrous for the anglers, for-hire operations, tackle shops, marinas, and other fishing businesses in Florida that depend on gag grouper harvest opportunities. Florida SRFS estimates will be used to manage this fishery in the future based on direction from the Gulf of Mexico Fishery Management Council.

Highly uncertain and unrealistically high MRIP estimates of recreational discards (fish that are caught and released) can also cause problems for stock assessments and lead to significant management headaches. This has been the case for South Atlantic red snapper, which have rebounded so much in the past 15 years that scientists and fishermen both agree the stock is at record abundance and biomass, such that there are now more red snapper in the South Atlantic today than any living person has ever seen. Yet, highly uncertain and unvalidated MRIP estimates of recreational discards, which are used to estimate the proportion of fish that do not survive catch and release, are causing the fishery to be classified as undergoing overfishing. This overfishing designation has resulted in severe limitations on harvest despite the clear progress in stock rebuilding (this year's recreational harvest season will be just one day, July 12) and discussion of draconian measures such as large bottom fishing area closures for all 55 species of the snapper grouper complex to prevent red snapper from being caught and released by fishermen while they target other species.

Recognizing that significant changes are needed, the Fisheries Data Modernization and Accuracy Act would advance reform of recreational fishing data collection. First, the bill would convene a National Academies panel of experts to consider options for improving MRIP estimates and/or management of seasonal fisheries that have high PSEs (greater than the NOAA-established standard of 30%) or are identified as problematic by a state via petition. In cases where increasing the precision of estimates is not practicable, the committee would consider options for adjusting management while adhering to the management and conservation requirements of MSA. These options would be presented in a report for consideration by the relevant regional fishery management council and include recommendations from the NOAA Administrator. Critically, as part of this process, the panel and NOAA Administrator would consider whether MRIP is the most appropriate tool for use in management decisions for a given seasonal fishery. Options and recommendations from the panel would not override or interfere with scientific recommendations from a council's scientific and statistical committee (SSC), but would provide an objective bird's eye view that can help identify common issues and solutions across fisheries and regions for consideration by NOAA, the federal fishery management councils, and SSCs. Second, H.R. 8705 would help facilitate development and use of state-led data collection programs. Existing programs such as LA Creel, Florida's SRFS and the Pacific states' Recreational Fisheries Information Network have demonstrated the potential for superior accuracy and precision of harvest estimated produced by the states. The bill would create

universal standards for such data collection programs to ensure capability and use for management, while allowing for flexibility to account for differences in recreational fishing activity among states. While the Gulf states' data collection programs have proven extremely valuable, the process for establishing each of them independently and ultimately ensuring the data is used for management has been challenging. Having a clear system for establishing such programs, with the support of NOAA, will provide a smoother and more efficient path for additional state-led programs to address state and regional management needs.

In addition to improving recreational data collection, the Fisheries Data Modernization and Accuracy Act would encourage coordinated planning of stock assessments for priority species and improvement of fishery independent data (scientific survey data rather than fishery dependent catch data) by facilitating third-party fishery-independent abundance surveys of federally-managed fish stocks. Abundance surveys, such as the Great Red Snapper Count (GRSC), are designed to provide an estimate of how many fish are in a given stock. Numerous discussions at council and scientific and statistical committee meetings indicate that fishery-independent surveys like the GRSC that estimate absolute abundance of fish stocks can provide important insights for management and assessment of fisheries. Additional Congressionally-funded independent studies similar to the GRSC are currently underway for greater amberjack and South Atlantic red snapper.

Results of the GRSC, which was funded with a \$10 million appropriation from Congress to provide an independent estimate of abundance of Gulf of Mexico red snapper, indicate that there are more than 118 million red snapper in the Gulf (as of 2019). Abundance was previously estimated to be about 36 million fish. The wide disparity in estimates is explained by the GRSC finding a surprisingly large biomass of red snapper over uncharacterized bottom that was not considered in previous stock assessments. Although the GRSC improves our knowledge of red snapper in the Gulf of Mexico, the path to integrating this groundbreaking science into red snapper management and assessment has not been straightforward. Reviewing the path of the GRSC as proposed in this legislation would provide valuable lessons on how the results of other independent abundance surveys should best be incorporated into management and assessments in the future.

Lastly, this legislation would promote transparency and public understanding of SSC decision making by ensuring that recordings and transcripts of SSC meetings are readily available to the public. This is simply good governance and is already common practice by some federal fishery management councils.

### **Other Legislation Under Consideration**

ASA is also grateful that the committee is considering in this hearing other legislation that will benefit conservation and public access to the ocean.

- H.R. 6841 (Rep. Levin), the Resilient Coasts and Estuaries Act: The nation's estuaries are critical fish nurseries, in addition to providing a wide range of other environmental benefits such as preventing soil erosion and protecting against storm surges. H.R. 6841 supports two important conservation programs established under the Coastal Zone Management Act: the Coastal and Estuarine Land Conservation Program (CELCP) and the National Estuarine Research Reserve System (NERRS). The CELCP bolsters state

and locally led efforts to conserve ecologically important coastal lands. The NERRS currently contains 30 reserves – all owned and operated by state or local governments – that provide crucial stewardship, research, training, and education necessary to manage and conserve estuaries across the United States. The Resilient Coasts and Estuaries Act would reauthorize both programs at their most recent fund levels and make other modest but important policy improvements.

- H.R. 7925 (Rep. D’Esposito), the Modernizing Access to Our Public Oceans (MAPOceans) Act: The MAPOceans Act directs the standardization, consolidation, and digitization of boating and recreational fishing information for federally managed marine waters and federal fisheries administered by NOAA. This bill will enhance and expand recreation opportunities by investing in modern technology commonly found in smartphone applications to provide anglers, boaters, and other users with the information they need to safely and legally enjoy offshore waters and federal saltwater fisheries. The hundreds of thousands of offshore ocean miles and numerous saltwater fish species regulated by NOAA present enormous recreational opportunities where restrictions are difficult to access and constantly changing. MAPOceans directs the federal agency to compile those rules in digital form so they can be integrated into GPS units and smartphone applications that are popular with boaters and anglers, making that information available to the public in real time.
- H.R. 8704 (Rep. Carter), To require the Secretary of Commerce to establish a grant program to foster enhanced coexistence between ocean users and North Atlantic right whales and other large cetacean species: ASA understands the importance of protecting right whales and minimizing vessel strikes by small vessels, as rare as these occurrences are. Unfortunately, NOAA’s 2022 proposed amendments to the North Atlantic Right Whale Vessel Strike Reduction Rule are misguided, excessively restrictive and a risk to human safety. Due to the large area covered and the unfeasibility of travelling offshore under 10 knot speed restrictions, this rule would effectively prohibit most offshore fishing trips for approximately half the year. In addition, forcing boaters to travel at slow speeds, even in dangerous conditions, puts human safety at risk. Technology to better identify right whale locations in real time and disseminating the information to mariners in a timely manner provides a much more effective and efficient strategy to minimize vessel strikes. H.R. 8704 would support the development and expansion of such technology, most of which is currently available, while pausing unnecessary and economically devastating regulatory changes from moving forward.

## **Conclusion**

Thank you again for the opportunity to provide the sportfishing industry’s perspective on these important bills. We are grateful for the ongoing work of the House Natural Resources Committee and Subcommittee on Water, Wildlife and Fisheries to advance legislation that will strengthen the management and conservation of the nation’s public lands and waters. We look forward to working with the Committee on these and other important measures that impact the recreational fishing industry and America’s 54.5 million anglers.