

December 30, 2022

TO: NOAA Fisheries (*recreational.fisheries@noaa.gov*)

RE: Saltwater Recreational Fisheries Policy Revision

FROM: Folsom Corporation, Viking Yacht Company, The Fisherman Magazine, United Boatmen of New Jersey, Jersey Coast Anglers Association and Sinn, Cantoli, Bogan & Steuerman

Diversity, inclusion and environmental justice are common themes in policy drafts and public discussion today. But for many of us in the recreational fishing community, we're left to wonder why this commitment to advancing equity and environmental justice within our recreational fishing communities has taken so long, while often ignoring our saltwater anglers in the process.

In reviewing the *National Saltwater Recreational Fisheries Summit Report 2022* - under the Themes, Goals and Outcomes subheading of the document - there are a couple of key points that we as members of the New Jersey recreational fishing community would like to address. One sentence in particular notes, "Cross-cutting these topics were the underlying themes of enhancing partnership, collaboration, and trust building, as well as considering equity and inclusion."

If NOAA Fisheries is truly sincere about addressing equity and inclusion, we strongly encourage the agency to address the key point of equitable access to our public marine resources; as it stands today, the current fishery management process is failing to achieve that goal. We, the undersigned, would point out that the topic of "equity and inclusion" is not new to our recreational fishing industry; in our New York, New Jersey region in particular, long-standing traditions date back over 100 years with head boat ports once flourishing in urban areas like Jersey City, Hoboken, Atlantic City and Sheepshead Bay. Any revisions to the U.S. Saltwater Recreational Fisheries Policy needs to reflect upon that history.

For persons of modest economic means, this is not an academic or aspirational discussion; in most instances, persons of lesser means, or the economically disadvantaged, need a different outcome and opportunity (a return on investment) than many other anglers who can afford to hire a guide boat for a day's fishing, or perhaps can afford to own and operate their own private boat. Consider the shore-based angler who can only afford to fish from public piers, docks, jetties or bulkheads and thus finds higher size restrictions an impediment to accessing an equitable share of the resource.

One size does not fit all when the ability to financially afford access is so disparate. The present statutory and regulatory paradigm for managing recreational fisheries expels most persons of lower economic means from being able to justify the expense of access and, therefore, to gain access to sustainable fisheries.

As per 42 USCS § 9601 the term natural resources means "*land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Magnuson-Stevens Fishery Conservation and Management Act [16 USCS §§ 1801 et seq.]), any State or local government, any foreign government, any Indian tribe, or, if such resources are subject to a trust restriction on alienation, any member of an Indian tribe.*"

True equity and inclusion in any recreational fisheries policy in the United States means representing all public users of these public resources "held in trust" by our state and federal government, which means, ultimately, equitable access to a sustainable harvest. Where Magnuson-Stevens was first implemented to constrain harvest, the implied promise was that sacrifice would ultimately be rewarded with sustainable access for all, to healthy fisheries; generally speaking, equitable access has not been restored.

As opposed to what some members of the sportfishing community might counter, the experience of recreational fishing is not, in and of itself, enough to advance equity and environmental justice for a significant portion of the recreational fishing community who are of lesser economic means. There are many recreational fishermen who enjoy sustainable harvest of our marine public resources that are of a lower socioeconomic status than those who are often the most vocal, or perhaps best organized in terms of representing groups or organizations. Many members of this cross section of anglers – particularly here in New Jersey as well as New York - represent a key diversity element of recreational fishing that doesn't often engage in the public process.

A large majority of this angling population doesn't sit in on informational webinars and stakeholder input sessions, nor will you see their feedback on changes and updates to new policy. Indeed, most cannot financially or otherwise justify the day or two off from work, or the costs of accommodation to engage in a process dominated by scientific terms and regulatory

acronyms. This large and diverse population of saltwater anglers has therefore been mostly excluded from the fisheries management process. We're relatively certain based on the comments received from associates who attended the most recent 2022 Summit that these individuals were not in attendance for the policy discussions, and rarely do these anglers participate in the management process. Yet we hear from them, regularly, as they make up a large portion of our customer base.

Janet Coit recently noted how NOAA Fisheries had shared its first-ever draft Equity and Environmental Justice Strategy, inviting public comment through August 31. "NOAA Fisheries is focused on serving all communities more equitably and effectively, and this strategy will provide the framework to do just that," the Assistant Administrator for NOAA Fisheries and Acting Assistant Secretary for Oceans and Atmosphere noted. "We are committed to advancing equity and environmental justice, including equal treatment, opportunities, and environmental benefits for all people and communities, while building on continuing efforts and partnerships with underserved and underrepresented communities," she added.

Words alone do not and cannot build partnerships with underserved and underrepresented communities; it requires action. Thus, NOAA Fisheries staffers must ask, what action or strategy has been taken to ensure that all communities are served more equitably and effectively?

The 2022 Recreational Fishing Summit touted its success in exploring several of these topics within the overarching theme of *Recreational Fisheries in a Time of Change*, to identify pathways and tangible steps to adapt, improve, and address identified issues. As per the report, for recreational fisheries to thrive, there is a need to come together with a common purpose - thus the stated goals of the 2022 National Saltwater Recreational Fisheries Summit were to reestablish lines of communications that eroded during the COVID-19 pandemic, and to strengthen rapport and collaboration between the saltwater recreational fishing community, fishery managers, and scientists.

It is here that we must point out a longstanding falsehood often argued by certain advocacy groups – ones who often do not have the same access limitations that persons of lower economic means do. Some preach that fishing is more experiential than opportunity to retain. Our collective experience with several million anglers is that a significant group in the angling community does require a certain return on investment. The reality that most of us who have

served hundreds of thousands of persons of lesser means know is that there is a different balance of priority between the varying segments of our community.

For many saltwater anglers, the experience must be matched with the potential of a good return; for those of lesser means - and in most case for those who fall into the middle ground between the two diverse perspectives - the chance of a banner fishing day, with fish that can be brought home as a source of protein, is an integral part of recreational fishing.

Oppressive regulation - and regulation that results in more limitations when certain species rebound in biomass - suppresses access for these persons. If bag limits and size restrictions limit their return on investment, these persons cannot justify the expenditure. They are, therefore, often expelled from the fishery and denied access. A fair and equitable process of coastal fisheries management must include these underserved and often unheard voices of the angling community, and an updated National Saltwater Recreational Fisheries Policy must take these facts into consideration.

For those of more considerable economic means, retention and experience can be disjunctive. Saltwater anglers may have to throw fish back but can still justify the expenditure for the experience. To be sure, there are many persons in this category who will not fish if they cannot retain what they calculate to be an adequate number of fish, but their choice is one of prioritization rather than necessity. Because they have greater available economic means to justify a "strike out" on a fishing trip, or release of all or most fish because of regulatory restrictions including for fish that have recovered (see, for example, Black Sea Bass and Scup), and prioritize the experiential component of a fishing trip, they have, de facto, greater access to marine resources.

Regulatory and statutory restrictions that significantly restrict or deny access to certain persons is truly an environmental injustice if opportunities for access are unjustly restrained because of regulatory nuance. That is what happens now, as it has crept into the process since preserving the resource, rather than conservation melded with assuring reasonable and responsible access to all, has become policy. That policy has often shut out fair and equitable access to a sustainable resource.

Some advocacy groups continue to push a theory of "managing for abundance" rather than sustainability and sustainable yield. Such a radical shift in our recreational fisheries

management would lead to unscientifically based regulatory measures based on precautionary buffers and a narrow-minded view of our recreational community as a whole. In fact, these so-called “advocates” for saltwater anglers have said specifically about their abundance scheme, “this means that we won’t have the liberal size, season and bag limits that we had in years past, but what we will have is the reasonable probability that we can and likely will catch fish on an outing.”

In the *2021 Data and Management Strategies for Recreational Fisheries with Annual Catch Limits* report to Congress, the National Academies of Science (NAS) pointed out this troubling disconnect between the “engaged” advocates and those in our “underserved and underrepresented communities” who historically have not contributed to public comment solicitations. Specifically, NAS found that “anglers with a consumptive orientation derive a large part of their satisfaction from being able to take a nice fish home to eat, and may be dissatisfied when regulations require them to release all fish caught.”

According to the 2021 NAS report, consumptive-oriented anglers “are not as fundamentally different from commercial fisheries in their management objectives as are the catch-and-release-oriented recreational fisheries.” Where some may argue that recreational fishermen are not at all like our commercial counterparts, NAS found that to be only accurate with the catch and release segment of our community, “those fishing for largemouth bass in freshwaters, snook and certain other coastal species, or billfishes offshore, may derive satisfaction from good opportunities to catch large fish of their target species.”

NAS further noted, “While industry organizations are important stakeholders in their own right, they cannot fully address the need for engagement and representation of recreational anglers into the fisheries management process.” This highlights a very specific point that many recreational fishermen are “dissatisfied” because they’re feeling excluded from the national conversation; and that, as NAS noted, may be a prime reason for lack of angler engagement at the management level.

It's an interesting observation that NAS researchers have pointed out; the common misconception has been that commercial fishing and recreational fishing are two totally different activities. Granted, commercial folks catch and sell their catch, while those of us in the recreational fishing community do not; other than that, NAS pointed said we’re really not that

different. And perhaps that relates back to the very concept of a “return on investment,” which should to be addressed in a final National Saltwater Recreational Fisheries Policy.

On that subject of commercial fishing versus recreational fishing; in the state of New Jersey in 2020, the start of the coronavirus pandemic led to more severe shutdowns and isolation measures than perhaps any other coastal state in the United States. Within the first months of these lockdowns, politicians immediately set to defining “essential” versus “non-essential” business. In the Garden State, commercial fishing was immediately tabbed as an “essential” business operation, while recreational fishing was deemed “non-essential.” In our fishing tackle industry, this decision became an unenforceable riddle.

Consider a bait and tackle shop in a coastal community that serves both the commercial and recreational sectors; each segment of the community purchases bait, hooks, terminal tackle, fishing line, rods & reels and apparel. Thus, a coastal tackle shop that services that commercial sector is effectively providing support for an essential business; is recreational fishing any less essential? Many tackle shop owners couldn’t figure out if they were responsible for checking for federal permits and IDs at the cash register to determine a commercial versus recreational fishing customer.

After hard work by recreational fishing representatives and support by certain political leaders, the recreational fishing community re-opened. Recreational fishing experienced a boom in the United States during the pandemic. As Clemson University’s College of Agriculture, Forestry and Life Sciences noted in a headline at news.clemson.edu, “Recreational Fishing Eases Mental Stress, Boosts Economy During Pandemic.” Research findings during the pandemic coordinated by Clemson, LSU and U.S. Geological Survey found many of those surveyed pointing to feeling safe in the relative isolation of the activity of recreational fishing, a concept the article refers to as “social fishtancing”.

“Among anglers who reported being affected by COVID, ‘mental stress’ was the most reported effect,” noted study co-author Brandon Peoples from Clemson, adding “Anglers had many motivations for fishing, such as fishing for thrills **or food**” (emphasis added.) Subsistence fishing, or simply fishing for “thrills or food” falls under the auspice of NOAA Fisheries recreational fisheries management.

For this reason, we believe that NOAA Fisheries should duly consider incorporation of “essential” language in any final National Saltwater Recreational Fisheries Policy, while acknowledging that treating anglers as a “one size fits all” community fails to recognize and acknowledge the different needs and priorities of a large but often not spoken for constituency. Without these recognitions and express acknowledgments, equity, inclusion and environmental justice for all anglers are illusory concepts

The COVID pandemic spotlighted recreational fishing an essential activity in the United States, and therefore NOAA Fisheries should help provide “essential business” designation for our recreational fishing community through this updated policy.

We respectfully submit these comments and ask NOAA Fisheries to consider updating the Recreational Fisheries Policy statement to address the needs of and benefits to our existing recreational fishermen, to improve equity and inclusion for all of our saltwater anglers, while building upon the definition of recreational fishing as an essential activity in the United States.

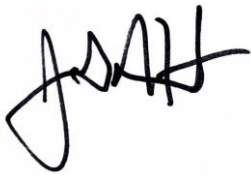
Sincerely,



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The Folsom Corporation, founded in 1860, is a 162-year-old family business that is engaged primarily in the field of supplying saltwater fishing equipment to retailers throughout the United States. Folsom employs more than 200 employees.

Founded in 1964, the New Jersey based Viking Yacht Company is the leading semi-custom production builder of sportfishing yachts in the world, with a fleet of yachts from 38 to 90 feet. In 2019 the company launched the Valhalla Boatworks V Series of high-performance center consoles from 33 to 55 feet. Viking operates several subsidiaries, including Palm Beach Towers, the Viking Yacht Service Center, and Atlantic Marine Electronics and employs over 1,600 skilled boatbuilders.

The Fisherman Magazine is a three-edition publication (New England, Long Island & Metro New York, and New Jersey & Delaware Bay) that has served the Northeast and Mid-Atlantic recreational fishing community since 1966 with comprehensive fishing news and information tailored to the region.

Founded in 1981, the Jersey Coast Anglers Association (JCAA) is a 501(C)3 non-profit association of more than 75 saltwater fishing clubs that represents the position of marine sport anglers, champions their causes and protects their rights in matters pertaining to fishing, fisheries, and environmental quality.

Ray Bogan is an attorney who has participated in the fishery management process, both domestic and internationally, for decades. He is also legal counsel for many small marine related businesses, as well as a number of fishery and marine related non-profit organizations.

The United Boatmen of New Jersey is a non-profit advocacy group that represents members of the party and charter boat community on fishery and vessel related issues.