



# Federal Management of Saltwater Recreational Fisheries

Federal management of saltwater recreational fishing by the National Marine Fisheries Service (NMFS) has received increasing attention from Congress. Many constituents have expressed concerns with the allocation of fishing quotas among different fishing sectors; data collection and assessment of recreational fishing activity; and use of management measures, such as catch limits. Marine recreational fisheries have been the focus of several specific bills and have been included in efforts to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act (MSA; 16 U.S.C. 1801 et seq.).

## What Is Recreational Fishing?

Recreational fishing—also referred to as sport fishing or angling—involves fishing for pleasure as opposed to for profit or subsistence. Measurement of recreational fishing activity and value are determined by the number of fishing days or fishing trips taken and characteristics that describe the quality of fishing experiences, such as catch rates and other aesthetic qualities. Some anglers fish from shore or private boats, and others may pay to fish from for-hire vessels that are called charters or party boats. According to NMFS, in 2015, private and commercial recreational activities provided national economic impacts of 439,000 jobs and \$22.7 billion in personal income (wages and salaries) to coastal communities.

## Recreational Fishery Management

Fisheries are managed under several overlapping management authorities that are based on state and federal laws, regional compacts among states, and Native American treaties.

## State and Regional Management

Inland freshwater and marine fishing out to 3 nautical miles (nm) from shore are managed primarily by states (state waters extend to 9 nm for the west coast of Florida, Texas, and Puerto Rico). Regional management is facilitated along the East, Gulf, and West coasts by commissions formed under multistate compacts and supported by the Interjurisdictional Fisheries Act (16 U.S.C. 4101-4107). These efforts support data collection and management of coastal stocks that move among various states' jurisdictions. Of the three commissions, the Atlantic States Marine Fisheries Commission (ASMFC) has developed the most comprehensive management system under its interstate management program and the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5101-5108). ASMFC develops regional management plans that are implemented by each state.

## Federal Management

The MSA is the principal federal law that governs conservation and management of fisheries that occur primarily in the exclusive economic zone (3-200 nm from shore). The MSA requires federally managed stocks of fish

to be managed as a unit throughout their range. A large portion of recreational catch is taken in state waters because these waters are more accessible to anglers and game species may be relatively abundant in them. Often there is a need to closely coordinate federal, regional, and state efforts because many species are found and caught in both federal and state waters. Some species, such as summer flounder, are managed by joint management plans under the authority of MSA and by the states through ASMFC.

The MSA prohibits overfishing and requires annual catch limits (ACLs) for all federally managed stocks. To avoid overfishing, landings are limited to the ACL and accountability measures are developed to ensure the limit is not exceeded or to correct for any overage in a given year. The total ACL is then divided among different users that include commercial and recreational, and sometimes for-hire sectors. Recreational management measures often include a combination of measures including catch limits, season length, bag limits, and size limits.

**Table 1. Recreational Fishing Effort and Catch 2016**  
(units in thousands)

Region	Angler Trips	Number Kept	Number Released
North Atlantic	17,482	31,408	54,142
Mid-Atlantic	48,359	63,758	193,088
South Atlantic	73,069	132,346	244,826
Gulf of Mexico	54,403	186,657	208,331
Puerto Rico	654	1,178	353
Pacific Coast	3,818	7,987	4,946
Alaska	514	1,382	747
Hawaiian Islands	1,024	2,483	382

**Source:** Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division, August 16, 2018.

**Notes:** Texas, Alaska, and Pacific recreational fisheries are monitored by state natural resource agencies. The Texas survey does not include released fish. West Pacific U.S. territories and U.S. Virgin Islands are not currently included in the survey. Data for the Pacific coast region is preliminary and will be updated in the coming months.

## Information Collection

Management of marine species requires the collection of data on fishing effort, such as fishing trips and catch of marine recreational anglers (**Table 1**). Data are collected through the Marine Recreational Information Program (MRIP), which is administered by NMFS, regional commissions, and cooperating states. Programs generally consist of a mail survey that attempts to estimate the number of shore and private boat trips, a for-hire survey

that estimates the fishing effort of charter and party boats, and an angler intercept survey that estimates the catch rates and composition of recreational harvest. Some states conduct their own surveys or surveys of specific fisheries that supplement MRIP efforts.

## Actions in the 115<sup>th</sup> Congress

In the 115<sup>th</sup> Congress, several bills have been introduced with provisions that would directly and indirectly affect recreational fisheries. The Modernizing Recreational Fisheries Management Act of 2017 (S. 1520 and H.R. 2023) focuses on marine recreational fisheries. The Florida Fisheries Improvement Act (S. 1748) is more general but includes recreational fishing provisions. All three bills include sections specific to the South Atlantic and Gulf of Mexico regions as well as provisions that would apply to national issues. The House-passed MSA reauthorization bill, Strengthening Fishing Communities and Increasing Flexibility in Fisheries Management Act (H.R. 200), includes sections similar to those in H.R. 2023. Although specific sections of H.R. 2023 and S. 1520 differ, common topics address

- study and review of allocation among fishery sectors in South Atlantic and Gulf of Mexico regions;
- data collection, assessment, and analysis of recreational fisheries; and
- use of alternative fishery management measures in recreational fisheries (alternatives to ACLs).

All four bills would require the Secretary of Commerce to arrange for the National Academy of Sciences to conduct a study on fisheries allocation and direct the Gulf of Mexico and South Atlantic Councils to review the allocation of fishing privileges in their regions periodically.

H.R. 2023, S. 1520, and H.R. 200 also include general provisions that would establish criteria and an expanded review process for exempted fishing permits; provide greater flexibility in applying ACLs and in setting rebuilding time frames for overfished stocks; and address concerns with limited access privilege programs in South Atlantic and Gulf of Mexico mixed-use fisheries.

## Issues and Stakeholder Views

### Allocation

The allocation of the total ACL among different fishing sectors can be extremely controversial. Often, species such as halibut or black sea bass are caught by different sectors. The MSA requires that allocation be fair and equitable to all fishermen. However, one's concept of equity often depends on individual values and beliefs. The allocation of fish among fishing sectors is usually related to historical landings and practices.

Controversy may develop when a sector's fishery is constrained by its sub-ACL, resulting in shortened seasons and stricter management measures. Often this encourages members of commercial or recreational sectors to advocate for a greater portion of the total ACL. Allocation is further complicated by changing fishing conditions, participation, social values, and stock abundance.

Generally, recreational interests are supportive of changes featured in these bills because some believe that study and review of allocation could bolster their arguments for a greater portion of the total ACL. Typically, commercial fishing representatives are skeptical of these reviews because they suspect greater attention could lead to changes that may modify current allocation. Although the allocation review would include only the Gulf and South Atlantic regions, some commercial industry representatives have voiced reservations because they believe allocation studies could have national implications.

### Data

Collection of recreational fisheries data is complicated by the large number of recreational anglers and the scattered nature of landing sites. In most cases, estimates of recreational fishing effort and landings depend on surveys and statistical methods based on a sample of angler effort and catch. Season length is then determined by projections of when the sector's sub-ACL will be reached.

Some recreational fishermen question whether the MRIP provides timely, accurate estimates of recreational fishing activity and whether the associated stock assessments provide a realistic picture of stock abundance. They often contend that strict management measures may not be necessary, especially when they experience high catch rates.

Recreational groups generally are supportive of proposals to increase nongovernmental, state, and other cooperative efforts to collect recreational data. However, there are challenges related to integrating new technologies and reporting systems with existing data collection programs. For example, some studies indicate that voluntary programs using smartphone apps may introduce bias from inconsistent self-reporting.

### Alternatives to ACLs

ACLs have been controversial because quotas often constrain the length of recreational fishing seasons. Many recreational and commercial fishing groups have been supportive of greater flexibility when setting ACLs and rebuilding overfished stocks. Some recreational interests also support alternatives to ACLs. They reason that management measures such as quotas have been designed for commercial fisheries and that measures such as target fishing mortality rates are more appropriate for recreational management. Some interests, especially environmental groups, counter that significant progress has been made in stopping overfishing and that proposed changes could reverse these gains and decrease accountability.

For more information on MSA reauthorization, see CRS In Focus IF10267, *Magnuson-Stevens Fishery Conservation and Management Act (MSA): Reauthorization Issues for the 115th Congress*, by Harold F. Upton.

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IF10949