

**MAGNUSON REAUTHORIZATION**

**A FISHERMAN'S PERSPECTIVE**

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Thank you for the invitation to speak and give my perspective on the reauthorization of Magnuson and how its implementation has affected the fisherman of the South Atlantic. I am Captain Robert Johnson, owner / operator Jodie Lynn Charters in St Augustine FL and have fished the south Atlantic since 1980. Currently, I serve as chairman of the SAFMC Snapper Grouper Advisory Panel as a representative for the charter/head boat sector of Florida.

## What is working with Magnuson?

When it was reauthorized in 2006 most fishermen had no idea as to how it would affect them. The guide lines provided by Magnuson mandated the use of science based management and establish rigid time frames to end overfishing. This was seen by most as a very positive thing. Since then, overfishing has ended. Many stocks of fish are more plentiful today than at any time in my career. The various management councils are to be commended for this huge accomplishment. That is the positive result of the reauthorization.

## What hasn't worked?

Unfortunately this accomplishment has come at a cost to fisherman and coastal communities. The charter fishing fleets in my area has experienced a 50% decline in recent years. Many Captains attribute this to the complete closure of one of the most sought after species in our region Red Snapper. This closure was a direct result of the reauthorization. This was extremely difficult for the public to understand. From their perspective the Red Snapper population had been increasing in size and number and fishing was better than it had been for years. Many felt the decline in fishing effort was a direct result of closing of this one highly sought after species. NOAA Marine Recreational Information Program or MRIP shows a decline in total recreational trips.

[https://www.st.nmfs.noaa.gov/economics/publications/feus/fisheries\\_economics\\_2011](https://www.st.nmfs.noaa.gov/economics/publications/feus/fisheries_economics_2011)

Curiously, MRIP shows an increase in sales, jobs, and income. I'm not sure how less trips and effort translates into more jobs and value; it's not what is happening in my area. MRIP is also tasked with estimating recreational landings used for management decisions that open and close fisheries. In many cases not only have we ended over fishing, for some species fishing has been almost entirely eliminated. The Red Snapper season was one-three day weekend in 2013 for recreational fisherman in the South Atlantic.

## National Standards for Fishery Conservation and Management states:

- 1) Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry.
  - There needs to be more emphasis and attention given to achieving, on a continuing basis, the optimum yield.
  - We need to be sure that we are allowing the fisherman to harvest what the science allows.
- 2) **CONSERVATION AND MANAGEMENT MEASURES SHALL BE BASED UPON THE BEST SCIENTIFIC INFORMATION AVAILABLE.**
  - Fishermen refer to this as *best available science*. We have been told in many cases that the data might not be complete, up to date, may be very little available, *but* it's the best we have and that is what the managers are required to use.

- How can we mandate the use of inadequate data to make decisions that have such profound impacts on people's lives?
- Given the immense value of our recreational fisheries (Southwick Associates gives a number of 70.3 billion in economic output nationwide in 2011) [Comparing NOAA's Recreational and Commercial Fishing, Economic Data Report - Southwick Associates](#)
- [MyFWC.com](#) states saltwater fishing in FL generates \$7.1 billion and supports 69,751 jobs.
- Numbers from the NMFS economic report <https://www.st.nmfs.noaa.gov/Assets/economics/documents/feus/2011/FEUS2011%20-%20South%20Atlantic.pdf> have the charter boat sector in the south Atlantic valued at \$124 million just for 2009 and supporting around 2,000 jobs.
- The same report shows a decline of almost 2 million trips from 2010 to 2011 in the South Atlantic alone.
- The decline in offshore trips isn't directly measured but around 50% of all trips were by shore based anglers.

How can we afford not to fund the research needed by the councils to do the job properly? I often use the analogy that you need open heart surgery but your doctor doesn't have funding for instruments and supplies so you need to take a drink of whiskey and he's going to use a pocket knife, it's pretty sharp - *the best available*. ***There must be a minimum standard required for data used in stock assessments.***

- 3) To the extent practicable, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination.
  - The councils for the most part have done pretty well with this one. The challenge in the South Atlantic is some stocks, like Red Snapper, are more important to some states than others in the EEZ.
- 4) **CONSERVATION AND MANAGEMENT MEASURES SHALL NOT DISCRIMINATE BETWEEN RESIDENTS OF DIFFERENT STATES. IF IT BECOMES NECESSARY TO ALLOCATE OR ASSIGN FISHING PRIVILEGES AMONG VARIOUS UNITED STATES FISHERMAN, SUCH ALLOCATION SHALL BE (A) FAIR AND EQUITABLE TO ALL SUCH FISHERMAN (B) REASONABLY CALCULATED TO PROMOTE CONSERVATION; AND(C) CARRIED OUT IN SUCH A MANNER THAT NO PARTICULAR INDIVIDUAL, CORPORATION, OR OTHER ENTITY ACQUIRES AN EXCESSIVE SHARE OF SUCH PRIVILEGES.**
  - I'm not sure how you assign a privilege to anyone without infringing on the rights of another. For one to receive, someone else has to give. Fish are a resource that should be ***managed for the benefit of all citizens, not just a privileged few.***
- 5) Conservation and management measures shall, where practicable, consider efficiency in the utilization of fishery resources; except that no such measure shall have economic allocation as its sole purpose.
  - Individual areas have big differences.
    - Example: Winter weather in the Carolinas compared to Florida. Closures on different stocks like Black Sea Bass that have been occurring during the winter months have a much greater effect on Florida than the states to the north.
- 6) Conservation and management measures shall take into account and allow for variations among, and contingencies in, fisheries, fishery resources, and catches.
- 7) Conservation and management measures shall, where practicable, minimize costs and avoid unnecessary duplication.

**8) CONSERVATION AND MANAGEMENT MEASURES SHALL, CONSISTENT WITH THE CONSERVATION REQUIREMENTS OF THIS ACT (INCLUDING THE PREVENTION OF OVERFISHING AND REBUILDING OF OVER FISHED STOCKS) TAKE INTO ACCOUNT THE IMPORTANCE OF FISHERY RESOURCES TO FISHING COMMUNITIES BY UTILIZING ECONOMIC AND SOCIAL DATA THAT MEET THE REQUIREMENTS OF PARAGRAPH (2) IN ORDER TO (A) PROVIDE FOR THE SUSTAINED PARTICIPATION OF SUCH COMMUNITIES, AND (B) TO THE EXTENT PRACTICABLE, MINIMIZE ADVERSE EFFECTS ON SUCH COMMUNITIES.**

- We are back to the best scientific information available. The science and in many cases, lack of, is what's driving management.
- From a fisherman's perspective there has been little, if any, consideration given to providing for sustained participation and the minimization of adverse effects on fisherman and their communities.
- Fisherman have been subjected to lower bag limits, increased size limits and shortened seasons. Most fishermen would be surprised to know this language is even in the document. Most feel Magnuson is being used as a weapon against them not as a management plan for their benefit. The loud and clear message they have heard is we have to err on the side of caution, be extremely conservative in setting limits and seasons, and learn to deal with it.
- Management must be allowed the flexibility to take into consideration the adverse effects of some of the rebuilding plans.
- Time frames used in rebuilding should be stock specific, the councils should have the flexibility to consider the adverse effects on the fisherman.
- The decline of these stocks didn't happen in a short time period. The councils need to have a reasonable amount of time to end overfishing

**9) Conservation and management measures shall, to the extent practicable (a) minimize by catch and (b) to the extent by catch cannot be avoided, minimize the mortality of such by catch.**

- More studies need to be conducted on by catch and discard mortality.
  - Post quota by catch mortality estimates are deducted up front from the ACLs. Some of these estimates are based on incomplete, poorly vetted studies.
  - Effort is figured from MRIP estimates.
  - We are estimating how many fish might be killed accidentally; we are estimating how many anglers actually went fishing and what for.
  - The only thing that is not estimated is the very real numbers of fish that are deducted from ACL's.
  - Fishermen deserve better - we have to fund accurate up to date science.

**10) Conservation and management measures shall, to the extent practicable, promote safety of life at sea.**

- In the South Atlantic this is not an area of huge concern. Every captain should know his vessels limitations.
- Extremely short seasons, like the 2013 Red Snapper season in the south Atlantic could encourage someone to make a bad decision.

**The South Atlantic is an extremely diverse region:**

- The SAFMC is charged with managing 72 species; **THIS DIVERSITY REQUIRES FLEXIBILITY.**
- It is impossible to manage such diversity effectively using a one size fits all approach.
- Some species are short lived while others have life spans greater than 50 years.
- Some species are highly fecundate, others are not.
- Some spend their juvenile period in the estuaries others in the open sea.

Fishermen are not asking for unrealistic changes. Fisherman need:

- The council to have some flexibility in how they set up rebuilding plans.
  - Stringent time frames for rebuilding fish stocks are destroying the livelihoods of the very people this management plan was supposed to benefit.
  - The best scientific information available should not be a product of insufficient funding.

Charter fishermen are hanging on by a thread; we need your help. Participation in offshore fishing is on a rapid decline. *Participation is crucial*; without the involvement of the fishing community, *who will make sure the resource is sustainable for future generations?*

There are some very smart dedicated people involved in fisheries management. Please give them the flexibility and financial tools to do their jobs.

Thank you,

Captain Robert Johnson

*Involvement includes Fisheries Management skill in the following:*

- SEDAR assessments on numerous SA species of reef fish to include:
  - Red Snapper
  - Gray Triggerfish
  - Cobia
  - Spanish Mackerel
- Fisheries Independent Data Monitoring Workshop
- ORCS workshop
- National EM workshop
- Fisheries Independent Research with state of FL

**Acronyms:**

SEDAR - South east data assessment review

EEZ - Exclusive economic zone

ORCS - Only reliable catch statistics

MRIP - Marine recreational information program

EM - Electronic monitoring

SAFMC - South Atlantic fishery management council

SA - South Atlantic

ACL - Annual catch limits