

Date/Time

12/09/2021 1:00pm

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Topic (Select One)

2022 Summer Flounder Recreational Measures

Comments

Comments submitted in a Word Docx and pdf file.

Thank you and for your consideration.

December 09, 2021

TO: MID-ATL Council & Staff for December 2021 Hybrid Council Meeting

FROM: Steven Cannizzo – For-hire Fishery Advocate

SUBJECT: Public Comment for summer flounder 2022 recreational measures

Summer Flounder quota allocations have always been viewed on a weight basis determined by guidelines set forth under MSA legislation. The process hasn't changed for years. Regulations have but the process has virtually been the same based on MSA for decades how those regulations are arrived at. Estimate OFL. Convert that to ABC. Break that down between landings and discard portions now based on New MRIP. Then break down landings and discards between sectors, establish the ACL for each sector, convert that to ACT for each and convert that to the Commercial Quota or RHL. Once weight quotas have been established between sectors for commercial quota and recreational harvest limits, regulations are established with the goal of attaining those weight related threshold levels.

New MRIP statistics became available in the 66th Stock Assessment Report. Significant changes in previously reported recreational catch and landings weights were adjusted from Old MRIP to New MRIP impacting all aspects of the recreational sectors yearly regulations while as you know historical allocation percentages between sectors based on those very same weights were never retroactively adjusted and brought current to reflect the changes New MRIP created in historical allocation percentages.

National Standard 4 of the Magnuson Stevens Act states the following:

§ 600.325 National Standard 4 - Allocations.

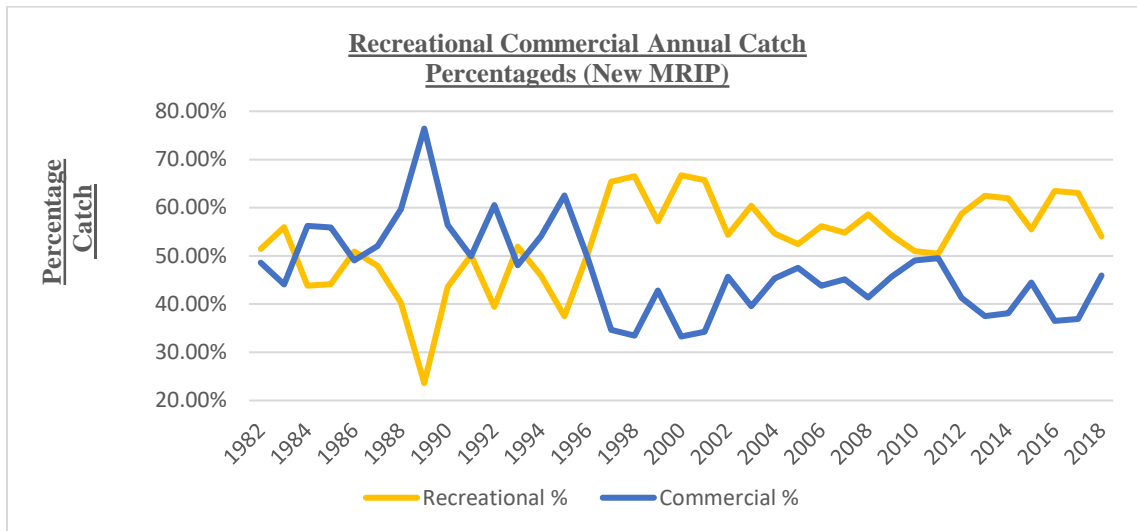
(a) ***Standard 4.*** Conservation and management measures shall not discriminate between residents of different states. If it becomes necessary to allocate or assign fishing privileges among various U.S. fishermen, **such allocation shall be:**

(1) Fair and equitable to all such fishermen.

(2) Reasonably calculated to promote conservation.

(3) Carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privileges.

The current and long-time allocation being used between sectors is 60% commercial, 40% recreational. The following graph based on New MRIP illustrates the historical and current allocations between sectors over the last forty years.



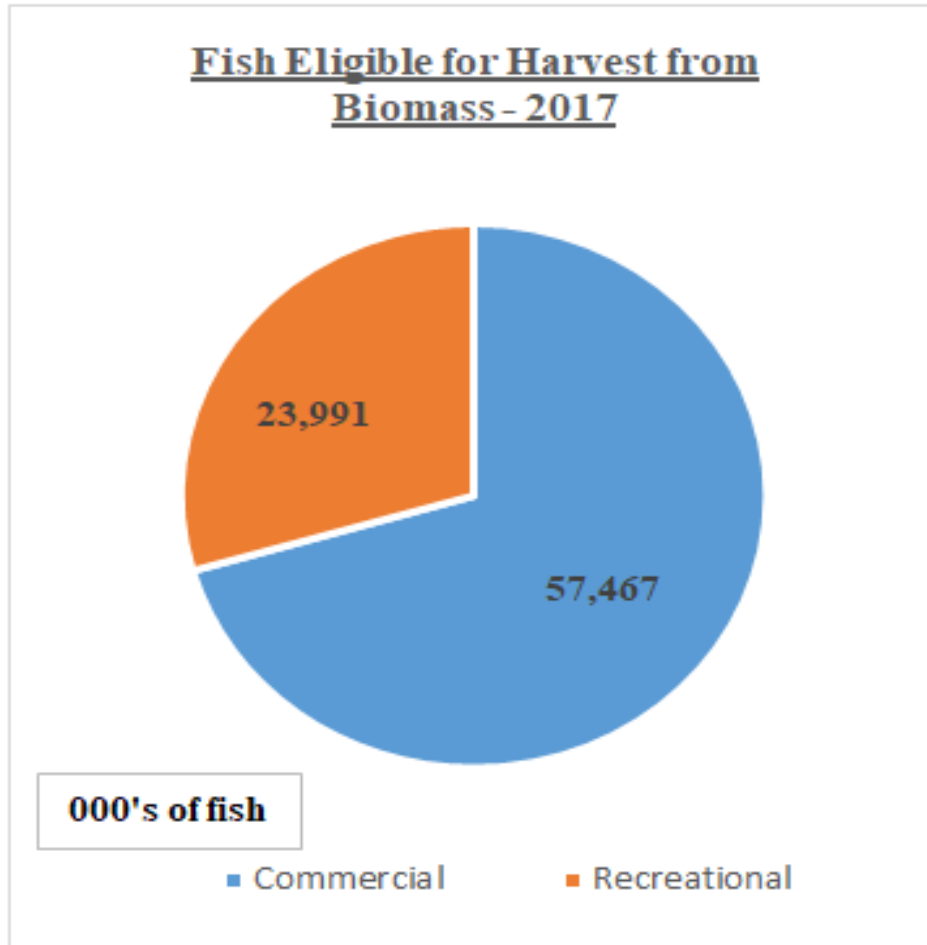
Other than an anomaly in the late eighties when the stock crashed, there were very few years before 1996 when the recreational sector catch was as low as 40% of overall catch. Since 1996, recreational catch, if anything, has been closer to 60% of combined catch as opposed to commercial having the greater percentage. The following table illustrates that point, especially over the last two decades.

Averages:

'82 - '89	89,478	103,332	192,810	46.41%	53.59%
'90 - '99	71,724	67,865	139,589	51.38%	48.62%
'00 - '09	99,366	72,277	171,643	57.89%	42.11%
'10 - '18	71,486	52,470	123,956	57.67%	42.33%

As New MRIP is used to determine annual quotas based on the algorithm above ultimately the basis for recreational regulations in terms of size minimums, possession limits and season lengths, National Standard 4 referenced above needs to be followed. Fair and Equitable Allocations between fisherman or in this case sectors, New MRIP statistics is required to be used in arriving at fair and equitable allocations applied in a manner no individual, corporation or entity acquires an excessive share of privileges. **Failure to adjust allocations appropriately based on New MRIP is a violation of National Standard 4.**

This is not a quota allocation issue but another consequence of how regulations have been set and therefore tied to New MRIP, the commercial sector has a 14” minimum for fish eligible for harvest while the recreational sector based on NJ, NY, CT. and RI, four states representing approximately 85% of the RHL have minimums for harvest of either 18” (NJ) or 19” for the other three states. That discrepancy in size has given the commercial sector exclusive harvest rights to a substantial portion of the overall population of this stock while taking those harvest rights away from the recreational angler. Another apparent violation of National Standard 4 of the Magnuson Stevens Act. The below pie charts illustrate that extreme disparity in the unfair and inequitable allocation of this stock:



Because of the imbalance caused in historic allocations when New MRIP was adopted, recreational size minimums continued increasing over the better part of the last two decades as a means of constraining recreational landings. **That effort resulted in historically high discard rates causing historically high catch levels within the sector, all ultimately regulated by recreational quotas based on New MRIP statistics.** This is all interconnected. The result is the recreational sector has received an unfair low share of the annual Allowable Biological Catch. Recreational minimums have been increased to constrain recreational catch resulting in historic levels of discards. Historical levels of discards have caused historic levels of discard mortality in the recreational sector taking a significant portion of the recreational quota and shifting it from landings or harvest to discard mortality or waste of the resource. The result as seen in Table 2:

Table 2: Summer flounder recreational catch and landings under revised MRIP estimates, Maine through North Carolina, 1981-2019, all waves (2019 projected based on data through wave 4).^a

	Catch (mil fish)	Harvest (mil fish)	Harvest (mil lb)	% Released (Released Alive)	Mean Weight of Landed Fish
1981	22.77	17.02	15.85	25%	0.93
1982	26.07	19.29	23.72	26%	1.23
1983	36.35	25.78	36.74	29%	1.43
1984	39.82	23.45	28.23	41%	1.20
1985	26.28	21.39	25.14	19%	1.18
1986	32.52	16.38	26.47	50%	1.62
1987	29.94	11.93	23.45	60%	1.97
1988	25.45	14.82	20.79	42%	1.40
1989	5.07	3.10	5.66	39%	1.82
1990	15.47	6.07	7.75	61%	1.28
1991	24.83	9.83	12.91	60%	1.31
1992	21.11	8.79	12.67	58%	1.44
1993	36.18	9.80	13.73	73%	1.40
1994	26.11	9.82	14.29	62%	1.45
1995	27.84	5.47	9.02	80%	1.65
1996	29.75	10.18	15.02	66%	1.47
1997	31.87	11.04	18.53	65%	1.68
1998	39.09	12.37	22.86	68%	1.85
1999	42.88	8.10	16.70	81%	2.06
2000	43.26	13.05	27.03	70%	2.07
2001	43.68	8.03	18.56	82%	2.31
2002	34.48	6.51	16.29	81%	2.50
2003	36.21	8.21	21.49	77%	2.62
2004	37.95	8.16	21.20	79%	2.60
2005	45.98	7.04	18.55	85%	2.63
2006	37.90	6.95	18.63	82%	2.68
2007	35.27	4.85	13.89	86%	2.86
2008	39.48	3.78	12.34	90%	3.26
2009	50.62	3.65	11.66	93%	3.20
2010	58.89	3.51	11.34	94%	3.23
2011	56.04	4.33	13.48	92%	3.12
2012	44.71	5.74	16.13	87%	2.81
2013	44.96	6.60	19.41	85%	2.94
2014	44.58	5.37	16.24	88%	3.02
2015	34.14	4.03	11.83	88%	2.92
2016	31.24	4.30	13.24	86%	3.08
2017	28.03	3.17	10.06	89%	3.18
2018	23.55	2.41	7.60	90%	3.15
2019 (proj.) ^b	28.69	2.22	7.06	92%	3.18

^a Source: Pers. Comm. with the National Marine Fisheries Service, Fisheries Statistics Division, October 28, 2019. ^b Projected using proportion by wave from 2018 MRIP data and 2019 MRIP wave 1-4 data.

The recreational sector has essentially been regulated into a catch and release fishery. ***Impacts of that are over 4 million less recreational directed angler trips between 2013 and projected 2019 and 82% of recreational directed trips in 2018 resulting in zero fish being harvested.*** The recreational sector, based on the introduction of New MRIP to quantify catch quotas but the exclusion of New MRIP to establish the correct allocation based on historical percentages between sectors has created severe socio-economic consequences not only to the sector but more importantly to small businesses, economies of the states participating in this fishery from the Mid-Atlantic and New England Regions and shore communities whose legacy in large part founded on recreational fishing.

With 4 million less recreational trips a year, the direct result of this allocation issue, has cost the recreational sector an estimated billion less in economic stimulus a year based on anglers who refuse to spend the kind of money required for a day of fishing only to go home with empty cooler. If changes aren't made to address this issue, we're not only going to lose a currently failing fishery, we're going to lose a recreational activity that's been part of shore based communities longer than all of us have been alive.

Salient bullet points:

- Maximize the efficiency of breeding stock – the spawn
- Msy is built on the shoulders of recruitment
- A ten-year trend of below avg recruitment indicates that harvest must shift from the current recreational practice in targeting female summer flounder
- A one-year uptick in recruitment, and using this one data point, is not a reason to base regulatory policy for the upcoming 2022 and 2023 fishing years
- Fisheries grow and become sustainable when reproduction and recruitment grow, and it is apparent that the summer flounder fishery is one underperforming as far as recreational catch and harvest by the four recreational modes (party, charter, private vessel, shore bound)
- MRIP continues with a high level of bias and data inaccuracy in giving a reasonable indication of the overall health of the biomass

Comments submitted electronically for public viewing.

For your consideration,

STEVEN CANNIZZO

For-hire Fishery Advocate