



PRESS RELEASE

Recreational Fishing Alliance

176 B South New York Road, Galloway, NJ 08205
P: 1-888-564-6732 F: 609-404-1968

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Contact: Jim Hutchinson, Jr.

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888 564-6732

CONGRESSIONAL HEARING ON MAGNUSON ANGLERS CHARGE NMFS WITH FAILING TO MEET MANDATES

On October 27, the House Natural Resources Committee, Subcommittee on Insular Affairs, Oceans and Wildlife chaired by Del. Madeleine Z. Bordallo (D-GU) held an oversight hearing on implementation of the *Magnuson-Stevens Fishery Conservation and Management Act of 2006 (MSA)*, signed into law in 2007. In exploring progress made by the National Marine Fisheries Service (NMFS) and the Regional Fishery Management Councils in setting annual catch limits and accountability measures to end overfishing and rebuild overfished fish stocks as required by MSA, the Subcommittee heard ample testimony from fishermen challenging NMFS with failing to meet congressional mandates to improve the quality and accuracy of recreational data.

“Unfortunately, many in the recreational fishing public have come to view our federal government as the enemy - having experienced decades of larger and larger minimum size limits, shorter seasons and smaller bag limits in fisheries that we know are healthy,” said Herb Moore, Jr., a Princeton, NJ based attorney and counsel to the Recreational Fishing Alliance (RFA). In testifying on behalf of RFA and its national membership, Moore charged NMFS and the councils with managing the recreational fishing sector using poor recreational fishing data and attempting to meet arbitrary rebuilding timelines without adequately fulfilling their own commitments to the recreational sector. “We believe NMFS needs a complete overhaul in how it views recreational fishing and we believe this Congress can help in this process.”

In his detailed testimony, Moore explained how the primary data collection system used by NMFS to determine annual recreational harvest (the Marine Recreational Fisheries Statistics Survey or MRFSS for short), has been determined to be “fatally flawed” by the National Research Council (NRC) and in need of significant improvements in order to address significant deficiencies. “Unfortunately, NMFS has not met its mandates,” Moore said. “The problems with MRFSS have been well-documented for years and it took an act of Congress to get NMFS to move on this, but the process has been slow,” Moore added. In his written testimony, Moore said “RFA can identify only five of the 18 NRC recommendations as being fully or partially implemented since the release of their findings back in 2006,” adding “RFA is not pleased with the selective implementation of MSA mandates and the lack of commitment on behalf of NMFS to make meaningful improvements to recreational data collection programs.”

Charter and party boat Captain Mark Brown of Charleston, SC pointed out that members of the recreational sector have been forced to hire independent scientists to review the science currently being used to drive this decision making process, but still the “fatally flawed” harvest data is ultimately used to close specific fisheries. “NMFS continues to move forward like a runaway train, processing unwarranted, draconian management measures for not only the red snapper fishery, but for the entire multi-species snapper/grouper complex of the Southeast Atlantic,” Brown said.

Brown, like Moore, noted that these restrictive measures are required due to rigid language set in stone within the federal fisheries law. “These measures are due to the mandates of the rigid and inflexible timeframes set forth within the MSA and are being forced upon the fishermen without sound statistics and without a clear understanding of why fisheries managers are forced

to accept scientific information that makes absolutely no sense,” Brown said, adding “Therefore, I am here to ask for the support of and need to move the Flexibility bills that are in both houses.”

The Flexibility in Rebuilding American Fisheries Act of 2009, sponsored in the House by Rep. Frank Pallone (HR 1584) and in the Senate by Sen. Charles Schumer (S 1255), would extend the authorized time period for rebuilding certain overfished fisheries provided that certain conditions are met. Jim Donofrio, Executive Director of the RFA who was on-hand for the hearing, believes that the flexibility argument is lost on some of the bureaucrats at NOAA however. “From what I heard here in DC, NMFS doesn’t seem to be budging on the argument for building flexibility into MSA, which is clearly contradictory to their recent actions.”

Donofrio said if fishery managers truly had flexibility to make more responsible management decisions, then socioeconomic factors within the coastal communities would have given NOAA pause to implement emergency closures. “If black sea bass is fully rebuilt and amberjack is on a rebuilding trend, why is NOAA using broken harvest data to shut down these fisheries, deny public access and put our recreational industry at risk of collapse,” Donofrio said. “We’d understand if these fisheries were in trouble, but using MRFSS to close healthy fisheries isn’t being flexible, so their arguments really ring hollow,” he said.

Rep. Pallone noted that because the best available science is generally uncertain, it creates total allowable landing figures that unduly restrict the fishermen, which contributes to his concerns about the rebuilding targets. “Other factors should be included in determining rebuilding targets besides fishing, for instance are environmental factors such as the development and degradation of estuaries, is that being taken into account,” Pallone asked. The Congressman from New Jersey adding that in his opinion the best way to address these issues is to incorporate limited flexibility in the federal fisheries law.

When asked by Subcommittee Chairwoman Bordallo to explain RFA’s opposition to accountability, noting harvest limits based on best available science as being the cornerstone of sustainable fisheries management, Moore said “I don’t think it’s fair to categorize me as being in opposition to accountability.”

“I think what this committee needs to look at is the fact that NMFS is moving forward with accountability measures and annual catch limits and has grasped onto the mandates of Magnuson to move forward with those measures before they have moved forward adequately enough to address the deficits and the deficiencies in recreational fisheries data,” Moore explained.

“Magnuson is clearly a broken instrument of the law that needs to be fixed to allow for more access, conservation, and rebuilding,” said Capt. Brown in his testimony, adding “All of these goals can be met without draconian measures that will certainly undermine sustainability.”

Go to www.joinrfa.org/press/HerbMooreTestimony_102709.pdf to view a copy of Herb Moore’s submitted comments to Congress. For an archived audio version of the October 27 Subcommittee hearing at the Longworth House Office Building in Washington DC, check back at <http://resourcescommittee.house.gov>.

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*The Recreational Fishing Alliance is a national, grassroots political action organization representing recreational fishermen and the recreational fishing industry on marine fisheries issues.
The RFA Mission is to safeguard the rights of saltwater anglers, protect marine, boat and tackle industry jobs, and ensure the long-term sustainability of our Nation’s saltwater fisheries.
For more information, call 888-JOIN-RFA or visit www.joinrfa.org.*