



PRESS RELEASE

Recreational Fishing Alliance

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For Immediate Release
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NOAA FOLLOWS COUNCIL ADVICE – INCREASES SEA BASS QUOTA FOR 2010

Four months after declaring an emergency six-month recreational closure on the black sea bass fishery, the National Marine Fisheries Service (NMFS) voted in favor of another emergency action, this time to increase the 2010 quota for black sea bass by nearly 61 percent. The good news for recreational anglers is that NOAA's action will expand the 2010 black sea bass season from being open only during the months of June and September as is currently slated; by how much, is yet to be determined. The bad news is that NOAA's decision does not affect the present closure, and the federal government has no intentions of opening the traditional fall and winter sea bass fishery in federal waters.

NMFS' decision to increase the total allowable catch (TAC) for black sea bass in 2010 from 2.71 million pounds to 4.5 million pounds "is necessary to increase specifications consistent with the recently revised catch level recommendation from the Mid-Atlantic Fishery Management Council (Council) and its scientific advisors, the Scientific and Statistical Committee (SSC)." The decision was made following a request by the Mid Atlantic Fishery Management Council (MAFMC) in January to consider emergency action to increase the acceptable biological (ABC) catch of sea bass by 2.2 million pounds. In a letter to NOAA regional administrator Pat Kurkul, MAFMC chairman Richard Robins referenced a joint meeting of the SSC and Black Sea Bass Monitoring Committee whereby the previous total allowable landings (TAL) recommendation of 2.3 million pounds was officially revised. "The increased recommendation can be reasonably expected to alleviate significant, negative social and economic impacts relative to the initial ABC recommendation," Robins said.

The SSC's scientific advisors to the council concluded that 2010 catch limits, after being halved in 2009, should be restored to 2008 levels. The council's request came on the heels of a December decision by the MAFMC to ask the SSC and Black Sea Bass Monitoring Committee to reconvene in order to address scientific and management uncertainties in the sea bass fishery.

Capt. Adam Nowalsky, chairman of the New Jersey chapter of the Recreational Fishing Alliance (RFA-NJ) said the decision to have both committees review the sea bass data was vital in the federal decision to increase the quota. "When they had previously met on this issue in July, they did not fully understand that the 2009 quota was already highly precautionary, and reflected the results of a no longer valid stock assessment methodology that had previously indicated sea bass stocks were in precipitous decline," Nowalsky said. Ultimately, the science panel decided that the 2008 landings were a better baseline than 2009 for setting the 2010 quota, since "landings at that level have not caused a decline in the stock and the stock is now considered rebuilt and no overfishing is occurring," the RFA-NJ chair said.

This past October, NOAA Fisheries began enforcing an emergency 180-day closure on the black sea bass recreational fishery in federal waters along the Mid-Atlantic Coast in response to random survey data indicating that recreational fishermen "may catch more than double their annual quota" by the end of 2009. NOAA cited preliminary harvest information compiled through the Marine Recreational Fishing Statistical Survey (MRFSS) as indication that recreational anglers could exceed their 1.14-million-pound harvest limit by as much as 84 to 225 percent, thereby impacting their 2010 allowable harvest as well.

RFA responded to the unprecedented federal shutdown of the black sea bass fishery in a legal challenge filed in U.S. District Court on behalf the Northeast and Mid-Atlantic recreational community, seeking declaratory and injunctive relief with “expedited consideration” against the Secretary of the United States Department of Commerce, NMFS and NOAA. According to Herb Moore, one the lead attorneys for the RFA and their fellow plaintiffs, the federal government has proven its inability to properly manage fisheries. “In light of this latest announcement from NMFS increasing our current sea bass quota, I think they’re well within their legal jurisdiction to reopen this fishery,” Moore said. “It’s what we’ve said all along, there was no justification for shutting down this fishery in the first place.”

In a 39-page legal brief, the plaintiffs maintain that the sea bass closure is “unprecedented for a fish whose stocks are considered rebuilt, not overfished, and not subject to overfishing,” while charging the federal government with instituting a closure “largely based upon the misapplication and misuse of a fatally flawed angler survey which NMFS itself has acknowledged is not to be used for this type of decision.”

According to the RFA, that “fatally flawed” survey data compiled through the Marine Recreational Fishing Statistical Survey (MRFSS) program has been leading to decreased fishing opportunities for American anglers every year, despite mandates by Congress to fix the system. “It’s abuse on the part of the federal government to use this data for a complete shutdown,” said RFA Executive Director Jim Donofrio. “NOAA has really showed their hand on this decision, making it quite clear of their disdain for our recreational industry,” Donofrio added.

“Businesses from Massachusetts to North Carolina are being closed down because of an unwarranted closure based on fatally flawed science and a system that has removed common sense and logic from fisheries management,” said RFA-NJ board member Tony Bogan. Bogan, who also represents the United Boatmen said it’s tough to see the silver lining in NOAA’s decision to increase the quota for 2010 ever so slightly when the stock is considered a rebuilt fishery. “As ridiculous as it sounds, we still have a situation where the businesses and anglers that rely on the winter time offshore sea bass fishery are shut out of a healthy fishery despite the best available science that says they should not be,” Bogan said.

For the staff at the RFA, fisheries management in 2010 seems to have become a process of fighting authority on every single fisheries management action. “You’ve got to look at the work of guys like Captains Bogan and Nowalsky who were instrumental in getting the Council to send the SSC and the Monitoring Committee back to the table,” said RFA Managing Director Jim Hutchinson, Jr. “This grassroots lobbying effort at the state level with our RFA chapters will have to strengthen if we’re going to have any semblance of fisheries access in the future. Regrettably, it seems our RFA chapters in New Jersey, New York and down through the Southeast and Gulf coasts are only going to get busier in the days ahead,” Hutchinson added.

RFA’s attorneys are still reviewing options for the federal legal challenge, citing substantial and irreparable harm brought forth by the emergency closure on a statistically rebuilt fishery. “We have to make sure that NMFS never does this again,” said legal counsel Ray Bogan.

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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.*