



# PRESS RELEASE

## Recreational Fishing Alliance

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### **NOAA IGNORES INPUT FROM RECREATIONAL FISHING COMMUNITY “FATALLY FLAWED” DATA USED TO KEEP AMERICA FROM FISHING**

As reported in the Asbury Park Press of New Jersey on October 2, the Recreational Fishing Alliance (RFA) is exploring legal options to block a federal shutdown of the black sea bass fishery along the Eastern Seaboard. "This is unprecedented, absolutely unprecedented," RFA's Jim Donofrio told the Press just hours after the National Oceanic and Atmospheric Administration (NOAA) announced its intention to close the fishery in federal waters of the Exclusive Economic Zone (EEZ) from Cape Hatteras, NC north to the Hague Line in Maine beginning Monday, October 5 for a period of 180 days.

NOAA's decision to immediately close the sea bass fishery is based on the "best available information" coming from the recreational harvest surveys for 2009 which shows that recreational fishermen "may have" overharvested their allowable catch this season. "It's abuse on the part of the federal government to use this data for a complete shutdown," Donofrio said, explaining that a precautionary approach would've been emergency bag limit restrictions, not a complete closure. "NOAA has really showed their hand on this decision, making it quite clear of their disdain for our recreational industry," Donofrio added.

The RFA points out that NOAA is basing its decision to close the fishery for the next six months on the latest trends coming from the Marine Recreational Fishing Statistical Surveys (MRFSS), a survey methodology called "fatally flawed" in a report by the National Research Council (NRC). The RFA points to a position paper on their homepage at [www.joinrfa.org](http://www.joinrfa.org) as detailing the "serious flaws" in MRFSS according to the NRC report. The congressional mandated peer review said specifically in 2006 that there were "inadequate analysis methods that need to be addressed immediately," yet three years later the data is still being used as gospel harvest information on important coastal fisheries like summer flounder, scup and sea bass.

In a letter to James Balsinger, Acting Assistant Administrator of the National Marine Fisheries Service (NMFS) U.S. Representative Frank Pallone, senior member of the House Natural Resources Committee, and fellow New Jersey coastal congressman John Adler. said an emergency shutdown will hurt coastal economies at a difficult time, and insists there's no need to take such drastic action on a rebuilt fishery such as sea bass. "We believe that using the Marine Recreational Fishing Statistical Survey (MRFSS) as the only tool in determining the shutdown of a fishery is severely flawed," the New Jersey Congressmen said, while adding "in light of the fact that MRFSS is not the most accurate way to measure catch levels, NMFS should pursue new assessments that are more concise. The review should include industry data that can provide an index of fishing activity."

While the NRC has previously stated that industry data like fuel sales, tax records, marine receipts or even NOAA's own weather data should be used at least to help validate the MRFSS data, the National Marine Fisheries Service (NMFS) through NOAA is still incapable or unwilling to recognize this information. "You'll see some conservation groups rally around closures like these based on the use of what's called the best available science, but clearly science isn't being recognized as some scientists have said it should," said Donofrio. "NOAA's decision on black sea bass shows utter disdain for the fishing industry and blatantly ignores the findings from the National Academy of Sciences."

RFA is currently collecting input from throughout the industry from New England through down through Carolinas, and is hoping to lead the charge for a federal injunction to stop the closure. However, fishing advocates have acknowledged that it's going to be a tough week of rallying for support, and there may be no way to protect against the emergency closure taking place on Monday. While coastal waters from 0 to 3 miles will remain open for the sea bass fishery next week, those federal permit holders will be forced to immediately stop the harvest of sea bass.

"We have to make sure that NMFS never does this again," said Ray Bogan, legal counsel for the United Boatmen, a NY/NJ party and charter boat organization. Bogan said that NOAA's decision to use preliminary, as yet incomplete data from the recreational surveys from 2009 is an unheralded action on behalf of the federal fisheries service. "This takes MRFSS even one step further than we've ever seen, as it uses the bad data before it's even finished being compiled."

Bogan points out that MRFSS data from March and April of this past season indicates that the private fishing fleet actually outfished the for-hire sector, a near impossibility considering that black sea bass are still at the offshore grounds at that time of year, from 30 to 50 miles from nearly any coastal inlet and most recreational boat owners have not even put their boats in for the season at that time.

"We can all agree that sustainable fisheries are the most important goal. However, to continue this assault on recreational fisheries with minimal results is not acceptable," the Pallone/Adler letter concluded.

RFA is hoping to they can get enough buy-in from the for-hire sector and tackle industry within the next 3 to 5 days to move forward with attempts to get an emergency injunction, but recognize that the industry is already reeling from serious loss of business due to NOAA's ever-tightening noose of regulatory efforts on other fisheries including summer flounder and scup. "The fall sea bass fishery is a significant part of my business," said Clark Evans from Old Inlet Bait and Tackle in Indian River, DE. Evans, like most other tackle shop owners from New England through the Mid Atlantic region said sea bass are a sustaining part of the local business during times when summer flounder season is closed or other species like striped bass simply aren't available.

"We have shops and captains we represent who were hoping to make up a couple of lost dollars through the next holiday season on a healthy and robust fall and winter sea bass fishery, so money's not just tight, it's just not there," said Donofrio. "Our new NOAA administrator has not only circumvented the management process and ignored the input from our industry, but it's as if the Administration has turned her back entirely on the Bill of Rights and the 10<sup>th</sup> Amendment."

Click here (<http://www.joinrfa.org/Press/SeaBassLocke.pdf>) to view RFA's letter to Secretary of Commerce Gary Locke, asking that MRFSS "not be used as the basis for real-time monitoring or in season adjustments to the recreational sector."

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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](http://www.joinrfa.org).*