

## Recreational Fishing Alliance (RFA) CONGRESS TO BLAME FOR BLACK SEA BASS CLOSURE Unrealistic Provisions In Magnuson Stevens Act Strike Again

### The black sea bass fishery is rebuilt. However, the stock is too healthy for anglers to go fishing.



**A**ccording to the Mid Atlantic Fishery Management Council (MAFMC), there are simply too many black sea bass along the East Coast which has led to too much angler success. Because the stock is so healthy, NOAA Fisheries will

have no choice but to shut the fishery down for the next four months while considering how to take a huge chunk of the allowable catch away from anglers in 2013.

The Recreational Fishing Alliance (RFA) says credit for this fisheries fiasco can be given to the 109th Congress which convened from 2005-2007.

"Congress reauthorized the federal fisheries law in 2006 by incorporating ridiculous, empty-headed logic pushed by environmentalist organizations, and for the past 5 years our legislators have refused to accept their responsibility for destroying the original intent of Magnuson," said RFA executive director Jim Donofrio, who called the federal fisheries law a "jobs killer" as reauthorized.

"Our thanks to the U.S. Senate for refusing to hold substantive hearings on these issues and for voting for nation's primary fisheries law by unanimous consent," Donofrio said, calling the Senate actions in 2006 "reckless and cavalier."

At last week's MAFMC meetings, it was reported that the 2012 recreational harvest limit of black sea bass exceeded 2.3 million pounds of fish through the first four (out of six) full 'waves' of recreational data collection. Given that the recreational sector was given a 1.3 million pound catch limit for the entire year, it is expected that both state and federal waters will soon be closed to recreational sea bass harvest in November and December, and possibly well into 2013.

"RFA was adamant with members of Congress in 2005 and 2006 that the new language for the Magnuson reauthorization would ultimately put healthy and rebuilt fisheries off limits to the recreational fishing community, but the national organizations and environmentalists who supported the new changes seemed to know more than local

fishermen," Donofrio said. "Kudos to you for helping destroy your own industry from the ground up," he added.

Due to wording in the Magnuson Stevens Act signed into law in 2007, since the recreational fishing community exceeded its annual catch limit (ACL) on black sea bass in 2012, accountability measures will be triggered meaning any overages this year could come off of next season's allowable landings. RFA warns that it's entirely possible due to how Congress worded the federal law that the full overharvest in 2012 could be applied directly to the 2013 ACL.

"If you consider that we're over the ACL by about 95%, imagine what happens next year when only get to fish on 5% of our allowable harvest," Donofrio said. "A healthy fish stock yet boats will be lucky to sail a week or two at most. And to think that Magnuson was originally passed to help foster a prosperous American fishing industry."

RFA last reported on the present absurdity in fisheries management on June 1 when NOAA Fisheries noted how recreational fishermen are catching their red snapper quota faster as the population grows and the fish get bigger. Following an updated population assessment that showed overfishing of Gulf of Mexico red snapper had officially ended and the population was actively rebounding, NOAA Fisheries rewarded the recreational sacrifices by reducing the red snapper season by 8 days from the previous year; a year in which statistical overfishing was still taking place.

"How's that for fishery management, as the population of fish grows the days which anglers are allowed on the water is reduced," Donofrio said at the time, adding "When fish stocks are low, managers stop us from fishing to protect the fish, yet as the population grows and the stocks become more plentiful, managers do the exact same thing, they stop us from fishing to protect the fish."

RFA has been pushing legislation in Congress to reintroduce some sensibility in fisheries management by incorporating some limited management flexibility into the federal fisheries law. Specifically, Rep. Frank Pallone's (D-NJ) Flexibility and Access in Rebuilding American Fisheries Act would effectively deal with rebuilding timelines, rigidly enforced ACL's and accountability measures, while requiring a full review of the NOAA's recreational data collection by the National Research Council (NRC).

Supported by 19 bipartisan coastal co-sponsors, this particular Magnuson reform bill has been attacked by the same environmental groups who helped rewrite Magnuson in the first place, and has been wrongly opposed by a handful of Beltway insiders to the detriment of the entire recreational fishing community. An alternate bill pushed by some national organizations would only provide ACL relief on fisheries where no stock assessments have been performed in the past 6 years; both black sea bass and red snapper have been assessed within that timeframe so they could not qualify for such relief.

"This flexibility argument to navigate around arbitrary

deadlines and these damaging ACL restrictions was met with opposition by our own national boating and tackle industry, though I'm not sure what they're thinking," Donofrio said. "Black sea bass, red snapper, gag grouper, summer flounder, these fisheries closures are piling up because of failure to jump onboard to support our local tackle shops and for hire boats, I'm not sure how much longer we can hold back this federal attack on our local rights."

RFA had extensive conversations with key House members in 2006 about how language being moved forward in the reauthorization which dealt with ACL's and accountability measure would lead to significant problems with rebuilt and rebuilding recreational fisheries.

"We've been relatively lucky in the Mid Atlantic to this point as compared with recreational fishermen in other parts of the country," Donofrio said. "Our members in the South Atlantic were just given 6 days to fish for red snapper since 2010 where we've actually lost days in the Gulf of Mexico, which is mind-boggling considering the history and importance of red snapper to the recreational sector."

The black sea bass situation, grave as it is, could've been far worse had it not been for extensive pressure applied by the RFA and its grassroots activism. An omnibus amendment considered by the MAFMC in 2010 originally would've provided NOAA Fisheries with the ability to shut down fisheries like black sea bass by the third wave of recreational data collection, a rule which would've effectively closed the black sea bass season at the height of the summer tourism season.

"RFA argued successfully that NOAA Fisheries' inability to respond to a congressional mandate to overhaul the recreational data collection program was reason enough to delay use of in-season measures like these, which are so damaging to our recreational sector," Donofrio said. "We believe that NOAA is still using fatally flawed recreational data, and it's high time they opened their doors to another NRC review before continuing this assault on our nation's recreational fishing community."

RFA is still pushing for a Senate committee hearing on the issues related to ACL's, accountability measures and flawed science, but with Congress essentially stalled for the November elections, it's hard to see anything productive occurring before the year is out.

"Congress has simply kicked the can down the road on this issue due to opposition by environmental organizations and the stubborn foolishness of a few Beltway insiders who refuse to take a tough, honest stand on behalf of local business," Donofrio said.

"We warned you what would happen, and whether or not you care to face the facts with your members at glad-handing summits and trade events, the fact is that we've been right all along and you've done nothing but stand in the way of progress," he added.

