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Recreational Fishing Alliance

For Immediate Release

NOAA 'CHAMPIONS' ANOTHER CLOSURE No Red Snapper Fishing Until Further Notice

December 4, 2009 - On Thursday afternoon, President Obama wrapped up a jobs forum in Michigan by challenging the nation's top CEOs, business leaders and economists to come up with innovative ideas to put Americans back to work. At the same time, NOAA Fisheries issued pink slips to thousands of South Atlantic and Gulf fishermen who rely on access to a healthy red snapper fishery.

On December 3, NOAA announced a 6-month ban on both the recreational and commercial harvest of red snapper in South Atlantic federal waters off Florida, Georgia, South Carolina, and North Carolina beginning on January 4. The provisions specified in the interim prohibition rule also apply to a person on-board a vessel for which a federal commercial or charter/headboat permit for the South Atlantic snapper-grouper fishery has been issued, regardless of whether the fish are harvested or possessed in state or federal waters.

U.S. Congressman John L. Mica (FL-07) called the Administration's decision to impose the ban on red snapper fishing throughout the Southeast U.S. coast an economic disaster for the region. "During this time of economic downturn this ban will be a significant job killer and an economic blow to nearly every coastal community from North Carolina to South Florida," stated Mica.

Dave Heil, a Florida-based attorney for the Recreational Fishing Alliance (RFA) has filed a lawsuit in federal court in Jacksonville and will seek an emergency injunction to prevent the ban from taking effect and asking a judge to throw out the rule that created the ban. "We have today filed a lawsuit in Federal Court in Jacksonville, FL and we feel confident that once a federal judge reviews the arbitrary and capricious methods used by the National Marine Fisheries Service, the closure will be overturned," Heil said.

Heil and the RFA charge that the South Atlantic Fishery Management Council (SAFMC) and National Marine Fisheries Service (NMFS) are using improper data to drive their decision, and explain the government has already acknowledged that the data collection methodology used to make the closure determination was never intended to be used for such purposes. The red snapper complaint filed on behalf of the RFA charges NMFS with ignoring mandates from the federal fisheries law (Magnuson Stevens Act) to address inconsistencies within the data collection process. "It is apparent that the SAFMC and the NMFS have ignored the Magnuson Stevens in passing the Interim Rule using the obviously flawed data from MRFSS," Heil added.

"This ban will put thousands of marginal sport fishing tourist enterprises out of business," Rep. Mica said, adding "The timing couldn't be worse for Florida with its tourism and fishing seasons set to begin at the start of the New Year and with the economy at its worst in years."

At a NOAA sponsored tackle trade show summit in October held in San Diego, CA, Under-Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator, Jane Lubchenco told tackle industry leaders that NOAA was actively responding to the concerns expressed by recreational fishing leaders "that we don't pay enough attention to recreational fishing," summarizing her address by saying "We will be your champions." In her first 9 months as NOAA

Administrator, the former Pew Fellowship Award winner has championed the complete recreational closure of black sea bass, amberjack and red snapper.

"If this is what Ms. Lubchenco means by being our champion, I'd hate to think about what NOAA will do when they decide to really go after us," said Jim Donofrio, Executive Director of the RFA. Donofrio said the RFA has already submitted a legal challenge in the Mid-Atlantic in response to the NOAA's decision to close the sea bass fishery, and he's hoping that the RFA FL membership base can help rally around Heil's legal challenge on behalf of red snapper.

"NOAA continues to put nails into the coffin of the beleaguered recreational marine industry, while the preservationists over at Pew Environment Group are already dancing on our graves," Donofrio said. Soon after NOAA's announcement about the red snapper closure, Holly Binns, manager of the Pew Environment Group's Campaign to End Overfishing in the Southeast said "Today's decision symbolizes an important first step towards saving the severely overfished red snapper." Many southeast fishermen dispute Pew's claims that the snapper are overfished and say the science being used is flawed and misleading.

In July, Rep. Mica introduced legislation that requested additional data collection before any ban was imposed, although the legislation had bipartisan support, environmental groups like Pew Environment Group and Pew-funded allies within the Marine Fish Conservation Network blocked consideration of the bill which was denied a hearing. "They're imposing a ban with flawed data and they've refused to sit down with the industry and come up with a better management solution," Mica said.

In addition to the latest legal challenge submitted in Jacksonville, RFA continues to seek support from Florida Senator Bill Nelson for the Flexibility in Rebuilding American Fisheries Act of 2009 (S-1255). "Recent amendments to the Magnuson Stevens Act have led to these arbitrary and unprecedented restrictions on many of our most important recreational fisheries in the Gulf and South Atlantic," Donofrio said. "We believe that Magnuson can be amended to allow a balance of conservation and access at the same time."

More than 150 groups, organizations and businesses have signed on with the RFA to support S-1255, including Cooperative of Gulf Fishermen, Destin Charter Boat Association, Fishing Rights Alliance, Indian River Charter Boat Association, Marco Island Charter Captains Association, Panama City Boatmen Association, Pensacola Charterboat Association and South Atlantic Charterboat Association. National supporting groups include Marine Retailers Association of America, National Association of Charterboat Operators and National Marine Manufacturers Association.

See the full list of supporters at www.joinrfa.org/Press/FlexibilitySupporters_061809.pdf.

For background information on MRFSS, visit www.joinrfa.org/Press/RFA_MRFSS.pdf.

About Recreational Fishing Alliance

The Recreational Fishing Alliance is a national, grassroots political action organization representing recreational fishermen and the recreational fishing industry on marine fisheries issues. RFA's 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 about the RFA call 888-JOIN-RFA or visit www.joinrfa.org.

