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Flexibility is needed in the rebuilding policy of the Magnuson-Stevens Act

It was a beautiful Sunday morning in September 2007. The wind was light that morning, so I gave my fishing buddy John a call to see if he would like to take the MIDNIGHT EXPRESS along the beach in search of a few summer flounder (fluke) for dinner. Because of magazine and satellite imagery duties, I really don't get the time to head out to the continental shelf as much as I have in the past, but summer flounder fishing allows me to run the boat and wet a line without the usual investment of huge amounts of cash and time required to "hit" the canyons.

Waiting for John to make his presence at the boat, I headed to our local diner to grab a cup of java and drove to the inlet to check out the boat traffic and sea conditions. Much to my surprise, the inlet was void of recreational fishing boats. I didn't understand? It was a beautiful Sunday morning and the conditions off the beach were perfect, but there wasn't a single fishing boat in sight in both the ocean or the inlet.

A call to my tackle mentor, Dave Arbeitman of "The Reel Seat" fame, quickly informed me of the problem—NOAA Fisheries (NF) had closed the summer flounder season several days before. One thing became crystal clear to me on that gorgeous Sunday morning—not a gallon of boat fuel, a pack of squid, a pint of killies, a bottom fishing rig, nor a fishing box lunch of any kind was sold by any marina, tackle store, or sub shop in the area. Now let's magnify that financially disastrous day times 365 and possibly more—According to NF this could happen in 2009 causing financial ruin for thousands of sport fishing related businesses from Massachusetts to North Carolina. These are businesses that are already "under the gun" because of exorbitant fuel prices and unnecessary regulation.

The Magnuson-Stevens Act (MSA) stock rebuilding policy clearly states, if NF deems a fishery overfished, it is required to rebuild the stocks of that fishery within a 10 year period. In 2000 the first stock deemed overfished by NF was the summer flounder fishery. Remarkably today, eight years into the stock rebuilding plan, NF continues to list the fishery as overfished. However, many anglers, both commercial and recreational who are actually in the "trenches," along with several fishery managers and scientists dispute this assessment. In fact, they contend that the summer flounder stock today is in the healthiest condition it has ever been. The NF decision to continue listing summer flounder stocks as overfished even though many feel they are in great shape is simply due to a lack of "flexibility" in the MSA rebuilding requirements.

In 2006, NF added on an additional three years into the summer flounder rebuilding process. Prior to reaching the end of the 13 year rebuilding period in 2012, NF is required by law to do anything necessary if the exact summer flounder stock numbers deemed by NF to represent a healthy fishery are not achieved. That includes an unwarranted shutdown of the summer flounder fishery to both recreational and commercial interests—and this means the exact numbers and not a pound under. To the delight of many anti-fishing conservation and environmental organizations, this lack of flexibility in the MSA rebuilding policy could close the summer flounder fishery for many years to come, and consequently opening the door to closures in many other fisheries in the coming years.

The "Save the Summer Flounder Fishery Fund" (SSFFF) is an organization of hundreds of businesses and individuals are concerned about possible summer flounder fishery closures in 2009. The closure of the summer flounder fishery could mean financial ruin for a large portion of the sport fishing industry because of flawed science, inaccurate assessment, and an anti-recreation attitude in the NF decision making process.

They hope to provide NF with accurate data showing the summer flounder stocks to be in the healthiest condition in recorded history and a complete shutdown of the fishery is totally unnecessary. The members also feel the lack of flexibility in the rebuilding policy of the MSA could continue to close other fisheries to the recreational fisherman in the future when closure is not required to protect the stocks. Some flexibility in the law is necessary to protect the sport fishing industry along with passionate anglers from needless fishery closures because of the black and white policies of the MSA, while still protecting the fisheries under its jurisdiction.

So your probably thinking, why are you reading about summer flounder in a big game journal? Just think of the impact to the sport fishing industry if NF deems longfin, bigeye, yellowfin, swordfish, dolphin or tilefish as overfished. We could be in the same situation as the summer flounder fishermen today—facing an unwarranted offshore fishery closure in just a few years.

LET'S TALK APPLES AND ORANGES

After reading Doug Olander's editorial entitled "It's Time to Demand Your Right of Flexibility" published in the February 2008 issue of Sportfishing Magazine, I was somewhat surprised and taken aback. I usually enjoy Mr. Olander's editorials and I most always find them right on target—until I read this one. He surely missed the mark by a mile.

Mr. Olander compared the fight for flexibility in the MSA's stock rebuilding requirements by SSFFF to avoiding your contractual agreements, such as paying your mortgage, and making your car payments in order to obtain a few luxuries such as a Rolex or some "cool" electronics. His comments are absurd. Mortgages and car payments are contracts signed by and agreed to by us—What have we signed, sealed and agreed to regarding the MSA's rebuilding policy? The SSFFF and the businesses that comprise the organization are fighting for their financial lives—fighting to save their families from financial ruin not for a Rolex, some cool electronics or a wind fall gain as he has implied. They are fighting against an inflexible policy that could cause undue hardship to many while, in actuality, providing little if any benefit to the fishery.

A perfect example is the summer flounder fishery. To many it is a thriving fishery, but because of the black and white rebuilding policy of the MSA, the failure to achieve unrealistic stock levels to the exact pound, the fishery is continued to be deemed by NF as overfished. In the eleventh hour of the MSA rebuilding process, and even if the stocks are at the highest levels ever, a complete shutdown of the fishery is required. Such a closure, although unwarranted, could destroy an industry that is already reeling from over regulation and extreme fuel prices.

The irony of Olander's satirical letter is that today mortgage companies, aware of the financial difficulty borrowers are experiencing, understanding the impact massive foreclosures could have on their industry, and the financial hardships that homeowners could face losing their homes, are actually becoming more and more flexible in their repayment requirements on existing loans—this type of flexibility sorely is needed in the MSA to avoid undue hardships to the sport fishing industry for no apparent reason other than blindly following a hard ball inflexible policy.

Visit the Save the Summer Flounder Fishery Fund website at www.ssfff.net and get involved. This does not just affect New Jersey fishermen, nor will it only pertain to summer flounder. Sport fishing businesses and individuals throughout the Northeast must heed this warning, join the fight and stop the enviros from reaching their goals indirectly through NOAA Fisheries blundering fisheries management tactics.