



# The Reel Deal

Newsletter of the NJ Chapter of the RFA

[www.rfanj.org](http://www.rfanj.org)

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MAY 2010

## UPCOMING EVENTS

### JUNE 6-8

MID-ATLANTIC FISHERY  
MANAGEMENT COUNCIL  
New York, NY  
Agenda at [www.mafmc.org](http://www.mafmc.org)

### JULY 8

NJ MARINE FISHERIES  
COUNCIL, Atlantic County  
Library, Galloway

### JULY 22

ASMFC PUBLIC HEARING  
on Draft Addendum II to  
Amendment 6 of the  
Striped Bass Management  
Plan  
Toms River Clerk's Office  
Manuel Hirschblond Room  
33 Washington St.  
Toms River, NJ 08753

## RECREATIONAL FISHING ALLIANCE NJ CHAPTER

Capt. Adam Nowalsky  
Chairman

Howard Owens  
Vice Chairman

Herb Moore Jr.  
Legislative Chair

Jim Winn  
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Maria Dowd  
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## Season to Double

### ASMFC Agrees to Expand Black Sea Bass 2010 Fishing Dates



In a vote supported by all member states of the Atlantic States Marine Fisheries Commission's (ASMFC) Summer Flounder, Scup and Black Sea Bass Management Board, states will now have the option to liberalize the 2010 black sea bass season in state waters by an additional 90 days.

The proposed new season will run from May 22 through October 11, with an additional open period of November 1 through December 31. The proposal would keep the size and bag limit the same of 12-1/2 inches and 25 fish per angler.

"RFA representatives have worked tirelessly on the 2010 black sea bass season since last summer, when drastic cuts to fishing days were first proposed," said Capt. Adam Nowalsky, chairman of the Recreational Fishing Alliance's New Jersey chapter (RFA-NJ). Nowalsky attended the ASMFC meetings in North Carolina

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## RFA-NJ Celebrates Earth Day With Cleanups

The New Jersey Chapter of the Recreational Fishing Alliance (RFA-NJ) was out at popular land-based fishing locations helping to keep your favorite fishing locations clean. In celebrating Earth Day, RFA-NJ is recognizing the important role of habitat in supporting the RFA mission statement of supporting sustainable fisheries.

"Fishermen are often held primarily responsible for the decline of a fishery," RFA-NJ Chairman Capt. Adam Nowalsky said. "We know that the health of a fishery goes beyond fishing effort alone, that a healthy environment is necessary for sustainable fisheries, and our Earth Day cleanup activities support our commitment to habitat."

RFA-NJ Treasurer and appointed Habitat Delegate, Maria Dowd, helped arrange the cleanups at sites up and down the coast. "Keeping the sites clean will help to ensure continued access for anglers," Ms. Dowd said.

The locations selected by the Board of Directors are all popular spring fishing locations for land-based anglers. They included the Avon-by-the-Sea side of Shark River Inlet, Oyster Creek/Route 9 bridge area in Forked River and Graveling Point/Pebble Beach in Little Egg Harbor Township.

More than two dozen volunteers turned out for the clean-ups, which attracted attention from local media outlets and legislators.

*Safeguarding the rights of New Jersey's anglers*



# RFA Challenge to MRFSS-Initiated Closures Continues

When NOAA Fisheries abruptly closed the recreational sea bass fishery last October without any opportunity for public comment, the RFA immediately began working on a legal challenge to fight the closure.

The RFA, United Boatmen and a coalition of industry allies (the "Plaintiffs") filed suit on November 4, 2009, in Federal District Court in New Jersey arguing that the sea bass closure should be declared unlawful and set aside for being arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law pursuant to the Administrative Procedure Act.

The Plaintiffs also allege that NOAA Fisheries violated numerous provisions of the Magnuson-Stevens Act for closing a recreational fishery in reliance upon the fatally flawed Marine Recreational Fisheries Statistics Survey (MRFSS) and for failing to adequately assess the impacts of the Emergency Rule on small business entities such as party and charter boats and bait and tackle shops.

"The emergency closure of the recreational sea bass fishery was

unprecedented for a fishery that is not 'overfished' and where 'overfishing is not occurring,' " said Jim Donofrio, RFA Executive Director. "This case is about more than just sea bass; it's about taking a stand against a federal agency abusing its power and hurting individuals and small business owners.

"If NMFS gets away with using MRFSS data to shut down the sea bass fishery this time it will be tough to stop them from doing it in other fisheries."

Donofrio said a legal win in this case would help set a precedent for anglers to ensure that NOAA couldn't make similar closures in other regions in the future.

As of May 4, 2010, \$26,470.27 has been deposited into the RFA Legal Defense Fund for ongoing efforts to challenge NOAA Fisheries' decision. "Tackle shops, party and charter boat captains, fishing clubs and captains organizations and hundreds of individual anglers have contributed to our campaign to ensure that NOAA Fisheries never does this again," said RFA Managing Director Jim Hutchinson, Jr.

## Are You Part of the Solution?

Finally some good news for anglers in the world of fisheries with the major increase in the length of the 2010 black sea bass season. This wasn't a battle won by finesse, but rather by grassroots lobbying efforts at all levels. My sincerest thanks and appreciation goes out to everyone that was a part of making this happen.

I'm not ready to proclaim a turning point in the battle of anti-fishing groups vs. fishermen, but there are more positive signs out there about the future of recreational fishing than there have been in a long time.



### Chairman's Corner

Capt. Adam Nowalsky

[chairman@rfanj.org](mailto:chairman@rfanj.org)

The majority of our nation's fisheries are deemed healthy and sustainable, without overfishing occurring (more than three-quarters of those managed, according to NOAA's Fish Stock Sustainability Index 2010 Q1 update). Legislators are recognizing the importance of fishermen to local, state and national economies, both in terms of revenues and jobs.

NOAA itself is being taken to task for how it has run rough-shod over fishermen. And while the sea bass issue is but one stock in a sea of many, it is an example of how we the fishermen can begin to take back our access to resources that we have sacrificed to restore.

The Recreational Fishing Alliance is the leading grassroots lobbying organization for recreational fishermen. And grassroots means we need you, the recreational fisherman, involved as part of the solution. Whether it's volunteering, fundraising, writing a letter to a legislator or simply further educating yourself and your fishing buddies about the issues we face, I challenge everyone who complains about fisheries management to look themselves in the mirror and ask, "What am I doing to help save access to fisheries for myself and future generations?"

Only then will you know if you are part of the solution.

# Recreational Fishing Subject to New Sept. 1 Closures

A proposed amendment to fishery management plans by the Mid-Atlantic Fishery Management Council (MAFMC) would use the "fatally flawed" MRFSS system to enact automatic September 1 closures of the black sea bass, scup and summer flounder fisheries.

Known in management circles as the Omnibus Amendment, the proposal would modify all fishery management plans to enact provisions of the last Magnuson-Stevens Act reauthorization regarding Acceptable Biological Catch (ABC), Annual Catch Limits (ACL) and Accountability Measures (AM).

"This is potentially non-survivable by industry," said Capt. Adam Nowalsky, chairman of the Recreational Fishing Alliance's New Jersey chapter (RFA-NJ). "You cannot run a business knowing you will potentially lose a major holiday weekend and prime fishing seasons subject to MRFSS."

The newly reauthorized Magnuson Stevens Act (MSA) in 2006 had mandated that certain key components of MRFSS be fixed by January 1, 2009, which would've been up to 2 years before the ABC, ACL and AM provisions contemplated in the Omnibus Amendment were to be utilized. According to the RFA,

however, the National Marine Fisheries Service (NMFS) has failed to reach its congressionally mandated requirements.

"MSA gave the Secretary of Commerce a strict deadline of January 1, 2009, to complete a national registry program to improve MRFSS, but that hasn't happened," said RFA Executive Director Jim Donofrio. "The same federal fisheries law also called on the Secretary to submit a report to Congress describing how progress has been made in achieving these goals and objectives, but that's not been accomplished either."

In addition to the proactive in-season Accountability Measures, reactive measures are also described that will call for recreational anglers repaying any overages of Annual Catch Limits indicated by MRFSS by way of reduced quotas in up to the 3 subsequent years.

"If MRFSS reports high enough landings, you could see your quota theoretically go to zero, even for healthy fisheries," commented RFA-NJ Board member and United Boatmen President Capt. Tony Bogan. "The black sea bass closure last year was just the tip of the iceberg if we do not address provisions of this amendment."

More information about the amendment can be found on the MAFMC website at [www.mafmc.org/fmp/omnibus.htm](http://www.mafmc.org/fmp/omnibus.htm).

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— Capt. Tony Bogan, RFA-NJ board member and United Boatmen president



## WE WANT YOUR PHOTOS!

Have a photo of a great catch that you would like to share with your fellow RFA members? Email it to [media@rfanj.org](mailto:media@rfanj.org) and we'll include it in an upcoming newsletter!

## CHECK OUT OUR WEBSITE!

Want to read the latest on regulatory news and fisheries issues?

Check out our website, [www.rfanj.org](http://www.rfanj.org). It features the ability to sign-up for our e-mail list, links to join/renew memberships, the ability to make a donation, and links to current regulations and fisheries management bodies. Visit today, and share it with friends!

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board member and United Boatmen representative Capt. Tony Bogan, and said perseverance has been the key to seeing the sea bass opportunities open up again for recreational anglers along the Mid-Atlantic coast.

"In December, we were faced with a 60-day season for 2010, and now we are closing in on a near 200-day season," Nowalsky added.

The increase in fishing days became possible after the recent release of 2009 black sea bass landings. Projected 2009 landings had been mandating a 44 percent reduction in landings for 2010, but the updated data showed that only a 21 percent reduction was needed.

For the new regulation to

go into effect, individual states will have to implement the new proposal, but given the unanimous support of the states for the motion, implementation is expected.

RFA representatives have attended and advocated at every ASMFC and Mid-Atlantic Fishery Management Council meeting impacting the recreational black sea bass fishery since last August to ensure that the recreational sector is treated fairly by regulators and has the best opportunity possible to enjoy this healthy fishery.

"This is good news for all our coastal states from Massachusetts down through North Carolina, everyone who enjoys this healthy and robust sea bass fishery," Nowalsky said.

The new season was approved by the NJ Marine Fisheries Council on May 14.