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Chairman, Senator Nick Begich
Oceans, Atmosphere, Fisheries
and Coast Guard Sub-committee
Washington, DC

Re: IMPLEMENTATION OF THE MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT

Dear Senator Begich:

The coastal states from Texas through Maine are concerned NOAA is too powerful and unchecked in controlling marine fisheries of the United States.

There are few, if any, checks and balances within NOAA and little oversight by Congress in the way fishermen's lives are manipulated by NOAA policy-makers. The current NOAA juggernaut of mandatory catch shares is a prime example of how a decision at the top hurts communities throughout the nation. Catch shares should be a tool in the tool box as soon as credible stock assessments are performed and empirical data is the rule rather than the exception in stock assessment modeling.

For instance:

1. NOAA screens council nominees submitted by State Governor's. In one recent case NOAA refused to appoint the preferred nominee supported by NC Senators, the Governor, Congressmen and the industry—commercial and recreational.
2. NOAA submits its favored nominees to the Secretary of Commerce who automatically signs off.
3. NOAA funds selected grantees for desired research
4. NOAA interprets the research submitted to them that they paid for.
5. NOAA drafts proposed fishery regulations
6. NOAA interprets the regulations they write
7. NOAA approves or rejects proposed regulations they write
8. NOAA enforces the regulations they created
9. NOAA Administrative Judges sentence violators of regulations and have a conviction rate near 98%.
10. NOAA is a voting member on the councils and provides all legal opinions.

NOAA's absolute control of policy and funding has led to blemished decision-making. The most recent NOAA / IG Report identified areas in handling of the Asset Forfeiture Fund. Several changes were made in leadership.

Nobody has been fired and only one agent retired. We're not sure it's possible to fire a NOAA employee anymore under the current union setup.

NOAA is not only in control of the fishery management process from A to Z, it controls hundreds of millions of dollars directed to scientific projects enhancing NOAA's agenda. It used to be the fishing industry could help determine project areas and criteria, but a decade or more ago the system was changed to NOAA telling the fishing industry what they need and they only fund projects under the criteria developed by NOAA employees who remain in control from one administration to the next one.

Science is supposed to be robust, complex, controversial and honest. Young scientists, or even old scientists, should examine other scientists' stock assessments. If their own independent science shows changes or miscalculations, the new science should be published with the errors corrected. In our opinion that's what science is all about. Science should never be used in a manner where the end justifies the means. The end should justify the hypothesis through experimentation and replication.

It seems independent science, not in any manner tied to a predetermined conclusion, is the way to go for the benefit of the fish, fishermen and the nation. If independent science supports what NOAA says, then so be it. If it doesn't, then new science projects need to be designed and funded to find the truth, no matter how illusive it might be. Catch data is used constantly in computer models and if there is no record of a catch in earlier years, then proxies or whatever are used to guess what the catch was.. If NOAA is using the catch data as their main basis for management, then **“the data are fundamentally and irreparably flawed.”**

We need independent science and scientists. A possible way we can get that is to reprogram a portion of the S-K money for independent science critical to the management species in the lower 48. NOAA has the money to fund independent science.

We have been led to a paradigm that NOAA isn't interested in funding independent stock assessments of exploited species because it doesn't want any of its mistakes, if there are some, to become public knowledge. Without an independent stock assessment, any mistakes NMFS has made can be obscured from the public until the end of time.

I've learned from listening and reading that chances of us going out of business are far greater than NOAA ever creating sustainable fisheries under their present scientific protocols.

My mentors say this, **“Why don't we put a working group of scientists and fishermen together to assess the feasibility of acquiring empirical data for the assessment of the red snapper fishery in the South Atlantic area? The goal might be the development of preseason empirical data that would allow an escapement-based fishery to develop that protects a predetermined stock size for spawning fish, and allow harvests of all fish above that level. At a minimum, we would be looking to develop an empirical method for measuring natural mortality and making adjustments to the harvests before the**

fishery instead of after the damage is done (spawners depleted or harvest truncated). The economic benefits of a sustained fishery would be better than no fishery and conservation would also be served.”

In the southeast, for instance, red snapper are plentiful. We know that because we are on the water and we see them in great abundance. The SA Council and NOAA banned ALL harvest of red snapper from Key West to Virginia from shore out to 200 miles based on made-up historical abundance records. The harm they did to the industry and the jobs they cost could only be done by a government agency gone awry. We have a standing offer for any federal biologist to come ride with our fishermen and see what we see, but so far nobody from NOAA or the SA Council has accepted our invitation. That makes me think they don't want to know how many red snapper are in the water.

I refrained from writing about “sequestered science” and other disturbing situations I've observed over the past 47 years. The industry wants to concentrate on today and how we can stop the insanity surrounding the national drive to stifle commercial and recreational fishing to accomplish NOAA & edf's catch share agenda.

NOAA blames all the hardship they are placing on fishermen on the Congress. NOAA says you forced them to take draconian actions to save the fish. You forced them to ban all red snapper fishing and almost ban all bottom fishing. Hogwash. Dr. Steve Murawski, recently retired NOAA chief scientist, is already on record saying none of our fisheries are overfished. It's a game NOAA is playing to see how many fishermen they can get off the water so they can move quickly on catch shares and get them on the market so they can be traded among speculators anywhere in the world.

We have been told that nobody wants to open up Magnuson because the greens would take complete control of the process and we would be worse off than we are. When our fishermen's boats are tied to the dock and all fishing has been banned, it feels like the greenies have already accomplished their goal.

You have a tough job and we know it. We, who suffer the impact of NOAA regulations, have a tough life as do the families and businesses dependent on the fruit of our labor.

The government must look at the faces and lives of those harmed by NOAA regulations.

Thank you for the opportunity to submit a few words from our point of view.

Sincerely yours,

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