



Jacksonville, FL July 24, 2009

The Fishing Rights Alliance (FRA) today filed a lawsuit in the Federal District in Jacksonville, Florida against the National Marine Fisheries Service (NMFS) challenging Amendment 16 to the Grouper Snapper Regulations in the South Atlantic. Amendment 16 imposes a 4 month ban on Grouper fishing each year from January through April. Amendment 16 also reduces the number of grouper from 5 fish to 3 for the entire year. The full complaint is attached as a pdf.

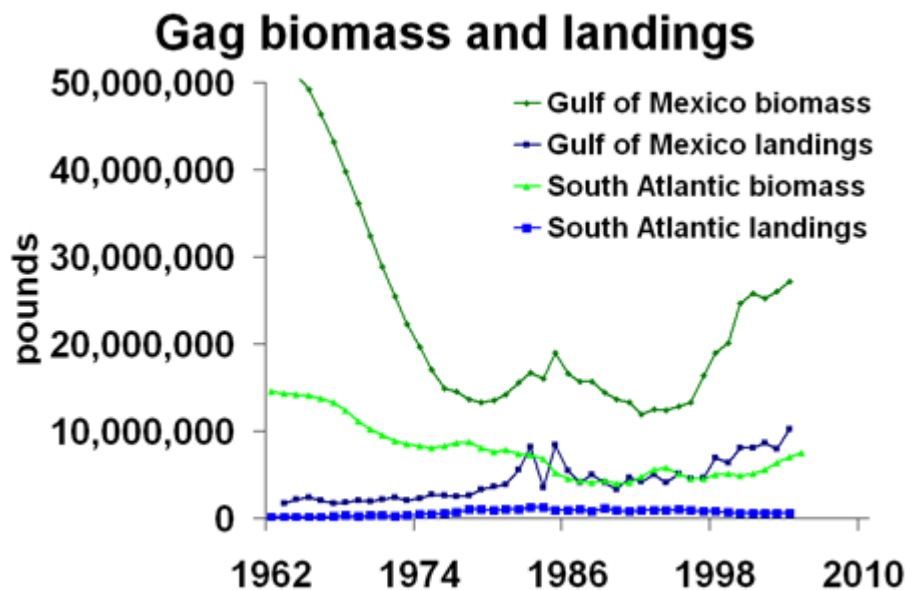
The action is based upon the premise that the Amendment is based upon what has been described as the “fatally flawed” Marine Recreational Fisheries Statistics Survey (MRFSS) by the chairman of the National Research Council’s review of MRFSS. Congress has mandated that this survey be revamped by January 2009, this still has not occurred.

The process involves the National Marine Fisheries Service making a determination and the South Atlantic Fishery Management Council (SAFMC) formulating a rule to end the alleged overfishing.

The NMFS and the SAFMC have failed to follow the Magnuson Stevens Act (MSA) in the in formulation Amendment 16 by:

1. Failing to conduct an MSA-required economic impact study.
2. Refusing MSA-required consideration of a Mixed-Stock Exception to the proposed amendment.
3. Using the MRFSS to formulate Amendment 16 when they have been required to revamp the system.
4. Refusing to enact alternatives of venting tools and circle hooks as a means to reduce bycatch as required by the MSA.
5. Setting an allocation of 95% commercial 5% recreational for Golden Tilefish and Snowy Grouper in violation of the MSA.

The following graph shows the health of the Grouper stocks and the fallacy of the NMFS position



Source NOAA Fishwatch 2009

This lawsuit was made necessary because NMFS failed to respect the Congressional mandate to base its decisions on scientifically valid information. The MRFSS program has been recognized as fatally flawed for a number of years. - Dennis O'Hern, Executive Director of the FRA.

We need to break the cycle of "fishing regulations of, by and for the National Marine Fisheries Service" explains Dennis O'Hern, Executive Director of the Fishing Rights Alliance.

#### **QUOTES from Dave Heil**

"It is apparent that the SAFMC and NMFS have a predetermined agenda to impose unsupported regulations and closures that are not supported by the "fatally flawed" MRFSS system."

"The MRFSS system has been stated to be fatally flawed by the chairman of the National Research Council in a Congressional review of the MRFSS system and to base such draconian regulations on such a system is irresponsible on the part of Dr. Roy Crabtree of NOAA, NMFS and the SAFMC."

"We are confident that the Federal Court will reject Amendment 16 and require the SAFMC and the NMFS to revamp the data collection system, conduct an economic study of the impact of the Amendment and follow the requirements of the Magnuson Stevens Act in formulating regulations."

"This is the first in what we believe will be a series of legal challenges to present and future Amendments to the regulations."

The FRA is also committed to challenging any closure of the Red Snapper fishery that is based upon the fatally flawed MFRSS.

#### **WHO WE ARE:**

The FRA is an advocate for the interests of recreational saltwater offshore anglers.

#### **OUR MISSION:**

To conserve and protect our marine resources and our right to access those resources. The FRA promotes reasonable and effective management policies primarily through community and government activism and education.

The FRA seeks to enhance the angler's understanding of their marine resources and the scientific practices and regulatory policies that dictate fishing rules.

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