

FISHERMEN'S NEWS

The Advocate for the Commercial Fisherman



Pacific Coast Federation of Fishermen's Associations

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Confessions of a Worried Man

BY ZEKE GRADER

I SUPPOSE I SHOULD HAVE BEEN feeling good. In late April the National Marine Fisheries Service released its two reports, Fisheries Economics of the United States 2012 (www.st.nmfs.noaa.gov/economics/publications/feus/fisheries_economics_2012), and the Status of US Fisheries 2013 (www.nmfs.noaa.gov/sfa/fisheries_eco/status_of_fisheries/status_of_stocks_2013.html). According to the fishery agency, the reports showed "positive trends in the steady rebuilding of the country's federally managed fisheries off our coasts, and the important role fisheries contribute to the United States economy."

Bucking the trend in most of the rest of the world, these two reports were generally good news, indicating the nation has stopped overfishing where it was occurring, and was rebuilding its fish stocks, with some already rebuilt. Moreover, the economics report made clear America's oldest industry was still strong with nearly \$200 billion in sales in 2012 (the latest reporting period).

Three items, in particular, from the two reports caught my attention. Indeed, as I explain below, they might have triggered a self-congratulatory press release and celebration, were there not more to each.

First, the Status of Fisheries report was a vindication for PCFFA and for

its allies – other forward thinking commercial and recreational fishing groups across the country and most in the marine environmental community, all part of the Marine Fish Conservation Network. The reforms we worked for in the last two reauthorizations of the Magnuson-Stevens Act have now kicked in and are working to prevent overfishing and causing depleted stocks to be rebuilt.

Second, in the Status report, Sacramento fall-run Chinook (king salmon) were listed as one of the two rebuilt stocks. PCFFA and its allies in California, including recreational fishing groups and most of the conservation community, with support from Oregon, worked hard for that turn-around beginning with the 2005 lawsuit, PCFFA, et al., v. Gutierrez. The ruling in late 2007 from that litigation forced development of a biological opinion (Bi-Op) to protect ESA-listed salmon (Sacramento winter and spring-run Chinook) in Central Valley streams and the Sacramento-San Joaquin Delta estuary. Those protections also helped the economically important fall-run, which is the backbone of California's salmon fishery and Oregon's ocean salmon fishery.

Third, California was rated number one in fish sales and now employs more people in its fisheries than any other

state. That was the news I really wanted to hear, not for boasting to other states, but to take that information to half dozen Central Valley Congressmen and their cronies – especially the state's water oligarchs who have sought to destroy these salmon runs and who dismiss our fisheries as unimportant.

But the reports' release was no "don't worry, be happy" moment. Aside from the fact our nation's fishery agency still doesn't know its correct name (it used the demeaning alias "NOAA Fisheries" instead of the correct title of the agency, National Marine Fisheries Service (NMFS) in releasing the reports), parts of the reports were misleading, and other sections left me with deep doubts about the status and future of our fisheries.

The Meaning of Number One

Much as I'd like to use the economic data on California's fishery to score some points, that information has to be put in context – California, after all, is the most populous state and its per capita fish consumption is among the highest in the nation, so it stands to reason it would have the highest sales and employ the most people in its fishery, particularly in sales and distribution of fish caught all over the globe.

Thus California's fishery economic ranking is not a reflection of the value



or volume of the domestic catches coming across the docks of its ports, even though landings by the state's squid, sardine and Dungeness crab fisheries have been good in recent years. The state's fishery economic ranking is likewise no indication of the health of its domestic fisheries.

Much of the seafood sold in California is from unsustainable aquaculture operations. Worse, if recent news is to be believed, one-third of the fish imported into the state was illegally caught and another third mislabeled.

Sacramento Fall Kings – Comeback or Comedown?

NMFS' listing of Sacramento fall-run Chinook as a "fully rebuilt" stock in the Status of Fisheries report was audacious. These fish were not overfished; the fishing closures enacted in 2008-2009 were not because of any overfishing, but to prevent exacerbating the annihilation the fish had already encountered at the hands of the Sacramento-San Joaquin Delta pumps while migrating to sea.

Remember, NMFS had to be sued to enact protections in the Delta for these fish, and had claimed "bad ocean conditions" for the Central Valley Chinook collapse when no other Pacific salmon run suffered that level of decline. To their credit, NMFS scientists in Sacramento have been stalwart in their efforts to protect the fish but have been, and continue to be, undermined by agency leadership that has been a handmaiden to the BPA and Columbia River hydro operators and, now, the Central Valley water oligarchs.

The release of the Status of Fisheries report listing Sacramento fall-run Chinook as fully rebuilt also came in the middle of pitched battles to protect the Central Valley's runs of kings during a record drought. Due primarily to the hard work and tenacity of the Golden Gate Salmon Association (PCFFA is a member) and the efforts of the California Salmon Stamp Committee, state and federal fishery managers agreed this year to truck most of the hatchery salmon production to San Francisco Bay for release.

Trucking, combined with

acclimation pens at the release site, should greatly increase survival of these fish over those released on-site at the hatcheries. This is particularly true in low water years that are typically accompanied by high levels of Delta pumping – i.e., exporting freshwater south mostly for agribusiness, instead of the water flowing naturally west through the Delta to San Francisco Bay. Given this year's severe drought, it was feared that none of the baby fish would survive migration downstream and through the Delta to the Pacific.

All this should be good news for 2016 when these hatchery fish are ready for harvest. True, there will be additional straying among the hatchery returns, since trucking interferes with imprinting, but there should be plenty of Sacramento falls for the 2016 catch assuming normal ocean survival rates.

But the bigger worry is whether the fleet will be able to access this hatchery production in 2016. That's because there was no way to truck the natural-spawners the fishery is managed for – neither the ESA-listed winter-run, nor economically important fall-run. This year these fish have encountered the drought-related low water conditions in their migration. That, coupled with the lifting of the Delta protections that had been put in place by the Bi-Op, means few may have survived migration to the ocean.

What this means is that if winter-run numbers turn out to be low because the young fish couldn't get to sea, ESA protections will kick-in for the fisheries that could result in severe restrictions on fishing in 2016, even closures, no matter how plentiful hatchery fall-run may be.

Moreover, if the progeny of natural spawning falls did not get downstream and through the Delta in sufficient numbers this past spring, fisheries in 2016 could also be restricted under the MSA. The ESA and the MSA are not the problem here; the problem is getting the baby fish out of the system and into the ocean. That's what's worrisome.

What happens beyond 2016 is equally worrisome. This spring the House and Senate both passed drought bills that waive key salmon protections

in the Delta; the House-passed bill would annihilate Central Valley salmon and the Senate-passed bill was not much better. At the time of this writing, the best hope for the future of the salmon fishery is a Presidential veto of whatever bill comes out of conference.

In the longer term there is still the Bay-Delta Conservation Plan (BDPC) looming out there (see "Saving Salmon from Drought," FN April 2014, www.pcffa.org/fn-apr14.htm), as PCFFA and other groups prepare to respond to a 34,000 page environmental impact statement, a report whose size is designed not to provide transparency, but to confuse and overwhelm in what could be one of the greatest water hijacks of all time.

Instead of celebrating the comeback of these fish, we've got to prevent their comedown.

Return to the Dark Ages

I can still remember the first Fishery Conservation & Management Act being hailed as the "Renaissance of the American fisheries." For many fishermen, however, the first decades of the Act could best be described as medieval; it was no Enlightenment.

In recent years, there has been a lot of pain due to diminishing stocks and then the enactment of strong measures to address stock depletion. The two NMFS reports do provide some hope things may start getting better. The reforms to the Magnuson-Stevens Act (MSA), enacted in 1996 and 2006, were painful, but are beginning to pay off.

What is worrisome now is the effort coming out of the Gulf and Atlantic coasts to weaken Magnuson's strong language that prohibits overfishing, requires a timetable for stock rebuilding, enacts hard catch limits, and requires management based on science, not fish politics.

Weakening the MSA now would be a big mistake. It would mean little hope for improved catches if fishing is allowed on depleted stocks. Moreover, fishing on depleted stocks means there is no chance for increasing the value of the fish through a certification program.

Even on the West Coast, where both



the Pacific and North Pacific Councils are committed to sustainable fisheries, a weakening of the MSA could mean lawsuits challenging existing fishery management plans or amendments (as opposed to the litigation we've seen to strengthen fish protection in the past). I worry that after all the years spent trying to put our fisheries on a sound footing, this could all be undone.

Will future Status of Fisheries reports tell of more overfishing, more stocks being depleted? Will future fishery economics reports tell of the declining value of American fisheries? "Flexibility" here seems more like foolishness.

There is also reason to worry about what may be left out of the Magnuson-Stevens Act (MSA) if reauthorization proceeds this year. Two areas of particular concern are our fishing communities and the future of the small to mid-size vessel fleet.

Language is urgently needed to facilitate "community fishing associations (CFAs)" now, especially

with the development of catch share programs, to ensure that community fishing associations are in place to receive and hold quota to protect the interests of a community and its access to the fish resources it has historically depended upon. The alternative, if no action is taken, is a US fleet of seafaring sharecroppers.

MSA language is needed as well to facilitate electronic monitoring, less cumbersome catch reporting, along with facilitation of exempted fishing permit projects to ensure that small to mid-size vessel operators can afford to continue fishing.

It's time for Congress to direct NMFS to begin lending a hand to the small to mid-size fishing fleets, instead of trying to eliminate them.

No Complacency

For those of us who fought for extended national fishery jurisdiction, worked for passage of HR 200 – the Fishery Conservation & Management Act in 1976 – and worked the subsequent

decadal reauthorizations of Magnuson-Stevens (MSA), as we refer to the Act now, it's been a long 40 plus years.

The two recent NMFS reports could lull some into believing that the work is finally done: that the late Congressman Gerry Studds can now proclaim from the beyond, "they've finally gotten it right," and we can finally retire to travel and sit on the beach drinking margaritas with the dog.

But not so fast. The threats remain, there is still much work to be done, NMFS has to learn its name and climate change is looming out there.

This is no time for complacency. Yes, I worry. 🐾

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