



FISHERMEN'S NEWS

February 2011

The Advocate for the Independent Fisherman

\$2.00



Pacific Coast Federation of Fishermen's Associations

The following article is the opinion of the writers and does not reflect the opinions of Fishermen's News or Philips Publishing Group.

Truth and Competence

By Zeke Grader and Glen Spain

We all know about mid-course corrections. Those are the changes made when an error is found in an original calculation or an unforeseen circumstance arises. This year we'll hear a lot about mid-term adjustments by the President as he faces a new Congress and a House majority hostile to much of his agenda.

The issue we want to address this month, however, is not about the Obama Administration's larger agenda but about the policies and players at the mid-level – those whose actions are directly affecting fish, fisheries and our fishing communities – and make an urgent plea for a course change to avoid destroying our continent's oldest industry.

Many of us were willing to give the Administration time to focus on major issues from health care to the nation's economy. The Administration must now begin addressing some serious mid-level problems left over from the last Administration; some of those have been exacerbated by the President's own people, both his appointees and those Bush-era folks he kept on. Nowhere is that more evident than in America's oldest industry – commercial fishing – where the problems left over from the Bush Administration and many from decades before have only been made worse over the past two years.

It is true the Southwest Region of the National Marine Fisheries Service (NMFS) has been doing a good job lately working on salmon recovery in the California Central Valley and coastal watersheds (brought about by the 2004 lawsuit, *PCFFA v. Gutierrez*, which threw out the Bush Administration's prior abomination of a Biological Opinion), but this seems to be the exception. The Obama Administration's current salmon plan in the Columbia River is pathetic – little more than the Bush Plan with a few additional studies. PCFFA has challenged the Columbia River salmon plan in the courts as legally and biologically bankrupt, and expects to see it thrown out by US District Court Judge James Redden in March or April of this year.

If the President has promised a great deal of frankness and personal competence, we haven't seen that yet from a lot of those below him, and certainly not in the fisheries management arena. What we badly need now in our fisheries is for folks within the agencies (including Interior agencies and EPA here, along with NOAA and NMFS) to be honest with the public and the fleet – in other words, to knock off the BS and begin thinking and acting competently.

Below are five examples of where honesty and competency are much needed, but now lacking. These are all

areas we hope the Obama Administration reviews and adjusts, as it enters the second half of its first term. First, however, a few words are needed about the truthfulness of those in agencies affecting our fisheries.

Some Straight Talk

We expect both leadership and truthfulness from our Presidents and their Administrations. We want leaders with vision and compassion who will inspire us to achieve our potential, to be better as a people. Lincoln and FDR come to mind.

We also expect honest and straight talk from our leaders and those under them. In a free society they are, after all, public servants, paid with our tax dollars and people who ultimately work for us. It is not too much, therefore, to expect, even demand, the best from them as well, including the truth – discreetly, perhaps, where national security is involved, but otherwise straight talk from our "employees."

In our fisheries, however, it seems that veracity is a lost virtue. The big fish tales no longer come from down on the docks, in the coffee shops or bars, but from fishery agency pronouncements and press releases.

In the January, 2011 issue we discussed our disappointment with the recent statements from NOAA/NMFS



at first low-balling the amount of oil pouring from BP's Macondo well into the Gulf, and then prematurely announcing that the oil was gone and the seafood safe to eat. We were left with the definite impression the agency was more concerned about BP's bottom line than either the environment or the public's welfare.

Worse have been recent NOAA statements regarding "catch shares." While the Bush Administration quietly pushed individual fishing quotas, President Obama's folks have been far more overt about pushing IFQs and sector allocation under the new rubric of "catch shares." This "new way" of managing our fisheries has been hailed by them as "ending overfishing," stopping the "race to fish," and allowing fishermen to control their own businesses by deciding when to fish.

First, let's be clear, catch shares do not end overfishing. Ending overfishing is done through regulating the overall catch (e.g., the TAC) and not through the individual allocation of quota. So let's not hear any more of the NOAA/NMFS bobble-heads in the regions or nationally telling the public how catch shares will end overfishing, because they do not and cannot.

Second, it's time to be honest about ending the so-called "race to fish." As was discussed in the January issue, allocating quota individually or to sectors may end the competition to take as much fish as possible under a TAC or the harvestable amount of catch available (e.g., the Dungeness crab fishery), but the same

result can be achieved equally well under other management measures (e.g., trip limits). And none of these other management measures require the divvying up and privatizing of what has always been a publicly owned resource.

Third, the notion that catch shares will give fishermen the ability to make their own business decisions about when to fish, etc., is also false if non-fishing entities are allowed to hold quota, as happens in all of the nation's current catch share programs – excepting only parts of the North Pacific halibut and sablefish IFQ systems.

Thus these IFQ systems result not just in consolidation of control within a fishery, they've also allowed non-fishing entities to wrest control of the resource from the very people doing the fishing. This is creating a future generation of fishermen who will be little more than seafaring sharecroppers.

The idea of catch shares enhancing safety at sea, providing higher prices paid to fishermen, or conferring a sense of stewardship for the resource quickly dissipates when quotas are held by third parties – whether it's an "armchair captain," a processor, banker, or hedge fund manager. A privatized fishery quota system could also become an easy target for outside speculators, forcing entry-level fishermen out of the market entirely.

Lastly, the displacements – the loss of jobs and vessels – within the fleet are not necessarily the result of "too many boats, chasing too few fish." We all rec-

ognize that a balance has to be struck in allocating fishing effort in order to achieve a sustainable harvest level, while providing for an economically viable fishery. The problem has been, however, that under the IFQ systems to date we have artificially defined "economic efficiency" based largely on the least sustainable economic operators – typically large vessel operations with high operating overheads (and often more bycatch and discards) – and allowed massive levels of consolidation, pushing out all the many smaller (and often more sustainable) operators and driving down the payments to crews.

NOAA/NMFS is therefore being disingenuous when it speaks of the "difficult adjustments" in beginning a catch share program when the same system creates those problems unnecessarily through its regulations (e.g., forcing individual vessels to pay the same fees for observer coverage, no matter their size or quota allocation).

For the past two years NOAA/NMFS has been parroting the Environmental Defense Fund (EDF) party line on catch shares – a line that is frankly a lie. NOAA/NMFS is supposed to work for us and the President, but it has done a disservice to both by adhering as true believers to the economic privatization dogma of this particular NGO, a dogma not shared by most other environmental groups. NMFS' core constituency is the fishing industry, and it and NOAA are to serve the public's interest, which is far different from the ideologies pushed by EDF or even The Nature Conservancy and World Wildlife Federation.

Fisheries Policy

We do not believe there is a level of core incompetence within the National Marine Fisheries Service, but the agency has largely been rudderless for decades. This is due to the fact that NMFS has largely been a stepchild of the Commerce Department, and that NOAA has taken to micro-managing the fishery agency, even plastering its name ("NOAA Fisheries") – behaving more like a NASCAR sponsor than a science agency – on NMFS in its statements and press releases.

A much larger problem, however, is that the nation sorely lacks a fishery policy. True, through the Magnuson-Stevens Act it is unlawful to overfish, fishery managers are required to follow the biological science when setting catch levels, and rebuilding plans are required for depleted federally-managed fish stocks, but there is still no overall national policy.

The NOAA/NMFS recent release of its catch share "policy" is not an overall fishery policy, much less an actual policy at all, as we discussed in the January, 2011 issue.

What we are talking about here is the kind of comprehensive policy the late Captain Barry Fisher talked about nearly 40 years ago at Fish Expo in New Orleans. That is, looking at the fish from the time it is in the water to the time it reaches the plate. This means good science to ensure ecosystem protection and a sustainable harvest, to provide safe and economically viable fishing operations ideally employing the maximum number



of individuals/vessels possible in an environmental/economically sustainable manner, to supporting the infrastructure needed for the fleet, processing and distribution, to a system guaranteeing safe, nutritious and high quality food for the public.

Fisheries are an integral part of our nation's food security – or should be. It is time we began treating them as such – albeit a food source directly tied to the protection of aquatic ecosystems and science-based harvest levels – and not just the plaything of a science agency.

It is time for the President to put his people on the road, or appoint some willing to leave the influence and confines of the Beltway (or their safe houses in the regional headquarters) and go down to the docks, get out to the fish houses and start talking to the fleet, to meet with fishing community leaders, with the processing and distribution sector, and with fishery scientists and food experts about a vision for our fisheries. They need to know what we want for the 21st century for the oldest of our nation's industries, and then begin working with fishermen, scientists and consumers on a policy to implement that vision.

Aquaculture

In developing a national fishery policy, it is clear that fish production from the wild is limited and we're probably near those limits now. True, stock rebuilding will help and there is much more that can be done to more efficiently use what is now being caught and to increase its value. There is also much we can do to protect and restore crit-

ical fisheries habitat, particularly to restore inland river habitat for salmon. But there are still clear biological limits on the world's fisheries production nonetheless.

For the future, therefore, most increased fish and shellfish production will have to come from aquaculture. The challenge is how to actually increase net protein production with aquaculture. Right now it takes several pounds of fish protein to grow one pound of harvestable fish. The aquaculture industry will have to move away from species dependent on fishmeal from wild fish (or even from soy) if it is to be successful in the long run. It just makes no sense to be stepping down the total protein available for human consumption instead of up stepping it up. A second challenge is how to develop aquaculture that does not threaten the marine environment, wild fish stocks or existing fisheries.

The Obama Administration, to its credit, appears to have retreated somewhat from the Bush Administration's headlong rush to develop open ocean aquaculture. But that is not, in itself, an answer, nor the level of competence we expect in dealing with the issue. It is time to adopt a policy that first ensures that the development of aquaculture is done in a way that protects the aquatic environment and our fisheries and, second, results in a net increase of edible protein for the nation and for export, not a net decrease.

It is time for an aggressive push for on-shore, enclosed aquaculture system development, as we've discussed here before (see the FN, July 2009, at: www.pcffa.org/fn-jul09.

htm). This can take place in a variety of settings, from conversion of problem farmlands to development of inner-city operations. We are not persuaded by the arguments of the Beltway crowd that this is not possible since NOAA is concerned with the ocean (and atmosphere) or that it would entail the jurisdictions of different committees of Congress. Let's see some leadership here, not excuses.

One suggestion is to make NOAA the lead federal agency for aquaculture development, which could help clear one hurdle. As far as Congress is concerned, it's time for the committees (i.e., Resources, and Agriculture in the House) and their staffs to begin talking with one another. For aquaculture development on shore – where it belongs – to be stymied because of such petty jurisdictional disputes is inexcusable.

The selection of the types of fish and shellfish to be utilized has to be considered in all of this. Part of that is food requirement for aquacultured fish. Feeds must be utilized that are not derived from protein suited by itself for human consumption, whether it's sardine or soy. Nor can aquaculture development be about producing the most expensive fish for the high end of the market, such as we've seen with tuna, salmon and shrimp; rather it should be about producing affordable fish for institutions and schools, everyday fare for the middle and working classes. Tilapia, barramundi, catfish and carp are such examples.

A competent Administration should be able to develop a comprehensive plan for aquaculture development, as it should for a national fishery

policy, and begin to implement it.

Salmon

The efforts of NMFS Southwest Region under the Obama Administration in their efforts to protect the embattled and battered Central Valley salmon runs, as mentioned above, have been laudable. The agency is developing comprehensive plans for salmon recovery from the Central Valley to the Klamath Basin to the coastal watersheds. Under the new Administration, NMFS has stood up so far to powerful agriculture and water interests that have too long treated fishery agencies as their lap dogs, commanding them to do whatever it takes to enable diversions of water from salmon streams to agribusiness or land development. On these issues the NMFS Southwest Regional Office has stood tall, based on a massive body of science on the in-river and estuarine fresh water flows required for fish survival.

What is worrisome now is the Department of Interior and its apparent capitulation in a December, 2010, Las Vegas meeting to big California water and ag interests. Despite its own pledge to abide by the science, Interior now appears willing to forsake that same science entirely to provide in the California Central Valley deliveries of 5.5 million acre-feet of water annually from the migratory habitat of one of the west coast's largest salmon runs. This water goes to large growers on the west side of the San Joaquin Valley and land developers in Southern California.

In other words, despite



findings of three different independent science reports that call for a reduction of freshwater diversions from the San Francisco Bay/Sacramento-San Joaquin Delta Estuary to approximately 3 million acre-feet or less per year, Interior now appears ready to put a federal stamp of approval on an under-the-Delta tunnel that could divert the whole of the Sacramento River flow from the Bay-Delta, which is the most biologically and economically important estuary on the west coast of both Americas, to transport it to south-of-Delta agribusiness and land speculators.

The Obama Administration cannot claim on one hand to be committed to the science and then on the other hand ignore that science and destroy a major salmon run and most of the west coast's ocean salmon fishery along with California's most important ecosystem.

The problem with salmon and the Obama Administration is not just the Las Vegas "accord" secretly reached between the Interior Secretary and his deputy and various California's water oligarchs. The NMFS Northwest Regional Office is the problem in the Pacific Northwest where the President's people continue to carry on the failed policies of past administrations – despite clear science to the contrary – with regard to the operations of the Columbia River dams.

The Northwest Regional Office of NMFS has long been the hand maiden for the Bonneville Power Administration (BPA) and the US Army Corps of Engineers in the Columbia, and has been dragged into court repeated-

ly since the mid-1990s where federal judges have frequently ruled against NMFS and its multiple faulty Biological Opinions that failed to protect near-extinct wild salmon in the Columbia-Snake Rivers.

The recent increase in Columbia River salmon production has largely been the result of flow changes ordered by the federal courts in the dam operations. While the Northwest Regional Office NMFS is now taking credit for those increased returns, keep in mind those in-river flows only came about after fishing, conservation and some tribes took the agency to court to force those changes. If NMFS is to take any credit here, it is for offering up science so lame that a federal court had to repeatedly rule against its Columbia River salmon plans as "arbitrary and capricious."

Going ahead into this year, we will need the President to exert his leadership by demanding a level of competence from NMFS Northwest we have not seen before, as well as a directive to his Interior Department that they are to abide by science when it comes to the Bay-Delta estuary and its salmon runs, not the dictates of the water oligarchs.

Subsidies and Trade

It is well recognized that government subsidies to build or refit fishing vessels have led to overfishing in many parts of the world. Nowhere has this been so prevalent as in Europe and Japan. Efforts are now afoot ranging from UN reports to negotiations at the World Trade Organization (WTO) to reign in government fishery subsidies as part of an effort to halt overfishing world-

wide.

None of us fault the effort to stop the subsidization of overfishing. The problem is, what constitutes a "subsidy" that is contributing to overfishing? Here we become very wary.

Certainly an end to subsidies that artificially increase fishing effort is called for. But what about government assistance to make fleets safer, or to help them better care for their catches – in other words, helping to increase quality and/or value? What about governments providing funds to help rebuild fish stocks – particularly where fishery depletion came about from non-fishing activities, such as hydropower operations or to mitigate for wetland losses or an oil spill? Are those to be considered "subsidies" that are also to be banned?

We do need a trade policy that protects our fisheries from unfair trade practices, as well as from cheap imports from nation's that don't abide by the same environmental standards we demand from our own fisheries. As important, we also need trade negotiators with the level of sophistication and competence to recognize differences in forms of government fisheries assistance – between those leading to bad practices, such as overfishing, and those designed to help fisheries such as stock rebuilding or improving safety at sea.

Moreover, our trade policies and policies on fisheries subsidies need to be consistent. If we are to end government subsidies for new vessels that lead to more fishing effort, is it not also time to end subsidies for harmful aquaculture oper-

ations – both at home and through the WTO – such as salmon farms, much of the world's shrimp culture and tuna "ranching?" Isn't it also time to end agricultural subsidies for crops that are not sustainable or for commodities such as cotton where our domestic subsidies are harming farmers in the developing world?

For fisheries, we need from the Obama Administration trade and subsidy policies that are consistent and negotiators who are competent in these issues.

Funding

It is evident that to properly manage our fisheries, and to protect fish ecosystems and ensure sustainable fishery operations, funding for science is needed, including on-going basic data collection and research.

These are funds that ought not and cannot be raided for the cause *du jour*, such as happened last year when basic fisheries research funds were cut to provide funding to implement catch shares. Further, basic funds are needed annually for management and enforcement, along with money to develop, where needed, environmentally friendly fishing gear.

Basic funds for good fisheries management should come from a small surcharge on seafood sales (both domestic and import) at either the wholesale retail level, which is a sustainable (and politically neutral) annual cash-flow source that could pay into a trust fund, and not be left each year to the political whims of a cash-strapped Congress prone to raiding every available cookie jar. We talked about this funding problem over seven years



ago (see FN, August 2003, at: www.pcffa.org/fn-aug03.htm).

With the concern, belatedly, over the size of the federal deficit and a grim outlook for fishery funding in the new Congress, the Obama Administration needs to take the lead in pushing a "National Fishery Trust Fund" to sustainably provide the funding necessary for research, management and enforcement to the regions, and to implement, it is hoped, a national fishery policy.

We need the President to press NOAA/NMFS to begin working now with fishermen

and scientists on developing legislative language for the creation of a trust fund that can augment Congressional appropriations to ensure the nation's vitally important fishery management and data collection needs are met. 🐟

Conclusion

The Obama Administration is deserving of credit for passage of major parts of its agenda that have the potential for helping members of the fishing fleet – from health care to middle class tax cut extensions. Those will not be enough, however, for the future.

Attention is needed now on specific fishery issues, and some mid-course adjustments must be made – from catch shares to fishery funding – to keep our nation's fisheries afloat. These are challenging – but at the same time if we can't resolve our fishery problems, how can we expect to solve many of the planet's more perplexing problems.

The President has demonstrated competence and forthrightness on a personal level; it is not unreasonable that we should ask now for honesty and competency from those who work for him

and the agencies under their command. 🐟

Zeke Grader is Executive Director of the Pacific Coast Federation of Fishermen's Associations (PCFFA), and can be reached at zgrader@ifrfish.org. Glen Spain is PCFFA's Northwest Regional Director and can be reached at fish1ifr@aol.com. PCFFA can be reached at its Southwest Office at PO Box 29370, San Francisco, CA 94129-0370, (415)561-5080, and at its Northwest Office at PO Box 11170, Eugene, OR 97440-3370, (541)689-2000. PCFFA's Internet Home Page is at: www.pcffa.org.