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Managing Fisheries – What Needs Fixing, What Doesn't

By Zeke Grader

“What do we want?” “When do we want it?” It's the familiar rally chant – an organizer shouts out the question to the gathered throng, who answer in one or two words, demanding action now.

What brought this to mind were the May Day rallies held around the country, mostly by the Occupy Movement protesting the disparity in income between the top one percent and the rest of us, along with the national Fishermen's Rally occurring earlier this year. What both have lacked, however, is a clear message on the problem or a solution.

Contrast this to the labor movement of the 1930's. The goal was an 8-hour day, 40-hour work week, living wages and the right to organize. In the civil rights movement of the 1950's and 60's the message, too, was clear and simple – an end to racial discrimination. In the peace movement of the 1960's and 70's the message was even simpler – get out of Vietnam.

Even those who have kept their jobs and whose incomes have remained stable are affected by cutbacks in the functions of government, including reduced funding for harbor maintenance and, for our fisheries, cutbacks in science and programs to recover and rebuild important fish stocks, and the loss of regional fishery offices and the collapsing of fish-

ery regions. Some of these cutbacks have hit the West Coast fishing industry especially hard.

To date, however, the Occupy Movement has failed to develop a unifying message or provide any solution or suite of solutions. Instead, it has been a smorgasbord of grievances. Even Martin Luther's 95 Theses had a single underlying message to the church – stop the sale of indulgences.

Don't get us wrong. We're only saying a clear message with a solution, or solutions, is needed. The same holds true for our nation's fisheries. There's a lot wrong from fishery to fishery, region to region, but there are two or three major problems common to all fisheries and all regions – including our own – that need fixing. And, for one issue, the message is clearly don't mess with it.

What Needs Fixing

Based on PCFFA's nearly forty years of being in the trenches working on fishery legislation and litigation, from the docks to the committee rooms of Congress, here are the three fixes we suggest for the problems of our fisheries:

Science and Service

First off, if we're going to have “science based fishery management” then

there has to be good science. This is something that we've been harping on in this column for the past decade. Funding for fishery science is front and center in the fix for fisheries.

Science-based management is a good thing. It's needed to ensure there is the knowledge for managing fishing on a sustainable basis. And, it's not just about protecting fish stocks, it's about protecting our industry and our jobs.

That science includes everything from research, to data collection, to annual stock assessments. But talking about science-based management doesn't get it. It takes money and that requires NOAA/NMFS to request it in the President's Budget. Funding for science likewise requires Congress to appropriate it, or provide an alternative funding source, such as a trust fund.

The bad news this year is that NOAA proposed more than \$5 million in cuts to Pacific salmon program funding, which was already insufficient, with the agency, for example, not even having spawning return numbers on some of the Endangered Species Act-listed salmon runs it is charged with recovering. Funding for the science needed for other fisheries was also shorted as NOAA focused funding asks on satellites and implementing its recent “catch share” schemes.



The good news is that Senators John Kerry (D-MA), Olympia J. Snowe (R-ME), John D. Rockefeller (D-WV), Scott Brown (R-MA), and Sheldon Whitehouse (D-RI) introduced the “Fisheries Investment & Regulatory Relief Act (FIRRA) of 2012” (S. 2184) on March 12. The companion bill (H.R. 4208) was introduced on March 19 in the House by Reps. Barney Frank (D-MA), Frank Guinta (R-NH), Edward Markey (D-MA), John Tierney (D-MA), Chellie Pingree (D-ME), Stephen Lynch (D-MA), Michael Michaud (D-ME), Joe Courtney (D-CT), William Keating (D-MA), and Timothy Bishop (D-NY).

This new legislation would redirect existing revenues from duties on imported fish products (estimated at \$124 million for FY 2013) to support critical fisheries research, monitoring, and management programs, as well as provide assistance to fishermen and fishing communities.

This bill would create a regionally based grant program that would direct 70 percent of the money (approximately \$85 million in FY 2013) per year to fund fisheries research and management programs. The regional fishery management councils would establish fisheries investment committees responsible for identifying funding priorities and making recommendations on which specific projects should be supported in each region. The remaining 30 percent of funds would be used by the Secretary of Commerce for special fisheries needs and problems and a limited amount for NOAA operations (up to 10 percent).

In late April the Senate Appropriations Committee, thanks to the leadership of Chairman Barbara Mikulski (D-MD), adopted the Kerry-Snowe language in the Commerce, State and Justice appropriations package that includes language designed to ensure that \$119 million from the Commerce Department’s Saltonstall-Kennedy Act fund is spent to benefit US fishermen and their communities. Thanks to the sponsors, these bills have strong bi-partisan support in the Northeast, which should greatly enhance its chance for passage by the House. What’s needed now is to make this bi-partisan measure

also bi-coastal by West Coast fishermen pressing our Congressional delegations to sign on.

The message is compelling – fund the science. It’s needed now and it could happen now.

Protect Fishing Communities

The second piece fixing our fisheries message is protecting fishing communities. If NOAA/NMFS are going to persist on pushing IFQs or catch shares, then they had better put together guidelines now for the creation of community fishing associations (CFAs) to ensure fishing communities are able to protect their access to fish stocks in waters adjacent to their ports.

In the 2006 Magnuson-Stevens Act reauthorization Congress authorized the creation of CFAs, including grants of initial fish quota allocation, as a means to protect fishing communities from their historic catch, now bundled into individual quotas, from being transferred or sold out from under a community. NOAA/NMFS have, to date, done nothing to facilitate formation of CFAs. Worse, the Pacific Fishery Management Council, for example, is planning to do nothing on CFA formation until 2014 or 2015 at the earliest.

The delay in acting on CFAs, first authorized in 2006, is outrageous. Bud Walsh, an aide to Senator Magnuson, who did much of the drafting on the Fishery Conservation & Management Act (now referred to as the MSA), recalls sitting at home on a Sunday afternoon over his typewriter and drafting the national standards that were included in what was to become HR 200. Surely a whole agency should in a matter of weeks or a few months be able to craft draft regulations for what constitutes a CFA that is authorized to receive and hold quota on behalf of a community. If the agency lacks the balls and brains to carry this out, there are those of us in the industry that will gladly do it, and we don’t first need Gordon Moore Foundation or any other foundation support to do it.

The message is clear – protect our fishing communities. That means mov-

ing ahead now, not later, with the creation of community fishing associations.

Get NMFS Out of NOAA

President Obama has proposed moving the National Oceanic & Atmospheric Administration from the Department of Commerce over to Interior, where it was originally headed before President Nixon’s tiff with his Interior Secretary Wally Hickel. Unfortunately, the President’s proposal here is wrong-headed. If the President is concerned with what agency has authority over salmon, he ought to look at the fishery agencies themselves.

The 1960’s Stratton Commission recommendation for the creation of a “wet NASA,” which led to the creation of NOAA, was a sound one. However, attempting to create a critical mass for such an agency by incorporating, in addition to the National Weather Service, the Bureau of Commercial Fisheries and marine sport fishing out of Interior’s US Fish & Wildlife Service (renaming it the National Marine Fisheries Service) was over-reaching.

Putting fisheries under NOAA made no more sense than putting the Federal Aviation Administration under NASA – but that’s what happened.

Science-based fishery management is sound policy, but having a group of scientists trying to run the nation’s fisheries has been a disaster. Over the past 40 years, NOAA has either neglected fish and fishermen, or willingly sacrificed our fisheries at the behest of other interests – specifically oil, water, and hydropower. And, in recent years, NOAA has meddled disastrously in fisheries.

It’s time for a stand-alone fishery agency. Ideally, this would be one that would include all the nation’s commercial and recreational fishing programs – marine and freshwater. It would act as liaison with tribal governments on fishery matters. It would be responsible for regulation and development of aquaculture; consolidating the national aquaculture programs (including those in the Departments of Agriculture and Interior) for both inland and ocean waters into a single agency. It could take over the



fishery programs in USFWS, while ceding to that Interior agency authority for protection and management of marine mammals (pinnipeds and cetaceans).

A Bureau of Fisheries & Aquaculture, for want of a better name, could be placed in any one of three Departments – Commerce, Interior, or Agriculture. While sound arguments can be made for putting the nation's fisheries and aquaculture in either Interior or Agriculture, a wiser option may simply be to stay in the smaller Commerce Department, free of the heavy-handed influence of powerful oil and water interests in Interior, or agribusiness and the chemical and biotech interests in Agriculture.

Our nation's fisheries, within the current NMFS, or within an entity given a broader fishery and aquaculture role (and likely renamed) must be freed from NOAA's yoke.

The message is simple – get our fish-

eries the hell out of NOAA. This could happen quicker than any effort to extricate NOAA from Commerce.

What Doesn't Need Fixing

The frustration and anger of fishermen in many parts of the country facing cutbacks and uncertain about their future is justified. But irrationality is not an answer. Stopping overfishing and rebuilding fish stocks is not something that can be put-off; we delay action at our own risk.

The MSA currently provides flexibility in stock rebuilding; the calls we're hearing now are not for flexibility, but for more delay.

Frankly, the action by a bi-partisan group in Congress on behalf of some fishing constituents, introducing the "The Flexibility & Access in Rebuilding American Fisheries Act of 2011 (H.R.

3061)" is not doing anyone any favors. The measure may provide some immediate relief, but the pain will only be worse in the future. It's a bit like giving someone a hammer to knock out the "Check Engine" light instead of making necessary repairs. The problem is only going to get worse in the future.

Let's provide folks with disaster relief where that's needed. Let's employ more fishermen and their boats in research. Let's work to increase the value of what can still be caught. But let's not mess with the MSA mandates on overfishing and stock rebuilding. 🐟

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