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A Fishery Declaration of Independence: Get NMFS Out of NOAA

By Zeke Grader

"Everything's fine." Or so it would seem for our nation's fisheries, reading the National Oceanic & Atmospheric Administration's May Report to Congress.

NOAA, where the National Marine Fisheries Service is now housed, claimed six more stocks were fully rebuilt in 2011, more than in any previous year. That now makes 27 fish stocks since 2000 to have been declared "fully rebuilt." Meanwhile the number of stocks subject to overfishing declined to 14 percent in 2011 and those in an overfished state had fallen to 22 percent.

Compared to the rest of the world, where many stocks are still overfished or in a state of collapse, US fishery management is looking pretty good – on the surface, anyway. Beneath the surface, however, it's another story.

The good news, frankly, is the result of strong laws, which have been made stronger and more explicit in each new iteration of the Magnuson-Stevens Act at its decadal reauthorizations. But this has had nothing to do with leadership or foresight in NOAA, NMFS or the regional fishery councils.

In the case of four of the six fisheries most recently declared rebuilt – widow rockfish, Gulf of Maine haddock, sum-

mer flounder, and Alaska snow crab, the rebuilding came about due to the Magnuson-Stevens Act prohibition against overfishing and the requirement that fishing quotas (or equivalent fishing regulation of catch) be science-based.

While the initial Fishery Conservation & Management Act of 1976 (HR 200) did include language to prevent overfishing, it was the 1996 reauthorization that put in place explicit language prohibiting overfishing, while requiring rebuilding plans for overfished stocks. This was further strengthened in the 2006 reauthorization that required management to be science-based. Thus, NMFS and the councils had no choice; either stop overfishing and put in place rebuilding plans or face a court order to do so.

In the case of the salmon stocks (Klamath fall chinook and Washington coast coho), there has been no actual overfishing, certainly not since the early 1980's, if then. The problem for salmon has principally been with destruction of in-river spawning and nursery habitat, including impaired or blocked passage due mainly to dams and, in southern Oregon and California to extensive water diversions that have dewatered streams, raised water temperatures and

worsened water quality.

In a few instances, NMFS can take some credit for the rebound of a few of the salmon stocks, but this is due to the work of their biologists dealing with habitat and flow issues instream, not the mandarins sitting on the Pacific Council. It has been lawsuits brought under the Endangered Species Act and the Clean Water Act that have had more to do with the rebound of salmon populations. Earthjustice (whose clients have included PCFFA, along with other fishing and conservation groups), not NOAA or NMFS, gets the credit there.

Neither NOAA, nor NMFS, in this Administration or the last, can take credit for the improved fish stocks listed in the most recent Report to Congress. Indeed, much of the progress that has been made has been in spite of NOAA/NMFS, not because of them.

The fact is both NOAA and NMFS are dysfunctional. This is not a partisan statement, nor does it have to do with personalities leading the two entities. If anything, this has been a systematic problem involving multiple personalities going back decades, through Administrations of both political parties, to NOAA's birth during the early 1970's in the Nixon Administration.



Consider where the US fisheries are today:

Vision. There is no vision in NOAA, which has inserted itself more and more into fishing in recent years, even wrongly calling NMFS “NOAA Fisheries” or “NOAA’s National Marine Fisheries Service” (our fisheries belong to the nation, not NOAA). If NOAA’s vision is, as some assert, to vastly consolidate fisheries into a corporately controlled tradable commodity system it is effectively doing just that, but it certainly hasn’t disclosed that plan, nor likely would it dare. NMFS, in the meantime, is just clueless.

There is no thought in NOAA/NMFS about where our fisheries should be heading, what we want them to look like in 10, 25 or 50 years, the types of individuals involved, the vessels, the fishing communities, the nature of the goods being produced. There have been no public discussions, certainly no discussions with fishermen and others in the industry on their thoughts on where fisheries ought to be headed. Other than what Congress has proscribed for fisheries in the MSA, there is no direction.

Policy. Arguably, there can be no policy where there is no vision. And, that’s pretty much the situation now. NOAA/NMFS has put together policy positions for both catch shares (including IFQs) and aquaculture, but there’s not much there. Both have been the subjects of this column in past issues of *The Fishermen’s News*. Both policies are both essentially fluff, stating that NOAA/NMFS will assist in development, but nothing on what sorts of things in each will be encouraged and promoted and what will be discouraged or prohibited. Either the agencies do not want to show their hand or they are clueless. Most likely it’s the latter.

Leadership. If there’s no vision, nor policy, it’s difficult for there to be leadership. On the other hand, a good leader can work to develop a vision and the policies for carrying it out.

Sadly that leadership does not exist in NMFS because the agency has been plagued with weak directors (officially the NOAA Assistant Administrator

for Fisheries) or acting directors and, too often lately, a lot of meddling by top NOAA officials.

Leadership has been particularly lacking when it has come to fighting for budgets (our fishery programs are mostly underfunded), particularly the science and stock assessments required for managing fisheries. Nowhere was this more apparent than in the last budget request where NOAA whacked needed salmon funding, reallocating monies instead to dubious catch share allocation schemes.

NMFS also capitulated to NOAA’s scheme for an unnecessary consolidation of NMFS offices, including the elimination of its Southwest Region (California/Arizona). Remember it is Senators Kerry and Snowe who have come up with a funding mechanism for fishery science; it didn’t come from NOAA/NMFS.

Considering its history, it’s not surprising the management of the nation’s fisheries is largely dysfunctional. What’s tragic is that it’s been allowed to go on this long.

NMFS’ origins trace to Congress’s creation of the US Commission on Fish & Fisheries and President Grant’s appointment of Spencer Baird as its first Commissioner. This evolved into the Bureau of Commercial Fisheries (BCF), along with a Bureau of Sport Fisheries & Wildlife which were part of the U.S. Fish & Wildlife Service in the Department of Interior when BCF was reorganized to include marine recreational fishing, renamed the National Marine Fisheries Service and made one of the core agencies of the newly-created NOAA.

NMFS’ and its predecessor’s mission was primarily research and fishery development, along with some service functions such as inspection of product for export and managing a vessel loan program. It was not originally a regulatory agency.

NOAA, despite its attempts to trace its lineage to the early nineteenth century and President Jefferson, was clearly a product of the latter twentieth century. It was conceived by the 1960’s Stratton Commission Report that called for creation of a “wet NASA” – an agency

responsible for ocean and atmospheric research – to be made up from other federal agencies having related missions, including the National Weather Service and NMFS. President Nixon, angry with then Interior Secretary Wally Hickel, put the new agency in the Department of Commerce.

At first it did not seem to be a problem for NMFS, responsible for food fish and recreational fishing, to be tucked into the new NOAA, whose function was primarily science and some education (such as the National Marine Sanctuary program). Three factors, however, have led to a nearly untenable situation four decades later.

NMFS Regulatory Role. When Congress passed the Fishery Conservation & Management Act in 1976 (now referred to as the Magnuson-Stevens Act) it thrust the barely six-year old NMFS into the role of regulating the new Fishery Conservation Zone (later EEZ) from 3-200 miles offshore. NMFS had no previous regulatory experience; NOAA’s was limited to a few regulations surrounding the nation’s then just two national marine sanctuaries. It was difficult for NMFS and definitely not a good fit for NOAA.

Understanding Fisheries. Primarily a science agency run by scientists, NOAA has never fully understood fisheries, which are different from fishery science. While science is critical for guiding development of catch regulations, scientists have proven inept in understanding food production or those involved in it, much less understanding recreational fishing or relations with Tribal governments. The empathy and people skills for leading a fishery agency are lacking in NOAA. Fishermen are, after all, not customers, not partners, but constituents who demand better.

Need for Attention. Finally, as difficult as managing our fisheries can be, the situation is made worse when laboring under an agency hungry for attention. Rather than delivering quality science, NOAA, almost since its beginning, has had a neediness for press, for accolades, for attention. It has sought to put its name on fishery activities carried out by NMFS to get attention. Indeed,



it has behaved more like a NASCAR sponsor – wanting to slap its name on every door, fender, hood, roof, trunk (such as NMFS, National Weather Service, Sea Grant, and the National Sanctuary Program) – rather than a serious science agency.

When President Obama suggested a departmental reorganization in his 2011 State of the Union speech, he was on the right track, but going the wrong direction. It was obvious the suggestion to move NOAA to Interior was inspired by Secretary Salazar and others in his Department. But it was no answer for our nation's fisheries, which the President voiced concern for when he mentioned the agencies responsible for salmon.

What's really needed is a divorce, for fisheries agencies to go their own way. The nation deserves, and its people require a stand-alone fishery agency, independent of the meddling of dilettantes. The size and complexity of the combination of commercial and recreational fisheries plus aquaculture are certainly adequate, together with their challenges, to create a substantial stand-alone management agency. The separation would also be good for NOAA, allowing it to focus on its core science mission and the challenges ahead from climate change.

There are a variety of alternatives for reorganization following a split of NMFS from NOAA. The best in our mind would be the creation of an agency taking in all commercial fisheries, all recreational fishing, including those inland programs now under USFWS, and combining the aquaculture programs now in USFWS, the Department of Agriculture, along with NOAA, and putting them together in, say, a

“Bureau of Fisheries & Aquaculture.”

But we'd caution on moving from Commerce to a different cabinet department. Fisheries could be swallowed up by big agribusiness, along with Big Food and Big Chem, in the Department of Agriculture. Likewise, fisheries could find itself under the thumb of Big Water and Big Oil in the Department of Interior, as has been the case with the Fish & Wildlife Service for decades.

It's better for now to stay in Commerce, but as an independent entity, paired in the department with a new NOAA, the US Geological Survey (from Interior) and a new Department of Wildlife (transferred from Interior and made up from the non-fishery parts of USFWS and the marine mammal protection program currently in NMFS). This pairing would allow a new fishery agency to work in close proximity with the science (NOAA and USGS) and wildlife agencies while maintaining a fishery focus.

Success is more than just rebuilt stocks. Our fisheries need focus. They need a vision. They need sound policies to guide them. And, they need strong leadership. That's not happening now under NOAA, nor is going to under NOAA. It's time for our nation's fisheries to declare independence. 🐟

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