



FISHERMEN'S NEWS

July 2013

The Advocate for the Independent Fisherman

\$3.00



Pacific Coast Federation of Fishermen's Associations

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MONF3: Show Me the Money

By Zeke Grader

In early May 2013, the third "Managing Our Nation's Fisheries" (MONF3) conference was held in Washington, DC, promising a preview of the issues to be considered in what will be the fourth reauthorization of the Magnuson-Stevens Fishery Conservation & Management Act, 16 USC 1801 et seq., (the "MSA") since the 1976 passage of America's primary fishery statute.

The MSA's current authorization is through September of this year and then it is due for reauthorization. However, that doesn't mean it expires. House Natural Resources Committee Chairman Doc Hastings reminded the MONF3 audience that another statute, the Endangered Species Act (ESA), hasn't been reauthorized in 25 years, yet is still very much in force. MSA reauthorizations have tended to be decadal events, but Doc Hastings, speaking to the conference, said he hoped to have a bill out of the House this session.

On the Senate side, Alaska Senator Mark Begich, Chair of the Senate Commerce Committee's Subcommittee on Oceans, Atmosphere, Fisheries & Coast Guard and the other featured Congressional speaker at the conference, said he intended to hold three field hearings around the nation this summer on reauthorization. The House Natural Resources Committee has already held two MSA hearings this year in DC.

Both Begich and Hastings spoke of the successes of the MSA thus far, making US fisheries "the best managed in the world." Other speakers also talked of MSA success stories, referring to the Status of Stocks report issued earlier in May 2013 by the National Marine Fisheries Service (NMFS), showing a greater number of fish stocks removed from the overfished list and some declared fully rebuilt (see: www.nmfs.noaa.gov/stories/2013/05/05_02_13status_of_stocks_2012.html).

With the success of the MSA in ending overfishing and rebuilding stocks, there was some question about why make any changes and why not just do a straight reauthorization? Indeed, Hastings said the MSA was basically sound; the problem was its implementation.

A day before the conference opened, the Pew Charitable Trusts, together with the Ocean Conservancy, released a defense of the MSA in a report "The Law That's Saving American Fisheries" (www.pewenvironment.org/uploadedFiles/PEG/Publications/Report/FF-MSA-Report-2013.pdf), with a briefing for Capitol Hill staffers from Pew and fishing representatives, including PCFFA, urging Congress to keep in place the Act's provisions against overfishing and requirements for rebuilding overfished stocks.

In support of the Pew report, however, PCFFA made clear that the status quo was not satisfactory and pressed the fact that funding was critical to support the science that is now the underpinning of federal fishery management. PCFFA was also critical of NOAA/NMFS and the regional fishery councils for their failure to implement the community fishing associations (CFA) provisions from the 2006 reauthorization. To halt the giveaway of fish quota to a new class of "fisholigarchs," PCFFA said Congress needed to develop standards for CFAs and a deadline for NOAA/NMFS and the regional councils to establish guidelines and implement CFA quota holding. Fishing communities are not a "trailing action."

With the MSA success stories, it is important to note that the significant amendments inserted in 1996 and, more importantly in the 2006 reauthorization, did not come out of the two earlier MONF conferences held in 2003 and 2005. In fact, the critical language that has resulted in MSA's successes to date came from the efforts of the Marine Fish Conservation Network (MFCN), a national coalition of commercial and recreational fishing groups, environmental organizations and scientific institutions (PCFFA is a member), that developed and pushed: explicit language prohibiting overfishing; requirements for annual



catch limits; timelines for stock rebuilding of overfished stocks, and; requirements that fishery management plans be science-based.

MFCN, along with PCFFA and Senate Commerce Committee staffers also pushed the nearly forgotten provision in the 2006 reauthorization, authored by Senators Ted Stevens and Barbara Boxer, establishing a National Fisheries Trust Fund to pay for essential fishery science and other fishery needs. That language, however, did not identify a substantial funding source to support the Trust Fund – leaving that for later discussion that has yet to take place.

Despite the successes of the MSA to date in protecting and rebuilding fish stocks, the fish councils came to the conference with their own list of complaints and sought-after changes – even rollbacks in the Act’s conservation provisions. Most of the clamor for change came from the Atlantic and Gulf; the two Pacific councils were more content with the status quo, even defending problematic schemes such as the Pacific Coast “trawl groundfish rationalization” (it’s not strictly trawl, nor is it rational).

While Congressman Hastings talked of the need for better science and technology, and more transparency, fishery council representatives talked of the need for greater “flexibility.” They also talked of “rigidity” problems in meeting annual catch limits (ACLs), removing the 10-year stock rebuilding requirement, harmonizing the NEPA [National Environmental Policy Act] and MSA process (unlike the last MONF conference they did not seek to exempt themselves from NEPA); and flexibility in dealing with scientific uncertainty.

Much of what was being called for is familiar to anyone watching the fishing rallies of the past few years and not unlike what was being proposed in the last MONF conference (see “Reauthorization After All These Years” *Fishermen’s News*, September 2005, www.pcffa.org/fn-sep05.htm).

And then there was the Coastal Conservation Association saying recreational fishing doesn’t need to be managed at all. There was even a call to establish a marketing certification program that

would qualify all fish caught pursuant to a federal fishery management plan as “sustainable” – a kind of quick and dirty way to get around the Marine Stewardship Council’s (MSC) higher standards and cost.

To be fair there were some good ideas coming out of the conference, although it is difficult to see how many could be put into statutory language, but they did reflect a frank look at some very real problems, including council participation in international treaty negotiations and implementation, council involvement in ESA Section 7 consultation, the need to change the “overfished” designation to “depleted” to better reflect non-fishing factors affecting stock abundance, the need to improve and increase the number of stock assessments, developing and implementing ecosystem-based management, and the challenges climate change presents to fishery management.

Unlike much of Washington, DC, however there was no denial at this conference about climate change; the discussion, rather, was how to adapt. Captain Keith Coburn (*F/V Wizard* on “The Deadliest Catch”), one of the featured speakers, said that in the Bering Sea climate change is real and the conditions being faced by the fleet are far worse than shown on the reality TV program.

The conference was split into three sessions – fishery management plan process, biological science, and social science. During the three days some of the changes called for at the opening dimmed in light of the facts. There already was flexibility in the MSA on stock rebuilding deadlines. It was also noted that ACLs have been made to work even in the salmon fishery, which is governed by time and area management and targeted on escapement.

Colburn, in a sense, had set the mood, when he said: “Opening up the Magnuson Act is like opening up the tax code. Beware!”

Even developing a federal fishery certification program for marketing came under fire from Alaskans, who have settled in with the MSC, and a FAO-modeled program for salmon. Other than for conservation, much of

the pushback against any change was among those who “have got theirs” and are not about to relinquish any of it.

What the organizers – the Pacific Fishery Management Council took the lead for this event – did was to put the discussions of the conference into a series of “findings.” How exactly these were established is not quite certain, since they do not reflect a consensus nor even a majority opinion. But then, this is coming from the regional councils, where opaqueness is pervasive. These “findings” are posted at: www.managingfisheries.org then clicking under “Program Information” and “Conference Results.”

The fourth and most important session was the one that was never held. That is, how do we pay for the necessary fishery science – the research, the stock assessments, the data collection? Congressman Hastings’ call for better science and technology, and more transparency was welcomed, but there was no mention of how to pay for it – particularly when agency budgets are faced with new cutbacks because of sequestration. Resources Committee Majority staffer Dave Whaley was also right on point on the problem of the “graying of the fleet” – the need to recruit young people into the industry along with replacing older vessels with newer ones. But there was silence on how to pay for it.

Indeed, the only person raising budget issues at all was former NOAA Assistant Secretary of Conservation & Management Eric Schwaab (former head of NMFS). The conference organizers were either oblivious to the fact that fishery science and other fishery data needs require money – much more than has been appropriated in the past, and far, far more than we’re likely to see under sequestration – or just cowardly and obsequious, who felt they dare not raise the issue with this Congress or Administration.

Instead of addressing funding needs head-on, the conference went on talking about working under budget constraints, doing with less science and trying to get by on collaborative (fishermen-scientist) research (that isn’t paid for with pixie dust). Yet at no time has the need for



more funding for fisheries been greater. Consider:

The 2006 reauthorization mandates science-based management;

Many stocks are currently classified as "data poor," due to a lack of science, meaning fisheries on those stocks are constrained, perhaps unnecessarily, due to the dearth of science;

Population assessments have not been conducted, nor recovery plans developed, for many federally managed ESA-listed stocks;

Ecosystem-based management will require more science, beyond stock size, behavior, and life history, to include information on the habitat of the stocks;

Climate change will result in more extremes to the stocks and the ecosystem, meaning more science, not less, will be required to manage for sustainability.

It's not as if funding for science and other fishery needs such as development of more selective fishing gear, and disaster relief or catch insurance programs, has not been on anyone's radar. A decade ago in this column, we wrote about the need to develop an adequate and reliable funding source for fishery science

("Planning and Paying for Future Fisheries Research," FN Aug. 2003, www.pcffa.org/fn-aug03.htm). In 2006, there was the Stevens-Boxer Trust Fund language.

In March 2012, now former Senators John Kerry (D-MA) and Olympia Snowe (R-ME) introduced S. 2184 to designate Saltonstall-Kennedy Act (S-K) funds for fishery research. A similar measure was introduced in the House (H.R. 4208). S-K monies, derived from a tariff on fish products, are largely unaccounted for within NOAA. S. 2184 was intended to bring transparency (NOAA is fighting this) and ensure that these monies are used the way S-K was intended by its authors. The concept of tapping the S-K Fund, ending its use as an agency "slush fund," could serve as the base for support for a National Fisheries Trust fund.

The Kerry-Snowe bill and its companion in the House were not acted on in the 112th Congress, and there has been no decision on whether this legislation will be introduced in the 113th Congress, although the language could be incorporated into a MSA reauthorization package. It should be noted, too, that Senator Begich has proposed earmarking S-K

funds for seafood marketing.

Finally, the MFCN last year contracted with MRAG Americas (with a Moore Foundation grant) to look at NMFS funding to help examine how to better fund fishery science. That report and the summary document can be found on the PCFFA website at either: www.pcffa.org, or at: [www.pcffa.org/MFCNFisheryInvestments\(Sept2011\).pdf](http://www.pcffa.org/MFCNFisheryInvestments(Sept2011).pdf) and at: [www.pcffa.org/MFCNFundingReport\(Dec2011\).pdf](http://www.pcffa.org/MFCNFundingReport(Dec2011).pdf).

What the MONF3 conference missed was the money. If we're looking to do something substantive with MSA reauthorization and working to significantly improve our fisheries then we've got to address funding. We need more than lip service about sustainable fisheries from Congress, the agencies and regional councils. Show us the money. 🐟

Zeke Grader is Executive Director of the Pacific Coast Federation of Fishermen's Associations (PCFFA), the west coast's largest trade association of commercial fishing families. He can be reached at the PCFFA main office in San Francisco at (415)561-5080 x 224 or at: zgrader@ifrfish.org.