

FISHERMEN'S NEWS

The Advocate for the Commercial Fisherman



Pacific Coast Federation of Fishermen's Associations

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Magnuson Reauthorization: Getting it Right

BY KALLA HIRSCHBEIN

IT HAS BEEN FORTY YEARS since Congress passed the original Magnuson-Stevens Fishery Management and Conservation Act (Magnuson). At the time of its passage in 1976, many fisheries were at the verge of collapse, access was unfettered, and the 200-mile exclusive economic zone was just a concept about to be implemented. Congress's goal was both to protect commercial fishing and create a management regime that would conserve and rebuild fisheries for future generations. It was a bipartisan effort, and the ten national standards that the Magnuson Act institutionalized helped ensure sustainable and responsible fishery management.

Zeke Grader, the late fisheries champion and Executive Director of the Pacific Coast Federation of Fishermen's Associations, was struck by how straightforward these principles were while so elegantly balancing the conflict inherent in exploiting a resource for the benefit of a nation, and conserving it for the benefit of the future. Covering everything from fair allocations among fishermen, to optimum yield and mandating use of best available science, these ten standards were intended to guide the regional councils in their fisheries management and decision making.

However, getting the "in the water" management protocol right has proved to be tricky. Stock collapses in the early 1990's forced Congress to take a stronger approach in the 1996 reauthorization, and specific language that prohibited overfishing was added along with a 10-year rebuilding plan for depleted fishing stocks. When this plan didn't cause the turn around that the management councils had hoped for, even more stringent language was added in the 2006 authorization. This led to widespread closures in New England and the Gulf of Mexico, even among the recreational fishing fleet, whom regional councils finally recognized as their fishing efforts having an effect on stock abundance.

On the Pacific, the effects of the 2006 reauthorization and its groundfish consolidation plan are also having widespread economic consequences. Implemented in 2011, the "individual fishing quota" plan allocated quota shares only to a handful

of trawlers and completely cut out fixed gear and small-boat communities. For many, access to historic fishing grounds has now been completely eliminated. Combined with an historic Dungeness crab closure (warm waters created a harmful algal bloom that made crab potentially unsafe to eat), and depleted salmon runs caused by drought and water mismanagement, many fishermen now find themselves for the first time without anything to catch.

So here we are today, gearing up for another reauthorization. The New England and Gulf communities that were hit economically by the stock collapses and subsequent management measures imposed to more quickly begin stock rebuilding have been very vocal and are calling for "flexibility" in stock management. While flexibility and adaptive management can be a good thing, there are those in the environmental, scientific, and commercial fishing communities who fear that "flexibility" is merely code for rolling back conservation measures that have helped rebuild stocks.

There is a lot of concern that too much "flexibility" could lead to long-term collapses of America's fishing industry by not supporting the very stocks on which they depend. Meanwhile, on the Pacific, the "flexibility" promised by the Pacific Council that was supposed to share groundfish quota with communities has been completely non-existent.

So what is the right way to approach Magnuson reauthorization this time around? For what changes should fishing communities advocate?

First, Magnuson should require regional councils to take an ecosystem-based management approach when drafting their fisheries management plans. More than just a catchy academic-sounding phrase, ecosystem-based fisheries management supports the philosophy that fisheries managers should look at the whole system – recognizing that fish populations are supported and maintained by a highly complex and interwoven inland, coastal and marine ecosystem.

The fish caught in the ocean – whether by commercial



fishermen supplying restaurants and markets, or anglers enjoying a day on the water – are part of ecosystems threatened by overfishing, habitat destruction, a changing climate, and many other stressors affecting the ocean environment. These ecosystems are comprised of interconnected predators and prey and their habitats. Damage to any one of these elements can cause ripple effects that jeopardize the overall health of those ecosystems and harm coastal communities that depend on them.

The current US fisheries management system often misses the bigger picture: each fish is a link in overlapping food chains, which form an interconnected food web of places, plants, and animals. Further, humans are integral components of every ecosystem, affecting the systems they inhabit while deriving economic, recreational, and other social benefits. Unless we consider these factors when making fishery management decisions, we risk disrupting the very ecosystems that provide the fish on which so much depends.

Councils should consider all impacts to a fishery, both fishing and non-fishing, when making management decisions. Many of these ecosystems are damaged, and this can cause far more devastating and long-term effects to a fishery. For example, habitat loss of an inland estuary or coastal pollution from agricultural runoff has a much bigger impact to Chinook salmon populations than overfishing in the ocean. Right now, the Pacific Council is powerless to prevent the continual hits taken by the salmon fishery when really the dominant driving forces behind these declines have nothing to do with fishing.

Many commercially fished species are dependent on inland habitats during some time in their life cycles. Salmon, crab, Pollock, halibut, shrimp, and menhaden are all species that need healthy wetlands and freshwater. However, coastal wetlands are disappearing at an alarming rate and fisheries management councils have no power to save them. California has lost more than 90 percent of its wetland habitat, and Oregon and Washington have lost 38 and 31 percent respectively. What wetlands do remain are biologically compromised and do not function nearly as well as they should.

Wetland losses have dramatic effects on salmon and other fisheries and have likely cost thousands of jobs and hundreds of millions of dollars in loss of national fisheries productivity.

Fisheries management should no longer just focus on fishermen without considering all other impacts. To be effective and foster long-term conservation, regional councils must have the power to address all impacts in all stages of a species life cycle. Otherwise their management decisions will be powerless to control non-fishing impacts, only to put fishermen out of business, and cause further decline of fishing communities.

Fishermen already bear the burden of onshore pollution, water diversions, and habitat loss that result from industry, agriculture, and expanding residential growth. Congress should give the regional councils authority to restrict those activities that significantly impact stock abundance.

Another step the Magnuson Act can take towards implementing a nationwide ecosystem-based management approach is to keep some fish food in the ocean. Small, unmanaged baitfish are often prime prey sources for some of our target species, and our fish need to eat. The Pacific Council adopted a forage fish plan that limits new fisheries on currently unmanaged forage fish

species. This should help by keeping in place a critical chain in the food web that supports commercially important species.

Magnuson can also take steps to further ecosystem-based fisheries management by asking managers to look beyond just the species fished and even the essential fish habitat needed to support commercial species, and to create Fishery Ecosystem Plans. These plans would consider the interactions between species and the impact of fishing and other factors, such as changing ocean temperatures and acidity, on fish, fishermen, and ecosystems, in order to make sure that management decisions restore and maintain ocean environments and the coastal communities that depend on them. This could help give regional councils and managers the power to protect fish habitat from destructive fishing practices and other damaging human activities, in order to ensure that fish can breed, feed, grow, and take shelter through all their life cycles.

Congress can also take steps during this reauthorization cycle to strengthen fishing communities. On the Pacific, the groundfish quota program gave the Council the authority to allocate quota to Community Fishing Associations (CFAs). When they only gave quota to a handful of trawlers, essentially privatizing a public resource, communities fought back and sued through the Pacific Coast Federation of Fishermen's Associations.

Congress should take into consideration the following realities when reauthorizing Magnuson: (1) the small boat fleet is the backbone of America's commercial fishing industry and commercial fishing heritage; (2) restrictions on fishing often disproportionately affect small fishing businesses; (3) there is an ongoing downward trend in the number of small fishing businesses in the United States; and (4) the small boat fleet fishes sustainably.

Given that "catch shares" are now the current regime and are not going anywhere, one critical fix is to anchor a portion of catch shares in fishing communities themselves. Magnuson Section 303(A) allows fishing communities or regional fishing associations to hold quota on behalf of individual fishermen, but as long as the same ownership caps apply to an association that supports dozens of members as it does to an individual trawler, community fishing associations have very limited potential to keep a community in business. Further, there are no provisions that help fishermen form such organizations or get them quota. Since the implementation of the catch share program, many communities have formed community fishing associations with the hope and expectation that groundfish quota would follow.

However, by the time a community organizes itself as an eligible quota-holding entity, the shares are often already allocated, and no one is willing to sell. Without the initial allocation from the Council, the only opportunity to get quota is to buy it, and at the time of this writing, costs to buy and fish it are exorbitant. Requiring a certain meaningful percentage of fishing opportunity to be vested in fishing communities at the outset would ensure small boat access to what remains. These are, after all, supposed to be public trust fishery resources.

Fishing communities are reeling from the loss of groundfish access. While it is not realistic to hope for a reallocation of existing quota in catch share-managed fisheries to communities, regaining access is high on most fishing minds in California. Magnuson Section 303(a)(9) requires socioeconomic impacts analysis of



fisheries management plan changes on fishing communities when those changes occur, but as yet it does not necessarily require the regional councils to do anything about those impacts.

Fishing Community Plans could address how small fishing businesses will deal with the impacts of management changes, including how the councils will facilitate transitions to different gear types, management measures, or otherwise, with the goal of minimizing those impacts. It's not enough to simply understand that changes to fishery management strategies are going to hurt small family fishing businesses. Those impacts need to be addressed and offset by providing new opportunities to hard-hit fishing families.

In last year's House-passed Magnuson reauthorization bill, we saw attempts to relax fishery rebuilding timelines (in the name, of course, of "flexibility") that have already proven to be both effective and adequately flexible; a move toward purely political and economic considerations, rather than hard science, as the basis for fishery management decisions; and rollbacks of

National Environmental Policy Act (NEPA) and Endangered Species Act protections that protect many of our long-term fishing opportunities. If these proposals ever make it into Magnuson, we will not have much to celebrate at its 80th Anniversary.

With climate change, ocean acidification, drought and pollution putting new pressures on the nation's fisheries, we are going to need all of the tools we can gather to ensure our ability to make a living from the sea into the future.

At PCFFA we stand by the proposition that you cannot sell tomorrow's fishing opportunity for today's profit. Now is not the time to throw those tools we already have away, but rather to add to them. We will be keeping a watchful eye on Congress and our fisheries agencies to make sure that the promise of Magnuson is kept. **EN**

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