

FISHERMEN'S NEWS

The Advocate for the Commercial Fisherman



Pacific Coast Federation of Fishermen's Associations

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Steps for the Next Congress

By Tim Sloane, Glen Spain and Tom Stokely

The incoming 114th Congress represents a new opportunity for dealing with a multitude of old – and very pressing – problems for the nation's commercial fisheries and the fishing-dependent communities that help feed this nation. This is our start on a new Congressional Agenda for addressing these problems.

Hopefully the new Congress will overcome the often irrational and destructive partisan gridlock that has nearly paralyzed the last Congress. Remember that we represent a multi-billion dollar industry and hundreds of thousands of jobs. We also provide high-quality seafood to the nation's markets and tables, and for export. It should thus always be remembered that the health and economic survival of the nation's commercial fisheries is not, and should never become, a partisan issue.

Both Republicans and Democrats alike need healthy and abundant seafood to eat, clean water to drink and healthy air to breathe. There is thus far more common ground in the task of protecting and sustaining the nation's fisheries than in most other areas of policy this Congress will be dealing with. Here are some common areas of concern that need to be addressed:

MSA Reauthorization

The Magnuson-Stevens Act (MSA) represents some low-hanging, bipartisan fruit to get the 114th Congress started off on the right foot. This nation's most important fisheries management law is overdue for reauthorization, at a time when fisheries are facing unprecedented pressures.

The MSA has largely achieved its purpose: to recover the nation's fishery resources from overfishing and to protect the sustainability of those fisheries. But success has come with some unfortunate consequences: significant restrictions on fishing opportunity due to weak-stock management; disparate impacts on less-capitalized or less-connected communities; and undue fishing restrictions to try to mitigate environmental impacts on stocks caused by unrelated non-fishing activities.

This Congress has an opportunity to hold up the MSA's bipartisan legacy and craft next-generation fisheries management

that takes into account fishing communities, climate change, non-fishing pressure on stocks, and increasing variability in the nation's fisheries.

Good fishery management doesn't happen without good science, but good science has to be paid for. It's also time for Congress to revisit the Fishery Trust Fund concept and to designate a permanent revenue source to support it.

We understand the predicament of managing a fishery on limited data and with limited funding. But the broad-brush management measures often imposed in data-poor fisheries tend to disproportionately impact smaller commercial vessels because these smaller, more diverse (but more sustainable) fleets are more difficult to manage on limited data resources. It's time Congress shouldered its load in ensuring that our fisheries optimize their benefit to the nation, by providing the funding and direction to adequately (and annually) assess and manage stocks, and to distribute management impacts and benefits equitably across sectors.

For more than a decade PCFFA has argued for creation of a national Fishery Trust Fund to pay for fishery science as well as other fishery needs ranging from development of cleaner fishing gear, to some form of catch insurance and disaster relief funding.

In the 2006 reauthorization, Senators Ted Stevens (R-AK) and Barbara Boxer (D-CA) successfully inserted language for the creation of such a Fishery Trust Fund. Left undone, unfortunately, was identifying a specific source of revenue to support that fund. Efforts in Congress in 2012 to actually fund this Trust Fund were unsuccessfully made, but need to be revived.

The debate over Magnuson-Stevens (MSA) raging for the past few years has been mainly whether the Act is now "too rigid" in its prohibitions on overfishing and stock rebuilding requirements. Stock collapses in the early 1990's amidst charges of rampant overfishing led Congress in the 1996 reauthorization to insert explicit language in the Act to prohibit overfishing. But when that mandate failed to bring a turn-around in depleted fish populations, more specific and stringent stock rebuilding language



(including 10-year mandatory rebuilding targets) was added in the 2006 reauthorization in use today.

Stringent stock rebuilding goals certainly created some short-term economic hardships. This has led to calls for “more flexibility” in the MSA to help ease those restrictions. But in fact, those stringent past restrictions have worked, and more of these fisheries are now restored or well on their way to being fully restored than ever before. If fishing communities keep to these goals, in the long-term these stocks – and the jobs and communities they support – will not only return but be much more sustainable.

For most in the environmental and scientific community, however, as well as many in the commercial fishing industry – at least here on the West Coast – “flexibility” is merely code for going back to the old ways of doing things that led to depleted stocks and collapsed fisheries. Retreating from the 1996 and 2006 rebuilding measures is seen as a sure path to disaster – leading to the long-term collapse of America’s oldest industry and the economic, if not actual, extinction of many stocks. The MSA already has plenty of flexibility built into it – there is no reason to jettison a system that is working.

Congress should also require ecosystem-based fisheries management as a nation-wide management paradigm. On the U.S. West Coast, the Pacific Fishery Management Council (PFMC) has implemented tools, such as fishery ecosystem plans, that enable us to manage fishery-sustaining ecosystems into the future. But the other Councils lag far behind.

It’s time to bring the health of those ecosystems into the light, and perhaps more importantly, to give fisheries managers a say in what and how non-fishing activity is allowed to affect target stocks. One way to do that is to expand NMFS’s and the regional fishery management Councils’ ability to address non-fishing impacts through the existing Essential Fish Habitat provisions in the MSA. The Councils need more tools in their toolbox to protect against non-fishing impacts, and requiring other actors to mitigate their own impacts on target stock habitat is a quick way to get that done.

Congress should also develop a fishermen’s insurance program capable of supporting fishermen during fishery failures or closures. With climate change, ocean acidification and a host of other pressures, fishermen could see fishery closures become increasingly common. Congress needs to change the paradigm from ad hoc disaster declarations and political-football appropriations to a less political, more reliable support system.

Beware of Drought “Relief” Legislation

Here in California, our salmon runs are still feeling the effects of drought, and they are not doing well for it. Our salmon fishermen are hanging on by a thread or dropping out entirely, saving themselves the fuel and frustration of coming back with next to nothing. This is why it’s insulting that our legislators would still be proposing “federal drought relief” bills that provide basically no relief for the fishing industry but rather sanction a massive water grab that would destroy California’s salmon industry altogether.

The major drought bills in Congress right now are S. 2533 (Feinstein) and H.R. 2898 (Valadao). They are both fundamentally flawed because they pick water winners and water losers in California, and it’s the well-funded San Joaquin Valley industrial

irrigator lobbyists that stand to win. The fight’s heating up – this debate will get attention after the election, when lame-duck Congressionals throw it all on the line to appease their donors before their bills die and perhaps leave office.

Both bills work in much the same way. They begin with arbitrarily removing restrictions on water diversions that are intended to benefit spawning, rearing and migrating salmon. Then they direct water managers to increase water diversions from salmon streams into the irrigation system, regardless of science or negative impacts to salmon. The result would be that salmon don’t have the legal protection, or water, to make it successfully out to the ocean to support our industry.

And this is not just a California issue: as much as 60 percent of Oregon’s ocean Chinook harvest in any particular year comes from California stocks. Washington catches some Sacramento River Chinook as well. And fishermen are mobile, with permit holders transiting state lines to go where the catch is – which could put even more pressure on Oregon and Washington stocks if California’s rivers dry up.

We note that Senator Feinstein’s bill at least moves further in the right direction, pushing forward on water use efficiency and alternative water supply technologies. That’s where we need to be headed, and where others in Congress like Representative Jared Huffman would take us with his H.R. 2893. The concept is achievable: a sustainable water and salmon future for California and the West that doesn’t resort to killing off one industry to feed another.

Opposing Water Giveaways in California

The Obama Administration is also proposing a massive giveaway of water, money and federal facilities to the powerful Westlands Water District and three smaller districts within the San Luis Unit of the Central Valley Project. PCFFA urges Congress to reject H.R. 4366 and H.R. 5217 that would approve the giveaway.

An impermeable clay layer below these “poisoned lands” causes shallow groundwater laden with salt, selenium, boron and other toxins to rise to the surface, making farming difficult, and eventually impossible, due to salt and boron accumulation. This led to a requirement in the federal San Luis Act of 1960 (74 STAT. 156) that authorized the delivery of water to Westlands and three smaller Central Valley Project agricultural districts within the San Luis Unit, that the federal government would provide drainage to these salt-impaired lands.

For many years this toxic drainage water was dumped into the Kesterson Wildlife Refuge – until the 1980’s, when it was revealed that selenium in the water was causing gross deformities in migratory waterfowl. These deformities sparked public outrage and the demand for the rerouting of the selenium-impaired water. Kesterson was buried, and the drains were plugged, but water continued to flow to Westlands and the salt problem continued to grow.

The drainage problem has reached a boiling point once again as the Westlands Water District and the Obama Administration are proposing to settle a billion-dollar lawsuit filed by Westlands over the government not providing proper drainage. The deal is currently embodied in HR 4366 (Valadao) introduced in Congress and which PCFFA strongly opposes. The Administration has proposed giving Westlands, which is a very junior water



contractor, a permanent (forever!) water contract for more water than Los Angeles uses in a year, forgiving Westlands' \$340 million dollar unpaid debt for its federally subsidized share of the federal Central Valley water project costs, and millions of dollars more in public water infrastructure such as pumping stations and treatment plants, in exchange for Westlands providing its own drainage of these salt-impaired irrigation returns.

However, there are no state or federal requirements in the proposed Settlement for Westlands to actually clean up the mess! Furthermore, the Central Valley Regional Water Quality Control Board does not even require monitoring of Westlands' groundwater for selenium.

To add insult to injury, the Obama Administration is now also proposing that three nearby water districts not involved in the lawsuit also be included in the deal. That expanded deal is embodied in HR 5217, which PCFFA also opposes.

For more information on how to stop the Westlands Settlement visit the IFR website at: www.ifrfish.org.

Protect and Implement Existing Environmental Laws

Congress should also protect the existing roles of cornerstone

environmental laws in regulating fisheries. We harp on this enough in this column: salmon fishing on the West Coast might not exist were it not for Endangered Species Act and Clean Water Act protections for some salmon runs.

It can be a double-edged sword, but the ESA is intended to help our most damaged stocks recover. Especially with regard to habitat, those protective measures spill over to target stocks as well. The Clean Water Act is similarly under constant attack in Congress, especially in the House. Congress should realize the importance of our nation's environmental laws in ensuring the health of all fisheries, targeted or otherwise. Without those basic protections, we are risking many billions of dollars, millions of jobs and a major part of our national food supply. **FN**

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