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## Saving Our Fishing Ports

By Sara Randall, Glen Spain, and Zeke Grader

For at least two decades, before any formal business begins, every PCFFA Board meeting has opened with port reports. Board members from each of PCFFA's member port associations give an informal update of what's going on in their harbor. Over those years the association representatives have shared the plight of their homeports – the good and the bad.

Conditions in each of the ports are more than just one of local interest. Given the migratory nature of many of the stocks fishermen pursue along the Pacific – such as salmon and albacore – or just traveling to other ports each year due to the locale of a fishery, whether it be crab, herring, wetfish or groundfish, most commercial fishermen operate out of more harbors than just their homeport each year.

Some of the items reported on may seem small, but may determine whether or not fishing can take place out of a port. This may be a broken ice machine or the installation of a new one, fuel availability and price, the status of processing facilities and whether the buyers are competitive, vessel repair yards and gear supplies, berthing and harbor and channel dredging, and any storm or tsunami damage.

This is all the stuff we call "infrastructure" – that bureaucratic term to

describe the physical necessities for being operational (think roads and bridges).

In the past there were problems with port authorities or private developers attempting to grab commercial fishing facility real estate, converting it to everything from recreational boating marinas, supply yards for offshore drilling (now for coal and LNG), tourism, offices, even condominiums. Now, increasingly, the problem is not from external forces coveting marina real estate, but those coveting quotas for the fish stocks that historically supported that infrastructure.

The impact on port infrastructure from the loss of access to a major fishery was felt in spades in Morro Bay when The Nature Conservancy (TNC) bought up all the local trawl permits, thus shutting off the supply of dragger-caught groundfish to that port. This had a ripple effect on other local fisheries – loss of fish processing, and an economic hit on fuel sales and other parts of our support industry that depended in part on business from the trawl fleet.

To its credit TNC, after realizing the collateral damage done by its ill-conceived plan to rid the coast of trawlers, did act to correct the situation. However, today, with the Pacific Council's groundfish trawl IFQ scheme in place, there is the danger of massive fleet consolida-

tion. This means that many local ports are now in danger of having local quotas for the fish they have always depended upon sold right out from under them. This could cause the collapse of many small ports' commercial fishing infrastructures.

It is time for a concerted effort at the state and federal levels to protect local fishing port infrastructure.

### A Fishing Ports Initiative

Working to protect our fishing ports is nothing new. One of the first actions taken by the newly-formed PCFFA in 1976 was drafting and supporting language in California's Coastal Act declaring commercial fishing a "coastal dependent use" and requiring the "protection and upgrading, where feasible" of commercial fishing facilities. This language and similar language in coastal legislation in some other states has helped protect fishing facilities from being converted to other uses. The one problem, however, has been that it has been impossible to protect against conversion of a commercial fishing facility or business once it has closed. This is why more than just the existing language in some state's coastal laws is required.

In recent years there has been a kind of bi-coastal coalition in Congress aimed at preserving "working water-



fronts." Former Maine Congressman Tom Allen and, now, his successor Rep. Chellie Pingree, along with California Congresswoman Lois Capps have introduced bills in the last few sessions of Congress to keep intact the nation's smaller working ports (HR 3109 in the 112th Congress, [www.govtrack.us/congress/bills/112/hr3109](http://www.govtrack.us/congress/bills/112/hr3109)).

To date, however, there has been no Congressional action on these bills. Some variation of this legislation could be used as the foundation for a fishing ports protection initiative, at least at the federal level. Here on the Pacific, the West Coast Governors Agreement on Ocean Health ([www.westcoastoceans.org](http://www.westcoastoceans.org)) could serve as the platform for regional action.

In our last two Fishermen's News columns (see "Agenda 2013," FN November, December issues) we set forth a potential fishermen's agenda for the upcoming year, with seven recommended issues for action. Protecting port infrastructure was one of those.

Below are four key elements of what we believe should be part of such a fishing ports protection initiative:

### **Harbor Maintenance and Dredging**

For a port to be a fishing port it must have a harbor accessible to fishing vessels – i.e., boats of at least the size needed to harvest enough fish to support local commercial operations, in some instances small local markets, in other instances large processing operations. No fishing boats, no fishing port.

Problems with maintaining access in and out of fishing ports is nothing new. Santa Cruz, Fort Bragg and a number of other small ports require regular dredging, as do larger sites including Humboldt Bay and the Columbia River bar. Paying for most coastal port dredging is usually done through cost sharing with the U.S. Army Corps of Engineers, with harbor districts responsible for their local share. But federal budget cutbacks are now threatening the Corps' dredging program for small, but important, coastal fishing ports such as Port Orford (OR), Bandon (OR) and Ilwaco (WA). The Corps is now withdrawing funds from small ports like these to keep larger ports open.

Funding for port dredging and maintenance, however, should not be such a problem. After all, Congress established the Harbor Maintenance Trust Fund in 1986, 26 USC §9505, to pay for maintaining the nation's ports – including dredging and dredge disposal, along with jetty and breakwater construction and maintenance. The Fund is supported by a fee on cargo coming in and out of coastal ports.

The problem is that since 2003, "the fund has taken in \$6.4 billion more than it has spent on harbor maintenance, and that figure is projected to grow to \$8.3 billion by next year, according to the General Accounting Office. The funds are being diverted to help finance the rest of the federal budget," reported Andre Stepankowsky in the 3 November Longview Daily News. "Several attempts to adopt legislation to mandate that all the money be used for harbor maintenance have failed."

What fishing groups should insist on from Congress is: a) the monies in the Harbor Trust Fund be used for their intended purpose only, and; b) that smaller fishing ports be treated fairly and equitably in the distribution of monies from the Trust Fund. Unless this happens, many coastal harbors will become silted in, ceasing to be fishing ports.

### **Facility Repair and Improvement**

The capital cost for new facilities such as an ice machine, boat yard, pier or processing plant can often be too great for a small business or fishermen's cooperative, sometime even a port district, to absorb. At the same time, most fishing ports cannot operate without refrigeration, hoists and facilities needed for offloading boats, handling fish and supplying the fleet.

One way to ensure there are basic facilities for working fishing ports would be the creation of a low-interest revolving loan fund that a port or cooperative could borrow against for construction or repair of facilities. An alternative or addition to a low-interest loan program would be the establishment of some form of grants program for maintaining or improving port facilities – where such a grant would gen-

erate significant increases in economic activity from commercial fishing and/or a significant increase in employment.

At the present time in California there exists a successful low-interest revolving fund for harbors and marina construction. In the past, the California Coastal Conservancy has provided grants for construction that has helped maintain the economic viability of fishing ports in that state. Why not do the same everywhere?

### **Protecting Commercial Fishing Facilities**

Although California does have laws to protect commercial fishing facilities within its coastal zones, this is not true in all states. It may be time to amend the Coastal Zone Management Act (CZMA) to statutorily protect federally licensed fishing boats' access and use of American ports that receive federal support for maintenance and dredging.

Whether or not to include protection against capricious establishment of marine protected areas or national monuments that prevent fishing may be considered, but that really is a different issue with broader impacts.

### **Preserving Ports' Access to Fish Stocks**

Finally, the movement to place ever more fisheries under individual quota (IFQ) or "catch share" systems puts many fishing ports at risk of losing fishery resources that historically supported those ports and infrastructures. Under a quota or share system, those resources could now be sold or leased to persons or corporations landing and processing those fish in other places.

This problem was supposedly addressed by Congress in the 2006 reauthorization of the Magnuson-Stevens Fishery Conservation & Management Act (MSA), the nation's principle fishery law, when language was added in the Limited Access Privilege Programs (LAPPs) section. This language provides for the creation of community fishing associations (CFAs) that can hold quota (or shares) not individually, but on behalf of a whole community.

CFAs are a mechanism for communities to protect their financial interest



in a fishery, and to protect their local fleet and fishery infrastructure. They also are a means for processors to protect their assets in a port (the problem of “stranded assets”) without having to issue processors themselves quota.

Unfortunately neither NMFS nor NOAA, which are championing “catch shares,” nor the regional Councils have done anything to facilitate establishment of CFAs. NOAA/NMFS and the Councils should have placed an immediate moratorium on IFQ/catch share development until standards and a mechanism for creation of CFAs were put in place.

Instead, NOAA/NMFS have gone full speed ahead with IFQ/catch share development with little thought for its impact on ports. As a result, many IFQ/catch share programs will already be in operation long before CFAs are established or permitted to hold quota – the only quota or shares that will then be available will have to be purchased on

the open market, if available at all. This is bad public policy and in clear violation of Congressional intent.

Congress cannot wait for its decadal reauthorization of the MSA to solve this problem. Amendments to the MSA are needed now for putting a moratorium on IFQ/catch share development with explicit language on standards for CFAs, their organizational make-up (e.g., non-profit or public benefit corporations, cooperatives, etc.), the protection of this community interest and rules on how much quota can be held by these groups. CFA’s are not some “trailing action.”

### Conclusion

Good fishing port infrastructure is essential for the conduct of commercial fishing operations. These ports are now threatened from a number of sides, from federal budget cuts (and raids) to having the fish that support these ports sold out from under them under IFQ/catch share schemes.

An initiative to protect fishing ports is urgently needed, and at least four of the elements of such a campaign have been outlined above. PCFFA has made protecting our fishing ports a 2013 priority. We are hopeful other fishing groups, along with our new national organization, the Commercial Fishermen of America (CFA), will join these efforts. 🐟

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