It has never been a good relationship. In an uneasy marriage arranged by the Stratton Commission back in LBJ’s Administration and consummated by the Nixon reorganization, the nation’s fisheries agency never fit well in a largely science-based agency, run by scientists with little understanding for food production, recreational endeavors, nor the culture of one of humankind’s oldest trades.

It was difficult enough taking the old Bureau of Commercial Fisheries (with its origins back in the Grant Administration), and combining it with the marine programs of commercial fishing’s sister organization in the US Fish & Wildlife Service agency, the Bureau of Sport Fisheries, to create a new “National Marine Fisheries Service (NMFS).” Then, 5 years later, when the Fishery Conservation & Management Act of 1976 (the “Magnuson-Stevens Act”) was passed, the new NMFS was given a regulatory role for the first time, including responsibility for a Fishery Conservation Zone (now called the “Exclusive Economic Zone”) extending from 3 to 200 miles offshore.

The new NMFS was certainly large enough, with more than enough to do to warrant being a stand-alone agency within the Departments of Interior, Commerce or Agriculture.

The Stratton Commission and Nixon Administration, however, had different ideas, with their concept for a “wet NASA”, putting marine fisheries, the National Weather Service, the marine sanctuary program and a smattering of other national marine-related programs into a newly created National Oceanic & Atmospheric Administration (NOAA). About the only ones spared were the Maritime Administration and the Coast Guard.

The 1970’s were a difficult enough time for the new NMFS. It had to coalesce and/or coordinate both commercial and recreational fishing programs. Moreover, it now had a new and massive regulatory role – keep in mind that fisheries had previously been solely regulated by the states or through interstate compacts such as the Atlantic Marine Fisheries Commission. This was a big enough challenge; making matters worse, NMFS was placed in and under NOAA, a science-dominated agency with no understanding of fisheries or the fishing culture, much less enacting and implementing regulations.

Right from the beginning, there were problems with NOAA, whose science culture was very different from that of America’s Oldest Industry. Leadership in NOAA was, and remains, concerned mainly with its science and data collection role and its satellites and research vessels.

For NOAA, fisheries was an afterthought – although the agency readily glommed onto the practical aspects of NMFS and NWS to help defend NOAA’s funding and existence to the Congress and the public.

What began as a difficult and awkward relationship has devolved over 40 plus years into an abusive situation that has harmed US fisheries and fishing communities. NOAA has, whether wittingly or unwittingly, waged war on fishing and fishermen. Let’s examine the record:

Non-Sustainable Aquaculture

Since its very beginning, there has been an element in NMFS and in NOAA enthralled with aquaculture. NOAA has never really understood wild-capture fisheries or those engaged in them, with many in the agency disparaging of capture food production, comparing fishermen to 19th century commercial duck hunters, or even buffalo hunters. On the other hand NOAA has long been intrigued with fish farming. Many in the agency, no doubt, see post-government retirement opportunities in aquaculture, whether in developing technologies for this form of fish production, or becoming aquaculture operators themselves or high-paid consultants to that industry.
There are many more opportunities for retired bureaucrats in aquaculture than in wild fisheries.

Aquaculture is important, we’re not disputing that, since more than half of the world’s fish and shellfish production is predicted to soon come from fish farms. The problem is that it needs to be carefully planned so as not to compete with or endanger existing wild capture fisheries, and it needs to be sustainable. NOAA, however, is actively engaged in promoting harmful and non-sustainable fish farming, thus placing wild fish stocks, fishing fleets, and even consumers at risk.

NOAA seemingly is more interested in currying favor with aquaculturists, rather than in steering the nation toward a sustainable aquaculture course. How else can you explain their efforts in the Gulf of Mexico and Hawaii in promoting open-water aquaculture, despite all the science demonstrating the problems of pollution and escape inherent with this form of fish farming? And they ignore the navigation hazards posed by cages and net pens breaking free in open waters.

There is a viable alternative to open-water aquaculture, which is closed containment, utilizing recirculating water facilities that can be placed on shore – including in old industrial buildings, on fallowed farmland, even in the desert, where the facilities are easier to get to, service and maintain than those in open ocean waters. NOAA, however, has been content in siding with fish farmers who don’t want to come ashore, despite the dangers their operations pose. Worse, NOAA, which includes NMFS, has a trust responsibility to our existing fisheries, but, instead, is promoting a type of aquaculture that puts our fisheries at risk.

**Consolidating Fisheries, Eliminating Fishermen**

During the second Bush administration and carrying through into the current Obama regime, NOAA has been actively pushing a “neoliberal” fisheries agenda to promote the privatization of public fish resources, though individual fishing quotas (IFQs) and “catch share” programs.

These programs – at least the way most are now written – have been notorious for consolidating fisheries into a few large players while eliminating thousands of fishing jobs. Consolidation, and elimination of most fishing jobs, mind you, was not needed for conservation or even to make fisheries economically viable, but is a result of NOAA’s and some ENGO fellow travelers’ religious-like adherence to a narrow market-based ideology, ignoring pragmatic real-world based alternatives such as the development of community fishing associations.

We are not saying here that IFQs, or some other form of catch share, may not work well in some fisheries, but in order to protect the public’s interest in its resource, and the access of fishing communities to the fish stocks they depend upon, such systems have to be very carefully drafted. Such systems need to: (1) prevent de facto privatization of fish resources; (2) stop massive consolidation and control of fish stocks by a handful of operators (e.g., such as happened in New Zealand); (3) limit quota ownership to those working on-board fishing boats, and; (4) ensure affordable entry for younger fishing men and women.

NOAA, however, while working to implement IFQs/catch shares in every federal fishery it can, has stonewalled development of such key sideboards that would ensure that these programs work on behalf of fishing communities, not simply a few large corporations, foundations or ENGOs. Making matters worse, in the 1990’s NOAA stonewalled Congress on developing standards for IFQ systems and, since 2006, when Congress authorized community fishing associations, NOAA has deliberately stalled their development, thus allowing all quota to be allocated into the private sector with nothing left to allocate to CFAs.

**MPAs – Ocean Grabbing**

NOAA, despite its trust charge – through NMFS – over fisheries, has become the main proponent for marine protected areas (MPAs), even though MPAs can eliminate hundreds, even thousands, of miles of key fishing grounds and harm US fishermen. We’re not saying MPAs are all bad or that they may not be a useful tool when objectives are clearly delineated and sites carefully drawn. The problem with NOAA is that they have gone about MPA creation with a broad brush, particularly in the Pacific off Hawaii and in the Western Pacific, unnecessarily closing off thousands of miles of fishing grounds, ignoring impacts on domestic fishermen and largely ignoring non-fishing impacts. At no time did NOAA consult with its “fishery constituents” prior to pushing ahead with these massive MPAs.

**Ignoring Science, Hurting Fisheries**

NOAA may claim to be a science agency, but its egregious ignorance of fishery science says otherwise. One might have assumed that NOAA would at least have sided with its own scientists on issues of fish protection. Instead, it has demonstrated itself to be the handmaiden for large hydropower, agribusiness and oil industry interests at the expense of fish resources and fishing communities.

Consider the example of Columbia River hydropower dam operations. Consistently NOAA/NMFS has sided with the Bonneville Power Administration (BPA) and US Army Corps of Engineers against salmon protection. They’re now back in court with yet another flawed biological opinion (Bi-Op) harmful to salmon. Fortunately the courts have consistently found for fishermen (PCFFA is a Plaintiff) and conservation groups against these agencies. Those court-ordered protections such as “spill” have been largely responsible for increasing salmon numbers in the Columbia watershed, not because of any NOAA/NMFS initiative, which fought them all the way. Indeed, NOAA/NMFS, left on their own, would have allowed Columbia stocks to slide toward extinction. The sad part is that these stocks could be doing even better if fishermen had not had to fight NOAA/
NMFS every bit of the way.

It’s not just the Columbia. Remember NOAA/NMFS bureaucrats overruled NMFS’ own scientists on salmon in the Sacramento-San Joaquin Delta estuary in 2004. It was only as a result of a successful PCFFA-led lawsuit that the NMFS finding of “no jeopardy” was overruled as arbitrary and capricious. The subsequent BiOp NMFS scientists were allowed to develop, sans NOAA political interference, is the reason there are still runs of listed and non-listed (e.g., economically important fall-run) chinook populations still left in the Central Valley watershed.

What Fishing Culture?

If NOAA has chosen to ignore fishery science, it has also been mostly oblivious to our nation’s fishing culture. Sure it has produced a few small videos on some of our nation’s fishing history (e.g., a video about San Pedro), but the social science of our fisheries is foreign to them, despite their habitual use of the incorrect term “NOAA Fisheries.” When World Fisheries Day was celebrated last November 26th, for example, the US State Department put out a statement honoring the day, but there was complete silence from NOAA and NMFS.

What’s in a Name?

Finally, while there is eye-rolling by some when we remind them, the official name of our nation’s fishery agency, until and unless Congress changes it, is still the National Marine Fisheries Service, which can be shortened to National Fisheries or NMFS. It was never officially made “NOAA Fisheries,” nor “NOAA’s Fisheries Service,” nor some other variation thereof that includes NOAA.

This renaming was a deliberate effort on the part of NOAA bureaucrats to interject themselves into fisheries issues they had no understanding of, and an attempt by NOAA agency bureaucrats to marginalize our nation’s fisheries. Thus whenever a fisherman, someone else in the industry or the fishing trade press uses the wrong term, they are helping to marginalize our nation’s oldest industry, while crediting an entity that has essentially waged a war on fishing men and women over the past 40 years.

What’s to Be Done

We’re now entering the last two years of the Obama Administration, and one party will control the new Congress. Remembering that our fisheries issues have been non-partisan since the nation’s beginnings, this presents a good opportunity to enact real fishery reforms, along with the reauthorization of the Magnuson-Stevens Act. Simply moving NOAA to Interior, with NMFS in tow, as some have proposed, is no answer.

A better choice would simply be to extract NMFS from NOAA, perhaps creating a Bureau of Fisheries & Aquaculture, to create a stand-alone fishery agency in Commerce, Interior, Agriculture, wherever. On the other hand, if the culture at the leadership at NOAA can be changed to listen to fishing communities, that would also be a good start. But something’s got to change.

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