



# FISHERMEN'S NEWS

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# Fisheries Agenda 2013

## Seven Issues For Action Next Year – Part I

*By Zeke Grader, Glen Spain and Sara Randall*

**W**e're writing this list of recommended actions before the elections with no idea who will win. But regardless of the outcomes of the election, and no matter who is in office, these are the issues on which our industry should demand action in 2013 from the next Administration and Congress.

After being adrift for years as dead-lock over the federal deficit gripped the nation, with the economy in the doldrums and partisan gridlock rendering the nation rudderless, our fisheries can no longer wait patiently for government and its court of lobbyists to act on our behalf. Fishermen have to take charge and push their own agenda. Change in Washington, DC will clearly have to come from the outside, not from within.

By the time you read this the November election will be at hand, or over, and strategies can begin to be developed on how to approach those who will be in power as the details of an agenda are worked out among fishing men and women.

What we've put together here is a "straw man" to begin discussions on a "2013 Fishermen's Agenda." There are seven issues that, based on our knowl-

edge, need action and should be part of any national fishery agenda. This list does not prioritize, nor are we saying there may not be additional issues. What is important, rather, is that these discussions begin on developing an action agenda for early next year.

Here, for your consideration, are our proposals for change. In this first part we look at three of these seven issues.

### Protecting Fishing Communities

This is not intended as a rehash of the debate over individual fishing quotas (IFQs) or other forms of catch shares, but rather to focus on what needs to be done to ensure fisheries are not sold out from under our nation's fishing men and women. Time is of the essence here. Some catch share plans, such as West Coast groundfish IFQs, along with the groundfish catch share program on the Atlantic seaboard, are already being implemented, and IFQ programs are being expanded in Alaska.

Since the Courts to date have mostly adhered to a doctrine of "extreme deference" to federal on IFQ rulemaking and catch share programs, it is apparent that any real reform of these systems will have to come from Congress.

In particular, development of more explicit statutory language in the limited access privilege programs (LAPPs) provisions within the Magnuson-Stevens Act (MSA) is much needed. Congress will need to spell out in detail what exactly a "community fishing association (CFA)" is and is not. This form of organization has the potential for protecting a whole community's interest in its historical fisheries -- particularly its local fleet and processors. But leaving these details up to NOAA or the regional fishery councils means either that nothing will be done to facilitate creating CFAs, or that large owner cartels will be created with no real protection for communities through CFAs.

Specific language is needed on what can constitute a CFA (i.e., the permissive forms of organizational structure), what actions they can and cannot engage in, specific protections for the community interest, their size, their initial allocation of quota and later purchase and lease or sale of quota, their geographic size and the total amount of quota they can own or control, etc.

To date, NOAA and the regional councils have demonstrated total incompetence in dealing with these commu-



nity issues, including the development of CFAs and other measures to protect these important community interests.

These protections cannot be deferred to a later date, as “trailing actions.” Once the quota is sold into private hands it will be extremely difficult and expensive to reassert any interests of the community -- which includes local fleets, processors, and the interests of young fishermen in these ports trying to get into these fisheries without becoming heavily leveraged to the banks, processors or environmental groups.

Additional protections that are needed now to protect CFAs and community fishing interests include:

*Quota caps.* There should be caps, where they don't exist, on total amount of quota or shares that can be held or controlled by any one entity. The emphasis must be on maximum employment, maximum small business (i.e., a fishing boat) participation. Where an entity holds quota or shares in excess of the caps, the divestiture should ensure that CFAs be given the right of first refusal to purchase that excess.

*Ownership restrictions.* Restrictions, where they don't exist, on ownership of quota or shares should be limited to either (1) those individuals (not corporations) actively engaged in fishing on board a vessel in that fishery or (2) to a CFA representing the interests of individuals actively engaged in fishing on board a vessel in the fishery. Where processors, environmental groups or other third parties currently hold quota, any subsequent lease or sale should only be to those engaged in fishing on board a vessel. Quota should be owned by working fishermen, not corporations.

*Referendums.* Finally, any new catch share program must be subject to a referendum vote among those actually working in the fishery to protect against larger economic interests -- whether some larger fishing groups, processors or environmental organizations -- gaming the system and shoving working fishermen aside.

The difficulty of adding protections to catch share programs after the

quota has already been allocated can be seen in New England with the fight over NEFMC Amendment 18 for “Fleet Diversity” in the groundfish sectors. The time to safeguard our small-boat fishermen and fishing communities is before the program's implementation, not afterwards.

### **Developing Sustainable Onshore Aquaculture**

The debate here is not whether there will be aquaculture, but whether it will develop in open ocean waters where it will endanger the marine environment and commercially valuable wild fish stocks, or whether it will be developed onshore in contained facilities where it can compliment current capture fisheries in the marketplace.

The fact is, world production of wild fish stocks is probably at about its maximum level. Sure, some stocks can expect to see increased production as they rebuild or their habitats are restored (e.g., Pacific salmon), but overfishing now taking place internationally likely offsets that. Moreover, the impact of climate change is expected to reduce wild fish catches by an estimated 20 percent or more. Aquaculture will be needed to fill the gap.

What is before us, however, is whether the fishing industry sits by as NOAA and some of the corporate boosters of aquaculture continue pushing problematic offshore fish cages, or whether fishermen become actively engaged in supporting development of sustainable aquaculture operations onshore for fish such as tilapia, barramundi, catfish and carp.

The commercial fishing community has to be engaged in the development of any aquaculture programs proposed by the Administration or in the Congress.

### **Protecting and Restoring Rivers and Watersheds**

Pacific salmon, as readers know, is a major component of the West Coast fishing industry, from Santa Barbara to the Bering Sea. While stocks in Alaska, excepting chinook, have remained

abundant, West Coast runs have been heavily impacted by the destruction of in-river habitat, including barriers to migration and loss of flow. Several of these major river systems will need attention this coming year in Congress.

*Cleaning Up the Klamath River.* In spite of highly unusual ocean conditions this last three years leading to large 2012 runs, the Fall-run chinook salmon of the Klamath are still bouncing along on average at less than 15 percent of what the river once produced. Coho salmon in the Klamath are at less than 2 percent and ESA-listed.

If the Klamath is not finally fixed, the next major salmon population downturn could again close wide swaths of the coastal salmon fishery like in 2006. Four economically obsolete dams owned by PacifiCorp Energy Company stand in the way of major Klamath salmon restoration. The irony is that the company wants to get rid of those dams -- but the House leadership will not let them!

The single most important thing Congress could do to help permanently restore salmon to the Klamath is to pass the implementing legislation for the Klamath Settlement Agreements. That bill, “The Klamath Basin Economic Restoration Act,” (S. 1851 and H. R. 3398 in the 112th Congress), has been mostly blocked by Rep. Tom McClintock, current Chair of the House Subcommittee on Energy & Power.

Mr. McClintock apparently does not believe PacifiCorp should have the right to take down its own obsolete dams. In the process McClintock is also blocking a long-term salmon restoration plan for the Klamath Basin that would double the salmon run size and create 4,600 new jobs.

### **Negotiating a Lasting Columbia River Salmon Solution**

The Columbia-Snake River was once the most productive salmon basin in the world. Now its salmon runs average only about 10 percent of historic production, nearly all ESA-listed.

Four major proposed DC-driven “Salmon Recovery Plans” for the



Columbia Basin over the last 20 years have all been declared illegal as based on politics and not science. After 20 years of constant litigation and gridlock, getting all the key stakeholders together and making them talk to each other about potential solutions, with everything on the table, ought to at least be tried.

There has been a long, hard push for serious stakeholder-driven settlement negotiations in the Columbia. 51 Members of Congress have pushed for such talks, as have nearly 1,200 business leaders (see PCFFA's web site at: [www.pcffa.org](http://www.pcffa.org)). Just this August, Oregon's Governor Kitzhaber also publicly supported such negotiations. The next Congress should also support settlement efforts.

### **California Central Valley**

In the past two issues of *Fishermen's News* there has been an extensive discussion in this column on the water grab threatening salmon stocks of the Sacramento-San Joaquin ("Central Valley") River system (see "Grand Theft Water" in the September and October FN issues). Central Valley salmon stocks account for most of California's salmon production, but also contribute signifi-

cantly to Oregon and even Washington's ocean catch. West Coast fishermen, along with representatives from the three other West Coast salmon states will need to be engaged to ensure that this major salmon producing system is protected.

Another Central Valley item requiring immediate attention is the threat to the bi-partisan San Joaquin River restoration program. Currently federal Central Valley Project water contractors are attempting to hijack funds for the program while blocking the reintroduction of salmon to the mainstem of the San Joaquin River -- once was a major producer of Spring-run chinook salmon. Worse, majority members of the House Resources Committee are working to stop the river's restoration entirely. Fishermen will need to be in their faces, defending the fishing jobs they are threatening.

### **Protecting Bristol Bay from the Pebble Mine**

Finally, the world's most productive salmon grounds are threatened by the proposed Pebble Mine in the Bristol Bay watershed. To date, fishermen

from across the country have shown a remarkable degree of unity in opposing this massive mine project. But while fishermen are united, we need to take the case to the Administration and Congress that this travesty must be stopped. It's not going to be stopped by officials in Anchorage beholden to the mining company. This is a national battle about a national treasure and has to be a major plank in any fishing agenda for 2013.

**Part II:** In the second part of Agenda 2013 in next month's issue of FN we look at the four remaining issues, which are: Science - Research and Data Collection; Adapting to and Addressing Climate Change; Overhauling Fishery Management, and; Funding it All - Establishing a National Fisheries Trust Fund. 🐟

*Zeke Grader is PCFFA Executive Director (ZGrader@ifrfish.org); Glen Spain is PCFFA Northwest Regional Director (fish1ifr@aol.com); Sara Randall is former Director of Programs for the Institute for Fisheries Resources, currently at the University of Maine's School of Marine Sciences (Sara.Randall1@maine.edu).*