

Anger and Angst

Catch shares and quota-based management programmes have failed to remove the uncertainties facing US fisheries and fishing communities

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The mood in the fisheries of the United States (US) is not pretty. Despite upward trends in stock assessments for groundfish on both the Atlantic and Pacific coasts, the return of the Pacific salmon fishery after three years of almost no fishing, the resumption of fishing in the Gulf of Mexico following the nation's worst ocean oil spill, and the high market demand for fish from Alaska and elsewhere, all is not well. The foul mood across the country—brought on by a lacklustre economy, two seemingly endless wars, and the partisanship, divisiveness and ugly rhetoric spewing from the 'Tea Party' and other extremist groups—seems to have pervaded the nation's fisheries as well.

were forcing many to the verge of bankruptcy. The principal US fisheries law—the Magnuson-Stevens Fishery Conservation and Management Act had been renewed ('reauthorized') in 2006 with explicit language prohibiting overfishing and mandating the development of rebuilding plans for all overfished stocks.

Amendments from the 1996 reauthorization included 'do-not-overfish' prohibitions, but the 2006 reauthorization was emphatic, with the US Congress telling the Department of Commerce it wanted overfishing, wherever it was occurring, to stop, and stocks to be rebuilt. Science was now to be the cornerstone for developing fishery management plans.

Within the Department of Commerce is the National Marine Fisheries Service (NMFS), along with the National Oceanic and Atmospheric Administration (NOAA)—the larger science agency where NMFS (along with the National Weather Service and ocean-related services) currently resides. The Department is responsible for implementing the Magnuson-Stevens Act, including approving fishery management plans (FMPs) developed by eight different regional councils and regulating fishing pursuant to those plans.

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While the status of US fishermen may be the envy of fishing men and women in many parts of the world, there are serious problems confronting America's oldest industry and a great deal of uncertainty about the future for working members of the fishing fleet.

Part of that anger spilled over last year when there was a march on Washington by commercial and recreational fishermen. A large part of the unhappiness came from the Atlantic coast where catch restrictions had greatly limited the number of fishing days; these restrictions

Buyback programme

The overfishing and rebuilding efforts have been painful. On the Pacific coast, the groundfish trawl fleet was effectively cut in half through an industry-funded—but government-bankrolled—vessel and

This article is by **Zeke Grader** (zgrader@ifrfish.org), Executive Director of the Pacific Coast Federation of Fishermen's Associations (PCFFA)

permit buyback programme. Additionally, groundfish quotas from the smaller and less organized fixed-gear (trap and hook-and-line) fisheries were reallocated by the Pacific Council (where trawl interests have had seats continuously since 1976) to the trawl fleet to make the cutbacks for the larger vessels less painful. This was done in spite of the fact that the trap fleets have less bycatch, do not disturb bottom habitat, and fetch a higher price for their catch.

Along the New England and mid-Atlantic coasts, vessel buybacks were less successful in reducing fishing effort. The relationship, particularly in New England, between the fleet and NOAA/NMFS has long been acrimonious. For years, the New England Fishery Council had refused to adapt measures necessary to prevent overfishing or begin the rebuilding process. A great deal of blame was being heaped on the New England Council for failing to deal with overfishing—and it, like its West Coast counterpart, was heavily dominated by trawl interests to the detriment of the smaller, more artisanal fixed-gear fleets—but NOAA/NMFS was no innocent party in this case.

Stock assessment research had been bungled by the fishery agency (hence, “trawlgate”) and there was a great deal of mistrust of the data the government was basing its overfishing assessments on. It seemed, in fact, every time a new assessment was ordered, more fish were found. Coupled with this was the heavy-handed approach of NOAA’s enforcement agents in the New England office. Little wonder then that there was a deep division between fishermen and government in that region. Indeed, a scandal rose out of NOAA’s New England enforcement office, resulting in the relocation of agents and a review of cases that is still in the process of being resolved, and the return this May of fine monies improperly collected.

In an effort to deal with the crisis in the New England groundfish fishery, the region’s Congressional delegation—including the late

Senator Edward Kennedy who, like his brother John before him, was a staunch advocate for New England fishermen—provided funding for a large (compared to the rest of the country) collaborative fishery research programme involving fishermen working together with scientists. This collaboration, it was felt, would help bridge the gap in the understanding of the science on which management decisions were based. There were a number of other benefits as well, including opening up research opportunities for scientists, reducing the cost of many types of research/data collection, taking advantage of the fishermen’s knowledge of fishing techniques and fishing grounds, and putting many underemployed fishing vessels to work.

NOAA and NMFS, on the other hand, began pushing in earnest, under the Bush Administration, the development of individual fishing quota (IFQ) programmes as their answer for the ‘fishery problem’. IFQs, allowing the free trade and sale of fishing quota, were seen as a ‘market-based’ solution for dealing with natural resource conflicts. The less restrictive forms of IFQs, such as in place in New Zealand and Canada, amounted to a *de facto* privatization of public resources. Privatization of public resources, whether land,

THE FACES OF CALIFORNIA FISHING



The fishing vessel *Pieface* at California, US. For years, the New England Fishery Council had refused to adapt measures necessary to prevent overfishing

water or fish, fit right into the Bush Administration's ideology. It had embraced the neoconservative dogma for its foreign policy; now, domestically, it was embracing a neoliberal 'market-based' ideology to guide conservation. It was, after all, the American administration pushing liberal, secular democracies abroad—at least publicly—while pursuing a conservative theocracy at home.

Despite the hyperbole about them, IFQs do not end overfishing—nor do they rebuild stocks or even, necessarily, promote stewardship of fisheries. They are an allocation tool that may either promote or thwart conservation. What they can do, depending on how they are designed, is provide fishermen flexibility to take advantage of market conditions, potentially increasing the value of the catch.

IFQs in the US fisheries, at the beginning of the decade, were largely untried, with mixed results for the two most prominent programmes then in place. The mid-Atlantic surf clam fishery IFQ resulted in ownership of the fishery being consolidated into the hands of a few large fish processors. In Alaska, however, the largely fishermen-designed system for the halibut and blackcod

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(sablefish) fisheries had generally met with success. It made fishing operations safer, increased the value of the catch, and spread production over the season, providing consumers fresh fish for much of the year, in spite of problems with initial allocations and questions now about some of the quota leasing taking place.

Entering into this fray was the environmental non-governmental organization (NGO), Environmental Defense Fund (EDF), with a well-financed campaign to promote market-based solutions. EDF, once a

leading US conservation organization, had become enamoured with the use of economic incentives nearly two decades ago, when it advocated for water marketing as a method of addressing California's water problems. Water marketing, like IFQs, can result in the privatization of publicly owned resources. While a useful tool in limited applications, both of these market-based tools have been plagued with problems, resulting in the enrichment of a few and the impoverishment of many. As a result of EDF's almost single-minded zeal for IFQs, it managed to get kicked out of the Marine Fish Conservation Network (MFCN)—a coalition of some 200 conservation, commercial and recreational fishing organizations—during the last reauthorization of the Magnuson-Stevens Act. The network had argued for strict standards for any IFQ programme to prevent privatization and ensure conservation; EDF wanted no such limitations.

On the west Coast, EDF and a few organizations representing larger trawler interests, began quietly developing an IFQ programme for groundfish with the backing of the Bush Administration's NMFS and the chair of the Pacific Council. On the east Coast, New England's groundfish stocks were languishing. The collaborative research programme relieved some of the impact of the catch cutbacks, but the industry was still hurting.

Economic relief

The Pew environmental group, although much maligned among many in the US fisheries, attempted to push fishery jobs legislation intended to give economic relief for fishermen while stocks were being rebuilt. That measure might have provided an ideal middle ground between an industry arguing for more time—and less fishing restrictions—or 'flexibility' and an agency whose only answer was an IFQ programme aimed at consolidating the fishing fleet, leaving many vessels tied to the dock and fishermen in unemployment lines. But the Pew jobs proposal was never acted on by the Congress.

In 2009, many fishermen hoped for change with the coming of the new Obama Administration. However, with the exception of salmon in California, change in federal fishery policy has been virtually non-existent. Instead, NOAA not only embraced the Bush Administration's promotion of IFQs, but embellished it, to include sector allocation, renaming it 'catch shares'.

To further promote catch shares, NOAA called for a multi-million-dollar federal investment to facilitate catch share development. The problem was to fund this federal initiative; monies had to be taken from somewhere else. In this case, the monies were taken from the highly popular and successful fishermen-scientist collaborative research programme. This did not sit well with the fishing fleet.

In fairness, under the rubric of 'catch shares' were included community fishing associations (CFAs), authorized by the Congress in the 2006 Magnuson-Stevens Act reauthorization. CFAs were authorized to be provided initial allocation for any individual quota or catch share fishery as a means of preserving fishing communities' access to their traditional fisheries—certainly the fish stocks in the waters adjacent to those ports. With consolidation and tradeable quotas under most IFQ programmes, communities were losing access to fish as local fleets sold their quotas or moved elsewhere. On the other hand, CFAs—made up of working fishing women and men, processors and others within a community—could hold quota in trust for the community, to protect the local fishing fleet along with the shoreside jobs derived from fishing and a community's economic, social and cultural stake in its fishery.

Prior to Congress' authorization of CFAs, the North Pacific Council had attempted to deal with the issue of maintaining a fishing community's access to fish stocks—in the design of its Bering Sea/Aleutian Island (BSAI) crab fishery IFQ (rationalization or 'ratz') programme—by awarding quota to fish processors, in addition to fishing vessels, trying to protect the



Black cod fishing in California, US. With the exception of salmon in California, change in federal fishery policy has been virtually non-existent

assets of processors in fishing ports and the employment those plants provided. The problem with that approach, other than potentially running afoul of US anti-trust (anti-monopoly) laws was that there was no guarantee the processors would not sell their quota to a processor in another port, move their operations, or outsource the processing—as happened when some domestic buyers began sending crab to China for processing, eliminating shoreside jobs in Alaskan communities.

The BSAI crab fishery 'ratz' programme has proven highly controversial. It significantly reduced the fleet size just when crab stocks were rebounding, and resulted in the loss of nearly 1,000 crew jobs, with less pay for those crew who kept their jobs.

Referendum

The Obama Administration's answer for the New England groundfish fishery, through NOAA, was to promote a catch share programme in the form of sector allocation. Congress had mandated that any quota programme for New England had to be approved by a referendum of the affected fishing groups, but that did not stop NOAA and the New England Council from moving ahead anyway, without a vote ever being taken.

On the west Coast, NOAA/NMFS kept moving ahead with the Bush Administration/EDF/large trawler groundfish trawl IFQ proposal. That proposal was approved by the Department of Commerce and began in January, although a lawsuit filed by the Pacific Coast Federation of Fishermen's Associations (PCFFA), the Crab Boat Owners Association and the Port Orford Resource Team could bring all that to a halt once the case is heard. The Pacific groundfish 'ratz' programme is designed for larger trawlers, especially in its observer requirements that will likely force smaller trawlers to sell out, and could reduce the remaining fleet by another two-thirds, leaving many ports with no access to those groundfish stocks, such as sole, that can only be caught with trawl nets.

To date, NOAA/NMFS has done nothing—in the Bush and, now, Obama Administrations—to develop working criteria, much less a template for establishing CFAs or issuing them quota, despite the fact they have now had five years to act. Under the Obama Administration, NOAA/NMFS did attempt to develop a policy for catch shares, but it was largely devoid of substance, stating only that the federal government would assist those fisheries seeking to develop catch shares. In the meantime, NOAA/NMFS is moving ahead with developing catch shares for fisheries, giving out quota to individuals/sectors with no regard for Congress' intentions for developing CFAs to protect communities' interest in their fisheries. It appears now, if CFAs are to take root—a few are forming and one is now in operation in California—they will probably require some government subsidy or private foundation grant to purchase the quota they were supposed to have been allocated initially.

Earlier this year, Ecotrust issued its report on catch shares—"Community Dimensions of Fishery Catch Share Programmes: Integrating Economy, Equity and Environment" (http://www.ecotrust.org/fisheries/NPCDFCSP_paper_031511.pdf)—that provides a fairly objective analysis

with recommendations, and should be read by those wanting to know more about the issue.

The US fishing fleet is predominately made up of smaller, coastal fishing vessels, mostly owner-operated family businesses. They are mainly less than 25 m in length, most less than 15 m length overall (LOA). At one point, diminishing fish stocks and, in some instances, loss of markets seemed the biggest threat to the continued existence of the US' oldest industry—at least as it had been traditionally conducted. Now, with strong demand for most wild-caught seafood, overfishing having ended, and even some progress being made in tackling non-fishing threats to stocks—such as dams, loss of freshwater flows to sustain rivers and estuaries, habitat destruction and pollution—there should be reason for optimism. 

For more

www.nmfs.noaa.gov/msa2005

Magnuson-Stevens Reauthorization Act of 2006

www.gloucestertimes.com/local/x253820322/House-backs-killing-NOAA-catch-share-funds

House Backs Killing NOAA Catch Share Funds

www.nmfs.noaa.gov/sfa/domes_fish/catchshare/index.htm

Catch Shares

www.edf.org/home.cfm

Environmental Defense Fund

www.ecotrust.org/fisheries/NPCDFCSP_paper_031511.pdf

Community Dimensions of Fishery Catch Share Programmes: Integrating Economy, Equity and Environment