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Marine Sanctuary plan poses dire fishing threat

By Richard Gaines

Staff Writer

A draft reauthorization of the National Marine Sanctuaries Act, circulated for comment by a California congresswoman, contains anti-fishing language that would bar commercial trawling in the nation's 14 sanctuaries — including Stellwagen Bank where the vast majority of groundfish landed in Gloucester are caught.

Stellwagen or Middle Bank, as the cod rich waters were known in the 17th and 18th centuries and still are today in the fishing world, accounts for the vast majority of the volume landed by the inshore day boat fleet.

Of that, roughly 60 percent, fishermen have estimated, is landed using trawl gear, a fast-developing technology with a hard-to-shake, bad reputation. Recent innovations include the Ruhle Eliminator Trawl, so-called for its ability to funnel out of the net unwanted species.

The elimination of trawling in Stellwagen, created in 1992, would send shockwaves through the port.

"It's all over, that's where we go," said Joe Orlando, captain of the Gloucester-based trawler Padre Pio.

Crafted in the office of U.S. Rep. Lois Capps, a Santa Barbara Democrat, the language in the "discussion draft" also launches a proliferation of sanctuaries, assigning the Secretary of Commerce to add by 2030 "a full range of the nation's marine eco-regions and rare and unique marine habitats and a full range of maritime heritage resource areas."

The draft bill, which was circulated in recent weeks for comment by stakeholders including environmental and tribal groups, commercial and recreational fishermen and academic and research organizations, have drawn intense opposition from fishing groups, which have complained to Capps' staff that the ban on bottom trawling marked a breach of faith.

As elsewhere in the system, the creation of a marine sanctuary in 1992 of Stellwagen Bank — an 842-square mile intersection of currents and updrafts to a shallow, largely sandy bottom that attracts man, boat and sea creatures — brought an explicit commitment by the government that the grounds in the sanctuary would be protected for fishing, not from it.

Citing the histories of the West Coast sanctuaries, the Pacific Coast Federation of Fishermen's Associations wrote to Capps two weeks ago that, "in each of these instances, it was made clear when the sanctuaries were established that the purpose was not to manage or regulate the fisheries or close them, but to protect the rich fishing grounds...."

Another umbrella group of West Coast fishing and marine interests conveyed "dismay" to Capps that "past recommendations from harbor communities and fishing interests are clearly absent (from the draft)." Instead, signers for 19 different groups said they saw the draft "revoking the founding promise to fishermen that sanctuaries would not create fishing regulations or attempt to manage fisheries."

Here, the Stellwagen marine sanctuary is regulated by the National Oceanic and Atmospheric Administration, while on the West Coast — especially in California, where there is an extensive inshore state marine sanctuary system — both federal and state governments share jurisdictions.

The letter with 19 signers went on to express concern that the Capps bill allows the designation of new Marine Protected Areas — no fishing zones — by executive decree and "without scientific assessment."

In 2006, President George W. Bush made controversial use of the Progressive Era Antiquities Act to declare three marine-protected areas in the Pacific whose combined size is about that of California. Though the move was of dubious constitutional authority, NOAA administrator Jane Lubchenco, then as vice chairwoman of the Environmental Defense Fund, co-authored a newspaper column praising Bush for becoming a "blue president."

The letter writers, including groups from Capps' long, thin seashore district, urged her to "abandon the draft altogether and go back to the drawing board."

"The congresswoman hopes to circulate a revised draft of the bill soon that reflects the comments she has received from stakeholders around

the country," said Capps' spokeswoman Ashley Schapitl. "She continues to seek input from folks that have an interest in improving this important law."

Capps' district includes Monterey Bay, a marine sanctuary, the Monterey Bay Aquarium and the University of California at Santa Barbara, considered the West Coast center of Lubchenco's academic and scientific network.

There, NOAA is financing the construction of an \$12 million a marine science building, the Outreach Center for Teaching Ocean Science. Lubchenco's brother-in-law, Steven Gaines, is dean of the Donald Bren School of Environmental Sciences at UCSB.

A crusade to ban trawling has been a passionate pursuit of some academic scientists for many years, led by Elliott Norse, of the Marine Conservation Biology Institute. The institute decried trawling as having "effects in the sea similar to forest clearcutting on land" in a 1998 statement publicizing a suite of papers on trawling.

A spokeswoman for the institute said the organization would not take a position on the redraft of the sanctuaries act until a bill is filed for consideration by Congress.

But Oceana, among other groups, has continued to lobby against trawling.

"Destructive bottom trawling, which is akin to forest clear-cutting, involves dragging gargantuan nets across the ocean floor, destroying deep sea corals and sponges - and anything else in the net's path. Bottom trawls need to be kept out of areas with sensitive habitat," an Oceana petition stated at the end of 2009.

The National Marine Sanctuary System consists of 14 marine protected areas encompassing more than 150,000 square miles of marine and Great Lakes waters from Washington State to the Florida Keys, and from Lake Huron to American Samoa.

The system includes 13 national marine sanctuaries and the Northwestern Hawaiian Islands Marine National Monument.

The act was last reauthorized in 2000, and expired in 2005, though Congress has continued to fund the system. The last redraft was filed in 2008 without the anti-fishing language in the draft by Capps' office.

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