

New NMFS chief hears 'challenge' at close range

By Jack Spillane

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NEW BEDFORD — Eric Schwaab sat alone and quiet in the front row of New Bedford's Whaling Museum earlier this week.

The new head of the National Marine Fisheries Service did not so much as flinch as the movers and shakers of the New England fishery repeatedly described his agency as everything that is wrong with out-of-touch government bureaucracy.

Everyone from Congressman Barney Frank, Gov. Deval Patrick, Gloucester Rep. Ann-Margaret Ferrante to the Northeast Seafood Coalitions Vito Giacalone and owners of New England's scallop and groundfish fleet weighed in on behalf of New Bedford's and Gloucester's largest and most dominant industry — in New Bedford's case, a \$241 million seafood landing port that could be cut in half if new NMFS regulations go into effect this spring.

It was billed as the "Northeast Fisheries Summit," and Schwaab, for the day, was as captive as a scallop in a dredge.

Of 17 scheduled panelists only one — Julie Wormser, New England ocean policy director for the Environmental Defense Fund — spoke in defense of NMFS' regulations.

The commercial fishing industry says NMFS regs — which will shift to a regulatory format that divides the fishery into cooperatives known as sectors — restrict their livelihood according to rigid and out-of-touch bylaws.

Schwaab, whom NOAA administrator Jane Lubchenco recently chose over UMass Dartmouth's Dr. Brian Rothschild to head up the National Marine Fisheries Service, said he was all ears.

"There's no better way for me to get acclimated to this job — to appreciate the challenge we face — than to spend time listening," he said.

But then Schwaab, who worked for years in the state of Maryland Natural Resources department, told the gathering that they should "focus on the science."

Focusing on "the science," of course, is the cudgel with which NOAA bureaucrats have long browbeaten commercial fishermen, particularly in the big Northeast fisheries of Georges Banks and the Gulf of Maine.

The regulators claim they know the science — even though such science is tenuous, at best, when studying an entity as dynamic as the North Atlantic Ocean. The same regulators have often dismissed the knowledge fishermen have of their own industry.

And yet when scientists such as Dr. Rothschild lobby for funding for groundfish studies that they believe will prove the federal science outdated, if not outright wrong, the funding requests go nowhere with NMFS.

Schwaab, according to The Washington Post, earned the respect of both fishermen and regulators in Maryland, but he was dealing with a blue crab and striped fishery that is tiny in comparison with the big cold-water fisheries of the Northeast.

He admits he's still getting up to speed.

"With some of the stock assessment work, I'm only just beginning to get myself a picture of the universe," he said between panel discussions.

Barney Frank and attorney James "Bud" Walsh — who helped to write the Magnuson-Stevens Act that governs fisheries — described the law as fatally flawed, amended so many times it's become just government gobbledegook.

Other panelists described NOAA as a rogue agency; just last week, its chief law enforcement officer faced grilling in a congressional subcommittee hearing at Gloucester's City Hall, then was tied to shredding documents wanted by the inspector general during a second hearing in the nation's capital.

Schwaab, however, seemed content Monday to continue following Magnuson. And during the Feb. 24 "United We Fish" rally in Washington, he strolled the periphery of the gathering of up to 5,000 fishermen and their supporters, circulating a NOAA statement proclaiming why Magnuson shouldn't be touched.

"There's been incredibly important progress in stopping overfishing and rebuilding overfished stocks," he said.

He acknowledged there is a need to protect the effort to fish "economically important stocks" while the rebuilding continues. But when it comes to NOAA respecting their industry's needs, fishermen say they'll believe it when they see it.

Rodney Avila, a longtime New Bedford-based boat owner and member of the New England Fisheries Management Council, described the feeling best.

NOAA, for most of the 25-year history of the Magnuson Act, has concentrated on conservation while ignoring the law's twin requirement to maximize the fishing effort, he said.

The act says: "Conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry."

Schwaab doesn't sound like he's given up on NOAA or Magnuson, but many in the industry have.

Steve Ouellette, a Gloucester maritime lawyer, said he doesn't think NOAA can fix itself.

"There are many ways you can make agencies work," Ouellette said, "But Congress is going to have to do it."

Jack Spillane is the political columnist for the Standard-Times of New Bedford.

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