

The devil is in the details by Nils Stolpe

First off, I have to salute Congressman Barney Frank, not just for his unflinching support of the fishing industry in his district and nationally, not just for the central role he has played in getting the Secretary of Commerce to pay attention to the fishermen as well as the fish - something that NOAA head Jane Lubchenco has been unwilling to do - but also for recognizing that there are, in his terms, “*extreme anti-fishing groups*” involved in fisheries management. If you have an interest in fish and fishing, I can’t recommend too highly that you invest 9 minutes in listening to Phil Paleologos’ October 15 interview of the Congressman on WBSM radio’s Saving Seafood show at http://savingseafood.org/WBSM/WBSM_2010-10-15.html and use it as a gauge of what effective political support is all about (the “*extreme anti-fishing groups*” quote is at 4:52). Later in the interview (7:44) he states “*whether it takes a fish stock thirteen years or nine years to replenish is not a great moral issue.*” These words should be carved into Mt. Rushmore, or at least displayed by every restaurant and fish market whose manager’s are tired of trying to explain what pangasius and tilapia are and trying to describe where they come from to customers who want local fish.

Then, like everyone else who thinks fishermen are as important as the fish they catch, who recognizes the value of fishing communities up and down our coastlines and who is opposed to the blatant takeover of our national ocean agency by ENGOs and the billion dollar foundations that support them, I applaud Commerce Secretary Gary Locke’s commitments to the commercial fishing industry in the Northeast and nationally as he set them forth in a letter to Congressman Frank in a letter on October 14 (<http://www.savingseafood.org/images/documents/congress/secy%20locke%20to%20rep.%20frank.pdf>). Needless to say, the announcement of these commitments was accompanied by much fanfare by the industry, as it should have been.

However, this is one of those instances where the devil is definitely in the details.

Looking at Secretary Locke’s offers individually:

- “*I am prepared to issue an emergency regulation to revise catch limits whenever there is both sufficient economic and sound scientific data available to meet these requirements.*”

This is what the Secretary of Commerce is required to do under Magnuson, nothing more and nothing less (though emergency regulations have undoubtedly been instituted with much less than sufficient economic data to “protect the fish”). And he’s leaving it up to the fishing industry and its supporters to provide him with that data. I would have assumed, given that the groundfish sector system that is behind this furor is in the process of visiting economic chaos on hundreds of fishermen, their families and the businesses that depend on them, all relevant data would have been already collected and adequately analyzed, but it obviously hasn’t been. The New Bedford/Gloucester Mayor’s Ocean and Fisheries Council is now addressing what has been an ongoing problem with the NMFS analyses (see the draft Scientific Information Available to Support Increases in Annual Catch Limits for New England Groundfish by S. Cadrin, K. Stokesbury, D. Georgianna, E. Keiley, C. O’Keefe and D. Pierce at <http://www.savingseafood.org/images/documents/science/scientific%20information%20available%20to%20support%20increased%20acls.pdf>). They are putting together compelling arguments for the need for Secretary Locke to exercise his emergency authority, and to exercise it as rapidly as he can. The question that I have, and that everyone who cares about commercial or recreational

fishing in the United States should have as well, is why should it be up to anyone besides the NMFS/New England Council personnel to do this? Are they all so wrapped up in convincing the world that catch shares are the ultimate answer to any fisheries management question that they don't have the time to do the job they're supposed to be doing - keeping the fishermen fishing and the people in dependent businesses working?

- *“We share the view there is a need to increase the precision of stock assessments and for greater involvement of fishermen in collection of scientific information alongside National Marine Fisheries Service researchers through cooperative research projects. To continue the progress on stock assessments, NOAA will host a national fishery science workshop in January 2011 to consider priorities and strategies needed to support full implementation of the Act requirements.”*

Does that sound familiar? It should. It was only a few months ago that, in response to similar political pressure, NOAA Head Jane Lubchenco held an applauded - if only by her and her minions - fisheries enforcement “Summit” that came with bureaucratic assurances that things would be made better and resulted in a handful of administrative contortions that, while perhaps meaningful to the Beltway bureaucrats, meant next to nothing to the fishing industry. In fact, it wasn't until Secretary Locke's Inspector General released his scathing final report on the investigation of the NOAA Offices of Law Enforcement and General Counsel for Enforcement and Litigation that a substantive step was taken to right past enforcement wrongs, mandating the review of past cases of overzealous enforcement. Prior to that it was minor bureaucratic patches by Ms. Lubchenco and Lois Schiffer, NOAA's General Counsel, who had both refused to revisit any past cases. We don't need more minor bureaucratic patches of this kind from a national research workshop. We need sound science.

Of critical importance in how and how effectively Secretary Locke honors this commitment is who is involved in seeing that it is carried out. A national fisheries science workshop overloaded with researchers dependent on NMFS/NOAA or anti-fishing foundations for funding would just dig the domestic fishing industry into a deeper whole than it's already in. If it was a “facilitated” workshop the facilitator is going to think long and hard before getting at cross purposes with the client, and anyone who doesn't think that facilitators make a huge difference in determining the outcomes of an event they facilitate needs a serious reality check.

The fishing industry **as represented by people chosen by the industry** should have at least an equal role in choosing the workshop participants as any other participant groups, and an independent institution that is acceptable to the fishing industry should be charged with all of the organizational and administrative aspects of the workshop, including its facilitation (and I have to note here that our recreational and party/charter fishing colleagues are as dependent on good science as we are, and should be included as appropriate).

Secretary Locke's third commitment is at face value something that fishermen have been seeking for years: an increase in the funding of NMFS science and of cooperative research.

- *“The Obama Administration is committed to improving strong stock assessment and cooperative research capabilities. We will be sending a transfer request to Congress requesting reallocation of \$15 million of prior year funds... for stock assessments and cooperative research projects nationwide.”*

There is nothing more basic to effective fisheries management than accurate stock assessments. If you don't have a good idea of how many fish there are and of how many fish there were you can't reasonably predict the consequences of a proposed management action. There is nothing more basic to good stock assessments than good data, and NMFS research vessels can be counted on to sample some species significantly less accurately than real fishermen on real fishing boats. Anything that improves fisheries data collection improves stock assessments and anything that improves stock assessments improves fisheries management, so this is a good thing. But how much have the data collection/stock assessment budgets already been cut by Ms. Lubchenco's catch share monomania (see my column *Who needs research? We're going to have catch shares* at <http://www.fishnet-usa.com/All%20Stolpe%20Columns.htm#Catch%20shares%20choo%20choo>)? In the FY 2011 NOAA budget Ms. Lubchenco transferred \$11.4 million out of Fisheries Research and \$6 million out of Cooperative Research into her "Like 'em or not, you're getting catch shares" budget. The Secretary's \$15 million won't get us quite back to where we would have been, which is nowhere near where we should be. It seems the Secretary is in essence "restoring" 85% of the funds originally budgeted for better assessment science and cooperative research and passing it of as an overall increase.

Make no mistake; the extreme anti-fishing groups that Congressman Frank recognized in his interview are calling the shots at NOAA/NMFS. These are the people who have decided - with no direction from Congress and with no consensus from the fishermen that it's the way they wish it - that they will force catch shares into every recreational, commercial and party/charter fishery that they can (see http://www.joinrfa.org/Press/CATCHSHARES_102010.pdf). They're prepared to use their control of NOAA, the hundreds of millions of tax free dollars of ENGOs like EDF and the billions of dollars of the foundations that support the ENGOs to do it.

If the fishing industry doesn't avail itself of Congressman Frank's and his colleagues' continued support as Secretary Locke delivers on his commitments - or just forgets about them after the upcoming election - we're in line for much more than the same old same old. This time the same science committed by the same scientists will be in service of the whims of a new batch of bureaucrats; bureaucrats who are committed to irrevocably changing the way Americans fish and which Americans have the "right" to fish - and they're not at all concerned about how the fishermen feel about that. We'll be depending on Congressman Frank and his colleagues in the House and Senate to make sure that representative members of the fishing industry are full participants in the process that Secretary Locke has set in motion. If that's the case, we can all look forward to a fishing future far less bleak than the one that we are now facing. ---