

Fish and oil: NOAA's attitude gap

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“At the global scale, probably the one thing currently having the most impact (on the oceans) is overfishing and destructive fishing gear” (National Oceanic and Atmospheric Administration head Jane Lubchenco in an interview on the website Takepart.com on April 7, 2010.)

Jane Lubchenco was awarded a Marine Fellowship from the Pew Charitable Trusts in 1992. Since then she has been in the forefront of a handful of foundation-subsidized scientists supported by a frighteningly effective media machine that has trumpeted one and only one message: fishing is behind most of our ocean-related problems.

The Pew Trusts were established by the children of Sun Oil founder Joseph Pew and are directed by a Board of which Pew family members are in the majority.

Since Ms. Lubchenco was a Pew Marine Fellow, a small handful of ultra-rich foundations – led by Pew – have spent tens of millions of dollars on demonizing fishermen via ENGOs and academic institutions. Chief among the organizations and academics has been the Environmental Defense Fund and Ms. Lubchenco (prior to becoming NOAA head, she was Vice Chair of the EDF Board). The mechanism to do this has been the creation and perpetuation of the belief that we're in the midst of an ocean crisis caused by fishing.

These foundations have spent millions of dollars initiating and supporting legislative changes that have put fishermen's boats, livelihoods and futures at risk for stepping afoul of any of a seemingly endless array of meaningless (in terms of conservation) regulations. They have spent millions of dollars on insuring through the courts and the federal bureaucracy that the Secretary of Commerce zealously enforces every burdensome regulation inflicted on U.S. fishermen. And they have spent millions of dollars to convince the public, as Ms. Lubchenco stressed less than two weeks prior to the beginning of the Deepwater Horizon tragedy began in the Gulf of Mexico, that fishing is the major threat to the health of the oceans.

In the time frame over which this has been done, the fisheries in U.S. waters have been steadily improving. In fact, the latest NOAA/NMFS report on the status of our domestic fisheries charts the steady increase - in terms of that agency's own Fish Stock Sustainability Index – over the last decade from 357 to 573, an increase in the sustainability of our fisheries of 60% (http://www.nmfs.noaa.gov/sfa/statusoffisheries/sos_full28_press.pdf).

You can see the end results of these anti-fishing expenditures in fishing ports from Maine to Florida to Texas, from Southern California to Alaska, in Hawaii and in the U.S. offshore possessions: empty docks, abandoned vessels and shuttered businesses that used to depend in whole or in part on fishing for their existence. And for the last decade you could see them as well in the print and broadcast media's treatment as headline-level gospel of every biased bit of fisheries "research" accomplished by foundation subsidized scientists and blaming virtually all of the oceans' ills on fishing.

You can also see the results in the huge slick that is now floating in the Gulf of Mexico, in the closed fisheries, the lost tourism dollars, the threat to beaches and wildlife from Texas to Florida's East coast and beyond, and in the weeks of futile efforts by the oil industry and the federal government to shut down the well. It's sort of like the Keystone Cops, but with wide-ranging and tragic consequences.

Just about every working fisherman is more than familiar with what it feels like to have foundation-supported "marine conservation" zealots breathing down his or her neck, whether fishing from a twenty foot skiff or a two hundred foot catcher processor. And that fisherman had better be familiar with every one of dozens of regulations, no matter how inconsequential, and be fishing in conformance with the latest "conservation" mandates as far as how, when, where and etc., mandates designed farther up the bureaucratic ladder by other zealots. The level of scrutiny, the level of mistrust, the level of overbearing bureaucratic control inflicted on every commercial fishery operating in U.S. waters by the federal government today is becoming – some fishermen would argue it has been for years - overwhelming.

There hasn't been a meeting of any federal regional fishery management council in at least a decade that hasn't been attended by representatives of various ENGOs, constantly striving for more and more stringent controls on fishing and fishermen. And time after time, when the Secretary of Commerce approves a Fishery Management Plan or plan amendment that the ENGOs think doesn't punish fishermen adequately, they will sue the Secretary in federal court to "save the fish" even more thoroughly.*

Fishermen are required to take federal observers on board on request to insure that they are fishing in conformance with applicable regulations. The frequency of these "observed" trips can vary from several times a season up to 100% coverage. In the latest amendment to the New England Multispecies Fisheries Management Plan, vessels are required to have observers on 38% of their trips. In some fisheries fishermen are required to notify federal personnel a set time before landing so they can be met at the dock and their catch for that trip can be inspected. In some fisheries, each boat is required to have a vessel tracking system installed and operational so that the federal government knows where the boat is and what its doing 24/7, three-hundred and sixty five days a year.

This is supposedly necessary to protect our oceans, and yet an exploratory drilling rig, a rig twice as big as a football field, worth upwards of a half a billion dollars and with a crew of well over a hundred, operating forty-some miles out in the Gulf of Mexico and drilling in a mile of water, exploded and sank on April 20. It was in operation with little or no federal oversight, with nothing resembling an environmental impact statement filed for its operations in US waters, and with nothing more rigorous than the oil industry's, the rig operators' and the owners' assurances that there were adequate systems in place to allow it to avoid environmental disasters such as the one that has now been ongoing in the Gulf for almost a month.

Over a mile of pipeline from the rig to a defective "blowout preventer" is a twisted mass a mile down on the sea floor, it's hemorrhaging oil that when it finally makes it's way to the surface is forming a slick, now approximately 2,500 miles in area, that is threatening not just the Gulf of Mexico but, via the Gulfstream, the entire East coast.

The tag line to NOAA press releases is now "***NOAA understands and predicts changes in the Earth's environment, from the depths of the ocean to the surface of the sun, and conserves and manages our coastal and marine resources.***" Perhaps "***unless it has to do with offshore drilling***" should be added.

An act of God or nature? Not hardly. To attribute this to anything other than human error would be beyond the wildest dreams of British Petroleum, Transocean, Haliburton or the Department of the Interior's Minerals Management Service. While at this point it's impossible to say whether the original blowout was due to faulty design, faulty engineering, faulty operation or faulty materials, the emphasis has to be on "faulty." And to suggest that the federal oversight of anything to do with the Deepwater Horizon was anything but faulty, or that the "let's try this" attitude that has applied to almost a month's worth of fruitless attempts to staunch the flow of oil, would be tantamount to suggesting that black was white or wrong was right.

Reportedly based on the oil industry's assurances that nothing like this could happen, there were no contingency plans, no reliable fail-safe systems, no "what do we do if..." scenarios in place, and as a result we have what has already become an economic and environmental catastrophe of epic proportions.

Dr. MacDonald and other scientists said the government agency that monitors the oceans, the National Oceanic and Atmospheric Administration, had been slow to mount the research effort needed to analyze the leak and assess its effects. Sylvia Earle, a former chief scientist at NOAA and perhaps the country's best-known oceanographer, said that she, too, was concerned by the pace of the scientific response. But Jane Lubchenco, the NOAA administrator, said in an interview on Thursday: "Our response has been instantaneous and sustained. We would like to have more assets. We would like to be doing more. We are throwing everything at it that we physically can." (J. Gillis, Size of Oil Spill Underestimated, Scientists Say, NY Times, 15/13/10 - <http://www.nytimes.com/2010/05/14/us/14oil.html?ntemail0=y&emc=tnt&pagewanted=print>)

According to the New York Times on May 10, “federal regulators warned offshore rig operators more than a decade ago that they needed to install backup systems to control the giant undersea valves known as blowout preventers, used to cut off the flow of oil from a well in an emergency. The warnings were repeated in 2004 and 2009.” Obviously they weren’t installed on the Deepwater Horizon or, evidently, on any other rigs operating in US waters (E. Lipton & J. Broder, Regulator Deferred to Oil Industry on Rig Safety - <http://www.nytimes.com/2010/05/02/us/02gulf.html?pagewanted=print>)

The Times continues “agency records show that from 2001 to 2007, there were 1,443 serious drilling accidents in off-shore operations, leading to 41 deaths, 302 injuries and 356 oil spills. Yet the federal agency (the Minerals Management Service) continues to allow the industry largely to police itself, saying that the best technical experts work for industry, not for the government.... Last year, BP, the owner of the well that blew up in the gulf, teamed with other offshore operators to oppose a proposed rule that would have required stricter safety and environmental standards and more frequent inspections. BP said that ‘extensive, prescriptive’ regulations were not needed for offshore drilling, and urged the minerals service to allow operators to define the steps they would take to ensure safety largely on their own.”

So we have a government “watch dog” agency that isn’t doing its job; that has established a too comfortable relationship with the industry it’s supposed to be regulating. There’s no news there, it happens all the time. If that was all there was to it the feds could slap some wrists, fire or transfer some lower echelon bureaucrats, levy some fines and get back to business as usual.

But as the opening quote from Ms. Lubchenco, the widely acclaimed and world renowned ocean scientist who is now running the United States’ ocean agency, clearly indicates, there seems to be a lot more going on than simple bureaucratic ineptitude.

In a letter from September 2009, obtained by The New York Times, NOAA accused the minerals agency of a pattern of understating the likelihood and potential consequences of a major spill in the gulf and understating the frequency of spills that have already occurred there. The letter accuses the agency of highlighting the safety of offshore oil drilling operations while overlooking more recent evidence to the contrary. The data used by the agency to justify its approval of drilling operations in the gulf play down the fact that spills have been increasing and understate the “risks and impacts of accidental spills,” the letter states. NOAA declined several requests for comment. (I. Urbina, U.S. Said to Allow Drilling Without Needed Permits, N.Y. Times, 05/13/10 - <http://www.nytimes.com/2010/05/14/us/14agency.html?tnemail0=y&emc=tnt&pagewanted=print>)

At the time the letter quoted in the NY Times article cited above was written, Ms. Lubchenco had been in charge at NOAA for the greater part of a year. Why was there no substantive follow-up by her agency over the intervening half a year before the Deepwater Horizon disaster? Where were the foundation-funded ENGOs as this situation was developing? In view of what was clearly an ever-increasing risk of an environmental catastrophe of an unprecedented magnitude, how could the same individuals, organizations and governmental agencies – which were and still are slavishly toeing the “it’s all about fishing” line** – be so blind to what the oil industry was and apparently still is doing in our coastal waters while carrying on their relentless and environmentally nonsensical persecution of fishermen?

How much is this attitude responsible for the inadequate performance of the Minerals Management Service, an attitude which is exemplified by the Deepwater Horizon disaster but has staggering implications for the thousands of other rigs and wells in US waters? How much is it responsible for the fact that NOAA, the agency charged with protecting our oceans, the creatures in them and the businesses that depend on them, was so obviously engaged in a campaign to perpetuate a fictional yet all-encompassing fishing crisis? These questions are obviously impossible to answer. I hope they are just as impossible to ignore.

Cutoff valves like the one that failed to stop the Gulf of Mexico oil disaster have repeatedly broken down at other wells in the years since federal regulators weakened testing requirements, according to an Associated Press investigation... The government has long known of such problems (faulty blowout preventers), according to a historical review conducted by the AP. In the late 1990s, the industry appealed for fewer required pressure tests on these valves. The federal minerals service did two studies, each finding that failures were more common than the industry said. But the agency, known as MMS, then did its turnaround and required tests half as often. It estimated that the rule would yield an annual savings of up to \$340,000 per rig. An industry executive praised the “flexibility” of regulators, long plagued with accusations that it has been too cozy with the industry it supervises. (J.Donn and S. Borenstein, AP Investigation: Blowout preventers known to fail, 05/08/10 - <http://www.wbur.org/2010/05/08/oil-spill-blowout-preventers>)

Consider the mindset exhibited by Ms. Lubchenco in the opening quote. As she was being confirmed as head of the federal agency in charge of just about everything in the U.S. 200 mile zone that's of a non-military nature, she was widely lauded as one of the international leaders in the marine science world. If she wasn't worried about a massive blowout in a drilling rig in our coastal waters, why should anyone else be? If she wasn't concerned about a total lack of contingency planning in the case of an oil-based environmental disaster, that could only be because such a disaster could never happen. How could anyone assume anything other than that if it wasn't a problem for her, a world-class ocean expert, why should it be a problem for anyone else? After all, she was really doing a great job of protecting those waters from overfishing, something that she was and is still hard at work convincing everyone is the greatest threat to the world's oceans. Just look at all those out of work fishermen, bankrupt businesses and empty boat slips, with more on the way every day.

Where were the ENGOs, organizations that have been so intent on collecting those foundation millions to save the oceans from fishing, when it came to allowing the Deepwater Horizon to drill less than fifty miles off our coastline with such inadequate environmental safeguards and such potentially grave consequences? Of course they are all jumping on the drilling is bad bandwagon now (witness Pew/Oceana's online petition to that effect – perhaps the most on-target example of gone horses and locked barn doors in a decade), but where were they a month ago, besides standing next to Ms. Lubchenco and damning fishing at the slightest opportunity?

And propping up this whole charade, we had a “Blue Ribbon” panel, the Pew Oceans Commission - headed by no less a luminary than Leon Panetta and paid for by the Pew Trusts - that glossed over just about everything potentially threatening the oceans other than those rapacious overfishing hoards. Controlling oil pollution got hardly a nod.

Ms. Lubchenco was a member of that commission.

The Pew Oceans Commission has had a profound effect on legislative, government and public attitudes towards ocean governance for much of the last decade. The “investment” of even more foundation dollars for PR made sure of that. But it's members were so focused of the evils of fishing and the need for “reform” in fisheries management that they overlooked the potential impacts of the oil industry's virtually unfettered access to our coastal waters (an example of this myopic focus on fishing and corresponding disregard of anything to do with oil is provided in a National Public Radio interview of Leon Panetta, Chair of the Pew Commission, see <http://www.fishnet-usa.com/All%20Stolpe%20Columns.htm#Pew%20and%20media>).

While the finger pointing has already begun, and a restructuring of the Minerals Management Service has been announced, it's obvious that we're not going to have anything approaching a rational oceans policy until there's a full realization that fishing is far from the worst thing that's ever happened to or in our oceans – bear in mind that even after three weeks the Deepwater Horizon spill still has a very long way to go to make it into the dirty dozen of the world's largest oil spills – and that we'd have a much cleaner Gulf of Mexico today if Ms. Lubchenco's agency had paid a fraction of the attention it's squandered on fishermen and fishing to the thousands of drilling rigs and wells at work in the Gulf.

And finally, why has Ms. Lubchenco's agency and Ms. Lubchenco herself been so invested in minimizing the size and, obviously, the severity of the Deepwater Horizon spill. NOAA's Emergency Response document dated April 28 (a Sunday) reported *"two additional release points were found today in the tangled riser. If the riser pipe deteriorates further,*

the flow could become unchecked resulting in a release volume an order of magnitude higher than previously thought." It was identified as not being public, and when questioned about it, "NOAA spokesman Scott Smullen said that the additional leaks described were reported to the public late Wednesday night." (B. Raines, Leaked report: Government fears Deepwater Horizon well could become unchecked gusher, Mobile Press-Register, 04/30/10).

As reported by Justin Gillis in the NY Times, "the 5,000-barrel-a-day estimate was produced in Seattle by a NOAA unit that responds to oil spills. It was calculated with a protocol known as the Bonn convention... However, Alun Lewis, a British oil-spill consultant who is an authority on the Bonn convention, said the method was specifically not recommended for analyzing large spills like the one in the Gulf of Mexico.... NOAA declined to supply detailed information on the mathematics behind the estimate, nor would it address the points raised by Mr. Lewis. Mr. Lewis cited a video of the gushing oil pipe that was released on Wednesday. He noted that the government's estimate would equate to a flow rate of about 146 gallons a minute. (A garden hose flows at about 10 gallons per minute.) 'Just anybody looking at that video would probably come to the conclusion that there's more,' Mr. Lewis said. 'I think the estimate at the time was, and remains, a reasonable estimate,' said Dr. Lubchenco, the NOAA administrator. 'Having greater precision about the flow rate would not really help in any way. We would be doing the same things.'"

These are the words of the head of the agency that requires government monitors on one out of every three trips taken by boats engaged in the New England groundfish fishery, counting every fish that is brought aboard and documenting exactly where it was taken, and yet whether BP's runaway well is spewing an Exxon Valdez worth of oil into the Gulf of Mexico once a week or once a month is immaterial to her and in her estimation immaterial to the public as well.

Go figure.

(Massachusetts Congressman Barney) Frank said it is now clear to him that Lubchenco is fundamentally hostile to the fishing industry. "I am more disappointed in her than I was before," Frank said. "And some of my colleagues are coming around to the more realistic evaluation of her." (S. Urbon, Congress members press Locke on fishing rules, Frank ramps up criticism of NOAA chief Lubchenco, New Bedford Standard Times, 05/12/10)

It's too bad that Ms. Lubchenco didn't direct some of that hostility in another direction.

* Pew/Oceana filed suit this week in federal court over Amendment 16 to the New England Multispecies FMP, an amendment that imposes restrictions on one of our oldest fishery that many are convinced will unnecessarily force at least half of the fishermen and boats out of the fishery and, because of a lack of alternative fisheries, off the water. The suit claims that the restrictions are too lax.

** A NOAA press release dated May 5 concerning an increased number of sea turtle strandings (in this case that means dead turtles washed up on the beach) from Alabama to the Mississippi delta since April 30 stated that "the stranding numbers are higher than normal" but, sticking with what is now apparently the agency line, "based on careful examination, NOAA scientists do not believe that these sea turtle strandings are related to the oil spill." Think about that for a moment. Here's a huge oil slick floating around in the Gulf of Mexico just offshore of the beaches where the turtles were found. Thousands of pounds of chemical dispersants, demonstrably injurious to all sorts of sea creatures, have been sprayed on the oil slick to break it up. Bits of the slick have been burnt to get rid of it. But, according to NOAA spokesperson Sheryan Epperly, investigators will be looking at whether some shrimp boats taking part in an emergency shrimping season before the oil slick reached their traditional fishing grounds removed devices from their nets that are intended to allow turtles to escape. Of course it can't be the ongoing oil spill, the resultant oil slick or the continuing efforts to control it that are responsible for the dead turtles. In what has sadly become the NOAA mindset from the top on down, it's got to be those fishermen once again.

Useful Links:

ROFFS Deepwater Horizon Rig Oil Spill Monitoring (satellite monitoring of the movement of the oil slick in the Gulf of Mexico) - <http://www.roffs.com/deepwaterhorizon.html>

Southern Shrimp Alliance (Environmental effects of the dispersants being used to get the oil off the sea surface and spread it throughout the water column) - <http://www.shrimpalliance.com/OilSpill.htm>

Southeastern Fisheries Association ("Current Issues" section has archived copies of articles, etc. dealing with the spill and its effects) - <http://seafoodsustainability.us/>

State of Mississippi Transocean Drilling incident response (Oil Spill Links and Public Information) - http://www.deq.state.ms.us/MDEQ.nsf/page/Main_OilSpillLinksandPublicInformation2010?OpenDocument

State of Alabama Gulf of Mexico Oil Spill Information (phone numbers, press releases, etc.) - <http://www.governor.alabama.gov/oilspill/>

Deepwater Horizon Response ("Official Site of the Deepwater Horizon Unified Command) - <http://www.deepwaterhorizonresponse.com/go/site/2931/>