

## **Another idea whose time has come**

Nils E. Stolpe/September 6, 2011

**NOTE:** *Bob Vanasse at SavingSeafood.org and Phil Paleologos at Boston radio station WBSM covered Congressman Jones' legislation on their Saving Seafood Radio show (available at [http://www.savingseafood.org/wbsm/WBSM\\_2011-08-04.html](http://www.savingseafood.org/wbsm/WBSM_2011-08-04.html)) on August 4. In listening to the show I discovered that several Councils in addition to the Mid-Atlantic, including the New England Council, are already webcasting their meetings and that NOAA/NMFS in general supports the goals of the Congressman's legislation.*

It's generally agreed that traveling has become one of the less agreeable afflictions that people have to deal with. Whether by automobile or airplane (and I assume by train, but I can't conveniently get anywhere from here via Amtrak), it's increasingly expensive, it's increasingly time-consuming, and it's increasingly uncomfortable.

And, while I can't document it, it sure seems like there are an increasing number of fisheries management meetings, and those meetings are dealing with increasingly important - and increasingly complex - issues.

Unless you are fortunate enough to have a council, monitoring committee, advisory committee, plan development team or other meeting an easy commute away, if you want to be there you're going to spend at least a day and at least a couple of hundred bucks every time something comes up that could affect your fishery. If you are in one of the fisheries that is so blessed, you get to do it not just for the appropriate regional management council but for the appropriate regional commission as well - and in that case you'll have to travel even farther. And I can't leave out the various stock assessment exercises, which are possibly the most important meetings for any fishery, because that's where everything starts and where informed input can be invaluable.

Thanks to the diligence of the leadership at NOAA/NMFS, just about everybody in the fishing industry - at least anybody whose job involves catching fish - now has extra time to attend this myriad of meetings. But, thanks to that same diligence by those same people, few can afford to.

However, North Carolina Congressman Walter Jones is once again coming to the rescue of - or at least trying to make as good a deal as he can for - fishermen and people in fishing dependent businesses.

He has introduced the **Fishery Management Transparency and Accountability Act (H.R.2753)**, an amendment to the Magnuson Fisheries Conservation and Management Act that will require that each regional management council will make available on the Internet website of the Council *"a live broadcast of each meeting of the Council, of the science and statistical committee of the Council, and of the Council coordination committee"* and *"complete audio, complete video if the meeting was in person or by video conference, and a complete transcript of each such meeting"* within 30 days of the meeting and maintain it there for three years.

While I haven't surveyed the others, the Mid-Atlantic Council has started to webcast their full Council meetings. Last week I listened "live" to the monkfish discussion at the meeting in Wilmington, Delaware. Video wasn't available, but audio and an accompanying Power Point presentation were. Obviously it wasn't the same as attending in person, but it cost nothing and took half an hour instead of a big chunk of two days. At this point there isn't any provision for direct live feedback - questions and/or comments - but this could prove particularly valuable, and I hope the Council staff will include it at some point in the future.

The people at the Northeast Fisheries Science Center - and perhaps the other Centers as well - are quite a bit ahead of the Councils on this with their webcasts of stock assessments. These are exercises that demand as much information, anecdotal and otherwise, as possible. Having fishermen attend in person is asking an awful lot, but having several who are knowledgeable about the fishery - and particularly about the interactions with other fisheries - could be extremely important. With the system in use for assessments, people participate from remote locations via voice and/or keyboard, and this adds another valuable dimension to the discussions.

Having the meeting records archived for three years will be useful. Having full transcripts available will be even more useful and more convenient as well, and having a detailed index of the contents would make them much more user friendly.

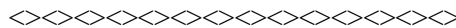
It's obvious from the title of his proposed legislation that Congressman Jones is interested in increasing the transparency of the federal fisheries management process. The need for more transparency was made more than obvious in an article by Richard Gaines in the Gloucester Times on 12/14/2010. He wrote "*also figuring in the legal tussle* (surrounding a suit brought by the cities of New Bedford and Gloucester, MA against the Secretary of Commerce over Groundfish Amendment 16) *is the Conservation Law Foundation, which has filed a brief against a request — still pending before (Judge) Zobel — by the cities and fishing interests for the right to conduct discovery into possible improper influence by environmental groups such as the Environmental Defense Fund and the Pew Environment Group on federal policy*" (<http://www.gloucestertimes.com/topstories/x1666503922/New-suit-targets-need-for-catch-share-referendum/print>).

I'll note here that the Conservation Law Foundation is another of the environmental groups that has been deeply involved in groundfish management in New England. I'll also note that Judge Zobel denied the request. Whatever improper influence did or did not take place affecting Amendment 16 has yet to be discovered.

While Congressman Jones' Fishery Management Transparency and Accountability Act is a giant step forward in making the public portions of the regional management council process more accessible to more people - particularly to fishermen who can ill afford either the time or the expense of attending the meetings in person - it isn't going to shine a light on every area of federal fisheries management that is screaming out for more illumination. Why, for example, would a federal agency - or the people running that agency - resist a request for copies of communications pertaining to how a fisheries management plan affecting the lives of tens of thousands of people as Amendment 16 is doing was created? And why would an environmental group support that resistance?

In a press release issued by the Obama White House on July 28, barely a month ago, Vice President Biden was quoted as saying "*we are tapping the top leaders across government who have been most aggressive in cracking down on waste to drive change and make the government work for our nation's families. With our nation's top watchdogs at the helm, we will deliver the kind of transparency and accountability for Federal spending that the public deserves and expects.*" Unless fishermen, people in fishing dependent jobs, their families and their communities are somehow exempted from the "public" that the Vice President was referring to, the members of the Administration's newly launched **Government Accountability and Transparency Board** aren't going to have to look very much beyond the Department of Commerce - which we assume is already on the radar screen because of the still continuing NOAA enforcement mess - for ideas on where to start.

But assuming that doesn't happen, and when it comes to fisheries issues that seems to be a fairly safe assumption, lets hope that Congressman Jones is looking at H.R. 2753 as a well thought out and necessary starting point, because it is. But it's not going to solve any of the problems at NOAA, a federal agency that is increasingly being described as "out of control" by the media and on Capitol Hill.



**If it's going to save a few sharks and, more importantly, punish a bunch of fishermen, so what if your nose grows a bit?**

Any of us who have interacted with elected officials know that those officials divide their interactions with the public into one of three categories. The first is with constituents, and the officials pay attention to them. The second is with donors, and the officials also pay attention to them. The third is with non-constituents/non-

donors, and it would be accurate to suggest that their contacts tend to not garner as much attention as the other two.

The most simple way for the officials and/or their staffers to determine whether people contacting them are constituents or not is by asking for their zip codes, and on their websites just about all of them do this. Needless to say, accurate residential zip code information is important not just to the office holder, but to the entire legislative process.

There's an organization in Princeton, New Jersey called the Shark Research Institute that is interested in the passage of a bill by the California Legislature which would ban the sale, trade or possession of shark fins. In a member newsletter, Marie Levine, the executive director of this "research institute" urges members to contact California state senators to urge the bill's passage. She continues ***"because the senators are most likely to heed the wishes of constituents, if asked for your zip code remember that SRI has an office in Malibu, California; as an SRI member, you are entitled to use our Malibu zip code - 90265. Phone as many Senators as you can - the Senate is in session right now."***

Now I'm not up on the finer points of dealing with elected officials and/or their staffers, but I'm pretty sure that if one of them asks you for a zip code when you contact them, that what they are asking for is the zip code where you live so they can determine how important your comments are to them and to the legislation in question - remember that we're dealing with representative democracy here. Giving them instead the zip code of an office of an organization that you belong to, or your second cousin's mother-in-law's summer house, or the store where you bought your new toaster oven, or any zip code other than where you reside and vote doesn't seem to be playing by the right set of rules.

Ms. Levine ends her newsletter with the words *"If ever there has been a time to stand up and be counted, it is right NOW. It is time to stop those who are pillaging the oceans and its resources - resources that belong to you, to be inherited by your children and future generations."* It appears as if she wants her members, and anyone else that she can convince, to "be counted" by California's legislators whether they should really be counted or not, and she wants this regardless of the intent of the people who established our system of representative democracy way back when.

Perhaps she believes that the nobility of her end justifies the means that she is suggesting. I'm of the opinion that protecting the foundations of our government - whether at the local, the state or the national level - is far more important than protecting illegally harvested sharks (and I note here that it is already illegal to possess or to sell illegally harvested sharks, their fins or any of their other parts in California or anywhere else in the U.S.)

Anyway, if real California residents take the trouble to forward Ms. Levine's newsletter (linked below, but if the link becomes inactive, contact me and I'll send you a copy), it might contribute somewhat to having California legislation reflecting the wishes of actual Californians.

Finally, the big question remains; how widespread are such efforts in the radical environmentalist community? It should be pretty simple to make it appear as if what is an infinitesimally small group of activists from a national perspective represented a relatively much larger block of a legislator's constituents if those activists were willing to purposely mislead that legislator. What are the odds of that, do you think?

Link to the newsletter:

[http://campaign.r20.constantcontact.com/render?!lr=7v9p5un6&v=001qGZo6GH\\_pRSmXH3zQj04JHrwDCUOH2TzAAVs4Gf8ruNrLKO2CYmzI\\_LGyFZULcHLMTKRdkbnh5bzsVAuTogEHwr03gsJz7VEydqZ1RDYZBVFsvaATK4hVZqguzcqlDGcyY9a2kcloak5gcpN6MFQt\\_t7\\_cG4w2jsrSlSdgOU9hFcN55oKh6c1uYCZiD0eIMb7sxeZneUjp3XF0Bu\\_U0trBkGssOUXJJegm7mnOOpFWlsZoqdqHDJ2w%3D%3D](http://campaign.r20.constantcontact.com/render?!lr=7v9p5un6&v=001qGZo6GH_pRSmXH3zQj04JHrwDCUOH2TzAAVs4Gf8ruNrLKO2CYmzI_LGyFZULcHLMTKRdkbnh5bzsVAuTogEHwr03gsJz7VEydqZ1RDYZBVFsvaATK4hVZqguzcqlDGcyY9a2kcloak5gcpN6MFQt_t7_cG4w2jsrSlSdgOU9hFcN55oKh6c1uYCZiD0eIMb7sxeZneUjp3XF0Bu_U0trBkGssOUXJJegm7mnOOpFWlsZoqdqHDJ2w%3D%3D)

ps - I in no way endorse the illegal - in U.S. waters - practice of "shark finning." I do, however, fully support responsibly managed and sustainable shark fisheries. The fins from legally harvested sharks can account for a

significant part of the revenue from a shark fishing trip and arbitrarily destroying the market for the fins would do nothing more than reduce the value of the sharks to the fishermen. That sounds much more like prosecution than conservation to me.