

Fisheries Management – It's time for a new paradigm
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For nearly four centuries they have lived in a section the Indians called Accabonac, now known as Springs or Bonac, north of the village (East Hampton, NY) that is the wealthy's playground. They are known as Bonackers, an insular group who fishes and farms and serves the grand homes and summer businesses of the fancy folk they call "upstreeters...." But fishing, the core of the Bonacker culture, has declined over the years because of government restrictions, imported fish and the continued influx of summer residents. Lavish homes limit their access to many of the estuaries, marshlands and beaches. Mr. Loewen, one of maybe two dozen full-time baymen remaining on Long Island's South Fork, says he heard the death knell in June, when state environmental officials tightened the catch limits on the Bonackers' two main summer species. Throughout June, the daily limits were down to 30 pounds of fluke and 60 pounds of porgies per fisherman, well below previous catch levels, although just last weekend the porgie limit was raised slightly.... "We are trying to sustain a commercial fishery without depleting the resource," Mr. Heins (of the New York State Department of Environmental Conservation) said. "Unrestricted harvesting leads to extinction of species. Do you keep taking everything until it's gone?" The Bonac fishermen, insisting that the state is overreacting and miscalculating the stock, met recently with Bill McGintee, the East Hampton town supervisor. Mr. McGintee said he would consider filing suit against the state and federal governments, accusing them of wrongfully restricting business. "There is no next generation," Mr. Loewen said. "These limits are killing off a way of life that has been in our families for centuries, but now our children can see the government won't let us make a living, so it all ends here." (from Endangered Bonackers Fishing Fades Where All That Glitters Is Sea - by Corey Kilgannon, The New York Times, 07/07/07, http://www.nytimes.com/2007/07/07/nyregion/07summer.html?_r=1&oref=slogin)

It's a story that could have been written dozens of times in the last two decades, about what used to be vibrant fishing communities that dotted our coastlines from Maine to Florida, along the Gulf coast, and from San Diego to Seattle. In an onslaught that started at about the time of Florida's net ban in the early 1990s, fishing business after fishing business has had its doors shut by ill-conceived, inflexible and unnecessary laws and regulations supposedly put in place in the name of "conservation." The regulations that are forcing the Long Island Bonackers out of a traditional life that has existed since earliest colonial times typify what fisheries management has devolved into in the past three decades. According to the biologists in charge, the ocean waters off the Mid-Atlantic support the highest biomass of fluke (summer flounder) ever measured. Yet in spite of these heretofore unmatched estimates of abundance, according to recent amendments to the Magnuson Fisheries Conservation and Management Act this isn't enough. And the handful of so-called conservationist organizations responsible for those amendments, all heavily funded by Big Oil dollars, have a stable of lawyers ready to go to court at the drop of a hat – or a fishing line – to enforce what has now become their law. As things stand, the Bonackers probably don't have much of a chance.

In 1976, when what is now the Magnuson Act became law, the population of the United States was about 220 million and the population of the world was almost 4.2 billion. Today the U.S. population is just over 300 million and the world population is a bit past 6.6 billion.

Back then no thought was given to "overfishing." In fact, the primary impetus for the legislation was the replacement of the foreign fleet of factory trawlers that were operating only a few miles off our shores with domestic vessels. Provisions in the Act allowed for the gradual replacement of foreign vessels with U.S. vessels and gave the federal government control of the living marine resources in the Exclusive Economic Zone, waters extending 200 miles from our coastline.

Over the next decade or so the federal government and the various states were heavily committed to supporting the development of the domestic commercial fishing industry. Government grants and loans were readily available to just about anyone to build new fishing vessels or to upgrade those that were already in operation. Similar programs were in place for on-shore operations. Academic institutions, other "public" entities and private organizations were showered with R&D and marketing funds to allow U.S. fishermen to catch, process and sell more seafood at higher prices. A large and coordinated publicly funded program was in place to develop a number of what were termed "underutilized" fisheries.

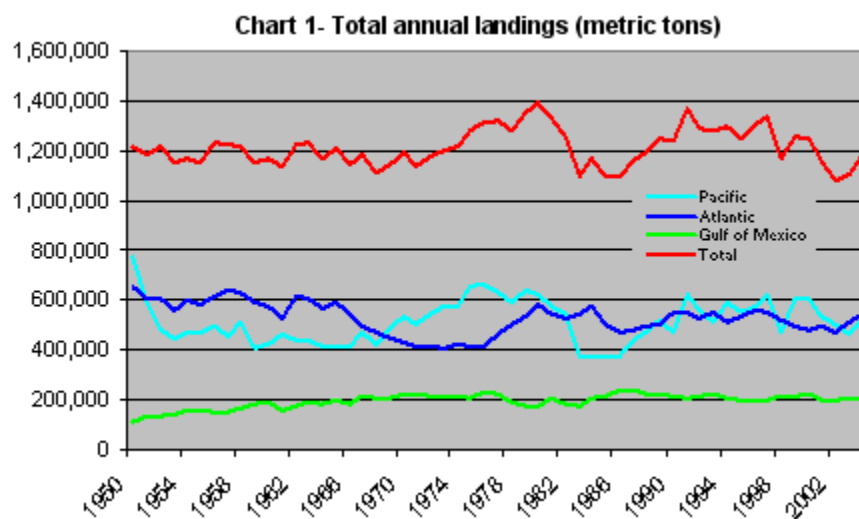
Needless to say, some of these programs were hugely successful. Foreign fishing boats were replaced with U.S. boats. The coastlines were dotted with "seafood industrial parks," some of which made it to the bricks and mortar stage, some of which – fortunately, with hindsight – never got beyond the planning stage. Thanks to a slew of overly generous tax incentives and other programs, hundreds of millions of dollars from outside the existing fishing industry went into buying bigger and better boats and expanding handling and processing operations on-shore.

The Alaskan fisheries, which today are among the largest and the best managed in the world, were a direct result. So were the monkfish and squid fisheries, to such an extent that monkfish and calamari have become menu standards from coast to coast. Others, however, weren't so successful, or became victims of their own success, resulting in too many boats chasing too few fish.

Interestingly, public perceptions have shifted – or been shifted – in the three decades since the passage of Magnuson. When the Act was passed, the belief was that there were an awful lot of fish out there in our waters and it was the government's job to do whatever was necessary to allow our fishermen to efficiently catch them. Now it's much the opposite; shortsighted fishermen aided by too efficient gear have overfished our waters because of ineffectual government management. In the same three decades government, most conveniently represented by the National Marine Fisheries Service, seems to have shifted its policies from promoting commercial fishing to restricting it in every way possible.

How much justification is there for this shift in public perceptions, and for the accompanying shift in the role played by government in commercial fishing? If the numbers are carefully examined, not much.

When total annual commercial landings in the United States are examined, it becomes apparent that in the last 50 or 60 years they have been remarkably stable. As the chart below (taken from NMFS landings data, reported in "Full of sound and fury, signifying nothing," and available at http://www.fishnet-usa.com/then_now.html) shows, in the 1950s they hovered around 1.2 million metric tons and today they hover around 1.2 million metric tons. And the character of the fisheries, at least when the catch composition is considered, have been stable as well (this is particularly relevant to the spurious "fishing down the food chain" hyperbole that was successfully sold by the "conservationists" to the media several years back). The gradual build-up in the late 70s was an obvious reflection of the "catch 'em all" attitude prevailing in the immediate post-Magnuson years. The somewhat more precipitous ensuing decline, which appears to be limited to the Pacific coast, can be attributed to a great extent to the periodic disappearance of the Pacific anchovy, part of a natural cycle, and the relocation of the yellowfin tuna fishery abroad, which was driven by economics, not resource availability.



Commercial fishermen have been turned into villains, fishery managers have been turned into everyone's idea of the quintessential inept bureaucrats and what was revolutionary fisheries management legislation has been amended far beyond its original pro-harvest intent while in aggregate the fish are in about the same shape today as they were 50 years ago, the "good old days," before modern electronics, synthetic nets, Magnuson management and the corporate mentality supposedly did in any thought of fisheries conservation by the fishing industry.

So now we have an overabundance of foundation-funded "conservationists," to save the fish and, though they're supposedly too greedy to realize it, the fishermen.

Save them from what?

The oil-rich multi-billion dollar foundations and the “conservation” organizations and academic programs they support are responsible for what can only be described as a complete distortion of the actual facts about the U.S. fisheries* (refer to National Fisherman column). While we wouldn't venture a guess as to why they're doing this, we have no problem understanding the results. Fleets are shrinking, landings in many fisheries are plummeting, shore-based support businesses are disappearing, docks are closing, and it's increasingly difficult for most fishermen to see any future in fishing.

And, of course, the public attention that had been almost totally and accurately focused on the impacts of Big Oil on the world's oceans after the Exxon Valdez disaster has been shifted elsewhere; to the supposed depredations of the commercial fishermen.

But there has to be a bright side, doesn't there? If not for fishermen, then for others. The decline in the fortunes of commercial fishing businesses is contributing significantly to an ongoing coastal building boom.

If trends continue, what will we be left with? More waterfront condominiums and McMansions that only the rich can afford, an end to local, ocean-fresh seafood, and continuing – and continuously empty – promises of a domestic aquaculture industry.

What's at risk?

“We are trying to sustain a commercial fishery without depleting the resource,” Mr. Heins said. “Unrestricted harvesting leads to extinction of species. Do you keep taking everything until it's gone?”

In spite of the dour warning that Mr. Hein expressed in the New York Times regarding the Long Island Bonackers, no species has ever been fished into extinction. All things considered, no species ever will be. Discounting anything else, it's just too difficult to catch fish once their populations have been reduced beyond a certain level. Realizing this, the antis have become adept at using the term “economic extinction.” As far as we've been able to determine, this means reducing a population to such an extent that it's no longer economically feasible to harvest it. While they are adept at glossing over the point, there's a lot more that influences this supposed “extinction” than the population size. Market demand and production costs are two of the more obvious factors from the anthropogenic side. If the fishermen are getting half as much per pound this year and are paying 50% more for fuel, they might switch over to another fishery – or tie up their boats. Is this extinction, economic or any other?

On the natural side, we have the population cycles that seem hard-wired into some species. When Pacific anchovies aren't available, they aren't available, no matter how much harvesting preceded their (temporary) disappearance. Fish stocks come and fish stocks go, and in climatologically active periods such as that we appear to be in today, they are likely to come and go a lot more rapidly and with a lot more vigor than they have in the recent past. But those that are down are far from extinct, and they're only “unfishable” because of natural fluctuations (and you can safely bet that other stocks are or will soon be up to compensate).

Another update on the extinction of the Barn Door Skates – In the late 1990's the foundation-funded doomsayers manufactured a media tempest by predicting the imminent extinction of the barndoor skate. A number of these anti-fishing activist groups lobbied to have the species listed as endangered (see <http://www.flmnh.ufl.edu/fish/sharks/innews/Barndoor.htm>), something that would have negatively impacted many of the trawl/dredge fisheries operating in the skate's range. Recognized as one of the most egregious examples of overblown environmental alarmism that had been manufactured to date as an assault on commercial fishing, the fishing industry came together with the managers to prove conclusively that the “plight” of the barndoor skate was non-existent. (Google “barndoor skate extinct” for an idea of how the anti-fishing clique piled on to this non-issue). Far from these long-lived skates being “endangered,” the Northeast Fisheries Science Center reported in the 2007 Spring Bottom Trawl Survey “*history was made at Oceanographer Canyon, station 204, when over 3200 pounds of barndoor skates and 1500 pounds of winter skates came over the stern and ended up sliding all over the back deck. This is the first time in survey history that so many barndoor skates were landed*” (http://www.nefsc.noaa.gov/esb/rsr/sbts/sbts_2007/large_file.pdf). Unfortunately, while these activist groups and foundation-funded researchers are adept at spreading their erroneous information far and wide, they are characteristically inept at getting the right information out when they are shown to be misinformed

And the fisheries managers, no matter how “conflicted” the system they work under is supposed to be, aren't going to let fishing continue unabated when stocks are reduced beyond a certain point. As has been demonstrated in fishery after fishery in the U.S., commercial fishing effort can be effectively controlled.

Barring extinction – either economic or actual – what's left? About all we can come up with is not enough fish within some arbitrary time frame. And that's what all of the antis' concern and campaigning is focused on. In their world, a world where someone else pays the bills and someone else is always responsible for the paychecks, fish populations should be higher than they are as immediately as possible. Their primary argument for this is that it will allow fishermen to harvest the maximum sustainable yield (MSY) sooner than otherwise, and that until a fishery is at the MSY level the fishermen won't be doing as well as they should be doing.

Does it make a difference? To whom?

MSY makes sense philosophically. Who wouldn't want a fishery to be yielding as much as it can yield, year after year? It's certainly the level of fishing that every fisherman, every fisheries manager, every seafood consumer and every antifishing activist should be aiming for. But can we ever get there, and if we can, will it be worth the cost?

The antis have made it plain. In their remote-from-the-water and tunnel-focused view, one in which they think that fishery after fishery can be at MSY levels at the same time, it's worth any sacrifice that they can inflict on other people - the fishermen, their families and the folks in the businesses that depend on their efforts. It's not that plain to many of the rest of us.

Most importantly, the question of whether every stock of fish can be at the MSY level at the same time is still open to serious debate. Managed species are very often in direct competition with other managed species, competing for the same food or the same space or both (in tech-speak, their niches overlap). As has been demonstrated innumerable times, many of these species exhibit wide natural population swings. Hence, when species A is at high levels, species B will be at low levels. And vice versa. In other instances, one managed species preys upon another species. As the biomass of predator species C increases, the biomass of prey species D decreases. It's hard to envision MSY levels of spiny dogfish, summer flounder, bluefish and weakfish all existing simultaneously, because much of what they all eat is the same stuff, and some of them are fairly adept at eating each other.

Yet that's what we're supposed to be managing for.

What's the downside?

We know that we're running out of commercial dock space. It's becoming increasingly difficult to afford to keep a commercial dock in operation, and in many instances landings, and therefore income, are dropping.

At a national workshop on the loss of water access held in Norfolk, VA last month, Maine State Senator Dennis Damon reported that only about 20 miles of Maine's 5,300 miles of coastline remain devoted to commercial fishing. He's quoted *"where did it all go? It went into private homes, hotels, motels, condos and restaurants."* (L. Becker, Water access alarm sounds, Palm Beach Post, May 10, 2007.) For a description of the dock situation in North Carolina see the N.C. Seagrant presentation of a recent study at http://www.ncseagrant.org/files/wasc_inventory_fish_houses.pdf. Writing about the study in National Fisherman, Susan West quotes Jeff Aiken, owner of one of the last two fish houses in Hatteras Village, *"when you're offered several million (dollars) from a developer, you look at all the fishing regulations, you see no recruitment of young fishermen into the industry, and then you make a business decision."* (Report: N.C. lost a third of its fish houses in six years, National Fisherman, July 2007).

We know that too many fishermen are deferring maintenance, are scrimping on safety gear and are sailing short-handed. They're pinched between escalating fuel costs, prohibitive insurance premiums, rock-bottom prices, increasing bureaucratic requirements and declining landings, which in recent years aren't connected to declining but rather recovering stocks.

We know that too many fishermen have gone permanently ashore, too many fishery-dependent businesses have closed, and too many more are on the verge. And we know that leaving the fisheries is almost always a one-way trip.

We also know that we're getting better at managing fisheries, or at controlling commercial fishing effort, and its extremely doubtful that any of our commercial fisheries today are getting worse because of commercial fishing.

The antis gleefully take advantage of – and NMFS seems unwilling to do anything about – the fact that so-called "overfished" fisheries don't have to be at low levels of abundance because of fishing, but can be there because of any

natural or anthropogenic factor or combination of factors, including changing water temperatures, habitat loss, pollution, excessive predation (see The Dogfish Follies at <http://www.fishnet-usa.com/dogfishfollies.html>), poor reproduction, etc. In fact, there was a strong push in the last Magnuson Act reauthorization to change the Act to reflect this, referring to such fisheries as “depleted” rather than overfished. The antis lobbied successfully against the change, not willing to have federal legislation recognize that their favorite scapegoat, the commercial fishing industry, wasn't responsible for every instance of not enough fish, regardless of the actual cause. In the days following the Exxon Valdez debacle the affected fish stocks would have been considered to be “overfished,” regardless of the fact that it wasn't fishing but a massive oil spill that did them in.

It's abundantly clear that we're not in danger of losing any fish stocks because of commercial harvesting. It's equally clear that we're never going to achieve the Quixotesque fiction of concurrently having every species being managed at the MSY level. What's not so clear – in fact, what's totally obfuscated by all of the overblown doom-and-gloom rhetoric – is what we're managing our fisheries for.

If it's for the good of our fisheries (the fish as well as the people, businesses and communities that depend on their harvest), as the condition of our fishing industry clearly indicates, we're surely going about it incorrectly. Probably about as incorrectly as we could possibly be going about it. We have, for example, a record biomass of summer flounder in the mid-Atlantic, yet the harvest of the fishermen – both recreational and commercial – who target summer flounder is still seriously restricted, and the smart money says the restrictions will become increasingly stringent even while the stock continues to strengthen. What's happening in this fishery isn't the exception. It's the rule.

Who's benefiting from these overly-stringent restrictions? Not the commercial fishermen. Not the recreational Fishermen. Not the restaurants, or the tackle shops or the boat liveries or the truckers or the consumers who depend on a flourishing summer flounder fishery for part or all of their profits and/or enjoyment. And how many of them will still be around when the summer flounder stocks will have “recovered” sufficiently to satisfy the “conservationists” who are responsible for the restrictions - if there's any such point? Commercial fishermen – and that includes those who work on party/charter boats – will have been forced out of business. Restaurants will have replaced summer flounder with similar products from overseas. More tackle shops will close. More boat livery operators will sell out to developers, and on and on. More condos and more ocean-front mansions and more coastal development.

How about an alternative?

Starting out with the premise that we want both healthy fish stocks and healthy recreational and commercial fishing businesses to allow their utilization, maintaining the economic viability of recreational and commercial fishing businesses must be a priority. Unfortunately, at this point that isn't the case. The health of the stocks has been given an overriding preference through amendments to the Magnuson Act in 1996 and last year.

That has to change. We have to accept the fact that “overfished” fisheries aren't necessarily depleted because of too much fishing, and that in many instances, no matter how many restrictions are placed on the fishermen, the stocks aren't going to be at the “target” level. We have to realize that, from a resource perspective, there is little difference in having a stock at an arbitrary level next year, the year following, or five years from now, but how fast that level is reached can make the difference between survival and failure for the businesses dependent on the fishery. And we have to realize that we aren't ever going to have truly healthy fisheries until we can control coastal development, pollution, and a host of other anthropogenic factors that are for the most part ignored because of the short-sighted and purposely misdirected fixation on the effects of fishing.

The Oil Slick

The latest assault on the commercial fishing industry is by a recently formed organization called The Herring Alliance. This “alliance” is made up of the Conservation Law Foundation, Earthjustice, Environment Maine, Public Interest Research Group, Greenpeace, National Environmental Trust, Natural Resources Defense Council, National Coalition for Marine Conservation, Oceana and The Pew Charitable Trusts. It is described on its website as “*a coalition of environmental and other public interest organizations dedicated to protecting and restoring marine wildlife populations and Northeastern U.S. marine ecosystems by reforming the Atlantic herring fishery.*” However, there's a bit more – or perhaps that should be a lot less – to this coalition than meets the eye.

All but two of the member organizations are funded by the Pew Charitable Trusts. According to the Pew Trusts website, since 1998 The Conservation Law Foundation has received over a 1,000,000 Pew dollars, Earthjustice has received over 20,000,000 Pew dollars, National Environmental Trust has received over 40,000,000 Pew dollars, Natural Resources Defense Council has received almost 5,000,000 Pew dollars, Public Interest Research Group has received over 18,000,000 Pew dollars, and Oceana has received over 38,000,000 Pew dollars. Environment Maine acknowledges Pew support, but the Pew Trusts website doesn't detail at what level that support is.

This embarrassment of riches is part and parcel of Pew's strategy. In an article in the New York Times on June 28, 2001, Douglas Jehl wrote "*unlike many philanthropies that give to conservationist groups, Pew has been anything but hands-off, serving as the behind-the-scenes architect of highly visible recent campaigns to preserve national forests and combat global warming. Though some of its money goes to long-established groups, Pew has also created its own organizations, with names like the National Environmental Trust and the Heritage Forest Campaign.*" (Charity Is New Force in Environmental Fight). However, in the case of this "coalition," the impression is that a group of organizations spontaneously came together because of a concern over the management of herring in New England waters. All those zeros in the preceding paragraph show how spontaneous that concern really was.

(Of the two groups apparently not Pew funded, Greenpeace is notoriously opposed to "big businesses" such as those engaged in the herring fisheries, and the National Coalition for Marine Conservation, in spite of its name, is an organization representing recreational fishing interests; interests who see any real form of commercial fishing as undesirable competition.)

New Jersey Congressman Frank Pallone declares war on seafood consumers

Striped bass (also known as rockfish) and tautog (aka blackfish) are inarguably two of the finest tasting fish in the sea. As added bonuses, tautog's native hardiness makes them an ideal product for the Asian live fish market, providing sophisticated seafood lovers with a new appreciation for the term "ocean fresh," and striped bass are as common in our coastal waters as they have ever been.

Both species support active recreational and commercial fisheries, and in both the recreational harvest far exceeds the commercial. Current estimates are that recreational anglers harvest 90% of the tautog and 80% of the striped bass. (Note that in recent years "catch and release" recreational anglers have killed more striped bass than have been commercially harvested.)

By the wildest, most "optimistic" estimates, only three or four percent of U.S. citizens can afford to or want to fish in saltwater. According to the National Marine Fisheries Service Recreational Fisheries Strategic Plan (available at http://www.nmfs.noaa.gov/recfish/Fisheries_Strategic_Plan.pdf), that number is 13 million out of a total population of 302 million. And every year the percentage drops (for an in-depth discussion of recreational fishing participation, see <http://www.fishingnj.org/netusa27.html>). At the same time the U.S. population is increasing, as is, because of the well-recognized benefits of a fish-rich diet, the annual per capita seafood consumption.

And, though it isn't really necessary to add it here, the fish found in the waters off our coasts belong to all of us; the 13 million saltwater recreational fishermen and women and the 279 million of us who don't want to be forced to "catch our own."

So what is N.J. Congressman Frank Pallone* (in the case of striped bass, in company with Maine Congressman Tom Allen) trying to do? He has introduced two "gamefish" bills. One would reserve striped bass solely for recreational fishermen and the other would do the same with tautog. That means that if you ever want to enjoy a striped bass or tautog that you cook yourself, you're going to have to catch it yourself or have a recreational fisherman give it to you. If you ever want to enjoy a striped bass or a tautog in a restaurant, you'll be out of luck, because the sale of both species will be forbidden.

Why is Congressman Pallone doing this? It sure isn't to benefit the 279 million U.S. citizens, or the 8 million New Jersey residents or the 625 thousand residents of his district who don't fish. And it just as surely isn't to benefit the stocks of striped bass or tautog, because compared to the recreational mortality for both species, the harvest by permitted commercial fishermen is just about negligible, and is successfully controlled by the federal, regional and state regulations that are in place. How about the seafood retailers, the supermarket chains or the restaurants that will be forced to give up what the opportunity to sell two of the most delicious fish to come out of local U.S. waters?

Is it for the fish? The primary problem with the tautog fishery is the uncontrolled and illegal harvest and sale of these fish, particularly to the live fish market, by recreational fishermen.** According to the Atlantic States Marine Fisheries Commission, the multi-state organization charged with managing tautog in state waters, "*New Jersey law enforcement officials report that the recreational fishery for tautog has a 40% violation rate, the worst for any NJ fishery,*" and that "*the success of any effort to curb*

the illegal tautog fishery will depend on changing the compliance rate of recreational anglers, as well as encouraging law abiding harvesters to report illegal activities.”

John O’Shea, Executive Director of the Atlantic States Marine Fisheries Commission, pointed out in a letter to Congressman Pallone on April 16 of this year the several relatively simple management steps that would be necessary to curtail the illegal harvest of tautog, currently a problem in the fishery.

The only problem with striped bass is that there are so many of them that they might be interfering with other fish stocks.

It’s hard to see that Congressman Pallone – and in the case of striped bass, Congressman Allen as well – are doing anything more than catering to a small handful of well-heeled recreational anglers who are only interested in increasing their share of the fishing pie, regardless of any issues of fairness or conservation or common sense. While we can’t agree with it, we can certainly understand their “Public be damned” attitude. What we can’t understand is how they convinced two Congressmen who were sent to Washington to represent all of the people to support it.

*Congressman Pallone was one of the leaders of a campaign to oppose the imposition of licensing for saltwater recreational fishermen (see http://www.house.gov/list/press/nj06_pallone/pr_may3_license.html). Such a license would be a first, and highly effective, step in controlling rampant cheating by unlicensed recreational fishermen, particularly those selling their catch.

**While it could be argued that those anglers who sell their catch – either legally or illegally – should not be considered recreational fishermen, they possess no permits or licenses that would classify them as commercial fisherman, this is nothing more than a semantic smokescreen. The important point here is that, regardless of what the cheaters are called, they are neither commercial fishermen nor non-fishing consumers. These are the two groups that Congressman Pallone is intent on punishing.