

## **A NEW PLAN FOR FISHERIES MANAGEMENT**

### **Thinking about fish as more than just a harvest**

By Ken Hinman

When Congress adjourned late last fall without renewing the Magnuson-Stevens Fishery Conservation and Management Act, conservationists breathed a collective sigh of relief. By mid-year it'd become clear that any changes the lawmakers might make to the act would result in weaker federal rules to conserve ocean fish.

The new Congress has taken up the cudgel again, still under pressure from disgruntled constituents to ease fishing restrictions. In the northeast and on the west coast, strict standards enacted in 1996 – amendments known as the Sustainable Fisheries Act (SFA) – are leading to increasingly severe cutbacks in order to meet rebuilding goals for depleted stocks of groundfish. The fishing industry is demanding more “flexibility” in dealing with overfishing. At the same time, however, Congress is being urged to hold off on amending the law until a pair of national commissions charged with reviewing U.S. ocean policy present their findings later this spring.

#### Change in the Wind

Fishermen who blame the law are missing the boat. Years of unsustainable fishing and sloppy management are the real cause of their problems. In fact, where it's been properly implemented, the SFA is starting to turn things around. The government's 2002 report on the status of U.S. fisheries showed that 67 of 81 overfished stocks are now improving. For the first time in a long, long time, things are getting better, not worse.

Which is not to say there isn't still a lot of overfishing and a lot wrong with the way we manage marine fisheries. There is. But it's becoming increasingly evident that you can only do so much by tinkering with the law. The institutions responsible for managing the nation's fisheries, namely the National Marine Fisheries Service (NMFS) and the Regional Councils, are equally, if not more, decisive. Since the Magnuson Act was enacted in 1976, NMFS and the Council system have been as constant as the weather. Everybody complains about them, but nobody does anything.

That may change. The Pew Oceans Commission, a privately sponsored panel of experts, will release its report, along with a far-reaching set of recommendations for structural change, in March or April. The U.S. Commission on Ocean Policy, established by the Bush Administration, is expected to unveil its own recommendations soon after, with similar albeit less bold advice. I've sat in on preliminary briefings from

both panels and can say that each will focus on big ticket issues, such as fundamental changes in the make-up and respective responsibilities of NMFS and the Councils. Congress should pause and take ample time (the rest of the 108<sup>th</sup> Congress, for instance, through 2004) to give these new studies – the first comprehensive review of our management system in decades – the kind of thoughtful and thorough evaluation they warrant.

### A New Approach

But even that won't be enough. We can change the laws, and we can change the system. But if we don't change the way we fish, we're still only tinkering. The law has been likened to a spider web, trapping the small targets while the big ones escape. And the thing about systems is that they all can be made to work – but not for everyone.

Our new ocean policy discussion must include a third aspect, which is crafting a vision for our future fisheries. We must reconsider the social, economic and ecological costs of unsustainable, industrial-scale fishing which strives always to maximize commercial returns from the sea. We must weigh this against the long-term, sustainable benefits of small-scale, selective and ecologically-friendly methods of fishing. In other words, we need fundamental change in the kinds of fishing we allow, and in what we as a nation promote.

Whereas the findings of the Pew and U.S. Ocean Commissions are much anticipated and will be met with great fanfare, the report of another group issued last July has been largely overlooked. The National Academy of Public Administration (NAPA), an objective group of “outsiders” with no axe to grind, rated government performance in managing marine fisheries and found we are merely “rationing scarcity” and “managing by default.” Here's some of what NAPA found (in my words, not theirs):

- ⚡ Years of unsustainable fishing are overwhelming our efforts to contain it, especially in New England and on the west coast, where we are still fishing but just barely, under increasing restrictions. Measures to stop overfishing in these regions are being implemented, but slowly, and mostly under a judge's order or by threat of litigation.
- ⚡ Lawsuits over fisheries actions have risen ten-fold since the mid-1990s. Where before NMFS was nearly always able to defend its actions in court, it now is able to do so in less than half the cases. The main reason for this system-in-crisis: our dual national goals of conserving fishing resources and maximizing yields are becoming more and more conflicted.
- ⚡ Despite the need for swift and resolute action in many crisis situations, managers are reluctant to act in the face of strong political opposition from industry associations.

- ⚡ The Councils and NMFS have done poorly in reining in bycatch and habitat-damaging gear as required since 1996. The system seems unable to coordinate these statutory requirements with the needs of the entrenched fishing industry.
- ⚡ Pressures on the system are escalating while the interests of its constituencies are diverging. For example, overfishing that recreational fishermen blame mostly on their commercial counterparts is leading environmentalists to call for widespread closures to all fishing, a remedy that seems guaranteed to please few but the fish.
- ⚡ The already difficult task of managing large, diverse and intensive fisheries for a growing number of species is compounded by increasing application of broad and inflexible administrative mandates such as the Regulatory Flexibility Act and the National Environmental Policy Act.
- ⚡ Budgets for fisheries science and management have stayed mostly flat during the period of mounting responsibilities, creating a serious backlog, chronic delays and virtual paralysis.

The simplistic portrayal of “too many boats chasing too few fish” no longer explains “a system in disarray.” The problem runs deeper. The system is strained nearly to the breaking point. In 2003, it is obvious that what we continue to expect our ocean fisheries to provide, and what the sea is capable of giving us, are seriously at odds.

The ocean commissions will offer the kind of sweeping systemic changes suggested by the depth and breadth of the problems cited. Among those we will be hearing about this year are those that are pragmatic and long overdue, such as separating conservation from allocation decisions (both commissions). There will also be a call for a new super agency to coordinate all ocean-related activities using an ecosystems approach; creation of new independent scientific bodies with annual peer review of stock assessments; and application of new technologies to achieve universal, real-time monitoring of fish catches.

Each of these recommendations, along with others, merit serious consideration. But shouldn't we also be thinking about where we want all this to take us? Is it this? A bigger and more cumbersome bureaucracy, requiring the expenditure of hundreds of millions more taxpayer dollars; an infinite complexity of rules and regulations, checks and balances; intensive and intrusive monitoring and micro-management of all fishing activities; science that has as its ultimate goal to account for every fish in the ocean and each one that is caught or discarded, as if we could play god where “not a sparrow falls” that we don't know it?

If we truly care about enhancing the future of fishing, and not just fisheries management, we also have to examine our fishing goals. In return for large scale,

highly intensive commercial fisheries, we may have to accept a system that is more sophisticated, more complicated, more difficult and, in the final analysis, possibly no more effective. Or is there a better way, a simpler way?

### A Simpler Alternative

In my column of December 1999, "Predictions for the New Century," I offered my own vision of the future. It bears repeating here, because I believe it draws a picture of salt water fishing and fisheries management that would be far less costly, much more manageable and, most importantly, provide the greatest opportunity for Americans to enjoy the ocean as the wild and abundant natural resource it should be.

Ocean wildlife management should follow the course we've taken on land, where conservation of fish and other animals prevails over exploitation. Maintaining public access to marine resources – for food and recreation, for the individual citizen – should be given precedence over commerce.

We should promote fishing as hunting, respecting natural limits. Abandon our unattainable goal of maximizing food production from the sea, leaving that job to the farmers (including aquaculture). Instead we should maximize public participation, which in turn fosters an appreciation for nature you don't get as merely a consumer.

The big industrial fleets, with their enormous trawl nets and seines and long, longlines, should be phased out in favor of small-scale, community-based fishing operations that provide sustainably-caught, fresh local seafood.

Would we be forfeiting economic benefits from the sea? I don't think so. The cost of fish to the consumer is far more than just what's on the price tag. It includes the enormous cost to the taxpayer for subsidizing the vast fisheries bureaucracy required to sustain that level of catch. According to NMFS, in 2001 U.S. commercial landings totaled 9.5 billion pounds of fish. The recreational catch (landings plus dead discards) was estimated at 262.4 million pounds. Each is figured to contribute somewhere around \$28 billion to the economy. In other words, commercial fishing produces \$2.95 per pound of fish while the recreational sector produces \$106.71 per pound of fish, while taking a substantially smaller toll on the resource.

Even so, recreational fishing, like commercial fishing, must meet a new standard. Gratuitous excess, whether to satisfy the ego or earn prize money, must become a thing of the past. Kill it and eat it, or let it go. Catch-and-release allows more of us to share in the enjoyment of fishing, which should be the point.

I originally offered this vision as a prediction, because I believe it is not only where we *should* be going, but because it is where we *must* go. The alternative is, quite simply, unworkable. We can elect to perpetually re-write our laws and redesign our management system, spending more and more time and money as we do, with only the

prospect of keeping the ever-present threats at bay, but never making them go away.  
Or we can choose something else.