
CHALLENGES FACING THE U.S. COMMERCIAL FISHING INDUSTRY

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- The Fishery Conservation & Management Act of 1976 (HR 200), now referred to as the Magnuson-Stevens Act, was the most significant piece of fisheries legislation passed in this century. It established, - a) U.S. control of fisheries in waters offshore the nation out to 200 miles in a Fishery Conservation Zone (FCZ) (later incorporated by President Reagan into the U.S. Exclusive Economic Zone (EEZ)) - b) U.S. policy to “Americanize” the U.S. fishery with a phase-out of foreign fishing offshore the U.S. and the development of a domestic fleet fully capable of harvesting the fishery resources of the EEZ; and c) federal management of U.S. fisheries in the EEZ through eight regional fishery management councils and the Department of Commerce-
- The Fishery Conservation & Management Act did contain language to “prevent overfishing,” to manage fisheries for “optimum yield” —implying sustainable fisheries, and “managing fisheries throughout their range” —implying, at least in the case of anadromous fish that some consideration would be given of the habitat factors affecting those stocks. This language was not explicit enough, and various regional councils and Commerce subsequently allowed overfishing, did not manage for sustainability, and turned a deaf ear on pleas to speak out against the dam operations, water diversions and long that were decimating west coast salmon stocks.
- The Magnuson-Stevens Act has succeeded in gaining U.S. control of the fisheries of the EEZ; phasing out foreign fishing and “Americanizing” (with the exception of some foreign ownership of U.S. -registered factory trawlers) the fishing fleet operating in the EEZ; and developing the system of federal management of fisheries based on recommendations made to Commerce by the eight management councils.
- The “Americanization” policy carried out following the 1976 passage of HR 200 put its emphasis on building a fleet capable of harvesting the fish that were being taken by the foreign fleets as well as develop harvesting, processing and marketing for “underutilized fish species, rather than developing a sound data base on which to make management decisions. Too little emphasis was given research to determine what level of exploitation (elect size and capability) the various fish stocks within the EEZ could sustain. Indeed, there was even reliance on some of the self-serving research done by the foreign fleets that had operated in the EEZ.
- The “Americanization” policy was one of “bigger is better” that promoted the construction (or reconstruction) of large trawlers, factory trawler/processors, and large longlining vessels (mostly all of 25 meters in length or greater) through programs of tax deferrals (Capital Construction Fund) and loan guarantees- Commerce also promoted management measures allocating huge chunks of the catch to the large trawl and factory trawl operators (in some instances Commerce overruled its regional council recommendations, in order to allocate more quota to the large operators).
- The “Americanization” policy as carried out by Commerce gave short shrift to the smaller fishing vessel operators the more traditional fisheries, and the “family fishing” vessel owner-operators. Little, if any, financial assistance was provided these fleets (as opposed to the large trawl and longline operators) even to improve safety or product quality. At the management level, the small boat fleets lost part (sometimes all) of its fishery to a reallocation to the trawlers for “bycatch.” In other instances the smaller, more traditional fleets were denied limited entry permits or had their catch levels significantly reduced in order to accommodate the large fleets.
- The “Americanization” policy, with its emphasis on fleet construction rather than research, has led to a vast overcapitalization of the U.S. fleet with far more catching capacity than resource to support that harvest capability. It has led to overfishing of many species and the near total collapse of the groundfish fishery in New England. The policy also caused Commerce, for at least 15 years following the passage of HR 200, to ignore the plight of the smaller and more traditional fisheries and most, specifically, fail to act in a timely manner to prevent the near

extinction of some Pacific salmon species (and their fisheries) from federally or state permitted dam operations, water diversions and logging,

The regional council process has been fraught with conflict. The intent of providing regional input into federal fisheries management has been subverted in a number of ways.

State fishery managers, jealous of their turf, often act to prevent councils from taking actions to help a fishery where such an action might conflict with a state administration's policy. The public members are often financially conflicted and too often are association heads, lawyers or executive directors, instead of commercial or sport fishing men and women with "on-the-grounds" experience as envisioned in HR 200. The councils do not have independent legal counsel; they depend on NCAA General Counsel for their legal advise. They are also subservient to Commerce with it comes to their funding,

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The problems facing U.S. fisheries are not unique to this nation. Overfishing is a problem around the world and much of it is coming from government-subsidized fishing operations, most notably large trawl and factory trawl operations. Most of the large trawl and factory trawl operations are owned or controlled by corporations where the driving force is short term profits — satisfying shareholder demands for maximum quarterly dividends — rather than long term sustainability.

- Loss of habitat and pollution are also a major factor in the depiction of many of the world's fisheries. Coastal aquaculture operations, intended to increase fish production, are, ironically, one of the major sources of habitat loss and pollution (as well as a source of introduced exotic species, disease and parasites) in much of the world. Farmed shrimp and salmon operations are particularly troublesome.
- Throughout the world, most small boat and traditional fishing family operations have been conducted on a sustainable basis. But increased

demand for fish coupled with newer and larger fishing vessels, many government subsidized and corporately owned.

- Many of the successful efforts over the past two decades in the U.S. aimed at sustainable fisheries have come at the state level or from fishery and conservation non-governmental organizations (NGOs). In California, for example, the effort to save that state's salmon resource has come from fishing groups, not the regional councils or Commerce. This is not surprising, responsible fishing groups, such as PCFFA, want sustainable fisheries that prevent waste and provide the consumer the very best product at an affordable price.
 - In response to the failures of the FCMA and the "Americanization" policy, Congress, at the urging of conservation and some fishing groups, amended the Magnuson FCNU during the 1996 reauthorization, with the Sustainable Fisheries Act, explicitly prohibiting overfishing and calling for a reduction of bycatch in fisheries and an active consultative role on the part of Commerce aimed at preventing the destruction of essential fish habitat (EFH). That act also calls for the protection of fishing communities.
- To date, the regional councils and Commerce have not met their statutory timelines to develop plans to prevent overfishing or documents identifying essential fish habitat as called for in the Sustainable Fisheries Act. And, at least in the case of New England, the council and Commerce are certainly not following the spirit of the 1996 act in protecting fishing communities and fishing families. On the west coast, management measures are resulting in the waste of vast amounts of groundfish and the loss of the small boat fleet; and, in New England it appears the small boat operator is being sacrificed.
- Fishery planning for the next 25 years, based on the experience of the past quarter century needs to focus on:
 1. Full implementation of the Sustainable Fisheries Act. Overfishing has to be stopped, needless waste must be prevented by reducing fisheries bycatch and essential fish habitat must be protected. Fishing communities and fishing families have to be protected.

2. Small-boat and fishing family (owner-operator) operations should be fostered and supported. These types of operations tend to have a much stronger commitment to resource sustainability and culturally derived desires to pass along “their” fishery to future generations. An emphasis on small-boat and family fishing operations is also consistent with the language calling for protection of fishing communities in the Sustainable Fisheries Act.

3. With firm federal objectives for fishery conservation and management in hand (i.e., prevent overfishing reduce bycatch, protect habitat, protect fishing communities), fishery management decisions should be left at the regional state and local levels, provided they are consistent with the overall federal objectives.

4. More funds will be needed for research purposes, to develop better and more selective types of fishing gear, and to provide the regional fishery councils greater autonomy. With greater autonomy, the selection of public members to the regional councils should be limited to persons from the commercial, sport and conservation sectors with “on-the-ground” knowledge of fishing operations.

5. Greater emphasis must be made on “value-added” fisheries and fisheries that have low-impact and high value, consistent with providing consumers high quality, healthful and affordable sources of fish.

6. Aquaculture operations to supplement existing fisheries should be fostered only where they are non-polluting, do not damage habitat, or result in the introduction of exotic species, disease or parasites into the wild. Only aquaculture operations with good conversion ratios (e.g, amount of feed to amount of edible meat) should be supported.

7. Fishing men and women who have a first hand knowledge of the marine environment, have to be an integral part of fishery research, management, and decision making concerning the uses of the marine environment (e.g., the designation of marine protected areas).