

PRESS RELEASE

Crab Boat Owner's Association Port Orford Ocean Resource Team Pacific Coast Federation of Fishermen's Associations

For Immediate Release: October 28, 2010

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Lawsuit Filed to Save West Coast Fishing Communities *Job Losses, Loss of Access to Fish Expected Under Federal "Rationalization" Scheme*

San Francisco, October 28 – A regional fishing organization and two locally-based port organizations, in California and Oregon, announced today they have filed suit against the Department of Commerce to halt a plan that will consolidate much of the fishing fleet, privatize public fish resources, deny many fishing ports access to fish in adjacent waters and cause massive job losses.

"We had no option left us," said Larry Collins, a San Francisco fisherman and President of the Crab Boat Owners Association, one of the plaintiffs in the lawsuit. "If we didn't act to stop this travesty, ownership of the resource will consolidate into the hands of a few operators in a few ports along the coast, leaving many coastal fishing communities, including our own Fisherman's Wharf, with no access to our own local fish."

The suit, filed last Friday in U.S. District Court in San Francisco, seeks to stop the implementation of a plan by the Pacific Fishery Management Council - and approved by Commerce - to "rationalize" the fishery, giving control of individual fishing quotas for groundfish to owners of trawl fishing vessels. The quotas can then be freely leased or sold to anyone holding or purchasing a trawl fishing permit, including non-fishermen.

Groundfish is the term used for a multi-species fisheries consisting of stocks such as sole, rockfish and sablefish. These fish are caught with bottom trawls, or drag nets, as well as by hook-and-line and traps.

Plaintiffs are the Crab Boat Owners Association of San Francisco, the Port Orford Ocean Resource Team of Port Orford, Oregon, and the Pacific Coast Federation of Fishermen's Associations. Defendants are Secretary of Commerce Gary Locke, the National Marine Fisheries Service, and the Department of Commerce's National Oceanic & Atmospheric Administration

Under Commerce's plan, 90 percent of the groundfish will be given to trawl vessel owners, despite the fact this fishing gear has proven the most problematic of the three ways of harvesting the fish. Hook-and-line and traps – collectively known as "fixed gear," are used to fish rockfish and blackcod, and are far more selective and do not harm

seafloor habitat. Fixed gear-caught fish also command a higher value and employ more small family-owned fishing vessels.

Excepting about 160 trawl permit holders selected by the Pacific Council for quota allocation, all other fishing men and women will be prohibited from fishing all but about 10 percent of the West Coast groundfish resource. Control or ownership of the fishing quota being given the trawlers, however, may be freely sold thereafter and is not restricted to those fishing aboard a vessel

“This plan imposes a radical shift in the way our fisheries have been conducted. Since ownership of these quotas - which are being given to a select group of trawl operators - is not limited to those actually fishing, our next generation of fishing men and women will likely be seafaring sharecroppers forced to fish quotas held by processors, bankers and speculators,” said Zeke Grader, executive director of the Pacific Coast Federation of Fishermen’s Associations. “This is social engineering, not conservation.”

The plaintiff fishing organizations note the Commerce groundfish plan will cost thousands of coastal jobs and not save one fish. This is what happened in Alaska when over 1,000 fishing jobs were lost there under a federal “rationalization” plan for the crab fishery.

“We’ve got 2,000 miles of coastline, which historically supported thousands of small boat hook-and-line, trap and small trawl operators fishing this resource. There was more than enough fish for everyone,” added Collins. “But greed has taken over. First the big trawlers overfished the stocks and now they want what’s left all for themselves with the government’s blessing.”

Collins continued saying, “The people who traditionally fished hook-and-line and traps are being cut out under this government scheme to make a handful of trawlers millionaires and, in turn, privatize a public trust resource – the fish. By allowing the quota to be sold to anyone, even used as collateral for loans, makes it private property no matter what the government says. And, the massive fleet consolidation means there will no longer be enough vessels to bring their catch to the 30 or more fishing-dependent ports along this coast.

“Commerce’s groundfish rationalization is going to devastate communities such as Port Orford whose economy depends on fishing,” said Leesa Cobb of Oregon’s Port Orford Ocean Action Team, who has spent hundreds of hours in Pacific Council meetings over the past six years pleading the case of small fishing ports. “Sustainable fisheries such as ours are being sacrificed for those who’ve not fished sustainably in the past. The government turned a blind eye to this and has been dismissive of the effects this plan would have on communities such as mine.”

Under a 2006 amendment to the nation’s governing fishery law – the Magnuson-Stevens Fishery Conservation & Management Act – when fishing access is limited quota is to be provided for community fishing associations, to assure ports with a historic dependence on fishing will continue to have access to the fish from adjacent waters. Under Commerce’s “rationalization” plan, however, no provision has been made for community fishing associations, such as those forming in Port Orford and San Francisco.

The plaintiffs acknowledge the groundfish fishery has been in crisis and improvements in management are needed, but they say the government's "rationalization" plan will make a bad situation much worse. According to them, the problem is too large of vessels taking too much fish, not "too many boats chasing too few fish."

"There are or will be enough fish to sustainably support hundreds of small vessels and fishing families along the coast, supplying locally-caught catch for the 30 plus fishing ports from Southern California to the Canadian border," said Collins. "But there'll never be enough to satiate the greed of the large companies and corporations waiting in the wings to take control of this resource under the government's irrational scheme."

Grader was even harsher in his criticism calling the "rationalization" plan the "Teapot Dome of the fisheries," referring to the oil lease scandal of the Harding Administration, saying "this is why this lawsuit is critical to stop this plan before it destroys our fisheries, communities and all we hold dear."

Plaintiff fishing groups are represented by Mark A. White of the San Francisco law firm of Chapman, Popik & White, along with attorneys Mary L. Hudson and Alan Waltner.

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Background

Groundfish is a major fishery along the Pacific Coast. It employs hundreds of individuals from crews on boats to workers on fillet lines to those engaged in its distribution and sales. It helps to support the infrastructure – processing plants, ice houses, fuel docks, chandleries and boatyards, and marinas – along the coast. It also has an affect on other fisheries such as salmon, crab, and albacore, since they rely on those same port infrastructures; when the groundfish fishery disappears, it can collapse that port infrastructure relied on by other fisheries.

A crisis in the groundfish fishery resulted from a massive trawl fleet build-up in the late 1970's ("Americanization" of the fishery), followed by overfishing in the 1980's and 1990's. Significant catch reductions were subsequently imposed, including a "temporary" reallocation of the fixed gear quota to trawlers to allow the latter fishery to continue operating (part to cover the trawl fishery "bycatch" problem). Under a government-sponsored buy-back program, the trawl fleet was cut in half, and this, together with reduced catch limits to curtail overfishing, allowed stocks to rebuild. The reduction in catches and areas where the fish can be caught (the Rockfish "conservation zone," for example) is beginning to pay off with many stocks in the groundfish complex rebounding. Catch limits, as a result, are expected to increase in future years.

It was this crisis in the groundfish fishery that gave rise to the plan to divide up the groundfish quota – the trawl part anyway - and award individual quotas, based on an individual's past catch history, to trawl permittees to "stop the race to fish." The plan was hatched during the Bush Administration and was actively pushed by that administration and has continued to be pushed by the Obama Administration under NOAA's policy of putting the nation's fisheries under "catch share" programs.

In theory, under an individual quota system or IFQ, a fishing vessel operator would no longer be competing with others and could choose the optimum time to fish - around markets, weather, etc. Individual quotas were also supposed to foster resource stewardship.

In reality, the race for fish had already stopped under existing vessel trip limits. Nor have individual quota systems, elsewhere, increased conservation over other management measures, or created a sense of stewardship over what may have already existed. In fact, some of the individual quota fisheries suffer overfishing. IFQs, however, have made many of those fortunate enough to receive quota very wealthy.

The government also claims the Pacific groundfish trawl “rationalization” plan will help conservation by requiring 100 percent observer coverage on all trawl vessels. That observer requirement is not in the proposed regulations and may come later - although it could be required under current regulations; it does not require an individual quota program. Each vessel is expected to pay for its own observer – about \$100,000 per year, instead of there being a common pool to pay observers from. This cost will force many small trawl operators to sell out, reducing the number of vessels to serve coastal fishing ports and further consolidating the control of the resource into fewer hands.

The government further claims the plan will help conservation by allowing trawlers to switch to fixed gear when they feel like it. Existing fixed gear fishing men and women, experienced with hook-and-line and traps, however, are left out of any quota consideration under this plan. Nor is there any plan under trawl “rationalization” for what amount of gear switching from trawl, if any, will occur, or for where and what species. Nor has any consideration been given under the plan to the effects of trawlers entering the fixed gear fishery on the existing fixed gear fleet.

Finally, no provision is made by the government under this trawl “rationalization” scheme mandating improvements to trawling to lessen bycatch or impacts on bottom habitat. Rather, the plan relies on a loose type of “cap-and-trade” system for bycatch (unwanted species that are not marketable and discarded overboard) hoping this will improve trawling. Compare this to the work done by the Southern California Trawlers Association, which has developed new trawl gear – much of it used for the take of fish for the live fish market – that does not disturb bottom habitat and minimizes bycatch. These small trawlers, however, are not being awarded quota under the government’s “rationalization” scheme.

The government claims this groundfish “rationalization” plan will be financially self-supporting, paid for by industry. However, NOAA is currently asking Congress for nearly \$50 million for this fiscal year alone to support its “catch share” program with about \$12.5 million being asked for in subsidies for Pacific groundfish “rationalization.” The trawl fleet is still in arrears on its loan from the government to pay for the vessel and permit buy-back program. To the extent the groundfish industry will be assessed to pay for the program, there are fears the fees will be used to force smaller operators out, further consolidating control of the resource into fewer hands.

It is anticipated “rationalization” will reduce the fleet down to 35 to 50 vessels, from approximately 160 trawlers presently. Many of these trawlers are expected to fish out of a single port, thus leaving many ports with no trawlers or access to trawl quota. The fleet could be further consolidated if remaining operators are successful in lifting consolidation caps or simply working around them – much as happened with federally-developed water in the west.

To learn more about individual fishing quotas and “catch shares,” go the following websites:

[Food & Water Watch](http://www.foodandwaterwatch.org/fish/fair-fish/) (<http://www.foodandwaterwatch.org/fish/fair-fish/>) and
[Ecotrust](http://www.ecotrust.org/fisheries/) (<http://www.ecotrust.org/fisheries/>) and
(http://www.ecotrust.org/fisheries/Answers_Questions_3-16-10_Backus.pdf)