Donna Darm, Acting Regional Administrator
National Marine Fisheries Service
7600 Sand Point Way NE Bin C 15700
Seattle, Washington 98115

Re: Groundfish EIS

I write as Oregon Chair of the Recreational Fishing Alliance, as a representative of Oregonians for Fish and Fishing, many of whose members are recreational marine groundfishermen, and as a recently appointed non-charter recreational member of the PFMC Groundfish Advisory Subpanel, for the purpose of commenting on the general direction of drafting a new environmental impact statement for the Pacific coast groundfish fisheries.

After a survey of the basic legislation, and the NOAA NEPA directive, I find that most of my comments relate more directly to implementation of the Magnuson-Stevens Fishery Conservation and Management Act as amended, rather than with the required EIS. It appears that any fair analysis of NMFS’ regulatory actions with regard to the groundfishery in the past 10 years would conclude that the agency has allowed commercial fishermen to strip-mine the ocean to the detriment, nay, almost the extirpation, of a number of groundfish species. This certainly is an environmental disaster that must be the setting for a change of course. It has had immense deleterious effects on the commercial groundfishery. It is also a disaster for recreational fishermen and the many businesses associated with coastal sportfishing. However, NEPA does not seem to be concerned with impact on segments of society, and while it cites impact on “the human environment,” it seems to be very weak in requiring analysis of impacts of agency actions on cultural or economic interests of non-Indians.

The main connection that I can see is that NOAA regulations require that decisions taken pursuant to an EIS must be in compliance with all laws. In my view, the agency, and its Pacific Fisheries Management Council, has for years ignored the protections afforded recreational fishing, both charter and non-charter, in the Magnuson-Stevens law in favor of a deeply solicitous responsiveness to commercial fishing and seafood processors favoring maximum extraction and profit. This has led to unsustainable harvest, which certainly is contrary to the law. Therefore, it could be said that compliance with the Magnuson-Stevens law has not been achieved, or even approached with regard to the groundfishery. In addition, allowing the commercial industry to wipe out the fish of the recreational sector, necessitating draconian cut-backs in recreational fishing, is hardly an equitable allocation of the resource as required by Magnuson-Stevens. In fact, it can’t be interpreted as other than an additional violation of the intent of the law.
The PFMC has for years used charterboat operators as surrogates for “recreational fishermen,” when it is clear that unlike non-charter recreational fishermen, they have a financial interest in continued high extraction. Charterboat operators, furthermore, tie up at the same docks that commercial fishermen do, and have a built-in need not to cause any notice on the docks. And finally, it just seems unconscionable that a very small handful of commercial charter operators are treated as though they represent the thousands upon thousands of non-charter recreational fishermen along the coast and inland. For public input, reliance has been upon meetings of a weeks’ duration, that almost no person with a job to maintain could possibly attend, or poorly advertised and attended meetings such as the scoping meetings for this EIS effort. When the telephone surveys, personal interviews, and questionnaires of modern sociology are so available to modern management, it is unacceptable that neither NMFS nor the PFMC have availed themselves of readily used methods for obtaining input from the affected public, and have chosen instead to proceed, essentially, as though only commercial fishing, foodfish processing, charterboat operations, and tribal interests, were affected by each agency’s decisions. When questioned on this issue, agency personnel invariably state that recreational fishermen have never shown any interest. What appears to be a failure of methodology and a denial of reality is calmly dumped on the injured parties. So thousands upon thousands of recreational fishermen have had, for examples, their canary rockfish, cowcod, and lingcod fishing wiped out, mostly by the trawl fleet, while the regulatory agencies turned their backs. Had the public been given adequate representation as required under the law, a higher level of abundance would have been understood as desirable for sportfishing, and would have also been attractively protective of the resources.

Optimum yields have been set without regard to recreational opportunity, counter to the requirements of the law, and optimum yields have not had the reductions of maximum sustainable yield which realistic consideration of relevant economic and social factors would have indicated. In fact, economic impact data used in PFMC fish management plans seems to largely ignore studies of sportfishing impact (not just charterboat days) on coastal communities. The economic impact data on commercial fishing is detailed and extensive. By comparison the businesses which provide the equipment and support services to sportfishing and the economic needs of those businesses seem to be largely ignored. There is no attempt to estimate the income to coastal communities that might have derived from sportfishing that never takes place because the fish aren’t there and/or fishing has been severely restricted. There is no estimation of the effect a vibrant sportfishing opportunity might have had.

The states and the coastal communities need the kind of economic data (and regulatory action) that would help them extract maximum economic value from their now depleted groundfish resources. This most probably implies allocating greater numbers of fish to low impact high value sportfishing rather than to high impact commercial gears. It certainly indicates that thoughtful consideration should be given to ways of slowing down commercial extraction and favoring less efficient extraction over more efficient extraction in allocations. (This would involve measures other than merely reducing the number of trawl vessels.) The states and the coastal communities need help in evaluating
various ways to particularize restrictions on recreational take so as to maximize value to coastal communities and their businesses, while protecting areas easily accessible to charter and small boat fishermen. They need help in solving the puzzles of overlapping jurisdictions that this kind of management requires.

Finally, we would encourage you to recognize that unless adequate resources are devoted to regulating the fisheries, it is unlikely that sustainability will be achieved. We would encourage NMFS to analyze methods for making the groundfish fishery self-supporting. We can’t see that the citizens of this country should be expected to pay taxes to have their oceans harvested. If the boats of the commercial industry cannot sustain the cost of paying for the observers necessary to protect the fishery, we should just leave the fish alone. When citizens finally learned that they were paying tax money to have their forests clear cut, the beginning of the end finally arrived. Why should citizens pay tax money to support other extractive activities? Such activities should be required to pay for themselves, or they are workfare. A plan for gradual transition to full observer coverage and full self-support should be part of the economic analysis.

Also in regard to having adequate resources for achieving sustainability, if enforcement dollars are not available, then the precautionary approach would indicate that NMFS should not allow harvest until adequate enforcement is provided for. NMFS’ studies in California found that a large proportion of live-fish landings were not accounted for through the fish ticket system. Should the agency then allow the live-fish fishery to continue unabated, or should there be a time-out while control over the fishery is established? Ordered to provide for a sustainable fishery, it appears that only the second course is legally available to NMFS.

In sum, for a document to provide background and analysis for choosing groundfish management options, the fishing needs of thousands of ordinary Americans and the economic needs of coastal communities need to be recognized and protected much better than they have been in the past, and the provisions of the law which were put there by Congress to protect recreational fishing should be better implemented.

Sincerely yours,

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