

## **Letter: West Coast fishermen under NOAA siege, too -**

### **Gloucester Daily Times: Opinion**

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To the editor:

Much has been revealed about the heavy-handed tactics of NOAA's Office of Law Enforcement during the era of Jane Lubchenco's leadership.

As a West Coast fisherman, I've always felt an uneasy sense of relief that it seemed mostly contained to the East Coast. But it's important for the fishing industry not to forget what happened back then as history has a cruel way of repeating itself.

After all the congressional hearings, special government overseers, and a multitude of unfavorable findings about NOAA's Office of Law Enforcement's unscrupulous behavior, you'd think today's National Marine Fisheries Service would be a kinder gentler agency.

But no, it's the same old NMFS and the same OLE, just a different era. What's changed is the tactic. Now, NMFS and the OLE are bearing down on the fishing industry with senseless, overbearing and discriminatory regulations.

Let's look at a current West Coast Vessel Monitoring (VMS) system debacle. As a sort of test or experiment, the West Coast limited entry fleet was the first required to have VMS aboard to fish for groundfish. The VMS system tracks the GPS coordinates of a vessel so authorities are better able to understand where, when and how it went fishing.

Apparently, the experiment was successful as the program soon expanded to all vessels that were landing groundfish under commercial trip limits. There was a fair amount of industry opposition to the program, but a usual, NMFS promulgated the idea that, under the VMS program, our fishing opportunities would actually increase by opening areas currently off limits.

That was the selling point to the industry to help quell opposition. Yet, 11 years later after VMS implementation, I'm still waiting for increased fishing opportunity.

Also, NOAA's Office of Law Enforcement lost a VMS case in California this year. The administrative hearing was held in my local court house in Ventura, so I took advantage and attended. The OLE flew in an EPA judge from D.C. and the only reason it went to administrative hearing was the respondents, Jason and Shane Robinson, refused to settle.

The Robinson brothers were charged with operating in a rockfish conservation area. The OLE's normal tactic is to bully, intimidate and threaten the respondents with higher penalties if they fight the charges and don't settle, but then it's on your record. So after the case was heard, the judge flew back to D.C. and weeks later wrote a post-hearing brief. Lo and behold, the judge ruled in favor of the respondents. OLE lost the case hands down and the Robinson brothers have become heroes of sorts.

Now here is where it gets interesting: NMFS appears to be totally vindictive, and decided it needs to increase the ping rate on the VMS units from one ping per hour to four. The OLE feels the reason they lost the case was one ping per hour was not sufficient to adequately monitor us, and had the ping rate been four times per hour they would have been victorious.

What's interesting about this logic is that all the VMS units have a controllable function that allows enforcement to increase the ping rate substantially if suspicious behavior is observed. Why that function was not initiated in the Robinsons' case remains an unanswered question. Of course, fishermen will be expected to pay for the substantial increase in cost if the base rate is increased to four per hour.

Here's the rub: Recreational fishermen, who have the largest allocation of the most vulnerable groundfish species on the West Coast, have not been required to employ VMS. Yet NMFS wants the commercial sector put under increased monitoring at a higher financial cost.

I don't believe any user group should have to have VMS. Having to fish with an ankle bracelet is something I wouldn't wish on my worst enemy. It is burdensome and demoralizing. But what is the service's strategy here? Does the term 'selective enforcement' ring a bell? Is the sport fishing lobby stronger than the commercial lobby?

For years, the industry has brought up this issue at the regional council level and by letters to NOAA oligarchs at their headquarters in Silver Spring, Md. We get nothing from them other than a deer in the headlights stare.

When the program was being developed, NMFS made it clear that all sectors landing groundfish would be required to have VMS. Instead, the agency has only focused on how to squeeze the commercial sector and let the recreational fishermen run "willy nilly" in spite of their track record of serial rockfish violations.

In closing, I want to reach out to the current head of NOAA, Dr. Kathryn Sullivan. Could you explain your agency's rationale to those of us fishing ground fish commercially? We are really struggling with this issue.

If VMS is so important for the successful rebuilding of groundfish stocks on the West Coast, then implement a program that includes all extractive users. If it's not and it can't be administered in a fair and equitable manner, then decommission the program immediately and quit discriminating against people that help pay your salary.

This issue just begs one more question. Why do you hate us so much?

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