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## PACIFIC COAST FEDERATION of FISHERMEN'S ASSOCIATIONS



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**John Laird, Secretary for Natural Resources**

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### Comments on the Ocean Protection Council Draft Strategic Plan 2012-2017

The PCFFA is a federation of a dozen commercial fishing marketing associations in ports along the coast, representing the concerns of mostly small-boat fishermen and fishing communities. We would like to work more closely with the OPC in its programs to manage water, debris, pollution, and fisheries to promote sustainable fishing communities. Due to time constraints, the following comments could use more detail, and may sound like a list of complaints, but tell stories of events related to how we can improve California's ocean management.

It is of great concern to us that the OPC Draft Strategic Plan 2012-2017 is claiming as accomplishments, several past and ongoing actions that have damaged California coastal fishing communities' economic infrastructure without providing any conservation benefits (see examples below.)

The OPC should be making **salmonid recovery** a priority as a keystone species in the ocean and ocean-to-freshwater ecosystem interface, as well as in support of sustainable fishing communities. Instead, salmon were abandoned in favor of politically fluffy projects like mapping. There is nothing in the plan to indicate salmon will be addressed.

The trawl buyback led not to any reduction of quota or protection of ocean floor, but to unfair re-distribution of quotas through the Pacific Groundfish ITQ program, including to out-of-state boats. The OPC proposes to help develop Community Fishing Associations so communities can obtain and hold quota shares locally, after having used public money to gift those same community resources to individuals. The Dungeness Crab Committee developed a negotiated management proposal in spite of voting irregularities and lack of transparency on the part of the OPC.

The Marine Protected Areas are not likely to be effective without adequate enforcement, so the MPA Monitoring Program becomes simply a jobs program for researchers while shifting fishing pressure in unpredictable ways. The MLPAI was anything but the “open, transparent process” it pretended to be; major transparency, conflict of interest, and environmental justice issues remain un-addressed. The touted “innovative market solutions” in fisheries management such as Individual Tradable Quotas (ITQs) amount to a subsidized resource grab, without conservation benefit and with great harm to fishing community economies. The OPC continues to collaborate with the same private organizations such as EDF, RLFF, and the MLPAI whose agendas include these unsupportable programs. This does not bode well for the OPC to attain their laudable stated goals of protecting ecosystems or supporting sustainable fishing communities.

The OPC claims as its first Major Accomplishment (pg. 9) being “seen as a leader” because it has “effectively influenced policies on several key issues.” Influencing policies is only an accomplishment if the policies being promoted are beneficial to ocean ecosystems and coastal communities.

Salmonid recovery should be an OPC priority. Anadromous salmon and steelhead are important to the balance of California’s ocean ecosystem. Salmon are an essential predator and food fish in the ocean, and transfer quantities of ocean nutrients to inland ecosystems through anadromy. They are culturally important, and have contributed millions of dollars in jobs annually to the economies of California and its river and coastal communities. Restoration of salmon populations to viable, self-sustaining populations with a fishable surplus could go a long way toward having fisheries able to pay for their own management.

The OPC let California’s salmon go down, while spending millions of dollars on mapping. This particular environmental and community damage was a deliberated act of omission. The OPC sent staff to coastal communities to ask what needed to be done to reverse the decline of anadromous salmonids in California. The needs of salmon and steelhead are well known. Staff received, from the strongest, long-time fish proponents, a laundry list of what remains to be done to accomplish this goal. We were later told by staff that the steps needed were not taken because they were not politically palatable.

The OPC put out a request for proposals to help recover salmon. Within hours of receiving the proposals, OPC staff chose Ecotrust to perform a contract. Ecotrust is a fine organization, but their specialty is mapping; mapping does not restore or recover salmon. We were told by staff that the product was not as expected, and that it was being modified. Multiple requests from the public to see the product from this contract were not fulfilled.

Additionally, the OPC claims, as their first accomplishment from their first five years, that they spent \$15 million and leveraged \$14.5 million to improve maps of the ocean floor. (Exhibit 1: Key OPC Accomplishments during First Five Years; Seafloor and Shoreline Mapping.) Meanwhile, the Department of Fish and Game remains without adequate staffing and funding to perform its mandates to monitor, protect and restore salmonids. The legislature resolved to double salmon populations by the year 2000; instead, populations continued to spiral downwards. Coho salmon are now 99% absent from California streams, according to National Marine Fisheries Service endangered species program's Charlotte Ambrose. The Sacramento River Chinook runs collapsed, along with sturgeon, stripers, several food fish for salmon (split-tails, smelt), and a world-renowned herring fishery in the California's largest estuary, San Francisco Bay. This all occurred while the OPC dithered.

In a complete abdication of responsibility for California ocean resources, salmon are mentioned only once in the new OPC plan, in relation to how their spawning habitat is impacted by sediment. This mention is bracketed by the purported benefits of sediment to coastal beaches and marine environments. Senator Wiggins bill SB 539 in 2009 would have directed the OPC to take care of many tasks related to salmon recovery, but, unfortunately, the bill died after passing committee, due to the sponsor's declining health. None of its directives were adopted by the OPC.

The Trawl buyback: The privately funded trawl buyout, supported by the OPC (pg 23), is advertised on the California Fisheries Fund website as "linked to the public protection of 3.8 million acres of ecologically valuable seafloor habitat in California - four times larger than Yosemite National Park."<sup>1</sup> This is a gross misrepresentation to the public of trawl fishing reduction, by semantically tying the buyback to a conservation easement program and other programs. There was actually no reduction in the trawl quotas; they were redistributed, instead. California Dungeness crab fishermen are still paying for the buyback, and will be for many years. Although the buyback was promoted as a way to reduce capitalization and pressure on the crab fishery, at least eight individuals turned around and bought new, bigger crab fishing vessels that fish in California, adding as many as 8,000 or more traps to the fishery. This increased fishing pressure in the crab fishery.

ITQs and re-distribution of wealth: Meanwhile, The Pacific Fisheries Management Council gifted the groundfish quota that was taken out of the trawl fishery through the buyback, back to the trawl fishery through the Pacific Groundfish ITQ Program. The quota was re-distributed in so-called "equal shares," to the remaining California trawlers and to Alaska whiting vessels that fish whiting off California and had never fished groundfish here before. Since the quota was re-distributed, trawl fishing pressure was not reduced; rather, competition in the trawl fishery was reduced (consolidation.) Local processors and trawlers testified in a hearing to NOAA's Dr. Lubchenco on December 9, 2010, in Ukiah, that their businesses would become unviable due to the excessive costs of on-board and onshore observers. The California crab fishermen, who are still paying for the buyback, did not receive groundfish quota shares. Lower-bycatch hook-and-line fishing for groundfish, that spreads benefits within communities and supplies fresh fish to local markets, was

intentionally disenfranchised, receiving no quota, while part of the quota was gifted to private individuals from out of state without even any groundfish catch history.

The OPC gave at least two million dollars of taxpayer money to help implement this disproportionate Pacific Groundfish ITQ program. Public money helped pay for this huge give-away of public resources to the greediest private individuals. This is an instance where those who conserve get less. Trawlers who fished dirty in terms of discarded bycatch received the largest bycatch quotas, allowing them to fish more of their quotas; those California fishermen who had avoided bycatch did not receive enough bycatch quota to even begin to catch their groundfish quota. No provision was made for “owner-on-board,” which would have addressed the issue of keeping quota ownership local. In fact, keeping quota shares local is not an objective of EDF, which promoted the ITQ plan. EDF’s representative David Festa, addressing the Milken Institute Global (Investment) Conference in 2009, held out the promise of 400% returns to absentee investors and encouraged them to buy up quota share. He also described fishermen as “unskilled,” “unprofessional” and “itinerant labor” with “high drug use,” an idea he claims he got from a George Clooney movie.<sup>2</sup>

The Pacific Fisheries Management Council analysis of their groundfish ITQ plan showed that not only would the trawl fleet of about twenty boats in California be further reduced and consolidated, but that some ports would thereby be deprived of trawl fish deliveries, adding an additional blow to the fragile remaining fisheries infrastructure and the fabric of coastal fishing communities. California trawlers help keep processors and other fishing support businesses viable, which support smaller fisheries and fishery infrastructure.

Every conservation benefit that is claimed to be from ITQs by its proponents can and is being achieved without the privatization of our public resources through quota shares. To begin with, there is no overfishing problem in California waters to be addressed, according to NOAA fisheries stock assessments. Populations of a few species that were below MSY are being successfully rebuilt with conventional fisheries management tools, such as seasons and area closures, gear restrictions, limited entry programs. Total Allowable Catch (season quotas) and observers, the main tools claimed by ITQ proponents, are already in effect in many fisheries. Issues of fair allocation and optimal marketing should be addressed from within the fishing industry responding to market pressures, not as market engineering such as ITQ’s applied from the outside.

The OPC now proposes, after groundfish quota has already been gifted, to help establish Community Fishing Associations (CFA’s) to receive quota shares, and help keep quota locally owned. Will public money be used to buy back private quota shares after public money was used to gift a public resource to individuals? Perhaps the California Fisheries Fund will loan money to CFA’s to buy back quota shares that were taken from the public and given to others? There is something very wrong about this scenario.

The Dungeness Crab Committee: The OPC and EDF celebrated the Dungeness Crab Committee as an accomplishment. EDF staff wrote the legislation that was sponsored by Senator Wiggins to create the Crab Committee. The Crab Committee was fraught from its

inception with secret “steering committee” meetings, known errors in who was designated to vote in upper and lower tiers, and in which home-ports, leading to the supposition that there were unknown errors as well. Some upper-tier earners voted in lower-tier blocks due to latent, multiple permits. Many crabbers reported their vessel’s home port as San Francisco, as all boats were registered there long ago, while others reported their home port as their main port of berth. Some of these irregularities were not addressed, while the home-port re-distribution was addressed in a non-transparent fashion. The OPC would not reveal its method for re-assigning home ports, and landings, by which tiers were designated, were proprietary under California law. This lack of transparency made it impossible for participants to address known and unknown irregularities of the voting structure.

A formal request for the Crab Committee to take a vote on whether participants wanted the process to go forward was declined by the facilitators, who were already under contract to proceed. The facilitators said they would not have time to complete the process if they took such a vote, but they had time for two monthly meetings to be cancelled due to state budget negotiations.

The Dungeness Crab Committee met, negotiated, and hammered out a plan for tiered crab pot limits. Legislation for pot limits based on this agreement and passed by the legislature has been vetoed by the Governor each time so far. Some of the largest operators can afford to apply political pressure to maintain the status quo, while fishermen from Washington and Oregon, who already have pot limits, continue to help catch crab wide open in California. The Dungeness Crab Committee’s negotiated agreement for fair allocation and capitalization reduction through tiered pot limits have yet to be applied. Proposals to consider ITQs for the crab fishery were soundly voted down as inappropriate for that fishery, every time.

Monitoring for the MPAs: Monitoring the newly-formed MPAs is a complete waste of time and taxpayer money without adequate enforcement. All of the projected good outcomes from MPAs are based on the unrealistic assumption that poaching will not be a factor. Please note the public comment letter to the Fish and Game Commission from Game Wardens’ Association citing their lack of ability to enforce the closed areas. Also, please note fisheries scientist Dr. Ray Hilborn’s public comment on the South Coast MPAs.

MPA Monitoring effectiveness: What are the ecological goals and objectives, and criteria for success for the MPA’s? Who will decide them? How will the monitoring control for: changes in fishing effort, changes in fishing management, poaching events, lack of comparable habitat sites, changes in ocean conditions, pollution from industrial and military uses of the OCS, pollution from onshore, population shifts in predators such as increase in marine mammal populations and decline of predator fish like salmon? Will the monitoring adaptive management recommend actions within or outside MPAs to manage for certain species or to prevent trophic cascades? Will effects on fishing communities be monitored? What are the criteria for sustainable fishing communities? Who will decide the criteria?

The MLPAI was anything but the “open, transparent process” it pretended to be. Non-public meetings, random rule-changes, severe conflicts of interest, foregone conclusions of outcomes, “special closures” and disproportionately complete loss of fisheries for some ports and businesses have become environmental justice issues that are yet to be addressed. Paid representation by large environmental groups was disproportionate to that of immediately economically affected groups whose representatives had to forgo employment to participate. To see the same individuals from the MLPAI as “trustees” for the monitoring group does not encourage faith in transparency of process or data.

The PCFFA hopes to work more closely with the OPC on issues relating to habitat and ecosystem management, marine pollution, water policy, fisheries management and sustainable fishing communities.

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#### References

1. [http://www.californiafisheriesfund.org/about\\_advisory.html](http://www.californiafisheriesfund.org/about_advisory.html)
2. 2009 Milken Global Conference, Innovative Sustainable Fisheries Panel