

Fishing is Dead. Long Live Fishing!
A Primer on the Evolving Fisheries and Rhetoric.

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This primer is written as an article, not a research paper. However, I have included footnote for some of the more important information. It is important that the reader realize that these issues are real and are happening at a rapid pace. Unfortunately, this information is not being reported by the mainstream media. One would think that so many new concepts in fisheries management and over ½ billion dollars invested would get the attention of the mainstream media. Much of this change is happening with the majority of fishermen sitting on the sidelines. Often, they are not even at the table where these changes are taking place.

Some may think: Isn't this wonderful. The wealthy ENGOs are "sharing" their largess with the fishing community. Not in my opinion. First, for the most part, these organizations have spent decades disparaging the commercial and recreational community. Second, most of the time, far too few fishermen are present at the table and sometimes, not at all. Third, financial institutions are forming to buy up and control the new quota share systems, taking fishing (small business) away from the fishermen. We all have our specialties in life. Fishermen catch fish. Bureaucrats, financial advisors, environmentalists do not. Too much of what is going on will add significant cost and over burden those who catch fish and provide food.

Environmental rhetoric the past several years has it that the ocean is dying and fisheries in the United States are collapsing. So why then would Environmental Non-Government Organizations (ENGOs) be spending hundreds of millions of dollars investing in and buying up commercial fisheries? Could it be that fisheries really are not in the dire situation that we have been led to believe by the popular press?

This idea that the oceans are dying was promoted by actor Ted Danson 20 years ago who used his "American Oceans Campaign" to tell us, "... the oceans will die in 10 years." Considering the robust populations of top predator marine mammals now supported by our oceans, Danson's claims has become laughable. Yet, actors, politicians and other non-experts continue this alarmist refrain.

Danson is still at it, but now with Oceana, an organization which has recently received \$40,000,000. from the Pew Charitable Trusts and produced an anti-fishing documentary, "End of the Line." This film was introduced at the Sundance Film Festival, later shown in hundreds of US and UK theaters and later on television._1_/.

Prior to this, another film, using some of the same footage, "Empty Oceans-Empty Nets" was put out on PBS sponsored by food conglomerate Unilever, The David and Lucile Packard Foundation, Whole Foods Market, George T Pflieger Foundation, The Gaia Fund, The Curtis and Edith Munson Foundation and MCBT (Marine Conservation Biology Institute).

“I’ve always been kind of a shill,” said Ted Danson in an April 26, 2011 Los Angeles Times article on his organization, Oceana. He continued, “The guy out in front of the tent saying, “Thank you for watching “Cheers.” Come on in and let me introduce you to the marine biologists who have something really important to tell you.” _2/.

Indeed! Danson admits he is a fraud and little more than a carnival barker; a highly rewarded pitchman and gambler. Unfortunately, he gambles with lives and traditions of working American fishermen and women.

Fishermen, besides having to know how to run and navigate a boat, set the gear, must also be a carpenter, painter, electrician, maintain a diesel engine and hydraulic systems, and in recent years, have even had to become politicians. But now, there is entirely new fishing lexicon to be aware of:

- Catch Shares
- Permit Banks
- Quota banks
- Limited Access Privilege Programs
- Community Fishing Associations
- Community/Regional Fishing Association Trusts
- Regional Fishing Associations
- Low Rate Lease of Quota
- Investment Portfolios
- Diversified Fishing Portfolios
- Affordable Catch Share Financing
- Emerging Markets
- Marine Spatial Planning
- Ocean Zoning
- Marine Conservation Easements
- And on and on...._3/.*

These are not terms the fishermen have chosen. They are terms and concepts being forced on them now by a myriad of government bureaucrats, academics and environmental organizations which have in the past few years blended together. All of these new concepts are having the affect of empowering and enriching the ENGO’s and creating busy work and new job opportunities for government. All at the same time they destroy the food producing jobs of people who work on the ocean.

Some of the same individuals perpetrating these concepts hopscotch between these groups—ENGOs, academia, state and federal government-- on a regular basis. Dr. Jane Lubchenco for example, started out at Oregon State University and Marine Science Center at the University of California Santa Barbara, moved to the Environmental Defense Fund and then to the top job as Administrator of the National Oceanographic and Atmospheric Administration.

Dr. Lubchenco has a long history of ENGO connection. As a Pew Marine Conservation Fellow, she received a \$150,000. award. As a founding principal of the Communication Partnership for Science and the Sea, she received \$710,000. from the Moore Foundation. She was a Seaweb board member (and Pew Ocean Commission member) which received \$5,500,000. from Pew. She was a member of the Joint Ocean Commission Initiative. As professor at Oregon State University, she received \$2,600,000. from the David and Lucile Packard Foundation; \$300,000. from the Pew Trusts and \$13,500,000. from the Gordon and Betty Moore Foundation. As Vice-chair of the board of Environmental Defense, she received another \$10,400,000. from the David and Lucile Packard Foundation, \$3,800,000. from Pew Trusts, and \$13,700,000. from the Gordon and Betty Moore Foundation, and \$200,000. from the Surdna Foundation. As Co-founder of the Leopold Leadership Program: 2007 Packard awarded \$32,500,000. to Stanford University for the Leopold Leadership Program, the Environmental and Energy building, and the Center for Marine Solutions. As board member of the Monterey Bay Aquarium Research Institute, another \$217,000,000. from the David and Lucile Packard Foundation.

Dr. Lubchenco is now Administrator of NOAA and took many of her ENGO associates along with her to federal service. So, who are her primary staff? Chief of Staff, Margaret Spring, former Director of the Nature Conservancy, Deputy Undersecretary of Oceans and Atmosphere, Monica Medina, former Senior Officer, Pew Environment Group. Director of Communications, Justin Kenney, former Senior Public Affairs Officer at Pew Trusts and Director of Communications for the Pew Commission. And, General Counsel, Lois Schiffer, former Vice President for Public Policy at the National Audubon Society. _4_/

Another of the major players in this drama is Julie Packard, heiress to the \$5,000,000,000. David and Lucile Packard Foundation. Executive director of the Monterey Bay Aquarium, Ms. Packard has also served on the board of the Pew Oceans commission, California Nature Conservancy, World wildlife Fund and as a commissioner of the Joint Ocean commission. She has received the 2004 Ted Danson Ocean Hero Award and 1998 Audubon Medal for Conservation. Her massive wealth funds many smaller ENGO organizations.

For 70 years, the Heinz family has been endowing and shaping environmentalism and food resources worldwide. The Howard Heinz Endowments was founded in 1941. In 1951, the H.J. Heinz company foundation was founded. Other Heinz entities are: Vira I. Heinz Endowments (1986), Center for Healthy Environments and Communities, The Heinz Center, The H. John Heinz III Center for Science, Economics and Environment and their partnership organizations: Compass and The Keystone Center. In 1988, Project 88 was introduced, proposing, "...solutions to major environmental and natural resources problems." Other publications include, "Measuring the Results of Wildlife Conservation Activities." These reports and publications have created a roadmap for managing US natural resources.

Others like Michael Leo Weber who was vice-president of the Center for Marine Conservation in Washington DC twenty years ago, next went on to become “Special Assistant” to the Director of the National Marine Fisheries Service. Next he was a “consultant” to the California Fish and Game Commission, implementing the Marine Life Protection Act. Then the California Coastal Marine Initiative and Sustainable Fisheries Fund and now to the Resources Law Group. Another person is David Festa who is vice-president of EDF and a member of the Sustainable Fisheries Fund. _5/.

In 1954, the US Congress passed the Saltonstall-Kennedy Act, a multi-million dollar superfund, created to promote and market domestic seafood. In 2010, the Department of Commerce received \$113,400,000. from the Department of Agriculture, as mandated by law. Commerce was obligated to spend at least 60% of this sum or \$68,000,000. on “fishing industry projects.” However, NOAA shifted \$104,600,000. into operations, and only \$8,000,000. was distributed through competitive grants to congressionally mandated fishing projects. _6_/.

With NOAA diverting money from congressional Saltonstall-Kennedy Act funds, and all these many other large contributions of cash you have to wonder: What is going on? Is this really about saving fish? Or, is it about consolidating power and control over food resources? The numbers cited above are just the tip of the iceberg.

Add to this, the power of the federal government. Dr. Jane Lubchenco is now in a position to “price fix” the value of US fisheries. NOAA and the National Marine Fisheries Service are in the position of establish annual catch limits known as Total Allowable Catch (TAC). By manipulating these numbers, fishermen, operating under new federal fishery rules, may not be able to catch enough fish to pay off loans they are now being forced to make in order to go fishing. NOAA also has been reallocating funds from research into administration of the catch share programs, this means less money for stock assessments.

An east coast fish, the “monkfish” is an example of how NOAA can fix the value of fish and catch shares. Monkfish are a “data poor” fish meaning there is not good data on the status of the stocks. Therefore, the total allowable catch is set low, giving into what is known as the “precautionary principle.” It kind of works like this: Low data=low quotas=less income to the fishing participants=low catch share prices. In this scenario, some fishermen will choose to quit and sell their permits and quota. _7/.

If these permits and quotas are purchased by ENGOs and/or investors who have money, the new owners may push for and fund surveys, increasing the amount of fish which can be harvested, increasing the value of their catch shares and, in the case of investors, their stock portfolios. Fishermen instead of being small businessmen, become employees of the corporation.

On March 1, 2011 a meeting was held in Washington DC, organized by Congressman Sam Farr (D-Monterey, CA). The title of this meeting was: “Reviving Coastal

Economies through Healthy, vibrant Fisheries and Oceans.” But, the meeting was more cheerleading of the NOAA/EDF “Catch Shares” program. Farr, a former California Assemblyman, is part of the, our oceans are dying crowd, spreading fear and promoting government/ENGO takeover of our US fisheries.

On July 19, 2010, the Obama administration salvaged Congressman Farr’s “Oceans 21” house legislation calling for a national policy on marine spatial planning. Instead of going the congressional route, President Obama signed an Executive Order establishing an Ocean Policy Task Force, going around congress. [8/](#). Using the standard scare tactics, Farr said, “At a time when science knows the oceans are dying and several politicians have known it, there’s never been a crisis to drive policy until now.” Farr’s effort was primarily to promote the ENGO and NOAA agenda.

Lending institutions are now popping up: The California Fisheries Fund and Sustainable Fisheries Fund are ready to make loans to fishermen. Another advocate of investing in fisheries is Michael Milken. The Milken Institute has recommended since 2009 that his clients consider investments in commercial fishing “Catch Share” as a way to improve their personal investment portfolios.

In the fall of 2010, Congressman Barney Frank (D-MA) accused US Commerce Secretary Gary Locke of not having the courage to stand up to his subordinates at NOAA and NMFS over their manipulation of catch shares. Governor Deval Patrick and Congressman Frank concluded NOAA was have a negative impact of the commercial fishermen of Massachusetts. But Locke, along with NOAA head Jane Lubchenco and NMFS head Eric Schwaab rejected the pleas of Mr. Frank and Governor Patrick to ease catch limits and the new regulatory system of catch shares, contending neither scientific or economic evidence justified it. Both Frank and Patrick called for congress to investigate. [9/](#).

However, by April 2011, NOAA had reversed itself and announced it would increase catch limits on 12 important groundfish stocks. And, NOAA also postponed until 2013 requirements for the fishing industry to cover the costs of dockside monitoring. [10/](#).

So, does this decision really reflect recovery of stocks or does it simply signal efforts to get powerful politicians off the backs of Commerce, NOAA and NMFS?

How Did All This Get Started?

To understand how all of this has taken place, one needs to go back to 1948 and the founding of the International Union for Conservation of Nature (IUCN). IUCN claims to be the world first global environmental organization; the worlds oldest and largest environmental network. IUCN claims more than 1,000 government and NGO member organizations, and almost 11,000 volunteer scientists in over 160

countries. IUCN is the official technical advisory body to the World Heritage Committee. The World Heritage Convention concerning Protections of the World Cultural and Natural Heritage was adopted by the General Conference of the United Nations Education, Science, and Cultural Organization (UNESCO) in 1972. _11/.

The IUCN was founded in Europe by Julian Huxley, founder of UNESCO. This was the restructuring of the old Fauna Preservation Society (FPS). The FPS chairman, Sir Peter Scott, became chairman of two IUCN Commissions: the Commission on National Parks and Protected Areas, and the Survival Service Commission.

As a means of generating public contributions, Huxley and Scott convinced Prince Phillip, Duke of Edinburgh, to head a new organization, the World Wildlife Fund (WWF). WWF was soon organized in 29 countries. In the US, former Environmental Protection Agency administrator, Russell Train became chairman of WWF-USA. Train was also on the board of directors of two different Rockefeller foundations and was instrumental in accumulating massive grants to launch and other NGO in 1982: the World Resources Institute (WRI). Train also joined the board of WRI along with James Gustave Speth, co-founder of the Natural Resources Defense Council who became WRI's president. These three organizations have become the force behind thousands of affiliated NGO's, culminating in the Agenda 21 policy adopted by the United Nations Conference on Environment and Development in Rio de Janeiro in 1992. _12/.

By 1976, the California Channel Islands (San Miguel, Santa Rosa, Santa Cruz, Anacapa and Santa Barbara) had been designated as a United Nations Educational Scientific, and Cultural Organization (UNESCO) Man and the Biosphere Program. The Channel Islands National Park is referred to as a United States State Department, Man and the Biosphere Program. On May 26, 2000, President Bill Clinton, by executive order, designated Federal Marine Protected Areas for US waters.

In California, Proposition 132, authored by Assemblywoman Doris Allen in 1990, mandated the California Department of Fish and Game to identify areas for new marine reserves. The first of these reserves was the Landel's-Hill Big Creek Reserve of California, which was also included as a UNESCO International Biosphere Reserve. At this point, the stage was set for the Marine Life Protection Act (MLPA).

Despite the fact there were 103 Marine Protected areas in California (Reserves, Preserves, Protected Areas) prior to the MLPA, with little or no published data, the state decided to reinvent the wheel. Academics from around the world jumped into the fray, knowing that grant money, academic advancements and professorships would guarantee a long and fruitful professional career.

When congress passed the Magnuson Fisheries Management Act of 1976 (MFCMA) the primary objective was to create an "Exclusive Economic Zone" for US commercial fishermen. International fishing vessels were prohibited from fishing

inside this 200 mile limit EEZ. In addition, US fishermen were encouraged to build larger fishing boats and processors were encouraged to big build bigger processing and distribution systems. Tax incentives were provided to fishermen to help this happen.

But, by the 1990's, it became clear that "fishery independent data" which relies on survey was inadequate. "Fishery dependent data" which is derived from landing data does not provide an honest assessment of the status of the stocks. So, a new concept, the "Precautionary Principle" was adopted. The idea was that if good data did not exist, the government would err on the side of conservation. Weekly or monthly trip limits were reduced to conserve fish. However, this also encouraged fishery scientists to become lazy. There was little incentive to produce those studies which would increase catch limits. What started to happen was year after year, catch limits were cut, then cut again. The media and the environmental public reported these lower catches without recognizing they were caused by the government imposed precautions.

Then, add to this, government imposed "regulatory discards." Because of strict catch limits, over catches or catches of the wrong fish required fishermen to dump the catch. This additionally alarmed the environmental community who did not know, or did not report that discards were required by government regulators.

The Early Days of Fishing in California

When I was a kid, one could easily become a commercial fisherman. If you had a fishing pole, and could afford a small license fee, you were in business. A boat? Nope, you could begin a commercial fishing career without a boat. Not now.

Claims of "over-fishing" by commercial fishermen are not new. The first commercial fishery in California was the abalone fishery, founded by Chinese immigrants in 1850, who came to the Golden State to mine and build the railroad. They found an abundance of abalone. But by the turn of the 20th Century, claims of depletion brought about closures of the marine waters out to 20 feet. Since the Chinese did not dive, this precluded their commercial involvement. And since most abalone species extend out into deeper water than the shore picking and skiff operating Chinese could have navigated, it was impossible for them to over-fish.

Things have shifted dramatically in recent years and are now moving at warp speed to overhaul how fish will be harvested and marketed in the future.

Part of what is going on requires rhetoric. "Over fishing" has become a mantra. TV actors like Ted Danson have declared the "Ocean will die in 10 years." The fact that Danson said this decades ago doesn't matter. The public believes it and that's all you need to affect change.

When I was a kid, fishermen were heroes. Many had received awards and citations for their hard work during WWII, feeding the public and the troops. But, this did not last long. A decade after the end of the war, the demonization of fishermen would begin.

Part of this was because fishermen are killers of wildlife. Even though it may be to enhance our food supply, they became viewed as vicious killers. All along our coast, the carnage was evident for many to witness. The unloading of dead fish, the blood, and the gore, there it was for all to see. For the young baby boomers, this was a turn-off. Food at the grocery store, packaged in cellophane didn't look like this. Then, on the docks, there was the noise and bad smells. Yuck! Then, there was the knowledge that fishermen might also killed birds and whales. Certainly, this could not be tolerated.

My father was a boat operator for the abalone fishery. By the late 1950's, it was becoming evident to the abalone fishermen that sea otters were beginning to impact their fishery. Having used guns during WWII to defend themselves, some of the fishermen used guns to attack their new enemy: The sea otter. Knowing they needed help from the California legislature, some fishermen began going to Sacramento to defend their livelihoods. It was recorded that one fisherman said, "You can't imagine how difficult it is to shoot a sea otter from a moving boat." This statement would rock the abalone divers world.

Soon, a wealthy and politically savvy woman from Carmel, Margaret Wentworth Owings founded an organization to take on these dangerous abalone fishermen. Her organization, Friends of the Sea Otter would begin attending the same meetings as the fishermen, turning their world upside-down. Mrs. Owings would also take on the California Department of Fish and Game and the agencies biologists. Anyone who said anything about sea otters that Mrs. Owings did not approve of became her target.

Who Was Margaret Owings?

Margaret Owings was married to Nathaniel Owings, partner in the architectural firm, Skidmore, Owings and Merrill. SOM was responsible for the design of the Chase Manhattan Bank Building, United States Air Force Academy, John Hancock Building, Sears Tower, Lever House, Equitable Life Building, Harford Insurance Building, Union Carbide, etc.

During the Kennedy and Johnson Administrations, Mr. Owings served as chairman of the Pennsylvania Avenue Committee in Washington DC. The task was to redesign the Capitol area and mall. Secretary of the Interior Stewart Udall oversaw the project.

Mrs. Owings was prone to brag about her lack of any scientific training, even though she was perceived to be an “expert” on ecological issues:

“The most remarkable thing about it is that I knew nothing. When I started, I knew nothing,” she said in an oral history recorded by the Bancroft Library at UC Berkeley. “I wasn’t trained in environmental things. They weren’t much in the news or in conversation at the time, and I didn’t think a great deal about them. I was always alarmed at the felling of any tree, but that is just my own thing. I really suffered as a tree fell; I really felt a life had been taken. I felt within myself, it just grew into all of this.” Reporting in the San Jose Mercury, writer Tracie Cone continued. “Owings went straight for the heart. She kept up a constant writing campaign to newspapers and wildlife magazines.” ‘ I hate to write scientific facts,’ she says. ‘But, I like using metaphors and let the mind work. I’ve often said, “Thank God I’m not a scientist” so I can do things more loosely.’ Speaking of Mrs. Owings in the same article, Sam Farr (Rep. D-Carmel) said:

“I like to joke with Margaret that she’s done more for business on the Central coast than anyone else. Look at all the T-shirts and charms with otters on them. Those didn’t exist before she came along.”_13/.

While the scientific facts about sea otters became muddled by Mrs. Owings, the sea otter moved down the coast, ultimately reducing abalone populations to levels where the economics were not longer there to support a fishery. The fishermen, at least the younger ones, had to move south to Santa Barbara. The rest were forced to quit. For the next 25 year, the abalone fishermen had to endure the shame of falsely being blamed for destroying the abalone fishery. The myth of overfishing began to take root and, anti-fishing became a fascist movement.

The next target was now those who harvested seals, sea lions and whales. These animals soon became sacred animals. It was claimed that whales and dolphins had their own language. They were as intelligent as humans due to these special language abilities. How could humans be so cruel as to intentionally kill superior intellectual beings? Sealing too had to be stopped. What came next was the Marine Mammal Protection Act (MMPA). This law, passed by congress in 1972, preserves marine mammals with no consideration of any management needs. Friends of the Sea Otter and Mrs. Owings were instrumental in passage of the MMPA.

It is not uncommon now to see seals and sea lions hanging out on docks and breakwaters. But, this is not a natural circumstance. Historically, these marine animals would have been hunted by Grizzly bears, wolves and other mainland predators. This kept the seal and sea lion population limited to wash rocks and offshore islands. But, now, due to protective legislation, these large marine animals can roam anywhere they want. This has caused a population explosion.

This situation led to protectionist organizations springing up to push international protection of marine mammals. Originally drafted to protect whales, the MMPA became a catch all for all marine mammals, whether they were at risk of extinction or not. Soon, organizations like Greenpeace became huge entities. Later, spinoffs like

Earth Island Institute (founded by Sierra Club director David Browder) and Sea Shepherd's Conservation Society would become household words. We now have international pirates and eco-terrorists like Paul Watson wandering around our country, lecturing and getting television face time spewing tales of his ramming of ships on the high seas in his quest to "save whales."

Since these overpopulated animals get ill, marine mammal rescue centers have sprung up. Sick and starving seals, sea lions and sea otters are now captured as soon as they are sighted on public beaches. This has the effect of "sanitizing" the situation, keeping the public ignorant of what is really taking place. This also provides jobs for some students graduating from college with marine biology degrees and citizens volunteers with excess time on their hands.

On February 2, 1995, the California Fish and Game Commission conducted a workshop on marine mammals. Dr. Doyle Hanan, a CDFG senior marine biologist, reported data on the six species of seals and sea lions common to California. His estimate of the 1995 population of California sea lions at 160,000 to 180,000. He reported the population was growing at an annual rate of 8-10%. He also suggested that this population consumed approximately 500,000 short tons (1 billion pounds) of fish annually.^{14/} A comparison of commercial fish landings of fish consumed by California sea lions (anchovy, sardine, squid, whiting, salmon, rock fish) was commercial landings were approximately 28% of California sea lions.^{15/}

As a retired CDFG biologist, Dr. Hanan appeared before the House Resources Committee, August 19, 2003 and reported that your average California sea lion consumes 20 pounds of fish per day. By 2003, he estimated the California sea lion population at approximately 300,000 (2,190,000,000 pounds annually).^{16/}

The fish mortality caused by California sea lions then is approximately 6 million pounds per day. There are no fisheries in California that operate anywhere near this amount of fish. And, there are 5 other species of pinnipeds common to California. Yet, the MLPA does not consider this level of fish mortality, only that caused by human use.

So, what to do next? Well, how about convincing the public that because fishermen have been overfishing, and the ocean is dying, and to save ocean creatures, let's create a network of marine areas where no fishing can occur?

At first, the mechanism was called "Marine Sanctuaries" but these did not get the job done. Congressional negotiating allows some fishing and even offshore oil drilling in areas adjacent to or even within a federal marine sanctuary. Not good enough.

So, back to the drawing board. Marine Protected Areas (MPAs) had been around for several decades, first proposed by the United Nations in 1976. Beginning in the early 1990's, Gary Davis, a scientist with the National Park Service began promoting what he called "Harvest Refugia" for the Channel Island National Park. His target

fishery: Abalone. Davis proposed in 1994 to close the pink, green and white abalone fisheries. 17/.

Due to the sea otter taking over the former abalone fishing grounds, the fishermen had to relocate to areas outside the sea otter range. These areas represented about 10% of the historic fishing grounds, and the fishery settled in at about 10% of their former fish landings. But, ultimately, this “compaction” of the fishery would ultimately lead to claims of “overfishing” once again.

Through a series of public forums, Davis gathered a few recreational fishermen who began to parrot his refugia mantra. Soon, the meetings became formal state affairs, given legitimacy by the California Fish and Game Commission (FGC). Beginning in 1992, the state of California had been convinced fishing for black abalone had to end. The abalone had developed a malady called “withering syndrome” which caused the foot of the abalone to wither and die. Although this had nothing to do directly with fishing, the fact that apparently healthy abalone were being removed from the population was a problem because among those abalone might be those few who were potentially immune and would survive to replenish the populations. The fishing of black abalone—both commercial and recreational—must be banned.

Black abalone was closed first in 1994. Soon after, green, pink and white abalone would next be banned in 1996, due to rhetorical claims of “over-fishing.” When the divers raised issues like water pollution and loss of habitat, CDFG biologist Peter Haaker stated, “This is beyond our purview,” passing the buck onto the Environmental Protection Agency. By 1997, the entire abalone fishery-- recreational and commercial--south of San Francisco, would be banned. Although commitments were made by some at CDFG that the fishery would reopen once a fisheries management plan was drafted and approved, the fishery has remained closed.

Now that a long standing vocally opposing group, the commercial abalone fishermen, had been removed, it was time to move towards the long awaited United Nations Educational, Scientific Cultural Organization (UNESCO) concept of massive MPA's, of course to protect our living marine resources from the evil overfishing fishermen. The abalone fishery was the State of California's first commercial fishery, begun in 1850 by Chinese immigrants. The symbolism of closing the state's first commercial fishery was very strong.

Other state fisheries had also been banned in previous years. Nets used to harvest halibut and rock fish, set-nets, or, gill-nets had been used on our coast for thousands of years. But, in the early 1980's it became apparent these relatively simple devices were also killing a variety of non-target animals: Birds, dolphins, porpoise, sea otters, seals, sea lions and even whales were regularly observed entangled in these nets. Between the 1980's and 1990's these nets were slowly phased out, not by direct bans, but by slowly moving out into deeper water where the fishermen could no longer fish safely.

By 1998, with much of the political opposition eliminated by coalitions made up of Environmental Non-Government Organizations (ENGOS) and recreational fishermen and divers, the momentum towards MPAs took off. Now, at the FGC meetings, cadre of academics, many looking for research grants, began attending hearings, citing study after study in support of MPAs. However, much of the data cited by these scientists was collected from areas of the world which do not have the robust populations of marine mammals found in California.

Legislation drafted as the Marine Life Protection Act (MLPA) addressed the marine mammal problem by not acknowledging it at all. This decision was easy. Since the MMPA was federal law, well the state of California had no jurisdiction, so just ignore it. So, the most significant cause of fish mortality, consumption by marine mammals, is not even addressed in the MLPA!

As an alternative to MPA's, some US commercial fishermen had been exploring a management concept being used successfully in New Zealand, Iceland, Australia: Individual Transferable Quota (ITQ). This system of fisheries management had the result in empowering fishermen to conserve through a system of property rights. In Australia, these rights were in the form of collateral. A fishermen could use his quota to borrow money. Fishermen using this system could sell, trade, rent or transfer to their kids or other family members, their quota just as one would do with real estate. In this way, ITQ offered new economic freedom and created an incentive to conserve fish._18/.

Marine Protected Areas by contrast had a number of problems: Law enforcement for example was a biggie. Poaching too would be a problem without sufficient law enforcement, Research was another. No money was available to fund the programs of the MLPA. However, the MLPA was passed by the California Legislature, and signed into law by Governor Gray Davis in 1999.

Now this is where things get crazy. Until 2004, the MLPA was parked and the state set up a website: California Nearshore, run by one of the MLPAs primary authors and advocates, Michael Leo Weber. Weber, a former vice-president of the Center for Marine Conservation (now the Ocean Conservancy) in Washington, moved on to the National Marine Fisheries Service, then onto the state of California where he worked as a consultant to the California Fish and Game Commission. Weber served basically as the California Nearshore web-master, answering questions and dispensing information on the MLPA.

In 2004, The MLPA budget shortfall ended with the development of the Resources Legacy Fund Foundation grant to the State of California of \$2.4million originating from the Packard Foundation. In addition, the California Legislature contributed another \$.5 million, enough money to restart the MLPA process.

Now flush with ENGO and taxpayer cash, the state established the Blue Ribbon Task Force (BRTF) and the Master Plan Science Advisory Team (MPSAT). What followed

was a series of public workshops to collect public comment. In each area where MPAs were proposed, Regional Stakeholder Groups (RSG) were also set up to make the process appear fair to the fisheries communities.

But still, why all the millions of dollars which are now flowing into fisheries? There are multiple loan programs now investing mostly “green money” into the fisheries.

At Morro Bay, California, the Nature Conservancy (using grants coming from the Packard Foundation, Moore Foundation and the Pew Charitable Trusts) has purchased—for \$3.8million—seven mid-water and bottom permits and four trawlers, scrapping or selling three and now fishing one, the f/v South Bay. _19/.

According to congressional testimony from April 22, 2010, some of the fishermen at Morro Bay are paying out 70% of the values of their catch to holders of the catch quota, the Nature Conservancy. _20/.

Funding improvements to municipal docks and infrastructure, The Sustainable Fisheries Fund announced in March 2009, loans of \$125,000. for these upgrades. _21/. The House testimony by commercial fisherman, Wayne Moody reported the actual costs were \$900,000. for an ice facility alone. Moody reported that landings had declines, and despite additional grants, the local operators, the Morro Bay Commercial Fishermen’s Organization (MBCFO) were operating at a loss.

Despite what would appear to a bad investment, the investments continue to flow. Maybe it’s the price of fish that makes up the difference. Green labeling is now the hottest thing in the new fishmarket. No, not the old harbor side market. Grocery stores like Whole Foods are now selling fish, supposedly caught with environmentally sensitive methods at premium prices approaching \$20. per pound. Housewives in their BMW SUV’s appear not to be affected by sticker shock. After all, the fish was caught using green technology. Or, was it? The trawl fishermen at Morro Bay, fishing under a Exempted Gear Permit which allows them to “switch gear” to more a environmental sensitive type, report they are actually using the same boats and same equipment to catch the new “green label” fish. Others at Morro Bay are using traps instead of nets. They are allowed to catch 1,500 pounds a week at a price of approximately \$2.99 a pound of a deep-water species called “sable fish” or “black cod.”

In 2009, a global conference was held by Michael Milken and his Milken Institute. Milken has become a leading advocate of his clients investing in fisheries in the new form of catch shares. _22/.

An adaptation of the ITQ, catch shares are the new term for giving each commercial fishermen a percentage share in an annual allocation of fish called a Total Allowable Catch (TAC). Scientists evaluate the various stocks of fish and tell fishermen how much the might harvest in any given season. But, there is a wrinkle. Not knowing how much fish might be allocated, a fisherman may choose to purchase additional

quota per season. Using the new “banks” being set up to loan the fishermen money to buy quota, the fishermen is at risk should quotas be set too low for a profit or the ability to pay back ones loan.

Some of this money comes from what is being called “Public/Private Partnerships.” This “green washing” of the takeover of our fisheries is taking place using blends of taxpayer, NGO and private investment capital.

One of the new state of California agencies is the Ocean Protection council (OPC). OPC is chaired by the Secretary of Resources, who is appointed by the governor, and made up of representatives of the Secretary of Environmental Protection, Chair of the State Lands Commission, one member of the Senate, appointed by the Senate Committee on Rules, and one member of the Assembly, appointed by the Speaker of the Assembly. The executive officer of the State Coastal Conservancy operates as the council’s secretary. The council administers grants, loans and expenditure with funding from the California Ocean Protection Fund, established in the State Treasury. The OPC establishing legislation, senate Bill 1319 was signed in 2004.

In November 2010, the OPC granted money for two fishing programs: One was to establish a fish processing facility and fish market “Our Ocean” at Fishermen’s Wharf, San Francisco. The grant was for \$250,000. The grant receiver was Ecotrust and the San Francisco Crab Boat Owners Association. ²³/ The second grant was for the Central Coast Groundfish Project (at Morro Bay) for \$455,356. The grant receiver was the Nature Conservancy. ²⁴/

Although the OPC establishing legislation also addresses pollution and habitat loss, the emphasis appears to be fishing infrastructure and marketing.

Another area where fishermen have been alarmed is the apparent abdication of responsibilities by the state of California, Resources Agency and Department of Fish and Game. The creating of a MLPA Master Plan by the Resources Legacy Fund Foundation, a shadowy organization funded by The Packard Foundation, The Pew Charitable Trust, The Charles Stevens Mott Foundation, the Natural Resources Defense Council and the Tides Foundation has been questioned.

In addition, Ecotrust has also been involved in the collection and development of economic information. This has been criticized because what Ecotrust has provided is primarily only ex-vessel values without multipliers. This data was provided to the California Department of Fish and Game under contract. This low-balling of the economic picture makes the financial impacts of the MLPA appear small. Ecotrust has been criticized at CFGC meetings for these underestimates. The primary issues has been not only the under reporting of economic data, but the perceived abdication of statutory CDFG government responsibilities.

In 2006, a team of 4 Ph.D. researchers, funded by California Fisheries Coalition and Communities for Sustainable Fisheries, released a report on Ecotrust and their “products” being prepared for the State of California: The researchers reported:

- Overall, the data produced by the Study are not applicable to comprehensive or systematic economic or social impact analyses of the MPA packages in a way that treats fisheries as human systems.
- The fisheries selected for the study do not reflect species groupings that are typically caught by fishermen in the CCR, and therefore cannot be used in their current form to analyze the specific impacts to fishery participants, fishing ports, and fishing communities.
- The Study population is not sufficiently defined (e.g., definition of a fishermen, total number of fishermen, and characteristics of fishery participants, ports and communities).
- The interview questions used (specifically those in which fishermen were asked about the relative “importance” of economically critical areas “over their cumulative fishing experience”) are too vague to accurately elicit data on the ways in which an MPA would currently impact a fishery, fisherman, fishing port, or community.
- It does not appear that the sample data were linked to CDFG landings data in order to generalize results to the population. Because insufficient information was given about the total population. Because insufficient information was given about the total population of fishermen, it is difficult to determine if the sample data could be reliably generalized.
- Few social data were collected, beyond basic demographic information, and these demographic data were not presented in the Study._25/.

Despite protests from the Partnership for Sustainable Oceans and the American Sportfishing Association, concerning the ENGO’s collecting this all important economic data instead of the traditional government entity, CDFG, the CDFG has continued to move forward on establishing more MPA’s, using socio-economic data provided by Ecotrust. _26/. It is interesting that CDFG has an entire online/website series (several pages) of reports, questions and answers, and comments addressing their relationship with EcoTrust._27/.

It is becoming difficult to see how fishermen will survive in the future. With more regulation, quotas set too low to fish economically, area closures, including increasing MPAs, increasing marine mammal competition, and requirements to purchase quota from “permit bank”, how are these important food producers to survive?

Recent changes in quota allocations have demonstrated how the federal government, in this case NOAA, can manipulate data and force fishermen into facing bankrupts or selling out. In some cases, a fisherman with “by-catch”--fish which are not targeted, or for which the fisherman has no quota—may be required to go to a

“permit bank” and lease quota for those fish. If he doesn’t, he may be forced to quit fishing.

Dr. Ray Hilborn, a professor from the University of Washington, Seattle, School of Aquatic and Fisheries Sciences, addresses what he calls, “Faith Based Fisheries”, in a 2006 essay of the same title. Dr. Hilborn suggests that magazines like Science and Nature, publish sensational articles on the failures of fisheries management, not for scientific merit, but for publicity value.^{28/} These articles then fuel ENGO rhetoric and even more sensational stories in newspapers. A feeding frenzy occurs which confuses the public and muddies the scientific waters.

Ignoring the Available Data

Prior to passage of the Marine Life Protection Act in 1999, there were already 103 Marine Protected Areas, Reserves, Preserves Marine Life Refuges, Ecological Reserves, Underwater Parks, Biosphere Reserves, State Parks and National Parks in California.^{29/}

Some of these areas had existing scientific data which had been published by CDFG. However, these data did not support the blind enthusiasm for creating new MPAs. So what to do? Ignore the existing data, which is exactly what happened.

If academics really wanted to know the future of MPAs they could continue studies which began at Point Lobos Ecological Reserve, an 80 acre area south of Monterey, California. Established first in 1963, Pt. Lobos went from the original location of commercial abalone harvesting, beginning in 1850, to a virtual underwater wasteland. The majority of the destruction of Pt. Lobos has actually taken place since 1963. But, not at human fishermen, but by the resident population of seals, sea lions and sea otters.

Published studies of the Pt. Lobos marine ecology from 1971 suggested that to establish a successful MPA, three components needed to be addressed: Human take of fish and shellfish, water quality and the trophic needs of marine mammals. It is this last category which has been ignored. And, the conclusions have been proven correct.^{30/}

Similar data also exists in other areas to the south: Atascadero Beach Pismo Clam Preserve (2880 acres Clam Refuge); Morro Beach Pismo Clam Preserve (3680 acre Clam Refuge); Pismo invertebrate Reserve (36.4 acres) and Pismo-Oceano Beach Clam Preserve (8832 acre Clam Refuge).^{31/32/}

Adult sea otters consume 25% to 30% of their body weight per day. Sea otters in California weigh between 55 to 100 pounds. 100 sea otters can consume 500,000 to 1,000,000 pounds annually. ^{33/} This means that an individual sea otter will

consume annually 5,000 to 10,000 pounds of shellfish. 34/. In 2011, there are approximately 3,000 sea otters in California.

But, admitting these Preserves/Refuges /Reserves have failed due to sea otter predation is clearly counter productive to those pushing the MPA agenda. Many of academics, bureaucrats and ENGO's are seeking grants to "study" the new network of MPAs. This will take many years to accomplish. For years, commercial and recreational abalone divers argued that sea otters had depleted abalone along the south-central California coast. Although it took decades, these fishermen have been vindicated. Even those who denied the divers claims now admit sea otters and MPAs designed to restore abalone stocks will not work_35/.

A List of Foundations and where Their Contributions End Up*

David and Lucile Packard Foundation*

Monterey Bay Aquarium	\$200.million
Resources Legacy Foundation Fund	\$34.6million
World Wildlife Fund	\$ 4.4million
Institute for Fisheries Resources (PCFFA)	\$.9million
Resources Legacy Fund	\$ 1,5million
Ocean Conservancy	\$ 1.6million
Trust for Conservation Innovations	\$ 2.7million

Pew Charitable Trusts*

Cape Cod Commercial Hook Fishermen's Assoc.	\$ 1.3million
Oceana	\$40.million
Seaweb	\$ 4.4million
Earthjustice (formerly Sierra Club Legal)	\$26.5million
Environmental Defense	\$ 3.8million
Ecotrust	\$ 0.5million
National Audubon Society	\$ 6.3million
Conservation Law Foundation	\$ 1.1million
Marine Fish Conservation Network	\$ 3.6million
Teddy Roosevelt Conservation Partnership	\$10.8million

Gordon and Betty Moore Foundation*

Environmental Defense Fund	\$ 9.million
Gulf of Maine Research Institute	\$ 3.million
Oregon State University (Jane Lubchenco)	\$13.million
Resources Legacy Foundation	\$15.million
Tides Canada	\$11.million

The Walton Family Foundation*

Conservation International Foundation	\$53.181million
Environmental Defense	\$20.274million

Marine Stewardship Council	\$ 4.195million
National Fish and Wildlife Foundation	\$ 1.million
Ocean Conservancy	\$ 5.762million
Seaweb	\$.642million
World Wildlife Fund	\$1.869million

*Source: www.Fishtruth.net

Is it surprising then, that when hearings occur, a plethora of ENGOs show up to testify in favor of whatever the appealing foundation wants? No, it's not surprising at all. Whether it is Packard, Pew, Walton, Heinz or Moore, or a combination of all, they appear to have already purchased the outcome with billions of financial contributions. Researcher Nils Stolpe estimates a total of \$561,907,154. ENGO funds have been spent on "collapsing" fisheries so far. _36/.

Alteratives to MPAs: Artificial Reefs

If all of these ENGOs were truly interested in preserving, enhancing and conserving fish stocks and species, they might consider artificial reefs as a component of their proposals. But, they do not. It would clearly be possible to design artificial reefs to enhance species like abalone, other shellfish and fin fish so they could propagate without risk of being consumed by increasing populations of sea otters or pinnipeds. Species specific artificial reef technologies have been developed in Japan which could be used in the United States were there the will to do so.

Fisherman and marine biologist Chris Goldblatt has proposed using reef balls and other artificial reefs as an alternative to no fishing MPAs._37/.

Instead, ENGOs promote fish "enhancement" by closing off areas of coast to fishing only, without consideration of other predatory animals, which may occupy the same locations. In addition, issues like water quality, pollution, loss of habitat, point and non-point runoff, although addressed in the MLPA, are virtually ignored by the various parties who have been orchestrating the MLPA over the last decade. Until all sources of fish mortality are addressed, it is predictable that MPAs in California will ultimately fail.

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