

COMMENTS TO  
The  
U.S. COMMISSION on OCEAN POLICY

Southeast Regional Meeting  
College of Charleston  
Charleston, SC  
January 15, 2002

By  
Jerry Schill, President  
Of the  
North Carolina Fisheries Association, Inc.

Thank you Mr. Chairman and members of the Commission. I sincerely appreciate the opportunity to offer my views on the management of living marine resources on behalf of North Carolina's commercial fishing families.

The North Carolina Fisheries Association is celebrating its 50<sup>th</sup> year. Incorporated in 1952, NCFA is a non-profit trade association representing the interests of its member commercial fishing families, seafood dealers, and processors.

I've been with NCFA for nearly 15 years, and was a member of the South Atlantic Fishery Management Council for 6 of those years, from 1989 to 1995.

As per your instructions, I am limiting my comments to the matters required to be addressed by the Commission in the Oceans Act. I would have mentioned how important it is for the Commission to endorse the Oregon Inlet Jetty Project in our state, but since the Oceans Act states that "The recommendations of the Commission shall not be specific to the lands and waters within a single State", I will not elaborate on how important it is for the safety of our fishermen and the economy of our State to support the Oregon Inlet Jetty Project.

Then again, I feel it's justified to mention it simply because the number one Purpose listed for the Act is to "promote the protection of life and property against natural and manmade hazards."

Upon reading the Oceans Act of 2000, I find several action items that are reflective of my comments:

- Responsible stewardship of fishery resources;
- The resolution of conflicts among users of the marine environment;
- Expansion of human knowledge of the marine environment;
- Promoting national energy and food security;
- US as a leader in ocean and coastal activities;
- Cumulative effect of federal laws and regulations

In no particular order, I'll just ramble and hope that I've covered it all.

While facts are always facts, I think it's important to understand the perspective of the presenter. After all, the facts depend upon the shade of the glasses we're wearing. We all like to think we are objective, but it is very difficult and even impossible at times. Bureaucrats and academics are probably most adept at thinking they are the king of the hill when it comes to objectivity. In reality, those of us in the private sector CAN be much more objective than government folks or even researchers.

I have never commercially fished. Quite frankly, I don't even like fishing recreationally. But since I grew up in a Catholic home prior to the relaxation of meatless Fridays, I can lay claim to the title of a mackerel-snapper from way back. I am, therefore, a seafood consumer.

Because of my background, or lack of it, in the commercial fishing arena, I've been able to see the forest as well as the trees. I had no bias in favor of or opposed to any types of fishing or fishing gear. Nor did I see any geographical distinctions since I was a native of a non-fishing area in Pennsylvania, although I did live in Alaska for 2 years.

My perceptions and resultant comments are reflective of a concern about the process itself, rather than any type of “expert” from an academic or fishing experience. I abhor justifying a bad means even if the end is admirable. Just as I decry a commercial fisherman violating a law in order to put food on his family’s table, I just as emphatically believe that the government should be held to the same law-abiding standards as the fisherman.

In the years that I’ve observed and participated in the fisheries management process, the most glaring inadequacy that I’ve seen is the inability, or more likely, the unwillingness, of the government to abide by congressional mandate. When it comes to rationalizing what they perceive to be a good end, many bureaucrats are masters at using an illegal means to get there. In the private sector, we know the difference between “may” and “shall”. If it takes law enforcement to show our failings in that regard, we pay a dear price. That price is sometimes in the form of a fine or penalty, and can even lead to a fisherman losing his way of earning a living through the loss of his license or permit. Not so with the government.

A case in point is the summer flounder fishery. The fishery is managed using a coastwide quota, with the quota being distributed between commercial and recreational. The commercial quota is then split to each state according to historical landings. When the commercial quota is reached for a particular state, the fishery is shut down and any overage for the fishing year is deducted the following year. The coastwide recreational fishery is managed by a “target”. When the target is reached, the fishery is not shut down, but continues to operate under a minimum size and bag limit. If it’s determined that the recreational component of the fishery has overshot its target, it is not shut down, and it is not paid back. Fishery managers say that the recreational component can be controlled by making adjustments the following year. That kind of thinking has led to the recreational component overshooting its “target” for 7 consecutive years!

Keep in mind that the Sustainable Fisheries Act states in Section 304, REBUILDING OVERFISHED FISHERIES; “For a fishery that is overfished, any fishery management plan, amendment, or proposed regulations prepared pursuant to .....for such fishery shall— Allocate both overfishing restrictions and recovery benefits fairly and equitably among sectors of the fishery.”

We recently filed a complaint in federal district court challenging the Summer Flounder fishery management plan, and the court ruled against us citing a 30-day statute of limitations. It is absurd to assume that we can realize the harm a regulation can do to us within 30 days of the regulation being published in the federal register. The 30 day statute of limitations is one issue that needs to be addressed by the Oceans Commission.

Mr. Chairman, it seems to me that while it’s important that we as a nation assume a leadership role in ocean and coastal activities, you must closely look at your charge of cooperation by the United States with other nations WHEN it is in the national interest. We cannot save the world or the world’s fisheries resources, unilaterally. Yet, our fishermen come under more severe restrictions when other nations snub their noses at conservation. Consequently, our fishermen suffer severe economic hardship while we import seafood from countries that may not be cooperating.

The United States can ill afford to save the world on the backs of our domestic workers. We cannot continue to be dominated by energy imports and we cannot risk becoming totally dependant on our food being produced outside of our borders. That is exactly where we’re

headed. We restrict our own from producing through fear. Radicals within the environmental industry have convinced us that the sky is falling. We humanize animals to the point where whackos tell us they refuse to eat anything with a face. It's just not funny anymore.

If recent events haven't taught us anything else, they should teach us that we had forgotten the pride associated with being the number one food producing country in the world. Our nation's security demands that we look at our seafood resources as a precious commodity that includes healthy protein. That is a very strong recognition that needs to be made by this Commission.

When addressing various groups over the past few years, I've discovered a disturbing trend. Keep in mind that I was talking to a number of different groups including political staffers, academics, researchers, or environmentalists. They exhibit absolute amazement when they're told that fishermen do not get a W-2 at the end of the year. They get a 1099 because they're either self-employed or considered independent contractors. Many of them have blank stares when told these good, hard-working people don't make a nickel for a day's work without production.

Upon hearing that the commercial fishing industry is one of the last true bastions of free enterprise and that we believe that the freedom to succeed MUST include the possibility of failure, many of them look at you like you're nuttier than a fruitcake. And when you add your opinion that a government guarantee of success is only a guarantee of mediocrity that will be prove to be an industry void of any initiative, they know you should be committed.

I say that this trend is disturbing because these folks, (most of them very young), are the same ones that can be seen at fishery management meetings as agency staffers, Hill staffers, college students working on a thesis, or environmentalists working for a "cause". I'm sorry that this observation does not come with a recommended solution. I see it as a real problem and not just in the fisheries arena. The real point is that most of the people I represent don't want sympathy. They would appreciate a little empathy, and it's not easy to get out of a system that has no clue when it comes to anything other than a guaranteed paycheck.

Mr. Chairman and Commission members, we don't need an ocean that is nothing more than a playground or mecca for eco-tourism. For the sake of a healthy America and a secure America, we need to find ways to recognize the importance of seafood as a source of protein for consumers, and we need to be a leader in the responsible harvesting of those resources.

Thank you.