

Comments by
David Bergeron, Executive Director
Massachusetts Fishermen's Partnership
Regarding Ocean Management Task Force
Draft Principles and Preliminary Recommendations – For public comment

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My name is David Bergeron. I am Executive Director of the Massachusetts Fishermen's Partnership. The Massachusetts Fishermen's Partnership (MFP) is an umbrella organization of 18 commercial fishing associations representing all gear and geographic sectors of the Massachusetts fishing industry. The organization was created to promote the common interests and economic viability of commercial fishing families. The MFP is sponsor of the Fishing Partnership Health Plan, which provides comprehensive healthcare coverage for more than 1800 members in the fishing community.

The MFP also operates a Collaborative Research Extension Program. This relatively new program, funded by the Northeast Consortium, establishes working partnerships between fishermen and scientists. We are working with a number of research institutions, including MIT Sea grant, Boston University Marine Program, SMAST at the University of Massachusetts, and others, to go beyond words and establish programmatic capacity to build understanding and dialogue between fishermen and scientists.

Thank you for allowing us the opportunity to comment. The Ocean Management Task Force (OMTF) is to be commended for bringing forward recommendations that point towards ways to improve the future health of Massachusetts' oceans and marine fisheries. The MFP generally supports the OMTF recommendations. We offer comments in an effort to assist in clarifying the recommendations. We also wish to propose some additional items the OMTF should consider that would strengthen the overall goals of the recommendations.

The MFP is particularly encouraged by the OMTF's emphasis on the need to invest in more and improved research, expanding accessibility to oceans data, and greatly enhancing public outreach. However, we wish more emphasis were placed in the document on protecting marine fisheries and their habitats from non-fishing threats that are often land-based, such as runoff and non-point pollution.

We agree with the notion that the health of our oceans is something that concerns all citizens. All citizens who eat and enjoy healthy seafood are linked to our ocean resources in a most intimate way through our fragile fisheries.

Theme of our Perspective

The overarching theme of our organization's perspective is that the fishing community must be present and participating in oceans research and management. The importance of this point is fundamentally based on the fact that people who fish are most familiar with marine resources, their habitats, as well as the businesses and communities who depend on the fishery. As such, the successful implementation of any oceans research and management recommendations set forth by the OMTF must integrate the active participation of the fishing community throughout every step in the process.

Collaborative Research

Most important to the need for involvement of the fishing community is the permanent need to promote "collaborative research" in which fishermen and scientists work jointly as colleagues to identify critical issues, design and execute research, and work together in the interpretation of data and the dissemination of the findings of research. There is a growing body of literature that underscores the efficiency of doing marine and fisheries related research in this collaborative way.

The United States Congress has recognized the importance of collaborative research to resolve critical scientific issues in fisheries science. Congress has appropriated tens of millions of dollars towards collaborative research in recent years, and the federal agency charged with the management of federal fisheries resources, the National Marine Fisheries Service, has made collaborative research a high priority.

We recommend that the OMTF put more thought and emphasis into the role that collaborative research will have in its vision and recommendations.

Recommendations 9 and 13 should be edited with this new goal in mind (see additional comments below). But the entire draft document should be carefully reviewed with this important concept in mind.

The OMTF has expressed a priority for closely coordinating state resources with those at the federal level (Recommendation #7). Highlighting collaborative research would also help the OMTF promote this goal by shaping its vision and recommendations in a way that leverages the greatest synergy with federal agencies and the evolving priority to promote collaborative research in Congress.

We will now offer comments directly to items in the draft document.

Value Biodiversity

The principle to "Value Biodiversity" is an important goal, but its aim to benefit the productivity of marine fisheries needs to be made explicit. The productivity of the

fishery is not always served by the increase in the abundance of all species. The fishing community has always viewed biodiversity as a function of fishery productivity.

There are known and unknown connections between the many different species in the marine environment. Some of these connections are well known by fishermen and others are also well understood by science. There are circumstances when the overabundance of some predator species is counter-productive to the productivity of the fishery. When this occurs, management should be able to consider the overall ecosystem and promote management of biodiversity to maintain a balance among species towards the goal of optimum productivity of the fishery. This is what fishermen mean when they call for ecosystem-based approaches to fisheries management. If the principle of “value biodiversity” assumes that management will promote a healthy balance among species to promote optimum productivity of the fishery, then the fishing community can support it. But, on the other hand, if “value biodiversity” means that the ecosystem should be allowed to run wild without any checks or balances to prevent predators from becoming too abundant, then this concept of the principle of “value biodiversity” is harmful. The principle of value biodiversity is ambiguous in the draft document and does not make this distinction.

We propose that the principle of “Value Biodiversity” be edited to make it clear that biodiversity will be guarded to “protect and enhance the abundance and diversity of native species while ensuring the optimum productivity of fisheries.”

Clarifying this principle of value biodiversity is very important in connection with how we think about Recommendation 9 in the draft document.

Use Best Available Information

The Fishermen’s Partnership agrees that “management decisions should be based” on sound information, but we are concerned that this standard is too loosely defined to provide for good governance decision-making. Elsewhere in the draft recommendations, the OMTF calls for improved research and better dissemination of information. While we agree with the recommendation to improve research and outreach, it is not sufficient to build policy and governance on an ambiguous standard for scientific information that will be used in management.

We propose that the principle be edited to read that management decisions should be based on statistically adequate scientific information, and that where insufficient data exists, research will be conducted to provide adequate information.

This recommendation is furthermore important in view of the call by some for the use of the so-called “precautionary principle” in management. Exponents of the “precautionary principle” embrace the notion that activities, even activities which have occurred for many years or decades, should be disallowed until there is proof that the activities do not harm the environment. This is the same as proposing that governance should practice the presumption of guilt until proven innocent. No business can be reasonably asked to accept that investment decisions should be based on a hypothesis. If there is suspicion that some activity or activities, especially activities which have traditionally occurred for a very long time, may be doing harm, the correct course for government is to conduct the necessary fact finding research before a public policy process should be able to exclude activities.

Recommendation 1: Oceans Resources Management Act

As threats to the health of oceans and fisheries become more acute and requests to exploit the marine environment and habitats increase, there is a need for better coordination of research, information sharing, permitting, regulation and management. It makes sense to develop a comprehensive way to coordinate ocean management, prevent duplication, and ensure that important matters concerning the health of our ocean resources and habitats are not overlooked.

The Massachusetts Fishermen’s Partnership (MFP) is guardedly supportive of this recommendation provided the fishing community’s participation is guaranteed and the Massachusetts Fisheries Commission continues to carry out its role and retain authority over the details of fisheries management issues.

There is no reason the Massachusetts Fisheries Commission could not continue to provide this function within a broader institutional framework that would coordinate oceans management concerns at a broader level. As such, the Division of Marine Fisheries as well as the fishing community should be institutionally integrated into whatever broader organizational framework is created to implement the OMTF’s first recommendation.

Moreover, fishermen need to be involved in the next steps in the development of OMTF recommendations through the design stages of whatever institutional or program structures may be proposed, participate in the preparation of legislative language as well as have a strong role in the implementation of the programs that would result. This participation must also reflect the diversity of the geographic and gear sectors of the Massachusetts fishery.

Recommendation 9:

The Massachusetts Fishermen’s Partnership (MFP) fully supports the goal of Recommendation 9 in the draft document to “ensure that the

environmental agencies have the statutory authority to designate and protect areas that have special, sensitive and/or unique estuarine and marine habitat and life, with decisions to exercise that authority based on sound scientific information and clear procedural steps. These designated areas for special levels of protection could include areas that require particular protection of important fisheries and fishing activities, sensitive and/or unique estuarine and marine habitats and species, and/or the protection and study of marine biodiversity and ecosystems.” This authority is most important to protect fisheries and their habitats from non-fishing threats such as sources of non-point pollution and other threats to the marine environment. While we recognize that this is necessary in certain conditions, **the Massachusetts Fishermen’s Partnership (MFP) does not support this recommendation as it is presently stated.** This recommendation needs to be clarified in several ways before we can support it.

This recommendation needs to be clarified in how it defines “sound scientific information.” **This recommendation should be edited to read that “statistically adequate scientific information” would be required before decisions can be made to exclude traditional activities, including fishing.**

The fishing community has been severely regulated as to where, when, and how to fish. There are large areas covering many thousands of square miles where fishing is excluded in the Gulf of Maine and Georges Bank. The fishing community feels that all industries should be required to avoid harmful and avoidable impacts to marine fisheries and their habitats when these impacts impede fisheries productivity, but we do not expect that decisions to exclude activities should be made without statistically adequate information. We advocate the very same standard on the quality of science to be used in management decisions whether it concerns the fishing industry or any other industry.

The MFP has not been able to discuss the merits of the argument that there may be a need to establish certain small, discrete areas that are closed to extractive or other activities – including fishing – for research purposes. We have not had time to discuss, for example, whether or not we agree that there is a need for any more areas closed to fishing as control areas to assess the potential benefits of closed area strategies or to accumulate baseline data to support ecosystem-based approaches to fisheries management. Most fishermen believe that there are already sufficient areas closed to provide ample research opportunities in addition to promoting the rebuilding of fish stocks.

The Massachusetts Fishermen’s Partnership (MFP) may be able to support Recommendation 9 if it is solidly and explicitly grounded in collaborative research, and specific administrative procedures are described in more detail to guarantee community involvement in the decision-making process.

Since fishermen are more familiar with the habits of marine fisheries and their habitats, fishermen would be more likely to agree with a protocol that spells out their role in drawing the boundaries and locations of areas being proposed to be set aside for research. At a minimum the Massachusetts Fisheries Commission should retain the authority to formalize such decisions regarding fishing, but the process to develop such recommendations must be more inclusive of the fishing community at the grass-roots level. The amount of time needed to conduct the research, the specific goals of such research, and how the research findings are expected to benefit the fishery must be articulated beforehand in a public process that develops such recommendations. Social and economic impacts of such decisions must be adequately analyzed and considered through collaborative research methodologies before such decisions can be made.

The MFP will continue its study of this particular recommendation and is available to discuss this in more detail as the Task Force continues its work, but we cannot support the recommendation as currently presented in the draft.

Recommendations #10 & #13:

The MFP supports the goal of Recommendation 13 to establish an “advisory group of marine and fishery scientists ... to evaluate and determine baseline living marine resource population levels, habitat conditions and contaminant levels to determine a reasonable measure of environmental quality, appropriate management goals and actual changes in ocean resources through time.”

The advisory group must include commercial and recreational fishermen with strong ties to fisheries and marine life in all areas of the state. Fishermen poses crucial information that scientists need in order to obtain historic information and augment current information to evaluate and determine baseline living marine resource population levels, habitat conditions, and study trends in these resources relative to the baseline. Fishermen will contribute information that will help prioritize research needs and focus critical questions that is needed to form a comprehensive ocean resources monitoring and research plan.

Furthermore, the work of this advisory group and research plan should include the examination of both social and economic factors relative to fisheries and marine ecosystems. Economic data can be easily misinterpreted in the absence of qualifying social information to provide a depth of understanding relative to the numbers and economic factors. Economic factors by themselves often mask very important community impacts and needs.

Recommendation #4 & Additional Comments on Permit Requirements

As the MFP has commented previously, **Recommendation #4 should add that the Division of Marine Fisheries and Coastal Zone Management be given a vote in whatever forum will make permitting decisions regarding projects**

and developments in the marine environment or coastal zone that have the potential of impacting fishery habitats or fishery productivity.

The MFP further recommends that the OMTF consider proposing that standard procedure for this permitting process include establishment of an ongoing monitoring function or oversight committee for projects. This committee would be able to recommend modifications to permit requirements based on lessons learned through the course of project implementation, provided that the project proponents are also in agreement to such amendments to permit requirements. This monitoring or steering committee should include fishing community representation as well as relevant agencies and the entities developing or managing projects.

The current status of the Salem to Weymouth natural gas hub line is a case in point as to why this suggestion is useful. The permit for this project called for the pipe to be buried beneath rock, which would then be leveled to within one foot of the original bottom contour. Since the rock has been placed over the pipeline, spawning lobsters have moved into the new rock habitat that has been created. As a result valuable spawning lobster will be destroyed when the permit requirement to plow the rock formation level to the bottom is undertaken. While the company is agreeable to forego this requirement in the permit and the lobster industry also agrees, there is no legal mechanism to allow this flexibility in the permit process. It would be very important, however, for any committee established with this type of role to include input from fishermen of different gear sectors or ensure that the fishing community representative on the committee be capable of representing the perspectives of different sectors of the fishery in the decision-making process.

Conclusions

The MFP wishes to thank the OMTF for its diligence in meeting the challenge of providing useful recommendations for improving management of our oceans resources. Nevertheless, we feel a cautionary note needs to be made about the swiftness of this process. Proposing a comprehensive reform for how we manage oceans resources in such a short period of time inadvertently will leave some constituents out of the loop or with insufficient time to review and process the proposals. The result of the short period of time allowed for the OMTF to do its work may result in good ideas that have not been sufficiently vetted and expressed with enough sensitivity to gain full public support. Such an outcome of this opportunity would be most unfortunate.

We do not have a suggestion on how the OMTF can manage this problem apart from saying that more time is needed for this process to be as fruitful as it could be. More time is needed for the public to review proposals and participate in the process.

Thank you for the opportunity of participating in this process. The Massachusetts Fishermen's Partnership (MFP) looks forward to working with the OMTF and those who will be responsible to follow up on OMTF recommendations.

Respectfully,
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Massachusetts Fishermen's Partnership