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News

Fishing rules could change

By Brian P. Nanos
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MARSHFIELD - Ed Bennett of Marshfield, who has been fishing for 32 years, considers a proposal to allow groups of fishermen to form cooperatives – called sectors – as significant.

"This is certainly precedent-setting, and it's probably the most important decision the National Marine Fisheries Service is going to make for quite some time," he said.

Scituate fisherman Frank Mirarchi has been working — both on his own and as a member of the local nonprofit Friends of South Shore Fisheries — to get the government to change the way it limits the commercial fishing of groundfish such as cod or flounder.

The New England Fisheries Management Counsel recently voted to amend the rules to allow sectors, which would each be limited in the pounds of fish they could catch. By joining a sector, fishermen are no longer affected by previous regulations, which limit days at sea and which Mirarchi called ineffective and unwieldy.

Mirarchi said the new rules would be "a huge step." Over the next two months he is going to work to create a sector for South Shore fishermen such as himself. He said the potential sector could include fishermen from Scituate, Marshfield, Plymouth and Sandwich.

"We're not going to try to do it," he said. "We're going to do it if it kills me."

According to Teri Frady, a spokeswoman for the Northeast division of the National Oceanographic and Atmospheric Administration's fisheries service, the changes will have to pass a public comment and approval process before taking effect. She said the hope is that they will be approved by May 1, 2010.

The plan approved by the New England Fisheries Management Counsel is similar to that which Mirarchi has been pushing for, although he cautions that he does not yet know all of the plan's details.

"You really have to get into the details to understand this thing," he said.

According to Barrett, the plan has the potential for success.

"Given the fact that on the South Shore we've had four months of rolling closures ... these sectors will hopefully give us some flexibility in the fishing schedule and some relief from regulatory discards," he said.


Under the current regulations, Mirarchi said many fishermen throw part of their catch overboard so as not to go over their allowable limits. Mirarchi said this action does nothing to replenish fish stock because, thrown back or not, "a caught fish is a dead fish."

Mirarchi said that under the new regulations, the fishermen would be able to bring in their entire catch and buy extra capacity from other sectors if needed, which would give the scientists a better idea of what is being caught and what needs to be replenished.

"This puts us back as partners with science again," he said.

According to Mirarchi, the potential new regulations would limit each sector's catch to the same percentage of stock that

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the holders of its fishing licenses caught between 1996 and 2006. The limit would be tied to the fishing licenses, which often are sold or passed from one vessel or fisherman to another.

For example, if the holders of fishing licenses belonging to the South Shore sector caught 10 percent of the flounder stock in those 10 years, then those fishermen, in total, would be limited to catching 10 percent of the allowable total catch in future years. How that limit is distributed within each sector is up to its members. The right to catch extra fish essentially becomes a commodity, which each sector is allowed to buy and sell so long as no sector ends up with more than 20 percent of the total allowable catch.

Mirarchi said the 20 percent limit is designed to keep one large commercial company from taking over the local industry. Part of the process of creating a sector, he said, would be finding a way to certify that fishermen are only catching their allowed allotment.

"We're not going to just send them (regulators) a form at the end of the month: 'We caught so many pounds of fish, thanks,'" he said.

Causes for concern

Whether or not the new regulations work, Mirarchi said, depends a lot on whether the sectors are created correctly and whether fishermen, who he called "as individualistic as anything you've ever seen," can learn to work together.

"This can't be like herding cats," he said. "That's not going to work."

Mirarchi said one possible problem with the system is that if licenses sat dormant at any time between 1996 and 2006, there would be no fish caught on them to count toward the sector's allotment.

Bennett is concerned that a lack of allocation will prevent fishermen raising enough revenue to cover sector management costs such as a sector manager, at-sea monitoring and dockside monitoring, a reason why he said the plan has the potential for devastation.

"When the systems fail, what you're going to have is consolidation," he said. "You're looking at a lot of small ports, including Scituate, Marshfield and North Plymouth, not having fishing fleets anymore."

And Bennett said fishermen would not know how much allocation they'll get from the National Marine Fisheries Service until they sign up.

"We're trying to make sure the boats on the South Shore and the fishing fleet on the South Shore have the best possible options," he said.

According to Mirarchi, fishermen will have to sign contracts to join the sector, and although he isn't certain about the date, it will probably be before the total allowable catch, which will determine the fishermen's allocation, has been determined. And the volatility of fish prices, some of which would be determined by fishermen who are not in the sector, will prevent fishermen from knowing if they make enough money to cover costs and overhead.

"It's a very, very uncertain and very unknown business environment," he said.

What the fishing business really needs, Mirarchi said, is an outside source of capital as a contingency. Although he is "absolutely convinced" the sector plan is going to be viable, he is worried about getting through the first year.

"We're taking this leap of faith," he said. "What fishermen know how to do is catch fish. What they don't know is how to run a start-up business."

Eric Brazer Jr., manager of the Georges Bank cod hook and fixed-gear sectors and policy analyst for the Cape Cod Commercial Hook Fishermen's Association in Chatham wrote in a letter that the New England Fisheries Management Counsel recently passed an amendment that would eliminate the 20 percent cap on total allowable catch, meaning that in 2010, "up to 19 sectors, representing over half of the active groundfish fleet in New England, will have no limit on the amount of quota they can purchase."

"In effect, the council has now approved a system that invites the very consequence that Frank Mirarchi cited ... where one outside interest with deep pockets could acquire control over an inordinate amount of the fishery," he stated.

But despite the hard work that will be involved, Mirarchi said the benefits from the proposed changes could be great in future years.

"This is the opportunity of a lifetime," he said. "I've waited 20 years for this."

Bill Fonda contributed to this story.

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