

sponsored by:

The Mid-Atlantic Fisheries
Management Council,
The New England Fisheries
Management Council
*The New Jersey Sea Grant College
Program*, New Jersey Marine Sciences
Consortium, and The New Jersey
Agricultural Experiment Station, Cook
College, Rutgers University.

© 1999, New Jersey Marine
Sciences Consortium



FISH OR CUT BAIT

**How to Participate in
the Fisheries
Management System**
revised February 1999

**by Bonnie J. McCay
and Carolyn F. Creed**

***“The public participation process, that’s the
uniqueness of the Magnuson Act...”***

***“The fisherman
has a hard time regulating himself,
the tragedy of the commons...
On the other hand,
the fishermen have some awfully
good ideas, and in the right setting
this can come out.”***

(quotations from fishery management officials)

***“Treat fishery management as an
important part of your business and act
accordingly”***

*(quotation from director of a
fishermen’s association)*

What is . . .

“The Magnuson-Stevens Act”?

The Magnuson-Stevens Fishery Conservation and Management Act was passed by the U.S. Congress in 1976. It created a 200-mile limit of U.S. control over waters once heavily fished by foreign fleets. It also set up a federal management system for fishing between three and 200 nautical miles. States continue to manage fishing out to about three miles but now must coordinate what they do with federal management. It has been amended, most recently in 1996 when it also changed from “Magnuson” to “Magnuson-Stevens.”

One of the special features of the Magnuson-Stevens Act is that it encourages **local-level participation and representative democracy**. This is done through eight regional fishery management councils. Along the Atlantic Coast these are the New England, the Mid-Atlantic, and the South Atlantic Fishery Management Councils (see **Box 2A**). Others are the Gulf of Mexico, Caribbean, Pacific, North Pacific and Western Pacific Councils (see **Box 2B**). Fisheries management occurs within the states, through interstate commissions, and through the National Marine Fisheries Service of the federal government.

The problem with democracy is that it requires commitment and hard work.

To be effective in fisheries management, you might have to —

- Read a lot of documents;
- Talk to people you may not know;
- Go to meetings; or speak out in public;
- Write letters, or talk a lot on the phone;
- Join or form an association;
- Maybe even get appointed to a committee or management council.

Why would you want to do this? Particularly when you could be out fishing, in your office working on the account books, or spending some of your scarce free time with your family? **Because if you don't, you may lose your livelihoods!**

There is a powerful trend toward strict state and federal regulation of commercial and recreational fisheries in the US. (We include charter and head boats in our definition of commercial). This is partly because many fish stocks are getting scarce, for reasons that include overfishing, habitat degradation, and a lot of unknowns. In addition, more people care about what happens to the fish than just those who fish for a living. Environmentalists, business people, the tourist industry, consumers, scientists, and recreationists are also involved.

“Get involved or get ready to do something else.”

—a fishing industry spokesman

If fishing is your livelihood or your sport, you probably care more than anyone about having **fish and shellfish in the future as well as the present**. And you have particular interest in making sure that the rules created to protect fish and shellfish do not have **unfair** and **inequitable** effects. That is why you might want to get involved in fishery management.

Step 1: Read this Booklet

One of the federal government fisheries managers said to us in an interview: ***“Fishermen are such damned independent, rugged individualists. They don't understand how to work through the representative democratic process.”*** This handbook will help you show that fisherfolk *can* work through the process, to help ensure *effective, fair, and equitable fisheries management*. It is

based on our own observations and on advice from fishermen, organization spokespeople, council members, council staff, and agency employees. The quotations are from interviews done in 1991– 92 and from messages sent more recently by industry people involved in the process. Our focus is the Magnuson-Stevens Act and the regional council process, but much of what we learned applies to state and commission management, too.

Mini-Guide to the Magnuson-Stevens Act and the Regional Fishery Management Councils

What follows is a very general outline of the system. You can obtain longer documents for details about the Magnuson-Stevens Act and the federal fishery management system and about specific fishery management plans (from the Councils; see **Box 1** below).

“Primer on Federal Marine Fisheries Management in the Northeastern U.S.,” Mid-Atlantic Fishery Management Council; Room 2115 Federal Building ; 300 South New Street, Dover DE 19901-67902; (302) 674-2331. FREE.

“Fisheries Management for Fishermen: A Manual for Helping Fishermen Understand the Federal Fishery Management Process,” by R. K. Wallace, *et al.* Auburn University Marine Extension and Research Center, 4170 Commanders Dr.; Mobile AL 33615. 1994; ask your state’s Sea Grant College Program.

“Fish for the Future: A Citizen’s Guide to Federal Marine Fisheries Management,” Center for Marine Conservation; 1725 DeSales St. NW, Ste. 600; Washington DC 20036; (202) 429-5609. 1993; \$7.95; designed for general citizens and environmentalists.

“Federal Fisheries Management: A Guidebook to the Magnuson Fishery Conservation and Management Act,” J. Jacobson *et al.*; Ocean and Coastal Law Center; University of Oregon Law School; Eugene OR 97403; (541) 346-3088. \$5.00; updated. <http://law.uoregon.edu/>

Box 1 — More Detailed Guides

The Magnuson-Stevens Act involves power-sharing arrangements between regional management councils and the US Department of Commerce, the home agency of the National Marine Fisheries Service (NMFS).

The councils write and revise fishery management plans (FMPs) and also make decisions as required by those FMPs. The NMFS provides scientific advice and reviews the plans to make sure that they fit various legal requirements. The Department of Commerce has the final say on whether the FMPs are approved. If they are, the NMFS and the US Coast Guard implement and enforce them. Congress oversees the process, designating funding for the Councils, the NMFS, and the Coast Guard. The States are also involved, through their membership on the councils, their legislatures, and sometimes cooperative research and enforcement. There are also interstate fishery management commissions, established to help coordinate state efforts, for example, for species that are mostly inshore but move along the coast. The Atlantic States Marine Fisheries Commission coordinates with what happens at the Regional Fishery Management Councils. *Note: Although the system seems complicated, it isn't hard to learn who the major players are, because you will find many of the same people in several different organizations.*

Regional Fishery Management Councils

The regional fishery management councils are made up of Council **members** — voting and non-voting, government and citizen — and Council **staffs** — an executive director and a staff including secretaries, biologists, economists, and others. Each council also has a “scientific

and statistical committee” (SSC) and one or more “advisory panels” of people involved in the fisheries being managed by that council.

The **voting members** of the Councils include the Regional Director of the NMFS, representatives of the state “fish and game” agencies in the region, and citizens nominated by their state governors and appointed by the Secretary of Commerce. The citizens must have some familiarity with the fishing industry or marine conservation or both. They might be commercial or recreational fishers, scientists, conservationists, or business people. **Non-voting members** represent the U.S. Fish and Wildlife Service, the U.S. Coast Guard, regional Marine Fisheries Commissions, the U.S. Department of State, and other regional councils.

You can find out exactly who is on a council at any point in time by **a phone call or fax to the council** (see **Box 2A**).

The Council members are **trustees for the public resources of the sea, which are the common property of all citizens**. They try to make decisions for the public good while balancing competing interests. **One of your challenges is to help them see how your interests and concerns are related to public interests.**

“You just need a little empathy with the council members to realize that we are being pulled in 27 different directions. Fishermen come in and seem to think they are the only ones with ideas; unfortunately, there are 27 other people with ideas, and we are left to decipher all the ideas and make a decision.”

Atlantic States Marine Fisheries Commission
Executive Director — John H. Dunnigan
1444 Eye Street, N.W. 6th Floor
Washington, D.C. 20005
Phone: (202) 289-6400
Fax: (202) 289-6051

Mid-Atlantic Fishery Management Council
Executive Director — Dan Furlong
Room 2115 Federal Building
300 New Street
Dover, DE 19904
Phone: (302) 674-2331
Fax: (302) 674-5399
<http://www.mafmc.org>

New England Fishery Management Council
Executive Director – Paul Howard
Suntaug Office Park,
5 Broadway, Rt.1 S
Saugus, MA 01906
Phone: (781) 231-0422
Fax: (617) 565-8937
<http://www.shore.net/~nefmc>

South Atlantic Fishery Management Council
Executive Director – Robert Mahood
Suite 306, Southpark Building
1 Southpark Circle
Charleston, SC 29407
Phone: (843) 571-4366
Fax: (843) 769-4520
<http://www.safmc.nmfs.gov>

Box 2A — Atlantic Coast Fishery Management Councils

What the Councils do is develop fishery management plans (FMPs), amend them, and make decisions like setting annual quotas within the framework of existing FMPs. An FMP is a set of objectives and strategies for achieving them, which if approved will lead to regulations to be enforced by government agencies. The process of creating and amending FMPs is described in the following pages.

North Pacific Fishery Mgmt Council
Exec.Dir. — Clarence G. Pautzke, Ph.D.
605 West 4th Avenue, Suite 308
Anchorage, AK 99501-2252
Phone: (907) 271-2809
Fax: (907) 271-2817
[http://www.fakr.noaa.gov/npfmc/
npfmc.htm](http://www.fakr.noaa.gov/npfmc/npfmc.htm)

Pacific Fishery Mgmt Council
Executive Director – Lawrence Six
2130 SW 5th Avenue, Suite 224
Portland, Oregon 97201
Phone: (503) 326-6352
Fax: (503) 326-6831
<http://www.pcouncil.org>

Western Pacific Fishery Mgmt
Executive Director – Kitty M. Simonds
1164 Bishop Street, Suite 1400
Honolulu, Hawaii 96813 USA
Phone: (808) 522-8220
Fax: (808) 522-8226
<http://www.wpcouncil.org>

Caribbean Fishery Mgmt Council
Executive Director – Miguel Rolon
268 Muñoz Rivera Avenue, Suite 1108
San Juan, Puerto Rico 00918
Phone: (787) 766-5926
Fax: (787) 766-6239










Gulf of Mexico Fishery Mgmt Council
Executive Director – Wayne Swingle
3018 US Highway 301N, Suite 1000
Tampa Bay, Florida 33619
Phone: (813) 228-2815
Fax: (813) 225-7015
<http://www.gulfcouncil.org>

**Box 2B — Pacific, Gulf and
Caribbean Councils**

In their decision-making the Councils are required to use the **best available scientific information** and to meet other “**national standards**” of the Magnuson-Stevens Act (see **Box 3**). They also have to write plans that comply with other federal laws, including the Endangered Species Act, the Marine Mammal Protection Act, the Marine Protection, Research and Sanctuaries Act, the Coastal Zone Management Act, and the National Environmental Policy Act as well as the Paperwork Reduction Act and the Regulatory Flexibility Act.

Magnuson Act National Standards

Conservation and management measures shall:

-  Prevent overfishing while achieving optimum yield;
-  Not discriminate between residents of different states; any allocation of privileges must be fair and equitable;
-  Where practicable, promote efficiency, except that no such measure shall have economic allocation as its sole purpose;
-  Take into account and allow for variations among and contingencies in fisheries, fishery resources, and catches;
-  Minimize costs and avoid duplications, where practicable;
-  To the extent practicable, an individual stock shall be managed as a unit throughout its range; interrelated stocks shall be managed as a unit or in close coordination;
-  Take into account the importance of fishery resources to fishing communities, consistent with conservation requirements, including prevention of overfishing and rebuilding of overfished stocks;
-  Minimize bycatch or mortality from bycatch;
-  Promote safety of human life at sea.

Box 3 — National Standards of the Magnuson Act

Although each Council member may be knowledgeable about some of the data and issues, no one can be expert on everything. They get advice from members of the council's committees, the Council staff and from the NMFS. But they also rely on public input to help them learn as much as they can before they vote on how to manage a fishery.

How the Magnuson-Stevens Process works, and where you can get involved.



The Scoping Process and Drafting the FMP

The first step of the management process is when the Council begins a “scoping process.” The Council identifies a fishery that should be managed (for example, one that shows signs of “overfishing”) and develops a scoping document, which shows the problem to be solved, possible objectives or goals of management, and possible management measures.

It is intended to put the public on notice of the range of possible management measures being considered. **The scoping process is a critical point for involvement in defining the problem and possible solutions.** Councils often hold hearings to see if the public has anything to add. The scoping documents are also published in the *Federal Register* with an invitation for written comment. (The *Federal Register* is available in most public libraries, but you can also get the information from your regional Council). *Note: Even before this scoping process starts, there will be discussions at Council meetings, and public input may be received at those meetings and in letters and phone calls to Council members and staff.*

The period between “scoping” and the creation of a draft FMP can range from only a few months to several years. Although much of the public input is informal, coming through speaking out at meetings and talking with Council members, Council staff, and NMFS employees on the phone and in hallways during meetings, it is extremely important. This is when the problem is defined, goals are set, and the general outlines of the final plan are established.

The Council staff plays a critical role in actually drafting FMPs (and their amendments). They work closely with the Council, its committees, and NMFS people at the regional offices, research centers, and Washington office. **Talk to the Council executive director and the key staff person involved in this FMP about having input in the process of drafting the FMP.** You can discuss your views, and you might ask to be appointed to the Industry Advisory Panel for that FMP.



Public Hearings and Public Comment Periods

When the Council decides on a “preferred alternative” for a management strategy, a **45-day Public Comment** period begins. The FMP goes to public hearings. You can attend one or all of these hearings and speak for the record. You can submit written comments. By law, the Council **must** consider those comments.

At the end of the period the Council reviews the comments. The Council either goes back to the drawing board, perhaps with another set of hearings, or votes to approve a management strategy.



The FMP goes to Washington

If the Council approves an FMP or FMP amendment, it is submitted to the Secretary of Commerce in Washington,

DC, where it goes through a complicated review process that includes public input.

The time that the proposal is with Commerce is controlled by law, and it includes **another 45-day period of Public Comment**, which must begin on Day 15 after the plan has been submitted to Commerce for “**secretarial review**.” The proposed regulations it would implement are published in the *Federal Register*, where you can find out about who to write to with your comments. *This is last chance for public comment.*

After the close of the comment period, a period known as “**rule-making**” begins, when the Secretary of Commerce considers the final decision about whether to approve, disapprove, or partially disapprove the proposed measures. The decision is made on Day 95. The final regulations are then prepared and published in the *Federal Register*.

The whole process is complex and it differs from one regional Council to the other and from one fishery management plan to the other. Therefore, you should make sure you know what is going on in a particular case, by setting up contacts. **Getting to know people is also extremely important if you want to influence the outcome.**

Step 2: Make Phone Calls

Start with the Council Staff:

“... go to the council staff to get help in understanding the Plan. They are more than willing to help.”

- **Keep your call short**, no more than ten minutes. It helps to outline what you will say so you can be brief and to the point.

- **Ask to speak to** the person on the Council staff who deals with your fishery.
- **Explain who you are**, what your question or problem is, and ask for **help in understanding what is going on**.
- **Ask for a list** of the committees and key council members responsible for your fishery. Ask who you should call to get more background information and advice.
- **Before you hang up, ask to be put on mailing lists** so you can receive meeting notices and minutes for Council meetings and committee meetings.

Call Council Members from Your Area:

“All of us ...are accessible. Get a list of the council members, call those in your state and key people in other states. Call more than once. The first call is about, ‘who is this guy, where is he coming from, what is his point of view...?’”

“Know who the council members are in your area; get to know them – they know someone you know – and will know to trust you. This is important because when you talk at a meeting, the listener will know how to weigh what you say.”

Don’t Forget Committee Members:

“Be aware of who is on what committee and establish relationships through correspondence and phone calls, so you know who they are and vice versa. Just coming to meetings is lazy; you have to do more than that. This could also lead to your appointment to an advisory position.”

Call Your State and Federal Political Representatives (Public libraries have a list of legislators and their telephone numbers.)

Ask to talk to the staff person assigned to fisheries. People on the congressman's staff can be very knowledgeable. They want to know what constituents are thinking, and they will pass on your views to your legislators.

Introduce yourself, describe your involvement in fishery and discuss your concerns.

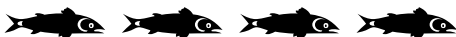
Call again when you have new questions or information to pass on to the staff person.

These telephone calls are part of the next step, preparing yourself for involvement in a specific FMP process.

Step 3: Learn More

Your critical comments will be most effective if they show that **you know about the Magnuson-Stevens Act and the NMFS “National Standards”** used in evaluating FMPs. Try to frame your objections and suggestions for change in these terms. (See **Box 3** and the longer manuals listed in **Box 1** for help.)

“You need to have many contacts and you need to build up credibility.”



Learn the fisheries management terms used in the FMPs, such as “overfishing,” “optimum yield,” “catch per unit effort,” “individual transferable quotas.” The Alabama manual mentioned in Box 1 has a glossary; ask Council staff for help too.

Learn other details and requirements of the stock assessments, fishery impact and regulatory impacts, and other parts of the FMP. These too can be the focus of your critical response to an FMP.

“There are lots of cases where fisherpeople and their representatives show that they’re ignorant of terms such as CPUE, other basics”

Be aware of the stage of the process that the Council is in at the time, including deadlines, court orders, shifting priorities, and political pressures.

“When we have a public hearing, we are looking at comments on that proposed rule, and fishermen don’t realize that. They talk on and on about something else.”

Learn what the agendas really are and how different Council members see things. This is one of the key reasons to become known and trusted by Council and committee members.

“The way to be effective is to try to analyze what is the real question the council is working on: what is happening sub rosa, underneath the surface of things.”

How to become informed?

1. Read one of the documents mentioned in Box 1.
2. Ask members of the regional council staff to help and get on the mailing lists (Step 2).
3. Subscribe to trade publications such as **National Fisherman** and **Commercial Fisheries News**.

Trade Journals:

National Fisherman

Subscriptions:

PO Box 2039

Marion, OH 43305-2039

(800) 959 5073

fax: (614) 382-5866

Editorials, advertising, etc.:

121 Free Street

Portland, ME 04101

phone: (207) 842-5600

Web-page:

www.nationalfisherman.com

Commercial Fisheries News

PO Box 37

Stonington ME 04681

email for subscription:

mhutch@fish-news.com

Pacific Fishing

1515 NW 51st

Seattle, WA 98107

(800) 569-2832

Fax: (206) 784-5545

If you are **really** serious, learn how to find the *Federal Register* at one of the public libraries in your region.

Federal Register

www.access.gpo.gov/nara/index.html

(202) 523-5227

Fax: (202) 523 5216

The **Federal Register** is where you will find out about public comment periods and who to write about the final versions of FMPs (but you can also call Council staff and others). Also look for organizations or professional lobbyists that can help you learn more about the situation and how to respond.

Step 4: Have Your Say

The most common way that members of the public are involved in the Magnuson-Stevens Act fishery management process is by talking or writing to key persons and participating in meetings. They either do this themselves or they are represented by organizations, lawyers, or consultants who serve as spokespersons for them. Experience is the best teacher, but a few remarks based on interviews with experienced people might help.

Writing Letters

In your phone calls and at meetings ask for suggestions about who to write. Depending on the situation and issue you may want to write to individual members of the Council, the Chair, the Executive Director, the Regional Director of NMFS, the Washington Director of Fisheries Management for NMFS, or others.

“Letter writing is very important: the head of NMFS has been known to ask, when making a final decision, how many letters have been received, and to ask for copies of those letters. It is best to write the person listed in the Federal Register notice and to copy your letter to the head of NMFS.”

- **At the beginning** of the letter **identify the FMP**, amendment to the FMP, emergency rule, proposed rule, or other measure you are commenting on. **Then state your position or opinion.**

“A few thoughtful letters are more effective than a petition signed by one thousand people.”

“Be aware of the system of assigning letters for review and response. A letter will go to a plan reviewer if it is clearly about a particular fishery; it may go to someone else if it seems instead to be about a topic that cross-cuts fisheries, e.g., limited entry. If you want someone knowledgeable about a particular fishery to read and respond to your letter, make sure that you clearly announce that fishery as your topic.”

Give your credentials, which tell the reader why he or she should pay attention to the information you will offer. This can be a sentence **about your fishery experience or the group you represent.**

- **Main part of the letter:** In the next paragraph or paragraphs, say **why you feel the way you do.** Write short, clear sentences that support your position. Set off each piece of information with bullets or by indenting or highlighting them. *Note: Wherever you can, be specific about how a proposed rule would affect you. Also try to show how your personal interests relate to public or national interests.*
- **In Closing:** Thank the reader for considering your views. Then restate your main point.

You can also write **letters to trade magazines**, like the ***National Fisherman***.

“Using the National Fisherman to communicate is very effective. [Top personnel at NFMS] read every word, especially letters to the editor. Use that as a vehicle for stating industry views, and also judicious use of NF Reporters, if you feel you are not being treated fairly.”

Speaking at Meetings

“People say, I can’t afford to go. Well, that’s a choice all Americans have.”

Public participation is expected and required by law at the Council’s committee meetings, the Council meetings proper, and at public hearings.

Committee Meetings: Although councils vary in the number of committees they form, all councils are required to have a scientific and statistical committee (SSC) and advisory panels representing the users. Some Councils also have a number of council committees, each of which is assigned to one or more fishery (like surf clams and ocean quahogs, demersal fishes, bluefish, etc.). The Council staff can help you decide which are important to you.

It is a good idea to attend committee meetings because you will learn early about management decisions that may soon be the subject of a full Council meeting. By attending and speaking at these meetings, you have a chance to shape the discussion before it ever gets to a Council meeting.

Council Meetings: Council meetings are more formal. Generally the Council members and a few key staff sit at a round table in the center of the room and everyone else sits on chairs around the edges of the room or at one end. You will have to walk up to a microphone to make your comments. Look for a speaker’s list when you enter the meeting because you may be asked to sign up in order to speak.

Look for opportunities to have informal discussions. You might arrange before the meeting to have lunch with one or more Council members, and don’t forget to go

to the Council's "hospitality room" after the day's meetings. This kind of informal gathering is extremely important to effective communication.

Public Hearings: These are the most formal meetings, but do not be put off. This is your opportunity to speak 'for the record' about the fishery management plan the council will vote on.

Get there a little early, sign up on the speakers' list, and see if you can talk informally with a council member or staff person before the meeting starts. When you are speaking, ask that your written statement be included in the record. Be sure to submit a copy of your remarks to the council staff.

How to Talk at a Meeting

- **Organize your thoughts**

"I am ... impressed with someone who seems to have their presentation organized. For example, someone who speaks from prepared notes and is not just rambling on and on. I don't care how the person is dressed one way or the other, that does not impress me."

"The way to be effective is to try to analyze [the hidden agendas]: What people cannot say and do not want to say, but is the real issue or problem. You may be able to say what the council members feel they cannot say. Once on the table, people will talk about it."

- **Write down what you are going to say, at least the main points**

"This helps organize your remarks, and it also means that you will have a written version of your remarks to follow-up on your spoken comments (particularly at public hearings). You can also submit only written comments, but remember that huge stacks of comments are difficult to read and absorb, and so people will usually pay most attention to that they also heard."

- **Be brief and to the point**

“The same rules that are true for making any speech apply for making a presentation before the council: be brief, be succinct, come to the point, know your audience, know what your message is. Say, ‘here’s the point,’ and make it....many people who give testimony to the council talk too long and lose people’s interest.”

“Have your act together and don’t ramble on for 20 minutes and repeat yourself.”

- **Identify yourself and your experience.**

“What impresses me personally is: when people give some background into the issue and their personal history in the fishery, like, ‘I have been in this fishery for 10 years’ or 20 years or whatever, and then give their financial commitment, such as ‘I own one vessel’ or two vessels, or three vessels, and then give their work history. Then I can tell that this person is really involved in this fishery, not just there to create an issue.”

- **Be clear about what you do and don’t like about the preferred alternative.**

Explain how it would affect you or your boat, company, or community. Give specific information from your own experience or about your own situation.

“Avoid simple emotional outbursts and statements such as ‘You’re going to put me out of business.’ Council members have very strong prejudices against this, perhaps because they have heard it so much.”



“The first thing is be constructive in giving detailed information. For example, say ‘This is going to hurt me because...’ and, ‘If you do this, this will happen.’ That is much better than saying, ‘this is the end of the world,’ or ‘you don’t know what you’re doing.’ Make a presentation; give justifications for your position. Detail specifically why this is your position.”

“So often, people will come in front of the council and say, ‘I don’t like this.’ But what they should say is that, ‘this will not solve the problem. Here are some things that would solve the problem.’ That would be more helpful.”

- **If you are against something, propose an alternative.**

“Nine out of ten tell us we’re not doing our job right, but they don’t offer us any alternatives.”

“Tailor your remarks with the objectives of the plan. Say, ‘I have looked at the Plan and I read the objectives and what you are doing won’t [or will] fit with these objectives and this is why.’ Don’t be intimidated by the length of the document. Look at the first part, read the summary of the Plan and read the objectives.”

- **Try some theatrics to get the attention of your audience**

If used sparingly and if backed by credibility, a little bit of theater can help: the old smelly codfish trick; asking for a show of hands, that sort of thing. On the other hand, a clever drama or an angry outburst, even from a lot of people, can fall on deaf ears if it is at the wrong place and time or if it is not backed up by a substantial reasoned critique of the proposed management action.

- **If you are going to criticize the science, be respectful and constructive**

Often fishermen feel frustrated because they believe the Council ignores what they have to say about the state of the fish stocks. Remember, the council is bound to use the best scientific information and council members are often more likely to believe professional scientists than to believe ordinary people, no matter how much experience those people have.

If you think there are problems with the data or the scientific analysis, offer the information you have. Suggest alternative options or interpretations. Volunteer to participate in data collection. See if you can find scientists or scientific reports that back up your ideas.

One widely shared position is:

“Accept the science. We’re [the Councils] obliged to accept the science. ‘I’ve seen more fish out there than my grandfather told me he saw, and your science is all wrong’ is not going to get very far.... All that is put over to the side, because we have the law and the requirement of use of science.”

You do not have to accept the idea that scientists are the only ones with valuable information that could contribute to the science of fisheries management. However, be prepared to offer constructive advice:

“If you are going to tell us that the data is not good, you had better come with data [that are reliable]. The Act requires us to use the best available data. . . “If you say ours is not the best, then show us things like: personal logbooks [that show CPUE, the squares you worked]; fishing effort records, catch records. . . even better would be “hard scientific facts, such as Northeast Fisheries Center documents, that can be used to justify a position.”

- **Reasoned responses** to scientific and other questions take time and effort to develop. A group of people with similar concerns can share the effort of preparing responses; broaden the range of experience and knowledge relative to an issue; and share expenses of participation and, if necessary, of independent analyses of data and assumptions.

Which leads to...

Step 5: Organize

Join a group, create a group, and build a consensus.






“If what you say represents a consensus, then what you are doing is saving time. We don’t have to go out and spend time talking to a lot of people [to figure out whether there is a consensus].”

Rugged individualism doesn’t work as well in the politics of fishery management as it does on the fishing grounds. Organizing and working closely with other people can be critical to your success in fisheries management — and to your ability to protect values, such as independence, connected with fishing for a living.

“Associations can be important places where issues are discussed; they help people meet others in the industry from other ports, or other fisheries. And through the executive director of the association, who is likely to participate in many management meetings, you can get information on what is happening and how you can influence what is going on at the councils, in Washington, and elsewhere.”

Get in touch with local fisheries associations or **ORGANIZE** your own group.

A checklist of some basics and some more handy hints:

-  **Read the plan.** If it seems too complicated, at least read the introduction, the summary, and the goals. Get help in interpreting the other parts.
-  **Try to see things from the Council perspective.** Learn about what the council members must consider to determine a strategy for managing the fishery. Talk with council members and staff.
-  **Know the rules** that must be complied with for Secretarial approval. For example, council members are legally required to make decisions that are based on “the best available scientific knowledge” but that do not unfairly discriminate among citizens of different states.
-  **Get to know** Council members, Council staff, and others who are involved in the process including scientists and officials from NMFS and the state fisheries agencies.
-  **Get a reputation for being a credible, helpful, and balanced participant**

“If the person ... seems to be genuine, then he will be effective.”

“If you want to be effective, provide good information. Don’t blow smoke. Once your credibility goes down the chute, it is a long putt back. I tell our fishermen, don’t get caught not telling the truth, it’ll be a long time before anyone ever believes you again.”



Try to be a team-player

“Avoid using ‘you guys,’ ‘you people up there,’ ‘they.’ Those pronouns don’t help, they’re bad business.”

Talk about what “we” can do, recognizing that you share with the Council, and others, an interest in effective, fair, and equitable fisheries management.



Try to be polite:

“Politeness is effective. Don’t say to us council members, ‘You don’t know how to manage a fishery; what do you know?’ Instead, say, ‘I appreciate what you have done, but I have a suggestion for changes that will be more effective.’”

What I tell my fishermen adamantly is, ‘when you come into the council, do not open up with a statement that is antagonistic. If you do, what you say from then on falls on deaf ears. You are wasting your time. Be gracious.’”



Organize your thoughts and organize with other people.

Next to planning ahead and seeing fishery management as part of your business, getting organized in a joint effort is probably the most important thing you can do.

As a member of one of the associations said, *“If you want to get involved in fisheries management, you should be willing to go to meetings and become an active participant, be willing to listen to others’ views, and communicate clearly your own ideas.”* **But first of all,** *“You should be willing to discuss fishery issues with others, made easier by joining an active, strong association of fishermen.”*

***Fish or Cut Bait* is sponsored by:**

The Mid-Atlantic Fisheries
Management Council

The New England Fisheries
Management Council

*The New Jersey
Sea Grant College Program*

New Jersey
Marine Sciences Consortium

The New Jersey Agricultural
Experiment Station,
Cook College, Rutgers,
The State University of New Jersey

This work is the result of research sponsored by NOAA Office of Sea Grant, U.S. Department of Commerce, under Grant No. NA 89AA-D-SG057 (Project No. ET-11). The U.S. government is authorized to produce and distribute reprints for governmental purposes notwithstanding any copyright notation that may appear hereon. This is number J-26417-1-99 of the New Jersey Agricultural Experiment Station. We thank the many people in the fishing industry and members of management councils and government agencies who helped us learn more about the federal management process. We also thank Kim Kosko, Director of the Communications Program of the *New Jersey Sea Grant College Program*, Lisa S. Young, *New Jersey Sea Grant College Program*, Shirley Fiske, NOAA, and Evelyn Pinkerton, University of British Columbia, for helpful critical reviews of the pamphlet, and Nils Stolpe, former director of the N.J. Commercial Fishermen's Association, for getting this going. NJSG-99-406.

Additional copies are available from the New Jersey Marine Sciences Consortium, Building 22, Fort Hancock, NJ 07732 732.872.1300 Ext. 18, at the price of \$1.00 per single copy; special prices available for bulk orders.
