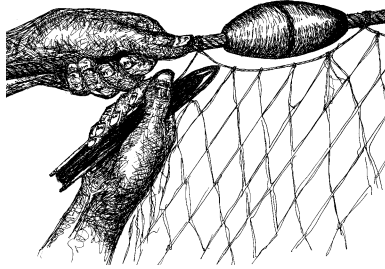


MID-1990s FISH FIGHTS BEYOND THE GULF OF MEXICO



INTRODUCTION

The Gulf Wars Series is a historical record of the state-by-state fish fights that erupted across the Gulf of Mexico in the mid-1990s.

Sport-fishing-industry efforts to ban nets on the Gulf were naturally of interest to me because, at the time, I was earning my livelihood in Louisiana by netting fish for the market. My interest widened when an editor at *National Fisherman* magazine assigned me to call every coastal fishery agency in the country and ask, “Are you seeing any efforts to ban commercial netting in your state?”

It turned out that sportsmen weren’t just trying to hog the resource in Florida, Alabama, Mississippi and Louisiana—they were also making a push in Alaska, Oregon, Washington, Pennsylvania, New Jersey and North Carolina!

Without wishing to demean anyone’s fishery, livelihood, or way of life, I didn’t feel that any of these fights were of a scale to warrant an entire book, at least by me. For one thing, in 2020, I hadn’t even completed Gulf Wars yet—there was still Mississippi and the big kahuna, Florida, to go. And, except for the fight over Pennsylvania’s Lake Erie gill-net fishery, which did result in its demise, commercial fishermen and their supporters in all the other states mostly turned back the recreational anglers in the 1990s.

But each of these conflicts was unique, with its own lesson to be learned. And since I’m not likely to be putting detailed accounts down on paper anytime soon, if ever, I’m making these abbreviated versions available now. In addition to recording the fights in the six aforementioned states, I’ve included brief snapshots of the situation in the Chesapeake Bay states of Maryland and Virginia where it was comparatively calm, but only because sportsmen, in Maryland at least, were simply regrouping after a failed attack a couple years before.

Irrespective of locale, recreational interests, in their mid-1990s push, sought the blatant re-allocation of fishery resources to their own sector with initiatives that were typically packaged as “conservation” measures, and exquisitely tailored to each state’s fishery and political reality: Where anglers grossly outmatched the working fishermen, the sportsmen went for wholesale net bans while in states where the commercial fishing industry was more formidable, the recreationists set their sights considerably lower.

So it was in Alaska, which was *the* stronghold of the nation’s commercial fishing industry.

ALASKA

With a population of 600,000 and an area of more than 660,000 square miles, Alaska in the mid-1990s was the nation's least densely populated state. Most of its roughly 12,000 rivers still flowed freely, unimpeded by dams, and were clean enough in 1994 to yield a record commercial catch of 867.4 million pounds of sockeye, pink, chum, coho, and Chinook salmon. That harvest topped the previous all-time high of 846.9 million pounds in 1993. In 1995, commercial salmon landings soared to just shy of 1 billion pounds, the sixth record catch in seven years.

These are some very big numbers. For comparison, other commercial catches in 1995—nationwide—totaled 3.4 million pounds of bluefin tuna; 3.6 million pounds of red snapper; 3.6 million pounds of striped bass; 10.5 million pounds of groupers; swordfish, 13 million pounds; yellowfin tuna, 18.5 million pounds; Atlantic mackerel, 18.7 million pounds; Atlantic cod, 29.6 million pounds; Atlantic and Pacific halibut, 44.8 million pounds; American lobster, 66.4 million pounds; Pacific sardine, 93.6 million pounds; blue crab, 201.5 million pounds; and Gulf shrimp, 219.8 million pounds.

MANAGEMENT

“Mother Nature takes a lot of the credit” for the record salmon harvests, Jeff Koenings, of the Alaska Department of Fish and Game, told *National Fisherman* magazine. “We’ve had warm winter temperatures and excellent rainfall, which both contribute to strong runs.

“The department’s philosophy of protecting our resource and environment through the sustained yield principle, though, is what allows nature to do her part,” added Koenings. “Other regions of the Pacific Northwest have had the same climatic conditions but have different management approaches, and they are not seeing the same kind of healthy returns as Alaska.”

Salmon weren’t always so plentiful on The Last Frontier: In a familiar regulatory evolution, its seemingly unlimited virgin populations were harvested under no regulation until they declined to the point that the need for regulation became obvious.

Alaska was still a territory when its salmon were depleted—low stocks compelled President Dwight D. Eisenhower to declare it a federal disaster area in 1953.

In 1959, when Alaska gained its statehood and took over management of its salmon fisheries from the federal government, the catch was about 25 million fish, or “only” about 150 million pounds.

The new state’s constitution established both the Alaska Department of Fish and Game, to scientifically *manage* the fisheries for “sustained yield”—and the Alaska Board of Fisheries, to *allocate* that yield to users.

That clear separation between Alaska’s primary conservation and allocation authorities was unique among U.S. states. Whether or not the drafters of Alaska’s constitution realized it at the time, by authorizing just one body and one body alone to allocate the public’s fish, they made it next to impossible for special interests to boost their share of the resource by any method other than directly appealing to that body. Which is not to say that they wouldn’t try.

COMEBACK

To rebuild its salmon stocks, the new state instituted an aggressive recovery program that included the construction of hatcheries, to supplement the number of wild fish. In 1973, the Alaska Legislature established the current “limited entry” system, which caps the number of commercial fishermen and allows them to transfer their permits to future fishermen as they

would any other property.

Managers also began to closely monitor the annual runs and set concise fishing seasons that were timed to allow enough fish to avoid fishermen's nets and fulfill their spawning mission.

Blessed with a world of uncompromised habitat, the fish quickly responded to the management measures: From an all-time low of less than 22 million fish, weighing nearly 135 million pounds, in 1974, commercial catches steadily increased, to an annual average of about 122 million salmon in the 1980s, and 174 million fish in the 1990s. In 1995, commercial fishermen boated nearly 218 million fish, a record up to that time.

COMMERCIAL FISHING

Trollers, who pulled lures behind their boats, accounted for a significant chunk of the harvest, particularly in the southeastern part of the state. But the lion's share was taken with nets.

Purse seiners, the commercial fleet's elite, circled large schools of fish, most of which were canned. Setnetters bought or leased sites from the state where they anchored their gill nets to intercept salmon as they ran up the rivers. Other gillnetters more actively worked their gear by running their nets overboard and drifting with them.

Many of the gill-net-caught fish were chilled in ice water while still lively, and air freighted fresh directly to high-end restaurants, markets and discriminating consumers in the Lower 48, and around the world.



Alaskan fisherman transferring salmon from purse seine into hold filled with refrigerated sea water.
(Courtesy of Alaska Seafood Marketing Institute.)

RECREATIONAL FISHING

While Alaska limited the number of commercial fishing licenses, the state couldn't print enough licenses for recreational fishermen.

In 1995, Alaska sold a record 409,686 recreational fishing licenses, more than half of which had been purchased by nonresidents.

The tourist fishery's epicenter was in the southeastern region where visitors could arrive at Anchorage or Homer via land, air or sea, then charter a sport-fishing boat and have their catch of salmon or halibut processed and shipped back home.

VOTE FOR MORE FISH

In 1995 the charter boat industry and other sport-fishing and tourism-related interests began to solicit signatures for a "Fairness in Salmon Harvest" (FISH) initiative. Their proposed ballot measure called for giving absolute priority to sport, personal use and charter fishing by allocating those user groups up to five percent of the total statewide salmon harvest.

While a statewide allocation of just five percent sounded benign, it would have—according to a commercial opponent of the measure—given the initiative's backers exclusive access to a thousand percent more fish than they'd historically landed. And in some areas, sport anglers were already taking far more than five percent of the harvest, such as in upper Cook Inlet, near Anchorage, where in 1993 recreational fishermen accounted for 93 percent of the Chinook, and 46 percent of the coho salmon harvests.

In mid-February 1996, Alaska's Lt. Governor Fran Ulmer certified FISH as having received the necessary 21,700 signatures required for it to appear on the state ballot in November.

FIGHTING BACK

In 1995, Alaska's salmon runs were worth over half a billion dollars and fueled a commercial industry with a seasonal labor force of 35,000. Alaskan fishermen knew what they had and how to protect it, to the extent that they'd opposed the construction of the first road to the picturesque fishing center Cordova, near the delta of the famed Copper River, because an influx of outsiders threatened that valued fishery.

Fully aware of the insatiable tourism industry's effects on fish and fishing in the Lower 48, commercial interests saw the five percent allocation as merely the first step in an ongoing erosion of their own share.

"The FISH campaign is an unveiled attempt to grab more fish by the burgeoning sport-fishing industry in Alaska," stated a spokesman for Salmon for Alaska's Future which, with the United Fishermen of Alaska—a coalition of dozens of fishing groups—opposed the measure on all fronts.

NO DICE

In August, six months after FISH had been certified, the State Supreme Court brought the campaign to an anticlimactic finish: Alaska's constitution, stated the court, prohibited any agency, person, or group of people except the state's Board of Fisheries from allocating fisheries resources in state waters.

"In other words, a majority cannot seize control over resources whose value spans many generations of citizens simply because they muster enough votes on Election Day," wrote salmon fisherman and *National Fisherman* Pacific editor Brad Matsen.

"The wisdom of this provision in Alaska's constitution contrasts starkly with the lack of foresight in states where anti-commercial-fishing forces have duped voters into thinking they are not dependent on commercial fleets. Most notably in California and Florida, the sport fishing faction was able to exercise the tyranny of the majority in what amounted to outright allocation grabs," wrote Matsen. Fishery populations couldn't be sustained in perpetuity without stewardship of their environment, he cautioned, and "Spending most of our time arguing about

who gets what portion of diminishing resources is like moving the deck chairs around on the Titanic.”

Alas, that analogy could not have more aptly described the situation in the Pacific Northwest where, in the early and mid-1990s, sportsmen went for the trickle of wild salmon that remained of the titanic Columbia River’s legendary runs.

OREGON & WASHINGTON

The Columbia River flows more than 1,240 miles, from British Columbia south through Washington to Oregon and then, forming the boundary between those two states, directly west to the Pacific Ocean. By volume, it’s the biggest river emptying into the Pacific from North America; in addition to draining southeastern British Columbia and much of Washington and Oregon, tributaries of the Columbia originate as far inland as Nevada, Utah, Wyoming, Montana and, in the case of the 1,100-mile Snake River, Idaho.

Commercial development of the river’s salmon fisheries dates to at least the 1840s, when trading posts recorded the purchase of fish from native and non-native fishermen, for salting. Canning on the Columbia began in the 1860s and rapidly expanded. An 1868 article in *The Oregonian* noted that two early canners expected to put up “not less than 300,000” one-pound cans, mostly for export to Australia. In the early 1870s, eight canneries were operating on the Columbia, with six more under construction. In 1883, forty canneries packed 634,000 48-pound cases—more than 30 million pounds—for export.

Many of the industry’s pioneers had migrated from salmon fishing regions in the Northeast. Members of the Hume family, who built the Columbia’s first cannery, had fished Maine’s Kennebec River since the 1790s, and in Scotland before that. Robert Hume, in the 1850s, blamed “civilization” for the decline of the Atlantic salmon on the Kennebec and other New England rivers.

It was the same for the Columbia, which was to become the most hydroelectrically developed river system on the planet. The Puget Sound Power and Light Company built the first dam in 1933, which was followed in 1938 and 1941, respectively, by the federal Bonneville and Grand Coulee behemoths. Eventually the river’s main stem was blocked by a total of 14 dams, including three in Canada, while dozens more impeded its tributaries.

“If you look at a map of all the dams that there are on the Columbia River and the Snake system and the tributaries, really, it’s amazing that as many fish come back as there is,” said Jack Marincovich, an Astoria, Oregon-based gillnetter and executive director of the Columbia River Fishermen’s Protection Union.



Grand Coulee Dam on Columbia River. (Courtesy of U.S. Bureau of Reclamation)

SAVE OUR SEALIFE

Unlike in Alaska, where a designated panel was charged with allocating the public's fisheries, in Oregon and Washington—and virtually every other state—when it came to winning a greater share of fish, no holds were barred.

Washington's sport-fishing community touted its mid-1990s Ballot Initiative 640 as a "conservation" measure that would restore the Columbia's dwindling salmon runs to their former grandeur.

Playing off the Zeitgeist of the time, the measure's promoters—which included sport-fishing magazines, charter boat operators, tackle shops and sportsmen's clubs—amalgamated themselves under the identical high-minded moniker that net-banning sportsmen used in Florida—"Save Our Sealife"—and worded their initiative to capitalize off the Marine Fish Conservation Network's recent elevation of "bycatch" to a crisis of national urgency.

The wording of ballot initiatives is often convoluted and that of I-640 was necessarily so: Seattle's airport had brass salmon inlaid into its floor, and residents of the Pacific Northwest were as proud of the region's fishing heritage as any in the nation. Their comparatively heightened environmental awareness, combined with a long tradition of settling fishing disputes at the ballot box, made for unusually sophisticated voters who were unlikely to approve the sort of gear bans that sport-fishing interests were pulling off in other parts of the country.

PORTLANDIANS KEEP THEIR FISH

In Oregon, which shared the lower Columbia's fisheries with Washington, the public had voted on 21 fisheries-related matters since 1909. In 1964, voters rejected a sport-sponsored referendum that would have eliminated all netting on the Columbia River system, and as recently as 1992 were presented with "Oregon Ballot Measure 8."

Though less sweeping in the breadth of fisheries affected, Measure 8 was similar in intent to Washington's I-640: It sought to limit the harvest of salmon from the Willamette—a tributary of the Columbia that flows through Portland—to "the most selective gear possible," a qualification that sportsmen were certain would limit the fishery to their own rods and reels.

Oregon's Measure 8 was characterized by commercial fishermen as "wordsmithing, not science," and by state fisheries managers as "an effort to simply redirect catches to sport fishermen, not increase escapement." Mainstream environmental groups such as the Oregon Rivers Council and Sierra Club opposed the measure, which voters ultimately defeated by a 60- to 40-percent margin. Even if it had passed, noted a spokesman for the Oregon Department of

Fish and Wildlife, commercial fishermen and consumers might have gotten the last laugh: Had they been forced to challenge the measure in court, gillnetters might very well have demonstrated that *their* gear was the more selective!

WASHINGTON'S BALLOT INITIATIVE 640

Since the 1960s, when sport fishing began to surge nationally, ballot initiatives in Washington—as in Oregon—sought primarily to re-allocate fish from the commercial to the recreational sector. Earlier disputes, on the other hand, tended to redistribute the catch within the commercial fishery.

In 1934, Initiative 77, which was described at the time as “one of the biggest fish fights in Washington State’s history,” eliminated fishwheels, traps, haul seines and set nets from the Columbia. Since such gear was operated at fixed locations that were mostly controlled by large canneries, I-77 had a populist appeal as it shifted the harvest to independent operators using the sort of mobile gear that I-640 now had under the gun.

Even more technically worded than Oregon’s 1992 measure, I-640 established a stringent set of standards for the survival of bycatch taken in both salmon and non-salmon gear. Non-salmon gear had to exhibit a bycatch mortality of no greater than 15 percent of the overall retained catch while salmon gear would be disallowed if it caused the mortality of more than 15 percent of incidentally caught fish that were required to be returned to the water.

Such “regulatory discards” included undersized fish, stressed salmon species or populations from specific rivers that might be mixed with the more abundant wild or hatchery-raised fish that were being targeted; steelhead, a sea-run rainbow trout that had been legally designated a gamefish and could therefore be retained by sportsmen only, also qualified.

Because treaties superseded the law of the land, I-640 didn’t directly threaten fishing by Washington’s Native American tribes. Though numbering just one percent of the state’s population, tribal members, thanks to the contentious 1974 federal Boldt Decision, were each year allocated one half of the state’s harvestable salmon. The other half supported the non-tribal sport and commercial fisheries that were in dispute, though I-640 jeopardized more than the harvest of salmon.

In 1994, Washington’s commercial landings totaled 118.9 million pounds which earned fishermen \$126.5 million. The major fisheries included groundfish, halibut, albacore, salmon, and shellfish such as crabs and shrimp. Salmon landings totaled 28.7 million pounds, worth \$25 million at the dock.

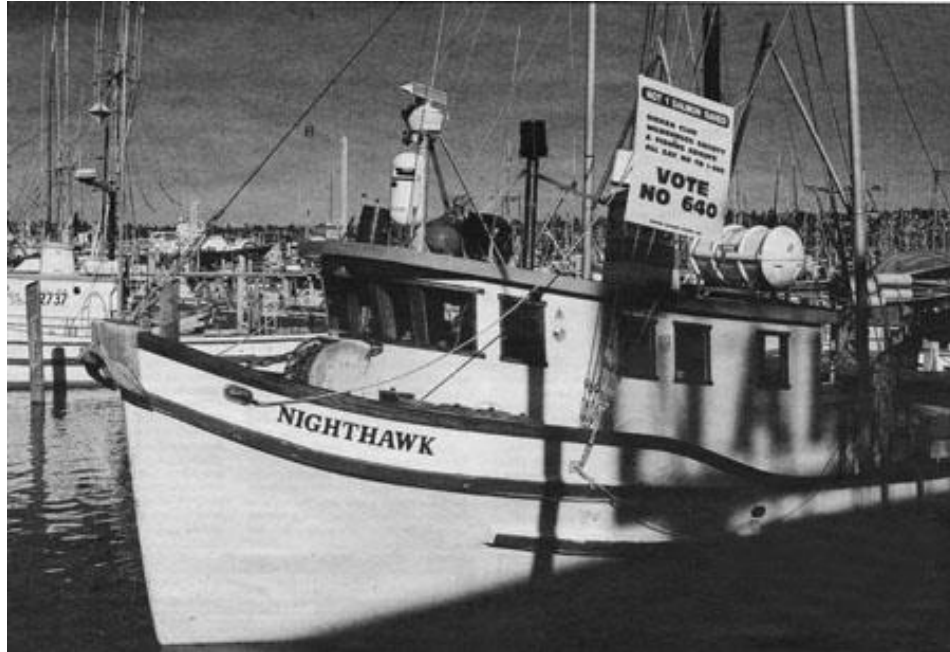
While I-640’s bycatch mortality standards were explicitly designed to abolish Washington’s salmon gillnetters, it was generally assumed that the state’s ocean-going salmon trollers, groundfish longliners, shrimp and groundfish trawlers, and possibly even crab pot fishermen could be taken out as collateral damage. To the dismay of the measure’s proponents, the purse seine fleet, which landed most of Puget Sound’s commercial salmon catch, would emerge unscathed since it could release nearly all non-target fish alive. Even more disconcerting to some recreational anglers was the possibility that the measure would also outlaw some of their own gear, such as downriggers, the commercial trolling rigs that marine salmon anglers had adapted to their own use.

Figuring out whose gear would be legal would require studies, consultants and lawyers, but all in all, passage of I-640 was expected to decimate the commercial fisheries while leaving the recreational fisheries largely intact.

Ironically, had the measure been tailored to emphasize a gear’s selectivity—which allowed it

to avoid catching something in the first place—rather than the ability of an incidentally caught fish to survive, the outcome could have been reversed.

“We catch very few non-targeted fish: far fewer than the recreational fishermen do. Their fishery is far more wasteful than ours,” said Don Stuart, of “Salmon for Washington,” which seafood interests organized to defeat Save Our Sealife’s initiative.



“Not 1 Salmon Saved. Sierra Club, Wilderness Society & Fishing Groups All Say No to I-640,” reads this sign aboard a salmon troller at Fishermen’s Terminal in Seattle. (*Bradford Matsen photo courtesy of National Fisherman*)

CAMPAIGNING

To win over voters, both sides tried to simplify the complex issue. Salmon for Washington developed the slogan, “20,000 Jobs and Not One Salmon Saved,” to emphasize that the initiative failed to address the root causes of the salmon decline while it would negatively impact fishing families and the state’s economy. I-640, said its opponents, would trim \$250 million from the state’s economy each year; of the 20,000 lost jobs, 5,000 to 8,000 would be harvesters, and the rest in support industries.

Proponents of the measure claimed that commercial fishermen were “strip mining the ocean,” referred to gillnetting as “rape,” and—as in Florida—promoted the measure as a panacea for all that ailed the state’s fisheries, marine mammals, seabirds, and economy.

The Seattle-based *Fishing and Hunting News*, which stridently railed against commercial fishing, served as the unofficial organ of the Save Our Sealife Committee. In a May 1995 article, editor Skip Knowles painted a scenario for Washington in the year 2010: Having banned nets 15 years before, his future state’s citizens enjoyed a utopian life of universal sport-fishing pleasure and prosperity, as visiting anglers poured money into the salmon paradise, and charter boat and other tourist-servicing businesses thrived.

In a June issue, Knowles wrote, “We’ve got to stop the strip miners while there’s still something left,” as he pressed his readers to help obtain the 185,000 signatures required to put I-

640 on the ballot. (Save our Sealife eventually paid professionals 50 cents a signature to do so.)

In addition to donations from individuals and members of the sport-fishing industry—which included corporate manufacturers of boats and outboard motors—Save our Sealife’s biggest backer was the Columbia River Alliance, an Oregon-based coalition of hydropower companies and their biggest consumers of electricity—aluminum smelters—as well as farm irrigation associations and barge operators.

Such industrial interests would clearly benefit from I-640’s paring of commercial fishing by defusing the political pressure and lawsuits that were forcing costly retrofits of dams, turbines, and water diversions needed to protect salmon runs. But the alliance of such “strange boatfellows” with the crusading “conservationists” provided many voters with all the clarity they needed, after it was condemned by regional environmentalists and widely reported in the media.

“They’ve tried to put the onus on the fishing industry to hide the culpability of their own industries,” William Arthur, regional director of the Sierra Club Northwest, told the *Seattle Post-Intelligencer*, after a Labor Day rally where environmentalists joined commercial fishermen in opposing I-640.

Jim Baker, the Sierra Club’s Northwest salmon campaign coordinator, called the initiative “repugnant” to environmentalists because commercial fishermen were their key allies in the battle to protect habitat while the initiative’s supporters had openly “courted” those industries that were largely responsible for ravaging the Columbia River Basin’s most troubled salmon runs. “Initiative 640 saves our sea life in rhetoric only, not in reality,” Baker declared.

A widely distributed joint statement by seven leading environmental groups similarly negated claims that the salmon would be “saved” by the measure: “It does not promote salmon conservation.”

Furthermore, I-640 sowed division among sport and commercial salmon fishing groups at a time when they sorely needed to unite against habitat damage from dams and other industries that affected salmon-producing watersheds, read the statement by The Wilderness Society, American Rivers, Sierra Club, Friends of the Earth, Washington Toxics Coalition, Puget Soundkeeper Alliance, and Greater Ecosystem Alliance. “We believe it is better to work together to protect fish habitat and restore fish runs for both sport and commercial fisheries.”

The director of Washington State’s Department of Fish and Wildlife similarly offered that working to protect and improve salmon streams would eventually yield more fish for harvest than shortsighted and expensive re-allocation efforts, for which he was ridiculed by the editor of *Fishing and Hunting News*: “Every time he opens his mouth, some...habitat puffery falls out.”

Fearing the precedent of a sport-fishing victory, West Coast fishing and processing groups from California to Alaska poured more than \$900,000 into the “No to I-640” effort, actually outspending the initiative’s proponents. Most of the money was spent on television ads and direct-mail literature that hammered home the central theme: “20,000 Jobs Lost and Not One Salmon Saved.”

On November 7, 1995—one year after Florida voters *approved* an even more restrictive measure by a 7:3 margin—voters in Washington rejected the sportsmen’s commercial gear restrictions 57 percent to 43 percent.

Reflecting a growing nationwide debate over whether public initiatives were an appropriate means for adopting fish and wildlife measures, the League of Women Voters had opposed I-640, claiming that the initiative process was being abused by special interest groups on an issue that would be better addressed by existing agencies and the legislature.

Yet in the nineties, no fishery was safe, and in 1994 those very same bodies—the state fishery

management agency and the legislature—railroaded what was left of the commercial fishing industry in, of all places, Pennsylvania.

PENNSYLVANIA

In terms of food production, Pennsylvania more likely evokes images of dairy cattle, cornfields and apple orchards than of fishing nets. But with frontage on one of the Great Lakes and two rivers that connect with major estuaries of the Atlantic Ocean, the Keystone State supported substantial commercial fisheries for centuries, until they were wrecked by “civilization” and inequitable management.

SHAD

The mainstay of Pennsylvania’s riverine fisheries was the anadromous American shad which, like the salmon, matures at sea and spawns in fresh water. North America’s largest herring, the shad reaches two feet in length and is prized for its plump sacs of ambrosial roe. The fish is also baked or broiled whole.

Traditionally, the spring bloom of the shad bush, *Amelanchier*, signaled to Susquehanna Valley residents that their winter diets were about to be brightened up with some fresh shad. The fish was as intrinsic to the region’s cultural heritage as the salmon in the Pacific Northwest.

Salted shad from the Delaware River helped sustain George Washington’s troops through the winter of 1777-78 at Valley Forge. The harvest from the Delaware—which forms the eastern boundary of the state and flows into Delaware Bay—historically averaged only about a quarter of that from the Susquehanna River, which originates in upstate New York and flows nearly 450 miles through Pennsylvania and Maryland to the Chesapeake Bay.

According to a 1901 report by the state’s Department of Fisheries, “A century ago, the Susquehanna was the greatest shad river in the world outside of the Connecticut. Even before the nation was but a few years old, the value of its annual catch was estimated to be more than one hundred thousand dollars.”

Connecticut Yankees pioneered the Susquehanna’s fishery in 1750 when they introduced haul seines to the river’s upper reaches and established the state’s first shad-fishing companies. Public records document the leasing and transfer of about 40 seine sites on the Susquehanna’s North Branch, and dozens more on the lower river. During the intense spring run, such operations netted up to 10,000 fish per day, and the fishery proved a dependable, if seasonal, addition to central Pennsylvania’s developing economy, until it succumbed to the demands of a growing population.



Shad fishermen setting gill nets at night on the Delaware River late in the nineteenth century. In 1900, gill-net fishermen and seiners on the Delaware sold more than half a million dollars of shad. (*From 1900 report of Pennsylvania's Commissioners of Fisheries*)

POLLUTION AND DAMS

As early as 1901, state fishery managers complained that sawmills and tanneries were polluting the shad's spawning rivers. "We made numerous efforts to have anti-pollution bills passed, but were never able to succeed," wrote one commissioner. "The saw and tannery interests always claimed that their industries were of paramount importance to that of the angling, and that to prevent them from emptying saw dust and the refuse from the tanneries into the streams would send them out of business."

Pollution of the rivers progressed through the twentieth century, changing only in character from byproducts associated with the production of lumber and leather to agricultural runoff of pesticides and fertilizers, municipal sewage, stormwater runoff from development, and enough sulfuric acid from coal mines to completely sterilize the Susquehanna's West Branch.

Through the eighteenth and early nineteenth centuries, settlers had blocked the Susquehanna's smaller tributaries with hundreds of mill dams. In the early 1830s, feeder dams for the state's new canal system blocked the river's main stem and major tributaries such as the Juniata River, which shortstopped the upriver runs and forced fishing operations downstream.

Later in the nineteenth century, railroads rendered the canal system obsolete and many of its navigation-related structures were breached, temporarily re-opening the shad's access to its upriver habitat: From 1890 to 1909, Pennsylvania's annual commercial landings from the Susquehanna averaged 252,000 pounds, or about 63,000 fish.

Then, between 1904 and the early 1930s, the construction of four hydroelectric dams on the lower Susquehanna turned out the lights on the fishery.

The York Haven Dam, completed in 1904, blocked the river more than 50 miles upstream from its mouth at Chesapeake Bay.

In 1910, the Holtwood Dam blocked the river 25 miles upstream from the Chesapeake. An 1866 law directed owners of dams on the Susquehanna and its larger tributaries to install and maintain fish passageways yet those at the Holtwood Dam proved ineffective: Shad landings from the Susquehanna fell to 33,000 pounds in 1915, and in 1921, to zero.

As if to ensure the shad's demise, the Conowingo Dam went up in 1928. Situated in Maryland, just ten miles from the Chesapeake, the Conowingo was built primarily to supply power to Philadelphia, and both power and drinking water to Baltimore.

At the time of its construction, state and federal fishery authorities conceded that it wasn't practical to even try to develop effective fish passages at the hundred-foot-high structure.

Finally, in 1931, the lower Susquehanna's fourth major dam went up at Safe Harbor, between the York Haven and Holtwood structures.

Just as the Pacific Northwest's Columbia River supported other less glamorous fisheries than that based on the salmon—such as smelt and sturgeon—the Susquehanna's migratory fisheries, in addition to the American shad, included the somewhat smaller hickory shad; sturgeon, eels, and a couple species of bait-sized river herring that in the spring turned the smallest tributaries into silvery rivulets.

Such renewable fisheries would be worth millions today, but in an evolutionary flip of the switch, they were gone.

Fishery managers subsequently began to retrofit fish passages on the Susquehanna's largest dams, breach smaller dams on its tributaries, and restock the river with hatchery-raised fish. But restoration efforts proceed at a somewhat less urgent pace than on the Columbia and other West Coast river systems, where antsy commercial fishermen agitate to hasten the recovery of the fish and their own livelihoods.



Shad fishermen hauling a seine onto a wooden deck near the mouth of the Susquehanna River in about 1900. How soon will we be seeing catches like this again? (*Courtesy of Cecil County Historical Society, Elkton, Maryland*)

There wouldn't be any such agitation in Pennsylvania: To help stem the decline of the fish's population, the commonwealth shut down all commercial shad fishing, statewide. For good measure, in 1984, the Pennsylvania Fish and Boat Commission officially classified the species as a gamefish thereby outlawing its sale to consumers.

A decade later, during the most expensive and elaborate "environmental education" campaign in the nation's history, the Keystone State turned its attention to the centuries-old commercial fisheries in Lake Erie where, unlike in the Susquehanna, there were tons of fish.

LAKE ERIE

Pennsylvania's northwestern corner juts northward to gain the state a 48-mile frontage on Lake Erie, the second smallest yet one of the most productive of the Great Lakes. Until the mid-twentieth century, Lake Erie produced more fish than all the other Great Lakes combined, and Pennsylvania's coastal city of Erie was renowned as the greatest freshwater fishing port in the world.

Erie's commercial fishing industry dates to the mid-1700s, when the first European settlers at nearby Presque Isle marketed muskellunge that they'd taken with hook and line.

Settlement on the lake intensified after the defeat of the British in the War of 1812. So did fishing, which was conducted primarily by hook and line and haul seines, until the 1850s when pound nets and gill nets were introduced to the lake.

Increased demand for protein during the Civil War accelerated the industry's development, and by the early twentieth century ice-cooled railroad cars were stopping daily at Erie's docks to pick up tons of whitefish, cisco, yellow perch, blue pike and other fish destined for markets in New York, Philadelphia, Pittsburgh, Detroit, Cleveland and Chicago.

In 1903, Erie's fishermen landed nearly 7.3 million pounds of fish, with a dockside value of \$300,000 and a retail value of nearly \$900,000. These landings were about half those of 1902, wrote Erie fish warden George Hamberger, because of "unfavorable weather conditions in the lake in 1903."

Erie's fishing industry at that time employed about 350 men on 83 boats, another 100 in the seven fish houses, and an unknown number of wives, daughters, friends and relatives who hung in the fishermen's new nets. All workers belonged to some form of labor organization such as the Licensed Tugmen's Protective Association, Gill Net Fishermen's Union, Twine Stringers' Union, or Fish Dressers' Union.

Vessels and gear consisted of 45 pound nets, 72 trap nets, and 83 gill-net vessels which included 65 steam tugs, 12 sail boats and six new-fangled gasoline-powered boats. Gill nets were made of cotton or linen, and each boat had about five miles of nets in the lake all the time, with about the same amount drying on reels to prevent rot of the organic fibers.

Hamberger estimated the capital value of Erie's 1903 gill-net fleet at \$267,200, with the 12 sailboats averaging \$300 apiece and the six gas boats \$600 each. The 65 steam tugs ranged in value from \$3,000 to \$10,000, with "one fine steel tug that cost \$12,000."

By 1994, it cost almost as much to build a single gill-net "tug" as it would to replace the entire 1903 fleet. But none of Erie's fishermen were building new boats—after centuries of production, they no longer had a future.

DIVIDING THE PIE

Jurisdictionally, the Canadian province of Ontario controls upper Lake Erie while the lower lake is subdivided among the four U.S. states on its southern shore according to the length of their shorelines. Each year's projected fishery harvest is likewise allocated to those entities—by the Lake Erie Committee of the Great Lakes Fishery Commission—after which they're each free to distribute their portion as they wish.

The Canadians maximize the benefits from their portion by sharing it meaningfully between both the sport and commercial fisheries. In 1994, Ontario's commercial harvesters alone landed over 28 million pounds of fish, worth \$30 million, from their side of Lake Erie.

On the U.S. side, where the states allocate their fishery resources preferentially to recreational anglers, 1994's commercial landings totaled less than 5.4 million pounds, about one-fifth that of Ontario. Of that, Ohio ranked first, with 4.7 million pounds, followed by Pennsylvania with 555,000 pounds; Michigan, 115,000; and New York, 9,000. The U.S. harvest was proportionately less valuable than that of Canada because stateside sportsmen had begun to elbow netters away from the more choice species as early as the 1950s—in the waters off Detroit—and elsewhere in the 1960s, as the number of leisure anglers took off.

So, by 1994, the Erie fishermen's bread-and-butter species was itself of little concern to sportsmen.

WHITEFISH

Native to far northern freshwater lakes, the lake whitefish is hardly aggressive, soft-mouthed and, compared to other available species, a wimpy game fish. But whitefish is the main ingredient in the Jewish gefilte fish and is also smoked and widely marketed as a cheese-and-cracker-type appetizer.

Of the 870,000 pounds caught by both U.S. and Canadian fishermen in 1994, more than half was landed in Ontario while Pennsylvania's netters accounted for about 40 percent, more than 350,000 pounds. According to Lee Stinson, owner of Shoreline Fisheries in Port Clinton, Ohio, "We bought almost every single whitefish that was caught in Pennsylvania. Our trucks went every day. That was a good little fishery.

"Whitefish is oh so good smoked and we sold most of 'em to smokers in New York," said Stinson. "We had some smoked here, we sold some fresh around here, and then we sold some to Chicago, Boston, Phillie and, well, whatever you know, the cities. A lot of it went to California too."



Lake whitefish: A staple of Erie's commercial fleet, the whitefish was of little importance to the recreational fishery, yet sportsmen obsessed over the possible incidental entanglement of their favored species in commercial fishermen's nets.

PERCH

Erie's second most important commercial species was the colorful yellow perch. Pan-sized, the perch was typically filleted and served as an entrée or in a sandwich. According to Billy Munch, a second-generation Erie netter, who also marketed the catch of fellow fishermen through a company his father had founded in 1939, "Our yellow perch mostly went locally. Hell, I had 80 accounts, easy."

A cultural icon around Lake Erie and upper Midwest lakes, the yellow perch pleased consumers, sustained commercial fishermen, and was the sport fishery's default species: It was abundant, readily took a hook, and what it lacked in heroism it made up for on the plate.

Perch were worth more than twice as much as whitefish, and Keystone State gillnetters landed more than 200,000 pounds as recently as 1989, before their industry-wide quota was reduced to just 35,000 pounds.



Yellow perch



Yellow perch were still on the menu at this Sandusky, Ohio, restaurant when this photo was taken in 2006.

WALLEYE

Still, that was more than twice the quota allowed on walleye, the most prized of Lake Erie's native species. The largest member of the perch family, the walleye attains a weight of over 20 pounds, and is considered to be one of the most savory of freshwater fish. Its size, performance on the hook, and toothsome flesh make the "walleyed pike" one of the most important game species in North America.

"The species demands top prices at the fish markets and in restaurants," stated "McClane's New Standard Fishing Encyclopedia and International Angling Guide." "However, its high angling value limits commercial fishermen to operating only in the largest waters or in remote areas where there is little or no competition with anglers. These waters occur primarily in Canada, the Great Lakes and in a few of the large inland lakes in the Northern states. Gill nets are the primary method by which walleyes are taken by commercial fishermen."

During the mid-1990s, Lake Erie's Canadian fishermen—working under a progressive management system that included caps on both the number of commercial licenses issued (limited entry) and the amount of fish each fishermen could land (individual fishing quotas)—produced about ten million pounds of walleye each year.

Ohio was allocated about as many fish as Ontario, yet the Buckeye State had shut down its commercial walleye fishery "for five years" during an early-1970s mercury scare. It was never reopened.

Michigan and New York had likewise allocated all their walleye to the tourist fishery, which left Pennsylvania's commercial quota the last on Lake Erie's American shore. By 1994, it had been reduced to just 15,000 pounds and could be fished only during a ten-week autumn season, when the lake was at its roughest; fish inadvertently snagged outside of that season had to be returned to the water, dead or alive.

Such incidental catches of walleye and other charismatic species like lake trout—which was exclusively reserved for sportsmen—were biologically insignificant, perfectly sustainable, and likely paled in comparison to the number of undersized or otherwise illegal fish that had to be

discarded—dead or alive—by Pennsylvania’s anglers on the way to, for instance, their 1993 walleye harvest of more than 125,000 keepers weighing 564,000 pounds.

While regulatory-induced waste is perhaps unique to fishing, *all* productive activities have their imperfections. Reasoned minds balance such “costs” versus the benefits of the activity. However, few of the Keystone State’s sport fishermen were operating on such a level in 1994.

EMOTIONS

“These guys talk like, ‘This is *my* lake. These are *my* pike, they are *my* things,’ explained commercial fisherman Jerry Mathers. “They’d follow us in the morning to take pictures of the fish we were throwin’ out and they’d say, ‘We got you!’

“I had to laugh, we’d get five tons of whitefish and two lake trout, right? We threw over a lake trout and this other guy, he’s a janitor. He was takin’ the pictures and he dipped it up, which is illegal. He took it home, so we called up the warden and he went and fined him for it. The guy says, ‘Why? I was just takin’ it for evidence.’

“The warden said, ‘You had no business takin’ it. There’s no “evidence,” they’re *supposed* to put ‘em back in the water, dead or alive.’

“Then, when you’d come in, you’d get these guys reaching into the fish box, and I’d say, ‘Are you with the Pennsylvania Fish Commission?’

“‘No.’

“And I’d say, ‘Then keep your hands off!’

“‘Well, what’s the secret?’

“You know what they’re after. See, if a little kid comes up, and he wants to look at some fish, I’m all for it. But these guys come runnin’ down there looking for something to run back and say, ‘Yeah, yeah, he’s got one!’

“You know, you’ve got five tons of whitefish and one walleye—‘look at all these fish I’ve got’—but they’re more concerned about, ‘He’s got that walleye. I didn’t get that one!’”

BAN THE NETS!

Sport fishermen initially tried to ban nets during the 1990-1991 legislative session, but Erie’s commercial fishermen turned them back. During the 1994 session, the anglers pulled out all the stops.

Right or wrong, politicians will support a cause if it’s popular. And with the Pews’ slanted fish crisis campaign crescendoing nationally—“Billions of pounds of commercially valuable fish carelessly discarded overboard dead and dying every year...”—the sport fishermen’s anti-commercial initiative at least appeared to be the right thing to do. To provide the politicians with even more cover, the anglers lined up some local supporters.

ALLIES

Like a rusting diner along an abandoned highway, Erie’s working-class neighborhoods look like they’ve seen better days, and they have. Their maple-lined streets used to bustle as workers poured out to foundries, factories and mills where they manufactured things that America and other countries needed. From the same neighborhoods, other workers made their way down to their boats, or the net shops, boatyards or fish houses that depended on the fishermen.

By the mid-1990s, pollution and regulations had reduced the commercial fleet from its pre-World War II heyday to about eight vessels. And cheap foreign labor and imports had caused most of Erie's mills to be "downsized" or shuttered.

On the lakefront, however, a wall of high-rise condominiums and other "upscale" developments signaled a fresh source of money. The town was re-inventing itself as a destination for tourists, from nearby Pittsburgh in particular. With a racetrack and gambling casino on the drafting table, Erie already had an attraction in its sport fish and fleet of charter boats.

Even so, net fisherman Jim Milewski was astounded to learn that, "They had the city council vote that we don't want gillnetters here in Pennsylvania. The city council! We didn't even know about it. I found out about it later and went up there and got a transcript, and I said to the head of city council, 'Hey Bob, you voted on this?'"

"Yeah, what about it?"

"I said, 'Where do you get the friggin' right to try to put us out of business, to take our livelihood away?'"

"Oh, he didn't know what to say. But that's what them sport groups did, they swung a lot of weight. Doctors, lawyers, you know, belong to these sports groups and they went up there and talked to that city council: 'We don't need these guys, it's gonna improve the tourism if we get rid of 'em, you know? You'll catch more fish.'"

"All right, I believe you, yeah."

When you're defending your livelihood in the State Legislature, it's obviously no help when your hometown's own government comes out against you. Then again, city council members aren't generally selected according to their knowledge and experience in fishery management. So, the sportsmen brought in someone who was.

The Pennsylvania Fish and Boat Commission's roots went back to 1866 when the governor appointed a single commissioner to, ironically, investigate water pollution and the stopping of spring shad runs by dams. By 1994, the agency's name was synonymous with both the entire department, including all its fishery biologists, and the panel of appointees that set policy for the agency.

The ten-member panel included no one from the commercial fishing industry and was in fact chaired by an Erie charter boat operator who had little difficulty convincing his fellow sport-fishing commissioners to endorse his bill to ban commercial gillnetting.

Wildlife and fisheries agencies in the U.S. try to follow a North American model of resource management which generally requires that management actions be based on a foundation of concrete scientific facts, rather than the shifting sands of emotion. So, the Fish and Boat Commission's endorsement of the sportsmen's net-ban legislation was unusual, yet not unprecedented.

A decade before, Minnesota's Department of Natural Resources aided in the elimination of the century-old, 2.5-million-pound commercial fishery on the American side of Lake of the Woods where, in a sign of the times, the fish house was replaced by a casino. Also in the 1980s, the Texas Parks & Wildlife Department had teamed up with recreational anglers to do away with commercial fishing of redfish and other choice coastal species, after monied sportsmen took control of the department's policy-making commission.

However, unlike in Texas, where state biologists either resigned in protest or agreed to remain on the job and pretend that commercial fishing was more detrimental than recreational fishing, the integrity of state biologists in Pennsylvania wasn't compromised by their agency's actions: As the Fish & Boat Commission's spokesman clarified, in the *Erie Times-News*, the

commission's endorsement of the net ban had nothing to do with biology, and was based solely on "social and political issues."

POLITICS

Pennsylvania's anti-commercial legislation was promoted by the competing charter boat industry, and private sport fishermen, who were organized as the Erie Downriggers and the SONS of Lake Erie ("Save Our Native Species"). In addition to banning gill nets from the state's 900-square-mile piece of the lake, the legislation proposed a \$3.50 surcharge on sport-fishing licenses; funds thus raised were to compensate the working fishermen and help them convert to the use of trap nets, a cumbersome piece of gear that had in fact been long before abandoned by Pennsylvania's fleet.

Prior to the bill's hearing before the Legislature's 30-member Fish and Game Committee, in Harrisburg—the state capitol—several members of that committee traveled to Erie on a fact-finding mission. The subcommittee held two hearings there, an informal one for the horde of recreationists in favor of the bill, and another for the hundred or so fishermen, fish cutters, restaurateurs and other opponents of the measure.

According to Mathers, "We asked them, 'What *is* the problem here? You know, you've got us under quotas, you've got us under scrutiny, you've got people down here with glasses watchin' you all the time, you've got these other jerks who are a pain, what else do you want?'

"Well, they wanted us out.

"While the lawmakers were up here, one of 'em actually came out and told us that they wined and dined 'em, and took 'em out, specifically, right around our nets. These guys had never caught a fish, they're from the middle of the state, they don't even see a pond except for the toilet, and they take 'em out fishin'.

"So, at the hearing one of the lawmakers says, 'We went over by your nets and found some fish.'

"I said, 'So what? So what if you caught a fish by my nets? What does that mean?'

"This guy's got polyester clothes on with a choker thing so he couldn't hardly breathe, the pants don't match with the top, and he went fishing for the day, see? He was in the construction business or somethin' like that, and he didn't have a clue about what fishing was. He caught a fish by the nets and, 'That's where they all are, where your nets are. That's all I need, I'm voting against you.' I couldn't believe it.

"It was the same thing when we went down in front of the whole committee in Harrisburg. We sat there in front of 30 people, up there on their benches and, 'Hi.' We had our say and that was it. It didn't matter what was said, you know?

"But we told 'em, 'We just don't understand how the state of Pennsylvania wants to bother eight people.' You know, that they don't have nothin' else to do, that they want to get rid of eight people fishin' on the lake.

"Really, there were eight guys, but only four were fishing full time. Three were part time and one was retiring. Most of 'em were gonna retire anyway. And they couldn't let it go!

"One of 'em says, 'Do you know why you're here?'

"No, I have no idea why we're here. We have *no* business bein' here, at all. *None* of us!"

"They didn't like that, but the whole thing was, it wasn't a biological matter or an environmental thing. I think that was the key there. There's nothin' they showed that had to do with the environment: That gill nets were killin' everything, and everything was just dyin' and there was no more. No, it was all just political. They just said, 'Well, everybody else is doing it,

why don't we do it? Ohio did it.' And they kept bringing up, 'The incidental catch, you're killing fish.'

"And I said, 'Well, how many are we killing? Where are they at? What's the percentage on it?' They had nothing for that. They didn't have no proof that said you actually were causing any harm.

"They were ready to railroad us, we got that right off the bat. They didn't want to hear anything that was positive. They were tellin' the biologists to shut up. A couple of 'em got up, and they were talking about the different things, and they'd just shut 'em up and say, 'Well, we'll look into it.'

"The biologist with the Fish Commission, he came right out and said, 'Either net, it doesn't matter.' You know, gill net, trap net, it doesn't matter. We knew that, but he's not going to really go to bat for us. That's his job, and the Fish Commission, politically, they go whatever way it goes.

"After we said our piece and walked out nobody said nothin' else about it, and the next thing you know, it's in the papers. There's a thing called the Pennsylvania Bulletin and you've got to be a lawyer to get it. It has all the laws and there it is: 'Ban the gill nets.' We didn't know we were out until we read it in the paper. It was very quietly done."

The Pennsylvania General Assembly's Act 79 was signed into law in October 1994. In addition to outlawing the use of gill nets on the lake, it authorized a \$3.00 surcharge on recreational fishing licenses to compensate the commercial fishermen for the taking of their gear.

NOW WHAT?

"They told us, 'We're not puttin' you out of business, we're just takin' your gill nets away,'" said fisherman Jim Milewski. "'You can make a good living with trap nets,' they said."

Trap nets are house-sized boxes of coarse-twined webbing that are anchored to the bottom, in a fixed location, for months at a time. Like fences, additional nets, or "leads," extend several hundred yards from each trap, to intercept traveling fish and lead them into the enclosures. Inside, the fish swim unharmed until fishermen raise the trap and brail them out with dip nets; non-targeted species like sport fish can then be released alive. The latter feature appealed to sportsmen, who seemingly knew little else about the gear.

Nor were Erie's commercial fishermen versed in the use of trap nets, but as they awaited their settlements from the state, they had to decide whether to invest in the gear or take the money and run.

Ohio fishermen had used trap nets since at least the 1880s, but by the 1980s most had converted to the more versatile gill nets, which allowed fishermen to follow the fish instead of waiting for their quarry to come to them. Then, in 1983, sport groups, such as the powerful United Polish Fishermen's Club, forced a ban on gill nets. Buckeye State fishermen fell back on trap nets, and by the 1990s were producing a solid four million pounds of about a dozen species of fish.

Erie's Jim Milewski and Billy Munch went over to see how they worked.

"We got videos and everything," said Milewski. "We talked to trapnetters up there and one, Dean Cook, he told us all about it. He said, 'Listen, you cannot make any money unless you own at least 20 traps.'

"Then you're talking \$7,000 a trap, plus all your anchors, this gear, that gear, convertin' your boat. And then we don't know nothin' about it! What we were gonna do, we'd have hired one o' these trapnetters and got him down here to show us what's goin' on. But they bought us off for

chump change here, the amount of money that they gave us was nowhere near enough to get involved in the trap-net business. You needed no less than a quarter million dollars just to get set up. And then there was no guarantee that you were gonna make any money.”



Billy Munch's Joann-M hauling gill nets with a mechanical lifter, before Pennsylvania's sportsmen and politicians rendered his 45-foot "tug" obsolete. After nets are lifted, they're cleared of their catch within the enclosed superstructure, which in many Great Lakes boats is heated with a wood-burning stove. Gillnetters moved with the fish from day to day by re-setting their gear in different locations and at varying depths. *(Courtesy of Jim Milewski)*

Bill Munch, whose gill-net vessel was too large to be converted to trap netting, expected a settlement of around \$100,000. But, he said, "For a new trap-net boat you're lookin' at about \$125,000, \$130,000. And then you're not even gettin' the nets yet. You're not even gettin' started."

As much as they wanted to continue fishing, the arithmetic didn't add up: Munch finally opted to retrain as an installer of fiber-optic cable, Milewski took a job running a crane at a steel mill, one fisherman moved to Canada and all the rest quit the business, except one.

STARTING OVER

"I said I'd never do this, I'd never fish again," said Jerry Mathers. "I fished as a kid, and me and the stepfather didn't get along—you know how that goes. He'd yell at you all the time 'cause you're the only one on the boat. Plus, we didn't have much, and my mother wanted him to go work in the shop. He worked in a few of the shops around town, GE and Lord's, but every spring he wanted to go fishin'.

"He fished for like 55 years and taught me back in the '50s.

"I started back fishin' 20 years ago. I had come back from the Army, and I was workin' construction and goin' to college, nights. I never thought about fishin', but fish became worth good money. Perch was \$5.00 a pound and, man, that was big money, compared to 50 cents a pound when I was a kid.

“I was workin’ construction, bein’ laid off, so I thought, ‘Well, I’ll jump back fishin’, at least I know how to do that.’

“I got a little boat, a rowboat, pulled by hand. I tried to do that in between construction jobs, but every time I’d set the nets, they’d call me to come to work. I’d ask ‘em, ‘How many days is it for?’

‘Oh, we don’t know.’ So I’d pull everything out, and it would be for one day.

“I was sellin’ to a couple o’ restaurants, a few people that I knew. You know, ten or 15 pounds, 75 or 50 bucks a week. Man, \$200 a month, that was a car payment.

“I did all this myself, pullin’ the nets by hand, and all these guys thought I was nuts. Then I got another guy helpin’ me and we kinda went at that. And then I got the bigger boat, picked up some more people until I had about ten workin’ for me. Then the old rug came out from under you.

“For the buyout, they went by how much you caught. The amount was based on your best two years, from 1990 to 1994. And for two years, I nailed the whitefish. They followed *me* around. So I came out pretty good. I got about \$145,000—more than anybody else, but it didn’t last long.

“I had never worked with trap nets before so I went up to Ohio, got the nets and I went out on a boat, watched ‘em set one and I watched ‘em pick one up and that was it. And then I came back and tried to figure it out myself.

“But your boat’s not right—you’ve got to change that—and then you’re comin’ at your nets from a different way. I stumbled and fell, and if I didn’t have a line in my prop every ten minutes it wasn’t a good day.

“After I got the nets they said, ‘Well, the mesh size has to be this.’ So I had bought the nets from this guy, you know, \$20,000, and they’re no good. So I start convertin’ them over in the middle of the summer, and I got hot. I said, ‘You know what fellas? Why the hell don’t you go up there to New York or Ohio and see what they do before you make all these regulations.’ So they did.

“After they came back, I had half of ‘em cut up, and they said, ‘Well you don’t have to do that, it doesn’t matter.’ Oh really? So you wasted a year there, plus the money you paid.

“When I did get started, I didn’t get out ‘till June, so spring was gone. And spring is when the fish come ashore, that’s when you catch your fish. By June, it was African hot and the fishin’ wasn’t good.

Then some of my nets got lost when the fall came and it froze and the ice cut the buoys. Come the springtime, I had to look for ‘em. You know, thousands of dollars sitting out there, but I had to get down and fish. It’s been just one thing after another. I don’t think I made \$5,000 for the first year.”

“Now the second year, I felt that I could do it. The guy had said, ‘These nets, they catch perch.’ Well, yeah, but you’ve got to be up on the beach to catch perch, not four miles away.

“Eventually, I got them to change the law here, to let me get my nets closer to the beach, to let me fish more than ten nets, and some other stuff. They kind of wanted me to be successful, so they could say, ‘Look, it works.’ See, these guys had said, ‘You can make a good livin’ with trap nets,’ but they didn’t know nothin’, they’re plumbers, electricians!”

THE LAST FISHERMAN

As if learning a new fishery weren’t enough of a challenge, Mathers was also building a retail business.

While he was still gillnetting, he wholesaled his catch to Munch Fisheries, but had also begun to make payments on a burnt-out building which he was gradually refurbishing. The idea was to eventually open his own retail fish market, where he'd be able to get a better price for his fish. With Munch's operation shut down—and his twenty seasonal employees let go—the need for an outlet became more urgent.

After running through his buyout stake, Mathers was forced to borrow additional funds from the bank and relatives but eventually opened his store which he named, "The Last Fisherman."

"We're strugglin'," said Mathers, in 1999. My wife helps me with the business, and so do our two oldest sons, but she had to go back to work to help pay the bills.

"I figured they had a need for a fresh-fish market. It's the only one in town. But they don't know you're here, and you don't have the money to tell 'em. I figured I'd give it a year, but then people tell me it takes three to five years, three if you're good. I don't want to hear that!

"Our line of credit's down to zero, but I think it'll go. It's just if I can hang in there, I don't know what else to do. You get some good things, but you're also getting tired. I'm at the point now, wondering whether to shuck it. Also, what am I gonna do out there on the lake?

"Either way, with the store or the fishin', I'm getting it all around. All I want to do is pay the bills, I don't expect to, you know, we're fishermen. It's an honest life and every day we go out is exciting to me. I don't expect to get rich.

"You read in these articles, 'We didn't intend to put them out of business. We didn't intend to kill an industry.'

"Really? If they'd have given you enough to get the equipment that'd let you produce the fish you were used to, fine, let's go do it. If you didn't want to do it, fine. But they didn't do that. They said, 'Here's a year's wages, have a nice life.'

"It takes three to five years to learn how to fish all over again, and these other guys just watch me. They come down, 'What do you got? What are you doin?'" But I don't see anybody else jumpin' in.

"They're all eligible and if I was successful, I'm sure somebody else would come out. But they just watch me spending my money.

"That was something this idiot charter boat guy was saying. He told everybody that trap nets would be so profitable that a bunch o' the Ohio guys were chomping at the bit to get licenses here. How many of those guys do you think came over? In Ohio the lake's a lot shallower, and over here it drops right off. Do you think they don't know that?

"Fishing was the backbone of this town at one time. It's Erie's heritage and it shouldn't be lost. But there is no one trying to come up in this. A kid came by awhile back and said, 'That's what I want to do, I want to be a commercial fisherman.' You want to cry because there's no chance of it."



Jerry Mathers

In the eight years from 1988 through 1995, Erie's gillnetters landed over 3.5 million pounds of more than a dozen species of fish, with an annual average of nearly 450,000 pounds. After the gill-net ban took effect in 1996, landings fell to an all-time low of 21,771 pounds in 1996, 29,696 in 1997, and 27,645 pounds in 1998.

In 1999, Virginia Smith, co-owner of Chuck and Ginny's Place, told the *Erie Times-News* that she'd purchased her fish from local commercial fishermen, before the gill-net ban. "The restaurant often sold 100 pounds of perch dinners each week. I was really crushed when it happened," said Smith. "We're here in Erie. We should be able to use those resources. It's a dirty rotten shame."

Ed Kissel, vice president of the SONS of Lake Erie, which pushed for the ban, told the paper that he would like to see Mathers and others succeed with trap nets. "The marketplace could use more fish. Erie was known in the past for its freshwater fish. Now we have a situation where the fish are imported into the market."

NEW JERSEY

Just as Pennsylvanians with a hankering for wild-caught yellow perch turn to imports from Ohio or Canada, they must also look elsewhere for their shad roe.

The nearest commercial fishery is just across the Delaware River from Pennsylvania's artsy New Hope, in Lambertville, New Jersey. However, the Garden State's last remaining shad

seining operation is now more of a historical reenactment and research facility than an engine of production.

The Lewis family first began to haul seine at their Lambertville site in the late 1880s. Family members still drag the same waters every spring and keep meticulous records, which they make available to the state's fishery agency and anyone else who's interested at www.njfishandwildlife.com/del_river_rpt19.htm#5-28.

(During the 2018 spring run, the Lewis seine crew made 39 hauls over 30 days and caught 864 shad, released 529, and kept a total of just 335 fish.)

In addition to providing valued data on the shad population, the folks at Lewis Fishery demonstrate their netting operation during the annual Lambertville Shad Festival, which coincides with the fish's spawning run.

While the elimination of the Lewis's low-tech seining operation wasn't necessarily at the top of the sport fishermen's hit list in the mid-1990s, when a powerful new sport-fishing triumvirate rallied the state's anglers, none of New Jersey's commercial fisheries was safe.

COMMERCIAL FISHING

Situated in the center of the Middle Atlantic Bight, New Jersey enjoys a relative abundance of productive marine fish habitats.

Just off the 150-mile coastline, a chain of sandy barrier islands takes the brunt of the Atlantic's wave action and protects a maze of tidal rivers, bays and estuaries.

Offshore, a wide continental shelf lies studded with wrecks and natural reefs that house tasty bottom fish like black sea bass and tautog; in deeper waters, submarine canyons and slopes attract delicious tilefish and more charismatic pelagic species like billfish and tuna. Along the state's southern border, inshore of Cape May Point, the Delaware River widens into Delaware Bay, a major East Coast estuary known for its weakfish, a large seatrout that's highly valued by both sport and commercial fishermen.

In 1993, the Garden State's 1,728 commercial boats landed 196 million pounds of seafood.

The three biggest commercial fisheries were surf clams (48 million pounds), ocean quahog (41.5 million pounds), and squid (33.1 million pounds).

Of the 60 million pounds of about 20 species of finfish landed, nearly half were the industrial menhaden, followed by monkfish (8 million pounds), scup (4 million pounds), herring (2.9 million pounds), Atlantic mackerel (2.7 million pounds), summer flounder (2.5 million pounds), whiting, or silver hake (2.4 m.p.), bluefish (2.2 m.p.), tunas (1.4 m.p.), black sea bass (1.4 m.p.), butterfish (1.3 m.p.), dogfish (1.1 m.p.), tilefish (1.1 m.p.), weakfish (834,500 pounds), skate (829,300 pounds), swordfish (679,400 pounds), and mako shark (463,900 pounds).

Including an estimated 2,700 people working on the boats, the seafood industry employed about 22,000 workers in the docks, processing plants, and the wholesale and retail sectors.

Commercial fishermen in 1993 received \$96.3 million at the dock for their catch, which multiplied in economic value to about \$600 million as it ascended the market ladder to consumers.

SPORT FISHING

With its many seaside resorts and proximity to the heavily populated mid-Atlantic region, which included major cities like New York and Philadelphia, New Jersey had historically focused on tourism. In addition to its sun-and-sand beach attractions, the coast offered gambling at Atlantic City, and sport fishing.

The state's for-hire fleet included 85 charter boats, which averaged 38 feet in length and carried a maximum of six passengers. Another 70 party boats, which averaged 67 feet, each carried up to about 50 "head" of paying customers to the bottom-fishing grounds where they expected to stock up on fresh fish.

In 1991, nearly 750,000 resident and non-resident anglers, over the age of 16, made 5.76 million marine fishing trips in New Jersey. According to the Sport Fishing Institute, the anglers each spent an average of \$72 per trip, or a total of \$417.2 million.

Recreational fishing activity had been declining in New Jersey since 1986. A recession in the early 1990s didn't help business: From 1991 to 1993 expenditures fell 23 percent, to \$321.3 million. Even so, according to the SFI, those expenditures translated into a total economic value of \$762.2 million, which was \$162 million more than the amount that the state's entire seafood industry generated, yet it was apparently not enough for some corporate participants in the recreational sector.

UNITING IN FORCE

The National Alliance to Save Fisheries held its first New Jersey meeting in August 1995. Formed earlier that summer, the Alliance was a partnership of the American Sportfishing Association, the National Marine Manufacturers Association and the National Marine Trades Association.

The Washington D.C.-based American Sportfishing Association was itself the product of the recent merger of the American Fishing Tackle Manufacturers Association and the Sport Fishing Institute, and included corporate manufacturers of sport-fishing boats and tackle, outdoor retail stores, state and federal fish and wildlife agencies, angler advocacy groups such as the United Anglers of California—which had spearheaded the 1990 nearshore net ban in southern California—and outdoor media groups such as *SaltWater Sportsman* publisher Times Mirror Magazines, which had recently orchestrated the nation's most ambitious fish propaganda campaign to that time.

The National Marine Manufacturers Association represented 1,600 manufacturers that produced about 80 percent of all marine products used in North America, including boats, marine engines, and accessories; the Marine Trades Association represented retail boat and motor dealers.

Claiming that its members felt threatened by real declines in fish stocks, apparently ineffectual regulations, and a "perception" among their sport-fishing customers that fisheries were in crisis, the National Alliance to Save Fisheries set out to "fix" fishery management.

Its leaders claimed to recognize that each coastal region in the U.S. was different and insisted that the group didn't seek an all-out attack on commercial harvests, yet the Alliance developed a largely one-sided national agenda with four stated goals:

- Identify those fish species that were most important to sport fishing and work to achieve gamefish status for those stocks. Gamefish status prohibited the sale of a fish.
- Urge restrictions on netting in state waters, "though not necessarily a ban in all cases."
- Promote improvements in fish habitat.
- Curtail depletion of large pelagic species such as sharks, billfish and tuna.

The national Alliance pledged to work with sport-fishing leaders around the country to apply those goals “to their specific problems,” and while it’s difficult to determine to what extent the group operated behind the scenes in other states, it very visibly set out to make its mark in New Jersey.

BATTLE PLAN

In this most densely populated of American states, saltwater anglers were already well organized by the militant Jersey Coast Anglers Association, a league of more than 75 fishing clubs with leaders who were politically savvy enough to have already won gamefish status for the striped bass, back in the late 1980s when many other East Coast states were preparing to reopen their fisheries on a shared basis.

New Jersey was also the headquarters for the Alliance’s prime movers.

National Chairman Dick Weber operated the South Jersey Marina, a Cape May yacht harbor, yacht dealer, and port for a fleet of for-hire charter and party boats. “Commercial fishermen seem bent on destruction, but we’re not going with them,” the well-known charter captain told the crowd at the Alliance’s inaugural New Jersey meeting. Bold actions were simply “a matter of survival,” said Weber, whose “battle plan” was “designed to preserve quality inshore fishing for the future,” by prohibiting all commercial finfishing with nets and pots within three miles of the Jersey Shore, and establishing as gamefish—in addition to the striped bass—bluefish, black drum, and tautog, which was known locally as “tog” or “blackfish.”

(Of the total 559,833 pounds of tautog landed in 1994, the private and for-hire recreational fishery accounted for 71 percent, and the commercial 29 percent. Sixty nine percent of the state’s 3-million-pound black sea bass harvest was landed by recreational anglers, 31 percent by market fishermen.)



Black sea bass. (Courtesy of NOAA’s National Ocean Service.)

ON THE MARCH

Private anglers wholeheartedly embraced the new group’s goals, which were to be accomplished in the 1995-1996 legislative session by following a “game plan” that was laid out in a memo from the Alliance’s State Affairs Committee Chairman Bob Healey, CEO of New Gretna-based Viking Yachts:

Upon the advice of politicians friendly to their cause, Alliance leaders would employ a person “with substantial credibility in Trenton” to prepare a report with the “necessary facts and

statistics” to convince lawmakers of the need for the legislation.

The report would detail the “over-harvesting” of various recreational fish; the “mismanagement” that allowed such over-harvesting; the “present and future” economic impacts on the marine and tourism industries as a result of the “decline in the recreational fish,” and the “ecological impact of such decline.” The report would also emphasize the “political impact that recreational fishing and marine industry people have in the state as a whole, as well as in each legislative district.”

To demonstrate their political clout, recreational anglers and industry people would solidify into a “Grassroots Army” that would organize voters throughout the state; voters would in turn “deluge” policymakers with letters urging support of their legislation, and press legislators to go on record as co-sponsors: “Anyone who is not with us is against us.”

Finally, “at the appropriate time” a rally would be held on the Capitol steps, “with banners, bullhorns and heavy media support urging the adoption of the legislation,” wrote Healy, who reminded the sportsmen’s leaders, “We want to save jobs in the marine and tourism industries and save the fish for our children and posterity!

“!!!WE ARE ON THE MARCH!!!”

PRESS

The Alliance’s leaders anticipated “heavy media support” for their initiatives, and the outdoor columnist at New Jersey’s most widely circulated newspaper didn’t disappoint.

“The inshore netting ban is sure to provoke a major battle with netters, but it has already been accomplished in California, Texas, Florida and Louisiana—all states with stronger commercial industries and much more inshore netting,” wrote Al Ristori, in the *Newark Star-Ledger*, an Advance publication.

Mississippi as well was on the verge of banning inshore netting, added Ristori, who’d been informed of that development by the American Sportfishing Association’s president, Mike Hayden, a former Republican governor of Kansas and “recent recipient of the Chevron-Times Mirror Conservation Award.” Hayden’s vice president of government affairs, Norville Prosser, had recently represented the ASA before the Magnolia State’s Commission on Marine Resources where he’d urged the panel to ban commercial netting.

Ristori considered it “ironic that such great progress in preserving fisheries has been made in the conservative Gulf Coast states, while liberal and supposedly pro-environment states to the north continue to place harvest ahead of conservation. Perhaps that’s why Texas anglers are enjoying redfish and spotted trout action better than the ‘good old days’ while we struggle for some small fluke and weakfish and are being threatened with a reduction to a three-bluefish limit in order to permit the commercial fishery for that most important inshore game fish to continue.” (In 1994 sport fishermen landed nearly 3.2 million pounds of bluefish versus the commercial fishermen’s 1.9 million pounds; recreational anglers that year took over 1 million pounds of weakfish, commercial netters less than 700,000 pounds.)

After citing the “law-breaking Belford pirates,” some “Barnegat Light gillnetters who have bragged at public meetings about all the striped bass they’re killing while shad fishing,” and, best of all, a fisherman who was observed by a conservation officer “as he clubbed 27 stripers caught in his gill net with a mallet studded with nails,” the outdoor writer concluded his first article on the Alliance’s initiative with the assurance that the group had some big battles ahead. Yet, “this is the first time an organization with the clout of an NRA has been formed to battle for the preservation of fisheries. Similar battles have been won in other states and there’s no reason why

it can't be done here if our million or so anglers and all the businesses dependent on them rise up to demand protection of the public resource.”

DEFENSE

“The Alliance basically declared war on commercial fishermen,” recalled Charlie Bergman, a Cape May-based fish processor and member of the federal Mid-Atlantic Fishery Management Council. “They were an easy target, a seemingly simple solution to the problem.”

The attack in New Jersey naturally scared hell out of family fishermen up and down the Atlantic, while their leaders resolved to stop the movement before it could spread.

“The fact that New Jersey was chosen is almost a blessing,” said Shaun Gehand, fisheries director at the Seafarers International Union, at an industry strategy session. “Dealing with the matter legislatively, as opposed to having to fight a referendum, is much easier and cheaper. We need only to reach even a minority of legislators to defeat it. And losing in New Jersey will seriously disrupt the Alliance’s national effort.”

Fishermen reacted to the Alliance’s proposals with a letter-writing campaign of their own, primarily directed to legislators and the press. In an August letter, Nils Stolpe, communications director of the New Jersey Seafood Harvesters Association, explained to the state’s lawmakers that the position of the Alliance to Save Fisheries was easy to understand in that “more water for the recreational boaters and more fish for the recreational fishermen” meant more sales for the Alliance’s members, yet that came “at the expense of the tens of millions of consumers who can’t afford or don’t want to catch their fish themselves.

“The issue, in spite of being clouded by self-serving arguments and spurious scientific pronouncements about conservation, boils down to a simple question: do a few privileged ‘sportsmen’ (and the conglomerates that sell them their expensive boats, outboard motors, fishing poles and other gear) have the right to reserve areas or fisheries for their own exclusive use, turning waters—and fisheries—that are supposed to belong to the public into their own private playgrounds?”

In a September letter to several of the state’s key senators, Stolpe, who held a master’s degree in environmental planning, encouraged long-range stewardship of the state’s fisheries, and their shared use:

“Our coastal waters are capable of providing fresh and nutritious fish and shellfish to all of New Jersey’s seafood consumers, whether via restaurants or seafood markets, as well as high-quality recreational experiences. If our management system was realistically funded and backed up by adequate science, if our vital estuaries and tidal wetlands were allowed to return to their natural levels of productivity through realistic environmental management, and if the common sense approaches that are so successfully applied by fishermen—recreational and commercial—to catching fish were applied to enhancing the productivity and utilization of our fishery resources for all users, there would be more than enough fish to go around and we could dispense with this dramatic but ultimately counter-productive sabre rattling once and for all.”

DISSENTION IN THE RANKS

The National Coalition for Marine Conservation and the Center for Marine Conservation were

both on the steering committee of Pew's Marine Fish Conservation Network. The non-profits had also joined the Alliance to Save Fisheries, in response to an invitation from its national chairman Dick Weber. But after it became clear that the Alliance's main thrust was to simply re-allocate fish from the commercial to the recreational fishery, the Center for Marine Conservation, at least, withdrew from the group.

In a September 1994 letter, the CMC's General Counsel Suzanne Iudicello told Weber, "While we wholeheartedly support your goal of promoting improvement in fish habitats, we do not endorse achieving gamefish status for recreational target species, nor do we support net bans."

(The CMC later re-branded itself as the "Ocean Conservancy" while the more partisan National Coalition for Marine Conservation now operates as "Wild Oceans.")

New Jersey's sport fishermen had of course heartily embraced the Alliance's proposals and relished the prospect of adding their state to the recreational industry's growing brag list. But their enthusiasm began to wane after the Alliance downsized its goals at a November meeting in a Lakewood plumbing supply store.

Jim Donofrio, a respected charter-boat captain, had been chosen to serve as the state chapter's executive director, and he proved to be the voice of moderation. There was no point in starting a war between commercial and recreational interests, he told the anglers, arguing that more could be accomplished by avoiding such divisive fights and instead addressing issues on a case-by-case basis: If there was a problem with a fishery, fix that problem instead of just pushing for wholesale bans on commercial fishing, "which throw everybody out of business."

Donofrio's recommendations, of course, reflected the established formula for sustainable fishery management, and as such, offered Garden State anglers little opportunity for the instantly gratifying wins that the Alliance had initially promised, and that their brothers and sisters were enjoying down on the Gulf Coast.

Even as the Alliance's New Jersey chapter began to lose its luster as a flag bearer of commercial fishing destruction, a rift appeared at the national level after a dissenting manufacturer objected to the "unholy alliance" that had been forged between businesses that were wholly dependent on sport fishermen and those whose clientele included commercial fishermen.

GOOD BUSINESS/BAD BUSINESS

Michael Jackson was president of two companies—Grundens, which marketed heavy-duty foul weather gear, and Stormy Seas, which produced inflatable flotation clothing. As a member of the National Marine Manufacturers Association, he complained that the group hadn't polled its membership before joining with the American Sportfishing Association in its "War Against Those Who Would Take All the Fish from the Sea." In reply, he was told that the association's board of directors had all agreed to the venture.

NMMA's board was heavily weighted with builders of sport-fishing boats, and included outboard engine manufacturers OMC, Yamaha, and Mercury Marine, the last of which had long supported anti-commercial-fishing efforts around the country, including a \$5,000 donation to the I-640 campaign in Washington. "Obviously, the weight of those board members negated the need to poll all members to see how they felt about this important issue, this unholy alliance," wrote Jackson, in a lengthy letter to NMMA President Jeff Napier, which was reprinted in the December 1995 *National Fisherman*.

Referring to an enclosed list of 200 member companies, he asked Napier, "If polled, how do you think these members would have responded?"

Like most NMMA members, his companies marketed their products to all user groups in the marine industry, said Jackson, and he was “unable to make a distinction of importance between sport and commercial fishing. They are ALL important to us and they both have a legitimate right to coexist.”

The American Sportfishing Association’s rhetoric “clearly outlines the strategy for the demise of commercial fishing in America,” said Jackson, and by teaming up with that “rabid organization,” the NMMA had forced its members to take sides.

“The only side I can take is to disassociate my companies from the NMMA immediately,” continued Jackson, asking “What twisted logic can possibly cause rational people to believe that the individual thrill of a living struggling creature on the end of a piece of thread is more important than the harvesting of food and the livelihood of many, many honest, hardworking people?”

“The NMMA has no business in this business,” concluded Jackson, whose slicker-suit company, Grundens, later came out with a bumper sticker, “COMMERCIAL FISHING. It’s Not Just A Sport,” which was widely distributed and earned the brand an enduring loyalty among commercial fishermen.

TOKYO RHODES

Of course, it was only good business to support one’s best customers, and even Mr. Jackson wrote that he was unable to find fault with the American Sportfishing Association “for their passionate pursuit of their industry.” Which made it all the more noteworthy when a prominent member of the sport-fishing community also slammed the Alliance.

Robert “Dusty” Rhodes had long served as Conservation Editor at *The Fisherman* magazine, which was popular with East Coast anglers from Delaware Bay to Maine. Rhodes was also serving his first term as one of New Jersey’s recreational representatives on the federal Mid-Atlantic Fishery Management Council when, in February 1996, the commercial fishing magazine *National Fisherman* published his commentary under the caption, “Sport alliance charts wrong course.”

The Alliance should have been more circumspect, ventured Rhodes, instead of sallying forth “apparently unmindful of the plunge it was about to take....Creating unproductive controversy, channeling time and energies away from key fishery issues and provoking conflicts within its own ranks add up to a pratfall of the first water,” he wrote.

The methods used to resolve fisheries “dilemmas” were as critical as the objectives themselves, to Rhodes, who claimed “an abiding and deep-rooted objection to derisive allocation schemes which leverage both passive and active participants (seafood consumers and seafood harvesters) from the picture. Far more productive and lasting are biologically supportable solutions which permit all sectors fair and equitable access to fisheries.”

In contrast to more free-wheeling state-level fishery management, federal management was conducted according to rigid standards, one of which stipulated that fisheries be fairly and equitably allocated. Clearly influenced by the gravitas of his federal position, Rhodes saw the Alliance’s arrogant attempt to win multispecies gamefish status and net bans as disruptive to the management process: “Whatever faults legitimately characterize the management process, it’s still society’s most effective mechanism for fishery control and harmony-building among fishing interest groups. Any attempts to circumvent that process is a kind of anarchy—disorder to a societal function—which serves, as anarchy always does, only private agendas.”

The Alliance had adopted the posture that its initiatives were acts “borne of frustration and

desperation,” which Rhodes could have understood, he said, had “meaningful overtures toward solutions been attempted and rejected.” Instead, “as the facts all too vividly demonstrate, the alliance set sail to confiscate and plunder, not contribute.”

The family feud widened to include partisan media such as the *Newark Star-Ledger*, as its outdoor columnist branded Rhodes a traitor whose “lengthy diatribe...couldn’t have been better spoken by a commercial fishing lobbyist...Rhodes isn’t the first recreational representative who’s gone over, but his coming out in a commercial fishing magazine is unprecedented and sends netters a signal that they can divide and conquer. Fortunately, I’ve heard nothing but revulsion from every sportsman who’s read the commentary so far—and Tokyo Rhodes may not find too many soldiers falling in line behind him.”



No More Fish in the Sea?

The oceans are in peril, no longer considered inexhaustible. Overfishing, government mismanagement, and needless bycatch and waste of fish are ruining our fisheries.

Fisheries that have sustained coastal communities for generations are rapidly being depleted. It's devastating to people who fish for a living or for recreation, and puts entire marine ecosystems out of balance.

In New England, collapsed fishing grounds are closed, tens of thousands are out of work, and the region's economy loses millions of dollars annually. We must stop that from happening to New Jersey!

We must make sure that our fisheries are managed sustainably to ensure that you and your children will always be able to catch fish off the Jersey shore.

The Future of Fishing in New Jersey Depends on You!

Call your Representative & Senators today at 202/224-3121. Urge them to support amendments to the Magnuson Fishery Act to:

- Stop Overfishing
- Reduce Bycatch
- Protect Marine Fish Habitat

Otherwise the Phrase "Gone Fishin'" Might Become "Fishin' Is Gone."

 Marine Fish Conservation Network
301/953-9111

“The oceans are in peril, no longer considered inexhaustible. Overfishing, government mismanagement, and needless bycatch and waste of fish are ruining our fisheries.” While the Washington, D.C.-based Marine Fish Conservation Network saturated media with paid ads like this—to influence legislative debate in Congress—recreational interests set out to “save,” “protect,” and “conserve” fisheries by subtracting fish from the commercial sector and adding them to their own.

NEW GROUP, SAME THEME

Anglers did agree to abandon the Alliance's gamefish and net-ban directives, and to instead support a state effort to limit the issuance of gill-net licenses to full-time fishermen only, after Donofrio explained that part-time "moonlighters" were primarily responsible for abuses in that fishery. They also hoped to convince legislators to limit the purse seining of menhaden, which served as forage for their striped bass; to handicap net fishermen by trying to ban the "roller rigs" they used to help haul back their gear; and to ban the pots that fishermen used to trap bottom-hugging species such as "tog" and sea bass.

The National Alliance to Save Fisheries soon fell apart but out of its ashes, charter-boat operator Donofrio and yacht builder Healy, in 1996, formed the national Recreational Fishing Alliance, which retained the original alliance's goal of merging industrial clout with the grassroots political power of private sportsmen: "Members include boat and marine equipment manufacturers and dealers, bait and tackle stores, charter and party boat captains and, most importantly, saltwater fishing enthusiasts like you."

According to the new group's recruitment literature, "every species of saltwater gamefish...is threatened by the predatory tactics of the politically-powerful commercial fishing groups....No matter where you fish, no matter what species you fish for, you can be sure that your favorite species is already on the "search and destroy" hit list and on the way to collapse. ...Pretty soon, there won't be any fish left for recreational fishermen like you and me—and our kids and grandkids."

Despite such rousing rhetoric, the RFA evolved into an effective organization that would in the future even join forces with commercial fishermen on certain issues.

MARYLAND & VIRGINIA

Like the red drum and seatrout, the striped bass is one of those hotly contested nearshore species that's vital to both the commercial and sport-fishing industries

Stripers range along the Atlantic Coast, from Maine to northern Florida, and spawn in several major estuaries including Delaware Bay, New York's Hudson River, and the Albemarle Sound in North Carolina. Yet three-fourths of the population is generated within Maryland's Chesapeake Bay waters.

ONE FOR YOU, ONE FOR ME

The striper population in 1994 had just recovered from a prolonged downturn during the 1970s and 1980s.

Unlike in New Jersey, where sportsmen had an exclusive grip on the species, Maryland's commercial harvesters still meaningfully participated in the striped bass fishery. Indeed, the Old Line State set the standard for equitable allocation: Managers divided the annual allowable catch evenly between the commercial and the private sport fisheries, then deducted an equal amount from each, which they allocated to the charter industry.

That the species had prospered under such an equitable allocation scenario—and in its primary nursery area to boot—opened Maryland's commercial fishery to attack by both local and national recreational interests.



Anglers with good catch of striped bass. (*B.G. Braun photo courtesy of Maryland Department of Natural Resources.*)

Indeed, the state's saltwater sportsmen had just made an unsuccessful push for the market fishermen's gear, in 1992; consequently the mid-1990s found the anglers not attacking—as they were in so many other states—but “backing up and regrouping,” said Betty Duty, administrative assistant at the Maryland Watermen's Association.

However, the trade group's president Larry Simms, a commercial fisherman, didn't expect the peace to last forever: “We've been doin' this a long while. My father fought this before me and my grandfather before him. We've always had a sportfishin' battle here, tryin' to take the fish for a gamefish. And we've had to fight constantly all our lives.”

What follows is a brief history of how the landmark Maryland Model came to be, as told by some of the folks who helped bring it about.

DOWNTURN

Maryland's striped bass fishery dated to the seventeenth century era of Captain John Smith, but the fish's population declined alarmingly during the 1970s. In 1979, the U.S. Congress passed the Emergency Striped Bass Act, which directed the U.S. Fish and Wildlife Service to identify both the cause of the fishery's decline and a strategy for bringing the species back.

Contributors to the decline were numerous and included:

- Loss of essential habitat such as the great eelgrass beds in the flats off the mouth of the Susquehanna River
- A cocktail of pollutants that flowed down the Susquehanna and other major rivers, and included agricultural pesticides like DDT (banned in 1972), acids from coal mining,

and chlorine in sewage effluent

- A whole other subset of contaminants in the rainwater that ran off nearby cities like Baltimore and Washington, D.C., and the suburban developments that proliferated from the shores of the Chesapeake Bay itself all the way up to the headwaters of its tributaries.
- Fluctuating water temperatures on its spawning grounds which scientists considered to be the most significant natural stress on the fish's population
- Inadequate restrictions on the growing sport and commercial fishing industries: "Overfishing is to be blamed on all of us—the recreational and commercial fishermen who did it, and the managers who let it happen," explained Peter Jensen, Director of Fisheries, Maryland Department of Natural Resources.

In 1984, the Atlantic Striped Bass Conservation Act established a federally coordinated management scheme that required states to shut down their fisheries while they developed rebuilding plans. Maryland imposed a total moratorium on its fishery in 1985.

REOPENING FISHERY

According to Larry Simns, sport fishermen had initially sought to exclude themselves from the closure. "And we just went in and said, 'Now look, if the fish are in trouble, and we have to have a moratorium, let's have a moratorium for everybody.' And so we shut it down for everybody.

"As soon as they put the moratorium on us, we went right to work and said, 'Okay, now how are we gonna open this fishery back up?'" said Simns. "And by the time the fishery was about to open up, we had the laws in place to open it up, with a limited fishery, with a quota system and with the quota divided up among the three user groups."

Even after the allocation scenario was established, and the moratorium lifted, in 1989, the Maryland Saltwater Sportfishermen's Association tried repeatedly to reserve the striped bass for sport fishing only.

According to Betty Duty, "They just wanted to flat out make it a gamefish and it was something along the lines that they thought it was 'conservation' because the commercial fishermen were catching too many fish. But we were all catching the same amount of fish, and finally one of the senators said, 'You know, I've listened to all of this, but a dead rockfish is a dead rockfish, whether a sport fisherman or a commercial fisherman kills it. So, where's the "conservation" here?'

"So they lost that," said Duty. "Then they tried it again, another year. And then, two years ago, in 1992, they came up with a bill to eliminate our drift-net fishery, which is the way that the commercial watermen are allowed to catch rockfish [striped bass].

"Anchor nets were the major way of catching rockfish and other fish. If you anchor nets in an area where you know the fish are going to be moving, you can catch one tremendous amount of fish, and they don't want you to be that efficient. So we use drift nets. They can be weighted just so they stay vertical in the water but they cannot have an anchor—the poundage on it is very limited. They move on the tide, they must be attended, and it's called a 'tended drift-net fishery.'

"But even with those restrictions, the sports-fishing people wanted to disallow that. We beat that bill in the legislature.

“So far we’ve been successful in all of this because we had the foresight to put a bill in that indicated that when the moratorium was lifted and the fish were reaching a restored capacity that the fishery would be opened equally to commercial and recreational fisheries without one group having an advantage. That is the bill that has come back to haunt them because that’s in the law of Maryland, so in order to do anything different, they have to overturn that. And then give the fishery to one or the other.

FAIR PLAY

“Plus there’s a sense of fair play here that finally our legislators are very good in that they listen to things and they are open and they do try to act fairly on things. So, we’ve been fortunate in that the people on the committees that hear these bills have that sense of fairness in their thinking, even though there are some that are kind of steered by their constituencies.”

The upshot was that, by the time the striper population had recovered, in 1994, Maryland’s legislators had already heard—and rejected—the sportsmen’s arguments on several recent occasions. Since “you can only bring up something so many times,” said Duty, Maryland’s watermen were spared the gut-wrenching trauma that the mid-1990s brought fishermen in other parts of the country.

VIRGINIA QUIET TOO

Nor were fishermen in the next state to the south forced into battle in the mid-1990s, even though Virginia supported sizeable fisheries in the lower Chesapeake Bay, major tributaries such as the James, York and Rappahannock Rivers, and the ocean waters off the state’s nearly 135-mile-long eastern shore.

In 1995, Jack Travelstead, fisheries management chief at Virginia’s Marine Resources Commission, described the state’s inshore net fishery as “a mixed species fishery” based on “anything from dogfish, black drum, striped bass, trout, spot, croaker, bluefish, flounder incidentally. Primarily it’s a spot and croaker fishery in the summertime, and striped bass in the fall, upon which there are a number of requirements.”

As for anti-commercial initiatives at that time, he reported, “I don’t know of any truly organized effort to outright ban any type of gear. There are from time to time groups that express concerns about gill nets in certain areas at certain times of the year. And the commission has on a number of occasions responded with regulations to address those problems. But there’s nothing even close to the Florida situation.”

Word of Florida’s November 1994 vote had of course spread throughout the nation’s fishery management, recreational and commercial fishing communities. And the nearer they were to the Sunshine State, the more feasible a repeat of such an effort seemed. So, when sportsmen in North Carolina tried to ride the mid-1990s wave of anti-commercial-fishing sentiment to their own public vote on the use of fish and shrimp nets, that state’s seafood industry came alive.

NORTH CAROLINA

North Carolina’s sparsely populated coastal plain spans one third of the state, from the Atlantic Ocean inland to the eastern edge of the piedmont. Rivers draining the piedmont meander through the lowland’s freshwater marshes and tidewater cypress swamps, then sweeten tidal creeks, salt marshes and shallow coastal sounds before entering the sea through the few breaks in the sandy

banks that delineate this fishy haven from the open sea.

Dominating the watery expanse, the Pamlico and Albemarle Sounds join to form an estuary that's second in scale only to the Chesapeake. A major spawning ground for striped bass, this estuary serves as a nursery for many of the state's other seafood species as well.

More landlocked than the Pamlico, Albemarle Sound better retains the freshwater inflow from such tributaries as the Chowan River which, by the mid-1600s, was carrying the first migrants downstream from the Crown colony of Virginia to the Albemarle's shores. The region's early settlers cleared farms and took immediate notice of the shad and river herring that each spring ascended those rivers.

River herring, such as the alewife and blueback herring, were the "granddaddy of commercial fisheries in North Carolina," wrote "Fish House Opera" authors Susan West and Barbara Garrity-Blake in their 2003 appreciation of the state's fishing culture: "Eighteenth-century planters orchestrated the strong backs and worn hands of slaves, along with indentured and hired labor, to work mile-long seine nets from the riverbanks, and to cut and salt the catch. Later, horses and then steam engines replaced slaves for hauling the huge nets."

When the spring runs ended, the upriver herring men turned to farming, timbering or other inland enterprises. Options were more limited for those who'd settled the surf-battered banks on the outer edge of the state; yet their proximity to an exceptionally dynamic area of the sea offered even greater rewards.

The Gulf Stream veers in toward the Outer Banks, putting Cape Hatteras nearer to the warm, northbound current than any other spot between South Florida and Cape Cod; sandwiched between that current and the shore an extension of the cool Labrador Current pushes south. Both currents serve as highways for marine life, from both directions, according to the season.

BUILDING AN ECONOMY

The earliest villagers on the Outer Banks and the more southerly Core and Shackelford Banks salvaged wrecks, and by the 1800s were landing and processing whales on a small-scale basis, and beach seining for saltwater fish like red drum and bluefish.

By the 1990s, Tar Heel fishermen ranged the Atlantic in state-of-the-art draggers and longliners, and worked the inshore waters with smaller boats and an assortment of dredges and pots, trawls, fly nets, sink nets, pound nets, fyke nets, set gill nets, runaround gill nets, trammel nets, purse seines and haul seines.

The state licensed 21,000 vessels to deploy this commercial gear. In 1994, about 6,500 individuals—many of whom owned more than one boat—purchased the endorsements that were required to sell seafood; of that number about 2,000 family fishermen reported annual sales of more than \$10,000 and were considered to be full-time professionals.

In addition to hiring a few thousand additional crew members, the commercial captains fueled a seafood processing and marketing sector that employed between 4,000 and 6,000 seasonal and year-round personnel. The fishermen's harvesting expenditures directly sustained gear manufacturers and dealers, service centers that provided fuel, ice, galley supplies, and boat repairs; seafood revenues thus rippled throughout the coastal economy even to the banking, insurance, and retail sectors.

North Carolina was the last frontier on the Atlantic Coast, in terms of the expanse of waters available for seafood harvest, the number of people who depended on that harvest, and the depth of its traditional fishing culture, as personified by the "Hoi Toiders" whose brogue dialect traced back to the old English, Scotch and Scots-Irish who'd settled the region centuries before.

In 1994, these saltwater fishermen earned more than \$91 million from the sale of nearly 193 million pounds of fishery products.

Some of that seafood remained in the state to satisfy the growing demand from restaurants and retail markets, some went to cities like Baltimore and Chicago, and a lot went to New York's Fulton Fish Market. Millions more dollars-worth were exported to foreign countries like Japan, where Pamlico Sound flounder—caught live in pound nets—were highly regarded; England, where dogfish were used in “fish and chips”; and Korea, which processed whole-frozen blue crabs from the state. Many of these overseas markets had only recently been developed and such diversification was bound to continue in the future, absent government interference.

DANGER

As in any region that depended mostly on the harvest and export of wild products, much of the coastal lowlands remained in their natural state, undeveloped, even after centuries of use. But pressures were mounting on this sustainable economy.



Different views from the same location on a highway crossing North Carolina's Roanoke Island: On the south side, toward the commercial fishing center Wanchese, after a millennium of fishing by native Americans and three centuries of commercial netting by Anglo-American fishermen. “A thing is right when it tends to preserve the integrity, stability and beauty of the biotic community. It is wrong when it tends to do otherwise,” wrote Aldo Leopold, in “A Sand County Almanac.”



“Own Part of an Island Where the Neighbors Bite!” A billboard invites recreational anglers to buy into a recreational fishing development, shown below, on the north side of the highway, toward touristy Manteo.



North Carolina in the 1990s was one of the country’s fastest growing states, poised to displace New Jersey as the tenth most populated. (In 2020, it’s ranked ninth with 10.5 million people.)

Its mild climate, moderate cost of living, and outdoor recreations appealed to retirees, while a “New South” emphasis on economic diversification attracted workers to such fields as finance, biotechnology, and tourism.

Though most of the growth was occurring in central piedmont cities like Raleigh, and in the western highlands around the Great Smoky National Park, it was manifested on the coast by hot

spots of high-end coastal developments, and burgeoning numbers of recreational boats and anglers.

Access to the state's saltwater sport fishing was still free in the mid-1990s, no permit required, so "effort" could only be estimated. One thing was certain, sport fishing in North Carolina, just like every other coastal state, was exploding.

According to the federal National Marine Fisheries Service, less than a million recreational anglers made about 6.7 million trips, for all saltwater species, in North Carolina in 1981, the first year the agency began to regularly publish such figures. By 1995, about 1.3 million resident and nonresident anglers made 10 million trips, an increase of nearly 50 percent. (The uptrend would continue into the new millennium: Sport fishing reached an all-time high in 2017 when saltwater anglers in North Carolina made 22.5 million trips.)

With plenty of places to fish, conflicts between sport and commercial fishermen were negligible, until the early 1990s when inland anglers started to become more assertive. Then a skirmish over a honey hole resulted in a small but definitive victory that only whetted their appetites.

CAPE POINT

Cape Point is the seaward-most tip of Cape Hatteras and each fall it bristled with more and more surf rods as shoulder-to-shoulder anglers tried to hook running bluefish and red drum as they rounded the point.

Outer Bankers had of course long worked the point, by spotting the fish and launching narrow-waisted dories through the surf to wrap them up in haul seines.

When the fishermen hauled their nets onto the beach, full of the fish that the anglers hoped to take, sportsmen reacted viscerally. Complaining that some netters were so rude as to have wrapped them up in their sets, anglers in 1992 protested with increasing vehemence to fish commissioners, legislators, and in letters to the editors of inland newspapers such as the *Raleigh News and Observer*, whose outdoor columnist Joel Arrington egged the sportsmen on: "To end injustices like those on our beaches, fish stocks must be allocated increasingly to anglers."

Fishermen were "stunned to comprehend not only the depth of vehemence outsiders felt toward their profession, but how effectively the media flamed the fires," wrote "Fish House Opera" coauthor Susan West, who resided in nearby Buxton and was married to a commercial fisherman. Although watermen considered the Cape Point conflict overblown, the issue became so divisive that Outer Banks netters finally agreed to accommodate the visiting anglers: beginning in the fall of 1993, they'd stay at least half a mile from the point.

"If that's the price the industry has to pay for peace, great," said Jerry Schill, executive director of the North Carolina Fisheries Association. "But within the next month somebody will want the commercial fisherman to inhibit his way of life even further, to the point where he can no longer feed his family."

NO NETS!

In early April, 1995, at a rowdy press conference in Raleigh that was attended by more than 200 commercial fishermen and family members, an inland politician unveiled his plan to give voters a say in fishery management by allowing them to decide whether shrimp and fishing nets should be banned from North Carolina's waters.

"The people of North Carolina have a right to vote on this issue," said State Representative W.O. "Billy" Richardson, a sport-fishing attorney from Fayetteville who admitted difficulty in

catching croakers on his forays to the coast.

“I have seen the fish stocks decline over the years, and people in policy positions not have the courage to come out and make the tough choices... We are fighting a losing battle, and if we don’t do something about it, we’ll all lose,” said Richardson, who assured the fishermen in attendance, “I am doing this for the resource—this bill will not put anyone out of business.”

The representative’s proposal was worded identically to Florida’s recently passed constitutional amendment. Unlike in that state, where virtually any motion could be put on the ballot if its proponents could score enough signatures, North Carolina’s constitution had no provision for citizens’ initiatives. As in most other southern states, a referendum could be held only with the state legislature’s approval, which Richardson was seeking to obtain in the approaching session. Even then, since North Carolina law didn’t grant the General Assembly the power to pass binding legislation based on a referendum, his proposed vote would basically amount to a glorified opinion poll.

But fishermen and their legislative supporters knew that if the seafood producers lost the state-sanctioned popularity contest, it could mean smooth sailing for the politicians to pass their own bill putting netters out of business.

“It is a *non-binding* resolution, but if you put this out there for a vote, there are people out there with lots of money who will invest resources that the fishing community can’t raise,” Senator Beverly Perdue, of coastal New Bern, told a reporter. “I don’t like to say anything bad about the public,” she added, “but in this case, I just don’t think the public outside the coastal area should be the community to decide this issue.”

Nor, of course, did commercial fishermen. How could Richardson’s proposed bill “protect” marine resources if it didn’t contain any sport-fishing restrictions, asked the North Carolina Fisheries Association’s Jerry Schill, who called the referendum concept “brilliant,” for the difficulties it presented seafood workers.

“We don’t have the time, the people or the monetary resources to educate the millions of people in North Carolina about this issue,” he said. “If there is a referendum, many people will be voting on something they know nothing about. Many of the votes will be based on nothing but emotion.”

Don Kirkman, executive director of the Carteret County Economic Development Council, cautioned that “The proposed ban would have very significant adverse impacts on the county’s economy, particularly Down East, where most families are either directly or indirectly dependent upon fishing.”

Although there was nothing illegal about restricting the use of public resources, Kirkman added, legislators and members of the public from the western part of the state, “Unfortunately, don’t appear to be sensitive to our needs.”

OPPOSITION

Regional environmentalists opposed the measure because it would distract lawmakers and the coastal community from the issues of habitat and water-quality protection which were more important to coastal fishery populations than were fishing practices, said Todd Miller, executive director of the North Carolina Coastal Federation. “Unless we deal with these other issues, nothing is going to solve the problem of vanishing resources.”

In an editorial, *The News & Observer* said, “A non-binding referendum is a little like a non-binding marriage ceremony—there’s not much point.”

Based in the state capital, the influential paper had, in a two-part series, recently drawn

attention to the “critical state” of some coastal fisheries, yet its editors considered the proposed vote “a shirking of the responsibility of elected officials to do what needs to be done as representatives of the public.”

Outdoor writers could typically be counted on to propagandize for any initiative that promised a bigger slice of the resource for the businesses selling goods and services to recreational fishermen. Yet in North Carolina, one outdoor writer, at least, discouraged sportsmen from turning to the ballot box, in part because it would compromise their defense when the same tactic was directed toward their own activities.

“Granted, few sportsfishermen tote nets or would openly defend those who do but the fact remains that what is being done to ban nets today could be done to ban some other form of traditional harvest of fish or game tomorrow. Bet on it,” cautioned Ed Wilkerson, outdoor columnist at *The Coastland Times*, in Manteo.

“Simply put, the answers to all such problems should come from those who have the experience, a desire to work with the issues, and an association with the fisheries themselves. The blanket proposal of a net ban, despite the fact that it promises a cure-all, implies that fisheries management has failed and will forever continue to do so....Putting a net ban, or any other fish and wildlife issue, before the general public takes a complex issue and permits those without any previous interest in the matter to make the final decision.”

The state’s professional fishery managers also opposed the referendum. Mike Street, Chief of Analysis and Planning for North Carolina’s Division of Marine Fisheries told *The Virginian-Pilot*, “There’s no need for a net ban...A net ban is a cop out. It reflects a complete failure of the management system. People come to North Carolina to go fishing and to eat fish at restaurants. We intend to make sure these are reasonable expectations that can be realized through intelligent management, not gear bans.”

In a staff memorandum on the potential impacts of a commercial net ban, Street later projected that landings of fish and shrimp could fall an estimated 54-73 percent, and their dockside value 39-50 percent.

SEAFOOD CATCH AT RISK

A net ban threatened the harvest of dozens of seafood species. Because of North Carolina’s latitude, and the influence of the nearshore warm and cool currents, the state marked a transition zone—it was the southernmost place where northern species were found and the northernmost place for southern species to survive.

So the netters’ harvest included prominent North- and Mid-Atlantic species like striped bass, bluefish, and weakfish, as well as most of the southern species that were fished on the Gulf Coast such as pink, brown and white shrimp, red drum, spotted seatrout, sheepshead, black drum, southern flounder, striped mullet, spot, croaker, Florida pompano, Spanish mackerel, gar, ladyfish, tripletail, and blue runner.

Specifically, shrimp, the state’s second most lucrative fishery, after blue crabs, were taken exclusively with trawls. Fishermen in 1994 landed 7.3 million pounds worth \$19 million; of that amount, the Division of Marine Fisheries estimated that 5 million pounds, worth \$13 million, came from Pamlico Sound and other inshore bays. A ban on trawls in inside waters could therefore reduce both the volume and value of that fishery by up to 70 percent. (Some of that reduction, however, could be partially offset by an increased harvest from offshore federal waters.)

Trawls also accounted for the harvest of most flounder, the state’s third most valuable fishery.

Of the \$13.8 million worth of flatfish landed in 1994, some were also taken in trammel nets, gill nets and inshore pound nets, all of which would be eliminated under the proposed ban.

Such negative economic impacts worked against the sportfishermen's proposed net ban. So did its timing: Just by chance, North Carolina's entire fishery management regime was already in the midst of a comprehensive reform.

MORATORIUM

The state's Marine Fisheries Commission—a panel of gubernatorial appointees—was authorized to regulate virtually every aspect of fishing, with the oversight of the General Assembly, which retained sole authority over licensing.

On July 1, 1994, the General Assembly had enacted a commission-recommended two-year moratorium on the issuance of new commercial fishing licenses, with an option for a third year. The time-out was precipitated by the recent tripling of the number of crab traps in the remote Albemarle-Pamlico fishery, due largely to an influx of immigrants from Vietnam and Mexico. While that matter was under investigation, fishery managers took note of the Gulf Coast net-ban efforts, which prompted the director of marine fisheries to ask, "And why stop with crabs? Displaced fishermen could pour into North Carolina and create undue stress on the resources. Let's put a moratorium on *all* commercial licenses and revamp the fisheries management system."

Concurrently, data from the Division of Marine Fisheries indicated that several of the state's 36 coastal fish stocks were "stressed" or "depressed," including weakfish, mullet, red drum, Atlantic croaker, bluefish and river herring. According to Street, stresses on the fisheries ranged from overfishing by sport and commercial fishermen, nearshore pollution and habitat degradation, to oceanographic or meteorological anomalies such as hurricanes and severe winter freezes.

With the licensing moratorium in place, the General Assembly established an 18-member Moratorium Steering Committee, in November 1994, to oversee the two-year effort. Comprised of Division of Marine Fisheries staff, university scientists, regional environmentalists, and representatives of the legislature and both the sport and commercial fisheries, the panel was charged with the review of five aspects of the coastal fishery: licensing, management, gear, law enforcement, and habitat.

"Essentially, everything is on the table, everything related to the way we manage fisheries in North Carolina, from the structure of the Marine Fisheries Commission to how we regulate water quality," said Mike Street. "Essentially, we have a chance to craft a model the whole country can copy—if we do it right and our efforts aren't corrupted by the interests of extremist user groups."

The Steering Committee was slated to approve a set of draft recommendations in early August 1996. After a round of public hearings and informational sessions, the panel was to revise those recommendations, based on the public's input, and submit its final report to the Joint Legislative Commission on Seafood and Aquaculture by November 1, 1996. Any legislation proposed by that Joint Legislative Commission was then to be submitted to both houses of the General Assembly during the 1997 session.

The reform effort would eventually encompass every fisherman, every legislator, special interest groups, several new studies, hundreds of thousands of tax dollars, a plethora of newspaper articles and opinion pieces, public hearings, and focus groups. Just eight months into that exhaustive effort, some sport fishermen introduced their own, simplified version of fishery

management.

BAN THE NETS!

Rep. Richardson's bill, which called for a public vote on nets in the November 1996 elections, was filed in the House of Representatives on Tuesday, April 11, 1995. With at least 30 co-sponsors—equally divided between Republicans and Democrats—it already had half the 61 votes needed to pass the 120-member House.

Opponents of the bill tried to get the legislation assigned to a friendly committee, such as the Environment Committee, which was chaired by Rep. John Nichols of coastal Craven and Pamlico counties. But on April 12, the House Speaker assigned the bill to the House Rules Committee which included no members from the coast.

The following day, while the bill's chief sponsor Richardson was in South Carolina, trying a court case, and with only a few minutes' notice to the bill's co-sponsors, the chairman of the Rules Committee called for a motion to reject House Bill 860, the "Limit Net Fishing Bill." Rep. Arlene C. Pulley, a Wake County Republican and, coincidentally, mother of a Division of Marine Fisheries biologist, offered the motion to give the bill an unfavorable report. "I feel that we have enough laws on the books now and this bill was unnecessary," she later told a reporter. "We were going to punish a lot of small fishermen."

The motion quickly passed, unanimously, without a word of debate. The bill was dead, and under House rules, it couldn't come up again for two years, unless two-thirds of the 120 members voted to resurrect it, which was highly unlikely.

A similar bill could have been introduced into the Senate, but that likelihood was even more remote. "I am absolutely opposed to it," declared Senator Bev Perdue, who said that she'd been in Florida during part of the net-ban campaign there and was shocked. "I don't believe Florida will ever recover from the damage that ban had done to the commercial fishing industry, or from the anger that it generated," said Perdue, who'd vowed that even if the bill passed the House, it would find "a quick and deep resting place" in the Senate. (A stately blonde, the Democrat Perdue was not to be taken lightly. Then co-chairman of the powerful Senate Appropriations Committee, she would later be elected the first female governor of the state.) Perdue was joined in opposition to the bill by most coastal legislators, including Senate President Pro Tem Marc Basnight, who was himself rated the state's most powerful politician, by the North Carolina Center for Public Policy Research.

HAPPY COMMERCIAL FISHERMEN

The bill's quick death surprised commercial fishermen more than it did some legislators.

"I really wasn't worried about this bill. I was mad," said Rep. Robert Grady, of coastal Onslow County. Grady, who acknowledged that he and Rep. Jean Preston, of Carteret County, were close to both the House speaker and the chairman of the Rules Committee, said, "We wanted to make sure it didn't hang around in committee and disturb people, wondering whether it was going to go to the floor or not. What really persuaded me to ask for a quick resolution was I was getting calls from people—particularly in Carteret County—who were so upset; men and women who said they couldn't sleep at night because they were thinking about it

"The other thing is, we wanted to send a message to the sponsors. I think we did," said Grady, a Republican, who'd stormed out of the April 6 press conference, miffed that Richardson and other inland Republicans had proposed a bill so detrimental to his constituents without first discussing the idea with him and other coastal members of the same party.

Republican Rep. John Nichols expressed the same concerns, and as chairman of the House's Environment Committee, declared, "My biggest regret was that it didn't get killed in *my* committee.

"If Mr. Richardson was so concerned about the distress on the fish stocks, why didn't his referendum ban *all* fishing for a year or two? He wants to stop the commercial fishermen but let the sport fishermen continue what they're doing." said Nichols, who added, "Personally, I think we need to put some money into fishing. We've got problems, but we are not going to solve them by banning nets."

Commercial fishermen in Pamlico County and throughout the coastal region were "mighty pleased," said Sherrill Styron, owner of Garland Fulcher Seafood and Crab House in Oriental. "It's scary to think that some people would be selfish enough to put people out of business so they can catch more fish when they are out there."

"Praise the Lord," said Roger Harris, owner of Harris Net Shop in Atlantic. "Now we have to figure out what we're going to do to fight it in an orderly manner next time."

"In a lot of ways, this restored my faith in the system," concluded industry advocate Jerry Schill. "It wasn't a partisan thing, and it showed that the politicians will look after the little people. We all feel a lot better right now, but this isn't going to go away. We haven't won the war, we just won a skirmish."

REFORM

The Moratorium Steering Committee's draft reform package incorporated virtually all the ingredients of progressive and sustainable fishery management. Among its more salient recommendations:

Membership of the Marine Fisheries Commission should be streamlined, from 17 to nine members, with representation balanced between sport and commercial sectors. A penalty point system should be developed to weed out chronic violators of fishery laws. The Division of Marine Fisheries should develop management plans for each major fishery, and annually publicize a summary of the status of the state's marine fisheries.

The number of commercial licenses should be capped and issued only to those with a meaningful income from fisheries (limited entry). A license should be instituted for recreational fishermen. Revenues from license sales should be dedicated to management and enhancement of the resources, instead of being directed to the general fund.

The General Assembly should establish and fund a comprehensive state program to acquire, preserve, and restore habitat critical to marine fisheries.



The Tar Heel state's seafood producers weren't completely spared the worries that kept fishermen up at night in other states during the mid-1990s.

After an airing in the 1996 legislative session, the reforms were packaged into a bill that was passed the following year.

During debate on the "Fisheries Reform Act of 1997" some of the original recommendations might have been watered down, or even relegated to feasibility studies for future action, which proved the fate of both the recreational fishing license and the urgently needed program to "acquire, preserve, and protect coastal fisheries habitat." But enough of the reformers' original intent remained in the far-reaching piece of legislation to provide a foundation for management of the public's fisheries into the twenty-first century.

However, because it allowed commercial fishermen and consumers to continue their participation in the fishery, such management was deemed a failure by some anglers, who introduced their own legislation into the 1997 General Assembly—it called for an outright ban on all nets, regardless of size or type, from all of the state's tidal waters inshore of the Outer Banks.

UNHAPPY SPORT FISHERMEN

"I'm sponsoring this bill because someone has to protect the fish for everyone, not just the commercial fishermen," said Rep. Frank Mitchell. "When you can't catch a fish on a hook for days at a time, something is wrong."

A chicken farmer from Iredell County, a couple hundred miles from the coast, the

representative was concerned for all of the fisheries, he said, but his main focus was the shrimping industry, which he claimed caught as much as three pounds of bycatch for every pound of shrimp.

Mitchell's bill, which included a \$7.5 million provision to compensate full-time fishermen for the loss of their gear, failed to pass in 1997. But, in the insistence of the net ban's return, as well as its direct tack, fishermen recognized the hand of the same "extremist user group" that had orchestrated the net bans on the Gulf Coast.

TEXAS-STYLE "CONSERVATION": TWO FOR ME, NONE FOR YOU

Of the plethora of studies generated by the state's reform efforts, one by East Carolina University anthropologist David Griffith included a survey of recreational fishermen. Their responses indicated that independent recreational fishermen were considerably more tolerant of commercial fishing than were sportsmen affiliated with clubs: "These individuals tend to be more hostile toward commercial fishing interests, probably due to inflammatory literature produced by various recreational fishing interests."

Griffith's survey also found that club membership "has a tendency to shift blame for declines in fishery stocks from pollution and habitat degradation to overfishing."

Indeed, in an April 15, 1995, letter-to-the-editor of *The News & Observer*, a sportsman in favor of the non-binding referendum had written, "With dwindling resources due to overfishing, water quality and habitat loss, it only makes sense to reduce pressure from overfishing—it's the one thing we all have the most immediate control over. Fish are prolific. Reduce the pressure and they'll return in historic numbers, for recreational and commercial fishers."

The writer, a Raleigh suburbanite, was a past president of North Carolina's chapter of the Coastal Conservation Association.

Originally organized in the late 1970s as the Gulf Coast Conservation Association, the Houston-based GCCA spread across the Gulf, and as it positioned itself to go nationwide, changed its name to the more generic Coastal Conservation Association. The North Carolina chapter was formed in the late 1980s.

In political strategy, proponents typically reach for the stars, and settle for somewhat less. But when the CCA's leaders didn't get their way, they simply came back, again and again, until they did. And even more than the nets, they wanted the redfish.

The red drum, or "redfish" as it is called in the South, is a warmwater species that is most abundant in the tidal marshes of the Mexican and U.S. Gulf Coast. Reds also ranged up the Atlantic as far as Massachusetts, but North Carolina was the most northerly state with a population that was sizeable enough to sustain both a traditional commercial fishery and some of the best "channel bass" angling on the East Coast. Ominously, it was also one of the few states where wild redfish could still be sold to consumers.

"It's time for North Carolina to follow the lead of other states in making the sale of red drum illegal," coaxed sports columnist Joel Arrington, in *The News & Observer*. "The official state saltwater fish is far too valuable as a draw for anglers to fritter away in the marketplace."

To reserve a fish exclusively for recreational use requires legislative action. Yet when politicians reach into the diverse marine environment and allocate a single species to a select group, trouble follows.

Conventional wisdom suggests that when a species becomes "mine" instead of "ours," the heightened sense of ownership leads to enhanced stewardship of that species. But as Griffiths'

surveys hinted—and reality confirmed—the performance of recreational fishermen in general—and club affiliates in particular—was lackluster when it came to sustaining the quality of water and habitat that fisheries required. Of the three variables in the “Holy Trinity” that determined a fish’s abundance, it was simply easiest and most gratifying for sportsmen to target its harvest—by their competitors.

NOT OVER YET

North Carolina’s commercial fishermen dodged the net-ban contagion of the mid-1990s largely because their state was already engaged in a major reform of its fisheries at that time. And their industry was represented by an effective trade group whose leaders were educationally oriented and politically astute.

It also helped that North Carolina’s economy was still comparatively diversified and not yet dominated by the sort of outsized and environmentally unsustainable industries that typified those coastal states where net bans proved more popular.

Still, oil companies regularly pushed to establish a beachhead in the state, and of course there were no limits on the growth of tourism and coastal real estate development.

Therefore, as the 1990s drew to a close, fishermen in North Carolina knew that there would be more battles in the future, over fish and nets.

So did fishermen in every other state that survived the contagion of the mid-1990s.

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