

WITEK: COUNTING FISH (from page 8)

One of the reasons that continuing use of such data is inappropriate, according to one paragraph of the complaint, is that, “When the 1993 Allocation Rule was adopted, the state allocations were based on commercial landings of summer flounder reported for the respective states between 1980 and 1989.

“During that period, landings in New York were underreported as a result of the infiltration of organized crime in the state’s fishing industry at the onshore purchase and wholesale level, which infiltration has subsequently been eradicated. [internal numbering omitted]”

The way one commercial fishing representative described it to me, fishermen would drop off their summer flounder to a dockside packing house. The fish were then boxed and shipped to the Fulton Fish Market, which was then controlled by the New York mob. Some time later, the fishermen would get an envelope containing payment for the catch.

Sometimes, the envelope was a thin one, containing a check, while on many other occasions, the envelope was fat and filled with cash.

Landings that generated checks were reported, both to NMFS and to the Internal Revenue Service; landings that generated fat envelopes, on the other hand, were never mentioned again. Thus, the fishermen got an illegal tax break when they were paid in cash, but when NMFS got around to allocating the summer flounder among the states, based on past landings, New York fishermen were not credited for the unreported landings.



Today, the fishermen are calling that situation unfair.

Others might just call it karma. After all, the fishermen still could have reported their landings, despite the cash payments, if they had opted to do so, and accepted the tax consequences that would have been triggered by such reporting. The fishermen chose to avoid such consequences, by avoiding such reporting, instead.

Efforts to avoid consequences doesn’t just impact landings reporting. They impact bycatch reporting, too.

Bycatch is even more difficult to quantify, because out in that big ocean, there’s usually no one to see and report what gets dumped over the side. And when fish returned to the water dead can result in a significant cut in the annual quota, fishermen have an incentive not to report such discards.

That’s a particularly big issue in New England, where cod stocks sit on the verge of collapse and fisheries managers have been unable to put them on the path to rebuilding. Back in 2015, the Conservation Law Foundation noted that

“...the claims that fishermen can’t get away from legal-sized cod wherever they turn creates at least the appearance of abundance of Gulf of Maine cod...”

“Under these circumstances, one would expect to see high catch and discard numbers reported for Gulf of Maine cod in May and June, i.e. lots of apparently abundant post-spawning cod being caught either to be landed or pitched overboard. What’s curious about this case is that we

aren’t.

“For the first two months of the year not only were the reported commercial cod bycatch numbers low—at 7% which is still just slightly above the normal range—but the overall number of cod reported as caught (landed plus discards) seems low at only 13% of the greatly reduced annual catch limit.

“So, if we are to believe the claims, why didn’t the obvious happen? Why didn’t the reported catch reflect the reported increase in cod abundance and the newly opened areas?...”

“a fair number of fishermen tell us that *there are few rational reasons under the present circumstances for a fisherman to accurately report the number of cod he or she is actually catching*. Under this hypothesis, *massive numbers of cod are simply being pitched overboard on unobserved trips*, dead or dying and never accounted for as ever been caught. [emphasis added]”

In theory, the true level of discards should be picked up by observers, who record the level of bycatch and its ultimate fate each time they go out on a fishing vessel. But right now, observers are only carried on a minority of all codfishing trips, and fishermen can easily abandon their typical fishing behaviors on those few trips when they have an observer on board.

A 2018 memo to the New England Fishery Management Council’s Groundfish Committee included a list of uncertainties that could impact commercial landings estimates, including

- Unreported and misreported catches (landings and discards) by species/stock,
- Lack of independent verification of landings may lead to catch reporting conspiracy/collusion between a dealer and a vessel, and has occurred,
- Fishermen behave differently when observers are on-board,” and
- Incentives exist in any quota-based system for misreporting/unreporting of catch (landings and discards).”

Now, two groups that advocate for better fisheries management, the **Conservation Law Foundation** and the **Environmental Defense Fund**, are calling for more effective groundfish management. As reported by seafoodsource.com,

“The groups...take federal officials to task for not having good data available. They claim the Atlantic cod stock is overfished to the point of potential collapse, and they also say, citing government reports, that fishermen also discard tons of cod without it being officially recorded by government observers.”

In response to the problem, the New England Council is proposing that 100 percent observer coverage be required on groundfishing vessels.

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