

Transcript
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Attorney General Martha Coakley:

Good afternoon everybody, Massachusetts Attorney General Martha Coakley. I'm honored to have with me today Congressman Steven Lynch, our Senate Minority Leader Bruce Tarr, Representative Ann Margaret Ferrante, and our Secretary Rick Sullivan. Representing fishing families in the fishing industry and you'll hear from them, Joe Orlando and Vito Giacalone. I'd also like to recognize and thank Governor Patrick for his support on this issue. Our senators, Senator Elizabeth Warren and Mo Cowan, our entire congressional delegation, and Mayors Mitchell from New Bedford and Kirk from Gloucester for their leadership on this issue.

Today we filed a lawsuit, alleging that the federal government has utterly failed its responsibility in considering the devastating economic impact of their regulations on our fishing families and communities in Massachusetts. NOAA's new regulations are essentially a death penalty on the fishing industry in Massachusetts as we know it. We believe and we allege in this suit that this dire economic impact must be considered before the new rules are put into place, and that NOAA must take steps to mitigate that harm. We allege that they totally ignored this impact. They've also plowed forward with these draconian changes even though they are built, we believe, on an imperfect science. If our federal government is going to threaten the very existence of our fishing industry then it seems like it's not too much to ask that the underlying science used be credible and reliable. Even if NOAA's fish counts of 2012 will be reversed in 2013 or 2014, that may prove far too late for the small businesses already operating on the margin as we speak today. And this from an agency that we know already has a history of relentless and overzealous regulation. NOAA's failure to do its job right is costing the jobs of our fishing families across Massachusetts. Today, we do the one thing we believe may make a difference. We take our fight to the court and we're going to ask a judge to reverse these new rules. When the catch-share system or quota system was developed less than a decade ago, fisherman adjusted. It wasn't easy. But they got together and they tried to make it work and they did what the government asked them to do. They made it work until the regulations were enforced unfairly and punitively. NOAA seized fisherman's property with no accountability. They failed to track those forfeitures and that forfeiture money, and NOAA's former director was forced out. Now they've completely changed the game again. A seventy-seven percent cut to the cashier system may prove to be just too much. We've called on the Commerce Secretary and the President to put this unfair system on hold. Let there be no doubt they have the power to act, and they should act to protect our fishing families. But we've gotten silence and no action. So instead of waiting for a response while an industry is irreversibly harmed, we are challenging the cashier system and these latest rules in court.

Our family fishing industry is in part of Massachusetts proud history, and we hope and believe that it also must be part of our vibrant economic future. We don't suggest that we fail to protect our fishing stocks for future generations, nobody wants that, and we will do that. But we need good science and fair decisions from our government and make sure that we preserve fish stalks while we keep the industry alive. We are here today to stand with fishing families and fishing communities across the commonwealth. We will continue to fight for those families until the industry is thriving again.

Thank you. It's my pleasure to introduce next Congressman Steven Lynch.

Congressman Steven Lynch:

Thank you Attorney General Martha Coakley. I am here on behalf of the Massachusetts delegation. What we were hoping for in response to the need to build fishing stalk and also to continue a viable fishing industry in Massachusetts was a balanced approach. That's not what we have here. We have an approach by NOAA and the Fishing Management Council that we think will result in the destruction of the fishing industry in Massachusetts. A seventy-seven percent cut in the catch-share will destroy the fishing industry in Massachusetts. That's not what we're looking for. We understand there's a need to manage fish stalk and to manage our way to a healthier fishing environment. However, this response that we see, these regulations that we see would simply put the fishing industry out of business. That's the approach that's on the table right now. And I want to congratulate Attorney General Martha Coakley and Representative Ferrante and also Bruce Tarr and the other elected officials that have come together. I want to thank especially Attorney General Coakley for filing this lawsuit. But it is filed out of frustration, make no mistake about that, that we have not had the dialogue, we have not had the give and take, we have not had the approach of trying to find a balanced solution.

This has been a one-sided, arrogant, and almost a self-righteous approach here that the way to restore fishing stalk is to put every single fishing family in Massachusetts out of business. That's the approach that's being used here. And it's one that we have to push back on; it's one that we have to demand justice and fairness in. This will be a long fight, but I think we're on the side of the angels here. And I think there's a way forward that allows us to allow the fishing stalk to recover, but also allows a viable fishing industry to continue in Massachusetts. So again. And I think someone who could probably speak to this issue in day to day terms as a fisherman himself is Joe Orlando from the Gloucester fisherman.

Joe Orlando:

Good afternoon. My name is Joe Orlando and I'm from the fishing community of Gloucester. My father and I and as my ancestors before me, I am lifelong fisherman. I own and operate my own fishing vessel; the name of it is Fisher Vessel Padre Peal. Padre Peal was a sixty-five foot fall vessel which I operate with my son Mario. We fish out of Gloucester for ground fish, for haddock, cod and flounders. We fish during the day and return to port at night. We make an honest living while providing fresh fish to the American people. My store is just like other small businesses that have managed to survive, reduction after reductions, and fishery management changes. Fishers like my son and I worked hard to sacrifice to rebuild these fish stalks. We did so with the promise that the future of the ground fish fishery be very bright and the key stalks to be rebuilt by 2014. Because of that promise, I heavily invested hundreds of thousands of dollars in the fishery to make my business viable. Just three years ago, I had the ability to catch a hundred thousand pounds of Gulf Maine cod. Because of these drastic cuts, I'm only allowed to catch now sixteen thousand. My son and I work hard to provide for our families and put food on the American table. Yet today, we stand here to tell you that sixteen thousand pounds of Gulf Maine cod just doesn't cut it. And other species that took an average cut of fifty percent.

My livelihood has been slashed before my eyes, because the scientific report changes so drastically. With these reductions, I can't even afford to properly maintain my boat. Expenses keep adding up. My boat is due for upgrades and injured overhaul that's going to cost fifty thousand dollars. And I just can't afford to do it. Other fishermen are in my same shoes and reductions will cause safety issues too. Myra and I have to be careful today when we go fishing how we plan our days. We fished one trip this month. And I think we only have a couple more trips until July. And then we're done completely. We won't be allowed to bring in enough to even pay our business' debts. I am in financial ruin. My son, who has three young kids, a wife, and a new house wanted to take our business into the next generation. Now

it's just not possible without some sort of help. The rest will be a balance between sustaining fish population and sustaining fishing communities.

It's sad to think that our strong fishing industry will possibly come to an end. Once the small businesses that New England is known for are gone, they will not come back as we've seen it in the past. We have to do something to pursue both the fish and our fisherman. The interim rule request for the gulf main cod and gulf main haddock is a step in the right direction. Thank you to Attorney General Coakley for your ongoing support for the fishing community. Thank you for stepping up and recognizing that conservation could be achieved without destroying my business or the entire fishery. I appreciate your help to do what's right thanks again and at this time I would like to introduce Vito Giacalone, of the Northeast Seafood Coalition.

Vito Giacalone:

Thank you everybody. As Executive Director of the Fishing Community Preservation Fund, I see firsthand the financial and personal devastation of these reductions on fishing families and dependent shore side businesses. My own families' financial future is now threatened. I have three adult sons who own and operate a fishing offloading business in Gloucester that they started in 2008 with the dream of participating in the industry that federal statistics promised would be enjoying huge increased yields. These huge yields would be the result of years the fishery has been operating well within the strict limits set forth by what was said to be precautionary management.

Many fishermen have shore side businesses that have trusted those provisions and did their part to prepare to deliver the much needed protein to U.S. seafood consumers. Now literally millions of dollars of families' lives are at great risk. The Boston Fish Fair houses many long-standing businesses who have endured decades of strict regulations now to be told that local supplier fish will be abruptly halted. By not implementing interim measures and other mitigating measures proposed that were rejected, we are accepting known and permanent damages in return for speculated long-term stalk growth. Had the agency implemented interim measures, facilitated promised access to mortality closures and other proposed mitigating measures fishing families and shore side infrastructure would have a far greater chance of adjusting, while the stalks still increase. That's right, the interim catch levels in 2013 would still result in gulf main cod increasing in size by fourteen percent. This is the type of balance contemplated in the law that has not been adequately utilized in our opinion.

I want to thank also Attorney General Martha Coakley for sending this message today that fishing is still very important in the state and to the commonwealth. We're grateful to the governor, Secretary Sullivan, state legislators, and the many federal members of Congress for their continued support for historic industry. At this time I'd like to introduce our State Senator Bruce Tarr.

Bruce Tarr:

Thank you very much Vito and good afternoon. Vito, thanks to you and thanks to Joe for working to carry on this tradition of one of Massachusetts' oldest industries against the threat of crushing regulations that are going to steal your livelihood if nothing changes. We owe you a great debt of gratitude and you are why we stand here. We stand here to say first, thank you. To the Attorney General, because you made a commitment when we last stood here and you said that you would do whatever you could to stand up for this industry and today you are doing it. And I am honored to stand here with my colleagues in government, with Secretary Sullivan, with Congressman Lynch, with

Representative Ferranti. We stand here as representatives of many of our colleagues who aren't with us today, but stand with us united in the fight in this eleventh hour to save our commercial fishing industry. And we stand here in support of the Attorney General's efforts by filing this petition to bring fairness, and justice, and common sense and practicality to a situation right now that knows none of those. We predicted when we last stood here that if measures went into effect on May 1st that were planned they would have devastating effects—and they are having devastating effects on fishing families, on fishing ports, on our waterfront infrastructure that we depend on to harvest the fish that feed this nation. There is a tremendous amount at risk. And we stood here and pleaded with the federal government, with federal regulators, not our federal legislative delegation they have stood with us as Congressman Lynch does here today. But we said to federal regulators, "Please. Please take a minute and give us an interim rule that will help to rebuild stocks and at the same time allow our harvest capacity to survive." And they said no just as they have said "no" so many times to the practical ideas put on the table by the men and women that depend on this industry for their livelihood and on behalf of consumers that depend on them to be able to consume a fresh fish product, which these regulations are denying them. And so we stand here today having exhausted almost all of those options.

A disaster has been declared here. And yet commerce is not responding to assist with that disaster. You know what, it's not a natural disaster. It's a regulatory disaster being caused by rules that are based on unsound science and which as this complaint, this petition, argues very, very compellingly violates the provisions of the Magnuson Act itself. Because when Congress wrote these rules to protect our domestic fishery, they wrote them so that we would balance conservation and supporting fishing families and fishing ports. And this petition, it tells a story of a rogue federal agency that's violating the provisions of Magnuson Act that's depriving us of common sense solutions that would help fishing families and ports to survive and that if left with no check against its authority will leave us with no commercial fishing industry as we know it today.

So we must stand here, we must stand shoulder to shoulder with the Attorney General and we will in appreciation for her efforts, but understanding that at long last we have someone from the federal government in a position to change the course of these regulations in the form of a judge in the district court, who is sworn to be impartial. And we'll take our chances that when you look at the facts and the law that that impartial judge will act to save the commercial fishing industry. We hope for it, we pray for it, we'll do everything we can to make sure that that happens.

I'm pleased to introduce next one of our colleagues in state government, who among other things is responsible for the agency that has argued, time and again, at the fishery's management council for reasonable measures as our state has fought to protect people like Joe and Vito and their families. So I'm pleased to hand the microphone off and introduce to you our secretary of energy and environmental affairs, Rick Sullivan.

Rick Sullivan:

Thank you Senator and thank you for those kind words of introductions and Attorney General thank you for allowing me to be here today to add my voice and the voice of Governor Patrick and Lt. Governor Murray in support of the actions you are taking moving forward with this lawsuit.

Make no doubt about it, we are here today because what you heard from Joe and from Vito. That is what is real, that is what is happening on the ground that is what is happening to the families that have been in the fishing industry here in the Commonwealth of Massachusetts for generations. Governor

Patrick has long been an advocate of the fishing industry and the families that make up the industry in the Commonwealth of Massachusetts. Certainly from a historic perspective for what it currently means to the economy of the Commonwealth of Massachusetts and, more importantly, what it means for the generations of fisherman and their families that will come. The governor has supported discussions in the votes as the senator referenced at the fisheries councils, we have done the lobbying, we have made the phone calls, we have filed different pieces of legislations, the petitions have been filed, they have been sent, they have been received but have not been acted upon. And as I have said time and time again, sometimes there are certain things that are just worth fighting for and there are actions that just have to be taken. And the action that we are here today to support is that of the lawsuit being filed by the Attorney General. And we do not do that lightly, but it is time, in order to be able to have this further discussion and to get the results that we are looking for, we need to file this lawsuit. Because the governor has supported reasonable science, cooperative science—the lawsuit asks for that. We have asked for a reasonable interim measure in terms of catch-share, the lawsuit asks for that. We have asked for relief for the disaster that has been declared and the lawsuit does that. Sometimes it is just necessary, it is not an action that is taken lightly, but is one that the governor, the lieutenant governor and the entire Secretary of Energy and Environmental Affairs supports, because it is just time and it is just necessary and it is just the right thing to do.

At this time it's my great privilege to introduce someone who was on the ground fighting these fights every single day, and I think I can honestly say I have never seen the representative inside or outside the halls underneath the golden dome where the issues of fisheries, families that make up the fisheries in Gloucester in particular are not the first and only thing that we talk about, Representative Ann Margaret Ferrante.

Ann Ferrante:

Thank you and I want to thank all of you for being here today. I speak to you not only as a state representative, but as a proud daughter of a fisherman and proud granddaughter of two fishermen. And today when you look at Joe and you look at Vito I don't want you to see just two fishermen that are facing hard times. I want you to see the life blood of my community, the heritage of my community. And when you see that vessel over there I just don't want you to see a boat that might be put out of business. I want you to see a boat that was used to put kids through college, a boat that was used to feed families, and a boat that was used to feed not only families dependent upon the fishing industry and in the fishing industry but families throughout this country who bought the fish that they caught, put it on their family's table, and enjoyed the meal that these two men have sacrificed their life to fish. And I want to thank Attorney General, I want to thank the Secretary. I want to thank the Congressman. Because this has been a team effort.

hope everybody's paying attention, because I'm going to say something that most people wouldn't publically, it's time that we talked about the dirty little secret. And the dirty little secret is that this isn't about fish. This is about a vindictive agency. Now why do I say that and why do I make that bold statement and do I make that statement easily? No, I don't. But a few months ago, it was this delegation, it was this Attorney General that came to Gloucester and said "Oh my lord. Here are some of the worst abuses of government. Here are some of the worst civil rights violations that are occurring and this agency needs to be held accountable." And they fought with us. They took all of the violations that we were complaining about, they took them to Washington, they went to the Obama administration and they said these need to be taken seriously. And what happened as a result? As a

result the head of NOAA herself flew into Gloucester, convened a group of fishermen, apologized to them, and paid them for the injury that they had sustained.

So now here we are a couple months later and for those of us that have been in the trenches it's no surprise that we're here once again. Because when the regulations were discussed at the New England Fisheries Management Council, the councils which include five states: Maine, New Hampshire, Massachusetts, Rhode Island, New Jersey, New York. When they came together, it was almost unanimous. Almost unanimous that we would go with an interim rule that would allow for a forty percent cut. We're not talking about status quo, we're talking about a forty percent cut. Each of the states, who bear the same responsibility as the federal government to protect fish stalks, voted for a forty percent cut and that's what they supported. And what did the government say? The government came back and said it's a day of reckoning. And none of us believe that when they said it was a day of reckoning that it would be a day of reckoning because of the crisis within the fish stalk—no—what all of us understood that is it would be a day of reckoning for holding them responsible on the enforcement actions, enforcing the head of their agency to come to Gloucester to apologize and to pay retribution. That's what this is about.

And I applaud the Attorney General because she sees through this. She sees through this and she knows she's going to stand up, she's going to protect the citizens of her commonwealth and she's going to say when the vindictiveness comes out that says it's not good enough to cut. It's not good enough to cut. It's not good enough to protect the stalks. What we want is we want to drive the people that complained about us into the ground and financially ruin them so they can't survive, obliterate a whole industry that is strong enough to stand up with its congressional delegation, with its AG, with its governor, and say: this is wrong. We want to send a message to everybody that's out there and say go ahead. You want to complain about us, you want to hold us accountable after we tell you that we're accountable to no one, you go ahead and do that but we're going to come right back at you and we're going to hit you five times harder than we did before. And if it weren't for this group behind me, if it weren't for this team behind me, see those two gentlemen, they would have no hope. They would have no prayer. And they would have no chance against a government that sadly wants to make them pay for holding them accountable. Thank you.