



An old French proverb proclaims that *autumn is the hush before winter*. Well my friends, winter is nigh upon us.

As fishing season draws to a close, organizations around the nation are meeting to discuss the issues old and new. The 2008 agenda is filling up fast and will demand your attention on deck and at the wheel. Along with the usual check list of management matters, there are a few sleeper topics that could wreak havoc on your operation.

This year the Environmental Protection Agency (EPA) lost a lawsuit that could require every vessel operator in the United States to secure a permit for ballast, bilge, grey water and deck run-off. The court ordered EPA to remove the current exemption for such discharges by October 2008. What began as a petition seeking regulation of ballast water to prevent the spread of non-indigenous species got turned on its head by the federal court. This means an increase in EPA permitting from some 660,000 to nearly 18 million and will span the largest commercial vessel to the smallest recreational boat. EPA appealed the decision, but is moving forward because the court might not rule by October. EPA is anxious to work with industry and is asking for ideas. Congress recently denied an amendment that might have resolved all but the ballast issue. This could be a tough one to sort out.

The US Coast Guard Reauthorization bill (HR 2830) submitted this summer includes a number of new safety provisions that would be problematic for the small boat fleet. Dockside vessel exams would become mandatory. Use of buoyant apparatus would be eliminated and it's possible that existing life rafts will be obsolete, since they fail a proposed standard which requires no body part be immersed in water. New ballast treatment standards could mean problems for those who use slush tanks, RSW systems, or otherwise 'tank down'. There is an onerous certification process requiring new vessels, or those undergoing *major conversion*, be classified by the American Bureau of Shipping. If your vessel is 25 years or older, it will have to be certified or pass muster under a mysterious *alternative safety compliance program*. While there are positive aspects to this bill, the negatives could easily swamp the fleet.

Vessel Monitoring Systems (VMS) have been employed in just enough places that the flaws are showing through. Just ask the New England Council, who is still scratching their heads about whether or not VMS can do more good than harm. This grown up game of 'I Spy' seems an unlikely panacea to real-time management and enforcement, which comes as no surprise to fishermen who stand to lose fishing time and income (not to mention privacy) when electronics do what they tend to do – break down! Unfortunately, a Florida court last spring dismissed a lawsuit filed by one Gulf Coast group, not because it lacked merit, but because it wasn't filed within the 30 day timeframe allotted under the Magnuson-Stevens Act.

The quest to bring fish farming to federal waters continues. NOAA's arguments that seafood demand will soon exceed supply and that no country would develop fish farming safer than the USA may someday hold water. However, it doesn't appear the technology has caught up with the dream or can withstand the punishments of a dynamic ocean – and I don't just mean the oil rigs some want to use as platforms. Regardless what you think the cause of global warming to be, no one spending time on the water can deny that things are pretty lively offshore. What if the \$8 million NOAA is investing in aquaculture R&D this year was put towards management and enforcement? Perhaps we'd see some increased fish production and an end to the VMS debate? Seriously, with Congress and some States and Councils right now considering aquaculture, and NOAA on a mission to get 'er done, this issue bears both watching and commentary by the fishing industry.

The Endangered Species Act, Marine Protected Areas, preserving coastal access and re-tooling our infrastructure...the list is long. Fishermen simply must step up to the plate and secure an industry worthy of our children. Our organizations need to be healthy and prepared to protect that interest – numbers matter. Don't belong to your gear group, regional, and national associations? Then I encourage you to sign up right after you finish reading this fine publication.

Dale Kelley is Executive Director of the Alaska Trollers Association and serves on the boards of United Fishermen of Alaska and Commercial Fishermen of America. All of these groups, and a great many more around the nation, could use your help and support. Join Today!